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CONTENTS

Editor's Note

Andrea Wilson

Pounds, Police, and Patriots: How Colonial Reactions to British Quartering Transformed from 1756-1774 1
 Brandon Schwager

Agency on the Edge: Women of Colonial St. Louis and the Power They Held 13
 Andrea Wilson

Ragged Schools: Educational Opportunities for Destitute Children in 19th century England26
 Brenda Stapleton

Defending the Defender: Gerald Winrod and the Great Sedition Trial36
 Seth Bate

Bombing Wichita: How the bombing campaigns of World War II spurred production and change in Wichita, Kansas 58
 Andrea Wilson

***Gobitis and Barnett*: The Flag Salute and the Changing Interpretation of the Constitution72**
 Rhenece Clark Swink

Peace Breaker: Edwana Collins and Desegregation in Wichita Public Schools 92
 Erin Lebegue

Editor's Note

From the “Cold War” bunker of Brennen II, the Fairmount Folio rises once more. Renovations in the beloved Fiske Hall have forced the History Department to carry on off campus. To reach the department one must cross 17th street in a hazardous rendition of frogger. Many students found the necessary jaunt too much last year when it came time to turn in papers for the Folio. There were only two submissions in 2017, so the decision was made to hold them until this year. Many more papers were submitted for consideration this year and the Editorial Board carefully selected the papers to be included. After revisions on all papers, we have a wonderful volume with many amazing works.

As editor, I have had a unique two-year experience. I have been able to sit with two different editorial boards as they chose the papers for the Folio. The papers that make up volume 18 have a wide range of topics from U.S. to European History. Due to the wide range of topics the volume has been arranged chronologically. The authors look at many social and political topics that have resonance in the world today. War, civil rights, education, and women's place in history are some of the overarching themes these authors cover. Many of the papers reveal the history of issues that are still being decided in the world today.

I would like to extend a special thank you to Dr. Hundley. She has held the Fairmount Folio together through many years. Regardless of the trials this two-year volume has brought, she has remained steadfast and unflappable in her determination to help the authors and myself through this process. The Editorial Boards for both years deserve a thank you as well. Dr. Price, Dr. Hayton, Dr. Owens, and Dr. Hundley all served in this capacity and I thank them for their time and consideration of all papers submitted.

Please enjoy and learn from the hard work of the authors and editors who made this volume possible.

Andera Wilson

Pounds, Police, and Patriots:

How Colonial Reactions to British Quartering Transformed from 1756-1774

Brandon Schwager

Of all the legislation which edged the thirteen colonies towards independence, none are as misrepresented as the Quartering Acts of 1765 and 1774. From an early age, generations of American students are still taught that through the Quartering Acts, Britain forced colonials to take red-coated troops under their roofs, feed them, and care for them. This was not the case.¹ In fact, the Quartering Act of 1765 was actually the first time England ever explicitly banned quartering in private homes.²

Misconceptions and oversimplifications surrounding the Quartering Acts occur inside the academic arena as well. The debate amongst historians goes well beyond whether soldiers were housed in private residences. It expands along familiar fault lines. Many scholars still lock horns over whether colonial opposition to Britain's imperial yolk was predominantly spawned from economic self-interest or whether higher minded ideological concerns were at the forefront. The issue of quartering is included in these debates. Scholars are also split as to what degree concerns over quartering can be conflated with colonial opposition to a standing army.

When analyzing British motivations for pursuing quartering practices, as well as colonial responses, it becomes clear that the truth lies somewhere in the middle for each issue. If one focuses on the Quartering Act of 1765, the dispute seemed to be mostly fiscal in nature, with little objection to the idea of the army. However, by the time the 1774 version was written, political and philosophical objections took up a larger share of the conflict. In order to demonstrate this argument, three main areas will be analyzed. First, British and colonial experiences with quartering during the French and Indian War will be discussed. Second, the motivations and reactions to the two Quartering Acts themselves will be examined. Finally, a comparison between colonial responses to the Quartering Acts and other controversial legislation will be provided.

British quartering efforts and colonial resistance during the French and Indian War is a useful starting point for the topic. The reasons are two-fold. First, examples of the varying motivations for resistance to quartering during this conflict show how complex and multi-dimensional colonial sentiment was. Additionally, studying how the topography of civil-military relations developed during this time serves as a useful backdrop for why anxieties between these groups flared up in later periods.

From the British perspective, the need for quartering, especially in private

¹ James Volo, *The Boston Tea Party: The Foundations of Revolution*, (Santa Barbara, CA: Praeger, 2012), 118.

² Woody Holton, "The Hidden History of the Stamp Act," *Humanities*, vol. 36, no. 4 (Jul/Aug. 2015): 19, EBSCOhost accessed April 7, 2017.

homes, was an issue of military logistics and financial prudence. The historian Jack Greene pointed out that in terms of barracks and public housing, no American town had enough spare beds available to shelter a force large enough to defend it.³ This created a conundrum for the British military trying to wage a war over a vast frontier. Especially since the military commanders were not certain what legal rights they had to quarter soldiers in the colonies.

The Mutiny Act, first passed in 1689, banned quartering in private homes on the English mainland. However, this precedent was not a useful template for the British military in the Americas. For starters, the presence of large government barracks in England had long rendered private quartering obsolete.⁴ Furthermore, most of the provisions of the Mutiny Act did not extend to colonial territories, so there was no legal precedent to fall back on. The historian John Zimmerman noted that, such was the confusion, when General John Campbell, Earl of Loudoun, specifically asked for clarification as to his rights to quarter soldiers before he left to take control of the army in 1756, he was given no clear answer.⁵ Interestingly enough, Campbell actually petitioned Parliament to fully extend the Mutiny Act and its protections to the American colonies, probably just to make the laws more streamlined.⁶ Parliament refused this request, leaving the question open-ended.

In the end, Campbell interpreted this vagueness to mean that he did have the right to quarter his soldiers in private homes. His attempts to enforce this right constantly put him at odds with colonial assemblies. According to the historian Lois Schwoerer this was because an inherent bias against standing armies had been transmitted to the colonies starting in the 1720's via the writings of pamphleteers such as Trenchard and Gordon.⁷ Schwoerer further claimed this anti-army bias was so widespread that it became a basic assumption of almost every political leader in the colonies. It is true that there was some political opposition to Campbell's attempts to get soldiers quartered. On at least three separate occasions, when dealing with New York, Pennsylvania, and Massachusetts, Campbell had to issue ultimatums to the colonial legislatures essentially telling them to comply with orders to quarter soldiers, or else additional troops would be deliberately garrisoned in their towns as a punishment.⁸

³Jack Greene, "The South Carolina Quartering Dispute, 1757-1758," *The South Carolina Historical Magazine*, vol. 60 # 4 (Oct., 1959): 193, JSTOR accessed April 7, 2017.

⁴William S. Fields and David T. Hardy, "The Third Amendment and the Issue of the Maintenance of Standing Armies: A Legal History," *The American Journal of Legal History*, vol. 35, no. 4 (Oct., 1991): 415, JSTOR accessed March 29, 2017.

⁵John Zimmerman, "Governor Denny and the Quartering Act of 1756," *The Pennsylvania Magazine of History and Biography*, vol. 91, # 3 (Jul., 1967): 268, JSTOR accessed March 29, 2017.

⁶Hyun Wu Lee, "Living with the Redcoats: Anglo-American Opposition to the Quartering Acts, 1756-1776" (master's thesis, Virginia Polytechnic Institute and State University, 2008), 14, Google Scholar, accessed March 29, 2017.

⁷Lois Schwoerer, *No standing armies! The antiarmy ideology in seventeenth-century England*, (Baltimore, MD: Johns Hopkins University Press), 1974, 196.

⁸Fred Anderson, *Crucible of War: The Seven Years' War and the Fate of Empire in British North America, 1754-1766*, (New York: Borzoi Books, 2000), 181.

There are other historians, such as Hyun Lee in his masters' thesis, who attempted to argue that colonial resistance to the quartering attempted by General Campbell during the French and Indian War was not serious, simply because these colonial protestations were not always successful.⁹ However, this interpretation downplays the significant degrees to which quartering was resisted in certain areas. It also ignores the fact that by the end of the war, the colonies were universally successful in wresting the authority to quarter away from the military, and into the domain of their own legislatures.¹⁰

However, just because opposition existed, did not mean it necessarily rose from objections to a standing army as Schwoerer assumed. The historian Alan Rogers claimed that when most colonists spoke out against forced quartering during the French and Indian War they were often using the rhetoric of broader concerns as a masquerade to hide economic selfishness.¹¹ The evidence seems to vary by colony as to whether Rogers or Schwoerer is more correct. General Campbell certainly appeared to believe that colonial objections were simply thinly veiled frugality. In a letter expressing his frustrations over struggles to get his troops quartered in Albany, he wrote, "[t]he delays we meet with in carrying on the service, from every part of this country are immense. They have assumed to themselves what they call rights and privileges, totally unknown in the mother country, and made use for no purpose but to screen them from giving any aid... ."¹²

South Carolina's experience with quartering serves as an example which affirms Campbell's notions. Greene wrote that South Carolina was actually compliant in constructing a barracks, providing provisions, and allowing officers to be quartered in private homes.¹³ If indeed South Carolinians had harbored a deep fear of standing armies, it is unlikely their legislature would have assented to those policies. South Carolina was clearly concerned with the monetary cost of such policies and made several efforts to defray the expenses incurred. In particular, they refused to equip the barracks with furniture or utensils, and demanded the officers reimburse homeowners for their quarter, rather than footing the bill to the assembly.¹⁴ In fact, it was only after Colonel Henry Bouquet specifically ordered his officers not to pay for their housing arrangements that South Carolina took a 'principled' stand against private quartering altogether.¹⁵

However, not every colony's objections were so miserly. Fields and Hardy point out that for many colonies, the construction of a barracks was a symbolic concession that standing armies had a permanent role to play in North America.¹⁶

⁹ Lee, "Living with Redcoats," 3-4.

¹⁰ John Shy, *Toward Lexington: The Role of the British Army in the Coming of the American Revolution*, (Princeton, NJ: Princeton University Press, 1965), 167-168.

¹¹ Alan Rogers, "Colonial Opposition to the Quartering of Troops During the French and Indian War," *Military Affairs*, vol. 34, #1 (Feb., 1970): 7, JSTOR accessed April 7, 2017

¹² Fred Anderson, *A People's Army: Massachusetts Soldiers and Society in the Seven Years' War*, (Chapel Hill, NC: North Carolina University Press, 1984), 177.

¹³ Greene, "South Carolina Dispute," 198.

¹⁴ *Ibid.*, 196.

¹⁵ *Ibid.*, 203.

¹⁶ Fields and Hardy, "Third Amendment," 415.

The historian John Shy expanded upon this point, partially agreeing with Schwoerer, Fields, and Hardy by mentioning that over the past century the English had developed a political distaste for standing armies. For Americans, he argued, this natural distaste was not just inherited, but amplified due the pains of trying to shelter and feed large forces on sparsely settled land.¹⁷

These political hesitations served as a counter-weight to South Carolina's example, and can best be seen played out by the colonies of Pennsylvania and Massachusetts. From the very beginning, they both entrenched against Campbell's demands. For a time, Pennsylvania even refused to allow private housing to be used in winter, forcing over 300 troops to sleep in the snow in Philadelphia.¹⁸ Pennsylvanians invoked a 'slippery slope' argument as their rationale for refusing the soldiers quarters, stating, "...if necessity warranted quartering on private houses by force, contrary to law; they might say it was necessary to quarter the whole army, not only in one city, but in one square, or one street; and thereby harass the inhabitants excessively."¹⁹ When Governor Denny pleaded with the legislature to give at least the officers' quarters, Benjamin Franklin went so far as to call him a Turkish 'Bashaw', implying that he was trying to set up a military dictatorship.²⁰

Massachusetts provided perhaps the strongest case for a principled stand against quartering during this time. Although Massachusetts' actions seemed to have been taken out of an idea of colonial solidarity, rather than an objection to a standing army. When General Campbell resorted to threats in order to force Pennsylvania and New York to allow soldiers into private homes, Governor Pownall and the Massachusetts legislature took offense that they were not being given the same rights afforded Englishmen under the Mutiny Act. They both publicly condemned Campbell, and out of spite, decided to construct their required barracks on Castle William; an island located miles off the coast.²¹ The effects of constructing the barracks there would have unintended rippling consequences over a decade later. Additionally, Massachusetts followed the example set by New York and Pennsylvania and passed their own ban on quartering soldiers in private houses. Unlike the other colonies, they never yielded this ban, even when pressured in similar ways by Campbell.²²

When discussing the narrative of resistance to quartering, Shy mentions an important caveat: it was only a theme during the early campaigns of the war. By the later stages, the politics of quartering itself were no longer relevant as the British had internally resolved many of their logistical and supply chain issues.²³ The army remained active on the frontier long after the French and Indian War concluded. The dissipation of quartering protest after the financial issues had been resolved strongly implies that economic concerns were more important to most colonists than opposition to a standing army in peacetime.

¹⁷ Shy, *Lexington*, 165.

¹⁸ Fields and Hardy, "Third Amendment," 415.

¹⁹ *Pennsylvania Gazette*, December 23, 1756.

²⁰ Rogers, "Colonial Opposition," 8.

²¹ *Ibid.*, 9.

²² *Ibid.*, 10.

²³ Shy, 145.

Nonetheless, even with the friction of quartering removed, the presence of British troops in the colonies set the backdrop for future resistance to the Quartering Acts in other important ways. Anderson notes that the French and Indian War was the first time many colonists were exposed to the harsh traditions of military corporal punishment and developed a negative predisposition towards the moral behavior of many British regulars.²⁴ The adverse feelings were mutual, as redcoats regularly observed that when supply chains broke down or pay was delayed, many provincial soldiers would readily mutiny or desert.²⁵ The regulars' perceptions of the American civilian populace were just as negative. They saw colonials generally as a greedy and small-minded people who were incapable of true sacrifice in defense of the empire.²⁶ These same tensions would return, with disastrous effects in later conflicts over quartering.

Having examined some of the angles of resistance to quartering during the French and Indian War, the background is set to begin discussion of the official Quartering Acts. The causes and conflicts which orbit the first Quartering Act, passed in 1765, best support the view of those who prefer an economic interpretation. To start, British motivations for passing the first Quartering Act revolved around taxation and revenue generation.

When General Thomas Gage proposed the idea of the Quartering Act to Parliament, like General Campbell before him, the complexities of military logistics were his paramount concern. Specifically, Gage was concerned that if he had to march troops long distances between forts or major cities, there would not be enough barracks or public houses to support his soldiers.²⁷ Wanting to avoid the same headaches Loudoun had encountered earlier, Gage specifically wanted Parliament to pass a law allowing him to quarter troops in private houses on the frontier.

Unfortunately for Gage, the Grenville administration had financial stress, not military expediency on its mind. The French and Indian War had saddled England with a debt of over 150 million pounds, and a recurring cost of over 2 million pounds a year to maintain its current army.²⁸ As a result, when Grenville received Gage's request for an expansion of quartering, Grenville went much further than what Gage asked for. Grenville's draft was a bill that allowed for soldiers stationed in cities as well as the frontier to be quartered since that would ultimately save the crown more money than only quartering in countryside homes.²⁹

Even worse for Gage, there were many in Parliament who thought that the provisions of Gage and Grenville's proposed act would needlessly alienate American colonists. There were fierce arguments, especially in the House of Commons, where it was recorded in their proceedings that even after the Quartering Act was "...totally disarmed of its offensive clause, the quartering of soldiers...upon private houses, [it]

²⁴ Anderson, *A People's Army*, 112, 116-117.

²⁵ *Ibid.*, 187.

²⁶ *Ibid.*, 167.

²⁷ Anderson, *Crucible of War*, 648.

²⁸ Volo, *Boston Tea Party*, 106.

²⁹ Shy, *Lexington*, 189.

was yet battled clause by clause...”.³⁰ The end result was a fairly long Act, which refused Gage the one thing he had asked for: the right to quarter soldiers in private homes. The Act itself had many provisions intended to douse any potential ire the colonists might feel about it. Specifically, article IV established a mechanism of appeal where citizens could lodge complaints if they felt a soldier or officer had abused or violated the Act.³¹ Additionally, article I made it explicitly clear that public buildings could only be used for quarters only after all the barracks provided by the colonies were full.³² Finally, Anderson notes that in the first iteration of the Act, soldiers still had to pay for most provisions and transportation, albeit at discounted rates.³³ He does admit however, as the Quartering Act was amended and renewed each year, later articles required the colonies to provide those same services for free.³⁴

These pacifying provisions worked tremendously well. The overall response to the first Quartering Act was a story of compliance. It took over a year before there was enough serious opposition to the Quartering Act that Gage had to start demanding appropriations from colonial assemblies.³⁵ While only Pennsylvania adhered to the Quartering Act to the letter of the law, every colony except Massachusetts eventually complied with most of its statutes.³⁶ There was even one occasion where Thomas Gage was delighted to hear that the assembly of New Jersey even paid extra money than what was required to help repair existing barracks.³⁷

This cooperation with quartering firmly refutes the notions of some historians, such as Benjamin Carp, or Fields and Hardy who argued that Americans were suspicious of any laws that made it easier to house troops in their midst, and such suspicion was intrinsically linked to fears of a standing army.³⁸ In reality, what opposition did exist was fairly light, and in the first couple years it was usually couched in terms of bemoaning a burdensome tax, rather than fears of lost liberty. One example of this type of protest was published in the *Boston Evening-Post* in which the author warned that, “...it was legal to quarter troops...in Scotland before the Union, and it never having been altered by law since, troops are to this day in that country quartered at discretion, on those who neglect or refuse to pay the land tax...this is now urged as a precedent for like measures in America...”³⁹

South Carolina continued its tradition of financially conditional cooperation. At one point, Gage recorded how the assembly refused to provide for his troops

³⁰ R.C. Simmons and P.D.G. Thomas, eds. *Proceedings and Debates of the British Parliaments Respecting North America: 1754-1783*, vol. 2, (Milwood: NY: Kraus International Publications, 1984), 51.

³¹ The Quartering Act of 1765.

³² *Ibid.*

³³ Anderson, *Crucible of War*, 650.

³⁴ *Ibid.*

³⁵ Shy, *Lexington*, 255.

³⁶ *Ibid.*, 256.

³⁷ Thomas Gage, *The Correspondence of General Thomas Gage*. Edited by Clarence E. Carter, Vol. 1, 1763-1775, (Hamden, CT: Archon Books, 1969), 243.

³⁸ Benjamin Carp, *Defiance of the Patriots: the Boston Tea Party & the Making of America*, (New Haven: Yale University Press, 2010), 194; Fields and Hardy, “Third Amendment,” 395.

³⁹ *Boston Evening-Post*, June 17, 1765.

unless the colony was given permission to use its own paper money.⁴⁰ According to Shy, all of the early complaints to the first Quartering Act were focused on taxation, rather than any objection towards a standing army.⁴¹

Even New York's famous initial refusal to fully comply with the Quartering Act was explicitly stated as a plea to alleviate the financial strains of the Act. In a letter from the New York Assembly to Governor Henry Moore published by the *New York Mercury*, the Assembly asserted, "in the Provision we made last Session for quartering...we loaded ourselves with a Burden much greater than any of the neighboring governments...this Expense would become ruinous and insupportable; And, therefore, we cannot...put in the Power of any Person...to lay such a burden on them."⁴² Eventually, Parliament had to draft a law threatening to suspend the New York legislature in order to force them to appropriate the requisite funds to satisfy the Quartering Acts. However, as the historian Claude Van Tyne pointed out, New York actually caved to the pressure and appropriated funds before the punitive Restraining Act could take place. As a result, the "Restraining Act had never in fact operated for a day."⁴³

Still, once the public became aware that Parliament was willing to suspend assemblies to force compliance with the law, resistance both amplified and transformed in language. Even John Dickinson, at the time a former assembly representative for Pennsylvania, who was one of the more cautious and conservative revolutionary minds, felt compelled to protest. In his widely circulated, *Letters from a Farmer to the Inhabitants of the British Colonies*, he chastised Parliament saying that the suspension of the New York Assembly was, "...as injurious in its principle to the liberties of these colonies as the Stamp Act was... "⁴⁴ Dickinson was not the sole future founding father to speak out. Benjamin Franklin renewed his passionate rhetoric against quartering in defense of the New York Assembly. In a letter to Lord Kames, Franklin threatened if similar acts of oppression continued they would, "lessen greatly, if not annihilate the Profits of your Commerce...and hasten their final Revolt: For the Seeds of Liberty are universally sown there, and nothing can eradicate them."⁴⁵

Even many in England had become aware of colonial bitterness regarding the threatened suspension of the Assembly. The increased tenor of American malcontent was demonstrated in an article originally published in the *London Chronicle* which explained, "...by taking away from the Province of New-York...all the powers of legislation...the language of such an act seemed to them to be, Obey implicitly the laws made by Parliament...or you shall enjoy no rights or privileges at all."⁴⁶ In many ways, Parliament's attempt to enforce the Quartering Act was more damaging to colonial relations than the Quartering Act itself.

⁴⁰ Gage, *Correspondence*, 240.

⁴¹ Shy, *Lexington*, 142-143.

⁴² *New York Mercury*, December 29, 1766.

⁴³ Claude Van Tyne, *The Causes of the War of Independence: Being the First Volume of a History of the Founding of the American Republic*, (New York: Houghton Mifflin Company, 1951), 279.

⁴⁴ National Humanities Center, *Letters from a Farmer*.

⁴⁵ National Humanities Center, "Letter to Lord Kames."

⁴⁶ *Pennsylvania Gazette*, 4/28/1768.

Despite the controversy, many historians have argued that the Quartering Act likely could have survived this crisis. At least, if the redcoat's function had remained reserved to policing the frontier, a role the colonists were generally appreciative of.⁴⁷ As American protests swelled against the Townshend Duties, particularly in Boston, the British regulars in North America took on a new role which reignited the unease between civilians and the army that was originally exposed during the French and Indian War. According to Lee, the drama that unfolded in Boston in 1768 was the main turning point where opposition to quartering shifted from financial to ideological opposition.⁴⁸

An article published in Sam Adams' patriot propaganda diary, the *Journal of Occurrences*, described the foreboding scene of the arriving British troops: "So that we now behold Boston Surrounded at a Time of profound Peace, with about 14 Ships of War, with springs on the Cables, and Broad Sides to the Town!"⁴⁹ The conflict between the town and the soldiers sent to police it began even before the soldiers could fully disembark. General Gage explained the predicament in a letter he wrote to the Earl of Hillsborough: "The Council inferred that no quarters could be had in the town, til the barracks in Castle Island were filled; and further that the business of quartering did not come properly before them...they returned for answer, that the act did not require them to quarter troops."⁵⁰

The Bostonian position was technically correct. According to the law, General Gage could not quarter troops in any public houses until the island barracks built during the French and Indian War were full. Everyone involved, including General Gage and the commanding officer at the scene, Colonel William Darlymple, knew full well that stationing troops on the island would entirely defeat the purpose of their deployment. So the troops got stuck in a limbo; many camping outside on the Boston Common while others took shelter in the town hall.⁵¹ As some troops started to die from the poor conditions, General Gage and the Governor worked to build barracks or hire quarters at their personal expense.

However, even these efforts were often stiffly opposed. Van Tyne recounted how many Bostonian laborers refused to work on the construction of barracks inside the town. Also, many local merchants refused to sell lumber.⁵² In some cases Gage had to purchase lumber from as far away as Nova Scotia, and even when it arrived, local patriots would sabotage it.⁵³ These obstructionist behaviors were clearly more than just financial protest. They were signs that the populace was becoming opposed to the army's presence no matter the circumstances.

Eventually, Gage was successful in getting troops quartered upon the town, but they were haphazardly placed with very little organization. As a result of this

⁴⁷ Shy, *Lexington*, 190, 192.

⁴⁸ Lee, "Living with Redcoats," 2.

⁴⁹ Armand Lucier, ed. *Journal of Occurrences: Patriot Propaganda on the British Occupation of Boston, 1768-1769*, (Bowie: MD: Heritage Books, 1996), 1.

⁵⁰ Thomas Gage, *Correspondence*, 202.

⁵¹ Van Tyne, *War of Independence*, 286.

⁵² *Ibid.*, 418.

⁵³ *Ibid.*

spread-out command, it was enormously difficult to enforce discipline.⁵⁴ Soldier's behavior was generally poor, with many examples of public lewdness, drunkenness, as well as some cases of rapes, assaults, and theft.⁵⁵ *The Journal of Occurrences* characterized the situation as such: "The quartering of Troops in the Body of a Town is as ruinous to the Soldiery as it is distressing to the Inhabitants: Every Day furnishes out Instances of their Debaucheries and Consequent Violence."⁵⁶ *The Journal* also outlined problems that paralleled those observed during the French and Indian War, such as public disgust at the harsh lashings soldiers would receive, as well as frequent desertions.⁵⁷ Despite the frequent brawls and disorder, Middlekauf argued that what was more distressing to Bostonians than the violence and disorder was the atmosphere of lost liberty. The very idea that citizens could be challenged or regulated by a soldier on the street as they went about their business symbolized what they felt was wrong about the whole ordeal.⁵⁸

After the chaotic occupation of the town came to a head in the event known as the Boston Massacre, many of the Townshend duties were repealed and the Quartering Act was allowed to expire. The publicized propaganda surrounding the 'Massacre' as well as the occupation in general had gone a long way towards dismantling colonial loyalty for the army. General Gage reflected on this decreased loyalty in multiple letters to the Earl of Hillsborough written in 1770 and 1771 in which he informed the Earl that many legislatures, even those which had cooperated with the Quartering Act in the past such as New Jersey, were no longer appropriating funds on their own.⁵⁹

Seeing as how the landscape of American attitudes towards quartering were fundamentally changed by the occupation of Boston, it should come as no surprise that when the British attempted to institute a new Quartering Act in 1774, it did not enjoy any of the early success of its 1765 cousin. Americans appeared to genuinely be more nervous about tyranny than taxes for once. The historian Bernard Bailyn asserted that after the Boston Tea Party it was difficult to see how constitutional issues could continue to be dismissed as mere window dressing for economic ones.⁶⁰

To illustrate his point, Bailyn referred to Thomas Jefferson's *Summary View of the Rights of British America* which was presented before the first Continental Congress in 1774. In the work, Jefferson argued that what were once isolated acts of tyranny had grown into a series of oppressions. Jefferson stated that this implied that there was a deliberate and systematic plan being executed by the British to reduce the colonies to slavery.⁶¹ Admittedly, since the Continental Congress was a public and

⁵⁴ Robert Middlekauf, *The Glorious Cause: The American Revolution 1763-1789*, (Oxford: Oxford

University Press, 2005), 200.

⁵⁵ Middlekauf, *Glorious Cause*, 201.

⁵⁶ Lucier, *Journal of Occurrences*, 171.

⁵⁷ *Ibid.*, 12, 67.

⁵⁸ Middlekauf, *Glorious Cause*, 202.

⁵⁹ Gage, *Correspondence*, 262, 301-302.

⁶⁰ Bernard Bailyn, *The Ideological Origins of the American Revolution*, (Cambridge, MA: Belknap Press of Harvard University Press, 1992), 118.

⁶¹ *Ibid.*, 119-120.

politicized arena, Jefferson could easily have dramatized his concerns for effect. However, private correspondence echoed Jefferson's sentiments. The aspiring lawyer William Bradford sent a personal letter in August of 1774 to his friend James Madison in which Bradford expressed fears that even if the Intolerable Acts were repealed, that Britain would simply replace them in a short time with new oppressive laws.⁶²

In fairness, one of the reasons why colonists may have suspected sinister intent beyond new laws from Britain was because British attitudes had shifted as well. As one of the Coercive Acts, the Quartering Act of 1774 was deliberately crafted as a piece of punitive legislation rather than as an attempt to tax. Contrary to the political climate when the first Quartering Act was passed, very few members of Parliament were sympathetic to the colonies. Any sympathizers that remained had already expended their political capital on other issues and stayed silent. The legislation passed with zero debate in the House of Commons and only one oppositional speech was given in the House of Lords.⁶³

The new Quartering Act was only a paragraph long and it did not include any methods for appealing abuse, nor did it include instructions on what order buildings were to be taken for housing. Furthermore, article II added the broad discretionary clause that in addition to public buildings, the governor had the right to seize any "...other buildings, as he shall think necessary to be taken."⁶⁴ This clause is largely interpreted to mean that quartering could have been forced upon private houses. However, the historian Don Gerlach pointed out that there was no evidence that the full authority of this clause was ever exercised.⁶⁵ In fact, Shy mentioned that General Gage quickly realized that the new Coercive Acts were not enforceable. Instead of trying to enforce the Coercive Acts, Gage mostly seemed interested in postponing conflict. He hoped to avoid antagonizing the colonies any further than necessary in order to protect his men.⁶⁶

One cannot get the full context of colonial opposition to the Quartering Acts without at least some understanding of how Americans felt about quartering compared to the other issues of the day. A few historians, such as Volo have claimed that the second Quartering Act, along with the Quebec Act were the two Intolerable Acts which mattered most to the colonies as a whole, as they potentially impacted everyone equally, and not just Massachusetts.⁶⁷

Benjamin Franklin certainly felt the Quartering Act was still worth discussing as he attempted to avert the crisis that was developing between Britain and the colonies. In 1775, Franklin prepared a set of notes for himself prior to a diplomatic meeting with Lord Catham so Franklin could remember what points he wanted to get across. Among the notes he jotted down, Franklin argued that the current iteration of the Quartering Act was not sustainable and needed to be revised as it could be wielded

⁶² James Madison, *The Papers of James Madison*, eds. William T. Hutchinson, William M. E. Rachal, and Robert Allen Rutland, Vol. 4, (Chicago: University of Chicago Press, 1962), 118.

⁶³ Middlekauf, *Glorious Cause*, 237.

⁶⁴ The Quartering Act of 1774.

⁶⁵ Don Gerlach, "A Note on the Quartering Act of 1774," *The New England Quarterly*, vol. 39, iss. 1 (Mar., 1966): 80, JSTOR accessed March 29, 2017.

⁶⁶ Shy, *Lexington*, 411-412.

⁶⁷ Volo, *Boston Tea Party*, 178.

as a political weapon against colonies that were not in favor.⁶⁸

Despite the Quartering Acts being a central issue to some, most historians have appeared to agree with Lee that American opposition to quartering definitively took a back seat to other issues; especially issues related to taxation.⁶⁹ For example, while the first Quartering Act and Stamp Act were passed the same year, only the colony of New York engaged in any form of meaningful protest against the Quartering Act. On the other hand, with the Stamp Act, the Parliament-issued stamps had to spend at least some time protected by the royal navy in every colony due to fears that the stamps would be destroyed by rioters immediately after distribution.⁷⁰ There was a similar level of concern regarding the Tea Act. An example of this could be seen by John Adams' letter to James Warren written in the aftermath of the Boston Tea Party. In it, Adams expressed fear that colonial rioters would destroy the tea at every port in which it made landfall, and actually suggested that ships carrying tea be turned back for their own protection.⁷¹

Even during the most volatile moments in the occupation of Boston; outside of the city itself, the rest of the colonies were far more concerned with repealing the Townshend duties than they were with removing the Quartering Act. Alexander Hamilton did not even find the Quartering Acts worth mentioning as one of the key grievances against the British. In February of 1775, Hamilton published *The Farmer Refuted* in which he identified the Stamp Act as the commencement of colonial misfortunes, followed by many other events including the Revenue Act and the blockade of Boston.⁷² But he did not cite the Quartering Acts as one of the major offenses.

Hamilton's failure to specifically recognize the Quartering Acts as an offense was not unusual at the time. Lee claimed that after the Intolerable Acts were passed there was not a single American newspaper which decried the second Quartering Act specifically.⁷³ Rather, most opposition was levied against the Intolerable Acts in general. Some of the other Intolerable Acts were offensive enough to colonists enough to warrant being singled out though. George Washington noted how the Quebec Act was particularly offensive to Virginia where Richard Henry Lee, on the floor of the Virginia legislature, denounced it, stating that it was the most outrageous act of them all.⁷⁴

Still, it is important to avoid dismissing the Quartering Acts when assigning

⁶⁸ Benjamin Franklin, *The Papers of Benjamin Franklin*, edited by William B. Wilcox, Vol. 21, (New Haven, CT: Yale University Press, 1978), 461.

⁶⁹ Lee, "Living with Redcoats," 4.

⁷⁰ Volo, *Boston Tea Party*, 113.

⁷¹ John Adams, *The Papers of John Adams*, edited by Robert J. Taylor, Vol. 2, (Cambridge: Belknap Press of Harvard University Press, 1977), 1.

⁷² Alexander Hamilton, *The Papers of Alexander Hamilton*, Eds. Harold C. Syrett, and Jacob Ernest Cooke, Vol. 1, (New York: Columbia University Press, 1961), 133-135.

⁷³ Lee, "Living with Redcoats," 64.

⁷⁴ George Washington, *The writings of George Washington from the original manuscript sources, 1745-1799*, edited by John C. Fitzpatrick, Vol. 3, (Washington D.C.: United States Government Printing Office, 1931), 87-88.

primacy to which offenses contributed most significantly in pushing America towards rebellion. Too often, when debates of primacy occur, the causes are treated like parallel bars on a graph: whichever one is the tallest should get the lion's share of the 'credit' for inspiring an event. The course of history however, flows much more like a river. If the stream of events were to get dammed up, even at one of its shallow points, the river would cease to run the same course.

The analogy holds true when weighing the importance of colonial opposition to quartering. For example, if Massachusetts had never constructed the barracks at Castle William during the French and Indian War, then the occupation of Boston in 1768 would likely have gone over more smoothly. If that period of occupation had taken place with less unrest, then crucial sparking events such as the Boston Massacre or the Boston Tea Party possibly would not have happened. In addition, if universally punishing acts such as the Quartering Act of 1774 were not passed with the remainder of the Coercive Acts, then it is possible that the southern colonies might have let Massachusetts stand alone against the British. On and on such consiliences of history can ripple outward.

