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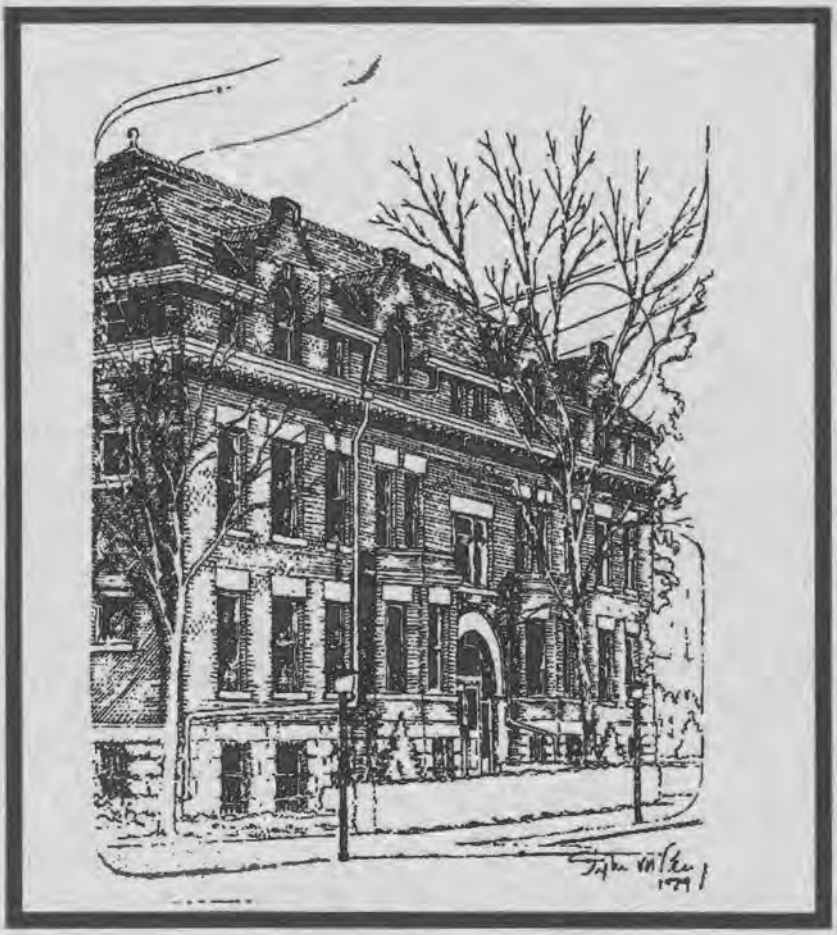

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THE FAIRMOUNT FOLIO WISHES TO THANK THE FOLLOWING INDIVIDUALS AND COMPANY FOR THEIR GENEROUS CONTRIBUTIONS. THEIR SUPPORT MADE THIS JOURNAL POSSIBLE.

HELEN HUNDLEY

KEN KING

LEE BANKS

MIKE OATMAN AND KFDI

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EDITOR'S NOTE

Publishing a journal featuring student articles has long been a goal for the Gamma Rho Chapter of Phi Alpha Theta. The journey to this first edition of the *Fairmount Folio* began long before I ever became a history student at Wichita State University. Those years of mental preparation helped this journal become a reality.

The process began at the Phi Alpha Theta Convention in St. Louis. Ken King, past president of our chapter, Eric Owens, current president and assistant editor, Erik Merkel, treasurer and business manager, Dr. Helen Hundley, faculty and spiritual advisor, and I were inspired by the journal workshop held there. Eric and I decided that a journal was going to be an essential part of our senior year of undergraduate work. Ken, Erik and Dr. Hundley inspired us and assured us that it was possible. Erik Merkel provided valuable research and attention to detail in his efforts to raise money and gather publishing information. Ken King and Dr. Hundley definitely deserve infinite gratitude for not only their guidance, persistence and encouragement, but also for their generous financial support. They believed in our ability to accomplish our goal. Eric Owens' help has been indispensible.

Dr. Donald Douglas, Dr. James Durham, Dr. Helen Hundley, Dr. Phillip Drennon Thomas, Andrew McBurns, and Rose Haley-Rose generously volunteered to read and judge the submissions. They provided us with insight and advice on how to bring the submissions to their finished form. Dr. Willard Klunder willingly gave

of his time during the final stages of editing to help eliminate any faults that remained. I would also like to thank the editor of the 1995 *Welebaethan*, John Webb, for his inspiration, ideas, and advice, both at the Phi Alpha Theta conference, and via email. Lastly, I owe a debt of gratitude to my family and friends for enduring my endless absences on the computer.

Emily Jane Rountree-Livingston

Editor, 1996 Fairmount Folio

Penn's Sylvania: "A Holy Experiment"

Suzanne Alexander

In 1681, King Charles II of England granted land in the New World to William Penn. The colony which Penn established, Pennsylvania, was a unique social experiment in religious liberty that lasted for seventy-five years. In order to understand Penn's experiment, and its impact, it is necessary to look at two factors. The first is Penn's convincement to Quakerism, in the face of societal and parental opposition.[1] The second is the unique friendship he enjoyed with the Stuart monarchs--his radical religious views notwithstanding. Penn's ideologies shaped the character of the colony which later became the center of the fledgling government of the United States of America. Penn's "holy experiment", as he called it, became the proving ground for religious tolerance and individual liberty.

Penn's grandfather, Giles Penn, came from a long line of wealthy country gentlemen. Giles, however, chose to spend his life at sea and traded with the Spaniards and Moors, establishing a flourishing shipping business. Giles' son William, Penn's father, joined the Royal Navy and served, in one capacity or another, for the remainder of his life.[2]

[1]People are not converted to Quakerism, they are "convinced." "Quakers" was a derisive nickname for the Religious Society of Friends. Edwin B. Bronner, William Penn's "Holy Experiment": The Founding of Pennsylvania 1681-1701 (New York: Temple University Publications, 1962), 6. I have used the terms "Quaker' and 'Quakerism" because they are the terms which occur most often in the literature and they are the ones with which people are most familiar.

[2]It is difficult to trace William Penn's ancestry. He said that his ancestors were Welsh; the name Penn is derived from a Welsh or Cornish word meaning "hill". He also claimed to be descended from a Norman knight, de la Penne, who came to England with William the Conqueror and was granted an estate in Buckinghamshire. Harry Emerson Wildes, William Penn (New York: Macmillan, 1974), 7-8.

The elder Penn's life was spent advancing his fortunes. While on shore leave in London in 1643, Penn met and fell in love with the widowed Margaret Jasper Vanderscure. They were married June 6, 1643, and took up residence on Tower Hill, a fashionable London neighborhood where they came into contact with influential people. It was acquaintances such as Algernon Percy, Earl of Northumberland and Sir Harry Vane, treasurer of the Navy, who enabled William to rise to the rank of captain when he was only twenty-two. At this point, he faced a dilemma as he tried to reconcile his convictions with his loyalties. Personally, William was pro-Anglican and a royalist but his allegiance as a naval officer was given to Cromwell's Commonwealth. Rather than resigning or deserting, as some officers chose to do, William placed his country's safety ahead of all other considerations. During the Civil War, he helped protect England from marauding French and Spanish privateers. By the age of thirty-one he was Vice-Admiral of England.[3]

In 1654 Cromwell appointed Admiral Penn to head an expedition to the Spanish West Indies to capture the Spanish treasure fleet. He did not accomplish this, but he did seize and garrison Jamaica, a Spanish possession, laying the foundation of the British Empire in the Caribbean. Due to the failure of his campaign, upon his return to England he was imprisoned by Cromwell on a spurious charge of treason and stripped of his rank and his claim to any land in Jamaica. He was released, however, after only five weeks and allowed to keep his estates, including the Irish estates granted to him just before he left for the West Indies. He took his family and retired to his Irish estates. Several years after Cromwell's death, he returned to England as a member of the Convention Parliament and he was chosen as one of the representatives sent to Holland to bring Charles II back from exile. Charles II knighted Admiral Penn and appointed him Commissioner for the Navy, Vice-Admiral of Munster, Governor of Kinsale and proprietor of Shangarry Castle and its lands.[4]

Admiral Penn was a favorite with Charles II as well as with the Duke of York, Lord High Admiral of England (later James II). Admiral Penn and the Duke of York became friends, and although the Duke was his

[3]Ibid., 10; Augustus C. Buell, William Penn as the Founder of Two Commonwealths (New York: D. Appleton, 1904), 18.

[4]Ibid., 18-21.

superior officer he was also Penn's pupil. In 1665, after a decisive victory over the Dutch fleet, the admiral retired from active service.[5]

Meanwhile, Admiral Penn was preparing his eldest son, William for the life of a courtier. He sent him to carefully selected schools and groomed him to run their estates. When the time was right, Admiral Penn brought William to Court. The later intimacy of William Penn (the son) and James II was the direct result of James' close friendship with Admiral Penn. Admiral Penn spent his life advancing his and attempting to advance his son's fortunes. Around 1669 his efforts appeared to promise realization when Charles II offered him a peerage, the hereditary title of Viscount of Weymouth. Unfortunately, this was around the time when William the younger, by this time a devout Quaker, published "No Cross, No Crown" which, among other things, condemned honorific titles as meaningless. Admiral Penn was shattered by his son's stance and felt compelled to refuse the King's offer, concluding there was no use obtaining a peerage when his heir wanted nothing to do with it.[6]

In order to better understand Admiral Penn's frustrations, it is helpful to take a closer look at his headstrong son's developmental years. William Penn was born in London on October 14, 1644. Penn's family moved to Chigwell two or three years later, a far healthier place to live than London. Aside from removing the child from the unhealthy air of the city, Admiral Penn had another reason for changing residences. There was a Free Grammar School there which was already famous, despite being only twenty-five years old, and it was here that Penn received his basic education. He attended the school until he was twelve, when his father was imprisoned by Cromwell and it was necessary for the family to return to London. It is believed that he had already completed the curriculum which was intended to educate boys through the age of sixteen.[7]

[5]Ibid., 20-22.

[6]Vincent Buranelli, The King & the Quaker: A Study of William Penn and James II (Philadelphia: University of Pennsylvania Press, 1962), 24, 42-43.

[7]William, I. Hull, William Penn: A Topical Biography (Freeport, NY: Books for Libraries Press, 1937, 1971), 65-69. Chigwell school was divided into two parts; a lower English school and a higher Latin school designed to prepare students to attend a university. The English school taught reading, writing, ciphering, and accounting. The Latin school taught Greek, Latin, and mathematics. Though founded by an archbishop of the Anglican church, the Chigwell School was subject to strong Puritan influences. Cromwell and his Puritan Commonwealth set the tone for the nation during Penn's schooldays and this shaped Penn's spiritual development.

It was while Penn was at Chigwell that he had his first recorded mystical experience. He was eleven years old and alone in his room when he felt "[T]he strongest conviction of the being of a God, and that the soul of man was capable of communication with him. He believed also that the seal of Divinity had been put upon him at this moment, or that he had been awakened or called upon to a holy life."[8] This experience had a profound impact on his life and was a contributing factor to his later convincement to Quakerism.

Penn was called home from Chigwell and the family moved to London. His father had just returned from the West Indies and had been imprisoned by Cromwell. When Admiral Penn was released, five weeks after his arrest, he took his family and retired to Ireland for the duration of Cromwell's Commonwealth. During the four year period of his family's self-imposed exile in Ireland, Penn was tutored at home and little is known about his studies. Penn's first exposure to Quakerism took place during this time. When he was thirteen he heard an itinerant Quaker preacher Thomas Loe, and was swept away by the emotional appeal of Loe's message. Loe introduced Penn to the doctrine of the Inner Light adhered to by the Society of Friends. Quakerism has been described as, "[T]hat quickening of a man's soul by direct mystical communication with God; the right of the individual to wait upon the Lord alone or with a group unaided by any kind of priest; the simplicity of plain, honest living devoid of plumes and laces and deception; the pacifism; the dignified humility."[9] This was not yet the time of Penn's convincement but this encounter with Quakerism left a deep impression on him.