Overall, this argument is not trying to suggest that the Quartering Act should supplant the Stamp Act or the Boston Tea Party, or any other event, in terms of its importance to colonial history. Rather, it is trying to show that the impacts of the Quartering Acts are sometimes overly simplified or misunderstood. By delving deeper into the complex web of motivations behind their passage as well as their opposition, a more rounded picture of the roots of the American Revolution can develop.

Agency on the Edge:

Women of Colonial St. Louis and the Power They Held

Andrea Wilson

In 1763, the city of St. Louis began its life on the western side of the Mississippi River. From its inception the city had aspects that were uncommon for a frontier village. The people there still dealt with normal frontier problems, like relations with neighboring Native American tribes, taming and shaping the land, and supplying the town. However, its location gave St. Louis an interesting history. It was first settled by French merchants who quickly found themselves under Spanish rule. The Spanish would last until 1803 when Louisiana was given back to France then promptly sold to the United States. Through all of these changes the people remained steady, and they developed somewhat uncommon views of women for the time. Those views were reflected in how women came to settle in the city, spent their days, appeared in courts, and how they obtained education. The unique circumstances of women in St. Louis make it an interesting setting for a case study of how women in the early nineteenth century had different levels of agency in their own lives.

The frontier was a place where men went to gain their fortunes and improve their status. It was not an easy life, but many chose it. Those men took along their wives and children, who also had to work to improve their standings. Living in a new diverse borderland allowed new cultural norms to be established. The beginnings of St. Louis occurred much like other borderland settlements. Some men who were willing to strike out into the wilder lands were given permission by a governor to settle a new place in hopes of turning a profit. Several of the colonies started with a man who wanted to make money in the New World getting permission from a king to strike out and try his luck. The stories are similar, but there were differences for St. Louis as it developed from a frontier trade post into a city. Gilbert Antoine Maxent, Jean Francois Le Dée, and Pierre de Laclède were the merchants in this story from New Orleans who entered business together and gained the exclusive right to sell goods to the Native American tribes on the Missouri and the west bank of the upper Mississippi. The French governor at the time was attempting to regain solid financial footing for the colony by expanding trade.¹

Pierre de Laclède struck out with a crew and supplies on August 10, 1763 to scout out the perfect location. The area he went to had a few problems to overcome

¹ James Neal Primm, *Lion of the Valley St. Louis, Missouri* (Boulder, CO: Pruett Publishing Company, 1981), 9; Patricia Cleary, *The World, the Flesh, and the Devil: A History of Colonial St. Louis* (Columbia, MO: University of Missouri Press, 2011), 21.

right away. It was by the Mississippi river and was prone to flooding. That is why the already established village of Ste. Genevieve was ruled out as a location for the trade post. Laclède scouted on the river until he found the perfect spot. The location had high ground with a rocky bluff beside the river to keep the site safe from flooding. There was plenty of timber, good drainage, and fresh springs. Laclède left the initial work at the site up to his fourteen-year-old assistant Auguste Chouteau. Auguste was the son of Marie Thérèse Chouteau and René Auguste Chouteau. His parents had separated, although they could not legally divorce in Catholic Louisiana. Marie Chouteau and her four younger children, who were Laclède's, went along with Laclède to settle in St. Louis. Marie chose the man she would live with and after his death she was given control of the family residence with the rights to sell and purchase other property. So, Auguste Chouteau helped the man who was essentially his step father build the first homes in St. Louis and his mother and half-siblings reaped the benefits of Laclède's influence and affections after his death. From the beginning, women were finding niches of power in St. Louis.²

The first years in St. Louis were fraught with worry. France had lost the Seven Year's War in spectacular fashion. France signed the Treaty of Paris 1763, and had to give England Canada and the land east of the upper Mississippi, what is now Illinois. This placed St. Louis on the very edge of the French holdings in the Americas. On the other side of the river, the English would be in control. Those who began to move to the new village to settle and trade felt the fears of being on that edge between two imperial powers. However, the edge was sometimes the place change came to slowest. The British did not take over command of the fort nearby until 1765. When they came, the French soldiers, families, and artisans who were living in the fort moved to St. Louis further expanding the village.³

Over the next forty-one years, the city and the people living there would see major transformations and power shifts. At the end of the Seven Years' War, France also had to cede Louisiana to Spain. As Spain lost territory elsewhere, Louisiana became their compensation. Spanish officials did not arrive in New Orleans until 1766. In 1767, an expedition was sent up the Mississippi to establish a fort and settlement. Captain Don Francisco Rui took forty-four men and some of their families up the river to St. Louis. They were given many instructions for how to make the journey and then how to build the forts. Care was taken to keep to the proper side of the river and not seem to be aggressive toward British forts on the journey. The area was tense, and the Spanish did not want to spark off another war on their first expedition. It was a slow transition of power, but eventually the Spanish built the forts near St. Louis as protection against British encroachment on Spanish lands. A few Spanish ended up administering French and Native American populations. There were some frictions; however, the Spanish official in charge of the Illinois post headquartered in St. Louis, Don Pedro Piernas, worked hard to be fair with the people

² Primm, *Lion of the Valley*, 10-15; Cleary, *The World, the Flesh, and the Devil*, 25-35.

³ Patricia Cleary, *The World, the Flesh, and the Devil*, 18; Primm, *Lion of the Valley*, 9-12.

already settled and to keep friction from occurring between French settlers and the Spanish troops.⁴

From the time of the Spanish takeover until the American purchase of Louisiana, St. Louis grew and fended off attacks. They faced trouble with several Native American tribes in the area. The powerful Osage especially gave cause for concern. During the Revolution, Spain eventually sided with the Americans and the French. This meant that the British could move on St. Louis in hopes of expanding their holdings in the west. The city was fortified against an impending British attack. That attack came but was repelled by the defenders at St. Louis. Their victory stole any British claim to that area during the treaty process after the Revolution. The Spanish continued to hold the western bank of the Mississippi down to New Orleans, but the expenses for holding the colony continued to grow. In 1790, the governor of Illinois Arthur St. Clair described St. Louis as, “the most flourishing village of the Spaniards on the upper part of the Mississippi and it has been greatly advanced by the people who have abandoned the American side.”⁵

Those who did move from the American side would only have a few years under Spanish rule. On October 1, 1800, Spain returned Louisiana to France in the Treaty of San Ildefonso. Napoleon had plans for a strong French presence in the Louisiana area. However, the revolution in Haiti and renewed war with Great Britain made Napoleon open to selling. On April 30, 1803, France sold Louisiana to America for fifteen million dollars. In St. Louis the transition was almost comical. On March 9, 1804 the Spanish Lieutenant Governor surrendered upper Louisiana to Captain Amos Stoddard. Stoddard was a United States citizen who stood in for France in this exchange. The French flag flew for one day then Stoddard signed documents transferring Louisiana from France to the United States. Since he represented both countries there was no actual change of command from Stoddard. He may have shaken his own hand after signing the documents if he wanted to be sure the transition was sealed. St. Louis began as a French outpost, lived most of its early life as a Spanish run colony and finally was given over to the Americans.⁶

In most of this story so far, the women of St. Louis have been fairly invisible. Yet, they were there facing the same trials and tribulations as the men of the settlement. Marie Thérèse Chouteau came to be with the man she loved regardless of the legality of their relationship. Many other early men in the settlement took Native American wives. St. Louis was a distinctly mixed city. In that part of the country, it had to be because there were so many tribes surrounding the village. Even during the Revolution, the women shared the fear and death of the attack from the British. The day before the attack the women were the ones outside of the fortifications gathering

⁴ Governor to Captain Don Francisco Rui, 1767, in *The Spanish Regime in Missouri*, ed. Louis Houck (Chicago: R.R. Donnelley & Sons Company, 1909), 1-10; Primm, *Lion of the Valley*, 19-25.

⁵ *Ibid.*, 41-46, 57-58.

⁶ Cleary, *The World, the Flesh, and the Devil*, 307-313; Primm, *Lion of the Valley*, 72-74.

strawberries and flowers for the Feast of Corpus Christi. During the battle some were in the governor's house with the children. However, one group of women had to ram through the attackers in a horse drawn cart to make it into the city gate and safety. Others were killed or taken captive by the Native Americans fighting with the British. Every problem the men faced, the women faced as well. They were as much a part of the village's story as the men. They had to learn how to survive and prosper on the frontier and they did that in their own way.⁷

The daily lives of women in St. Louis were not taken up with the same jobs and chores as other women of the period. St. Louis fast became a trade hub. It was part of a network of villages close by like Kaskaskia, Cahokia, and Ste. Genevieve. That network stretched to include major cities like Detroit, Quebec, New Orleans, Philadelphia, New York, Puerto Rico, and the West Indies. The Mississippi River gave the very inland region an arm to the Gulf of Mexico and the world beyond that. This meant that most of the men were involved in trading in some way. Not many families settled into full time farming. Most followed the Native American's example of planting then letting the crops and weeds grow together. It took less effort during the growing season to plant this way and still allowed a steady supply of food.⁸

While men were tending to the crops they did grow and the trading, mainly in furs, the women had to find their own place in the economy. In other areas of the country women found a wonderful niche in weaving, spinning, and sewing. The goods they produced could be sold or traded and that was a way for the women of the family to participate in the family's economic footprint. In the area around St. Louis inventories of families did not often turn up items like spinning wheels, looms, or knitting needles that would be necessary to engage in those practices. However, this was not surprising because the French government had placed a ban on weaving. All of the cloth the settlers used was purchased from storehouses or merchants. It was a good thing that St. Louis was so connected to the world trade. The mercantilist demands of France needed markets and St. Louis was made to oblige.⁹

Weaving was not the only activity that the French and English women differed in. "The women have more influence over their husbands than is common in most other countries. Perhaps this arises in part from the example of the parent state; and perhaps still more from the almost exclusive right, which the women have to the property, in consequence of marriage contracts."¹⁰ Captain Amos Stoddard

⁷ Primm, *Lion of the Valley*, 12-15, 44-45.

⁸ Susan Calafate Boyle, "French Women in Colonial Missouri, 1750-1805," in *Women in Missouri History: In Search of Power and Influence*, ed. LeeAnn Whites, Mary C. Neth, and Gary R. Kremer (Columbia, MO: University of Missouri Press, 2004), 23-24.

⁹ Laurel Thatcher Ulrich, *A Midwife's Tale: The Life of Martha Ballard, Based on Her Diary 1785-1812* (New York: Vintage Books, 1990), 77-80; Natalia Maree Belting, *Kaskaskia Under the French Regime* (Urbana, IL: University of Illinois Press, 1948): 47; Boyle, "French Women in Colonial Missouri, 1750-1805," 23.

¹⁰ Amos Stoddard, *Sketches, historical and descriptive, of Louisiana* (American Antiquarian Society and Newsbank, 2013): 323.

made this observation of the women of St. Louis in his *Sketches, historical and descriptive, of Louisiana* which was published in 1812. His observations were that the women held a power in their relationships and property that United States women did not often hold. This difference was due to the background of the people who settled St. Louis. The French influence or the, “example of the parent state,” was strong. Even though the Spanish owned and administered the area for years they never held a majority of the population. The Spanish administrators often deferred to the laws that were already in use by those in St. Louis. The laws did not differ much from the Spanish laws, so neither the enforcers nor citizens would have had much trouble adapting.

In the Spanish and French systems, “the inheritance laws did not discriminate against women, and in fact as well as in theory the wives in St. Louis’s French and Creole families were the partners rather than the property of their husbands.”¹¹ Within the bounds of marriage, both the wife and husband had an obligation to grow the community property of the family. Upon the death of a husband, his wife would receive half of the estate plus a dowry, sum of money paid to the wife. The other half of the estate would be split evenly between the heirs, regardless of gender. If there were no heirs, the wife received everything. If the heirs were young, the wife would hold all authority over the property until the heirs came of age. Women who were widowed usually married again. Since there were many more men than women, and life on the frontier was hard and dangerous, some women could marry several times. Yet they carried the authority over their own property through each marriage.¹²

At that time, the English laws in the east used the practice of coverture for women. In its basic essence, a woman was either covered by her father or her husband under the law. She had no civil life in society. Women could not own property or handle their own financial affairs. There were outliers to these laws, and historians still debate how coverture was enacted in eighteenth century America, but women holding active roles in their financial or civil lives were not the norm. The women in St. Louis were used to owning their own property and having power in that area of their lives. The preponderance of trade in St. Louis enhanced the women’s role and power on her property. A married woman could spend large portions of the year managing the household without her husband. Hunting trips and trading runs took months to complete. During the husband’s absence, the wives grew the crops, bought supplies, kept up the house, bought more land, collected debts, and entered into business arrangements. A few women in the United States could claim this kind of agency due to their own husband’s absence. However, it was not as socially accepted. In St. Louis, it was common for a woman to be involved in all economic aspects and even call men into court for wrongs they had committed. For example, Helen Blouin went to the court to force the payment of debts that were owed to her husband, and

¹¹ Primm, *Lion of the Valley*, 53.

¹² Boyle, “French Women in Colonial Missouri, 1750-1805,” 18-23.

Catherine Bardon testified in court for her husband.¹³

Mary Beth Norton provides the comparison of the French wives' knowledge and capacity to handle the business of the family in loyalist wives after the revolution. Her article, "Eighteenth-Century American Women in Peace and War: The Case of the Loyalists," showed how little the English Loyalist wives knew about the affairs of their families. During the Revolution, many Loyalists left to go with British troops to England or other ports nearby. These Loyalists submitted claims to the British government seeking compensation for their losses. To receive compensation, they had to provide some sort of proof of what they had in America. Many of the women when questioned could not give complete answers about the finances of the family, debts owed, or the value of property they had.¹⁴

One such woman, Mary McAlpin even testified that her husband had left all of his estate to his son, when in fact he had left his wife, "life interest in the real estate plus half the personal estate." When it came to wills, property value, or family debts the loyalist women had been kept ignorant either by their own will or by the will of their husbands. These women were not part of the revolutionary changes and fervor; however, they were in America at the same time as the French women in St. Louis. Also, as long as the comparison does not go beyond the revolution, these women are able to be held up against the St. Louis women as the norm for the English colonies. The change to the far more restrictive American system was a hard adjustment for the women of St. Louis to make.¹⁵

When the Americans moved in, they assessed the administration, laws, and court system the Spanish left behind and they found it wanting. After only two weeks in St. Louis, Amos Stoddard stated that, "[T]he laws, rules of justice, and the forms of proceeding were almost wholly arbitrary-for each successive Lieut. Governor has totally changed or abrogated those established by his predecessor."¹⁶ Essentially the Americans were sure that there was no form of law in Louisiana except in the moment frontier law. Bribery and corruption was seen by many lawyers who came to that area. Many historians have agreed with the contemporary men of the law. However, Stuart Banner's article, "Written Law and Unwritten Norms in Colonial St. Louis" explains that there was in fact a great deal of law happening in St. Louis. It was just not as documented or practiced in the same way as it was in the east.¹⁷

During the Spanish governance of Louisiana, the upper Mississippi had little formal influence or supervision because of their distance from Spain's seats of power.

¹³ G.S. Rowe, "Femes Covert and Criminal Prosecution in Eighteenth-Century Pennsylvania," *The American Journal of Legal History* 32, no. 2 (April, 1988): 138-140; Boyle, "French Women in Colonial Missouri, 1750-1805," 25-27.

¹⁴ Mary Beth Norton, "Eighteenth-Century American Women in Peace and War: The Case of the Loyalists," *The William and Mary Quarterly* 33, no. 3 (Jul., 1976): 387-395.

¹⁵ *Ibid.*, 392-393.

¹⁶ Stuart Banner, "Written Law and Unwritten Norms in Colonial St. Louis," *Law and History Review* 14, no. 1 (Spring, 1996): 33-34.

¹⁷ *Ibid.* 34-37.

It was extremely difficult if not impossible for New Orleans or Spain to implement and enforce laws that far away. The various governors of the Spanish colony tried to send detailed instructions up the Mississippi. When the first expedition set out they had pages of instructions from Governor Antonio de Ulloa that covered how to travel, how to deal with savages (Native Americans) and the British, and how to deal with any daily problems. The officers in charge had the final say in how the journey was run, but Ulloa tried to impose his will. Another governor, Don Alessandro O'Reilly, recognized that the distance created this control problem. He wrote to his lieutenant-governor that, "the great distance from this capital to the Ylinneses (Illinois) demands so much greater prudence in the discharge of its command."¹⁸ He called on his lieutenant-governor to follow the instructions he was sent "with special vigilance." However, it could take months or years for letters to get back and forth from Spanish officials for them to even know their proclamations were being followed or not. It did not help that the government in Spain did not see the upper Louisiana as very significant, and also most of the people living there were French not Spanish. It was much easier to allow the local authorities to judge conflicts and deal out sentences based on their own understandings of the laws and the local customs. Banner called these the unwritten norms of the city. This is why most of the towns did not have the books that held the Spanish colonial law. The over eleven volumes of that colonial law held all the written laws that were supposed to be followed and referred to during cases. However, if the commandants or administrators did not have them available to reference they simply passed judgement based on their understanding of the law and the problem before them.¹⁹

Despite the seemingly lax legal code, the people of St. Louis and the surrounding towns litigated against each other the same amount as populations in other parts of the colonies. The most common suits involved the sale or purchase of land. These cases could become quite complex, yet they were carried out with almost no formality or documentation. Yet the people were satisfied with their form of law. It is in the documents they did leave behind that some of the more invisible groups start to show through. Some slaves do appear in the records when they were bought or sold. White women make a larger appearance. They were almost 29% of the population in the latter half of the eighteenth century. These women appeared in the records, "primarily as parties to marriage contracts, as co-owners (with their husbands) of property transferred or mortgaged, and as players in the random events giving rise to litigation."²⁰ They were not completely invisible or covered by their husbands. Amos Stoddard seemed to approve of the practice of women in St. Louis having some say in their property and finances. The old fear that such authority would

¹⁸ Don Alessandra O'Reilly to Lieutenant-Governor, February 17, 1770, in *The Spanish Regime* 76.

¹⁹ Governor Antonio de Ulloa to Captain Don Francisco Rui, in *The Spanish Regime in Missouri*, ed. Louis Houck (Chicago: R.R. Donnelley & Sons Company, 1909), 1-19; Banner, "Written Law and Unwritten Norms in Colonial St. Louis," 42-47.

²⁰ Banner, "Written Law and Unwritten Norms in Colonial St. Louis," 43.

lead the women into impropriety did not stand up to what he saw. The French women were, “as much exempt from impropriety as those of some other countries, who remain almost invisible during their lives.”²¹ French women were the same in their virtues as American women who did not hold power over their possessions or their person and were civilly invisible.²²

Just as the women of St. Louis were not invisible they were also not ignorant or uneducated. There was no school or place of formal education for women in the eighteenth century. However, St. Louis was full of opportunities to learn through reading. St. Louis quickly developed a strong aristocratic merchant class and the private libraries in their houses were large even by the standards of the eastern more developed colonies. This seemed surprising for several reasons. First, goods had to travel 1200 miles, which could take about 90 days, up the Mississippi to reach St. Louis. Many would think that books would not be high on the list of supplies and goods to make that long trip to the frontier city. “We can imagine the bewildered worry of many a pioneer,” Louis B. Wright writes, “pondering the relative importance of an extra pair of boots or a stout folio as he chose his indispensables for the Great Venture.”²³ The founder of the city, Pierre de Laclède, felt that books were worth the effort. His library alone held three hundred books. In 1767, the collection included, “Rousseau's *Nouvelle Heloise* and *Contrat Social*, Bacon's *Essays*, Thomas Corneille's *Dictionnaire des Arts*, Rollin's histories, Descartes, John Locke, the *Dictionnaire de VAcademic fran gaise*, Mirabeau's *Theorie de Vim-pot*,” along with books on topics from commerce, finance, law, and medicine to agriculture, electricity, travels, memoirs, and other subjects. These books that covered more immediate practical help topics were common during the early eighteenth century in private libraries across the United States.²⁴

Laclède was not the only one in St. Louis taking the time to collect books. This three-year-old village of forty families contained between two and three thousand books. Given the white population size of six hundred and sixty-nine, the ratio of books to people could have been as high as five to one. Since the women of the town did participate in the legal system and there are letters that remain from some of them, it is safe to assume that some of the white women in early St. Louis had access to a staggering amount of enlightenment knowledge. When St. Louis was

²¹ Stoddard, *Sketches, historical and descriptive, of Louisiana*, 323.

²² Banner, “Written Law and Unwritten Norms in Colonial St. Louis,” 38.

²³ Louis B. Wright, “The Purposeful Reading of Our Colonial Ancestors,” *Journal of English Literary History* 4, no. 2 (Jun., 1937): 85.

²⁴ John Francis McDermott, “Private Libraries in Frontier St. Louis,” *The Papers of the Bibliographical Society of America* 51, no. 1 (First Quarter, 1957): 27; John Neal Hoover, “Private Libraries and Global Worlds: Books and Print Culture in Colonial St. Louis,” in *Frontier Cities: Encounters at the Crossroads of Empire*, ed. Jay Gitlin, Barbara Berglund, and Adam Arenson (Philadelphia: University of Pennsylvania Press, 2013), 190-193; Joe W. Kraus, “Private Libraries in Colonial America,” *The Journal of Library History* 9, no. 1 (Jan., 1974): 50; William E. Foley, *A History of Missouri, Vol.1 1673 to 1820* (St. Louis: University of Missouri Press, 1971), 55-56, 57.

given over to the United States, and Americans began to visit or move to the city, they had highly critical things to say. The lawyers decried the lack of written laws and the court systems they were not used to. American writers decried the lack of literary knowledge. The courts and laws of St. Louis were valid they were just different from what American lawyers were used to. The American writers who spoke against the people of St. Louis did not take the time to see the truth of the city's vast wealth of books.²⁵

Reverend Timothy Flint was one of the loudest detractors of St. Louis. He visited St. Louis for a short time in 1816. In a letter to a friend, he declared that St. Louis could not hold a reading population. "Few good books are brought into the country. ... the people are too busy, too much occupied in making farms and speculations, to think of literature."²⁶ Historian John Francis McDermott casts doubt on Flint's observations. Flint did not stay in St. Louis long enough to make a thorough examination of the reading habits of the people there. Had he stayed, he would have seen the vast supply of book available in many of the houses. It is true that the young city was busy with plowing fields, trading, and raising houses, but they did not neglect their reading. Flint was joined by other writers such as Edmund Flagg and Washington Irving in spreading the idea that St. Louis was just a back woods place with no culture. In time the city would prove them wrong.²⁷

As the Americans moved in and the nineteenth century began, the private libraries of the early French settlers turned into public libraries of the Americans. There were several early attempts to get a library started. On Thursday, February 14, 1811, the *Louisiana Gazette* ran an advertisement calling for a meeting to establish a public library. It said that, "the benefits that would result from a PUBLICK LIBRARY in this town, must be obvious to all."²⁸ If a library resulted from the meeting it did not last long. The next that was publicly printed about a library was on May 13, 1818. The announcement was of a reading room and punch house opening at Main and Second Street. Establishments like these continued to open wherever a business had a good collection of literary works they wanted to make available to the public. Reading rooms sprang up in places like newspaper offices, and hotels. Unfortunately, any records of who frequented these rooms and what they read are not available. These rooms seemed to be put together for a male audience not a female one.²⁹

The establishment of a truly public library that stood on its own as a business was needed for the literary works to reach outside of the white male community. On December 24, 1823, a letter appeared in the *Missouri Republican* calling for the establishment of a truly public library. The letter, signed with the name Franklin, used

²⁵ McDermott, "Private Libraries in Frontier St. Louis," 27.

²⁶ *Ibid.*, 19.

²⁷ Hoover, "Private Libraries and Global Worlds: Books and Print Culture in Colonial St. Louis," 192.

²⁸ McDermott, "Public Libraries in St. Louis, 1811-39," 9.

²⁹ Foley, *A History of Missouri*, vol. 1, 189; McDermott, "Public Libraries in St. Louis, 1811-39," 9-10.

several arguments to implore the citizens to back a public library. The first argument was that a library would bring knowledge and information within reach of every class of citizen. From his wording, it was possible Franklin meant only the men of the community. He said that, “there [is] no species of trade or business which [m]ay not receive benefit from. the experi[e]nce of past ages as recorded in books, [a]nd there is no man, however low his con[d]ition, who is not humanized and civilized [a]nd raised in the scale of being by an ac[q]uaintance with books.”³⁰ However, the unknown consequence of a public library was that the women of the community would have access to the same knowledge.

The second major argument for the library seemed to be directed more toward women. Franklin drew on the affections of parents to their children. He said, “who is there that does not wish the mind of his children well imbued with various kinds of knowledge, both useful and ornamental.”³¹ Mothers who read this would heartily agree that they did want their children to have the best opportunities to climb higher in the ranks of society and business. It made it easier for a library to open and thrive if both parents were invested in its success. The fathers would be invested in the library financially, but the mothers would be invested through their children. Franklin’s arguments worked and a week after the letter was printed there was a meeting held to establish the St. Louis Library. During the meeting, provisions for how the library would be run were put into place. There was one provision that stood out in regard to the women and other races in the town. Section fifteen stated, “The Librarian is at liberty to admit into the Library room any persons, at any time, when it may not incommode others, for the purpose of reading and consulting books; provided they compensate him for his trouble.”³² It is not clear if this was meant for women and people of color or just the latter. However, it does show that the library started the process of allowing all people access to the books on at least a minimal basis.

The library went through some good and bad years, but by the spring of 1832 it was having financial trouble. There was a call for support in January 1833. In that same article in the St. Louis Free Press, the library made sure to include women. It said that, “every exertion will be made to accommodate the Ladies, who are respectfully invited to visit the Library.”³³ The women were included in this plea for support because they were necessary to the libraries survival. While they were not included in the initial advertisements for the library, they were still allowed in. However, with this new push to ensure the libraries survival the advertisement changed to specifically state that women were welcome in and should have access to the same knowledge. The library even added some hours of business on Thursdays

³⁰ McDermott, “Public Libraries in St. Louis, 1811-39,” 11.

³¹ *Ibid.*, 9-10.

³² *Ibid.*, 14.

³³ *Ibid.*, 17.

from 5:00 to 7:00, "for the better accommodation of the Ladies."³⁴ Unfortunately, there needs to be more work done with the records from these early libraries to see how often women did frequent them. The subscription records could provide the names of women who rented books from the library. At least with that information historians could see how often women utilized this new right to read. It would be even more useful and informative if the records also included which books each woman took out of the library. Despite the holes in the information it was clear that more than just upper class women who lived in a house with a private library could access books. Women were able to expand their own education through authors from all over the world on any topic they might desire.

The library was not the only place women and young ladies could acquire education in St. Louis. Education had a new meaning to it in the early years of the American Republic. The nation needed to have a universally educated population to thrive. This definition of universal did not include slaves, free blacks, or Native Americans, but it did include women. Women were expected to have some basic education, because they were the front line of passing that education on to their children. In a period when the union was not secure, it was imperative to have an educated population to fall back on for new ideas should the union fail. The republican mother was born, and she read books and passed on knowledge to her children. While this knowledge was supposed to be geared toward the sons, the daughters of the republic gained the knowledge as well.³⁵

Since St. Louis was not added to the United States until 1804, the mothers there were not originally republican mothers. However, the women in St. Louis grew up in houses with libraries and in a village of people who read and communicated about what they read. The women of St. Louis were not left completely behind. Towards the end of the 1820s there were some new educational philosophies being made public. Women like Catharine Beecher and Mary Lyon were at the spearhead of establishing the norm of college educated women. Both women held different ideas about which women should have that educational opportunity. Beecher felt that the upper class women would have the best advantage from higher learning, while Lyon wanted to be sure that all classes could choose to be educated and better their standing.³⁶

One group of women in St. Louis would have agreed with Mary Lyon. In 1827, four French nuns opened a convent and school called Sacred Heart in St. Louis. The nuns came to St. Louis from France to teach western Native Americans. When the school opened the nuns would end up focusing on the white women and girls of the community, but they still did manage to teach some of the girls that were African

³⁴ Ibid., 19.

³⁵ Nikola Baumgarten, "Education and Democracy in Frontier St. Louis: The Society of the Sacred Heart," *History of Education Quarterly* 34, no. 2 (Summer, 1994): 171.

³⁶ Andrea L. Turpin, "The Ideological Origins of the Women's College: Religion, Class, and Curriculum in the Educational Visions of Catharine Beecher and Mary Lyon," *History of Education Quarterly* 50, no. 2 (May 2010): 133-134.

American or Native American. When the school opened the town had a population of over 4,600. There were some other schools that charged tuition in town, however there was not enough to meet the demand of even the male students. This required many St. Louis parents to send their children to another state or as far away as England, France, or Spain for education.³⁷

The sisters who came to teach the Native Americans found that their services were required in St. Louis to teach the children there. The Mayor of the city even made education an emphasis of his 1823 inaugural address. By 1827, when Sacred Heart opened the mayor had not completely met that goal. The nuns addressed the problem. The school they opened had several different levels to choose from. The parents of St. Louis could enroll their daughters in the full time pensionnat, the French term for boarding school. There was a demi-pensionnat for half-time students. There was also a day school where the girls would not live at the school for any amount of time, but attend classes there. The day school was called the academy. Most strikingly the sisters at Sacred Heart offered a free school, housed twenty orphans continually, and instructed African American girls on Sundays. Nikola Baumgarten summed their influence up well when she said that, "The impact of all these schools was probably most striking in the beginning, when they either presented the only educational opportunity for many local females, or supplemented a system that was clearly inadequate for the community."³⁸

The school did well from the beginning. The sisters offered five years of courses and started with twenty students. Within the first five years the enrollment averaged out to about thirty students. These students experienced an inclusive atmosphere. Girls from more affluent families were taught alongside girls from the lower classes of the city thanks to the nun's fluid tuition. The inclusiveness went beyond social or class standing. In St. Louis there was a diverse population and a large portion of the people were French speaking. However, the French nuns did not cater solely to that group. Instead the French and English-speaking students were relatively equal from the beginning until eventually the English speakers became the majority. These Catholic nuns also took in Protestants to teach. The school became a wonderful conglomeration of all classes, languages, races, and religions present in St. Louis.³⁹

The founding of St. Louis came during a period of great change in America. Before the village became a city, it saw the birth of the United States, the end of French and Spanish control over the Louisiana area, the creation of new ideas about women in the new American Republic, and also changes in education philosophies. These changes would continue to spiral, and women would keep searching for new ways to hold power in their lives. It is important to stop and look at how major events or a large shift in the thinking of people affects areas on a more micro scale. St. Louis

³⁷ Primm, *Lion of the Valley*, 95; Baumgarten, "Education and Democracy in Frontier St. Louis: The Society of the Sacred Heart," 171-172.

³⁸ Baumgarten, "Education and Democracy in Frontier St. Louis," 172-173.

³⁹ *Ibid.*, 174.

in its early years offers a very distinct micro scale. No other city sat on the edge of great colonial powers and was ruled by three different powers during its first few years. The combination of the French settlers, Spanish officials, and British or American neighbors created a group of people who could allow new ideas about the women around them to take hold. Perhaps it was because they were on the edge of the wild and in that place survival comes before gender discrimination. However, it is more likely that the combination of the three people and their social norms found a middle to exist in where the women could assert their own role.

The women of St. Louis asserted their will into their own lives. They came to a frontier location to help carve a village out of nothing. They came with the men they loved to seek a chance at fortune. These women recognized their own control over their property. Many of them had to take that authority even further to care for the affairs of the whole family while the man was traveling and trading. Men brought back books of all topics from those trading trips. The private libraries of the more affluent families afforded those women the opportunity to educate themselves. Even the women of the less prosperous families eventually gained that right. Public libraries gave every woman the opportunity to read. With further study their reading habits maybe teased out. Women were imperative to the libraries for their survival. After the first wave of settlers had grown the city, they had to look to the education of their children. The girls were not forgotten. The women who came to St. Louis to start Sacred Heart made sure that all girls of all classes and races in the city had the opportunity to become educated. Mary Lyon would surely have been proud of that advancement. The popularity of the school speaks to how the city felt about the nun's practices. In all areas of life in St. Louis women found ways to push the limits of their power. They held onto property rights, maintained financial knowledge, and ensured that they and their children became educated. St. Louis women held agency over their own lives that surpassed women in many other places at that time.

Ragged Schools:

Educational Opportunities for Destitute Children in 19th century England

Brenda Stapleton

Beginning in the 1750s the industrial revolution changed the way in which many citizens lived in Britain. Before the Revolution, eighty percent of citizens lived in rural areas. However, due to agricultural advancements which allowed more food to be grown by less people this changed. As fewer people were needed on the farms, many migrated from their rural homes to the developing urban areas to look for jobs in factories and mines. The cities where these factories were located were rapidly built and little planning went into their design. This new urban working class lived in overpopulated, unsanitary parts of the cities and were also not guaranteed work once they moved to the city. Industrialization had its ups and downs and, therefore, so did the job market. Workers were constantly dealing with fluctuating employment. For those who could not find any work, they often resorted to begging, lying, and stealing as an alternative. Sadly, this was not a cross bared solely by the adults of the working class; many children also learned this way of life as well.

Many children in the most destitute areas lives revolved around begging, lying, and stealing to earn money and elude starvation. These children roamed the streets of London in rags, many not wearing any shoes, and covered in filth. Their parents were unable or unwilling to pay for them to go to school, and since going to church was more popular with the middle class and aristocracy many of these kids had barely been in a church except to receive charity. Due to these circumstances, these children lacked any kind of education, structure, or discipline. Reverend Thomas Guthrie gave a great visualization of one of these destitute children. "Poor fellow! It is a bitter day; he had neither shoes nor stockings; his feet are red, swollen, cracked, ulcerated with the cold; a thin, thread-worn jacket with its gaping rents, is all that protects his breast, beneath his shaggy bush of hair he shows a face sharp with want, yet sharp also with intelligence beyond his years. That poor fellow has learned to be already self-supporting. He has studied the arts,--he is a master of imposture, lying, begging, stealing; and small blame to him, but much to those who have neglected him, he had otherwise pined and perished."¹

Reverend Thomas Guthrie gave this description in his book, *A plea for Ragged Schools; or, Prevention Better than Cure*. Guthrie and many others who witnessed these children in the streets could not believe that something so terrible existed in their great society. They wanted to find a way to help these children from the terrible future

¹ Reverend Thomas Guthrie, *A Plea for Ragged Schools, or, Prevention Better Than Cure* (Edinburg: John Elder, 1847), 9.

that was before them. The closest schooling and discipline that they had ever received was from the penal authorities. As is obvious from the title from Guthrie's book, he realized that the best way to prevent a large population of adults from being criminals and a burden to society was to prevent them from following that path while they were still young, rather than try to help them change their ways later in life. To achieve this, these children must be disciplined early in life by religious teachings from the Bible and be given a basic education so that they had the tools to live a good honest living for themselves. From the efforts from men like Guthrie and many others, ragged schools were established in London and other parts of the United Kingdom and thus a free education was offered to many children who otherwise would never have received any form of education. Many ragged schools would also later extend their services to not only educating destitute children, but also provided education and other charitable services to destitute adults. Even though the Ragged School Movement was short lived, it was a significant attempt at elevating the destitute population by teaching them how to support themselves in the new industrious society in which they lived in.

Reverend Thomas Guthrie from Edinburgh, Scotland was the most well-known man for popularizing the idea for ragged schools in his book, *A Plea for Ragged Schools, or, Prevention Better than Cure*, in 1847. He later wrote, *A Second Plea for Ragged Schools, or, Prevention Better than Cure*, in 1849 where he promoted all the benefits these schools would offer for the destitute children and the community. However, Guthrie was not the only man who promoted the establishment of ragged schools. In 1849, Thomas Beauchamp Proctor's, *Attend to the Neglected and Remember the Forgotten: An Appeal for the Ragged Schools* appeared. Proctor also agreed that an education was necessary to help reform the lives of these children who were so poverty-stricken that the only way they knew to survive was through a life of crime. Proctor proclaimed that not only would these schools better the lives of these children but that the money put into running these ragged schools would eventually lead to the community spending less money on the penal system because less people would be committing crimes.²

With so many people noticing the need these schools would fulfill, ragged schools began opening in many impoverished areas where schools were not previously found. The name branded to these schools characterize the type of children who were admitted into these school, those in rags; the poorest of the poor. These schools were to help these children learn to live a more stable life. The Ragged School Movement was influential in England from about 1840-1870. The two men most credited for this movement were John Pounds and Lord Shaftesbury. Pounds has been honored as being the man who starting the idea of ragged schools. Pounds not only made his own living making and fixing shoes, but he also volunteered his

² Thomas Beauchamp Proctor, *Attend to Neglected and Remember the Forgotten: An Appeal for Ragged Schools* (London: Charles Haselden, 1849), 3-4.

time to the poor children living near him by giving them a basic education and also teaching them skills. Pounds brought these children to his tiny workshop that was 6 feet by 16 and taught them reading, writing, and math. Pounds not only volunteered his time to help educate these children, but he also donated clothes for them to wear to Sunday school and held plum-pudding feast every Christmas Day. Pounds kept up this work until his death on January 1, 1839. It was said before he died, Pounds had saved no fewer than five-hundred children. Many of what Pounds hoped to teach his students are also what Lord Shaftsbury and the Ragged School Union founded in 1844 hoped to achieve as well.³

Lord Shaftsbury had already made a name for himself in social reform before founding the Ragged School Union. Since his childhood, he had seen how strained the relationship was between employees and their employers. Shaftsbury, known then as Lord Ashely, had spent his entire life helping the poor be less oppressed by the men for whom they worked for. Shaftsbury assisted in legislations that resulted in work reforms for factories and mines. He remained the leader of the Ragged School Union for about 40 years, which was formed in hopes that ragged schools would turn into a free school system funded by individual donations or government grants.⁴

None of these ragged schools were one in the same. There were schools before the 1840s that could be classified as ragged schools, such as Pound's school in his personal workshop. There were also ragged schools in the late 1830s to early 1840s which were opened by members of the London City Mission started in 1835. These, however, were merely Sunday Schools which were only held on Sundays, primarily in the evening, some in the afternoon, but very few were held in the morning. The ragged Sunday schools strived to instill Christian values into these destitute and criminal bound children. However, starting in the late 1840s and early 1850s, many began to look to Pounds as an example, realizing that these children needed much more than Bible study alone. Bible study was made difficult when the teachers continuously read aloud to the children because most if not all the children were illiterate. Those involved in the ragged schools concluded that not only did these students need to be taught Christian values, but that they also needed a basic education and skills to be able to someday live an honest living. Ragged schools started opening during the weekdays and evenings. Since these schools relied on the time and money donated by volunteers and others, their supplies were at times minimal.⁵

Ragged schools offered these students an education without charging them any money, therefore all the money to help these schools function came from the volunteers of the ragged schools' own pockets or from donors. These volunteers,

³ Guthrie, *A Plea for Ragged Schools*, 9-10; C.J. Montague, *Sixty Years in Waijdom; or, The ragged school movement in England history* (Montclair, N.J.: Patterson Smith, 1970), 36-41.

⁴ Imogen Lee, "Ragged Schools," *British Library*, accessed March 15, 2017, <http://www.bl.uk/romantics-and-victorians/articles/ragged-schools>; Montague, *Sixty Years in Waijdom*, 1-13.

⁵ Montclair, *Sixty Years in Waijdom*, 36-37; 101.

such as reformers Mary Carpenter, who had opened a few of her own ragged schools, would purchase a place to hold the school and purchased whatever supplies that they could afford. Despite their best efforts many of these volunteers were not adequately trained nor had the manpower to handle and teach large groups of disadvantaged children. Ragged schools were run independently with no ties to the government including funding, and some volunteers preferred to keep it that way. Many like Mary Carpenter believed that government assistance would greatly improve the conditions of these schools. At first the schools were excluded from the National Grant, distributed by the Committee of Council for Education, but after witnessing the benefits of the ragged schools it was eventually agreed in 1853 that they should no longer be excluded from the grant.⁶

Given financial restraints, these schools were in worn-down buildings. The smaller schools were normally held in little rooms in buildings with cheap rent. Many children crammed into these small spaces for their lessons. Larger schools were held in buildings like barns, stables, cowsheds, covered-in railway arches, or disused store rooms. Rent was not usually an issue for the teachers in ragged schools. For seats, they had planks lying across bricks and had some candles for light. These were not the most ideal resources for running a school, but it was what these volunteers could offer. Besides the financial difficulties facing those running a ragged school, these volunteer teachers were also faced with the difficult behavior from their students.⁷

Many teachers who instructed at the ragged schools faced behavioral challenges daily from their pupils. These children had been brought in from the streets where they had the freedom to move around as they pleased, which made behaving properly in a classroom very difficult. Mr. Phelps, the first master at the Bristol Ragged School, kept a diary recording the experiences he had with the student at the school. On August 17, 1846, he recorded an incident that happened that day at the school. A group of large boys had done everything they could to disrupt the class and at one point succeeded in throwing each other over the forms. Phelps eventually retained order. The next entry written on August, 19, recorded that day Phelps had nearly reached his breaking point and even contemplated passing the school off to someone else. That was until a pupil referred to as P, reminded him why he started to do this line of work in the first place. "This is a trying day to me, and several times I had resolved to give up the school into others hands, To-day I saw P., the outcast of society, with a clean shirt, clean face and hands, seated beside his own father, hard at work, putting a lady's shoe into welt. Did not my heart leap for joy to see one, forsaken by all parties, one who had been in prison, one from many long months had never slept in a bed, and who, as I was informed, the very night he went home was to have

⁶ Mary Carpenter, "On Educational Help from Government for the Destitute and Neglected Children of Great Britain," *Journal of the Statistical Society of London* 32, no. 1 (March, 1861): 28, <http://www.jstor.org/stable/2338409>.

⁷ Montague, *Sixty Years in Waijdom*, 42-3.

been taken up for sleeping on the stairs.” The students at these schools were very different from the students found in the city and private schools in London, resulting in difficulties for teachers in ragged schools. Nonetheless, the teachers at ragged schools saw the potential in their pupils and knew with the right teachings they could be viable members of society. Along with teaching their students lessons from the Bible and lessons in basic education, many teachers also wanted to instill self-responsibility and self-confidence into their pupils.⁸

In addition to the normal teachings in the ragged schools, they also attempted to teach the children how to take better care of their physical appearance the best they could, believing that what showed from the outside would thus reflect their character on the inside. The importance of cleanliness was constantly taught. Some ragged schools even taught students of both genders, how to make and repair their own clothing so that they could replace the rags they wore and could better take care of the ones they had. A journalist, at the festival where many ragged school children assembled on Christmas day reported about the impressive appearance of these destitute children. “The general appearance of the children was such as, at first sight, to make us doubt if they were of the class for whom the school was intended.” It was believed that the improvement in these student’s appearance would teach these children the values of self-responsibility and improve their self-esteem. These values would then be perceived by others and allow more doors to be open for them in the workforce. These are just a few of the many teachings and assistance these ragged schools hoped would allow them to elevate the lives of these destitute children. But to be able to help as many children as possible they had to give them incentive to attend their schools. Starving children do not want to risk losing the chance to eat because they were attending school. Food was their priority before earning an education.⁹

Going back to Pounds example, many of the children he taught were not forcibly pulled to his workshop. Instead Pounds is reported persuading these children to go to his workshop with a potato. Keep in mind that many of these children had to spend their days begging or stealing to avoid starvation. Therefore, going to school and missing the opportunity to eat was not an option. Reverend Guthrie described in his first book, *A Plea for Ragged Schools, or, Prevention better than Cure*, a conversation between a gentleman and a young ragged boy he met on the street. The man asked the boy, “Would you go to school, if, besides your learning, you were to get breakfast, dinner, and supper there? It would have done any man’s heart good to have seen the flash of joy that broke from the eyes of one of the little boy, -- the flush of pleasure on his cheeks, -- as, hearing of three sure meals a day.” The food was of course of the cheapest variety, but it was the start of the ragged schools to not only assist these children in earning an education, but also helping these children receive necessities

⁸ Mary Carpenter, *Ragged Schools: Their Principles and Modes of Operation* (London: Partridge and Oakey, 1850), 15.

⁹ *Ibid.*, 41.

that were hard for them to obtain. One ragged school in London that fulfilled this need and much more was the Field-Lane Ragged School.¹⁰

Even though starvation was the biggest problem facing these children, it was not their only problem. Many of them also lacked a home and good parental guidance. Some ragged schools offered charities to assist children and their families with these issues as well. The ragged school best known for assisting destitute children and others living in poverty was Field-Lane Ragged School in London. This ragged school opened around 1846 and started out as an ordinary ragged school. However, as time passed and more people began to donate to the institution it began expanding its charities. Not only did it offer free education to children who could not afford to pay for it, but it also offered other charities that helped relieve children and the grown men and women in that community. By the 1850s, it had two night schools, one of which was for adult men, as well as parental lessons for mothers and Bible Study on the weekend. The Field-Lane Ragged School also extended itself to become an institution where these children and others in need could have a place to sleep at night. Afterwards the school was commonly referred to as The Field-Lane Ragged School and Night Refugee for the Homeless. Here, homeless children and others could find shelter at night and be offered bread to eat before bed and again in the morning. This charity offered food and shelter which was in great need for some in the metropolises. However, the Night Refuge part of the institution was not without hardships.¹¹

The Field-Lane Night Refuge was separated into two sections, one for men and boys and the other for women and girls. In the extreme desire to help as many people during the night as physically possible, those in charge would allow too many people in and the dormitories would become overcrowded. Though this was done with good intentions, it proved to be dangerous. In the early spring months of 1852, there was an outbreak of typhus in the institution. An Officer of Health went to inspect what had caused the outbreak and reported that even though the authorities of the school had done their utmost best to ensure that the institution was clean and well ventilated, the overcrowding was what caused the outbreak of the disease. The Officer of Health offered suggestions on how to prevent this from happening again in the future. One suggestion was of course to restrict the number of people allowed to sleep in their dorms per night. Though this restriction was made to protect the well-being of the visitors and staff, it did cause heartache in the years later to come.¹²

For instance, in the winter of 1858, temperatures dropped to 10 degrees

¹⁰Guthrie, *A Plea for Ragged Schools*, 13; Montague, *Sixty Years in Waifdom*, 40.

¹¹ Anonymous, "Charitable Contributions," *Times* (London), Jan. 13, 1859, The Times Digital Archives; Anonymous, "Court of Common Council.-Yesterday a meet-," *Times* (London), June 1, 1866, The Times Digital Archives; Anonymous, "The bitter frost from last week must have added," *Times* (London), Dec. 20, 1859, The Times Digital Archives; Anonymous, "The Homeless Poor in London, -On Wed-," *Times* (London), April 3, 1857, The Times Digital Archives.

¹² Anonymous, "City Sewers," *Times* (London), April 29, 1852, The Times Digital Archives.

below freezing and many attempted to stay at the Night Refuge to avoid the bitter cold. Unfortunately, the school could not allow everyone seeking shelter to take refuge there without risk of overcrowding and had to turn away many. After this incident, the institution called to the public for donations so that they might better be able to help those in need and many donors eagerly gave to the school. Afterwards the school could assist people better during these difficult times. During the year of 1859, 30,302 lodgings were made available to 6,785 men and young boys and could supply 101,193 loaves of bread, 6 to 8 ounces each to feed them, while at the same time 10,028 lodgings were included to assist 840 women who on average would stay at the institution for 11 days straight and consumed 14,755 loaves of bread that year. The building was, of course, nothing fancy and was not what one would call inviting, but for many these charities gave at least temporary relief from their suffering.¹³

During the winter the institution admitting people in to stay the night at 5 p.m. and 7 p.m. during the summer months. When admitted, guest was given bread and a cup of coffee before bed and then another piece of bread and water in the morning. With the great amounts of assistance, the institution received from the public the school was also able to find other ways to help the poor. The institution could give those who needed new clothing which finally allowed them to discard the worn-down rags they had been wearing too long. The women it seemed were guaranteed a new article of clothing and were assisted in finding continuous work after they left, either as needlewomen, servants, or something of the sort. This was probably an attempt to prevent these women from prostitution, which was very common at the time. For boys, industrial classes were held during the day which taught them skills such as tailoring and shoemaking and at night classes to teach them reading, writing and ciphering. Ragged schools like the Field-Lane Ragged School in London not only helped these people with temporary relief from poverty, but they also helped them find some form of employment so that they could better support themselves.¹⁴

Field-Lane Ragged School also motivated their students by giving away prizes to students who had a good long-standing attendance and proper behavior. For example, a boy could receive the prize of 10 shillings and a card testifying good character for his continuous attendance and good behavior at Field-Lane Ragged School for one year. These methods worked well to motivate the students, but it was discussed in March 1860 that the regulations for prizes needed to be reformed. Going back to the prize mentioned above, the next year if the same student continued to regularly attend the school and show good behavior than they would be rewarded 5 shillings and the next year was rewarded nothing. Many agreed this needed to be reversed and that the prizes rewarded should get bigger the longer the students attend and not the other way around. It was also discussed that they should be eligible to win

¹³ Anonymous, "The bitter frost."

¹⁴ Anonymous, "Charitable Contributions,"; Anonymous, "The Homeless Poor,"; Anonymous, "The bitter frost."

prizes up until they were age 18 instead of 17. These changes would reassure the staff that their student would constantly be motivated to attend the school and be on their best behavior for a longer period.¹⁵

Starting in 1866, the Field-Lane Ragged School and Night Refuge added another branch to their institution. This new branch was titled, “Field-Lane Youths’ Institute.” This new addition was created to benefit the youth who had already completed their time at the school and now had found work during the day. Its goal was for these youths to have some form of sophisticated and intelligent entertainment once they got off work and would prevent them from going to places such as penny gaffs which were a lower-class theatre, low chanties, and dance-rooms. Instead, for the cost of a penny a week for membership fees, they could frequent the Field-Lane Youths’ Institute where they could enjoy the commodities of a well-lit reading room and the free use of a restroom. For an extra charge, tea and coffee as well as rolls with butter would be supplied. In the winter, many gentlemen offered to hold lectures at the institute. This addition to the Field-Lane Ragged School was made to reassure that the work put into these youths as students did not fall apart once they had left and helped keep them stay on the right track.¹⁶

Ragged schools like the Field-Lane Ragged School in London had achieved many great things to help improve the lives of these poverty-stricken children and their families, but no matter all the good one does in the world there will always be individuals who criticized their efforts. As early as 1850, Lord Shaftsbury was combating attacks from agitators who criticized the ragged schools and called them “reformatory institutions.” In a meeting held on May 2, 1850, Lord Shaftsbury claimed that these accusations held no substance and that the schools had been tried by a merciless standard of perfection. This of course was impossible recalling how difficult it was, especially when the schools were first beginning, to teach these children who had no kind of discipline or stability in their lives.¹⁷

However, the way Lord Shaftsbury saw it was “if they can save 10 out of 100, they ought to rejoice that they had been called to such a work.” Many children could transfer to other, better established schools after attending Field-Lane Ragged School. The Ragged School Union at times, were updated on the lives of former students after they left the ragged schools and many were evidence of their great success. One young man who had transferred to another school in London after attending Field-Lane Ragged School told in a message that he was now properly employed in one of the colonies. Other triumphant stories from former students were received by the Ragged School Union about the jobs they had landed and how substantial the help from the

¹⁵ Anonymous, “FIELD-LANE RAGGED SCHOOL. A meeting of the..,” *Times*, (London), March 29, 1860, The Times Digital Archives.

¹⁶ Anonymous, “Field-Lane Ragged Schools and Refuges-,” *Times* (London), Oct. 4, 1866, The Times Digital Archives.

¹⁷ Anonymous, “FIELD-LANE RAGGED SCHOOL. Last evening the..,” *Times* (London), May 2, 1850, The Times Digital Archives.

ragged schools was at improving their lives.¹⁸

Former students were not the only ones impressed by the work done by the ragged schools. Charles Dickens had visited what was presumed to be the Field-Lane Ragged School in 1843. After his visit, he wrote a letter to one of his friends named Angela Burdett-Coutts, who was at the time the richest heiresses in England. Dickens is pleased with the work that the school was doing, but was concerned with the school's physical condition and its lack of funding, which was why he wrote to Ms. Burdett-Coutts. In his letter, Dickens explains to Ms. Burdett-Coutts the poor condition the school is in and the struggles the teachers and students face as well as their dedication to prayer and the knowledge of God in hopes that he could persuade her to donate money from the school. Even Dickens supported the ragged schools, not only financially but in his writings as well. His visit to a ragged school was a direct influence in his book *A Christmas Carol*, where poverty and education was part of the books central theme.¹⁹

The cause of the end of ragged schools started in 1870, after the passing of the 1870 Education Act proposed by Mr. W.E. Forster. The 1870 Education Act purpose was to put elementary schools in all areas that had children to teach, whether rich or poor. These schools would provide compulsory elementary education to all classes, and it aimed to compel all children and their parents to make sure they frequented one of the elementary schools near them while between the ages of 5-13. Ragged schools still existed into the twentieth century, but after the 1870 Education Act, many started to disappear as new government schools were built.²⁰

Even though ragged schools disappeared long ago, they have not been forgotten. One school still stands today honoring the ragged school legacy. The Barnardo's Copperfield Road Free School, founded by Thomas Barnardo in 1867 still exists, where he offered a free basic education to tens of thousands of children during the course of thirty-one years. Barnardo had originally moved from his home in Dublin to London to train as a doctor in preparation for missionary work in China. Once in London, however, Barnardo saw a city where poverty and overcrowding were problematic, disease was found everywhere, and the educational opportunities to the poor were absent. The school closed in 1908, at which time enough government schools had opened in the area and the need for Barnardo's ragged school diminished. The building that Barnardo's school was located was then used for numerous industrial purposed throughout the twentieth century until it was open as turned into

¹⁸ Ibid.

¹⁹ "Letter from Charles Dickens on ragged schools, from the Daily News," *British Library*, accessed February 2017, <http://www.bl.uk/collection-items/letter-from-charles-dickens-on-ragged-schools-from-the-daily-news>; Ian Dooley, "Charles Dicken Describes a Ragged School to Angela Burdett-Coutts," *Cotsen Children's Library*, published on June 3, 2016, <https://blogs.princeton.edu/cotsen/2016/06/the-ragged-school-a-letter-from-charles-dickens-to-angela-burdett-coutts/>.

²⁰ Montague, *Sixty Years in Waifdom*, 306-7.

The Ragged School Museum in 1990. ²¹

Before the introduction of ragged schools many children lived impoverished lives, relying on begging, lying, and stealing to earn money and food. Education was not easy for them to obtain. The parents of these children either could not or did care to pay for their education and the schools that were around were not keen on trying to teach to the ragged and filthy class of children. Thankfully, certain members of society started to realize the future consequences facing these children and their society if someone did not step in and help these children. John Pounds was the first to establish a ragged school in his workshop. Thanks to Pounds, many impoverished children in his area were able to learn skills in industries so that they could work and better support themselves. Afterwards, many Christian missionaries in London started opening ragged schools just for Sunday school education so that they could instill good Christian morals in hopes it would make these children less likely to grow up to be criminals. However, even though many believed that teaching these children about the Bible was important in refining their lives, more was needed so that they could one day support themselves.

Therefore, starting in the 1840s, many schools included teaching them the basics: reading, writing, mathematics, industrial skills, and more. These schools were placed in the poor areas where others schools were not located in the city and offered children an education free of charge. Many who opened these schools were people volunteering their time and money to offer these children the best education they could offer. As time went along, more and more schools were opened and expanded their charities no only to helping children, but even offering help to adults in a variety of ways. The Field-Lane Ragged School offered many with a basic education and skills in industry. The establishment also offered food, shelter, clothes, and job opportunities to many in the area. The Field-Lane Ragged School even found ways to motivate their students to keep attending school with good behavior by offering prizes and opened a Youths Institute so that these children stayed on the right track once they were done with school. The ragged schools helped elevate many individuals from their destitute lives and gave them a better chance at surviving in the new industrial world which not only helped the impoverished but the community as a whole. By providing a free education to destitute children and teaching them how to better support themselves, it would make it less likely for them to need to commit crime to survive and would create a more skilled and disciplined workforce for the newly industrialized world.

²¹ “School and Museum, “*The Ragged School Museum*, accessed April 26, 2016, <http://www.raggedschoolmuseum.org.uk/school-museum/>

Defending the Defender:

Gerald Winrod and the Great Sedition Trial

Seth Bate

The Rev. Dr. Gerald B. Winrod, an evangelist based in Wichita, Kansas, viewed himself and his followers as defenders. He came to call his media and ministry organization the Defenders of the Faith and its flagship magazine, *The Defender*. From Winrod's view, the Defenders provided a moral bulwark against Darwinists, saloon keepers, women who wore revealing clothes, Catholics—sometimes, Jews, and especially Communists. At times, Winrod used very thin evidence to apply these labels to those he viewed as threats to American morality. For example, Winrod widely promoted his assertion that President Franklin Delano Roosevelt was both a Jew and a Communist.¹

As Richard Polenberg explained in *War and Society*, the Roosevelt White House was sensitive to the civil rights abuses that occurred during World War I and endeavored not to repeat them during World War II. Even so, wartime pressures and poor judgment led to such spectacular abridgments of rights as the forced internment of Japanese residents, Japanese Americans, and Aleutian natives during the war.² Though not on the same level, the Roosevelt administration's Department of Justice also erred in initiating the farce that became known as the Great Sedition Trial, in which thirty radicals of various degrees of influence, notoriety, and sanity were tried collectively. Acknowledging that the trial was an infringement on their rights does not mean that the defendants were a sympathetic lot. In particular, Winrod was an outspoken anti-Semite given to promoting the long-discredited *Protocols of the Elders of Zion* in blaming Jews for many of the world's ills. The affair ended in a mistrial when the judge died unexpectedly—perhaps sparing the Department of Justice further embarrassment.

Contemporaneous commentators and today's historians, right- and left-leaning, agree that the Great Sedition Trial was a poor idea that devolved into a courtroom circus. Such a neat conclusion, however, bears reexamination. Perhaps there were defensible strategic or political purposes for conducting the trial and including Winrod in it. There may have been members of the Roosevelt

1. Barbara Jean Beale, "Gerald B. Winrod: Defender of Christianity and Democracy in the United States" (master's thesis, Wichita State University, 1989), 2, 18; Leo P. Ribuffo, *The Old Christian Right: The Protestant Far Right From the Great Depression to the Cold War* (Philadelphia: Temple University, 1983), 116. Ribuffo notes that with the rise of Father Charles Coughlin in the 1930s, Winrod scaled back his anti-Catholic rhetoric.

2. Richard Polenberg, *War and Society: The United States, 1941-1945* (Philadelphia: J.B. Lippincott, 1972), 38, 72, 100, 240.

administration driven to act by their own moral outrage against anti-Semites. Possibly Roosevelt himself wished retribution against some of his harsh critics. It is plausible that any number of individuals or companies might derive satisfaction in seeing isolationists squirm in a courtroom; Winrod certainly earned the scorn of many over the years.

Ultimately, however, the historical evidence still leads to the conclusion that there was no justification for the Great Sedition Trial and that Winrod, however deplorable his views, neither attempted nor accomplished the anti-American activities of which he was accused. The trial could never have succeeded because the defendants were not especially influential, because their claims were indistinguishable from other prominent isolationists and critics, and because the prosecutor set himself an impossible task in trying to argue for conviction under the vague Smith Act. Formally known as the Alien Registration Act of 1940, the Smith Act made it a crime to advocate for the overthrow of the government, which meant the prosecutor needed to both prove seditious statements were made and that they rose to the threshold of pushing for the overthrow of government. Despite an extensive investigation into his activities and writings, there was no evidence of sedition in the FBI files on Winrod, and his anti-Semitism reflected common views of his followers, not to mention other Kansans. In some ways, putting Winrod on trial bolstered his perpetual claims of persecution, fueling another decade of his hate-filled radical right-wing preaching and influencing a movement that continues to the present.

Winrod, born in 1900, and his Defenders began as a Kansas manifestation of the fundamentalist Christian movement of the 1920s and 1930s.³ Winrod's call to ministry was uniquely Kansan. According to family legend, Winrod's barkeep father was on duty at Wichita's Old Four Ten saloon when Carry Nation smashed the place up on one of her temperance raids in Wichita. That event started a change of heart for the family, which was completed a few years later when Winrod's dying mother experienced a miraculous healing. His overcome father entered the ministry. Winrod delivered his first sermon in his teens, and he joined the Chautauqua circuit at age twenty-one. He only briefly had his own church, instead traveling for months at a time speaking as a guest in other pulpits or broadcasting in a vehicle outfitted with speakers. For the most part, Winrod built his career on appearances in small towns and through radio addresses. He maintained a lifelong connection to Midwestern agricultural communities even when traveling nationally and internationally. He took one step into the political arena himself and attempted to parlay the credibility he had gained through his ministry and manner into the Republican nomination for United States Senate in 1938. He did not win. Throughout his career, Winrod provided a

3. The most helpful general summary of Winrod's life and career is Leo P. Ribuffo, "Gerald B. Winrod: Prophet in Politics," in *The Old Christian Right: The Protestant Far Right From the Great Depression to the Cold War* (Philadelphia: Temple University, 1983), 80-127.

steady public commentary on current affairs, certain he was seeing world events that had been predicted in the New Testament.⁴

Winrod was one of thirty people named as defendants in *United States vs. Joseph E. McWilliams, et al.*, what became known in the press as the Great Sedition Trial. The defendants, their organizations, and their publications were mostly of the far-right perspective, opposing United States entry into World War II, blaming Jews and Communists for world crises, and promoting an “America First” message. Previous indictments of multiple defendants, both called *United States vs. Winrod*, had been returned on July 21, 1942, and January 4, 1943. Neither resulted in a trial. (Winrod viewed the fact that his name was not part of the final case title as a sign that the Department of Justice feared his ability to muster his Defenders.) O. John Rogge took over as federal prosecutor in the matter, seeking a third indictment, which was returned on January 4, 1944. Rogge charged Winrod and the others under the Alien Registration Act of 1940. The relevant terms of the Smith Act prohibited “advocacy of insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States” and “advocacy of the overthrow or destruction of any government in the United States by force or violence.”

The Great Sedition Trial began April 17, 1944, in Washington, D.C. Preliminary matters and jury selection took more than a month.⁵ A *New York Times* article about the selection process showed that the defendants were not going to follow protocol. One, James Smythe, pointed at the judge and shouted. Another, Lois de Lafayette Washburn, “arose and bowed and then bowed some more.”⁶ A few days later, Smythe again interrupted, “shouting for his attorney on a matter ‘so vital it will rock the nation.’”⁷ In a related hearing, two attorneys tried to subpoena Henry Ford. On May 31, the *Times* described “a day-long barrage of arguments and objections

4. Seymour Martin Lipset and Earl Raub, *The Politics of Unreason: Right-Wing Extremism in America, 1790-1977*, 2nd ed. (Chicago: University of Chicago, 1978), 162; Leo P. Ribuffo, “Gerald B. Winrod: From Fundamentalist Preacher to ‘Jayhawk Hitler,’” in *John Brown to Bob Dole: Movers and Shakers in Kansas History*, edited by Virgil W. Dean (Lawrence, Kan.: University of Kansas, 2006), 230, 239.

5. Beale, 89-90; Maximillian St.-George and Lawrence Dennis, *A Trial on Trial: The Great Sedition Trial of 1944*, (National Civil Rights Committee, 1946), 84, 106, 501-503; Lutheran Research Society, *The Sedition Case* (Lowell, Arizona: Lutheran Research Society, 1953), 15; “An Idea is Illegal: Smith Act Passed,” *Today in Civil Liberties History*, accessed March 18, 2017, todayinclh.com/?event=an-idea-is-illegal-smith-act-passed; “Mistrial in Right-Wing Sedition Trial,” *Today in Civil Liberties History*, accessed March 18, 2017, todayinclh.com/?event=mistrial-in-great-sedition-trial.

6. Nancy MacLennan, “Selecting a Jury in Sedition Trial,” *New York Times*, April 21, 1944, ProQuest Historical Newspapers, accessed March 21, 2018.

7. Judge Again Bars Sedition Case Stay,” *New York Times*, April 26, 2944, ProQuest Historical Newspapers, accessed March 21, 2018.

from attorneys.”⁸ Another newspaper columnist quipped after the first six weeks that the trial would last “a minimum of eight years, give or take a fortnight. I base this on a number of factors, one of which is that it took twenty-seven and a half minutes, by actual clocking, for one of the defense lawyers to interpose a single question.” On June 26, “apparently seeking to speed up procedure in the dragging trial,” the judge quieted several defense attorneys for being repetitious or speaking out of turn. A day later, the judge fined an attorney \$200 for engaging in cross-examination in a way that deliberately slowed progress. “It was the second fine for Mr. [Henry] Klein for contempt of court and the sixth imposed on defense counsel or their clients since the trial began eleven weeks ago.”⁹

The trial went on for more than seven months before Judge Edward C. Eichner died. A mistrial was declared, and the trial ended November 30, 1944; charges were formally dismissed a week later. Some post-trial posturing continued, including Rogge’s request for additional time to research connections between the defendants’ activities and German operations. As Winrod put it, “the chief prosecutor is now in Germany, trying, so he says, to find something on which to base a case.”¹⁰ No further indictments were returned. On June 30, 1947, E. Hilton Jackson, one of Winrod’s attorneys, sent him notice that the Court of Appeals had upheld the case dismissal: “The opinion of the court, together with the stupid dissent of Justice Edgerton, is enclosed.”¹¹

Given the effort expended by the Department of Justice on the Great Sedition Trial, it is worth considering whether there was a strategic argument for conducting the trial. Roosevelt himself was predisposed to take the idea of secret plots with military objectives seriously, in part because of his service during World War I as assistant secretary of the Navy. He remembered well the sabotage of an ammunition depot in New York Harbor in 1916, when “thousands of heavy plate-glass windows fell out of skyscrapers and office buildings in Manhattan and Brooklyn.” The next year a shell assembly plant in New Jersey suffered an explosion. An investigation showed the German secret service planned these assaults; it is reasonable that Roosevelt would have expected similar efforts in the 1940s.¹²

In fact, Germany was sponsoring efforts at sabotage and spying. The Federal

8. Nancy MacLennan, “Sedition Lawyers Charge Trial ‘Plot,’” *New York Times*, May 5, 1944, “Government Defends Sedition Trial Venue,” *New York Times*, June 26, 1944, and Frederick Barkley, “Hitlerite Letters Stir Fight at Trial,” *New York Times*, May 31, 1944, ProQuest Historical Newspapers, accessed March 21, 2018.

9. George Dixon, Washington Scene, *Times-Herald*, June 4, 1944, in Gerald B. Winrod Papers, Wichita State University Special Collections.

10. Letter, May 6, 1946, in Gerald B. Winrod Papers, Wichita State University Special Collections.

11. Jackson to Winrod, June 30, 1947, John W. Jackson Papers, Wichita State University Special Collections.

12. Michael Dobbs, *Saboteurs: The Nazi Raid on America* (New York: Knopf, 2004), 88-89.

Bureau of Investigation intervened against Nazi espionage rings in 1938 and 1941. A German who lived in the United States for eleven years and claimed to be an early proponent of Adolf Hitler tried to sail back home on a small yacht in 1939; he was picked up by the United States Coast Guard. In 1940, he made a more conventional trip home to Germany and became a leader in a Nazi-sponsored sabotage effort. Hitler was demanding that his chief of military intelligence, Admiral Wilhelm Canaris, do something to slow the American industrial advantage. At the same time, Lt. Walter Kappe of the German Abwehr was hatching a plan to engage members of the German-American Bund, a Nazi Party offshoot in the United States. The Abwehr was an intelligence-gathering agency that collected field reports from agents and other sources. Kappe had previously served as the Bund's propaganda chief, and he believed that Bundists could assist clandestine Nazi efforts. As a result, the Nazis recruited and trained two teams of saboteurs who had previously lived in the United States and sent them by submarine in 1942.