In 1660, when Admiral Penn returned from exile, Cromwell was dead, his Commonwealth crumbled, and the delegation which included Admiral Penn was sent to bring the king, Charles II, home. The younger Penn, now sixteen, was old enough to be in his father's confidence and he was able to learn about the political workings of administration from his father, who was accepted at Court as a hero and as a friend of the King. It was Admiral Penn's intention to bring his son to the royal attention as soon as possible and to continue educating his son for life as a courtier. Penn was enrolled at Christ Church, Oxford and was matriculated as the son of a knight.[10]

[8]Thomas Clarkson, Memoirs of the Private and Public Life of William Penn, (London, 1813), quoted in ibid., 70.

[9]Catherine Owens Peare, William Penn: A Biography, (Philadelphia: J. B. Lippincott, 1957), 20-4.

[10]Ibid., 24-26.

Penn entered Oxford with all the advantages possible for a young man of his time. His time at Chigwell and with his tutors had more than adequately prepared him academically. His social success was assured by his father's personal friendship with the ruling family. He had sufficient financial resources for whatever he needed. It was true that he had been essentially in seclusion in Ireland, but he soon adjusted to life at Oxford despite his later description of university life as "hellish darkness and debauchery."[11] Penn enrolled at Oxford when Dr. John Fell, the newly appointed Dean, was trying to cleanse the university of Puritanism and reestablish the orthodoxy of the Church of England. Students were required to attend chapel services, wear a surplice, and observe all the rituals of the Church. Students who refused to comply were punished or expelled. These reforms were a reflection of what was happening all over England. During Penn's second year at Oxford, which coincided with the second year of the Restoration, anti-Puritan reforms were sweeping the country. Dr. John Owen, who had been Dean of Christ Church until the Restoration removed him from the position, was a widely known Puritan preacher and some students defiantly continued to attend his lectures. This group of students held their own worship meetings, and an interested Penn, who had begun to question fell's about religious services, followed them. Penn was gravitating toward the students who maintained their Puritan traditions of being serious, less cruel and less vain, and away from the quick-tempered cruelty of the Royalist Oxford men. He was taking his place with the non-conformists at a time when piety and decency were radical tendencies. The norm, as is often the case after a serious social upheaval, was vicious persecution of the old ways. In this case it meant chasing down and abusing anyone with Puritan leanings, with Quakers bearing the worst of it.

Penn put aside the surplice, absented himself from chapel services, and began to spend time at the home of Dr. Owen. He had quietly joined the conscientious objectors. Christ Church imposed a fine and Penn faced unofficially sanctioned persecutions from students and faculty, but there were limits to what they could do. Penn was, after all, the son of Admiral William Penn, a close personal friend of the Duke of York and, by extension, of the King. By March 1662, the administration of Christ Church reached the end of its patience and expelled Penn.[12]

[11]Penn, in ibid., 30.

[12]Ibid., 34-36. There is a possibility that Penn left Oxford of his own volition. See Wildes, 27-28.

Penn returned home to a strained relationship with his father, who no longer understood how his son thought. The admiral did not realize that Penn's questioning of religious ritual and established norms of behavior were anything more than youthful rebelliousness. Penn spent five months at home, withdrawing further into his religious investigations, communicating with Dr. Owen, and becoming more distant from his father. Finally, in an effort to prevent any further contact between his son and the corrupting influence of Dr. Owen, Admiral Penn sent William to France to round off his education. He thought that the gaiety and pleasures of French society would be just the thing to remind Penn of his social status and prospects.

Penn went to France, but he did not stay in Paris for very long. He went, instead, to a Protestant seminary at Saumur, in Touraine, to study highly unorthodox views under Moïse Amyraut which closely resembled the Quaker doctrines of the Inner Light. From Amyraut, Penn learned new interpretations of old teachings and to question what he had been taught. He learned that men were predestined to happiness if they had faith in God, that God's grace brought freedom to all who truly believed in Him, and that the Sabbath, far from the onerous duty the Puritans had made it into, was truly a day of rest. Above all, Penn learned that the injunction to fear God, which had been stressed repeatedly down through the ages, was a command to revere God rather than to expect His wrath at some inadvertent sin. The lessons at Saumur drew upon all of Penn's classical training and opened him to new ideas. Everything that he had been taught by and about the Church was turned on its ear. At the same time, his questions and doubts which had troubled him during his days at Oxford were reinforced. In 1664, when Amyraut died, Penn returned to Paris before journeying to Provence with Robert Spencer. Penn was deeply impressed by the region, especially its tradition of religious liberty.[13]

Admiral Penn, finally having heard that his son was at Saumur, and having been informed of the nature of the school by a friend of Lady Penn's, wrote and ordered Penn to return home immediately. On his way home, Penn fell in with Algernon Sidney, a man whom Admiral Penn would most likely have considered an even worse influence than the teachings of Saumur. Sidney was a strong believer in equality, freedom, and the social contract.[14] Rejecting both the Commonwealth's military dictatorship and the Stuart doctrine of divine

[13]Wildes, 28-32.

[14]This was a century before Rousseau formalized the idea of a Social Contract.

right of kings, Sidney argued that England's strength and welfare was dependent upon the maintenance of the ancient rights of its people. Popular consent was the only valid authority for power and a ruler who did not follow the known and accepted laws should be overthrown. These views coincided with the convictions Penn had acquired over the course of his studies and his time with men such as Dr. Owen. As a result, he and Sidney developed a lasting friendship. Penn arrived at home, outwardly a fashionable young man of the world, but inwardly brimming with unorthodox ideals and ideas.

To add the final polish to Penn's education, his father sent him to study law at Lincoln's Inn. Between a plague epidemic and war with Holland breaking out, Penn never finished a full term. He did, however, avail himself of their extensive library and spent as much time as he could over the next year or so reading law.[15] This proved invaluable twenty years later, when he composed the laws to govern his new colony.

After Penn's interlude reading law, and a brief involvement in the war with Holland,[16] he was sent to Ireland to manage his family's lands. While in Cork on business in 1667, he attended a Quaker meeting. He continued to attend these meetings, feeling that the Quaker doctrine of the Inner Light represented the culmination of his questioning and searching.

The first that Penn's father heard of his convincement was that he had been arrested at a Quaker meeting. When Admiral Penn understood that his son was going to stand fast in his new religion, he also realized that his hopes for advancing his son's position were ended. His plans and expectations were destroyed, but the admiral reconciled with his son before dying in 1670. Shortly before he died, he sent messages to King Charles and the Duke of York, begging them to remember his son and not to hold Penn's religion against him.[17]

Over the next decade, Penn became close friends with the Duke of York. He spent the years following his convincement as an active proponent for the Quakers, through prolific preaching and writing. He became known as an advocate for fellow Quakers who had been

[15]Wildes, 32-34.

[16]He carried a message to the King for his father and the Duke of York, thus coming directly to the King's attention.

[17]Buranelli, 35-36, 45.

imprisoned for their beliefs and was arrested more than once. His relationship with the Stuarts gave him an avenue of appeal which was closed to most. He also married and started a family.

The idea of establishing a Quaker colony in America did not originate with Penn. As early as 1658, when the persecution and execution of Quakers in New England began, the Quakers started looking for a place to colonize. The Puritan colony of Massachusetts, and Roman Catholic Maryland, set the precedent for colonies to be established as havens for persecuted religious groups.

In 1660 Josiah Coale, a Quaker, traveled in the region between New England and Maryland, exploring the possibility of settling among the natives living on the Susquehanna River. Ten years later George Fox, the founder of Quakerism traveled through the same territory, pondering on its potential as a Quaker refuge. It is very probable that Fox discussed this area with Penn when he returned to England, although it would be ten years before the Pennsylvania charter was granted.[18]

There was a chance to establish a haven for Quakers before the Pennsylvania colony was founded. In the late 1670s Penn became a co-trustee of West Jersey and, in 1677, he began preparing the framework for a new government which was based on freedom of conscience. The basic rules which he set down were very simple and provided for the freedom of conscience and the basic liberties of everyone in the colony. The constitution for the Colony of West Jersey called for: "Universal and unqualified suffrage; perfect freedom of conscience and complete religious equality before the law; a governing assembly to be chosen by ballot, any voter being eligible; an executive commission of ten members to be appointed by the assembly; magistrates and constables to be elected by the people; no sentence in criminal cases without trial by jury; no judgment in civil cases involving over five shillings, without verdict of a jury." In sum, "[a]ll and every person in the province shall, by the help of the Lord and these fundamentals, be forever free from oppression and slavery."[19] This form of government lasted in West Jersey from 1677 until 1702, when the outbreak of Queen Anne's War made it necessary to declare the colony a Crown colony, combine it with East Jersey and appoint a royal governor, nullifying the existing government. When Penn founded

[18]Hull, 218; Sydney George Fisher, The True William Penn, (Philadelphia: J. B. Lippincott, 1899), 197, 218-19.

[19]Buell, 92-99.

Pennsylvania in 1681, he was able to take these basic ideas and refine them, making them more practical.[20]

In all of his writings, Penn never explained why he asked the King for another province in America[21] but, on June 1, 1680, he formally filed a petition asking for a grant of the land west of the Delaware River as far as Maryland ran and northward from Maryland "as far as plantable."[22] On March 4, 1681, the charter was granted by Charles II.

There are many possible explanations for why Charles II felt inclined to grant the charter. The explanation most commonly given is that he was discharging a debt of approximately £16,000 owed to Penn's father by the Crown.[23] At the same time he was honoring the admiral as a hero by granting his son, the only Quaker the king did not view as an outright nuisance, a valuable piece of land.[24] While these are valid explanations, there are several other underlying reasons. For the Catholic king of a Protestant country, granting land to a non-conformist sect was a way to show his Protestant subjects that he was not a religious bigot. This was also a chance to expel a sect of people, which Protestants and Catholics both found annoying, in a peaceful manner by shipping them to another continent. As Penn wrote, "The government was anxious to be rid of us at so cheap a price."[25]

[20]Ibid., 101-2.

[21]Jean R. Soderlund, ed., William Penn and the Founding of Pennsylvania 1680-1684: A Documentary History (Philadelphia: University of Pennsylvania Press, 1983), 5. Perhaps he wanted a place where he had full control to enact his ideas.

[22]William Penn, in Wildes, 118.

[23]This is the story which Penn himself told. Mary Maples Dunn, William Penn: Politics and Conscience (Princeton, NJ: Princeton University Press, 1967), 73.

[24]The King gave three official reasons: Admiral Penn's "discretion with our dearest brother James," an oblique reference to the Admiral's taking the blame for the Duke's naval blunder; Penn's "commendable desire to enlarge the British Empire, and to promote such useful commodities as may be beneficial to the King and his dominions"; and the suggestion that Penn's influence would "reduce the savage nations by just and gentle manners to the love of civil society and the Christian religion." From the Preamble to the Patent for Pennsylvania in Wildes, 119-20.

[25]Penn in a letter to Lord Romney, September 6, 1701, in Ibid., 119. There were rumors that the Quakers were secret papists or that they were plotting to overthrow the monarchy, but neither Charles II nor his brother credited these stories. They knew that the Quakers were patriotic, loyal and, due to their radical pacifism, impossible to incite to violent rebellion. At the same time, the Quakers were eccentric malcontents and everyone would be happier if they were not around. Ibid., 119.