Viewed from the perspective of a country that had recently been attacked on its own soil, the sabotage effort was sinister and unsettling. The German teams had explosives, fuses, detonators, and timers, including delay timers disguised as fountain pens. The teams also had names of sympathetic Americans whom they expected to support their work when greeted with the code word "Pastorius." When the erstwhile saboteurs were arrested, Roosevelt was specifically alerted to the case. He saw it as an opportunity to make an example of some subversives—and embarrass the Nazis. "Surely they are just as guilty as it is possible to be and it seems to be the death penalty is almost obligatory," he wrote to the attorney general. On another occasion Roosevelt asked his assistant, "Should they be shot or hanged?"¹³

With the onset of war came a broad acceptance of secrecy and a generalized concern for unpatriotic or subversive behavior. The government kept the details of the Pastorius tribunal under close wraps, feeding reporters unimportant details about the defendants. Opinion polls showed that most Americans found this appropriate. The FBI routinely received letters from concerned citizens, as the files on Winrod demonstrate. Overseas military personnel routinely had their personal correspondence censored. Annoyed that he could not disclose his location in Northern Ireland, despite its lack of strategic importance, one soldier wrote to his wife: "We must not write with lines apart / Of where we are, from where depart / The track along which we have been / The town or port which we are in."¹⁴

In this atmosphere, the Department of Justice may have sincerely perceived a security threat from Winrod and his co-defendants. Director J. Edgar Hoover alerted the chief of the Special Defense Unit in 1941 that Winrod should "be

13. Ibid., 143, 204-205, 223.

14. Ibid., 217-218; Russell A. Gugeler, *Major General Orlando Ward: Life of a Leader* (Oakland, Oregon: Red Anvil Press, 2009), 175.

considered for custodial detention in the event of a national emergency.”¹⁵ Rogge claimed that George Deatherage of the American Nationalist Confederation wanted all the American Nazi groups to band together as early as 1937. Based on FBI investigations and reviews of documents, Rogge said Winrod’s “closest connections” included defendants Deatherage, Robert Edward Edmondson, James True, Elizabeth Dilling, and Eugene Nelson Sanctuary. Not on Rogge’s list was Elmer J. Garner, another Wichitan, who died in the third week of the trial. Certainly some of the defendants corresponded, and a few of them met in person. Their most common way of interacting was quoting or reprinting articles from one another in assorted newsletters and publications published by their various organizations. For example, Winrod published articles by True, Sanctuary, and Dilling. Winrod and Garner crossed paths from time to time, as when Garner’s publication *Publicity* endorsed Winrod’s bid for Senate in 1938, and when a *Publicity* columnist in 1940 praised Winrod as a great American.¹⁶ Trial testimony claimed that the German-American Bund’s national headquarters received and distributed articles by at least nine of the defendants, including Winrod.¹⁷ Regular connections among thirty outspoken critics of the government could have looked like military conspiracy to the Department of Justice.

In addition to possible conspiracy, it is conceivable that the Roosevelt administration saw a security and public relations threat in the potential the defendants had for spreading Nazi propaganda. The indictment claimed that in order to destroy democracy throughout the world, “the said Nazi party and its leaders carried on a systematic campaign of propaganda.” The propaganda was real; what was in question was whether the defendants were deliberately creating or distributing it. From the publication of *Mein Kampf* forward, Hitler was clear about his purposes and methods for propaganda. “Every possible organization, agency, individual, and device was to be used for propaganda purposes” in order “to enable the Nazis to conquer the earth.” Postwar investigation showed that there was a Nazi International effort modeled on the Communist International organization. The Soviet Comintern, as it was known, engaged in generating propaganda directed to specific groups of people identifying how Communism was an answer to their troubles. It also created and supported front organizations throughout the 1920s and 1930s. “The Comintern built an astonishing media empire to promote the cause of Communism around the globe.

15. Hoover to Smith, March 27, 1941, in Kenneth Bradley Collection, Wichita State University Special Collections.

16. St.-George and Dennis, *A Trial on Trial*, 201-208; O. John Rogge, *The Official German Report: Nazi Penetration, 1924-1942, Pan-Arabism, 1939-Today* (New York: Thomas Yoseloff, 1961), 215; Virgil W. Dean, “Another Wichita Seditonist?: Elmer J. Garner and the Radical Right’s Opposition to World War II,” *Kansas History* 17, (Spring 1994): 58-60.

17. “Says Bund’s Words Were Defendants’,” *New York Times*, July 19, 1944, ProQuest Historical Newspapers, accessed March 21, 2018.

... [It] ran dozens, possibly hundreds, of newspapers, publishing houses, film production companies, and charities. Officially, most of these organizations claimed to be involved in ‘workers’ aid,’ but in reality they were all sponsored by the Comintern.” It was a global effort, and it included the United States among its targets.¹⁸

The Foreign Affairs Office of the Nazi Party, the Propaganda Ministry, and the German Foreign Office all contributed to this Comintern-inspired effort. In 1932, the Foreign Section of the Nazi party sent one of its own, Heinz Spanknoebl, to Detroit as head of an American branch. Propaganda Minister Paul Joseph Goebbels called him home the next year, not because he wished to stop influencing Americans, but because Spanknoebl had exceeded his authority. Employing another approach, Goebbels authorized \$50,000 to support *Deutsche Zeitung* (German News) to be published in the United States. Another Nazi propaganda strategy was mailing literature to Americans; defendant George Sylvester Viereck provided names and addresses for the effort.¹⁹ Winrod received *World Service*, a regular periodical that was part of the Nazi propaganda effort; in 1937, he praised it as “a reliable source of European information,” and from 1936 to 1940 *World Service* referenced Winrod or his publications at least six times. In 1939, the Wichita postmaster told an FBI agent Winrod had received an item “in the nature of German propaganda and [it] contains Hitler’s photograph.”²⁰ The indictment against the Great Sedition Trial defendants listed more than forty publications they had allegedly published or distributed, from *Mein Kampf* and the dangerous-sounding “American Vigilante” Bulletins to Winrod’s *The Defender* and the amusingly named information card “West Africa is Not Iceland—It’s Anything But a Nice Land!”²¹

Perhaps there were figures in the Roosevelt administration who suspected and feared a Nazi uprising from Winrod or the other men and women named in *United States vs. McWilliams*. In an evidence hearing on June 19, 1944, Rogge made a startling claim:

One of the three defendants repeatedly stated that, when the showdown came, a large segment of the Army would revolt. The evidence will show that they had two plans: one was that after the Communists took over

18. Graham, Lindsay, “The Cold War—An Ideological War,” January 3, 2018, in *American History Tellers*, produced by Hernan Lopez, podcast, MP3 audio, 41:35, <https://art19.com/shows/american-history-tellers/episodes/acb87cac-119c-4827-a98b-c9cd90dd84b0>.

19. St.-George and Dennis, 114-119; Rogge, 16-17, 62-63, 99-101; Dobbs, 56; Investigation summary, undated, in Kenneth Bradley Collection, Wichita State University Special Collections.

20. Dwight Brantley memos, December 22, 1939, and June 15, 1940, in Kenneth Bradley Collection, Wichita State University Special Collections.

21. St.-George and Dennis, 114-119.

the Government the defendants would put out the Communists and seize the government, while the other plan was to seize the Government before the Communists got in. The evidence will show . . . that one of the defendants discussed ‘the coming revolution’ with a colonel in our armed forces, telling the colonel that the revolution would start in New York.²²

According to the indictment, some or all of the defendants disseminated messages that claimed the United States should adopt a national socialist or fascist government and that actions and laws of public officials and Congress are traitorous and unconstitutional. In his opening statement, Rogge said the defendants were trying to “weaken our entire social structure” in hopes it would collapse, creating the opportunity to build a new government based on Hitler’s philosophy. Rogge also asserted that the defendants were readying “an underground army of Storm Troopers . . . who could take over the Government by a march on Washington,” and he suggested that Hitler had hand-picked these thirty men and women to found a new American government after a German victory.²³

Based on speeches Winrod delivered starting in 1935, the FBI recognized him as anti-Semitic and pro-German: “Winrod defends Hitler and his Nazi government in the governing of the German race.”²⁴ Nazi sympathizers were, in turn, pro-Winrod. The American Nationalist Convention endorsed his Senate campaign in its *News Bulletin*. Trial testimony against Winrod suggested that he had a larger plan that might have been interpreted as sedition. A statement at the trial from an optical technician in Los Angeles said that one of the defendants, Hans Diebel, had indicated that the Bund was “looking for ‘a strong man to take over the government. . . . I remember him naming Gerald Winrod as a possible choice.’”²⁵

A former employee reported Winrod’s intention to use his senatorial campaign as a springboard to the presidency. Another former employee was set to take the stand when the judge died; it is not clear what he planned to say, but Winrod expected him to try showing that he and other defendants “were not Christians at all—but rank hypocrites, Nazi agents.” The most troubling claims against Winrod

22. “Army Plot Hinted in Sedition Trial,” *New York Times*, June 19, 1944, ProQuest Historical Newspapers, accessed March 21, 2018.

23. St.-George and Dennis, 119-121, 249; *The Sedition Case*, 43. Dwight Brantley memo, June 1, 1940, in Kenneth Bradley Collection, Wichita State University Special Collections; “Winrod Has Them Worried in Kansas,” *The News Bulletin* 1 no 27, (July 23, 1938), in Jackson Papers, Wichita State University Special Collections; Winrod to Grube, July 13, 1945, Jackson Papers; P. E. Foxworth memo, June 21, 1940, and Ladd to Welch, June 4, 1942, in Bradley Collection; Beale, 85-87.

24. Dwight Brantley memo, August 12, 1242, in Kenneth Bradley Collection, Wichita State University Special Collections.

25. “Government Defends Sedition Trial Venue,” *New York Times*, June 26, 1944.

came from his wife, Frances, as she sought police help when leaving him, leading to their divorce. A statement from Frances Winrod in the FBI files was completely redacted, but a series of newspaper articles detailed some of her concerns. She did not wish to live in a household in which children were taught the superiority of Hitler and the inferiority of France and England. “A favorite joke was to tell them that England was like ‘cream.’ And then he would add ‘whipped cream.’” Her husband kept a loaded gun nearby at night and told her he had a hideout in Wyoming where she would be protected as the government was toppled. She said he would be a political leader after an expected revolution, which he believed was imminent, and she could be the First Lady. Finally, she said Winrod and his parents were unduly influenced by an unnamed cult leader. In public Winrod often made inflammatory statements, but he was described as dignified and chose his words carefully. It is hard to know how much the media sensationalized Frances Winrod’s claims, but they suggest that Winrod was less careful with his words at home and possibly viewed himself as a ruler appointed by God. The government could have viewed this as a threat.

In addition to any security reasons that may have been at play in the decision to proceed with the Great Sedition Trial, it is also relevant to consider possible political motives. For one, the Roosevelt administration may have seen the trial as an expedient way to quiet isolationists. The political power of isolationists had been demonstrated by the inability of either political party to secure Congressional approval for membership in the World Court beginning in 1924. In 1935, Roosevelt requested the Senate finally allow the United States to join. Just as the vote counting seemed to be in the administration’s favor, a campaign led by Fr. Charles Coughlin, an anti-Semitic priest heard on radios across the nation, and William Randolph Hearst, publisher of the county’s largest newspaper chain, swayed enough votes to change the outcome. The most famous isolationist in the years before World War II was aviation hero Charles Lindbergh, seen by the German Foreign Ministry as a close contact. Ironically, the Nazis attempted to keep their high regard for Lindbergh close to the vest; he did such a good job of representing their positions that they dared not hinder him by creating too public an association with him. By September 1941, Lindbergh was intimating that Roosevelt was colluding with the British and the Jews as he pushed the country closer to the war. It might have been too politically risky to go after a figure as popular as Lindbergh, but a less-connected group of outspoken isolationists could be stopped; the Roosevelt administration may even have viewed the trial as a warning to Lindbergh and some of the other influential isolationists.²⁶

Winrod was a good option for setting an example, if that was the intention. He was sometimes on the national stage, and he had a loyal following, but he was controversial enough and far enough on the fringe to elicit little mainstream sympathy.

26. Arnold A. Offner, *American Appeasement: United States Foreign Policy and Germany, 1933-1938* (Cambridge, Massachusetts: Belknap, 1969), 108-110; Rogge, 276-281.

To some degree, Winrod's stance against entering the war reflected a view that war itself was horrific and sinful; borrowing a page from the Mennonites (with whom he had a strong bond), he "emphasized that this destructiveness was rooted in human depravity." He also made the case that supporting Hitler was the same as opposing Communism. As P.H. Richert, a board member of Mennonite-affiliate Bethel College put it, "What Winrod emphasizes is that Hitler saved Germany from bolshevism, and he gives him credit for it, as we no doubt all do." More often, though, Winrod questioned whether "bloodshed was warranted because New Dealers wished to save German Jewry from Nazism," as Leo Ribuffo explains. Winrod's isolationist writing and speaking was extensive, including seven radio broadcasts in April 1939 from a Mexican-based radio station that Winrod often employed. The text of one such speech, "Keep America Out of War," was entered into the *Congressional Record* by Senator Robert Reynolds on June 30, 1939. Winrod's more direct action included printing and distributing thousands of copies of anti-war materials such as "Christians and Patriots Keep America Out of War" decals, petitions to Washington, and copies of a speech by ultra-isolationist Congressman Jacob Thorkelson. The last item Winrod was able to send using Thorkelson's franking privilege, which meant that modest fundraising resulted in mass distribution.²⁷

Beyond his opposition to United States entry into the war, it is conceivable that the Roosevelt administration and/or the Department of Justice viewed Winrod's activism as an opening for Nazi politics that needed to be closed with legal action. There was widespread belief, sometimes based on compelling testimony, that Winrod was a Nazi sympathizer or even an active Nazi agent. Much of the belief was based around a trip Winrod made to Europe, including Germany, in 1934 and 1935.²⁸ The Germany trip became the focus of so much media and courtroom attention that minute details of it were debated. One detail was the charge that Germany had secretly funded the trip and/or paid him during the trip to engage in Nazi propaganda back home. "While he was in Germany, he was in touch with *World Service* and its head, Ulrich Fleischhauer. He and Fleischhauer tried to help out five defendants in a case in Berne, Switzerland, who were being prosecuted for disseminating copies of the forged Protocols." Winrod's contact with a rare book dealer and suspected German agent named Dr. Otto Volbear could have been an opportunity to exchange money and orders. Winrod's accusers emphasized his precarious financial position at the time of the trip as represented by his delay in making installment payments on items in

27. Ribuffo, *The Old Christian Right*, 126; James C. Juhnke, "Gerald B. Winrod and the Kansas Mennonites," *Mennonite Quarterly Review* 43 no. 4 (October 1969): 293-297; Seth Bate, "Acts of Courage," *The Journal* 5 no 4 (Winter 2014): 42; *The Defender* (September 1939) and Investigation summary, March 14, 1941, in Kenneth Bradley Collection.

28. Some sources say the trip was in 1933. This appears to be an error that has been repeated. Both Winrod and the FBI say it took place from December 1934 through January 1935.

Wichita stores; the items were paid off in full when he returned. Following his trip, Winrod gave long accounts of Fleischhauer's arguments against "International Jewry." An anti-Winrod pamphleteer pointedly asked "Does Dr. Winrod have privileged and unique access to facts about Germany so that he can correct the alleged libels against Hitler which the great press agencies of the world have been sending out as to religious conditions within Germany?"

A statement collected by the FBI claimed that Winrod regularly traveled to Germany and was "in the employ of the German Government or at least his organization is subsidized with German Government Funds." In an article published in April 1935, Winrod compared the Hitler of 1920, "then a struggling young Austrian," to Martin Luther.²⁹ Later that year, Winrod quoted Goebbels and anti-Semitic propagandist Julius Streicher, making the case that Germany was the only nation opposing "Jewish Masonic Occultism, Jewish Communism, and the international Jewish Money Power." In 1939, Winrod hosted German Methodist Bishop F. H. Otto Melle, known for his conciliatory stance toward National Socialism; Winrod went on to publish three of Melle's translated sermons. Some claimed that Winrod was operating his own organization based on Nazi philosophy. Rogge said followers called Winrod the "American Streicher," apparently referring to a German newspaper that used the term. The FBI interviewed someone who confirmed Winrod's statements on "the superiority of the Teutonic races" and apparently came forward "in the light of information she had received that he might be a Nazi agent." An FBI review of Winrod's publications concluded that despite Winrod's professed opposition to Nazism, he believed "that all the ills of the country may be attributed to what is termed 'International Jewry.' . . . The above philosophy of Winrod, which is analogous to the philosophy of Hitler in *Mein Kampf*, clearly accounts for Winrod being dubbed 'the Jayhawk Hitler.'"³⁰

It is possible that Winrod and the other Great Sedition Trial defendants were seen as a security threat or that it was politically expedient to bring the case against them. It is also possible that those behind the trial were motivated by their own morality; anti-Semitism is vile at any time, much less so at such a sensitive time. Of course, Winrod claimed throughout his career that he was not the Jews' enemy, and he had the chutzpah to claim empathy for them. Yet whether he learned it from Germans or created it himself, Winrod's brand of anti-Semitism underscored typical

29. Fellow defendant Edward James Smythe went farther than Winrod, calling Hitler "the second Jesus Christ of the modern world." See Rogge, 216-217.

30. Lutheran Research Society, *The Sedition Case*, 116; Rembert Gilman Smith, "Winrod of Wichita: A Number One Enemy of the Jews, Arch Apologist for Hitler" in Bradley Collection; Rogge, 190, 213-215; Beale, 80; Investigation summary, March 14, 1941, and investigation summary, undated, in Bradley Collection; Ribuffo, *The Old Christian Right*, 118; FBI internal security report, March 15, 1941, and Brantley report, May 13, 1941, in Bradley Collection.

Nazi claims. He said the Nazi approach against radical Jews protected other Jews, that Nazis were simply trying to save their country from Jewish radicalism, and that Jewish economic motivations were really to blame for the war. The FBI found these themes repeatedly in examining Winrod's activities: "Speeches of subject delivered following his return to the United States from Europe in 1935 obtained and transmitted to the Bureau and are of an anti-Semitic, pro-German nature." In some cases, Winrod's statements were merely obnoxious, such as his claim that Jewish control had been imposed over the Disabled American Veterans. Other Winrod claims were more in line with the Great Sedition Trial charges, as some may have viewed them as interfering with the loyalty and morale of the United States military. One claim was that the same Jewish conspiracy that had dragged the United States into the first world war was again pushing for intervention. This is similar to the perspective of one of the Pastorius saboteurs that America had been deceived into entering the war by a minority of Jews. It also mirrors the message Gerhard Ruehle, head of the Radio Political Department in the German Foreign Ministry was broadcasting: "The American entry into the war serves only Jewish interests. . . . The act of bringing the United States into armed conflict was the work of the Jewish surroundings of Roosevelt. . . . The war was only a Jewish war in which American soldiers had to bleed."³¹ Winrod went so far as to blame the instigation of the Nazi movement on "Jewish domination of Continental Europe, the British Isles, the Balkans, and Russia." In the same publication he stated,

There would be no war in Europe today but for the economic dictatorship built up by a few Jewish families, over a period of years. Now that the power of these hidden rulers has been challenged, they prefer to throw civilization into a pool of blood, rather than release their grip upon the arteries of international finance.³²

To many people, such a statement is highly offensive, and it may have been enough to spark retributive legal action against Winrod and others.

While moral considerations might have led to the initiation of the Great Sedition Trial, a less noble reason must also be evaluated. Perhaps Roosevelt himself had it in for Winrod after receiving years' worth of personal criticism. Arthur Schlesinger Jr., perhaps the president's most sympathetic biographer, described him variously as petty, selfish, puckish, and malicious, with a capacity "for calculation, sometimes even for cruelty, in human relations. . . . Nearly everybody was

31. Rogge, 67, 434; Ribuffo, *The Old Christian Right*, 117; "Items of Interest to Defenders," *The Defender*, September 1939, and Brantley memo, August 12, 1942, in Bradley Collection; Ribuffo, "Gerald B. Winrod," *John Brown to Bob Dole*, 237; Dobbs, 27.

32. *The Defender*, February, 1941, quoted in Brantley memo, May 13, 1941, in Bradley Collection.

expendable.”³³ Part of the indictment against the alleged seditionists referred to statements claiming

President Roosevelt is reprehensible, a warmonger, liar, unscrupulous, and a pawn of the Jews, Communists, and Plutocrats. . . . President Roosevelt is a Jew and is working with International Jewry against the interests of the people of the United States. . . . President Roosevelt and Congress, through a surreptitious and illegal war program against the Axis Powers sold out the United States and forced the Axis Power to wage war upon us.³⁴

Winrod made his fair share of such claims; Roosevelt and his Brain Trust were among the Wichita evangelist’s favorite targets. Winrod had an unusual ability to weave commentary on current events with his approach to Biblical prophecy. “Winrod combined standard conservative complaints about FDR with an argument that the New Deal represented the latest phase in a conspiracy at least as old as human history.”³⁵ Roosevelt’s campaign promise to end Prohibition would have been enough to turn Winrod against him. The membership of his Brain Trust inspired more ranting; Barnard Baruch to Winrod was “the most powerful Jew in the world,” and the legislation prepared by Roosevelt’s men was intended to undermine democracy and destroy the practice of Christianity. “Furthermore,” as Barbara Jean Beale writes, “the radical measures of the president and the Brain Trust were nothing more than an attempt to create a revolution to establish Communism in the United States, the evangelist proclaimed.”³⁶ Winrod also claimed that Roosevelt bought the 1936 election. As the Roosevelt-backed Lend-Lease program was in full effect, Winrod shared “startling facts, exclusively for the prayer circle” that he had “come into possession of unmistakable proof that a well organized, powerfully financed program is under way, TO MAKE THE UNITED STATES A PART OF THE BRITISH EMPIRE” complete with a new flag.³⁷ Even after the war and the indictments, Winrod wrote about the Roosevelt presidency as a “dictatorship” and claimed the administration’s “official policy . . . is to put an end to criticism of the Roosevelt Administration by whatever means may be necessary. Be ruthless as the enemy—get him on his income tax or the Mann Act. HANG HIM, SHOOT HIM, OR LOCK HIM UP IN A CONCENTRATION CAMP.”³⁸ The most widely reprinted Winrod

33. Arthur M. Schlesinger Jr., *The Crisis of the Old Order, 1919-1933* (Boston, Mariner Books, 1957), 405-410.

34. Rogge, 118-121.

35. Ribuffo, “Gerald B. Winrod,” *John Brown to Bob Dole*, 232-233.

36. Beale, 24, 29, 34-36, 60, 69, 95.

37. Prayer Circle letter, July 2, 1941, in Bradley Collection.

38. Prayer Circle letter, January 19, 1944, in Winrod Papers.

claim came from an article in 1934 and a subsequent genealogical chart published in 1936 tracing Roosevelt's ancestry to Dutch Jews. Winrod used this information to bolster his claim that Jewish economic interests were influencing "Rosenvelt," and it became an evergreen item in anti-Semitic and Nazi publications for the next decade. Of course, from Winrod's perspective, a Jew was by definition also a Communist. Winrod also had plenty to say about Eleanor Roosevelt, who smoked, gave advice about alcohol to young women, entertained the idea of mandatory conscription for young men and women, and spoke at "Negro gatherings."³⁹ Franklin Roosevelt even became a contentious topic during the sedition trial. A radio address in which the president referred to "Silver Shirts and others on the lunatic fringe" caused attorneys to ask for a mistrial on the grounds that the statement prejudiced the jury. Winrod's attorney, E. Hilton Jackson, spoke up on the matter with his usual loquacity: "There has never been a castigation of a defendant in a criminal case that can compare with this excoriation."⁴⁰

While none had the power of Roosevelt, any number of patriots, liberals, Jews, or media professionals could have wanted Winrod and the other defendants to be punished or silenced. They could have pulled strings in Washington or appealed to Roosevelt. As one analysis suggests, "The case was authorized by Attorney General Francis Biddle because of intense pressure from President Roosevelt, who was in turn responding to pressure from some liberals and leftists who demanded action against 'fascists' in America."⁴¹

In particular, Winrod was obsessed with Walter Winchell, a nationally syndicated columnist and radio personality (or as Winrod described him, "the collector and distributor of alley, back-door, and bed-chamber gossip"⁴²) and the Levand family, publishers of the *Wichita Beacon*. Winrod often referred to the trial as the "Winchell persecution trial," and in innumerable articles he recounted how Winchell was a catalyst for the trial, how Winchell specifically targeted Winrod, and how through the prayers of Winrod's supporters, Winchell's plans were thwarted. It must be said that Winchell made the trial a regular theme of his commentary, and according to a defendant and an attorney involved, after the mistrial Winchell began "appealing to his listeners to deluge Washington with demands for a new trial."⁴³ The feud between Winrod and the Levands began long before the sedition case and continued after it was over. While the *Beacon* coverage of Winrod more or less kept to the facts—though presented with an understandable bias against Winrod—his commentary on the Levands freely mixed fact and ravings. In one example that

39. Beale, 36, 46-48.

40. "Assails President at Sedition Trial," *New York Times*, October 9, 1944, ProQuest Historical Newspapers, accessed March 21, 2018.

41. "Mistrial in Right-Wing Sedition Trial," Today in Civil Liberties History.

42. *The Sedition Case*, 29.

43. St.-George and Dennis, 52.

captured the attention of the FBI, Winrod stated “The *Wichita Daily Beacon* is owned and edited by Jews” and took issue with a *Beacon* editorial stating that the capture of Hitler ought to be worth a very substantial monetary reward. Winrod called the opinion “a fair example of the Jewish attitude, which is responsible for creating nothing short of a war psychosis against Germany in some circles.”⁴⁴

Beyond these named Winrod opponents, possibly there was some truth to a common assertion among the defendants that secret, powerful Jews were behind the whole trial. One defendant said that even among leftists and Jews, the desire for the trial lived within an “intolerant minority of leadership.”⁴⁵ Winrod called these unnamed interests “hidden masters in the background who pulled the puppet strings.”⁴⁶ He also asserted that the indictment against him “is obviously the product of Jewish motivation” and “purely a matter of POLITICAL PERSECUTION.”⁴⁷ As the old joke goes, just because you are paranoid does not mean they are not out to get you; it is within the realm of possibility that Winrod was the victim of a conspiracy.

The Roosevelt administration, its Department of Justice, or its liberal allies may have viewed Winrod and the other alleged seditionists as a strategic or security threat, as a political movement that needed to be quelled, or as simply personally offensive enough to merit a legal response. Any or all of these reasons could explain why the original indictment was pursued. None of these reasons, however, merits the actual charges brought against the defendants or the line of argument pursued by Rogge. They may have been a collection of Roosevelt-hating, isolationist, anti-Semitic, Nazi sympathizing, right wingers, as Winrod certainly was. But they were not conspiring together, and their inflammatory messages were not interfering with or assaulting the loyalty of the military forces, much less causing insubordination or refusal of duty. The defendants were of no particular level of influence. Their isolationist and anti-Semitic views, if not mainstream, certainly were shared by many Americans, including key public figures. As other Americans did, many of the defendants moderated their isolationist stances after Pearl Harbor. The Smith Act itself was vague, and the prosecutor had an equally vague approach to the trial. The FBI evidence against Winrod was unconvincing, and Winrod had effective representation. The trial became a circus, which may have been the most appropriate result as it should have never happened in the first place.

Though all had achieved some level of notoriety, no one in the list of Great Sedition Trial defendants was a national figure of importance. “One of the most significant features of the Trial was the utter insignificance of the defendants in relation to the great importance which the government sought to give to the Trial by

44. *The Defender* (May 1940), in Brantley memo, May 13, 1941, Bradley Collection.

45. St.-George and Dennis, 52.

46. *The Sedition Case*, 47.

47. Prayer Circle letter, January 19, 1944, in Winrod Papers.

all sorts of publicity-seeking devices, one of which was the staging of the Trial in the nation's capital," where only one of the defendants lived.⁴⁸ An account of the trial sponsored by Winrod emphasized a few notable defendants, including himself, William Griffin of the *New York Enquirer* and "a cultured Christian lady," Elizabeth Dilling.⁴⁹ (That "cultured Christian lady" would be photographed at the trial giving the Nazi salute.) Other defendants, the account acknowledges, were at best known in their own regions. An FBI report concerning Winrod and possible espionage may be about him or any of the other defendants: "It is not believed that [redacted] exerts any great influence on the minds of any number of people." A similar report about Winrod concluded he did not "have any workable organization" beyond his two employees and that an interview subject did not believe anyone else working for Defenders of the Faith "has any particular importance . . . and she doubts that he has any backing except the political backing which he has developed."⁵⁰ The FBI never found anything about Winrod's supposed meetings in Germany beyond the reports of an informant apparently from the B'Nai B'rith Anti Defamation League. Winrod did not have enough sway to be worth the extraordinary efforts of the Department of Justice, and it does not seem that any other defendant did either.⁵¹

Furthermore, the stances Winrod and other defendants took in opposing the war, blaming the Jews, and castigating Roosevelt were unexceptional. Many other public figures, mavericks, and writers took similar positions. In today's language, there was not much difference between the the alt-right Winrod and more conventional hardline conservatives. "[O]pponents of President Roosevelt's pre-Pearl Harbor foreign policy and steps in foreign affairs, such as Colonel Lindbergh, Senator Taft, Senator Nye or Senator Wheeler, and Colonel McCormick, publisher of the *Chicago Tribune*, would be equally guilty" of violating the Smith Act. Rogge's book includes a photograph of Lindbergh and Wheeler at an America First Committee rally. McCormick's *Tribune* was typical of isolationist publications; it "had excoriated Roosevelt for attempting to involve the United States in yet another European conflict. But now that the nation was actually at war, its editorial policy had undergone a 180-degree turn." Political anti-Semitism, "the attempt to establish the corporate Jew as a generalized menace, the implication being that some official public remedy is called for," was seen in organizations such as the Ku Klux Klan and national figures including Henry Ford and Coughlin. For most people in this era, the height of the Klan influence in the 1920s was a recent memory. Thousands of Kansans had been members. Winrod and the other Great Sedition Trial defendants did not proclaim anything about the impending war, the president, or the Jews that others were not

48. St.-George and Dennis, 16.

49. *The Sedition Case*, 17.

50. Andersen memo, December 28, 1939, and Brantley memo, April 10, 1940, in Bradley Collection.

51. Ribuffo, "Gerald B. Winrod," *John Brown to Bob Dole*, 235.

also saying.⁵²

The Smith Act was vague. It required the prosecutor to show the defendants were part of a nationwide—perhaps international—conspiracy to influence the loyalty, morale, and discipline of United States military forces and/or advocated the overthrow of the government. Rogge himself questioned whether the Smith Act impeded freedom of speech; in light of his misgivings, he only sought to try defendants whom he believed “had some form of Nazi connections.” Even so, Rogge thought at the time that any conviction would be overturned by the Supreme Court, and later in his career wrote “even a conspiracy to cause a violation of the law, if the means to be employed consist of advocacy, should go unpunished.”⁵³

Rogge attempted to establish the existence of coordinated effort, then to tie individual defendants to it,

. . . showing that there was a world-wide Nazi movement which became a conspiracy after June 28, 1940, and these defendants became part of it is an essential element or really a vital part of showing specific intent . . . There will be further evidence to show that it was in integral part of the Nazi revolution to appeal to members of the armed forces to be disloyal to the existing democratic republican form of government; it was an integral part.⁵⁴

Defendants and their attorneys argued that they were a collection of “extreme individualists,” and that their purposes for criticizing the government were not the same. Rogge could not tie the supposed conspirators to one another, and he largely failed to tie them to the Nazis. In a small but telling example, Rogge argued that Winrod met Ulrich Fleischhauer in Germany and that Fleischhauer was paid for his service; all of this was farfetched but possible. But Rogge never claimed Winrod was paid. He may have had an ill-advised friendship before the war, but Winrod was not a Nazi agent.⁵⁵

Winrod had the benefit of good representation that aggressively represented him. His attorneys’ motion for a bill of particulars in a legal proceeding based on a vague allegation was appropriate and delivered with style, at one point asking “exactly what is meant and intended (to be charged) by this conglomerate, redundant, ambiguous, confusing and prolix verbiage” and elsewhere asking how any of Winrod’s printed matter “would be distributed to any member of the Military or Naval forces of the United States, by this defendant.”⁵⁶ Winrod praised his legal team, especially

52. St.-George and Dennis, 30; Photograph insert, Rogge; Dobbs, 158; Lipset and Raub, 492; Bate, 44.

53. Rogge, 174, 407, 447.

54. Trial transcript, July 13, 1944, in Jackson Papers.

55. St.-George and Dennis, 105; Rogge, 213.

56. Motion for a Bill of Particulars, case no 71,203, in Jackson Papers.

Robert Foulston of Wichita, whose “firm has done wonders for the Cause of Christ here locally, where persecutors tried to pull the Defender Movement up by the roots.” Winrod was also proud of his Washington attorneys, E. Hilton and John Jackson, especially when they successfully complained to the judge about Rogge talking outside the courtroom to a reporter, earning the prosecutor a reprimand from the bench.⁵⁷

Even if he had, like some other Great Sedition Trial defendants, tried the tactic of representing himself, there was very little case against Winrod. He engaged in many activities that were obnoxious, shocking, or, depending on one’s views, unpatriotic. But he did little if anything that could be construed as criminal or seditious, especially after Pearl Harbor. Winrod of course disputed the testimony from his former employee about Winrod’s future plans, but even if it were true, it did not link Winrod to any Nazi network or effort to influence the United States military. Myrtle Flowers, Winrod’s business manager and personal assistant, lashed out at the employee after all charges were dropped: “The world now knows what you have always known in your heart, namely that there was not one word of truth in the things you said. You are a professing Christian and as such surely your conscience is causing you anguish.” The other employee who did not take the stand said in later years that he would have “blown up” the case against Winrod: “It is true that pressure was put on me. But I was not going to yield.”⁵⁸ Nearly all the FBI files on Winrod include statements such as “The instant file is not being kept open,” “No further investigation will be taken by this office unless advised to the contrary by the Bureau,” or “[Winrod] has never made specific statements indicating he was pro-Nazi or un-American.”⁵⁹

The Great Sedition Trial failed to muzzle Winrod. If anything, it fueled his perpetual stories about the persecution he faced for defending the American people against immorality. He wrote his supporters in 1940, “I know something about this conspiracy, having suffered at its hands—my steps being constantly dogged for more than five years. When I am ready to tell the whole story, of what I have suffered, even the Prayer Circle will gasp.” One new angle Winrod used for gaining sympathy as a result of the trial was comparing himself to Dr. Martin Niemoeller, the German who was targeted by and opposed Nazis. As an advertorial said, “Dr. Niemoeller cried: ‘GOD IS MY FUHRER!’ Dr. Winrod’s favorite phrase is: ‘WE PREACH CHRIST!’” Another story Winrod picked up at the trial and exploited afterward was his claim that he had been carrying a pocket-sized Bible in a zippered case at the trial. “On the second day, an officer ordered me to put it away . . . and keep it out of sight.” Separated from his Bible, the evangelist focused on a small, gold cross he used as a

57. Prayer Circle letter, May 6, 1946, Excerpt from court record, September 26, 1944, “Judge Reprimands Rogge For Talking Out of Court,” *PM*, September 21, 1944, in Winrod Papers.

58. *The Sedition Case*, 120; Flowers to Roccaforte, November 30, 1945, and Gilbert to Phillips, in Jackson Papers.

59. FBI reports December 22, 1939, December 28, 1939, and March 15, 1941, Bradley Collection.

watch fob. “I found myself instinctively fingering with this Cross.” That story leads into a dramatic, much-repeated one about the death of Eicher. Depending on the account, Winrod either obliquely or explicitly says he prophesied the judge’s demise and hints that the power of prayer accomplished the deed. As he said in a radio address on March 19, 1945, “Christians all over the Nation were praying. The Judge was found dead in bed that night.”⁶⁰

Questions raised by the Great Sedition Trial are all too relevant. With the United States operating in a constant state of war, what constraints on speech are legal and appropriate? How mainstream are the kinds of racist, anti-Semitic, ultranationalist views that Winrod and some of his fellow defendants held? What are effective strategies for responding to, or even stopping, such sentiments in a world of online communication? And would such responses only cause hatemongers to further entrench, fed by their own stories of how misunderstood and persecuted they are?

One lesson from the Great Sedition Trial seems clear. It is fair and necessary to punish seditious acts—but not advocacy. Ideas should never be illegal in the United States, even if they are shared with others conspiratorially, even if they come from the deplorable alt-right. As the trial’s prosecutor stated in his own reflections on the case, “Legislatively, the proscription of such a conspiracy is both unwise and ineffective; and constitutionally, at least so far as the Congress is concerned, it violates the First Amendment.”⁶¹

Essay on Sources

A rich array of primary sources is available to a researcher with an interest in Gerald B. Winrod in the Wichita State University Library Special Collections and University Archives. The Gerald B. Winrod Papers include years’ worth of publications by Winrod’s organization and letters he sent to his supporters. The papers also feature some personal correspondence and some letters only sent to his Kansas mailing list, particularly items asserting that he was the victim of ongoing harassment by the publishers of the *Wichita Beacon*. Especially useful in this paper were large scrapbooks of news clippings and letters related to the Great Sedition Trial, some including handwritten notes from Winrod or instructions to his longtime assistant, M. E. Flowers.

Linked to the Winrod papers are the John W. Jackson Papers, which come from one of the attorneys who represented Winrod. The Jackson Papers include some items of evidence from the trial as well as trial transcript excerpts, copies of legal documents such as a motion for a bill of particulars, and a copy of the argument

60. Prayer Circle letters, December 30, 1940, and December 13, 1944, “America’s Niemoeller,” February 1944, Radio address, March 19, 1945, in Winrod Papers.

61. Rogge, 447.

Jackson made opposing a continuation of the trial after the judge's death. Posttrial correspondence demonstrates that Jackson had a cordial relationship with other defendants and their counsel. There is nothing to suggest whether or not Jackson shared Winrod's world view or politics, but his opposition to the proceedings was personal as well as professional; in one letter, he called them a "travesty on justice."

Also augmenting the Winrod Papers is the Kenneth Bradley Collection, a fascinating set of Federal Bureau of Investigation reports, memos, and letters demonstrating that Winrod was repeatedly investigated in the 1930s and 1940s. Most reports come with summaries or copies of articles or speeches attributed to Winrod. Any researcher interested in the relationship between FBI and subversives in this era would be particularly interested in a series of reports from Special Agent Dwight Brantley in the Kansas City office. The Bradley papers were crucial to this paper as they reveal how small a threat the FBI perceived Winrod to be.

Two contemporaneous books report on the trial from the perspective of the defendants. *A Trial on Trial: The Great Sedition Trial of 1944* was published in 1964. Its first author is Lawrence Dennis, a defendant who was also apparently a capable attorney and represented himself at the trial. It was co-written by Maximilan St.-George, the attorney who represented Joseph E. McWilliams. The book is obviously biased, self-published by an organization calling itself The National Civil Rights Committee. Even so, it offers a thoughtful—if often repetitive and pedantic—analysis of the trial, including a six-chapter point by point examination of the prosecutor's opening statement. St.-George and Dennis effectively argue that the attempt to prove a conspiracy could never have worked.

Even more biased is *The Sedition Case*; though not signed, it bears all the hallmarks of Winrod's style and themes. He at least sponsored it and probably wrote it. It was published in 1953 by the "Lutheran Research Society," which also published a book about the Koch cancer treatment, a quack cure promoted by Winrod in the later days of his career. In contrast to the Bradley Collection, *The Sedition Case* plays up Winrod's supposed importance as the "arch enemy" of Walter Winchell and others.

Biased toward the government's case is *The Official German Report: Nazi Penetration, 1924-1942, Pan-Arabism, 1939-Today* (Thomas Yoseloff, 1961) by O. John Rogge, the prosecutor of The Great Sedition Trial. The book includes the full text of Rogge's report on Nazi propaganda efforts to influence Americans from September 1946. Rogge writes convincingly that the Germans were trying to spread their message and equally convincingly that the defendants engaged in anti-Semitic and isolationist speech; he fails to tie the two truths together.

An interested researcher will find much more detail on the daily ups and downs of the trial itself and the media's eventual fatigue in the *Washington Post*, *New York Times*, *Chicago Tribune*, *PM*, the *Wichita Eagle*, and the *Wichita Beacon*, as well as Walter Winchell columns from the time. The National Archives holds records on

both the trial and an appeal which were not explored for this project.

When the Great Sedition Trial is remembered today, it is often by the arch-conservative and “alt-right” press, held up to support claims that the United States government has persecuted such views for decades. Alternately, it is remembered by those who understandably perceive Winrod and his philosophical—and, actually, biological—offspring as a threat. An example of a clearly leftist but helpful history is *The Politics of Unreason: Right-Wing Extremism in America, 1790-1977*, 2nd ed., by Seymour Martin Lipset and Earl Raab (University of Chicago, 1970). Lipset and Raab mix specific examples with context; their definition of political anti-Semitism helped to sharpen this paper.

Less ideological but still critical of Winrod is a master’s thesis from 1994 by Barbara Jean Beale, “Gerald Burton Winrod: Defender of Christianity and Democracy in the United States.” Beale effectively captures Winrod’s moral activism, which was apparently sincere, but she errs in calling Winrod’s participation in the Great Sedition Trial his “downfall,” neglecting the influence he rebuilt in the Red Scare years after the war. The author’s own “Acts of Courage” is a popular history account of Winrod’s senate campaign viewed through the lens of his detractors. It can be found in the Kansas Leadership Center’s Journal 3 no. 4 (Winter 2014), 38-47. *Kansas History* has published three relevant articles: “Strident Voices in Kansas Between the Wars” by Clifford R. Hope Jr., 2 no. 1 (Spring 1979), 54-64; “Another Wichita Seditiousist?: Elmer J. Garner and the Radical Right’s Opposition to World War II” by Virgil W. Dean, 17 no. 1 (Spring 1994), 50-64; and “Religion in Kansas” by Gary Entz 28 no. 2 (Summer 2005), 120-145. Leo P. Ribuffo in both *The Old Christian Right: The Protestant Far Right From the Great Depression to the Cold War* (Temple University, 1983) and his chapter about Winrod in *John Brown to Bob Dole: Movers and Shakers in Kansas History* (University Press of Kansas, 2006) provides a centrist view of Winrod and his place in religion and politics. A more recent, beautifully written, exploration is by Kansas native and Princeton sociologist Robert Wuthnow: *Red State Religion: Faith and Politics in America’s Heartland* (Princeton University, 2011).

The Smith Act would again become a matter of public discussion in 1948, when the Harry Truman administration charged the leaders of the American Communist Party with violating the act. For more on this, see Ellen Schrecker, *Many Are the Crimes: McCarthyism in America* (Princeton University, 1998).

Saboteurs: The Nazi Raid on America (Knopf, 2004) is a thoroughly researched and wildly entertaining account of the Pastorius teams. For more on Nazi propaganda and its efficacy in various settings, see Nathaniel Weyl, *The Battle Against Disloyalty* (Crowell, 1951); Arnold A. Offner, *American Appeasement: United States Foreign Policy and Germany, 1933-1938* (Belknap Press, 1969); and Werner Rings, *Life With the Enemy: Collaboration and Resistance in Hitler’s Europe, 1939-1945* (Doubleday, 1982). Innumerable books explore Roosevelt’s leadership and demeanor before and during the war. Two that were helpful for this paper were Richard Polenberg, *War and Society:*

The United States, 1941-1945 (J.B. Lippincott, 1972), and Arthur Schlesinger Jr.'s Age of Roosevelt series, especially volume one, *The Crisis of the Old Order* (Houghton Mifflin, 1957).

A useful introduction to Fr. Charles Coughlin, including telling audio clips, comes in podcast form. The episode "Father Coughlin" from *The Omnibus*, hosted by Ken Jennings and John Roderick, provides insight into Coughlin's reach and influence as well as his increasingly virulent anti-Semitism. It is found at omnibusproject.com (Entry 284.MT2309).

Major General Orlando Ward: Life of a Leader is a military biography by Russell A. Gugeler full of quips and quotes about one soldier's experience. Historians would do well to follow the instructions Ward gave his staff in October 1942 as they were writing for both the British and American armies: "Abbreviations have made our common language a babble of tongues. . . . God deliver us from having any allies in the next war we have." In addition, Gugeler was my grandfather, so I was damned sure going to cite him.

Online sources include entries from the online civics project "Today in Civil Liberties History."

Bombing Wichita:

How the bombing campaigns of World War II spurred production and change in Wichita, Kansas

Andrea Wilson

Far above Germany, seven men fly. Their jobs are all different and imperative to the success of their mission. Hundreds of other planes fly beside them. All are focused on the task and trust in the rest of the crew and in their plane. Once the target is sighted, tons of bombs are released. They see the explosions and are elated in another mission completed. What they did not see was the family home the bombs destroyed, or the family members that lost their lives to the horrors of air warfare. The military gave justifications for this new method of war. Perhaps in their hearts, the pilots and crew felt bad for those who perished. However, they are at war and did whatever needed to be done to win. Thousands of miles away, different civilians faced disparate stresses. These civilians lived in Wichita, Kansas and they were imperative to the production of airplanes for World War II. The Boeing-Wichita plant is an important case study of war production. It was the largest plant located in Kansas and built the most iconic aircraft of World War II. The war production transformed Wichita's people, infrastructure, future and added stress to a considerable number of those in Wichita; however, those stresses did not include wrestling with the morality of bombing civilians of belligerent nations.

World War II introduced a new type of warfare. The airplane was a major part of the strategic plans and successes of the various armies. When the German military blitzed through France to defeat it, airpower was imperative. The Luftwaffe, the German Air Force, had overtaken French air power in 1936. Once the attack on France commenced, the Stuka bombers pounded French lines. They caused damage to the defense as well as to morale. This made it easier for the German troops to advance and continually push the French back. At Dunkirk, Hermann Goering was so confident in his Luftwaffe that he told Adolf Hitler the planes on their own could finish off the enemy troops trapped on the beach. After the fall of France, the largest air battle of the war was fought over Britain. This complex aerial battle for the control of British skies was almost the last battle of the war. The British stood alone against German expansion. However, they would not sue for peace. Hitler was finally forced to issue orders for Operation Sealion, an invasion of Britain. The orders stated that, "The English air force must be eliminated to such an extent that it will be incapable

of putting up any substantial opposition to the invading troops.”¹ In the battle that lasted from July 10 - October 31, 1940, the Royal Air Force (RAF) defeated the Luftwaffe and saved Britain from invasion. Over those four months, the major cities of England were repeatedly bombed, with London receiving some of the worst raids. The people of England remembered the pilots, homes, churches, and family members lost in those raids. Soon, Germany would face the same fury from the air.²

Once the Germans were pushed back from invading England, it was the RAF’s turn to launch bombing raids on Germany. The idea of using airplanes and bombs to win the war came from the interwar years. Different countries were planning the best way to utilize the newest technology. General Hans von Seeckt, the former chief of German Army Command, was quoted in a United States school manual, *The Air Force*, as saying, “It is important to attack civilian populations in the back areas of the hostile country.”³ The manual went on to describe how to bomb those areas with the greatest disruption to power, water, and food supply. These ideas became a part of the Army Air Corps doctrine. The main premise of the doctrine was that to win the next war, the civilian morale had to be broken. There were two main methods to accomplish that. Some followed the Italian General Giulio Douhet’s theory of total destruction of urban centers in order to break the enemy civilian’s will to fight. On the opposing side, Billy Mitchell of the US air service thought that the same objective could be reached with the use of a few gas bombs. Regardless, the main air strategists for the war were convinced that bombing cities and destroying civilian morale was necessary to win the war.⁴

When it came to actual bombing raids, different strategies were used. Both sides sent fighters, used anti-aircraft guns, and set up warning systems to combat the air raids. The RAF decided to use night time area bombing. Too many of their planes were being lost on day raids, so they could no longer risk them. Planes that could be seen were easier to bring down. With a night time raid, the planes were safer, but the crews in the planes could not see specific targets. So instead, they sent in large waves of planes that dropped tons of bombs onto an area of the city. This meant that the British were inevitably targeting civilians. Once the United States entered the war, the Army Air Force (AAF) joined in the bombing of Germany. However, the AAF decided to use day time bombing raids. This allowed them to focus on bombing specific strategic targets. Not all the bombs fell on their actual targets, but it was usually less devastating to the civilian population than area bombing. With day time and night time raids, the allies could use twenty- four-hour bombing of Germany.⁵

¹ Richard Townsend Bickers, *The Battle of Britain: The Greatest Battle in the History of Air Warfare* (New York: Prentice Hall Press, 1990), 162.

² Julian Jackson, *The Fall of France: The Nazi Invasion of 1940* (New York: Oxford University Press, 2003), 18, 44, 97; Bickers, *The Battle of Britain*, 162-169.

³ Ronald Schaffer, *Wings of Judgement: American Bombing in World War II* (New York, NY: Oxford University Press, 1985), 27.

⁴ *Ibid.*, 20-23.

⁵ *Ibid.*, 29-43.

The destruction done by the bombings could be seen best by looking at a few of the cities targeted. For the Allies, London and Coventry were the most bombed cities. The King himself would leave London during the air raids, but he would come back the next day to check on the city and his people. Tens of thousands of civilians died under German bombs in both of those cities. The worst bombed cities in Germany were Hamburg, Dresden, and Berlin. On July 25, 1943, the RAF was sent by Sir Arthur Harris to eliminate Hamburg. This was a tactic that Adolf Hitler had used against England. It became the agreed condition that if the Axis powers did something it was acceptable for the Allies as well. In this case, that meant bombing a city into oblivion. Hamburg was hit in seven day and night attacks by the RAF and AAF from July 25 until August 3. The raids varied in size and destruction, but the raid on the night of July 28 was one of the most devastating raids on a German city. That night seven hundred twenty-two bombers flew over Hamburg and dropped their bombs in a three-mile circumference. The incendiary bombs created ground temperatures that pulled air in and drove the hot air up in drafts that took the smoke four or five miles into the air. People on the streets caught on fire and had to tear their clothes away. Women, children, and men died of the fire, the excessive heat, or from asphyxiation when the fire stole the oxygen from their shelters.⁶

The stories out of Hamburg, Dresden, and Berlin were all similar. Massive bombings that produce large fires, destruction, and death. While the Pacific is not the area of focus of this paper, it is important to note that the US fire bombings of Tokyo were the worst bombings in Japan. Each of the main belligerent nations faced raids like these; even the United States experienced the destruction of an air raid at Pearl Harbor, although, they were the least physically affected by war destruction on their land. Several of the U.S. officers who carried out air raids had moral qualms about bombing and killing civilians as a strategy. Two of the stronger opponents to bombing civilians were Generals Laurence Kuter and Carl ‘Tooey’ Spaatz. These men wanted to focus solely on military targets like oil refineries, but they were not as loud as those in favor of wider bombing. Spaatz even put together a Special Planning Committee in early 1944 to look at which targets should be destroyed. This committee determined that bombing German civilians would not have the appropriate demoralizing effect because living under the Nazi regime had done that already. However, once the men in charge gave the orders, the officers and pilots had to follow them.⁷

It was true that the civilians were part of the war manufacturing machine. In a cold and logical manner, they could be perceived as pieces of the machinery and therefore valid targets. This was how men like David Griggs saw them. He was a scientific advisor who was focused on ways to win the war. The other part of the strategy for bombing cities was to get the civilians to rise up and force their government to stop the war. Kuter even stated, “we do not want to kill them—we

⁶ Schaffer, *Wings of Judgement*, 30-31; Earl R. Beck, *Under the Bombs: The German Home Front 1942-1945* (Lexington, Kentucky: University Press of Kentucky, 1986), 65-71.

⁷ Schaffer, *Wings of Judgement*, 71, 104-105.

want to make them think and drive them to action.”⁸ The bombings actually had the opposite effect. They created a need for aid and drove the German citizens into the arms of their government. The entire country took on a stoic determination to make it through the war. Regardless of the moral questions the officers and pilots faced, they knew they had orders and they would do what was necessary to win the war.⁹

In order to carry out the bombing raids, each nation had to embark on large manufacturing booms. Building the airplanes that delivered the bombs was an expansive part of United States war. The development of these aircraft transformed several communities that were chosen to build them. Wichita, Kansas was one of the communities affected by aircraft. Several aircraft companies, like Beech, Cessna, and Stearman were based in Wichita. All of these companies built aircraft for the United States Army Air Force. In 1941, the U.S. Army appropriation bill was \$1,822,522,959.00 and allowed the construction of 2,566 new airplanes. Each of the Wichita plants landed large contracts to build planes for the war. Cessna received nine million dollars from the Canadian Air Force. Beech was expanding and had 1,260 people working. Stearman had 1,200 people working three shifts, twenty-four hours a day. The city in the middle of Kansas that had limped through the depression, was bustling again now that the war brought jobs and money flooding into the Wichita economy.¹⁰

Wichita was chosen as a hub of aircraft manufacturing for several reasons. First, there were already aircraft companies in place. Many of the companies expanded and worked together to fulfill orders, but the basic infrastructure was either already present or quickly put in place. Second, the geographic location of Wichita was strategic. It was not near enough to any coasts to be threatened by German or Japanese bombings. This was a large fear among the manufacturers on the west coast. Japan could have bombed several of those manufacturers had they not been stopped further out in the Pacific. The final reason was the labor force that Wichita and the surrounding area could provide. The 1940 census put the Wichita population at 114,966 people. It was a large enough city to have workers available. Also, the alien population of Wichita was very low. Of those counted on the census, only 910 were aliens from Germany, Mexico, Canada, Russia, and Syria. This low number gave Wichita one of the lowest percentages of immigrant people in the whole country. In a war environment, the fewer immigrants in a location, the less likelihood of sabotage or spying. The War Department went so far as to send notice to industries handling war production stating that, “Federal statutes require the exclusion of aliens from certain forms of restricted defense work.”¹¹ With so few aliens to worry about, Wichita seemed like a perfect fit for restricted defense work. The next step was to

⁸ *Ibid.*, 81.

⁹ *Ibid.*, 81,105, 149-151.

¹⁰ Craig Miner, *Wichita: The Magic City* (Wichita, Ks: Wichita-Sedgwick County Historical Museum Association, 1988), 185.

¹¹ “Uncle Sam Insists...”, *Contact*, Oct 1941, Boeing Sources, Kansas Aviation Museum, 2.

build up the facilities of the companies there.¹²

In Wichita, the Stearman Aircraft Company became part of Boeing Airplane and Transport Corporation in 1929. In 1934, that parent company was broken up and Stearman became part of the Boeing Company, along with a plant in Seattle. Stearman was mostly known for its Kaydet trainers. On March 15, 1941, the one thousandth Stearman trainer, “taxied from the hangar and took to the blue sky.”¹³ This event was marked by thirty-eight employees dressed in their traditional Native American costume to represent the Cherokee, Sioux, Osage, Pottawatomie, Oneida, Seminole, Ohio, and Comanche tribes. The Stearman employees were proud of their heritage as plains people and now as pioneers in the aircraft industry. In 1941, the Stearman division was renamed Boeing-Wichita. This renaming came shortly after the announcement of a new plant to be built beside the Stearman plant. The new Plant II would quadruple the space for building aircraft. In *Contact*, the magazine published by employees for employees, a story on the new contract was run in June 1941. It said, “The factory will be equal in size to the great Boeing No. 2 plant in Seattle, where the Boeing Flying Fortresses are now built.”¹⁴ Since the Stearman plant was building the wings for B-17s as well as the Kaydet trainers, all assumed that the new plant would be used to build the new model B-17E planes for the war.¹⁵

What most of the population did not know was that the AAF began a search for a new aircraft design in 1940 that could reach a range of 5,335 miles, which was needed to reach the major cities of Germany and Japan. Boeing entered a new design for a plane with a new thinner wing that increased the range and speed of the aircraft. When the designers, Ed Wells and Wellwood Beall, submitted the design on May 11, 1940, Major H.Z. Bogert, acting chief of the experimental engineering section for the AAF, gave them a contract to engineer, test, and build a mockup of the plane. He even said the AAF could order 200 of them.¹⁶

Boeing had already proven with the B-17 that it built dependable sturdy bombers that could stand up to the rigors of war. By September 1940, Boeing had the contracts to build the XB-29. This was the plane that would be known as the B-29 Superfortress. There was to be no mention of the new plane in newspapers until 1943, after a B-29 made a successful bombing run. In the November 6, 1943 edition of the Boeing newspaper called *Boeing Plane Talk*, small details about the plane were revealed. The article told of the plane’s name, secret engineering, and production. “This battleship of the air is armored heavily with multiple-gun power turrets. It can fly at very high altitudes.” It continued, “the B-29 will have a range substantially greater

¹² Miner, *Wichita*, 183-184; Anthony Paul Brusca, “A National Effort for Victory: The B-29 Development Program and the Battle of Kansas” (masters thesis, Wichita State University, 1999), 18-19.

¹³ *Contact*, Jan 1942, Boeing Sources, Kansas Aviation Museum, 4.

¹⁴ “New Contract,” *Contact*, June 1941, Boeing Sources, Kansas Aviation Museum, 2.

¹⁵ E.E. Bauer, *Boeing in Peace and War* (Enumclaw, WA: TABA Publishing, 1991), 56;

“Bomber Room,” *Contact*, Oct 1941, Boeing Sources, Kansas Aviation Museum, 4.

¹⁶ Bauer, *Boeing in Peace and War*, 134-135; Brusca, “A National Effort for Victory, 18.

than the maximum effective range of today's longest range heavy bombers and it will carry quite sizeable bomb loads for that distance." Though the rest of the specifications were not released, this gave readers a taste of what the new plane could do.¹⁷

The new plane was a secret that was well kept at Boeing. As construction began on the new large plant, the assumption in the community and among most employees was that it was still for building more B-17s. There was too much going on at the plant to be sure of what was going to be built next. "As fast as the contractors trussed, roofed over, and paved a few square feet, jigs and tools for the B-29 were moved in."¹⁸ Then in June 1942, J. E. Schaefer, the general manager of Boeing-Wichita, received a call from Brigadier General K. B. Wolfe. The General told Schaefer, "Well hang onto your chair. I've got some news for you. You're in the glider business!"¹⁹ The Army needed gliders that would later be used in the invasion of Normandy, and they gave that order to Boeing-Wichita. Seven hundred and fifty CG-4 gliders were built inside Plant II while it was still under construction. The final gliders were pushed out of the almost completed plant by the expanding B-29 production.

The beginning of B-29 production was fraught with difficulties. Production on the plane began while it was still undergoing development and testing. As always happens during the development stage, elements of the plane had to be changed when they were found to be faulty or inefficient. This created some headaches for the workers already building the planes. Just as the wing production moved along, the static tests on the wings, "resulted in a decision to 'beef' up the wing a little."²⁰ New tools had to be incorporated into the wing production and the whole process relearned by the workers. On another occasion, 1,200 mechanics were called out into the bitter winter weather to fix the wings on semi-completed B-29's outside of the plant.²¹

Perhaps the largest headache was with the plugs on the wiring. The plugs connected more than 10 miles of electrical wiring in each B-29, and they had done well in the testing phase. However, they were deemed unfit in actual use. This meant that the Boeing-Wichita employees got soldering tools from anywhere they could and, "disassembled, rebuilt and re-soldered more than 586,000 connections in planes already completed, those in process on the floor, and in the thousands of wiring bundles already assembled."²² Clearly, designing an aircraft and producing it at the

¹⁷ Bauer, *Boeing in Peace and War*, 134-135; "Army Reveals New Facts on B-29 Bomber," *Boeing Plane Talk*, November 6, 1943, Boeing Sources, Kansas Aviation Museum, 1 and 4.

¹⁸ *Kansans Build the Boeing B-29 and the Boeing Kaydet* (Wichita, Ks: Public Relations Division Boeing Wichita, 1945), 5. This pamphlet was located in Wichita State University library as a printed book. It was also available at the Kansas Aviation Museum.

¹⁹ *Ibid.*, 6.

²⁰ *Ibid.*, 8.

²¹ *Ibid.*

²² *Ibid.*, 8-9.

same time created problems, but the engineers were determined to put together an amazing plane. They bonded and formed a support system through the trials of designing the plane with a huge pressure deadline. In October 1941, all the engineers in Plant I stopped shaving. They vowed they would not shave, “until new wings go into the blue.”²³ The employee magazine took pictures of the whole group with two weeks of growth. The next month’s issue had some art work of bearded engineers with the caption, “Any resemblance to persons living is absolutely intentional.”²⁴ In March 1942, one engineer, Murray Jones, was receiving odd looks because he still had his beard even though he had moved to Plant II. Apparently, not many engineers in Plant II had whiskers. The employees found ways to handle the stresses of trying to complete the B-29s, because the war demanded that plane be completed as quickly as possible. Even with the changes, the B-29 production was moving forward.²⁵

During all the uncertainties of war and odd production problems, the employees of Boeing-Wichita performed admirably. The war production need had drawn people from across the state and beyond. They poured into Wichita to work in the plants. The city had an over fifty percent increase in three years. The December 1942 *Contact* did a two-page spread titled “Where Are They All Coming From?” which showed twelve new employees with a brief description of what jobs they did prior to the war and what they were doing in the plant during the war. Seven of the twelve were women who came from being homemakers, schoolteachers, or working in stores to do anything the plant needed. Six of the seven women were shown working with tools, while only one woman was pictured in an office setting. The men were shown exclusively working with tools. These men came to aircraft work from orchestras, farms, and drug stores, and several of these workers moved to Wichita from Oklahoma.²⁶

The massive flood of people into Wichita was wonderful for building airplanes, but hard on the city itself. Certain utilities and services quickly became strained. There were not enough houses in Wichita to hold the growing population. The city estimated it would need new housing for 30,000 incoming workers and their families. Housing was such a problem that President Roosevelt declared Wichita was a defense area, and therefore homes could be financed through the Federal Housing Administration. Wichita received an A1A rating which, “released construction activity immediately . . . and all available materials needed might be purchased.”²⁷ This measure increased the number of houses built by private builders. In early 1941, the federal government announced they were going to build 400 homes for defense workers in a neighborhood called Hilltop Manor. Eventually, there were 1,114 houses built in Hilltop Manor and 4,382 houses in Planeview. The *Wichita Eagle* ran a special

²³ *Contact*, December 1941, Boeing Sources, Kansas Aviation Museum, 16.

²⁴ *Contact*, January 1942, Boeing Sources, Kansas Aviation Museum, 16.

²⁵ *Contact*, March 1942, Boeing Sources, Kansas Aviation Museum, 13.

²⁶ “Where Are They All Coming From,” *Contact*, Dec. 1942, Boeing Sources, Kansas Aviation Museum, 8-9.

²⁷ “Houses—Hallelujah!,” *Contact*, July 1942, Boeing Sources, Kansas Aviation Museum, 14.

section in their Sunday paper on April 25, 1943. One of these articles covered the dedication of the developments which was attended by national and state dignitaries. After the ceremony, which had a band and several speakers, the guests were invited to tour the developments to see, “the miracle that has been accomplished in such a short time.” As grand as the developments were, they could not hold all of the new workers. Those who could not find housing in Wichita or lived close enough drove in from neighboring communities like Newton.²⁸

One of the new workers who commuted from Newton was named Connie Palacios. When she got the job at Boeing in May 1943, she would ride the bus every day and be dropped off at the Orpheum Theatre. From there she walked to a building next to the Broadview Hotel where a class for riveters, buckers, drillers, and other jobs was held. Classes like this were held in many areas of Wichita. Even some high schools, like East High, housed Aircraft Training Schools. After two weeks of training, Connie was sent to work at the plant. She still rode the bus for thirty-five to forty minutes from Newton everyday with about thirty-six other employees. After her twelve-hour shift, she would ride the bus home again.²⁹

Many of the other employees at Boeing rode busses or carpooled to work. As the war went on, gas and tire rations forced workers onto the busses. Three new super-highways were also built, “to relieve the traffic problem at Boeing plants.”³⁰ MacArthur Road was extended west from Plant II to Seneca Street. This meant building a bridge across the Arkansas River as well. On the east side of town, Oliver street was widened and resurfaced from Kellogg south to the plant. These projects were pushed through as quickly as possible to give drivers fast access to work. Wichita also added many routes and busses to the roads servicing Boeing. Boeing even had to build a new bus terminal at the plant to ensure the increased flow could load and unload quickly. The January 1943 edition of *Contact* ran a one page story about the new bus terminals which would allow sixty busses to load and unload simultaneously. The structure was described with, “Platforms, stairways, overpasses, even the giant suspension arches, are built of wood and are of the most modern construction.” Connie recalled getting off the bus at this terminal and walking across other lanes of busses on the overpass bridges, then going down into a tunnel that led to the plant.³¹

Once workers emerged from the tunnel, they grabbed their tools and got to work. While she was at work, Connie was a riveter. She was also of Mexican descent, which made her one of the few minorities in the plant. That was the way the administrators and Department of Defense preferred it. However, Connie’s status as

²⁸ Miner, *Wichita*, 189-191; *Kansas Build the B-29 and the Boeing Kaydet*, 7.

²⁹ Connie Palacios, interview by author, Wichita, April 19, 2017; “Class Rooms Selected for Central Location,” *Boeing Plane Talk*, September 4, 1943, Boeing Sources, Kansas Aviation Museum, 6.

³⁰ “It Won’t be Long Now,” *Contact*, July 1942, Boeing Sources, Kansas Aviation Museum, 14.

³¹ *Ibid.*, 14; “Jam Session,” *Contact*, January 1943, Boeing Sources, Kansas Aviation Museum, 5.

a minority did help her in one way. On her first day at the plant, Connie was not able to rivet because she needed a buckler due to the scale of the job. The riveter works on the outside of the plane and runs the rivet gun. The buckler is on the interior and her job was to hold a bucking bar, which was a solid cut piece of metal, up to the back of the rivet. Rivets came in different sizes depending on the hole drilled in the sheeting of the plane. Once the buckler was in place with the bucking bar firmly against the rivet, the riveter would run the gun. This forced the end of the rivet hitting the bucking bar to deform and flatten out. In this way, the sheets of the plane would be fastened together. It was much more efficient than welding when it came to assembling the plane.

Since Connie did not have a buckler, the first day she was put to work getting assorted sizes of rivets for the other teams. On her second day, Connie found there was a buckler available but she was working in maintenance. Connie asked why she was in maintenance when she would be better used as a buckler. She was told no one wanted to work with that woman because she was black. Connie immediately said, "I don't care I'm a Mexican descendent."³² So the African American woman named Jeri came to be Connie's buckler. These two women worked together wonderfully. Connie would rivet the outside of the nose of the plane while Jeri held a steel bar on the opposite side to flatten the rivet. Connie said Jeri was the best buckler because she could get into any hard or tight space to hold that bucking bar. Connie and Jeri became one of the best teams and built hundreds of Superfortress nose sections. They worked together until they were laid off in August of 1945 just after the war ended.³³

The B-29 project was a vital task for the war. J. E. Schaefer wrote a letter to his employees to impress upon them the importance of the tremendous task. He noted that this was a job for which no one would have true experience. This was a whole new plane and was the largest at the time. Schaefer believed in his employees and their ability to complete the program. He did warn that, "no one can afford to be 'cocky' in the discharge of his duties."³⁴ This reads as an officer's warning to his men to keep their heads down and stay focused on the job. Any time the leaders in the plant could relate the workers with soldiers they did so. "We must be humble and we must work to make good for none of us has anything to 'crow about' until all of us, working together—you in the plant, me at my desk, the soldier at the front and the sailor at sea—get this job done."³⁵ The war was on, and the war production had to move forward quickly so that the men fighting overseas had the proper tools with which to fight.

Nothing was said about who those men were fighting against and killing. Instead of considering those ramifications of the war, employees at Boeing celebrated their contributions to the war. They crowed about their work by searching for ways

³² Connie, interview.

³³ Ibid.

³⁴ "Our Responsibility," *Contact*, January 1943, Boeing Sources, Kansas Aviation Museum, 1.