Penn also had motives beyond collecting an old debt. He articulated these in 1682, in a letter to the two officials at Whitehall who had the most to do with the passage of his charter, written after he arrived in America. His aims were, "The service of God first, the honor and advantage of the king, with our own profit, shall I hope be [the result of] all our endeavors." He established Pennsylvania as "a holy experiment"[26] for other nations to follow. Penn wanted to found a tolerant, moral, self-governing society which was free from persecution.[27] It was a chance to prove that Quaker doctrines were a sound basis for a strong, functional government.

Whatever the motives behind the land grant, it was generous. The king granted Penn a charter to territory which roughly corresponds to the present Commonwealth of Pennsylvania. Penn was the proprietor--virtually a sovereign ruler--answerable only to the King. Penn was required to pay the King two beaver skins, delivered to Windsor every January first, plus one-fifth of all gold and silver mined in the province. In return, Penn was free to divide the land into towns and counties, establish laws, create harbors, and rent and sell the land. The only thing he was not allowed to do was to declare war. The charter made Penn the world's largest private landowner of his day.[28]

After the charter was granted, the next issue was the naming of the new colony. Penn was not entirely pleased with the name the King approved, writing:

> [T]his day my country was confirm'd to me . . . by the name of Pennsylvania, a name the King would give it in honour to my Father, I chose New-Wales, being as this a pritty hilly country but Penn being Welch for head . . . called this Pennsylvania [which] is the high or head woodlands; for I proposed when the secretary a Welchman refused to have it called New-Wales, Silvania & they added Penn to it & tho I much opposed it & went to the King to have it struck out & alter'd, he said twas past & he would take it upon him . . . I feared lest it should be lookt on as

[26]Penn to William Blathwayt and Francis Gwyn, November 21, 1682 and to James Harrison (one of his land agents in America), August 25, 1681, in Soderlund, 190, 77.

[27] Bronner, 6. Bronner writes that, to William Penn, when talking about the "holy experiment" the word "holy" was the more important of the two. Penn expected his experiment to be permeated with the spirit of God and he hoped that, by operating his colony in accordance with the highest Christian ethic, it would be an example to mankind of what men could achieve if they entrusted themselves to God.

[28]Hans Fantel, William Penn: Apostle of Dissent (New York: William Morrow , 1974), 147-8.

> a vanity in me & not as a respect in the King as it truly was to my Father whom he often mentions with praise.[29]

Penn had reason to be concerned. Among the Quakers, who did not believe in honorific titles or setting one man above another, vanity was a serious sin. He did not want the name of the colony to be a cause of dissent among his colonists. When the King said it was in honor of his father, however, there was no graceful way to object to such a gesture of royal gratitude.[30]

Penn already had practice in establishing a new government through his co-trusteeship of West Jersey. Now he had an opportunity to refine his original ideas and bridge the gaps between the spiritual and material worlds in which he lived.[31] With the help of his friends, John Locke and Algernon Sidney, he devoted himself to writing a Frame of Government which would preserve the liberty of the people against future tyranny. He even wanted to prevent tyranny at the hands of himself and his descendants. The five basic principles of government upon which Pennsylvania was founded were perfect democracy, perfect religious liberty, perfect justice and fairness in dealing with aborigines and neighbors, the absence of all military and naval provision for attack and defense, and the abolition of Oaths. Fifteen laws were added to Penn's Frame of Government by the first sessions of the Pennsylvania Assembly. From 1683 to 1701, there were several major revisions. From 1701 to 1776 the constitution of Pennsylvania remained the same and it served as one of the models when the founding fathers met in Philadelphia to draw up a constitution for the United States.[32]

[29]Penn to Robert Turner, March 5, 1681, in Richard S. Dunn and Mary Maples Dunn, eds., The Papers of William Penn, Volume Two, 1680-1684 (Philadelphia: University of Pennsylvania Press, 1982), 83.

[30]Fantel, 149. Penn had a point; how many people today realize that the commonwealth was named for his father?

[31]Fantel writes that, for Penn, there were no boundaries between World and Spirit and that he was equally at home in both. The ultimate purpose of his holy experiment was to bring the two together. Ibid., 150.

[32] Margaret Hope Bacon, The Quiet Rebels: The Story of the Quakers in America (Philadelphia: New Society, 1985), 54-55; Isaac Sharpless, A Quaker Experiment in Government (Philadelphia: A. J. Ferris, 1898), 1-2.

In preparing a place for the Quakers to establish a home free from prejudice and persecution, Penn did not ignore the people already living in his proprietorship. Penn's relations with the Lenni Lenape (the English called them the Delawares) were unique in that he truly respected them and cared about their spiritual well-being. In addition, he spent time with them and learned their language. The idea of purchasing the lands of the Lenni Lenape was not a new one, but Penn was the only one to be consistent about it. He paid them fair value for their land, without coercing them to sell, sometimes paying twice when there were rival claims to an area. He did not try to deceive the Lenni Lenape with false maps or other trickery, and he dealt with them openly and honorably. The Lenni Lenape, in return, respected and admired Penn.[33]

The later part of Penn's life passed in a tangle of legal problems and personal sadness but, while Penn was deeply affected by his circumstances, the long term adverse affects on Pennsylvania were minimal. Penn was unable to spend much time in the colony for which he worked so hard. He was there from 1682 to 1684, getting the colony in good working order, establishing relations with the Lenni Lenape and overseeing the construction of his new home. He established Philadelphia, the cultural center of the colony, which he named for the biblical city in Asia Minor.[34] He was looking forward to having his wife join him so they could settle down to a new life in America. Unfortunately, she became ill and could not leave England. In 1684, in order to deal with a legal dispute, he returned to England and, between one thing and another, it was fifteen years before Penn could return to Pennsylvania. In the interim, he had numerous financial difficulties, exacerbated by the agent who handled his affairs and regularly cheated him. In 1694 his wife died, an event from which he never quite recovered, his subsequent remarriage notwithstanding. He was able to visit Pennsylvania briefly between 1699 and 1701, but had to return to London to defend his position as Proprietor of the colony. His defense was successful, but he never again lived in Pennsylvania. In 1708, he was declared bankrupt and, in 1712, he suffered a stroke and loss of memory. From then until his death in

[33]Bacon, 59. Sharpless, 159-161.

[34]Michael J. O'Malley, III, "Philadelphia, First," *Pennsylvania Heritage* 18 (1992): 17. Philadelphia means "City of Brotherly Love."

1718, he was not capable of having anything more to do with his colony. His oldest surviving son inherited the proprietorship.[35]

Pennsylvania was different from the other colonies. No other colony had such a mixture of languages, nationalities, and religions. The Quakers, who were the earliest settlers and purchasers of land, emigrated to the colony for religious liberty. They were, for the most part, well-to-do people who sold their properties in England and left to escape persecution. Although they were radicals, they were peaceful, careful people and their colony soon prospered. The absolute freedom of conscience which Penn guaranteed soon attracted people from Germany and Wales, including Baptists and Churchmen as well as Quakers, who were fleeing religious persecution. Followers of German Pietism, seeking a place of religious freedom, founded the Ephrata Cloister in 1732 and the Amish and the Mennonites dedicated to recapturing the spirit of the original biblical church, found homes in Pennsylvania as well. These are just a few examples of the many non-English groups who were able to settle in Pennsylvania when no one else would have them.[36]

Parallels can be drawn between Philadelphia, the capital of colonial Pennsylvania, and Boston, the center of the Puritan colony in Massachusetts. The Puritans were despotic in matters of faith and doctrine to a degree rarely seen before. They insisted on religious liberty, not on the grounds that compulsion in religious matters is wrong, but because they felt that the services of the Church of England were unscriptural. They wanted to subjugate the state to the church, relegating civil authority to enforcing the decrees of the ministers. The Puritans brought these ideas to America and were able to give them free reign in Massachusetts. Boston was founded on hierarchical and authoritarian principles which governed it at least until the close of the nineteenth century. They established a tradition of class authority and leadership which their descendants emulated. Philadelphia, by contrast, had no such class structure. The egalitarian and anti-authoritarian principles of the Quakers led to a confusion of class authority. Considering the ideals upon which Penn established the structure of his colony, this lack of class structure was probably the

[35]Bacon, 55-58. Peare, 380.

[36]Horace Mather Lippincott, Philadelphia (Port Washington, NY: Kennikat, 1926), 1, 8; Sylvester K. Stevens, Portrait of Pennsylvania (Garden City, NY: Doubleday, 1970), 50, 93-94.

result for which he aimed. Blurring the lines between the classes would lead to a greater sense of equality and freedom for everyone.[37]

In the end, the holy experiment was not a complete success, but it left a lasting mark on the character of Pennsylvania. There were financial difficulties and legal problems with the colonists. They did not always live up to the ideals Penn had set out for them. Penn's long absences were detrimental to the colony. He administered the colony better and things ran more smoothly when he was actually there. The holy experiment eventually ran its course and came to an end. As succeeding generations grew up free from religious persecution, the impulse to be guided by religious principles waned. The new leaders were cautious and respectable, and religious fervor no longer had a place in politics. Secular concerns began to override those of the spirit. This does not mean that the experiment was a failure. It shaped the laws and institutions of Pennsylvania, and the notions of private and political decency. It laid the groundwork for the thinking which inspired the American Revolution.[38]

Penn's holy experiment could be said to have been a failure in form, but the influence it had on its population and the evolution of American thought was profound. On balance, it must be said that the experiment was a success because, without Penn, American history clearly would have been written with a different pen. Without Pennsylvania acting as a proving ground for individual liberty and religious tolerance, the contents of the United States constitution might be different.

William Penn was a wealthy and influential man who chose to use his position for the furtherance of justice and freedom for all men. Many of the Quakers in England were also wealthy, and had made the same choice to follow the doctrine of the Inner Light, even at the cost of persecution and prejudice. They sold their properties in England and followed Penn to a new land where they could practice their religion and their ideals in peace, inviting other oppressed people to join them. Penn did not always make the best administrative or political choices, but he remained true to his ideals and he gave the colonists of Pennsylvania a vision of equality and freedom to follow.

Pennsylvania and America owe a debt to William Penn. He established a tradition of respect for human dignity and human rights and his holy experiment was the first fully implemented attempt to fuse

[37]Henry Ferguson, Essays in American History (Port Washington, NY: Kennikat, 1894), 10-11; E. Digby Baltzell, Puritan Boston and Quaker Philadelphia: Two Protestant Ethics and the Spirit of Class Authority and Leadership (New York: Free Press, 1979), 20.

[38] Bronner, 250-3; Fantel, 263-4.

human freedom and benevolent government. Penn articulated and acted upon ideas which would help America's quest for freedom in the eighteenth century. "[Thomas] Jefferson may have been the perfect product of that evolution [of thought], but Penn was its herald angel." Penn was the pioneer of the idea of government "of the people, by the people, and for the people."[39]

William Penn was the amazing product of a time of incredible religious intolerance. Although he was raised to be part of that culture, he was able to overcome his background and ties to the things of the world to become a shining light of religious freedom. He could easily have followed the path of courtier and nobleman that his father laid out for him, but he chose, instead, to follow his heart and his spirit and, in so doing, he left a legacy of equality, tolerance, and freedom.

[39] Frederick B. Tolles and E. Gordon Alderfer, eds., The Witness of William Penn (New York: Macmillan, 1957), x; Buell, 97-98.

Joseph Story and the *Dartmouth College* Case: Expansion of the Contract Clause

Christopher M. Joseph

In 1818, the United States Supreme Court ended the year's term without rendering a decision in the case that would become the foundation for the protection of corporate property rights from state intervention: *Trustees of Dartmouth College v. Woodward.*[1] From the inception of the controversy to the reading of Justice Marshall's opinion on the opening day of the Supreme Court's term in 1819, Justice Joseph Story played a critical role in molding the *Dartmouth College* case into a solid foundation for the "protection to private property against the authority of the government--a principle which became the cornerstone of the American doctrine of constitutional government."[2] Justice Story not only helped create the legal strategy of Dartmouth College's chief counsel, Daniel Webster, but his eloquent concurring opinion repaired the shortfalls of Chief Justice Marshall's opinion.