³⁵ Ibid.

to make their production better. After President Roosevelt announced the declaration of war, some of the foremen at Boeing immediately began planning for the increased production that would come. One foreman, Clarence Watters, who served in World War I and knew all too well the realities of war, received a visit from his workers who said, "If it will help production we will be glad to work a 10-hour day for 7 1/2 hours wages."³⁶ Not all workers would have agreed to this arrangement, nor would the Boeing leaders, however, it shows how willing many were to make sacrifices and work harder to win the war.

The plants also started a program designed to cut back on waste. In a *Contact* article titled "Scraps Buy Ships," the conservation of supplies was lauded. Jim Duncan, who was the administrative assistant to the works manager, noted that in America, "a land of plenty, we have not been taught to conserve as we now must do—at least for the duration."³⁷ The plant began having employees sweep the floor of the plant. All the scraps from the Flying Fortress and Trainers that were being built at the time would be swept up and sorted through. Everything that could be useful in any way was saved. Aluminum items such as shavings, bolts, nuts, washers, and rivets were saved to be melted down and reused. Other scraps like cloth and wood were also saved and went into war production. The article reminded workers that the more they saved, the more planes could be built. This message was reinforced by another article almost a year later. The scraps that were being saved from the plant floor amounted to a savings of over eighty thousand dollars per month. It was done all as a contribution to the war effort. The "Industrial Scrooges" of the airplane industry had a process so complete and organized that they were truly saving money. The article went into the details of how the salvage was done. They wanted their workers to be proud of the program and understand why it was necessary. It was a reprogramming of American abundance thinking.³⁸

J. E. Schaefer not only wrote to his employees about the important job they were undertaking, he was also corresponding with General Dwight Eisenhower. Schaefer and Ike had attended West Point together. In a letter to Eisenhower on May 11, 1943, Schaefer complimented the progress the army was making, then went on to talk about the new planes. He wrote, "We are still making progress, but it is at times all too slow. Progress it is, nevertheless, and one of these days, you, Tooley, and Jimmy are really going to have something with which to go to town. You can bet your bottom dollar we are doing our best to get it to you as quickly as possible."³⁹ Tooley and Jimmy were references to Carl 'Tooley' Spaatz, who was in charge of the strategic bombing of Germany, and Lieutenant General Jimmy Doolittle, who commanded the 8th air force. Eisenhower was glad to hear such positive news from a former school

³⁶ "Fair Winds," *Contact*, December 1941, Boeing Sources, Kansas Aviation Museum.

³⁷ "Scraps Buy Ships," *Contact*, February 1942, Boeing Sources, Kansas Aviation Museum, 7.

³⁸ *Ibid.*, 7; "Saving Materials of War," *Contact*, January 1943, Boeing Sources, Kansas Aviation Museum, 6-7.

³⁹ J. Earl Schaefer to General Dwight Eisenhower, May 11, 1943, Dwight D. Eisenhower Library, Abilene, KS.

companion. He responded on May 28, "I have heard something of your new product and as you can well imagine, we are all awaiting its delivery for operations with the greatest of anticipation."⁴⁰ The workers were proud of building the planes, and the military was anxious to use them against the Germans and Japanese.

The war brought pressure to the lives of the workers; however, they found ways to negate that pressure and blow off some steam. The majority of the time, workers were facing high temperatures in the summer and working weeks that averaged fifty-five hours to get the planes built. Yet, the pages of *Contact* were full of events, parties, and other opportunities for fun when time allowed. In January 1943, there was a special party planned at nine-o'clock in the morning at Crawford Theater. The Employees' Association set up food and a movie for third shift workers who could not normally see movies. In February 1944, the plant also started showing short news reels and reports in the tunnels of the plant during lunch times. Outside recreation was encouraged. The Employees' Association set up a park between the two Boeing plants. Here Boeing workers and their families could, "relax and rest—or play tennis, badminton, volleyball, shuffleboard or miniature golf." There was also trap shooting, archery, and baseball. Boeing employees frequented many of the Wichita parks in their time off work. However, it must be noted that not all employees were able to enjoy this. Connie was a part of the population of plant workers who were never invited to events such as these. Even if she had been, it would have been hard for her to attend because she was always either on the bus going to and from Newton or in the plant working. For those who lived in Wichita the recreation experiences were easier to have.⁴¹

With all the new defense housing that was built, a substantial portion of air defense workers did live within Wichita. The main developments were Hilltop Manor, Planeview, and Beechwood. The latter was built close to the Beech Aircraft plant for those workers. The former two housed mainly Boeing employees. The largest of the neighborhoods was Planeview. It had 4,283 houses that could hold a substantial portion of the new people in family units. It also had a park, church, high school and many businesses. Even this large new complex of houses did not solve the housing problem. In February 1944, *Boeing Plane Talk* ran an article calling for help to find dwelling units. At this time, Planeview had 4,200 of their units built. Construction on the rest was moving rapidly, and as soon as a unit became available, it was filled. Boeing's new extended work schedules made the housing situation worse. The longer hours in the plant encouraged many to make the move to Wichita from surrounding cities to cut down on the commute. The Boeing housing section in the employee's service department had a waiting list of three hundred and fifty families who needed

⁴⁰ General Dwight Eisenhower to J. Earl Schaefer, May 28, 1943, Dwight D. Eisenhower Library, Abilene, KS.

⁴¹ "Candidly Yours," *Contact*, January 1943, Boeing Sources, Kansas Aviation Museum, 15; "Sound Movies Now Shown in Plant Tunnels," *Boeing Plane Talk*, Feb 4, 1944, Boeing Sources, Kansas Aviation Museum, 6; *Contact*, August 1943, Boeing Sources, Kansas Aviation Museum, 8-9, 16.

two or three bedroom houses or apartments. The battle for housing was a constant issue in Wichita during the war, and it shaped the way the layout of the city developed.⁴²

The longer hours at Boeing added to the housing issue, but they also changed the way businesses had to run. Amenities within the housing developments and the rest of the city began to change their operations to cater to aircraft workers. Wichita now had three full shifts of workers who needed to do business at all times of the day. Local banks extended hours to go from 4:30 am to 7:00 pm on Thursdays and Fridays. This way, the defense workers had time to cash their paychecks before or after work. The banks also allowed a badge from the plant as identification and there was no service charge. There were other businesses located within Planeview that also extended their hours. The accounting office, post office, grocery, dry cleaning, shoe repair, barber shop, bakery, drug store, and bowling alley all held hours later into the evening to accommodate the various shifts of workers. Several opened earlier in the morning as well. The cafeteria in Planeview had hours from eleven in the morning until seven at night in February 1944. By July of that year, the hours were extended to 4:00 am until 8:00 pm and all three meals were available. It was strictly done, “for the convenience of Boeing employees who have to ‘hit the deck’ early.”⁴³ The war changed physical aspects of Wichita as well as general practices of operation.

The prevailing tone of Wichita was of pride over their accomplishments in the plant. Every time a milestone was reached, there was a celebration. The 1000th, 7000th, and 10,000th Kaydets built all received ceremonies marking their completion. The 1000th B-29 to be completed received special attention. When the 7000th Kaydet was complete, the Wichita Eagle noted on April 25, 1943 that those 7000 planes and the spare parts for the Kaydets, “represents more planes than the total of military aircraft owned by the United States army and navy at the start of the war in Europe.” Connie remembered that day. Each of the employees put one dollar inside of the plane until it was full of dollars, which were given to charity. Then they all watched as the plane took off, the collective effort of all the employees was celebrated. Boeing employees were also proud of their attendance records. As demand for the B-29 increased and work days grew longer, employers watched the absenteeism rates. They did not need to worry; Wichita employees continued to show up to work. Their record was hailed as, “an example of willingness, cooperation and bulldog determination that will become a part of the permanent record of what Americans at home are doing to help win the war.”⁴⁴ Connie recalled the long hours at the plant. She said she often

⁴² “Asks Employee Help in Listing Dwelling Units,” *Boeing Plane Talk*, Feb 4, 1944, Boeing Sources, Kansas Aviation Museum, 1, 8.

⁴³ “They’re Stopping the Clock for Us,” *Contact*, May 1942, Boeing Sources, Kansas Aviation Museum, 10; “Hours Fixed at Planeview for Tenant Service,” *Boeing Plane Talk*, Feb 4, 1944, Boeing Sources, Kansas Aviation Museum, 2; *Boeing Plane Talk*, July 7, 1944, Boeing Sources, Kansas Aviation Museum, 2.

⁴⁴ “Employees Set Attendance Record As Demands for B-29’s Increase,” *Boeing Plane Talk*, July 29, 1944, Boeing Sources, Kansas Aviation Museum, 1.

worked ten to twelve hours. Many times, they even had to work Sundays. There was no day of rest when the country was at war.⁴⁵

Wichitans and soldiers would not rest until the war was won. However, there was one area of war that the Wichita population did not have to deal with on a real level. They did not have to see those hurt and dying. Most of the evidence of employee's lives, interests, and worries during the war showed they were not concerned with the morality of bombing civilians in Germany or Japan. While Germans lost their homes, Wichitans had new ones built. While Germans starved, Wichitans had to cut back and saved scraps to be more productive. While Germans fled their towns to survive, Wichitans went to the movies. The war was not fought in Wichita, so the same sacrifices would not be expected. The employees knew about the bombings of cities overseas, and they certainly knew when B-29s made successful bomb runs. *Boeing Plane Talk* kept a running tally across the top of each issue. It was called the scoreboard, as if it was a game, and started in August 1944. Each bombing was represented with a small picture of a bomb with the name of the city bombed written inside. The first scoreboard had six bombs on it. In March 1945, there were seventy-seven bombs running across the top of the first and second page and bleeding onto the third. The workers knew exactly how often the B-29's were raiding and that they were raiding cities. Connie spoke of this. With a pained expression she said, "everybody would say, so many innocent people died, but it had to be done."⁴⁶ The war had to be won, and regardless of emotions, the bombers were the way to win.

World War II was a titanic battle between nations. The home front was just as important as the war front. Those in command of the armies realized this and they capitalized on it. Civilians became targets for the bombs and the face of Europe was changed. While Wichita never had to face bombs, they were integral to the success of the Army Air Force. The war changed the city. The population grew by enormously fast rates. Construction of the new plants and the utilities such as roads to service them went fast. Whole neighborhoods were built and occupied in a few months. The war made airplanes a large part of Wichita's identity. The city was dubbed the "Air Capital" of the world before World War II, but after the city pushed to build the planes that helped win the war, that name took on a stronger meaning. The larger population also had increased stress because they were aircraft workers. These workers held heavy burdens of responsibility and expectation. If they failed, perhaps the war would be lost and the whole country hurt. Those were the stakes laid before workers by the military and administrators at Boeing. However, they found ways to offset the stresses of war just as soldiers did. Soldiers rotated back to have some rest and relaxation. The aircraft employees also had opportunities for that, though some were able to use those chances more than others. The war changed many things, but

⁴⁵ *Contact*, Jan 1942, Boeing Sources, Kansas Aviation Museum, 4; "Seven Thousand Airplanes," *Contact*, April 1943, Boeing Sources, Kansas Aviation Museum, 1-2; Connie, interview.

⁴⁶ Connie, Interview.

it was never seen as immoral. The question of the morality of civilian bombings was answered the same way the military answered it. While it was sad, it was necessary.

The moral questions that the officers and pilots faced during the war did not extend across the Atlantic to the manufacturers in Wichita. The workers in the plants were proud to be helping win the war. Some may have had unspoken reservations about their work, but in an environment where everyone was staunchly patriotic, those kinds of reservations would never have been spoken. Airplanes became Wichita's way of fighting and Wichita still has a strong connection with the planes that were built here. It is a huge part of the city's heritage and even after knowing what the planes were used for, people here still remember them with fondness. Perhaps that was because the community was so focused and productive at the time. The work was hard, but the payoffs were better. Men and women had paychecks again. They had recreation. They had new housing and ready-made communities set up for them. Hundreds of people came together to build planes and they were seen by the nation as integral to helping win the war. It was a high point for the city after the lows of the Depression.

The planes built in Wichita during the war remain a high point in the city's history. In commemoration a B-29 was rescued in 2000 and brought to Wichita to be rebuilt. This B-29 was named "Doc" a plane Connie Palacios had built during the war. She warmly talked about the plane and revealed that all but seven of her original rivets were still intact. While it took sixteen years to refurbish the plane, it is now fully functional. A large crowd looked on with pride and admiration as "Doc" took its first flight. The people of Wichita remember the strength, power, and grace of those aircraft.

Gobitis and Barnett: The Flag Salute and the Changing

Interpretation of the Constitution

Rhenee Clark Swink

In *Minersville School District vs Gobitis* (1940) the United States Supreme Court ruled 8 to 1 overturning lower court decisions barring states from implementing compulsory flag salutes. Three years later, the Supreme Court overturned that ruling with a 6 to 3 decision in *West Virginia State Board of Education v. Barnette* (1943). The cases were nearly identical and argued similarly but had different outcomes. How did the landscape of America change so drastically in a three-year period? First, the Supreme Court did not see a danger in the rise of nationalism in the United States or the social impact the ruling would bring. Second, the violence that followed *Gobitis* decision caused Jehovah's Witnesses, a pacifist group that was uninvolved in politics, to become more persistent in utilizing the legal system and more vocal concerning persecution of its members. Finally, the Supreme Court was not the same. A change in justices and a shift in the focus of the Court from economic matters to personal liberties created a different political landscape, when *West Virginia State Board of Education vs. Barnett* reached the Court in 1943.

Jehovah's Witnesses sought to spread their message and seek new members through distribution of the organizations magazines and books, playing recorded phonograph messages from organization leaders, and through public lectures. The group was frequently arrested for selling books without a license. Other areas developed specific ordinances to target Jehovah's Witnesses. One community in Georgia passed an ordinance that prohibited anyone calling on houses to offer any printed material.⁴⁷ Jehovah Witnesses trace their origins to a group founded in the late nineteenth century in Pittsburg, Pennsylvania. The theology grew out of the Christian Millerite movement, part of the Adventist movement that developed among Protestant Christianity, focused on the Second Coming of Christ.⁴⁸ Charles Taze Russell, the first President of the Watch Tower Bible and Tract Society, built on an Adventists prediction of the return of Christ in 1874. Russell argued that the return of the Christ had occurred as predicted, but was a spiritual event, not a physical one. Russell concluded through study and calculations that Christ would gather the faithful in a forty year "harvest" culminating with the arrival of God's Kingdom of a thousand years in 1914.⁴⁹ By 1881, the number of congregations following the teachings of

1. Watch Tower Bible and Tract Society, *1975 Yearbook of Jehovah's Witnesses* (Brooklyn, New York: Watchtower Bible and Tract Society, 1974), 175.

2. Shawn Francis Peters, *Judging the Jehovah's Witnesses: Religious Persecution and the Dawn of the Rights Revolution* (Lawrence, Kansas: Kansas University Press, 2000), 28-29.

3. Detlef Garbe, *Between Resistance and Martyrdom Jehovah's Witnesses in the Third Reich*, trans. Dagmar G. Grimm (Madison, Wisconsin: University of Wisconsin Press, 2008), 29.

Russell had begun to grow. Russell established the Watch Tower Society to publish books and magazines, recruited pastors and sent the first missionaries to England and Canada.⁵⁰ Russell moved the headquarters to Brooklyn, New York in 1909 and formed the People's Pulpit Association. In 1914 another association based in London was added, the International Bible Students Association. The group had become a separate denomination and referred to themselves afterwards as the Bible Students. Many Bible Students believed the outbreak of World War I in 1914 was a sign that God's Kingdom on earth would soon arrive. With Russell's passing in 1916 and unfulfilled expectations of the arrival of God's Kingdom, the organization would pass into a tumultuous period.⁵¹

The Watch Tower Society elected Joseph Franklin Rutherford as its second president in 1917. Rutherford, an attorney known for his outspoken, antagonistic style, reshaped doctrine and placed the group in the midst of conflict. Under Rutherford's leadership, the Watch Tower Society changed its position on military service, became active in evangelizing, and adopted a negative viewpoint towards persons outside the denomination. Rutherford and seven other Watch Tower Society directors were arrested for sedition and sentenced to prison for a campaign during the summer of 1917 condemning "militarism and clerical support for the war." After serving nine months Rutherford and the directors were released. Later in 1920, the convictions were reversed.⁵² In 1914, Russell recommended members seek religious exemptions as conscientious objectors when possible or seek non-combat positions. Russell did not encourage members to refuse military service or clash with authorities-but reaffirmed that Christians were not to kill.⁵³ After World War I, Rutherford called upon all Bible Students to participate in the proselytizing. Each congregation was assigned a territory and members reported time spent in effort to distribute materials house-to-house.⁵⁴

Under Russell's leadership, members thought of themselves as preachers but did not engage in evangelizing. They believed as the end of the world neared the truth of Christ would be revealed, giving all an opportunity to take a stand on God's side.⁵⁵ Rutherford interpreted that that only those who conformed to God's requirements would survive the impending battle of Armageddon. Members sought to reach people with the message of God's Kingdom so they could take a stand for God and offer warnings to non-believers about the destruction to come.⁵⁶ Under Rutherford's leadership, the Watch Tower Society produced a series of lectures and tracts

4. David T. Smith, *Religious Persecution and Political Order in the United States* (New York: Cambridge University Press, 2015), 91.

5. Garbe, *Between Resistance and Martyrdom*, 29-30.

6. Smith, *Religious Persecution and Political Order*, 94-96.

7. Garbe, *Between Resistance and Martyrdom*, 29-30.

8. James Penton, *Apocalypse Delayed: The Story of Jehovah's Witnesses, Third Edition* (Buffalo, New York: University of Toronto Press, 2015), 80-81.

9. Smith, *Religious Persecution and Political Order*, 91-92.

10. Garbe, *Between Resistance and Martyrdom*, 37.

proclaiming themselves as the only true Christians and condemning all other religious groups, particularly Catholics, for corrupting the Christian faith.⁵⁷ Rutherford reinterpreted the year 1914 as the year when God's reign had begun in heaven. God and Christ had waged a battle in heaven, defeating and casting Satan and his demons down to earth. True believers would face trials during the remaining time until the final battle of Armageddon between God and Satan. Satan sought to gather forces on earth and was using business, politics and religion as tools of global control.⁵⁸ During the 1920s, Bible Students dissatisfied with changes implemented by Rutherford broke off and formed independent groups. Members that remained associated with the Watch Tower Society adopted a new name, Jehovah's Witnesses, "derived from the Book of Isaiah" in 1931 to distinguish themselves from groups that had broken off from the denomination.⁵⁹

Saluting a Flag

The conflict involving the Jehovah's Witnesses and national symbols in the 1930s and 1940s originated in Germany. The Bible Students remained a small religious minority compared to the total population of Germany yet became the largest group outside the United States by 1926. German Bible Students accounted for over one quarter of Bible Students worldwide.⁶⁰ Jehovah's Witnesses faced persecution in Germany for their refusal to join the Nazi Party, to vote, to serve in the military, or to offer the "Heil Hitler" salute. In June 1933, the group was banned in Germany.⁶¹ Members were arrested, children were removed from families, and some were sent to concentration camps.⁶² Jehovah's Witnesses in the United States faced harassment and discrimination that intensified after clarification of the organization's doctrine on the flag salute. At the Washington, D.C., convention on June 3, 1935 a question was raised by school children about the organization's stand on the flag salute. The President of the Jehovah's Witnesses, also known as The Watch Tower Society, J.F. Rutherford told the school children, "to salute an earthly emblem, ascribing salvation to it, was unfaithfulness to God."⁶³

At the beginning of school in the fall of 1935 children of Jehovah's Witness refused to take part in the Pledge of Allegiance. The response from schools was mixed. Students Barbara Meredith and Carleton Nichols refused to stand for the flag salute on the same day. Both attended schools in the state of Massachusetts. Meredith's teacher and school did not make an issue of her religious convictions

11. Smith, *Religious Persecution and Political Order*, 98.

12. Garbe, *Between Resistance and Martyrdom*, 38-39.

13. Smith, *Religious Persecution and Political Order*, 97.

14. Garbe, *Between Resistance and Martyrdom*, 46.

15. John J. Michalczyk ed., *Confront! Resistance in Nazi Germany* (New York: Peter Lang Publishing, Inc., 2004), 26-29.

16. Watch Tower Society, *1974 Yearbook* (1973), 112-121.

17. *Ibid.*, 168-169.

whereas Nichols' school did. Nichols' refusal to stand for the flag salute became national news. J.F. Rutherford was asked for a statement by the Associated Press (AP) on the incident. Rutherford provided a statement, but AP did not publish it. In response, Rutherford spoke on the topic of the flag salute in a radio address on October 6, 1935. The radio address was also published by the Watch Tower Society as part of a thirty-two page booklet titled, *Loyalty*, released afterwards, clarifying doctrine on the flag salute. Jehovah's Witnesses viewed the ceremony of the flag salute as an act of worship forbidden by the Ten Commandments.⁶⁴ In the radio address, Rutherford compared Jehovah's Witnesses in Germany refusing to salute Hitler to the Jehovah's Witnesses in the United States refusing to salute the flag and drew parallels to the Old Testament. Rutherford, referenced the third chapter of the book of Daniel in the Bible when Hebrews in Babylon were cast into a furnace after refusing to bow down to an image, but emerged unscathed.

The present day attempt to compel school children and others who believe in and serve Jehovah God to salute any flag or sing any song is exactly in line with Babylonish law just mentioned. To salute a flag means, in effect, that the person saluting ascribes salvation to what the flag represents, whereas salvation is of Jehovah God. The Hitler government, a stench in the nostrils of all good people, requires all persons of Germany to give a certain salute and to cry out "Heil Hitler!" and those who refuse to do so are severely punished. At the present time more than twelve hundred Jehovah's Witnesses are in prison in Germany because of the commission of the 'grave offense' of declining to shout, "Heil Hitler!"⁶⁵

Rutherford said of the United States flag, "The flag of the United States is not the flag of Jehovah God and Christ Jesus. It is an emblem of the power that rules the nation; and no one can truthfully say that God and Jesus Christ rule a government where crime is rampant." To Rutherford, all earthly governments were under the control of the Devil. "Men have organized governments, and Satan the Devil overreaches men and rules them because of their refusal to obey God, and hence the nations of the world are under the control of, Satan the Devil". Despite the belief that the Devil was in control of world governments, Rutherford called on Jehovah's Witnesses to obey "laws of the state or government that are not in conflict with God's law." Rutherford cited Luke 20:25, where Jesus commanded to "Render therefore unto Caesar things that be Caesar's and unto God, things which be God's."⁶⁶

In the booklet *Loyalty*, Rutherford once again made the comparison between Jehovah's Witnesses in Germany refusing to salute Hitler to the Jehovah's Witnesses in the United States refusing to salute the flag.

18. Ibid.

19. Joseph Franklin Rutherford, *Loyalty* (Brooklyn, New York: Watchtower Bible and Tract Society, 1935), 18.

eBook, accessed November 23, 2017, <https://archive.org/details/Loyalty>.

20. Ibid., 18-19.

...In Germany the people are compelled to say “Heil Hitler!” and to give a specific salute. The meaning of the phrase and the salute is that the person who does it is saying: “I look to Hitler for Salvation”; whereas the scriptures plainly show salvation is of God and none other.⁶⁷

Rutherford continued to the topic of the flag salute in the United States.

Is it right to compel people to salute a flag? If anyone desires to salute a flag, that is his privilege, and no one has a right to say that he shall not salute it. But to compel people to salute a flag or any other image is wrong, and particularly if that person believes in God and Christ Jesus. For the Christian to salute the flag is in direct violation of God’s specific commandment.⁶⁸

Minersville School District vs Gobitis

After Rutherford’s radio address many more Jehovah’s Witnesses joined in abstaining from participating in the pledge of allegiance. Lillian and William Gobitis⁶⁹ were children of Jehovah’s Witnesses in seventh and fifth grade during the fall of 1935 and attended school in a predominantly Catholic community of Minersville, Pennsylvania. After the school superintendent learned of their refusal to participate in the pledge of allegiance, he sought a resolution from the school board requiring the flag salute as “part of the daily exercises.” Students who refused would be punished for insubordination. Lillian and William were expelled November 6, 1935. Their parents were forced to send the children to attend a private school.⁷⁰ Their father Walter Gobitis filed a suit against the Minersville School Board in the United States District Court for the Eastern District of Pennsylvania. The Gobitis family had incurred heavy expenses sending the children to a private school. In a case decided December 1, 1937, Gobitis unsuccessfully attempted to recuperate the costs of sending his children to a private school⁷¹ from the district that had barred them from attending.⁷² Although the court refused a financial settlement against the district, in a

21. *Ibid.*, 8.

22. *Ibid.*

23. The proper spelling of the family name is “Gobitas”. Due to an error of a court clerk the name appears spelled as “Gobitis”. See Peter Irons (1988). *The Courage of Their Conviction*, New York: Free Press, ch 1.

24. Tony Konkoly. “Famous Dissents *Minersville School v. Gobitis (1940)*” Thirteen.org, accessed November 24, 2017,

https://www.thirteen.org/wnet/supremecourt/personality/landmark_minersville.html.

25. In *Gobitis v. Minersville 21 F. Supp. 581 (E.D. Pa. 1937)* Gobitis sought to recover \$3,000 as expense incurred sending the children to a private school. Saving.org approximates the value of the amount in 2017 to be equivalent to \$51,735.43. <https://www.saving.org/inflation/>.

26. *Gobitis v. Minersville 21 F. Supp. 581 (E.D. Pa. 1937)* accessed November 24, 2017, <https://law.justia.com/cases/federal/district-courts/FSupp/21/581/1943607/>.

separate case they agreed that the rights of the students had been violated.⁷³ In June of 1938, the Court ruled that the plaintiffs were entitled to an injunction and that the Minersville School District had deprived them "...of their liberty without due process of law in violation of the Fourteenth Amendment." Participating in the flag salute should not be a condition of the right to attend a public school.⁷⁴ The Minersville School District appealed the verdict to the Third Circuit Court of Appeals. Once again, the court sided with the Jehovah's Witnesses. "Eighteen big states have seen fit to exert their power over a small number of little children." Judge William Clark recounted the history of the flag salute in the United States and recent actions of state legislatures regarding the flag salute. Clark argued that the compulsory flag salute as a method of teaching loyalty, "...is of at least doubtful efficacy and, as applied to appellees, plainly lacking in necessity." Judge Clark cemented his ruling with a quote from George Washington guaranteeing religious protections to Quakers, the first European settlers of Pennsylvania who had come to the colonies to flee religious intolerance. Clark concluded that the religious convictions of the students ought to be respected by the school district.⁷⁵ The Minersville School District appealed the case to the United States Supreme Court which agreed to hear it. Yet, the Supreme Court had refused to hear appeals on flag salute cases from Georgia, California, New Jersey and Massachusetts where lower courts had ruled in favor of school districts and against the Jehovah's Witnesses.⁷⁶

The Political Landscape of 1940

Five years had passed since the expulsion of the Gobitis children from the Minersville school district. The rise to power of Adolf Hitler and the Nazi Party in Germany in 1933 that brought attention to national symbols and Jehovah's Witnesses position of neutrality now had worldwide consequences. In 1935, Hitler began the process of building an army in violation of the Treaty of Versailles. In 1936, thirty-five thousand German troops moved into the Rhineland, a buffer zone between Germany and France. In July, Hitler and the Fascist Dictator of Italy Benito Mussolini, sent aircraft to assist rebel forces led by General Francisco Franco in the Spanish Civil War. In November of 1936, Germany formed alliances with Japan and

27. *Gobitis v. Minersville* 24 F. Supp. 271 (E.D. Pa. 1938) no 9727 gives current cost of Lillian's education as \$600 plus an additional \$600 in the future for a total of \$1200. William's Education had cost \$800 and would be an additional \$1200 for a total of \$2000. Gobitis had incurred \$1400 at that time equivalent of \$23,472.56 in 2017 per savings.org and would spend an additional \$1800 equivalent of \$30,179 in 2017 per <https://www.saving.org/inflation/>.

28. *Gobitis v. Minersville School Dist.*, 24 F. Supp. 271 (E.D. Pa. 1938) no. 9727, law.justia.com.

29. *US Court of Appeals for the Third Circuit - 108 F.2d 683 (3d Cir. 1939) No. 6862 November 10, 1939*. Writ of Certiorari Granted March 4, 1940, accessed November 24, 2017, <https://law.justia.com/cases/federal/appellate-courts/F2/108/683/1477941/>.

30. "Can Tots Be Forced To Salute Flag?" *Valley Morning Star* (Harlingen, Texas), March 5, 1940, accessed November 25, 2017, newspapers.com database.

Fascist Italy. By March of 1938 Austria was annexed and fell to the Nazis.⁷⁷ In the same year, the Third Reich launched a war of propaganda to stir discontent among ethnic Germans in the Sudetenland region of Czechoslovakia and advanced troops near the border in May. Throughout the summer Germany prepared for war and intensified propaganda against the Czech government. Czechoslovakia had been created in the settlement of the Treaty of Versailles, was developed as a parliamentary democracy, and presented an obstacle to the eastward expansion of the Reich. Desperate to hold off war at any cost, representatives of France and Britain agreed to concede territory to the Reich without the presence of the Czech delegation. The annexation of the Sudetenland in September marked a shift in the beginning of the march towards war. Germany sought war and would not be pacified with a section of Czechoslovakia. War had been postponed but Western powers had shown weakness, convincing the Reich that aggression eastward would not face interference.⁷⁸ The evening of March 15, 1939, Prague fell to Hitler's forces.⁷⁹ Italy invaded Albania in April. In August, Hitler signed a non-aggression pact with Joseph Stalin of Russia, containing secret protocols for the partition of Poland and division of territory of other European countries. On September 1, 1939, Germany invaded Poland, a French and British ally, which marked the beginning of World War II.⁸⁰ Denmark, Norway, Holland, and Belgium were invaded by German armies in the spring of 1940 and surrendered by the end of May. France surrendered to Axis powers June 22, 1940, leaving Britain the only nation in Europe opposing the Nazis.⁸¹

The United States became isolated and less formidable on the world stage during the 1930s.⁸² In the United States, public sentiment opposed involvement in foreign wars. The Great Depression had crippled the nation economically, leading to a rise in nativist sentiments. In 1940, after eleven years of economic depression, 17 percent of the population remained unemployed.⁸³ Anti-Semitic and fascist groups sprung up across the United States during the 1930s. The Christian Front, an Anti-Semitic Catholic organization, flourished under leadership of public figure and radio personality Father Charles E. Coughlin.⁸⁴ Father Coughlin stoked fears of rising Communist sympathies in the United States.⁸⁵ William Dudley Pelly sought to form

31. David Kennedy, *Freedom From Fear The American People in Depression and War, 1929-1945* (New York: Oxford University Press, 1999), 385.

32. Thomas Childers, *The Third Reich* (New York: Simon and Schuster, 2017), 401-416.

33. William I. Shirer, *The Rise And Fall of the Third Reich A History of Nazi Germany* (New York: Simon and Schuster, 1960), 448.

34. Kennedy, *Freedom From Fear*, 425-426.

35. William E. Leuchtenburg, *Franklin D. Roosevelt and the New Deal 1932-1940* (New York: Harper Perennial, 2009), 299.

36. Kennedy, *Freedom From Fear*, 393-396.

83. Doris Kern Goodwin, *No Ordinary Time Franklin and Eleanor Roosevelt: The Home Front in World War II* (New York: Simon and Schuster, 1994), 42.

38. Leuchtenburg, *Franklin D. Roosevelt and the New Deal*, 276-277.

39. Arthur M. Schlesinger, Jr. *The Age of Roosevelt The Politics of Upheaval* (Boston: Houghton Mifflin Company The Riverside Press Cambridge, 1960), 17-18.

a “Christian Militia” to advance pro-Nazi ideologies in the United States by forming the Silver Shirts after Hitler came to power in Germany.⁸⁶ In 1939, a pro-Nazi group, the German –American Bund, gathered at Madison Square Garden with 20,000 in attendance to protest alliances with European democracies, policies of Franklin D. Roosevelt’s administration, and “International Jewry.”⁸⁷ Isolationists held power in Congress and were supported by public sentiment. 1935 marked the eighteenth anniversary of the United States’ entry into World War I and was observed by peace rallies led by veterans groups and students. Congress passed neutrality legislation, preventing the sale of armaments to all nations involved in armed conflict. Despite the official policy of non-intervention, the United States continued to supply aggressor states with oil and other raw materials. The League of Nations took action against Italy for the invasion of Ethiopia and asked the United States, the supplier of half the world’s oil, to cut off shipments. The United States argued that oil did not classify as “arms, ammunition or implements of war” and refused to cut off shipments, although this would have disabled Mussolini’s army.⁸⁸ Roosevelt was reluctant to support an oil embargo due to public sentiment among Italian-Americans opposing the League’s sanctions against Italy.⁸⁹ When sanctions failed, the League of Nations blamed the United States. The outcome of the 1938 negotiation to annex the Sudetenland marked a turning point in foreign policy of the United States. Roosevelt realized that preparedness policy needed to be revised, including the neutrality acts put in place by congress. Of neutrality acts Roosevelt said, “We have learned that when we deliberately try to legislate neutrality, our neutrality laws may operate unevenly and unfairly—may actually give aid to an aggressor and deny it to the victim. We ought not to let that happen anymore.”⁹⁰ Revisions to the Neutrality Act in 1939 sought to insulate the Western Hemisphere from the war in Europe. This revision allowed the sale of arms to nations at war but required purchases be made in cash and transportation to be provided for the goods purchased. American ships were forbidden to enter ports of nations at war and blocked from entering areas deemed as combat zones, and American citizens were barred from sailing on vessels of nations at war.⁹¹ As German forces advanced in May of 1940, Roosevelt appeared before Congress, requesting an additional \$1.3 billion to build a “two-ocean Navy” with a production goal of fifty thousand planes annually to supply allied forces.⁹² Although the United States had not joined the war, they were a part of the war effort.

Minersville School District v. Gobitis at the Supreme Court

40. Ibid., 80-81.

87. “Bund Denounces World Jews, Mocks F.D.R. and Cabinet” *The Kingston Daily Freeman* (Kingston, New York), February 21, 1939, accessed March 11, 2018, newspapers.com database.

42. Kennedy, *Freedom From Fear*, 393-396.

43. Leuchtenburg, *Franklin D. Roosevelt and the New Deal*, 220-222.

44. Kennedy, *Freedom From Fear*, 420-421.

45. Leuchtenburg, *Franklin D. Roosevelt and the New Deal*, 295.

46. Kennedy, *Freedom From Fear*, 446.

The United States was preparing to aid European allies, as Hitler and the German armies battled for control of Norway and Denmark in April of 1940 when the first flag salute case was argued in the Supreme Court. The school district argued in the plaintiff's brief that they had adopted the compulsory flag salute procedure lawfully and had a right to expel students for non-participation. Olin R. Moyle, who had been the attorney on the case, had been replaced by J.F. Rutherford, the president of the Watchtower Society. The respondent's brief, authored by Rutherford focused on Biblical arguments and the persecution the Jehovah's Witnesses faced with less of a focus on constitutional law. Two friends of the court briefs were submitted in the case on behalf of the Gobitis family. The American Bar Association's Committee on the Bill of Rights and the American Civil Liberties Union (ACLU) submitted briefs focusing on constitutional arguments.⁹³ The 8 to 1 decision issued in June 3, 1940, in favor of the Minersville School District overturned the lower court ruling. The majority opinion written by Justice Felix Frankfurter upheld the right of the school board to make decisions for local areas. The court he argued should not be, "...the school board for the country. That authority has not been given to this Court, nor should we assume it." Frankfurter argued that the flag salute served the purpose of, "the promotion of national cohesion." He argued that "National unity is the basis of national security."⁹⁴

Hayden Covington, a member of the Watchtower Society's Legal Team who worked with Rutherford on the *Gobitis* case, credited the loss to the political climate of the war years: "Brother Rutherford argued that one, but he did a good job. The reason that it was lost was not because of Brother Rutherford, but because of the times we were in," Covington said. "The war was going on and the heat was on us from every angle."⁹⁵

Aftermath of *Gobitis*

Although there is evidence that arguments in the case left some members of the Supreme Court conflicted, particularly Justice Frank Murphy,⁹⁶ they were unaware that the decision would unleash violence. The attacks on Jehovah's Witnesses that

47. ACLU of Massachusetts, "The Story of the Bill of Rights Chapter 14", Rights Matter.org, 2006, accessed October 28, 2017, <http://www.rightsmatter.org/teachers/chapter14.html>.

48. *Minersville School District v. Gobitis*, 310 U.S. 586 (1940), accessed October 1, 2017, <http://caselaw.findlaw.com/us-supreme-court/310/586.html>.

49. "Hayden C. Covington Interview" interview by Jerry Murray, No Location, November 19, 1978, transcript, archive.org, accessed November 4, 2017, https://archive.org/stream/HaydenCCovingtonInterview/HaydenCovingtonInterview_djvu.txt.

50. Laura Krugman Ray, (2012) "Circumstance and Strategy: Jointly Authored Supreme Court Opinions." *Nevada Law Journal*, vol 12, no. 3, (2012): 730-773, accessed November 4, 2017, <http://scholars.law.unlv.edu/nlj/vol12/iss3/20>.

followed the *Gobitis* decision were a symptom of the fear and suspicion that had overtaken American society. Patriotic fervor, paired with fear and paranoia created a volatile situation in the United States. Americans realized that they were no longer beyond the reach of the warring armies abroad. In the Northeast, groups formed to protect communities from invasion by paratroopers. President Roosevelt passed the Smith Act requiring 3.5 million resident aliens to register with the government, and imposed fines and prison sentences for spoken, written, or printed words that could “cause insubordination, disloyalty, mutiny or refusal of duty ...” in the military.⁹⁷ Fear of conspiracy and secret subversives led individuals to investigate persons they suspected of being involved in activities to undermine the government. Members of local governments and law enforcement shirked their responsibility to hold order. Some joined mob violence against the Jehovah’s Witnesses, led by fraternal organizations, such as the American Legion. Attacks in Maine,⁹⁸ Illinois,⁹⁹ and Maryland¹⁰⁰ followed within two weeks of the *Gobitis* decision. Although violent incidents occurred throughout the United States, Jehovah’s Witnesses in Texas, faced some of the most violent and consistent persecution, including the lynching of O.L. Pillars in 1942.

By May of 1940 self-appointed groups had formed in Texas to investigate those they suspected as being members of the “fifth column”, subversives who sought to secretly undermine the war efforts.¹⁰¹ The American Legion and Veterans of Foreign Wars formed secret committees at least as early as 1939 to investigative activity they deemed suspicious and forward the information officials in their organizations.¹⁰² The American Legion organized, planned and carried out vigilante attacks in local communities on those they deemed subversive- frequently targeting Jehovah’s Witnesses. Through analysis of affidavits from victims, David T. Smith, author of *Religious Persecution and Political Order in the United States*, estimates that the American Legion were directly involved in 47 percent of incidents when authorities would not take action and over half of the incidents that involved mobs. Smith identifies The American Legion and other veterans groups in 42 percent of incidents involving assault.¹⁰³

Law enforcement at a local, county, and state level were also involved in vigilante attacks on Jehovah’s witnesses. Less than a week after the *Gobitis* decision, a building where Jehovah’s Witness held meetings in Kennebunk, Maine was attacked

51. Leuchtenburg, *Franklin D. Roosevelt and the New Deal*, 300-301.

52. Peters, *Judging the Jehovah’s Witnesses*, 76-81.

53. Watch Tower Society, *1975 Yearbook* (1974), 169.

54. “Jehovah’s Witnesses Hall is Raided in Flag Salute Battle” *Daily Times* (Salisbury, Maryland), June 20, 1940, accessed November 25, 2017, newspapers.com database.

55. “Pappy Urges All to Fight Unamericans” *The Brownsville Herald* (Brownsville, Texas), May 21, 1940, accessed November 25, 2017, newspapers.com database.

56. “San Benitans Will Discuss Fifth Column” *The Brownsville Herald* (Brownsville, Texas), May 20, 1940, accessed December 4, 2017, newspapers.com database.

57. Smith, *Religious Persecution and Political Order*, 135-136.

and burned by a mob of around 2,000.¹⁰⁴ Local and state law enforcement refused to provide protection after several incidents of mobs breaking windows, and hurling bottles and rocks through windows during meetings. Frustrated with a refusal by local authorities to offer protection or to reign in mob violence, although perpetrators were known to authorities, the Witnesses armed themselves for protection. In a later attack, Witnesses fired shots to clear a mob forming outside that launched projectiles through windows of the building. Two of the assailant were wounded and fled the scene. Local authorities refused to take action against members of the mob and instead charged two local Witnesses with assault with intent to kill, for firing shots to clear the mob. After local persons described as “drunk American Legion boys” learned that Witnesses had taken up arms in self-defense and wounded two members of a mob earlier in the evening, the group converged on the jail where the Jehovah’s Witnesses were being held. The mobs could not reach the Jehovah’s Witnesses inside, so instead marched on the Kingdom Hall. The building was ransacked and burned. Attacks spread as members involved in the Kennebunkport attack drove to nearby communities, breaking into residences of on Jehovah’s Witnesses and assaulting them in their homes. The press drew a connection between tactics used in Anti-Witness attacks and those used by the Ku Klux Klan. After several days of rioting and harsh condemnation in the press, Governor Lewis Barrows intervened to quell the violence. The summer vacation season was approaching and if order was not restored the economy would suffer.¹⁰⁵

On June 16, 1940, a group of approximately 1,000 accosted a group of sixty-four Jehovah’s Witnesses in Litchfield, Illinois. Cars and property were destroyed in the incident. Four days later on June 20th a group attacked a meeting of the Jehovah’s Witnesses in Rockville, Maryland.¹⁰⁶ Law enforcement was at least complicit in the Rockville, Maryland attack. An estimated fifty persons took part in the incident according to a local patrolman. The leader of the group that launched the attack was mentioned by name in the local newspaper.¹⁰⁷ The county police chief was dismissed and two officers fined as a result of the incident.¹⁰⁸

Members of law enforcement took part in vigilante attacks, sometimes actively though participation, or in other cases, confining chosen victims and turning them over to mobs, such as in the lynching of O.L. Pillars in 1942. Pillars and others had been arrested for preaching in Winnsboro, Texas. While waiting in the local marshal’s office, the mob entered and removed the group with no resistance from local authorities. The mob assaulted the group for the next six hours, trying to force

58. “Sack Headquarters of Religious Sect” *The Daily Mail* (Hagerstown, Maryland), June 10, 1940, accessed November 25, 2017, newspapers.com database.

59. Peters, *Judging Jehovah’s Witnesses*, 77-81.

60. Watch Tower Society, *1975 Yearbook* (1974), 169.

61. “Jehovah’s Witnesses Hall is Raided in Flag Salute Battle” *Daily Times* (Salisbury, Maryland), June 20, 1940.

62. “Ten On Trial Today For Halting Meeting of Religious Sect” *Daily Times* (Salisbury, Maryland), July 22, 1940, accessed November 25, 2017, newspapers.com database.

them to salute the flag. First the mob dragged Pillars by a rope into the jail, then into the street where he was hung from a pipe that extended from the building. Pillars recalled losing consciousness and waking in the jail with a doctor examining him. The rope Pillars had been hung with broke, sparing his life. The doctor recommended he be transferred for treatment. After the doctor and marshal left, members of the mob who had carried out the attack walked through the jail to locate Pillars and see if he was “dead yet.” Pillars was transferred for medical treatment and survived the incident. The Federal Bureau of Investigation made inquiries about the incident, but the marshal and other officials who took part in the attack fled the state to escape prosecution.¹⁰⁹

With authorities refusing to offer protection or hold order at a local level, Jehovah’s Witnesses appealed to the federal government for assistance and enlisted aid from the ACLU, which had authored a sympathetic brief in Gobitis. After dozens of complaints from Jehovah’s Witnesses to the justice department, Solicitor General Francis Biddle publicly condemned the outbreak of attacks in June of 1940. Biddle acknowledged the danger of the nation’s preoccupation with spying and subversion. Biddle called for Americans to be “alert and watchful but “cool and sane” when interacting with dissenters. “We shall not defeat the Nazi evil by emulating its methods,” Biddle said. A few weeks later before the Pennsylvania Bar Association, Biddle once again spoke about the persecution facing the witnesses. Biddle clarified that those who participated in Anti-Witness violence were violating federal civil rights statutes and could face prosecution. At the National Conference of Social Work, June 2, 1941, Biddle spoke about the continued persecution of Witnesses. Biddle was disturbed that local law enforcement allowed attacks to occur and some had led mobs against Jehovah’s Witnesses. “This betrayal of rights of citizens is done in the name of patriotism, and failure to salute the flag is made an excuse to desecrate the principles of which the flag is a symbol,” said Biddle. The Justice Department’s Civil Rights Section did investigate several cases, but were reluctant to press federal charges against those who perpetrated violent attacks.¹¹⁰

The ACLU became the Witnesses “staunchest ally,” offering substantial rewards for information to bring to justice those who perpetrated vigilante attacks. The rewards served in an unexpected way: as a deterrent against future attacks. The ACLU noted in one of its publication that where rewards were offered, attacks against witnesses ceased. Local branches of the ACLU, acted to safeguard freedoms of Jehovah’s Witnesses in their communities by reporting local abuses to state and federal authorities and securing indictments against law enforcement involved in violent attacks.¹¹¹ The annual survey of the ACLU reported that Jehovah’s Witnesses “were more frequently victims of mob violence in the United States during 1940 than Communists, Nazis Bundists, and all other minority groups combined.” From May

63. Watch Tower Society, *1975 Yearbook* (1974), 188-189.

64. Peters, *Judging Jehovah’s Witnesses*, 96-102.

65. *Ibid.*

to September attacks had occurred in 335 communities, in forty-four states, with over 1,000 members assaulted- with little or no protection from local authorities.¹¹² The ACLU published a pamphlet on persecution suffered by the Jehovah's Witnesses in January of 1941. The booklet defended the organizations first amendment rights, refuted claims that they were Nazi or Communist sympathizers and included affidavits from members who had experience violence since the Gobitis ruling.¹¹³ According to the ACLU booklet attacks rarely occurred in communities with populations greater than five thousand.¹¹⁴ The ACLU published a second pamphlet in 1942. Although attacks declined in 1941, they continued to take place. Small communities suffered from violence more than urban areas. Violence occurred, "almost always in small communities where prejudice and action are easily organized, and hard to check," according to the report.¹¹⁵ The ACLU linked the attacks to the mistaken belief that Jehovah's Witnesses were secretly foreign agents, "because they refuse on religious grounds to salute the American Flag."¹¹⁶ Evidence showed that many attacks were planned and organized in advance and may not have been based on patriotic fervor alone. Smith, author of *Religious Persecution and Political Order in the United States* argued the refusal of the Jehovah's Witnesses to salute the flag was used as an excuse for the attacks. However, the attacks were based on the desire of the American Legion to reaffirm a position of power in local communities. The attacks fit the criteria of establishment violence in, "an attempt to maintain established position as a privileged group within a political order."¹¹⁷

Jehovah's Witnesses and the Courts

Prior to the incidents involving the flag salute, Jehovah's Witnesses had faced legal challenges, particularly involving evangelizing. Jehovah's Witnesses stirred controversy due to publicly spreading fiery messages authored by the organization's president J.F. Rutherford. After the decision in *Minersville v. Gobitis*, Jehovah's Witnesses became targets of discrimination and violence for private practice of their faith, and being members of the organization. Even in these circumstances, many members continued to proselytize. During the trying war years Hayden C. Covington would lead the legal team of the Jehovah's Witnesses. Covington first heard the message of the Jehovah's Witnesses as a young man while living in San Antonio Texas- through a roommate's father- who introduced him to radio addresses of Judge

66. "The Witnesses" *Middletown Times Herald* (Middletown, New York), January 31, 1941, accessed November 25, 2017, newspapers.com database.

67. American Civil Liberties Union, *The Persecution of Jehovah's Witnesses*, (New York: American Civil Liberties Union, 1941), 1-24, eBook, accessed November 23, 2017, <https://lincolnmullen.com/courses/church-state.2014/docs/aclu-witnesses.pdf>.

68. *Ibid.*, 4.

69. Peters, *Judging Jehovah's Witnesses*, 102.

116. "The Witnesses" *Middletown Times Herald* (Middletown, New York), January 31, 1941.

71. Smith, *Religious Persecution and Political Order*, 120-138.

J.F. Rutherford. Part of Covington's attraction to Rutherford's message was youthful rebellion. "I was myself fed up with the way things were going and like all young kids I was dissatisfied with the establishment", Covington said in a 1978 interview about his years with the organization. "As a lawyer I could see that he knew what he was talking about 100%. He was very persuasive and I was a ready, willing listener, and I was willing to join up with him in his opposition, for the truth." Covington was admitted to the bar in 1933 and became part of the Jehovah's Witnesses soon afterward. Covington practiced law in Texas and legally defended local members who had been arrested for evangelizing. Covington gained the attention of the organization's leadership in New York, after meeting with the San Antonio Mayor to secure the rights of local Jehovah's Witness to hold an "information march". Covington received an invitation to attend the upcoming convention of Jehovah's Witnesses at Madison Square Garden, in New York from J.F. Rutherford's secretary, who had visited San Antonio while negotiations with the mayor were underway. The 1939 convention that Covington attended turned violent as protestors from the Catholic groups attempted to break it up. Covington made several trips back to New York to aid in the defense of attendants who had removed those disrupting the convention. Later that year, Covington received an invitation from J.F. Rutherford to join the Jehovah's Witnesses legal department after the organization's attorney Olin R. Moyle quit.¹¹⁸

The move to New York in 1939 would change Covington's career from a personal injury claims and damage suits lawyer, to a civil attorney defending the Constitutional rights of an unpopular religious minority.¹¹⁹ From 1939 to 1955 Covington led the Jehovah's Witnesses legal defense team, arguing hundreds of cases and appearing before the Supreme Court forty-one times. Beginning in 1942, Covington would serve as Vice- President of the Jehovah's Witnesses for nearly two decades.¹²⁰ Covington authored a booklet, released in 1946, *Defending and Legally Establishing the Good News*, instructing members how to deal with legal matters that could arise from evangelizing and practicing their faith.¹²¹

Covington's task was neither easy nor safe. After the verdict in *Minersville v. Gobitis*, cases poured into the legal department, making it necessary for Covington to work up to eighteen hours a day and travel back and forth across the country. In Connorsville, Indiana the need to leave quickly to appear at another case may have saved his life. Covington described Connorsville as, "...a hot bed of American Legion action. They ruled the whole town." Covington had intended to stay until the next day to hear the verdict of the case defending the right of Jehovah's Witnesses to proselytize and distribute literature. But Covington left to appear at a case in Maine.

72. "Hayden C. Covington Interview" interview by Jerry Murray, November 19, 1978, archive.org.

73. Ibid.

74. Penton, *Apocalypse Delayed*, 106-107.

75. Ibid., 115.

After dark, crowds gathered in the streets seeking Covington, screaming and yelling that they were going to kill him. The case was not decided in favor of the Jehovah's Witnesses. Covington continued to battle the case, taking it to the Supreme Court of Indiana, where a ruling in favor of the Jehovah's Witnesses was announced on Pearl Harbor Day.¹²²

Perseverance emerges as a central legal strategy of Jehovah's Witnesses. Unfavorable decisions were appealed. If the legal team did not get the results they wanted, they would take on another similar case and argue the issue again. Covington believed that the Supreme Court could reverse their decisions and reopen cases. Two issues that were at the forefront of the defense of Jehovah's Witnesses were license tax laws and resolutions requiring participation in the flag salute. Many communities required persons selling books or other products to purchase a license. Jehovah's Witnesses who asked for donations to cover the cost of published materials could be prosecuted for selling without a license. When Jehovah's Witnesses tried to purchase a license they were turned away and told they did not qualify for licenses.¹²³ A group of license tax cases were brought to the Supreme Court in *Jones v. City of Opelika* in June of 1942. Although the 5 to 4 ruling was not in favor of the Jehovah's Witnesses,¹²⁴ Covington was encouraged by Justice Frank Murphy's dissent acknowledging persecution the Jehovah's Witness had experienced.¹²⁵ Covington returned to the Supreme Court with a similar case the following year. In *Murdock v. Pennsylvania*, decided in May of 1943, the United States Supreme Court reversed its position and vacated the ruling of *Jones v. Opelika*. The Jehovah's Witnesses had also battled cases involving license tax since *Lovell v. Griffin* in 1938.¹²⁶

Jones v. Opelika also encouraged Covington as it presented a way to bring a flag saluting case back to the Supreme Court. Three of the Justices who had sided with the majority in *Minersville v. Gobitis* included a separate dissent at the end of *Jones v. Opelika*, admitting they had wrongly decided the case. The government "has a high responsibility to accommodate itself to the religious views of minorities however unpopular and unorthodox those views may be."¹²⁷ Covington knew there was an opportunity for the Supreme Court to reopen and reverse the flag salute ruling. Covington brought an injunction case to the United States District Court in the District of West Virginia in order to halt enforcement of the state flag salute regulation requiring compulsory salute by children in the schools. By filing an injunction against

76. "Hayden C. Covington Interview", interview by Jerry Murray, November 19, 1978, archive.org.

77. Ibid.

78. *Jones v. City of Opelika*, 316 U.S. 584 (1942), accessed October 8, 2017, <http://caselaw.findlaw.com/us-supreme-court/316/584.html>.

79. "Hayden C. Covington Interview", interview by Jerry Murray, November 19, 1978, archive.org.

80. Watch Tower Society, *1975 Yearbook* (1974), 178-180.

81. *Jones v. City of Opelika*, 316 U.S. 584 (1942) (*J. Murphy dissenting*), accessed October 8, 2017, <http://caselaw.findlaw.com/us-supreme-court/316/584.html>.

the enforcement of the measure and arguing it was unconstitutional, the case was assigned to a three judge Statutory Court with a right to directly appeal to the Supreme Court.¹²⁸

Changes at the Supreme Court

The landscape of the Court had changed since 1940. The makeup of the court and direction of the court had shifted from economic rights to individual rights. Two new Justices who opposed the *Gobitis* decision had joined the Court. Justice Charles Evan Hughes and Justice James Clark McReynolds had retired and been replaced by Justice Robert Jackson and Justice James Byrnes. Justice Byrnes left the Court to serve in the Roosevelt administration, whom was being replaced by Justice Wiley Rutledge. Justices Jackson and Rutledge would be a part of majority that would overturn *Gobitis*. Jackson had served as Attorney General prior to joining the Supreme Court. Jackson was aware of the violent persecution against the Jehovah's Witness and expressed disagreement with the ruling in a book published before joining the court. Jackson viewed *Gobitis* as a departure from the Court's, "usual vigilance," countering local governments when they sought to, "suppress free dissemination of ideas," that was essential for democracy. Rutledge, while at the U.S. Court of Appeals for the District of Columbia was a judge on a case that was similar to *Jones v. Opelika*. The U.S. District Appeal Court upheld convictions of two Jehovah's Witnesses for selling publications without obtaining licenses. Rutledge dissented arguing that the ordinance designed for regulating business was being used, "for suppression of unpopular religious and political causes."¹²⁹

Justice Harlan Fiske Stone, the lone dissenter in *Minersville v. Gobitis* had been elevated to the position of Chief Justice.¹³⁰ Since 1937 the focus of the Supreme Court had begun to shift from regulation of the economy and business to matters involving individual rights. *United States v. Carolene Products*, footnote 4, authored by Justice Stone, served as an opening wedge for civil liberties and protections of civil rights of minority groups. In noneconomic cases, the Court might adopt a higher level of judicial scrutiny in cases involving minority groups, to ensure rights had not been abridged.

131

West Virginia Board of Education v. Barnett—Background

In early 1942, the West Virginia School Board enacted a requirement for all

82. "Hayden C. Covington Interview", interview by Jerry Murray, November 19, 1978, archive.org.

83. Peters, *Judging Jehovah's Witnesses*, 230-248.

84. *West Virginia State Board of Education v. Barnett* 319 U.S. 624 (1943), accessed October 1, 2017, <https://supreme.justia.com/cases/federal/us/319/624/>.

85. Kermit Hall, Paul Finkelman, and James W. Ely, *American Legal History: Cases and Materials* (New York: Oxford University Press, 2011), 493-496.

students and teachers to take part in daily Pledge of Allegiance exercises.¹³² The regulation quoted directly from the *Gobitis* decision and appeared to have been written specifically to target Jehovah's Witnesses. After the expulsion of a half dozen children of Jehovah's Witnesses near Charleston, they asked the West Virginia Supreme Court to block enforcement of the measure. When their request was turned down the families filed a request for an injunction in the Federal District Court for the Southern District of West Virginia.¹³³ The families argued that the law violated the due process clause of the Fourteenth amendment. The regulation would bar children from attending public schools and force families to pay tuition for private schools. This was a similar argument used by *Gobitis* at the District Court level. On October 6, 1942 Circuit Judge John Parker ruled in favor of the Jehovah's Witnesses and granted an injunction. Judge Parker defined the question to be answered as, "Whether children who for religious reasons have conscientious scruples against saluting the flag of the country can lawfully be required to salute it." Parker concluded, "We think that this question must be answered in the negative." Parker determined that in most cases a District Court was to follow precedent set by the Supreme Court. However, with the dissent in *Jones v. Opelika*, four of seven Justices who had participated in the case expressed the decision was "unsound." Justice Parker cited that speech could only be limited under the concept of clear and present danger. Parker concluded that school children refusing to participate in the flag salute for religious reasons did not meet the requirements of clear and present danger.¹³⁴ The Board of Education did not request a stay or an appeal. A law was passed by Congress in June of 1942 establishing a process for the flag salute under pressure from veteran's groups, specifically the American Legion. The federal requirements sought to discourage Americans from using the same style of salute used by the Nazis in Germany, while saluting the United States flag. The law allowed people to stand at attention with head coverings removed in respect of the flag- but did not require reciting the pledge. As a federal law, it preempted all state or local mandates. After Jehovah's Witnesses student began to return to schools, the State Board of education appealed to the Supreme Court.¹³⁵

Arguments took place March 11, 1943. Briefs were submitted on behalf of the Jehovah's Witnesses by the ACLU and the American Bar Association's Committee on the Bill of Rights. The ACLU argued that only Congress could, "establish a ceremony for saluting the American flag and define and punish the offense of disloyalty to the common emblem of the United States." The American

86. The Robert Jackson Center, "Opinion of the Court, *West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (June 14, 1943)", 2017, accessed November 24, 2017, <https://www.roberthjackson.org/opinion/opinion-of-the-court-west-virginia-state-board-of-education-v-barnette-319-u-s-624-june-14-1943/>.

87. Peters, *Judging the Jehovah's Witnesses*, 245.

88. *Barnette v. West Virginia State Board of Education* 47 F. Supp. 251 (S.D.W. Va. 1942), accessed October 1, 2017, <https://law.justia.com/cases/federal/district-courts/FSupp/47/251/1799514/>.

89. Peters, *Judging the Jehovah's Witnesses*, 247-248.

Legion submitted a brief in support of the school board, arguing that mandatory flag salute regulations were within the legal jurisdiction of local and state authorities. Although Hayden Covington appeared frequently before the court, he devoted a large portion to his brief explaining the religious objections the Jehovah's Witness had to the flag salute. Covington criticized the reasoning and the results of the *Gobitis* decision. Covington targeted the suggestion that minorities "could not turn to the judiciary" when local measures passed by popularly elected officials infringed on rights. He balked at the idea of minorities trusting that the majority would correct legislation that is unconstitutional or violates liberties.¹³⁶

West Virginia State Board of Education v. Barnett -Decision

The decision was handed down on Flag Day, June 14, 1943. The date selected signified the importance of the ruling. Chief Justice Harlan F. Stone, who had authored the lone dissent in *Gobitis*, assigned the majority's opinion to Justice Jackson. The original draft included a footnote mentioning criticism of the *Gobitis* ruling in legal journals and the outbreak of persecution afterwards. By the time the decision was issued, the footnote was revised to exclude mention of persecution of Jehovah's Witnesses. Jackson argued that the outbreak of violence may have still happened even if the ruling on *Gobitis* was different.¹³⁷

Instead of answering the question of mandatory flag salute in context of conflict it caused for a minority religious group, Jackson chose a more broad approach based on an expanded view of the First and Fourteenth Amendment. In *Gobitis*, the court had, "rejected a claim based on religious beliefs of immunity from an unquestioned general rule." The Court had refused to interfere with authority held by the states. Jackson clarified the changing understanding of the Fourteenth Amendment. "The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures—Boards of Education not excepted," he wrote. Jackson argued that some rights were granted to persons directly by the constitution. "One's right to life, liberty, and property, to free speech, a free press, freedom to worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections," Jackson wrote. Jackson concluded the portion refuting *Gobitis* by challenging whether the compulsory acts to encourage unity were permitted by the constitution. After recounting horrors of nationalism and intolerance through the centuries Jackson concluded, "Compulsory unification of opinion achieves only the unanimity of the graveyard."¹³⁸

Jackson acknowledged that the principles might be clear, but decision was more difficult because, "the flag involved is our own." But a free society had room for differences of opinion. In the most well know passage from the ruling Justice

90. *Ibid.*, 248-249.

91. *Ibid.*, 250-251.

92. *West Virginia State Board of Education v. Barnett* 319 U.S. 624 (1943), accessed October 1, 2017, <http://caselaw.findlaw.com/us-supreme-court/319/624.html>.

Jackson explained this idea:

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.¹³⁹

Although Justice Jackson addressed the mandatory flag salute based on freedom of speech, other justices opposed the flag salute regulation on the basis of freedom of religion. In separate concurring decisions, Justice Murphy argued the law infringed on freedom of speech and freedom of religion. Justice Hugo Black and Justice William O. Douglas concluded that compulsory flag salute laws directly conflicted with free exercise of religion. In a joint concurring opinion, they reiterated their dissent in *Jones v. Opelika*. Of the flag salute law in question they wrote, “We believe that the statute before us fails to accord full scope to the freedom of religion secured to the appellees by the First and Fourteenth Amendments.” Justice Black and Douglas noted that the Jehovah’s Witness refused to salute the flag not as a sign of disrespect but based on their understanding of the Bible. Even under persecution the Witnesses had held to their beliefs. “The devoutness of their belief is evidenced by their willingness to suffer persecution and punishment, rather than make the pledge,” they wrote. Justice Black and Douglas also made an important observation that when ceremonies such as the flag salute were forced they could become a, “handy implement for disguised religious persecution.”¹⁴⁰

A rise in nationalistic violence following the *Gobitis* decision provided a visible and frightening reminder that what happened in Europe could also happen in the United States. Jehovah’s Witness had to take greater action in the courts and through governmental channels to secure protection and civil rights. They also had to build alliances with those outside of their denomination, in their search for justice. The ACLU, the Jehovah’s Witnesses staunchest ally, continued to reach out to members of the government and religious leaders. The ACLU built a coalition of twenty-two religious leaders who endorsed ideas in a pamphlet condemning persecution of the Jehovah’s Witness including members of the Catholic clergy.¹⁴¹ This was something that likely made the Witnesses uncomfortable -- although it was necessary. The Court had shifted from an economic focus to an emphasis on personal liberties in the late 1930s, but few cases had come forward to test what the new attention would look like. *Barnette* offered an indication of which arguments would be most effective in personal liberty cases. The court had shifted to a more modern

93. Ibid.

94. *West Virginia State Board of Education v. Barnett* 319 U.S. 624 (1943) (J. Black Concurring), accessed October 1, 2017, <http://caselaw.findlaw.com/us-supreme-court/319/624.html>.

95. Peters, *Judging Jehovah’s Witnesses*, 107.

interpretation of the Fourteenth Amendment – rights in the Constitution were more firmly guaranteed at both the Federal and State level. Finally, *Barnett* enshrined the First Amendment as the foundation for American freedom.

Peace Breaker:

Edwana Collins and Desegregation in Wichita Public Schools

Erin LeBegue

Between 1962 and 1966, eight local chapters of the NAACP throughout the North, Midwest and West filed lawsuits against individual school districts in the fight for equality in the schools. These cities were all failing to comply with Title VI of the Civil Rights Act of 1964 and were being sued for failure to adequately integrate their school districts. The NAACP had been encouraging its local branches to file these lawsuits as a way to force the courts to broaden the *Brown v. Board of Education* decision to include the growing problem of de facto as well as de jure segregation. Newspapers and magazines all over the country were part of the discussion. Two stories, one published in the Wall Street Journal, and another in Time Magazine, featured the Wichita school system as an example of the issues plaguing the nation. The case in Wichita was a part of this moment in history and speaks not only to the process of fighting for equality, but also the people involved.¹

The fight for Civil Rights in the United States has been difficult and has largely been accomplished by people who have challenged the status quo. History shows that progress and people willing to break the peace go hand in hand. Edwana Collins was one such peace breaker. On June 8, 1970, she was duly sworn and took the stand ready to testify against the Wichita Board of Education, an institution she had been part of for nearly sixteen years. Throughout her tenure on the Board of Education, Collins was a needed advocate for desegregation in Wichita Public Schools and fought to give African American families a voice within the school system. Through a study of her personal papers, Board of Education documents, local newspapers, and the civil rights movement in Wichita as a whole, one can trace her efforts toward integration, from her early work as president of the Board, creating and serving on committees designed to research the underlying issues contributing to segregation, her commitment to advocating for the African American parents, and her ultimate act of peace breaking, testifying against the Board of Education. Though she was not alone in her fight against inequality, her efforts demonstrate that individuals can be agents of change within their communities.

Edwana Collins was born into a successful white family in New Orleans on December 5, 1921. The family settled in Wichita in 1932 after her father, John L. Denning, moved his lucrative broomcorn business to the city. She dropped out of

¹ Gretchen Eick, *Dissent in Wichita: The Civil Rights Movement in the Midwest, 1954-72* (Chicago: University of Illinois Press, 2001), 63; Robert L. Lane, "A Historical Study of the Development of School Desegregation in the Wichita Public Schools, 1966 to 1975" (Ed.D. Dissertation, University of Kansas, 1977), 146-147.

East High School to marry Edwin Collins when she was sixteen.² She became interested in school issues in 1947, when her eldest child began school. On the first day of the year, she found to her horror that her daughter had been assigned to a classroom in an old one-room schoolhouse across the street from the main school building. This old schoolhouse had no running water or way to communicate with the main school building, which disturbed Collins greatly. She wondered how these conditions and the unequal learning environment would affect her daughter's education and began spending as much time in the classroom as she could, becoming intimately familiar with many of the issues facing her daughter's school and the Wichita school system in general. Wanting to see change, she became very active in the League of Women Voters, who lobbied on school issues like bonds for new buildings, and another citizens committee that activated during election years to promote specific candidates for the Board of Education. When her youngest child began school in 1955, Collins decided to stop simply promoting candidates and ran for her own seat on the Board of Education. Through this position, she hoped to help fix many of the issues she saw in the Wichita school system.³

The end of legal segregation in the United States was a difficult process. It officially began with the landmark Supreme Court decision *Plessy v. Ferguson* in 1896. Homer Plessy, part African American, refused to move to a 'colored' railway car and was imprisoned for it. The court decision ruled that if they were equal, separate railway cars for black and white patrons were constitutional.⁴ Though originally only regarding railway cars in Louisiana, the effects of *Plessy v. Ferguson* spread to nearly all areas of life in the United States, including the school system. Plessy's defense in the court was that separate was inherently unequal, but this would not be acknowledged until fifty years later in another landmark decision, *Brown v. Board of Education*, in Topeka, Kansas, in 1954. Even after the unanimous court decision that overturned *Plessy v. Ferguson*, the federal government did not have the ability to enforce that decision until the Civil Rights Act of 1964, which gave the government the ability to withhold federal funds from school systems or any other federally-funded organization if they did not comply with the Civil Rights Act. The Department of Health, Education, and Welfare was given the task of enforcing desegregation in public schools.⁵ With the passing of the Civil Rights Act and the federal government's means to enforce it, most schools adopted desegregation policies. While these policies rejected de jure segregation, that is, legal segregation, often these were just one part of the issue. Overcoming de facto school segregation would prove much more difficult to achieve. This was the unofficial segregation caused by discriminatory policies and traditions in housing and district zoning which perpetuated school segregation.