Appointed to the Supreme Court by President Madison, Story wore the badge of the Jeffersonian Republican Party. However, his political allegiance to the party was questionable at best.[3] Story wrote in his autobiography:

> Though I was a decided member of what was called the Republican party, and of course a supporter of the administration of Mr. Jefferson and Mr. Madison, you are not to imagine that I was a mere slave to the opinions of either, or that I did not exercise an

[1]17 U.S. 518, 4 Wheat 518, 4 L.Ed 629 (1819).

[2]Charles Grove Haines, The Role of the Supreme Court in American Government and Politics: 1789-1835 (New York: University of California Press, 1960), 418.

[3]Jefferson strongly advised Madison not to appoint Story to the Court, calling him a pseudo-Republican. He was appointed only after several others declined Madison's offer

> independent judgment upon public affairs . . . . I was and always have been a lover, devoted lover, of the Constitution of the United States, and a friend to the Union of States. I never wished to bring the government to a mere confederacy of the states; but to preserve the power of the general government given by all the states, in full exercise and sovereignty for the protection and preservation of all the states.[4]

Once on the Court, Story proved to be a strong conservative, defending the "two great principles of Federalist theory: the rights and privileges of private property and the legitimate powers of the national government."[5]

While considered an enemy of property rights by many Federalists, Story had shown concern for the protection of private property throughout his career as a Salem lawyer.[6] Story outraged the southern wing of the Republican Party by representing New England claims in *Fletcher v. Peck* to property repossessed by the Georgia legislature. Story and co-counsel, Robert Harper, rejected states' rights doctrines and demanded protection of private interests through a broad interpretation of the contract clause of the Constitution[7] in their argument presented to and adopted by the Marshall Court. Story never "deviated from the letter of party allegiance, yet all his actions suggested that here was a man as much Federalist as Republican, and perhaps more."[8] Story's true commitment to private property rights became apparent as the *Dartmouth College* case unfolded.

Dartmouth College was originally chartered by the governor of New Hampshire, representing the English Crown, in 1769. The charter, granted to Reverend Eleazar Wheelock, established a school for

[4] William Wetmore Story, Life and Letters of Joseph Story, volume I, (New York: Books for Library, 1851), 128.

[5] James McClellan, Joseph Story and the American Constitution (Norman, Oklahoma: University of Oklahoma Press, 1971), 194.

[6] Ibid., 195.

[7] Article 1, Section 10 of the United States Constitution: "No state shall pass any law impairing the obligation of contracts." The contract clause would be the key to the *Dartmouth College* case.

[8] Gerald T. Dunne, *Joseph Story: 1812 Overture*, Harvard Law Review 77, 245 (1963).

educating Indian children to become Christian missionaries. The charter incorporated Dartmouth College, making Wheelock president and creating a board of trustees with the power to govern the institution.[9]

In June 1816, almost fifty years after Dartmouth College was founded, republican Governor William Plumer led the New Hampshire legislature in passing a law that essentially annulled the royal charter of Dartmouth College. The school's name was changed to Dartmouth University, the board of trustees was enlarged from twelve to twenty-one (the new members to be appointed by the governor), and the state was given the power to regulate the school's curriculum.[10]

The original twelve trustees refused to accept the legislation, resolving that "every literary institution in the State will hereafter hold its rights, privileges and property, not according to the settled established principles of law, but according to the arbitrary will and pleasure of every successive legislature."[11] The college, represented by Daniel Webster, argued before the New Hampshire Supreme Court that the legislation violated both the New Hampshire constitution and the federal contract clause. Chief Justice William Richardson's opinion ruled against the college, arguing that although the charter was a contract, Dartmouth College was a public institution not protected by the contract clause.[12] Richardson, surprisingly a strong Federalist, concluded his opinion with a forceful affirmation of judicial review and national supremacy, seeming to invite an appeal to the Supreme Court.[13] The case arrived on a writ of error and was argued at the close of the 1818 term. The term ended with the Justices still divided on the opinion.

The importance of the *Dartmouth College* case was plainly understood when it was argued. The Court's decision would define the character of the American corporation and that role it would play in the economy. It had already been established in Justice Story's opinion in

[9] Edward G. White, History of the Supreme Court of the United States: The Marshall Court and Cultural Change, 1815-35 (New York: Macmillan, 1988), 612-13.

[10] McClellan, 200.

[11] White, 613.

[12] R. Kent Newmyer, Supreme Court Justice Joseph Story: Statesman of the Old Republic (Chapel Hill: University of North Carolina Press, 1985), 130.

[13] Dunne, 166.

Terret v. Taylor that a charter was considered a contract protected by the Constitution.[14] The question presented by the *Dartmouth College* case was whether a corporation was public in character and therefore subject to legislative regulation. If so, investors would be reluctant to buy stocks and the corporation's future bleak. However, if the corporation, whose function is often of a public nature, were protected from any government intervention, public welfare could be jeopardized.

When the Court convened on the opening day of the 1819 term, the state was prepared for another round of argument, to be delivered by its new counsel, William Pickney.[15] Chief Justice Marshall, instead, announced that the Court had reached a decision on the *Dartmouth Case* and began to read his opinion. Marshall concluded, without analysis, that Dartmouth's charter was indeed a contract. Further, that Dartmouth College was a private eleemosynary institution, not a public one, and, therefore, protected under the contract clause of Article 1. It was likewise clear, according to Marshall, that the New Hampshire legislation impaired the operation of the college, and thereby violated the contract. The state supreme court's decision was reversed.

Three written opinions were presented. Chief Justice Marshall's plurality opinion for the Court obtained the concurrence only of Justice William Johnson and H. Brockholst Livingston. Livingston, however, also concurred with the separate concurring opinions written by Justice Story and Justice Bushrod Washington. Justice Gabriel Duvall dissented.[16] In short, no opinion commanded a majority of the six justices, thus leaving the door open for the lower courts later to follow the more persuasive reasoning of Justice Story.

The role played by Justice Story in the *Dartmouth College* case seemed ordinary in the eyes of the many observers in the Court that day. However, Story's influence on Marshall and Story's concurring opinion were essential in making a forceful precedent of corporate contract law.

> Judging from the events leading up to the arrival of the case on the Supreme Court docket, from certain weaknesses in Marshall's

[14] *Trustees of Dartmouth College v. Woodward.* 17 U.S. 518, 4 Wheat 518, 4 L..Ed.. 629 (1819). Justice Story, concurring.

[15] Haines, 402.

[16] *Trustees of Dartmouth College v. Woodward,* Justice Story, concurring.

> opinion, and from the nature of Story's concurring opinion, it seems clear that both Marshall and Story regarded the former's controlling opinion to be somewhat unsatisfactory, and that Story was, in many respects, the real genius behind the Dartmouth College decision.[17]

Marshall's opinion, while clear and concise, "carried the seeds of destruction with it."[18] Before Story wrote his concurring opinion, he mastered Marshall's reasoning in the case and took note of the weaknesses. Filling in the gaps and correcting the mistakes in logic, Story answered the shortfalls of Marshall's opinion with common law and vested rights theory.

Marshall's definition of public and private corporations fell short of protecting the American corporation. Instead of making a vested rights argument, Marshall focused on the contract clause's application to Dartmouth College as a private eleemosynary institution. Story, however, believed that a general inquiry into all corporations under common law was essential to the *Dartmouth* case. "Here was the missing link in Marshall's narrower argument. And from this broad approach came Story's doctrine of public and private corporations, which was the crucial bridge from private eleemosynary educational institutions to the American business corporation."[19] Developing Marshall's private-public definition, Story reversed the commonwealth tradition of defining corporations by the nature of their business. Private corporations, he wrote, were businesses whose capital was private, regardless of the nature of the corporation. Expanding this definition, Story cited several examples:

> Public corporations are generally esteemed such as exist for public political purposes only, such as towns, cities, parishes, and counties; and in many respects they are so, although they involve some private interests; but strictly speaking, public corporations are such only as are founded by the government for public purposes . . . If, therefore, the foundation be private, though under the charter of the government, the corporation is private, however extensive the uses may be to which it is devoted, either by the bounty of the

[17]McClellan, 202.

[18]Ibid., 204.

[19]Newmyer, 131.

> founder, or the nature of the objects of the institution. For instance, a bank created by the government for its own uses, whose stock is exclusively owned by the government, is, in the strictest sense, a public corporation. . . But, a bank, whose stock is owned by private persons, is a private corporation, although it is erected by the government, and its objects and operations partake a public nature.[20]

Story realized that government regulation of private corporations would make investors hesitate to buy stock. His public-private doctrine was a practical response to protect corporations from governmental interference.

Marshall's decision jumped quickly from defining Dartmouth College as a private institution to providing protection under the Constitution's contract clause. Under this interpretation, Marshall's decision could be construed to mean that once a corporation has been created by a charter, the legislature can never again effect the business's operation. Were that the case, state legislatures would then be hesitant to grant charters, causing national economic stagnation. To prevent this, Story recognized the possibility of creating "escape clauses" in corporate charters, reserving the right to the states to restrict the corporation in the future.[21] In applying that principle to the case before the Court, however, Story noted that no escape clause had been created:

> When a private eleemosynary corporation is thus created by the charter of the crown, it is subject to no other control on the part of the crown, than what is expressly or implicitly reserved by the charter itself. Unless a power be reserved for this purpose, the crown cannot, in virtue of its prerogative, without the consent of the corporation, alter or amend the charter.[22]

Limited to constitutional issues, Marshall avoided developing a vested right doctrine in his opinion and instead focused on the contract clause. Story's concurring opinion, however, packed common law and vested rights theory into the meaning of the contract clause. The

[20] *Trustees of Dartmouth College v. Woodward*, Justice Story, concurring.

[21] McClellan, 206.

[22] *Trustees of Dartmouth College v. Woodward*, Justice Story, concurring.

procedural "tricks" planned by Story and Webster were then unnecessary for the Court to include broad vested rights principles in their rulings on the contract clause.[23] Story thereby avoided criticism for basing the Court's decision on vested rights:

> The packing of a textual provision with extraconstitutional principles avoided any difficulty that might arise from an appeal to principles that were not embodied in textual language. As the stature of natural law as a body of principles independent of the positive enactments of a nation eroded in the nineteenth century, the summoning up of general principles as a basis for a judicial decision became more problematic. But if those principles had been read into a constitutional provision, the difficulty was surmounted.[24]

Marshall, in answering an attack on the authority of Dartmouth's charter, asserted that all contracts, executed and executory are binding on both parties. However, his analysis stopped here, inviting the criticism that a "charter which was in the nature of a license subject to revocation at any time become a binding and irrevocable contract . . . . Rights may have become vested through such a contract, but those rights are no more sacred than rights which have become vested in any other manner."[25] Story again filled in the gap with common law and practical reasoning. Once a gift is executed, it must be completely irrevocable. Otherwise "in a country like ours, where thousands of land titles had their origin in gratuitous grants of the states,"[26] such a precedent would not only cause general hysteria, but shake the country's economic foundation. For common law backing, Story cited *Fletcher v. Peck* as a precedent:

> A contract executed, is one in which the object of the contract is performed; and this, says Blackstone, differs in nothing from a grant. A contract executed, as well as one that is executory, contains obligations binding on the parties. A grant, in its own

[23]White, 628.

[24]Ibid., 628.

[25]Haines, 407-8.

[26]*Trustees of Dartmouth College v. Woodward*, Justice Story, concurring.

> nature, amounts to an extinguishment of the right of the grantor, and implies a contract not to reassert that right.[27]

Almost as important, was Story's refutation of Marshall's claim that the contract clause only pertained to contracts concerning private property. Story expanded the clause to include "all incorporeal hereditaments,"[28] thereby upholding what he considered to be the full spectrum of protection offered by the contract clause. While not appearing to criticize Marshall's opinion, Story essentially concluded that "Marshall's perfunctory remark was utterly devoid of foundation, either in the common law or the meaning and spirit of the Constitution."[29]

Story's involvement in the *Dartmouth College* case goes well beyond his concurring opinion. Story, with the cooperation of Daniel Webster, was the legal mind behind a plan to ensure that the Supreme Court would rule on the vested rights issue. The original suit brought forward by Webster involved two primary arguments: that the charter was a contract protected by the contract clause of the Constitution and the New Hampshire legislature violated that charter; and that the New Hampshire constitution granted vested rights of which the college had been deprived. Both of these arguments required Dartmouth College to be classified as a private corporation, thereby receiving the protection of vested rights afforded to an individual. The appellate jurisdiction of the United States Supreme Court, provided in Section 25 of the 1789 Judiciary Act, however, limited the Court to constitutional issues and not "the broader issue of whether a state legislature could infringe on vested rights."[30]

Story was determined to have the Supreme Court rule on the issue of vested rights accrued by private corporations. To do this, Story advised Webster to enter three separate suits in Story's circuit court. The cases, falling under the diversity of citizenship jurisdiction would ensure that both the circuit court and the Supreme Court could consider all legal arguments presented by the prosecution. Fulfilling his part of the plan, Story and the district judge disagreed *pro forma* at the

[27]Ibid.

[28]Ibid.

[29]In the words of McClellan, 209.

[30]White, 175.

circuit court level, so that the cases could be taken immediately to the Supreme Court. Story dismissed the objections of university counsel's arguement that the "ejectment suits were fictitious. . . . One observer sympathetic to the university likened Story's action to 'an assumption of power equivalent to French despotism,' but found it consistent with Story's insistence on continually extending the jurisdiction of the federal courts." The three cases, unnecessary after the ruling in *Dartmouth*, were never heard by the Marshall Court. Story, who had anticipated that the cases would be heard, had already been working on his opinion, circulating it to respected judges for their criticism. Believing that vested rights must be included in *Dartmouth*, Story incorporated these writings into his concurring opinion.[31]

The ethics of Story's heavy involvement in the *Dartmouth* case are questionable at best. The Story-Webster collaboration pushed the limits of ethical standards of any time-period since the formation of the United States. Webster, aware that Story was working on his opinion, sent sources and citations to the justice for references.[32] Despite these questionable ethics, Story's involvement in the *Dartmouth* case cannot be easily judged as inappropriate. In order to achieve the primary objective of the Marshall Court, expanding judicial authority, Story's involvement was necessary. Further, the historic role played by the Marshall Court was that of an active participant in defining the division of power in the federal government, not that of a detached moderator. "Story's relationship with Webster in *Dartmouth College* and Marshall's surreptitious intervention in *Martin* may have crossed the line of ethical behavior, even by nineteenth-century standards, and there is evidence that both Story and Marshall took pains to create a public impression that they had approached the *Martin* and *Dartmouth College* cases in a disinterested fashion."[33] Obviously, the justices of the Marshall court perceived the role of the federal judiciary differently. Few Supreme Court decisions have had a greater impact on American historical

[31]Ibid., 177; Newmyer, 131; The investors were residents of another state suing Dartmouth University. Story and the federal district judge sitting with him at the circuit did not actually disagree on the case. Their choice to issue a certificate of division (a statement claiming a disagreement on the appropriate way to rule in the cases) would allow the cases to go immediately before the U.S. Supreme Court for consideration. The move was purely strategic; Story, 323. Cited from a letter to Story from Judge Livingston.

[32]White, 618.

[33]Ibid., 180

development than the *Dartmouth College* case. The case enhanced the prestige of Marshall's court, limited state encroachment on private rights, and provided a gateway for the growing role of corporations in American history. Story himself saw: "[T]he vital importance, to the well-being of society and the security of private rights, of the principles on which that decision rested. Unless I am very much mistaken, these principles will be found to apply with an extensive reach to all the great concerns of the people, and will check any undue encroachments upon civil rights, which the passions or the popular doctrines of the day may stimulate our State Legislatures to adopt."[34] As the corporation matured and widespread abuses of the corporate privilege followed, later courts allowed increased government regulation at the cost of private property rights. Yet, the concern for the protection of property rights remains strong--following in the vested rights tradition incorporated into American law with the *Dartmouth College* case.

The *Dartmouth* case became a legal instrument exploited by private businesses in their quest for prosperity, free of governmental interference. By allowing this freedom to the American corporation, the Marshall court ensured the economic vitality needed for the growth and advancement of a new nation. The *Dartmouth* case catalyzed the relationship between the government and the economy in the ninteenth century by allowing the corporate charter to be defined as a contract. The ruling allowed the rapid growth of industrial organization and "made possible a breadth of application for the clause which would have astonished most, if not all, of those who voted for its adoption in 1787 and 1788."[35] While bringing corporations under the protection of the contract clause required "correcting" the intent of the men who wrote the Constitution, the change was necessary for the survival and affluence of American economic expansion.

The success of constitutionalism can be attributed to the flexibility allowed by a "living constitution," adaptable to a changing society. It was Story's concurring opinion that took this extra step and provided a vested rights doctrine applicable to the American corporation, an entity which dominated the evolution of American business. "Thus, it has become a virtual convention of economic historiography to begin the

[34]Story, 331. Story to Chancellor Kent.

[35]Benjamin Fletcher Wright, The Contract Cause of the Constitution (Cambridge: Harvard University Press, 1938), 39-40.

American corporate cycle with Marshall's *Dartmouth College* opinion, and read into it the legal foundations of financial and industrial capitalism."[36] Marshall merely implied this in his opinion, but Story specifically confirmed that the ruling should be extended to corporate organization.

The *Dartmouth* case continued the success of the Marshall Court in expanding the power of the national government over states rights. *Marbury v. Madison* and *Martin v. Hunter's Lessee* took the crucial first steps in creating an appropriate division of power in the American federal system. While these cases created the federal judiciary's authority, it was the *Dartmouth* case which used this authority to protect businesses from the state encroachment.

> Another significant step had been taken to incorporate, by means of judicial interpretation, the doctrines of Federalism into our constitutional law. The principle of federal supremacy over the state courts, as announced in *Martin v. Hunter's Lessee*, and the denial of the right of a state to tax an instrumentality of the federal government, for the establishment of which there was no express warrant in the Constitution in *McCulloch v. Maryland*, were now supplemented by a rule which laid a heavy hand upon the exercise of state powers.[37]

When Marshall assumed the position of Chief Justice in 1801, he understood that his Court must "reinforce the movement toward a stronger national government," and that to do this it "would have to establish its position as an authoritative interpreter of the Constitution."[38] Still facing an imbalance in the nation-state relationship, the *Dartmouth* case forced the states to concede to the national government the right to dictate the government's authority over private enterprise, bringing the balance of sovereignty in the federal system closer to effective government.

The Court understood the need for policy promoting economic development and enhancing national authority over the states. Their

[36]Gerald T. Dunne, Washington University Law Quarterly, "The American Blackstone," June 1963, No. 3., 331.

[37]Haines, 418-19.

[38]R. Kent Newmyer, The Supreme Court under Marshall and Taney (Arlington Heights: Cromwell, 1968), 24.

response, promoting the Federalist cause in the battle against state rights, sacrificed government authority for the sake of corporate rights under the contract clause. Justice Story went further, incorporating a doctrine of vested rights into the constitutional protection of private enterprise. His role in expanding the contract clause ensured the success of the *Dartmouth* decision. With Story's guidance, the Court created a legal doctrine which rewrote the contract clause of the Constitution into a "living" concept which would adapt to the changing needs of society rather than becoming obsolete with age.

Florence Nightingale: A Critical Look At A Legend

Emily Jane Livingston

Florence Nightingale was a nineteenth-century woman who has been largely misunderstood by contemporary society. Today, the name of Florence Nightingale conjures the image of the saintly lady of the lamp; a nurturing and compassionate woman who patiently cared for ailing and lonely soldiers. Although this image has substance, Florence Nightingale was passionate, driven, ambitious, and egocentric. In many ways, she fully realized her sister's accusation that she was more like a man of her time than any woman of her era.[1] She was, however, marked undoubtedly by the puritanical Victorian model of womanhood. Very much a product of her class and her upbringing, she forged ahead, primarily striving to improve the plight of the soldier, but also the general welfare of the common person's sickbed.

She was intensely active from the time of her early thirties, leaving her little time or interest in anything else. In many ways, Nightingale exemplified the altruist, yet she was also terribly self-centered and concerned with her reputation. Her fields of interest ranged widely and evolved throughout her life. She was initially inspired by the plight of women as depicted in her first essay Cassandra, but after casting off the fetters of her childhood, she held less and less regard for the plight of the common woman. She regarded nursing as her personal vocation, and thought that God had spoken to her and called her to his service. She was intensely spiritual and contributed in her own way to the Anglican reforms of the mid-nineteenth century. Florence Nightingale profoundly affected nineteenth-century British history, not only by her nursing reforms, but also by providing political leadership, for both the government and the women of England. [2]

[1] Margaret Forster, Significant Sisters, The Grassroots of Active Feminism 1839-1939 (New York: Alfred A. Knopf, 1984), 117.

[2] Elspeth Huxley, Florence Nightingale (New York: G.P. Putnam's Sons, 1975), 16.

Born in 1820, the second daughter of a wealthy and politically well-connected family, Florence was named after the city of her birth. Her father, William Edward Shore, changed his name to Nightingale in order to inherit his Uncle Peter's estate, Leahurst in Derbyshire. Her mother, Fanny Smith, came from a remarkable family. Fanny's grandfather and father were both known for their championing of humanitarian causes. Her father, William Smith, was a member of the House of Commons for forty-six years, and fought diligently for the factory workers, Jews, and virtually any unpopular, oppressed group of people. Florence and her sister, Parthenope[3], were home-schooled by their father in Greek, Latin, French, Italian, German, history and philosophy. Parth, as she was known, became her mother's companion in the drawing room, while Florence preferred her father's lessons in the library. Few girls received such extensive educations during this time period, and Florence was determined to use her advantages to her own ends. Despite her bluestocking training, she "came out" in both London and international society and was an instant success. Because of her intelligence, vivacity and good looks, she was self-assured and initially enjoyed her success.[4] Florence, however, became quickly bored with the coquetry and inanity required of Victorian debutantes and dreamed of turning herself to more serious pursuits. She excelled at dancing, but considered such prowess "worthless." She later wrote of the plight of the Victorian woman: "Women's life is spent in pastime, men's in business. Women's business is supposed to be to find something to 'pass' the 'time'."[5]

Even as a young woman, Nightingale could not conform to the lifestyle expected of her and inevitably became almost suicidal when she could see no escape. "Free-free Oh! . . . Welcome beautiful death . . . . I believe in God." This quotation, taken from the last lines of her essay, Cassandra, is autobiographical because she often referred to herself as Cassandra. Cassandra was the name of a mythical prophet

[3]Parthenope, Nightingale's older sister, was also named for the city in which she was born. Naples was called Parthenope by the Greeks. The Nightingales honeymooned for nearly three years on an extended trip to Italy. See Huxley, 11; and Cecil Woodham-Smith, Florence Nightingale 1820-1910 (New York: McGraw Hill, 1951), 1-2.

[4] Florence Nightingale, Cassandra and Other Selections from Suggestions for Thought, Mary Poovy, ed. (New York: New York University Press, 1992), viii. Deborah Gorham, The Victorian Girl and the Feminine Ideal (Bloomington: Indiana University Press, 1982), 129. Forster, 98.