For the Wichita school system, the *Brown v. Board of Education* decision meant few changes in policy because Wichita was not operating a legally segregated school

² Eick, *Dissent in Wichita*, 63.

³ Edwana Collin, "Untitled," Box 4, Folder 7, Edwana Denning Collins Papers, Ablah Library Special Collections, Wichita State University, Wichita, Kansas.

⁴ Jeffrey A. Raffel, *Historical Dictionary of School Segregation and Desegregation: the American Experience* (Westport: Greenwood Press, 1998), 198-199.

⁵ *Ibid.*, 49.

system at the time. Five years prior, the Board had approved a "neighborhood school" policy that combined the two segregated school systems into one and required children, black and white, to attend the school in the neighborhood in which they resided.⁶ At the time, this was a progressive step for the Board of Education, but the strict neighborhood-school policy soon became an issue because the lack of fair housing ordinances increasingly segregated African-Americans into specific neighborhoods, such as in Northeast Wichita. Such homogenous neighborhoods quickly caused seven neighborhood elementary schools and one intermediate school to become predominantly (over ninety percent) black. In a letter to the editor of the *Wichita Eagle* on November 11, 1965, Chester Lewis, the local NAACP president, pointed out that since only eight percent of the total Wichita population was African American, there was no reason to have any all-black schools, much less eight.⁷ The city and the school system was becoming more segregated, not less.

In the 1961-1962 school year, Edwana Collins was serving as the president of the Board, and used that position to begin her work as an advocate for desegregation. Recognizing that action would be required to stop the growing de facto segregation, Collins was eager to identify and solve, if possible, some of the issues contributing to segregation. Her first step was to form and lead a committee to study the de facto segregation that was growing in the Northeast area of Wichita.⁸ This committee, called the Committee to Study Ethnic Problems, went out into the community and looked for the major causes of segregation and some possible solutions to those problems. As Collins and two other Board members examined this problem, she received help from community organizations like the Urban League of Wichita, a group designed to bring whites and blacks together. This group sent her a letter listing several areas of concern they believed to be contributing to the growing problem of segregation, which included issues like the lack of teacher distribution and teaching materials/community resources.⁹

Armed with her research, she attempted to push the Board toward more integration, specifically by introducing explicit anti-segregation policy statements intended to commit the school system to non-discriminatory practices. One of the items included in this policy statement was a change in the way school records were kept. They would no longer contain information regarding a student's race, which would help to prevent some discrimination when reviewing student records. The policy statement also stated a commitment to cooperate with "other community agencies in helping to eliminate the conditions that bring about de facto segregation." The policy went on to say that the Board of Education was in a position to be a leader in the community working towards a more integrated, equal society. While this policy reflected Collins' beliefs and desires, the board nevertheless struggled to live up to these ideals and instead chose to continue promoting the neighborhood school policies that were serving to perpetuate de facto segregation and prevent the changes

⁶ Lane, "A Historical Study," 77.

⁷ *Ibid.*, 99.

⁸ Eick, *Dissent in Wichita*, 63-64.

⁹ Lane, "A Historical Study," 90.

necessary to desegregate Wichita Public Schools.¹⁰

As the problem of de facto segregation grew along with the African American population and neighborhoods, the biggest issue facing Collins and the Board of Education was the Mathewson Intermediate School boundary issue. This would be an important moment not only as part of the process of desegregating the schools, but also in preparing Edwana Collins for her later experiences with the trial. When Mathewson originally opened in 1951, it was located in an all-white neighborhood, but was near enough to the African American neighborhoods that it became an ideally integrated school for several years with nearly an even split between black and white students. The opening of Brooks Intermediate School near Mathewson threatened this ideal balance of students and was the source of heated debate in the community. White flight and the growth of the black community in Wichita rapidly turned the Mathewson neighborhood from a primarily white one, to a predominantly black one just a few years later. Hillside Avenue became the racial boundary between the white and now-black neighborhoods within the Mathewson district. When Brooks Intermediate was purchased, white parents put an enormous amount of pressure on the Board of Education to make Hillside the boundary between Mathewson and the newer Brooks Intermediate Schools. With this pressure and a commitment to adhere to the 'neighborhood policy' of assigning schools, the Board of Education voted to use Hillside Avenue as the official boundary between neighborhoods and schools. Once this boundary was approved by the Board, Mathewson, which had been integrated at a steady fifty-fifty ratio, became eighty percent black within one year due to the white children across Hillside being reassigned to Brooks, which became nearly one hundred percent white.¹¹

The Board of Education would show its unwillingness to work with the African American community again in 1966 when the conversation about Mathewson boundaries came up for another vote. With the opening of Coleman Intermediate School, the Board of Education members would vote on how to redraw the boundary lines for the surrounding schools and shuffle the students around, just as they had when Brooks opened. These new boundaries would be decided upon during the January 24 Board of Education meeting. Many parents in the black community were still unhappy about the Board's decision to make Hillside the boundary between Mathewson and Brooks eight years prior. This had been seen as the Board giving preference to white parents, and parents from the Mathewson district hoped that the boundary issues created during the first wave of the Mathewson controversy would be rectified here. Several hundred African American parents attended the Board of Education meeting, a record number, and presented a petition signed by eighty percent of families in the Mathewson district that requested its closure. These parents, and the president of the PTA, Mary Ellen Lewis, who was chosen to present the petition to the Board, believed that it showed that "black parents opposed segregation under any circumstances."¹²

¹⁰ Eick, *Dissent in Wichita*, 64.

¹¹ *Ibid.*, 4-72, 63-64.

¹² "Administrative Proceedings in the Department of Health, Education, and Welfare, National Science Foundation, Atomic Energy Commission, Department of Housing and

The Board's response to this petition would be a turning point for Edwana Collins. She believed that the petition needed to be taken seriously, but the Board decided to designate the Mathewson district as an 'optional area' from which black parents could request transfers, as long as there was room in nearby schools, and as long as families provided their own transportation. Lawrence Shepoiser, the Superintendent of Wichita Public Schools who had proposed the optional area plan, did make one concession to the African American parents. If sixty percent of parents who returned "preference cards" opted to transfer out of Mathewson, he would do what they originally asked and close it as an intermediate school and send students in that district to either Coleman or Brooks.¹³ When parents later received the preference cards they had many options, and in the end, cards that designated Mathewson as the second or third choice were counted as votes to keep the school open. With these 'votes,' the number voting to close Mathewson came just short of the sixty percent.¹⁴ With only three intermediate schools in the area, Mathewson as a third choice was logical, and Collins would later consider this to be an intentional manipulation of parents by Shepoiser and absolute proof that the opinions of the black community were not important to the Board of Education as a whole. Mathewson continued as a segregated intermediate school and many students who wanted to transfer out of Mathewson could not due to a lack of transportation. Some who had already been approved for a transfer to Coleman applied for a transfer back because of this. The optional area was marketed as a compromise but was simply another effort at appeasing African American parents without making any meaningful change.

The optional area plan did not appease the African American community, showing that half-measures and manipulation would no longer be tolerated. Just days after this Board meeting, the president of the local NAACP, Chester Lewis, went to Washington D.C. and began the process of filing a formal complaint against the Wichita School Board.¹⁵ The Department of Health, Education, and Welfare took his complaint and sent a notice to Dr. Shepoiser, informing him of the charges of noncompliance with Title VI of the Civil Rights Act, particularly in the gerrymandering of school districts to maintain segregated schools and the assignment almost entirely of black teachers to predominantly black schools. For several years, the strategy of the NAACP was to bring cases of de facto segregation to court to press the issue and force the courts to widen the scope of *Brown v. Board of Education* to include de facto segregation.¹⁶ In filing this complaint, Lewis sought to alleviate the growing resentment in Wichita brought on by the unwillingness of Wichita officials to address inequality throughout the city, including unfair employment practices and the lack of fair housing laws. Dr. Robert Watson, president of the Urban League, spoke with the *Wichita Beacon* and warned that the situation was very tense, and that

Urban Development. Brief of Respondent USD 259," Box 5, Folder 12, Edwana Denning Collins Papers, Ablah Library Special Collections, Wichita State University, Wichita, Kansas, 32.

¹³ Eick, *Dissent in Wichita*, 32.

¹⁴ Collins, "Untitled."

¹⁵ "NAACP to File Complaint," *Wichita Beacon*, January 27, 1966.

¹⁶ Eick, *Dissent in Wichita*, 113.

the school segregation issue could bring about physical conflict if negotiations continued to fail.¹⁷

Though defeated in the vote, Edwana Collins was determined to do everything she could to make it possible for families to transfer out of the Mathewson optional area if that was what they wanted. She formed a plan and quickly began working to address what she believed was the biggest obstacle: transportation. When the Mathewson district had been designated an optional attendance area, there was no public bus service that could take students directly to near-by alternatives like Brooks or Coleman. Coleman was especially hard to reach for students because its nearest bus stop was well over a mile from the school. Collins coordinated her efforts with Mary Ellen Lewis, now the former PTA president, and sent out surveys detailing options for families who wanted to transfer out, and specifically targeted those who had been forced to transfer back to Mathewson due to the lack of bus routes. These surveys detailed options for families and showed a new bus route that the city was willing to run.¹⁸ Despite some hiccups early in the school year, “Operation Transport” as Collins referred to it, was a success. Parents and students were more than willing to improvise—some students having to walk or ride bikes from three to five miles away—for the first few weeks of school with the promise that better accommodation was on the way. The success of this program proved to Collins that “all of the problems involved in school desegregation” could be addressed with “someone committed to making it work.”¹⁹

The Mathewson boundary issue was an important moment in the struggle to desegregate the Wichita public schools because it was heavily covered in the newspapers and helped motivate more community involvement in both positive and negative ways. Board meeting attendance and participation by black and white families increased, and Board members received letters from every side of the argument. Tensions were high in the community, and much of the violence occurring on the high school campuses throughout the city was tied to the desegregation issues with the elementary schools and Mathewson.²⁰ Arguably the most important result of the Mathewson boundaries issue was that it was the last straw for Chester Lewis, who would file his complaint after some of the most heated debates. Mathewson would later be featured in the trial as a solid example of the Board's insufficient efforts toward integration.²¹ It was important to Collins personally, as well, marking the point where she would become a louder voice for the black community and preparing her for the even greater challenges to come.²²

While Collins' efforts to overcome the limits of the optional area helped many

¹⁷ Lane, “A Historical Study,” 100.

¹⁸ “Transportation Survey” Box 1, Folder 2, Edwana Denning Collins Papers, Ablah Library Special Collections, Wichita State University, Wichita, Kansas.

¹⁹ Collins, “Untitled.”

²⁰ Eick, *Dissent in Wichita*

²¹ “Administrative Proceedings in the Department of Health, Education, and Welfare, National Science Foundation, Atomic Energy Commission, Department of Housing and Urban Development. Brief of Respondent USD 259,” Box 5, Folder 12, Edwana Denning Collins Papers, Ablah Library Special Collections, Wichita, Kansas.

²² Collins, “Untitled.”

students, de facto segregation still needed to be addressed to achieve integration in the schools. While Collins worked to make the new borders work for students, the office of Health, Education, and Welfare [HEW] was beginning their investigation to see if those borders were legal. The initial complaint, and the subsequent deliveries of documents and evidence compiled by the Urban League, was enough to prompt HEW to follow up. The first major step HEW took was to send representatives to Wichita to assess the situation and collect further evidence. Over a year after the initial complaint was received, on April 5, 1967, Gerald Stroufe and Alexander Leak arrived in Wichita. This Equal Opportunities Team came to research the allegations of non-compliance and determine if further action was needed, not to pass immediate judgement.²³ In July of the same year, another HEW team arrived in Wichita to investigate the situation of segregation in the Wichita public school system.²⁴ This team explicitly warned that a federal trial would result if the Wichita Board of Education was not willing to create an integration plan to comply with the Civil Rights Act of 1964. On February 7, 1968, yet another six-member Civil Rights team arrived in Wichita. This team was led by attorney Fred Cioffi and was ready to make a recommendation to the Office of Civil Rights that “Wichita was in violation of the Civil Rights Act of 1964.”²⁵ The decision was based on the insufficient efforts to desegregate Mathewson and the seven predominantly black elementary schools and some efforts that they believed would add to the problem like the plans to expand Isely, one of those predominantly black elementary schools. The team did give some guidance for what would be required to comply. Mathewson had to be closed as a junior high and its students distributed to nearby schools. Faculties had to become more integrated—a majority of black teachers could not be teaching in predominantly black schools. The construction plans for Isely needed to be suspended, and a feasible plan for desegregation of the seven predominantly black elementary schools needed to be developed.²⁶ These guidelines required the immediate suspension of construction on Isely, closing of Mathewson, and integration of faculty, but acknowledged that the other items would require more time and planning.²⁷

The Board of Education would struggle to comply with the HEW guidelines. Once the official decision was made, and recommendations given by the Civil Rights Office in Washington D.C., the Wichita Board of Education began to develop plans that would comply with the Civil Rights Act and satisfy HEW. The first major desegregation plan was due in August 1968, just a few months after the decision was announced.²⁸ A plan made up of eight Civil Rights Compliance Principles was

²³ Lane, “A Historical Study,” 113.

²⁴ *Ibid.*, 115.

²⁵ Lawrence H. Sheposier, “Confidential Memo to the Board of Education” February 13, 1968, Box 1, Folder 4, Edwana Denning Collins Papers, Ablah Library Special Collections, Wichita State University, Wichita, Kansas.

²⁶ Lane, “A Historical Study,” 121.

²⁷ *Ibid.*, 122.

²⁸ “School Board Asked to File Integration Plan by August 21,” *Wichita Eagle*, July 28, 1968.

approved by the Board on August 5, 1968.²⁹ This plan stated that Mathewson would remain open for the 1968-1969 school year, and then close for the following school year, that the Isely addition would be stopped, that portable classrooms would be removed from many of the all-black schools, that no new construction projects would be started if they would maintain or create a predominantly African American school, and that the integration of faculty and staff would be expedited. HEW officials felt this plan was mostly adequate, but it did not include a plan to desegregate the seven predominantly black elementary schools.³⁰ Still, a more specific version of this first plan was presented to the Board for discussion on December 2, 1968. It included turning Mathewson into an elementary school and later an innovation center, busing a total of 2,143 students from predominantly black schools to other schools, gradually removing the remaining portable classrooms, and reassigning black teachers in predominantly black schools to reduce their number from fifty percent to twenty-five percent in those schools. The plan did not call for busing into the seven predominantly African American elementary schools, nor did it consider boundary changes to achieve integration in those schools.³¹

This plan was not acceptable to the African American community. It did not fix the segregation problems and would put the burden of what action was being proposed squarely on their shoulders. The lack of solutions and the lack of community support for this plan caused three board members, including Collins, to protest, however, the other nine votes carried, and the plan was adopted in January 1969. HEW was equally unimpressed when they received a copy, and on March 27, 1969, four members of the Board were forced to meet again with HEW officials to try to find a better solution. The Board of Education was given two weeks to amend the plan and to comply with the requirement of desegregating the elementary schools. In response to this revision request, the Board of Education president, Patrick Thiessen, told HEW authorities that the Board was not prepared to abandon the neighborhood school policy in time for the 1970 school year, as requested.³²

The HEW continued to work with the school district, but they were not successful in developing a successful plan. They responded to the Board's unwillingness to revise the first plan by sending yet another group of Office of Civil Rights officials to Wichita to conduct more research and meet with the Board of Education. After this meeting, the Board was commended on their progress in some areas like teacher integration, but was again asked to provide an appropriate plan for desegregating the elementary schools.³³ The second compliance plan was adopted on January 5, 1970, with all but Collins voting in favor. This plan reiterated the Board's desires to comply with the Civil Rights Act of 1964, and did attempt to address the seven predominantly black schools by closing two completely and sending those students, plus groups from the other elementary schools, out of the

²⁹ "Proceedings of the Wichita Board of Education," August 5, 1968, Box 1, Folder 4, Edwana Denning Collins Papers, Ablah Library Special Collections, Wichita State University, Wichita, Kansas.

³⁰ Lane, "A Historical study," 125-126

³¹ *Ibid.*, 126-127.

³² *Ibid.*, 129.

³³ *Ibid.*, 132.

neighborhoods to schools that were primarily white. It did not, however, include any cross-busing; yet again only black children would be bused. The African American community's response was immediate and negative. Families protested, petitioned, and organized a very effective boycott on January 15, the birthday of Martin Luther King Jr., where only 234 of over 3,500 black elementary children, and only 56 out of 176 African American teachers, reported to school. This boycott spread beyond those elementary school children and even ninety-seven percent of black high schoolers skipped school.³⁴ "The community was preparing for war, with battle lines drawn on the issue of busing."³⁵ White parents did not want their children to be bused, and black parents did not want their children to be the only ones bused. The first Board meeting after the plan's announcement saw the highest community attendance to that point with over five hundred people coming to participate in the debate. The new Superintendent, Alvin Morris, would later talk about the difficult position he and the Board of Education were in, saying "any method of desegregation—cross-busing, one-way busing, or open massive educational parks—will require transportation of pupils."³⁶ There would be no way to make everyone happy moving toward integration, and perhaps it would not even be possible to make *anyone* happy and achieve the results required by HEW officials. Similar sentiments were expressed in a Wichita Eagle editorial, one of the dozens of articles about the new plan that appeared shortly after the February Board meeting. This editorial said that busing in one form or another was on its way, and that the people of Wichita would be better served by figuring out how to make the best of the situation, not protesting it outright.³⁷

With tensions so high in the community and within the Board of Education, Edwana Collins was not willing to compromise her convictions. Many Board members felt that what they needed was unity above all else, but Collins was not interested in creating a 'united front.' She would continue advocating for the families she served, voting against plans that would not achieve integration or that put the burden of integration only on the black communities. She also did not settle for half-answers during Board of Education meetings and she received several letters from community members commending her efforts to get straight answers out of other Board members and continuing to advocate for the African American families.³⁸ During a speech to the staff at Woodman school in 1966, she would attribute this to her Protestant ethic, 'protest' and critical thinking being central to her world view and dealings with others. Because of this, she was often confused when other Board members apologized for voting against each other. This showed how defensive the Board members were and how unwilling they were to engage in self-reflection because they might have to admit they, and the policies they promoted, were not perfect after all.³⁹ On January 23, the staff of MacArthur school collectively sent Collins an encouraging letter, acknowledging the names she was being called, and desiring to add

³⁴ Eick, *Dissent in Wichita*, 173.

³⁵ Lane, "A Historical Study," 136.

³⁶ Collins, "Untitled."

³⁷ Lane, "A Historical Study," 138.

³⁸ Collins, "Untitled."

³⁹ *Ibid.*

some of their own: “sincere, hard-working, competent, long-suffering, and courageous.”⁴⁰ Dorothy Goodpasture would later recall though, that she and other board members “didn’t feel sympathetic with [Collins] because she did too many things to break consensus while the board was working for as much consensus as possible.”⁴¹ Collins would not bow to consensus, though she did admit that she paid a heavy price for her principles.⁴²

After HEW sent their immediate reply which stated that the latest plan was still insufficient, it was clear that the Board of Education would not be able to create a satisfactory plan on their own. HEW began preparations for a federal trial. With the city at war and the threat of a trial looming, the Wichita Board of Education now scrambled for viable alternatives for the January plan. At the next February meeting, four new integration proposals were presented. Two plans proposed mandatory busing (not cross-busing), one called for voluntary integration, and the last, proposed by Collins, called for the all-black schools to be transformed into learning centers for all sixth graders in the city.⁴³ She could not know if it would be an acceptable plan to the HEW because it had never been presented to them, “but,” she told a *Wichita Eagle* staff writer, “it would leave no all-black school in the city.”⁴⁴ The Board’s efforts to come up with alternate plans stalled when President Richard Nixon said that he was against forced busing as a way to desegregate schools.⁴⁵ The Board’s lawyer, Newkirk, urged the Board to go back to seeking a voluntary compliance plan while waiting for clarification on the statements to see if they meant involuntary busing was legally off the table. If the president was making anti-busing statements, it would be even harder to sell an integration plan that included it, especially to the many white families writing to the Board members at this time. Most of these letters said the same thing—parents had chosen their home based on the nearby schools and if their children were forced to bus outside the neighborhood, they would be looking for a new home in a different city.⁴⁶ As the Board waited for an official statement from Nixon that would prevent forced cross-busing and save them from having to make more unpopular decisions, the conflict in the city escalated with more protests, threatening letters to Board members, and rising pressure from community groups. Collins was not surprised by the Board’s decisions to postpone further discussion on integration and, according to *Wichita Eagle* writer Jack Kennedy, “divided the Board

⁴⁰ “Letter from MacArthur School Staff to Edwana Collins” January 23, 1970, Box 1, Folder 7, Edwana Denning Collins Papers, Ablah Library Special Collections, Wichita State University, Wichita, Kansas.

⁴¹ Eick, *Dissent in Wichita*, 183.

⁴² Collins, “Untitled.”

⁴³ “Collins Plan, Proposed Plan of Compliance,” February 2, 1970, Box 1, Folder 7, Edwana Denning Collins Papers, Ablah Library Special Collections, Wichita State University, Wichita, Kansas.

⁴⁴ “Members of School Board Forecast Cutoff of Funds: Box 1, Folder 7, Edwana Denning Collins Papers, Ablah Library Special Collections, Wichita State University, Wichita, Kansas.

⁴⁵ Jack L. Kennedy, “Nixon, HEW Aides Divided on Busing,” *Wichita Eagle*, February 13, 1970.

⁴⁶ “Correspondence” Box 6, Folder 6, Edwana Denning Collins Papers, Ablah Library Special Collections, Wichita State University, Wichita, Kansas.

even more” when a quote appeared in a Wall Street Journal article that said the Board had divided the city, and that the African American community would be willing to work with the Board, and perhaps even accept slower steps toward integration, if only it had been included in the decision-making processes.⁴⁷

The "April Plan" was the Board's last-ditch effort to appease HEW and the Wichita public. In March, the Board was officially informed that the President's remarks would not affect their case, and they were forced to resume their work on another plan. On April 27, the day the Board of Education learned who their federal judge would be in Kansas City, they passed another plan. This plan combined the last two and had been created by Board members voting to include the individual parts of the plans that they liked and piecing them together. Collins and Jeanette Holmes had decided ahead of time to stay quiet during the debate, knowing from experience that their opinions would not affect the final vote, and that regardless, without cross-busing, the new plan would be another insufficient attempt.⁴⁸ The plan did not close the all-black schools, but children living in those districts would have to submit special requests to attend them. If requests were not submitted, they would be bused to another, predominantly white school. The new plan established a voluntary busing policy for white children to bring them into the predominantly black schools. This plan still drew criticism from within the Board. Similar so-called 'freedom of choice' plans in other cities had failed to hold up in courts, as Collins pointed out, and the burden of desegregation would still fall on the black community, which was clear by the opposite "opt-in/opt-out" policies used for black and white families. Further criticism from Board member Gary Pottoroff claimed it was useless to continue voting on plans when they were unlikely to prevent the hearings, which were by this time less than two months away.⁴⁹

After years of intervention, failed plans, and conflict, a federal judge would now decide if the \$5,000,000 in federal funding would be withheld from the Wichita School district due to continued segregation. Having endured increasing conflict with most of the other Board members and feeling ostracized for years, Edwana Collins decided to oppose them officially and be a witness for the government. Believing that her experience on the Board and notes could be helpful to the HEW case, Collins offered her services as witness just a few weeks before the start of the trial, and after meeting with Albert Hamlin, the attorney representing the department of Health, Education, and Welfare, spent those weeks pouring over fifteen years of old notes, agendas, and documents.⁵⁰ Both her notes and her testimony would be important to the HEW lawyers as they figured out how to make their arguments. On Sunday June 7, 1970, Collins and her husband arrived in Kansas City, two days before she was scheduled to testify. Her testimony would be third, after Fred Ciofe, a member of HEW who had visited Wichita and who had been working with the board to formulate an acceptable plan, and Lewis, who had filed the original complaint.

Hamlin used Collins' long tenure on the Board and her extensive notes to

⁴⁷ Lane, "A Historical Study," 147.

⁴⁸ Collins, "Untitled."

⁴⁹ Lane, "A Historical Study," 152

⁵⁰ Collins, "Untitled."

establish that the Board had upheld policies proven to further the segregation of Wichita schools, whether by design or willful ignorance. He asked about many points of contention like transfer policies, gerrymandering, optional areas—many of the issues she had been fighting for years. In a June 10th article in the *Wichita Eagle*, Jack Kennedy gave a summary of Collins' testimony, much of which was represented in her quote, "It is my firm opinion that use of optional areas allows white children to escape."⁵¹ Collins was also asked about the many committees—some that she herself had served on—appointed and then ignored by the Board of Education when it came time to make decisions. In her cross-examination, Newkirk asked her about the restricted housing transfer policy she had put forward and the Board had approved. This policy allowed African American students to transfer out of all-black schools with the understanding that restricted housing eliminated their ability to move and attend schools of their choosing. Because the limited housing options for African Americans were acknowledged by the Board, the students were not asked to provide proof—the fact that he or she was black was evidence enough. Newkirk concluded that this policy that she had proposed was even more lenient than the childcare or health transfer, which Collins claimed were loopholes used by white children to get out of black schools in her testimony, and asked if it was fair for Collins to pass judgement on those transfer policies when her own failed to do better. This weak line of questioning was essentially the only one she was asked to speak on in cross-examination.⁵² Hamlin had prepared her for this, saying that "no attorney in their right mind" would ask her many questions, with as much as she knew.⁵³

Collins' testimony did not reflect the turmoil of the preceding months. She was careful not to say anything that had to do with her feelings, but rather used her recent research on past Board of Education proceedings to make her arguments about Board policies and their repeated negative results, and was able to provide documents corresponding to what she was saying. The Board of Education's Civil Rights lawyer, Newkirk, later acknowledged to an upset Board after the trial that Collins' testimony was strictly factual and backed by evidence.⁵⁴ Personal attacks by Newkirk and the rest of the Board, which Collins described as reaching the level of "psychological war" just before the trial, had created resentment, but she knew that inflammatory personal attacks within the court room would only distort the facts. Similarly, she shared some information with Newkirk before the trial about evidence that might be used so that he would not be blindsided. She did not want to get back at anyone or trick anyone. She simply wanted a judgement based on what she believed to be the simple facts. After her testimony, Collins left Kansas City—leaving her valuable files for the prosecution—and followed the rest of the week-long trial with the rest of Wichita through the newspapers and television news.

There was no dramatic end to the trial. The Board of Education and the people of Wichita eagerly waited for the verdict, and in an interview with Jacque

⁵¹ Jack L. Kennedy, "Wichita Board Goals Doubted" *Wichita Eagle*, June 1970.

⁵² "I Took the One Less Traveled By" Box 6, Folder 9, Edwana Denning Collins Papers, Ablah Library Special Collections, Wichita State University, Wichita, Kansas.

⁵³ Collins, "Untitled."

⁵⁴ *Ibid.*,

Stringer from the *Wichita Eagle*, Judge Hackerman outlined the procedure for a decision. Starting the day he received the last of the typed testimony, July 21st, 1970, he would have thirty days to file a brief, after which the local school system would have thirty days to file its response. Another fifteen days would be allowed for more replies, and then the government would be expected to reach a verdict within the following thirty day period.⁵⁵ Hackerman was optimistic at this point that he would be able to meet those deadlines, but he filed for an extension due to the large amount of evidence provided at the trial. After reviewing the evidence for several months, HEW ruled that USD 259 operated a dual school system in violation of the Civil Rights Act of 1964 and was therefore ineligible for further federal funding.⁵⁶

The Board was reluctant to admit defeat, but ultimately agreed to work with HEW to come up with a compliance plan. When the ruling was finally announced to the Board of Education on February 26, 1971, the Board immediately voted to appeal, and Robert Beren, the president of the Board, expressed his intent to appeal again if the second ruling did not go their way.⁵⁷ Three Board members voted against the appeal, Jeanette Holmes, John Michener, and Edwana Collins, but the motion carried. Despite the initial resolve to appeal, Beren, Board lawyer Newkirk, and Alvin Morris, the Wichita superintendent, began negotiations with the Civil Rights office in Washington D.C. The plan was originally presented to the Board in a closed meeting, and Robert Beren later addressed the community, saying that the plan was legally, educationally and morally sound, and that it would be fair.⁵⁸ The plan called for closing four all-black schools and the conversion of the three others for alternative educational purposes like preschools and adult learning facilities. The plan also gave specific percentages of white and black students that would be required in order to maintain an acceptable level of integration. Cross-busing was no longer optional, though in a press conference on April 27th, 1971, Beren acknowledged that the burden would still fall more heavily on students in the African American community due to the logistics of maintaining the assigned percentages.⁵⁹

The Board hesitated to accept the plan because it had many of the same problems which had made previous integration plans unsuccessful. White parents did not want their children bused to predominantly black neighborhood schools under any circumstances. In fact, Collins and other board members again received hundreds of letters from white families stating that they did not support the new plan, and that their children would be attending their neighborhood schools or leaving Wichita. Many expressed their worry civilly, and suggested in their letters that new housing ordinances could be a better way to fix the problem of segregation. This suggestion, while getting to the heart of the issue, was too little too late and would not fix the issues within the HEW timeline for compliance. Some parents were so angered at

⁵⁵ Jacque Stringer "Wichita School Compliance Rule Due in 90 Days" *Wichita Eagle*, July 21, 1970.

⁵⁶ Lane, "A Historical study," 189.

⁵⁷ "But it Isn't" *Wichita Beacon*, March 3, 1971.

⁵⁸ Jack L. Kennedy, "New Desegregation Plan Worked Out with HEW," *Wichita Eagle*, April 9, 1971.

⁵⁹ Lane, "A Historical Study of the Development of School Desegregation in the Wichita Public schools, 1966 to 1975," 198.

the idea that they organized lawsuits against the Board of Education, though none were successful. African American parents were unhappy as well, because the burden of desegregation still fell heaviest on them. Beren's acknowledgement of that fact was a step in the right direction, but it did not solve the problem. When the plan was discussed in the May 10th, 1971, Board of Education meeting, several hundred parents came to protest both sides of the plan.⁶⁰ Despite the feelings of dissatisfaction, the meeting was civil, with many of the same concerns with prior plans being raised—cross busing should be on a one-to-one basis, there should be no cross busing, etc.⁶¹ The opposition of black parents prompted Al Hamlin, HEW attorney, to speak with black leaders in the community to assure them that the plan had been developed with accurate information and deemed fair by the Office of Civil Rights.⁶²

Despite opposition from white and black parents alike, the Board acknowledged that there were no real alternatives, unless they were willing to give up the \$5,000,000 in federal funding, an option which had been discussed but not seriously considered. They voted on May 17th to adopt the plan after an “emotion-charged” discussion with the public that lasted forty-five minutes.⁶³ The plan passed with a vote of eight to four, with Collins voting for. Those who voted against did so for many reasons—Jeanette Holmes thought the plan still rested too heavily on the backs of the African American students, while others still resisted the idea of forced busing—but the plan passed and the Board of Education moved quickly to implement it. They formed several committees with members from the Board of Education and the community to ensure that the community felt they had a voice, and parent-participation committees were also formed to keep communication open and parents informed. Of course, communication did not guarantee that implementation would be easy, and even as the Board moved forward, members of the community and committees continued to raise questions about the validity of certain actions within the plan. The decision to close Isely, built in 1949, while keeping schools built many decades before (one that had been built in 1890) was a source of major contention as community members wanted to keep the newer schools open. The Board of Education continued to be flexible during the process of implementation, and as valid concerns were raised, addressed them. This continued throughout the summer and just two weeks before the start of the 1971-72 school year, the Wichita Public School System became eligible for federal funds again.⁶⁴

Long before Judge Hackerman gave the Board of Education his decision, Edwana Collins had decided that she would not run for reelection. A year earlier, as the trial approached and tensions in the Board meetings rose, she had even asked her personal attorney if he thought she should resign from her position. He assured her that she “had a right to her opinion” and that the disagreements she had with other

⁶⁰ Ibid., 202.

⁶¹ Jacque Stringer, “Integration Hearing Calm, Despite High Protest Sentiment,” *Wichita Beacon*, May 1, 1971.

⁶² Jacque Stringer and Carol Nation, “Letter Brings Federal Check on School Plan,” *Wichita Beacon*, May 15, 1971.

⁶³ Lane, “A Historical Study,” 204-205.

⁶⁴ Ibid., 234.

Board members were not worthy of a resignation.⁶⁵ With this encouragement, she testified and finished the year and several months still left on her term, and was able to leave knowing that the Board had made, and was in a position to continue to make, the necessary changes to bring about equality within the Wichita School System. In her written account of events, she notes that she merely shook hands with a few people and left, though she believed that she was not really leaving—her mark was on the Board for good.

Though the struggle to desegregate Wichita public schools is less well known than the efforts in other cities and parts of the country, it does speak to the issues facing the nation as it struggled for equality and to the importance of individuals like Edwana Collins, who gave sixteen years of her life to the Board of Education and the cause. Her efforts throughout her tenure on the Board of Education—from attempts to identify the underlying problems of segregation in the school system, to her commitment to advocate for the African American voice in the decision making process, and finally her decision to testify against the Board—demonstrates how individuals can be agents of change within their communities. During the most difficult time for Collins, just before the trial, Willard C. Goodpasture, the husband of one of her fiercest critics on the Board, told her that there was a "difference between a peace maker and a peace keeper," and that "to make a real peace one has to sometimes be a peace breaker."⁶⁶ This idea reminded her what she was fighting for, and her work towards desegregation shows the truth in that statement. Peace breakers are necessary to affect real change, and Edwana Collins was a "champion of school desegregation" and a peace breaker for Wichita.⁶⁷

⁶⁵ Collins, "Untitled."

⁶⁶ Ibid.

⁶⁷ Eick, *Dissent in Wichita*, 63.