[5] Forster, 98; Nightingale, Cassandra and Other Selections, 131.

cursed by Apollo who was doomed to see and speak the truth but never be believed.[6]

Marriage was another issue that plagued Florence. Her mother wanted a brilliant match for her, but she rightly envisaged the life awaiting her at the end of that path. She resisted marriage because she believed that by marrying, she signed off her rights as an individual; his wants became hers, thereby thwarting Florence of fulfilling her ambitions. She absolutely detested the prospect of a life replete with flower arrangements and china patterns. In 1849, Nightingale forever put the idea of marriage behind her. Robert Mockton-Milnes, a wealthy and respectable young man, asked Florence to marry him. She refused him and in her private notes she explains why; "I know that I could not bear his life. That to be nailed to a continuation, an exaggeration of my present life . . . would be intolerable to me--that voluntarily to put it out of my power . . . to seize the chance of forming for myself a true and rich life would seem to me like suicide. "[7]

In her early to middle twenties, she turned to new scholarships to "pass" her "time". She attempted to study mathematics, but her parents adamantly refused to grant their permission for a tutor, as this was considered a most unladylike subject which they thought could do nothing but confuse Florence's ideas about her future. She then turned to the more socially acceptable work of visiting the poor and ailing who lived in the cottages surrounding the estates in which she lived. Her interest in philanthropic work was piqued and her family had no objection to her being such an honorable and thoughtful young lady.

The more Nightingale saw of the plight of the poor, however, the more interested she became in both the care for the ill and the godlessness of the masses. Her fascination grew and she kept her newly discovered seedling vocation secret from her family. She continued to use charitable work as a way to dig herself into a useful trade. Visiting the poor and ailing provided more than just hands-on rudimentary nursing, it also allowed her to escape from impending familial marriage pressures.[8]

In 1844, Florence was twenty-four. She decided to ask permission to study nursing formally. Her parents were horrified. They rebelled against the thought that their well-brought-up daughter would willingly associate herself with the type of women who nurse, a profession

[6]Florence Nightingale, Cassandra, Introduction by Myra Stark (New York: Feminist Press, 1979), 55; 22-23.

[7] Forster, 100-104.

[8] Ibid., 100-104.

characterized by Charles Dickens as slatternish poor women whose only purpose lay in camp following.[9]

Over the next six years, Florence agonized over her obligations to her family and their suffocating attempts to transform her into their idea of what she should be. During those years, however, Florence was not as idle as her parents believed her to be. She continued to study, in a new area. Up at dawn every morning so as not to disrupt her routine as the dutiful daughter, Florence scrutinized government Blue Books on social statistics. By 1849, she had become an expert of statistics whose opinion was sought by Sidney Herbert, secretary of war.[10]

At the age of thirty-one, still bound by filial obligation, Florence waited for her parent's permission. In 1851, they finally allowed her to go to Germany to study at Kaiserworth, Institute of Deaconesses and then to Paris with the Catholic Sisters of Charity. In 1853, she was offered a position in London as superintendent of the Institute for Sick Gentlewomen in Distressed Circumstances. Her parents finally realized her seriousness, and her father granted her an allowance of £500 per annum.[11] She was finally independent and the thrust of her life was to begin.

Nightingale's religion shaped not only her early years, but was perhaps her most overriding personality trait. Nightingale's philosophy of nursing was concentrated around her belief in God. Because she believed that God had personally called her to His service she was driven to share her brand of religion with others. She grew up Anglican but both parents leaned toward the more liberal Unitarian faith. Possibly because of this flexibility in her formative years, Nightingale consistently questioned the constructs of organized religion. Additionally, she was affected by the Oxford movement[12] which revamped the approach of the Anglican Church. She was also inspired by her perception of the godless plight of the poor and working classes. She had gained this perception from her philanthropic work.

[9]Elizabeth K. Helsinger, et al., The Woman Question, volume II (New York: Garland, 1983), 142.

[10]Forster, 103.

[11]Ibid., 105-107.

[12]The Oxford movement refers to the reforms within the Anglican Church during the nineteenth century. These reforms were motivated by large numbers of British people who had left the church because of its close linkage with the British government. Additionally, many people felt that their spiritual needs were not being met within the church. Other faiths, Methodism and Catholicism, especially, were finding many new converts within the ranks of the British population.

Both her own sense of inadequacies within organized religion and her empathy for the poor prompted her to write, Suggestions for Thought to the Searchers after Truth Among the Artisans of England.[13]

In Suggestions and in Cassandra, Nightingale asserts some radical and even heretical observations on the subject of Christianity: "Christ, if he had been a woman, might have been nothing but a great complainer . . . The next Christ perhaps will be a female Christ." "As long as the church of England enforced herself by hanging people who did not belong to her. . . she did very well." She wrote these words with the godless in mind and intended the work to be the theological and philosophical answer to their predicament. She published Suggestions in 1860 in spite of reputable counsel that she should do some revision.[14]

Certainly she meant well, but it would have been only the most avidly driven and studious of artisans that would have waded through her lengthy and not very well organized philosophies. Nightingale was possessed of a brilliant and educated mind, but her opinion on the subject of organized religion was not written on the level of the average artisan. Additionally, her arguments were sometimes blasphemous and always less than clear. She does, however, make valid observations about church shortcomings in meeting the needs of the people, but does little to offer a solution, except her own rather convoluted spirituality.

Nightingale's moments of clarity in Suggestions do make it an interesting if somewhat tedious read. What is perhaps most telling about Nightingale's Suggestions is that it provides intriguing clues as to how she dealt with her personal dilemmas. Always somewhat timid when initially confronting the establishment, Nightingale consistently sought approval from it before venturing into unexplored territory. Suggestions contains literally pages of searing diatribe on the theological constructs of the Anglican Church, yet she remained a member to her death, although she obviously detested much for which it stood.[15]

This same unwillingness to relinquish what she felt to be inherently unjust is also illustrated by her relationship with her parents. Although she should have broken free of her parents' control easily a decade sooner, she was reluctant to disobey the wishes of her family and face

[13] Huxley, 194.

[14] Nightingale, Cassandra and Other Selections, 230, 101. Huxley, 192-95.

[15] Nightingale, Cassandra and Other Selections, xvii.

their derision. While she did finally break free, she never relinquished her relationship, although she attacks the very nature of the family repeatedly in volume II of Suggestions.

This animosity toward families in general, and presumably her own in particular, is underscored throughout Suggestions and Cassandra: "The prison which is called a family . . . especially to the woman.[16] "But do children owe their parents no duty, no love, no gratitude for all that they have done for them?. . . But they can't be grateful to people for making slaves of them."[17] These quotations encapsulate the entirety of Nightingale's cohesive arguments concerning families. Her arguments concerning families, however, are deeply integrated with her concerns for the wasted intellects and talents of women. "Why have women passion, intellect, moral activity . . . a place in society where no one of the three can be exercised?"[18] Despite her early writings championing equal intellectual treatment for women, Nightingale's attitude toward her own sex devolved into something much closer to disdain through the course of her life. She was by the strictest modern terms, a feminist, but of the most confused sort. She refused to sign petitions for suffrage, and even called women "too ignorant of politics" to vote.[19] Yet this woman was, before she broke free of familial pressures, and perhaps even after that, a champion for women. In her letters to her family written from a holiday in Egypt, Nightingale describes the deplorable effects of polygamy on Egyptian women.[20]

Nightingale's disdain for women was acquired early in her life. She complained "that her mother was one such perfect lady who could have organized an army but preferred to do nothing."[21] Florence's contempt for her mother and sister ran deep, probably because of years of their suffocating insistence that she conform to their standards of womanhood. Her later derision for women can be attributed to her disappointment in the relatively small number of women who followed

[16]Ibid., 119.

[17] Ibid., 67.

[18] Nightingale, Cassandra, 25.

[19] F. B. Smith, Florence Nightingale, Reputation and Power (New York: St. Martin's, 1982), 190; Joan Perkin, Victorian Women (New York: New York University Press, 1993), 212.

[20]Florence Nightingale, Letters From Egypt, A Journey on the Nile (New York: Weidenfield and Nicholson, 1987), 139.

[21]Perkin, 87.

her into her newly opened field of nursing. Her own indomitable, indefatigable drive also alienated her from these women because they were unwilling to delete their personal lives to join her in work. She was insistent that others work as tirelessly as she did, and felt no sympathy for those who did not have her energy. Later in life, she referred to herself as a "man of action" and claimed that only men had helped her in her struggles. She viewed women not only as unhelpful but hostile. This attitude of antipathy for her own sex is further exemplified in her choice of critics to whom she sent her essays for comment. She sent Suggestions to two men, John Stuart Mill and Benjamin Jowett. She asked for frank criticisms, and Mill wrote, "I have seldom felt less inclined to criticize than in reading this book." He did, however, suggest revision as did Jowett. Although Mill was not particularly impressed with Nightingale's religious philosophy, he was inspired by her writings about her family enough to subtly allude to her in his book, The Subjection of Women, which he began soon after having reviewed Nightingale's Suggestions: "Many women have spent the best years of their youth in attempting to qualify themselves for the pursuits in which they deserve to engage."[22]

Nightingale's political impact on Victorian England, though, was certainly not limited to her effect on the nineteenth century feminist movement. Best known for her pioneering work in nursing, Nightingale's reputation has been corrupted nearly to the extreme of saintliness. Although certainly not a candidate for a hagiography, she was absolutely a formidable force in changing the inadequacies within the medical profession. Her impact on the reformation of the medical profession should not be understated. She not only addressed important issues like the importance of good sanitation, she went further, setting unprecedented standards for the care of the ailing.

In 1854, Nightingale was appointed by Sidney Herbert, Secretary of War, to form a corps of nurses to tend the wounded at Scutari, an Army hospital, in the Crimea. Nightingale hurriedly recruited thirty-eight nurses, twenty-four of them nuns or Anglican sisters, to accompany her. Nightingale found conditions at the Crimean hospital horrifying. She found that diseases like typhus, cholera and dysentery were responsible for most of the hospital deaths. Only one-sixth of the mortality rate was battle related. She and her nurses were not

[22] John Stuart Mill, On Liberty with The Subjection of Women and Chapters on Socialism (New York: Cambridge University Press, 1989), 215; Huxley, 194; Bonnie Anderson and Judith Zinsser, A History of Their Own, Women in Europe from Prehistory to the Present, volume II (New York: Harper & Row, Publishers, 1988), 168-169.

welcomed by the army doctors, but because of Nightingale's political connections, they felt they could do little to keep her out.[23]

By the time she left the Crimea, Nightingale had shown the world how a military hospital should be run. When she returned to England she had become a national heroine who had done more to change the way both the public and the military viewed soldiers. Nightingale contended that soldiers were not disposable and that with good nursing and hygiene, the mortality rate among soldiers need not be so staggering.[24]

Queen Victoria and Prince Albert were so impressed with Nightingale that the queen said, "I wish we had her at the War Office." Prince Albert wrote in his diary, "she put before us all the defects of our present military hospital system, and the reforms that we needed. We are much pleased with her; She is extremely modest."[25]

The English public was so delighted with her accomplishments that they raised money in her name so that she might open a school to train nurses. The Nightingale fund was utilized in 1860, establishing the Nightingale Training School for Nurses at St. Thomas' Hospital and a school devoted to training midwives at King's College Hospital. The grand opening of the school was immediately preceded by the publication of Nightingale's Notes on Nursing which became exceedingly popular with everyone from Queen Victoria to the average working woman. In this book, Nightingale dispelled dangerous myths about caring for the sick. It was replete with practical advise dedicated to "women who have personal charge of the health of others."[26] This book, because of its practicality, was perhaps the most significant of Nightingale's published works. Using what would be considered common sense today, Nightingale describes in minute detail the issues important to maintaining and improving the health of the patient. She advised her reader on everything from the necessity of clean chamber pots to the importance of clean linen and walls, light, fresh air and

[23] Vern L. Bullough, et al., eds., Florence Nightingale and her Era: A Collection of New Scholarship (New York: Garland, 1990), 5; Perkin, 166.

[24] Olive Anderson, A Liberal State at War English Politics and Economics during the Crimean War (New York: St. Martin's, 1967), 117.

[25] Florence Nightingale, Ever Yours, Florence Nightingale; Selected Letters, Martha Vicinus and Bea Nergaard, eds. (Cambridge: Cambridge University Press, 1990), 162.

[26] Florence Nightingale, Notes on Nursing (New York: D. Appleton Century, 1946), xiii; Huxley, 191; Woodham-Smith, 304.

good diet. This book was revolutionary for its time, and precisely because it made good sense, the care for the sick began to improve.

Nightingale's nurses had a rocky time adapting to the strict regime that her school demanded. Nightingale's attitude toward nursing was that it was a vocation, not a career. She did not accept married women, and she lost many good potential nurses because they dropped out to get married. She felt especially betrayed by these women as she could see no happy combination of marriage and nursing. She imposed strict regulations. The nurses were only allowed to leave the school in pairs and were even accused of flirting if they were caught making eye contact with men.[27] Under such strict and regimented supervision it is no wonder that many women were unwilling to make the necessary sacrifices to become 'Nightingale Nurses'.

After her triumphant return from the Crimea, Nightingale became bedridden and was expected by many to die. Her illness was controversial, as some say that she was a "psycho-neurotic who lusted for power and fame"[28]who used her illness to garner even more power. This view of her illness is probably too harsh since she was diagnosed with at least four serious illnesses during her life, including Crimean fever, sciatica, rheumatism, and dilation of the heart. While it is true that Nightingale committed herself to invalidism for the rest of her life, she lived until she was ninety and continued to work from her sickbed. Because of the length of her convalescence, it has been noted that her illnesses might indeed have been exaggerated to shield her from the world. One argument suggests that she closeted herself upon her return from the Crimea to avoid reentering a close relationship with her mother and sister. She only admitted visitors by appointment, thereby shielding herself from society so that she could devote herself completely to work.[29]

During her confinement, Nightingale worked furiously. "It used to be said that people gave their blood to their country. Now they give their ink."[30] She certainly gave her fair share of ink. She kept busy with workhouse reform, public health and sanitation in India, reorganizing the India Office and even with an inquiry into the incidence of deaths in childbirth from puerperal fever. She constantly compiled statistics and was an avid correspondent with many political

[27]Forster, 116.

[28]Bullough, 75.

[29] Ibid., 76. Nightingale, Ever Yours, 4.

[30]Huxley, 219.

leaders of the day. Specifically during the next twenty years, she worked on the problems confronting the British in India. In 1875 she wrote Lord Salisbury regarding irrigation returns, asking that he appoint a commission to compile statistics. She outlined the issues that need to be addressed and apologized for the "length of these notes meant to help to show the direction the inquiry should take."[31] In 1867, at the request of Sir Stafford Northcote, Secretary for India, Nightingale prepared a digest which outlined the instructions for the Indian Sanitary Commission. Although Nightingale was responsible for originating the report, drafting the questions, analyzing the replies, and preparing the instructions, she was not a member of the committee, nor did she qualify as a witness, because of her gender. Instead she was officially invited to submit remarks, "Observations by Miss Nightingale," which were included in the final commission report.[32]

The truth is that Nightingale became so influential that she lost touch with her own humility. It is not surprising that she became arrogant because many influential people flattered her enormously. Benjamin Jowett, a longtime correspondent, wrote in 1879: "Nobody knows how many lives are saved by your nurses . . . how many thousand soldiers . . . are now alive owing to your forethought and diligence."[33] Lord Edward Stanley, the secretary of state for India wrote Nightingale in 1864: "Every day convinces me more of two things, first the vast influence on the public mind of the sanitary commissions of the last few years . . . and next that all of this has been due to you and to you almost alone."[34] It is no wonder indeed that Nightingale changed her opinion on the vote for women--she had her own brand of influence, and trusted her judgment better than that of a collective women's voice. During the debates for the Second Reform Act in 1867, she boasted to John Stuart Mill that "irrespective of the size of the male electorate," she had "more political power than if I had been a borough returning two M.P.'s."[35] Indeed she was more influential than most men and probably all women, excepting the Queen.

[31]Nightingale, Ever Yours, 357-360; Huxley 219.

[32]Woodham-Smith, 271.

[33] Benjamin Jowett, Dear Miss Nightingale A Selection of Benjamin Jowett's Letters to Florence Nightingale, Vincent Quinn and John Priest, eds. (Oxford: Clarendon Press, 1987), 280.

[34] Woodham-Smith, 280.

[35]Smith, 188.

She became involved in other reform movements, too. Nightingale was definitely a politician. She had a knack for winning moral approval while avoiding controversy. In 1864 England had adopted the first system of state licensed prostitution, but in 1886 it was abolished, largely due to the work of Josephine Butler and Florence Nightingale.[36] This movement was also connected with the Contagious Diseases Act of 1864, on which she wrote an anonymous paper, *Notes on the Supposed Protection Afforded Against Venereal Disease, by Recognizing Prostitution and Putting It Under Police Regulation.* She also actively campaigned on other issues such as the Midwifery Act.[37]

Although Nightingale's interests ranged widely, it is important to note the thread that runs through her life's work. Florence Nightingale loved mankind, but had trouble when faced with the reality of individuality. This happened especially with women. Obviously she worked for women as shown by her work with women's issues like prostitution, puerperal fever, and midwifery, but she also worked for state issues and it was to these she devoted the most of her work. She was consistently driven by her spiritual faith and deeply held belief that God was on her side. But Florence Nightingale worked for more than mankind and God. She also worked for her own ambition and self-glorification. Judging from the connotation of the lady of mercy that her name evokes over a century later, it is safe to assume that she was successful.

Nightingale's feminism was of a contorted variety. She did not like women much, nor did she ever concentrate her abundant energies exclusively to a woman's cause. Yet she did, undoubtedly, help the career prospects of women everywhere. She truly believed that women had only to reach out and seize their future--just as she had. Her years of success had evidently dulled the memory of her early years of torment waiting for that parental approval. She lost faith in women when they did not break down the gates of her school, thanking her for her gift of a dignified field. For Nightingale, nursing was a vocation so intrinsically linked with her spirituality that she could not understand why women wanted merely to nurse as a profession--not a vocation.

Nightingale's vast influence on political and social reform, however, cannot be overstated. Her nurses and her leadership led England into a new era of medical practice. Her reforms on sanitation and foreign affairs within the British Empire had far-reaching effects on many

[36] Ibid., 193.

[37] Ibid., 194-195. Nightingale, Ever Yours, 404.

thousands of people, yet she never insisted on taking the credit. Florence Nightingale was a woman driven to succeed, and for her time, she was a huge success. She managed to stay within the public eye without attracting a surfeit of enemies, which was a considerable achievement for a man or a woman. Nightingale's impact on nineteenth century British history was substantial, and a fascinating study of a woman in control behind the scenes.

The American Invasion of Russia

Erik Merkel

The jungle is full of words
that sound like one thing,
but mean another.
-Rudyard Kipling

Wars are terrible tragedies and civil wars may be the most terrible of all wars, and the Russian the most terrible of those. Russia lost seven million lives in World War I and the revolutions preceding the Russian Civil War. During the course of the Civil War, countless more lives were lost. Possibly of more lasting importance, the principles of the vanquished party in a Civil War are lost seemingly forever, while the tenets which the victorious hold dear, become unassailable during their rule.

Lenin, the Bolsheviks, and their reputation are at their nadir now, but no one can deny that their desperate struggle to survive and finally to prevail through the revolutions and the Civil War required not only the greatest courage, but also the autocratic control of all resources. The Bolsheviks were born with the greatest of idealism, but because they faced soldiers from all the major countries and the Russian White Armies, the Bolsheviks were forced to centralized control of the people. It is necessary to understand the Russian struggle and its violence to understand Stalin, the dictatorships, and the resulting loss of any chance to test the experiment of economic communism.

Vladimir Ilich Lenin, Leon Trotsky and many others contended the Civil War would not have occurred, or, at least, would not have been so intense, long or costly except for the intervention of the United States and the other Allies. Ancillary to that issue is the question of why the Allies intervened; was it to crush the Bolsheviks as the same figures suggest? This paper will attempt to address these questions knowing that this does not provide either the depth or space the analysis deserves.

The Bolsheviks came to power on November 7, 1917. They moved swiftly, and the next day, a Decree of Peace was issued. On November 22, 1917, Lenin suggested to the Allies a general peace. When this brought no response, on December 3, he commenced negotiations of a separate armistice with Germany which were concluded twelve days later. The armistice was to extend for four weeks and to continue thereafter unless terminated by seven days notice by one of the parties. Ultimately, this led to the Brest-Litovsk Treaty of March 3, 1918, which concluded hostilities between Russia and Germany.[1] The suffering Russians were happy; the still fighting Allies were mad.

As Lenin and Trotsky were concerned that Germany would not keep its word, they attempted to continue friendly relations with the Allies.[2] This was not precluded by the Brest-Litovsk Treaty; it was not an alliance. Russia continued diplomatic relations with the Allies, though the foreign embassies moved from Petrograd to Vologda.[3]

The Russian army under Czar Nicholas had collapsed during the chaos of the spring and summer of 1917, leaving diplomacy as Russia's only defense. Finland and the Ukraine had not entered into treaties with Germany. They were the immediate victims of German invasions, placing the most developed and industrialized parts of Russia in the jaws of the German military machine. With diplomacy, Lenin and Trotsky hoped to hold Germany to its promise of peace, but also, to be able to call on the Allies for help in the event of renewed German hostilities. It was, as stated by one writer, "obvious that the Bolsheviks intended to carry on a policy of playing off the Germans against the Allies and vice versa."[4]

[1]Leonid I. Strakhovsky, The Origins of American Intervention in North Russia (Princeton: Princeton University Press, 1937), 3-4; J. F. N. Bradley, Civil War in Russia 1917-1920 (New York: St. Martin's, 1975), 51-52. The dates are based upon the present day calendar.

[2]Strakhovsky, 12-14; The concerns about German hostilities were fueled by German conquests in Finland and the Ukraine which were not parties to the treaty.

[3]Benjamin D. Rhodes, The Anglo-American Winter War with Russia, 1918-1919 (New York: Greenwood, 1988), 7-8, 23; David R. Francis, Russia From the American Embassy (New York: Charles Scribner's Sons, 1921), 261-62; Frederick Lewis Schuman, American Policy Toward Russia Since 1917 (Westport, Connecticut: Hyperion, 1928), 85-86, 99-100. A beautifully written description of Archangel and its history appear in John Cudahy, Archangel: The American War With Russia (Chicago: A. C. McClurg, 1924), 41, 47. The move to Vologda was triggered by Germany's invasion of Finland which placed the German front within twenty-five miles of Petrograd. Strakhovsky, 17.

[4]Strakhovsky, 10-23.

The position of Russia in this period of time is well stated by Edmond Taylor in his The Fall of The Dynasties:

> [T]o the peace of Brest-Litovsk, Soviet Russia became for the time being a hostage of Imperial Germany. The Bolshevik power could only survive as long as the German Army was willing to see it survive. A policy of cooperation, almost of partnership, with Germany was therefore a vital necessity from the short-term viewpoint; from the long-term viewpoint discreet preparations for renewing the struggle against the oppressor, possibly with Allied help, and for throwing off the chains of Brest-Litovsk were no less essential.[5]

Trotsky said "We were between hammer and anvil."[6]

As much as the Russians needed the potential help of the Allies, the Allies needed an eastern front even more. The prophetic words of Winston Churchill were:

> Above all things reconstitute the fighting front in the East . . . If we cannot reconstitute the fighting front against Germany in the East no end can be discerned to the war. Vain will be all the sacrifices of the peoples and the armies. They will tend only to prolong the conflict into depths which cannot be climbed. We must not take "No" for an answer either from America or from Japan. *We must compel events instead of acquiescing in the drift.*[7]

The French ambassador to Russia stated: "The capital problem was that of reconstituting an Eastern front."[8] Though new to the war, the United States also recognized the importance of the eastern front.[9]

The first American troops landed six days after the signing of the Brest-Litovsk treaty on March 9, 1918, in Archangel. Soon there were 35,000 Allied troops on shore which alarmed not only Germany but

[5]Edmond Taylor, The Fall of the Dynasties (New York: Dorset, 1963), 310.

[6]Leon Trotsky, My Life (New York: Charles Scribner's Sons, 1930), 395.

[7]Winston Churchill, The World Crisis, Vol. II (New York: Dodd, Mead, 1927), 191. Emphasis has been added.

[8]Strakhovsky, 18.

[9]Francis, 229-260; George A. Brinkley, The Volunteer Army and Allied Intervention in South Russia, 1917-1921 (Notre Dame: University of Notre Dame Press, 1966),53-55; Louis de Robien, The Diary of a Diplomat in Russia, 1917-1918, trans. Camilla Sykes (New York: Praeger, 1967), 263-64.

also the Bolsheviks. When the local Russian leader, A. M. Yuriev, refused to order the Allies to leave, the Bolsheviks declared Yuriev an enemy. With that, Yuriev and his troops became a part of the White Army cooperating with the Allies.[10] This was not the only White Army. In the east Japanese troops with White forces later pushed westward along the Trans-Siberian railroad; but the strongest White Army was in the south in Cossack country.

The first real military leadership opposing the Bolsheviks came from General Mikhail Alekseev, the imperial chief of staff under Czar Nicholas. When the Bolsheviks came to power, Alekseev was sixty years old, diagnosed with cancer, and had only eleven months to live. With his last energies, he formed the strongest White army based on the northern slopes of the Caucasus Mountains. On his death, Alekseev was followed by Kornilov, then by Krasnov, Denikin, and finally Kolchak. Already strong in May 1918, the White army united with 40,000 Czech troops who had deserted from the Austrian armies. They had also fought against Germany with the Czar's army and since the coup, had been stranded in the Ukraine. Other Czech troops had reached Vladiostok earlier, where they were waiting for troop ships to return them home. With their presence, the Czechs became a factor in the eastern intervention. Some Czech troops were sent north by the French to Archangel for transport home which caused the Bolsheviks to fear and suspect that they were a part of a plot to overthrow the government. In any event, because of this and other incidents, the remaining Czechs felt they would have to fight their way out and the best way to do this was to unite with the White forces. United with the Czechs, the White army pushed northward with great success and rapidity. This resulted in two consequences.[11]

The apparent strength of this drive persuaded the Allies to help all White forces with badly needed armament and supplies, as well as credit for purchases. This stalled any quick resolution of the Civil War,

[10]Strakhovsky, 65-70; Schuman, 108-137; Rhodes, 34; Francis, 264; a detailed description of this war in the north from a military viewpoint appears in Joel R. Moore, The History of the American Expedition Fighting the Bolsheviks, Capt. Joel R. Moore, Lieut. Harry H. Mead, & Lieut. Lewis E. Jahns, comp. and ed. (Detroit: Polar Bear Publishing, 1920). The United States troops were commanded by General F. Poole initially and then by General Edward M. Ironside. See Rhodes, , 45-48.

[11]Bruce W. Lincoln, Red Victory (New York: Simon & Schuster, 1989), 72-97; Taylor, 310-17; Schuman, , 92-95; Bradley ,60-67.

and enabled the White forces to do battle on more equal terms. The Reds had more men, but now the Whites had superior firepower.[12]

The other consequence of this northward drive was the death of the imperial family. By now, the Czar and his family had been moved from Tobolsk to Ekaterinburg which was in the direct line of this advance. Obviously their rescue could not be allowed. "The ordeal of the Romanovs must have been all the harder on their nerves because rescue was so near at hand; yet the nearer it approached the more deadly became their peril."[13] On July 16, 1918, their ordeal ended in execution. The White Army took the city nine days later.[14]

Meanwhile, the Civil War was heating up in the far east at Vladivostok. This was the major Russian port in the Far East on the Sea of Japan. Vladivostok was linked to Moscow and the rest of Russia by the Trans-Siberian Railroad. With the German army cutting across Europe north to south there were two entrances into Russia--Archangel and Murmansk, ports which were frozen over in the winter. Vladivostok would have been very valuable, but the cargo landed there would have to be transported by the Trans-Siberian Railroad. Thus, Vladivostok became the focal point of the eastern battles of the Civil War. Actually, however, the major battles started in the western part of Siberia, west of the Urals on the Trans-Siberian Railroad and moved east to Vladivostok along the Railroad. For this reason, these battles came to be known as the Siberian battles, or by the United States, as the Siberian Expedition.

On the outbreak of World War I, Russia recruited for its army less than a thousand Czechs and Slovaks who had settled in Russia years before. This Czech brigade fought bravely with significant publicity and became the object of pride among Czech nationalists, led by Eduard Benés and Toma Masaryk, who were seeking an independent Czechoslovakia, and separation from the Hapsburg Empire. As the war progressed, Russia in its victories against Austria, captured several hundred thousand Czech and Slovak prisoners but the government

[12]Lincoln, 198-99, 213. The Allies delivered to each of the three main White armies 1000 field guns, 250,000 rifles, 7,000 machine guns, and millions of rounds of ammunition. Grove C. Haines & Ross J. S. Hoffman, Origins and Background of the Second World War (New York: Oxford University Press, 1947), 112-114, 76; "The American Government's Policy," Current History: Volume XXXII, April-September, 1930 (New York: The New York Times, 1930), 59-64; Bradley, 56-58; William S. Graves, America's Siberian Adventure (New York: Jonathan Cape & Harrison Smith, 1931), 20-21, 99.

[13]Taylor, 314.

[14]Ibid., 315-16.

would not use them since they might represent a large dissident nationalist force. After the March revolution, Kerensky asked for volunteers from these prisoners. The Czech brigade immediately became a Czech army of 100,000, and fought well until the Brest-Litovsk Treaty. Those that originally came from Russia stayed. Others sneaked back through the lines to home. Others had been captured and more were casualties so that after the treaty there were about 55,000 to 60,000 Czech troops stranded in the Ukraine. Masaryk wanted them transported out to fight on the western front. The Germans wanted them back as prisoners to be exchanged under the treaty. The Allies wanted them to fight the Reds one way or the other. The Reds were distrustful of them and thought they were pawns of the Allies. The Czechs themselves probably just wanted to go home, at least initially. In any event there was no way out except with Red approval.

In March 1918, Masaryk and Lenin negotiated an agreement of safe passage by the Trans-Siberian Railroad and Vladivostok but the Czechs would have to first surrender all of their weapons. By May, approximately 10,000 Czechs had reached Vladivostok and were waiting on ships for passage home.[15] Then on May 25, the Czechs intercepted a telegram from Trotsky directing the shooting on the spot of any Czech with a weapon. This convinced them that they had been betrayed and the stranded 40,000 joined the White forces to fight their way to the 10,000 comrades already at Vladivostok.[16]

Just as in the case in the south, the fortunes of the White forces in the east were largely dependent on the stranded 40,000 Czechs. The French had pressured the Czechs into trying to escape by way of Archangel, probably knowing that this way was blocked by the Reds and that battles between the Reds and Czechs would ensue, which they did. This left Vladivostok as the only outlet.

By this time, the Reds had secured the railroad and most of Siberia. Raymond Robins, director of the American Red Cross, had traveled from Vologda to Vladivostok without any incident, as had the personnel of the YMCA. "Siberia was completely under Soviet control and at peace."[17] This was about to change.

[15]Lincoln, 93-97; Rhodes, 3-4; George F. Kennan, Russia and the West under Lenin and Stalin (Boston: Little, Brown, 1961), 97-107; Graves, 38; Betty Miller Unterberger, America's Siberian Expedition, 1918-1920 (New York: Greenwood, 1969), 55; Edward T. Heald, Witness to Revolution, Ed. James B Gidney (Kent, Ohio: Kent State University Press, 1972), 211; The number of Czechs at Vladivostok is cited as being 8,000, 10,000, or 12,000, and the number stranded as being 35,000, 40,000, 45,000, or 60,000 depending on the source. Several sources confuse the origin of this Czech force and more ignore the problem. The story is quite interesting.

[16]Lincoln, 92-94.

In the latter part of May 1918, there were approximately 20,000 Czechs in trains scattered along the Railroad from Kazan, on the Volga west of the Urals, to Irkutsk, just west of Lake Baikal, a distance of 3,000 miles. In spite of their agreement not to carry weapons, the well armed Czechs were actually the strongest force in this area.[18] There were disagreements and minor skirmishes all along the line, but on the night of May 25, a skirmish broke out that killed ten and wounded ten others. Another skirmish resulted in ten dead Czechs, which brought about the end of peace and the beginning of the Siberian battles. A group of Czechs with thirty carbines and some grenades were ordered to surrender their armaments within fifteen minutes. They did not, but engaged in conversation. At the end of the fifteen minutes, without further warning, the Reds machine-gunned the Czechs. The Czechs fought back, and though they had fewer weapons, the Czechs greatly out numbered the Reds. In a fierce fight, mostly hand to hand, the Czechs prevailed. From this point on, the Czechs fought, killed, and captured Reds and weapons until they were victorious. There was no longer peace, just bloody fighting.[19]

Meanwhile in Vladivostok there was turmoil. On April 3, 1918, several Japanese civilians were killed in a street brawl, apparently by Red soldiers. This provided Japan with an excuse to land a few soldiers to protect its citizens. On the same pretext so did England, but England was really more concerned about the territorial ambitions of Japan than about the safety of any civilians. In the spring of 1918, confronting about 100 Red soldiers, there were approximately 20,000 Japanese, English, and Czech soldiers, all eagerly looking for a pretext to start a fight. The Czechs provoked skirmishes from May 18 to June 29, 1918, when the Czechs overthrew the Reds and took over the city. Now with Vladivostok in their possession, the Czechs started moving along the railroad toward their brothers who were fighting eastward from Irkutsk. By early July, the Czechs and Whites had complete control of the Railroad from west of Omsk to Vladivostok.[20]

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[17]Schuman, 90. Heald, 211-225.

[18]Kennan, 97-98; George Stewart, The White Armies of Russia (New York: Macmillan, 1933), 105-106; Bradley, 82-92.

[19]John Albert White, The Siberian Intervention (Princeton, New Jersey: Princeton University Press, 1950), 92-93; Lincoln, 94-97; Stewart, 105-118.

[20]Schuman, 92-93; Bradley, 92-96; Kennan, 98-107; Graves, America's Siberian Adventure, 38; Unterberger, 39, 55-59.

The Reds believed the Allies had incited the Czech uprising. Since the Czechs controlled the railroad and the port, there was no longer anything to prevent them from leaving. Because they stayed and fought, the Reds suspected collusion between the Allies and the Czechs. There is substantial evidence that France and England had ulterior motives, but little to implicate the United States. In any event the Allies, including the United States, were happy with the end result.[21]

After the Brest-Litovsk Treaty, the Allies debated on whether to intervene in Siberia. Intervention at Vladivostok and in Siberia called for mediation, at least, in the United States. The French and the English, however were, from the very beginning, clearly and strongly for intervention, not only as a force against Germany, but to wipe out Bolshevism. Japan was in favor of intervention for the same reasons; additionally, they secretly hoped to incorporate Vladivostok, the offshore islands, and far eastern Russia into Japanese territory.[22]

President Woodrow Wilson was generally opposed to intervention. Initially he stated that the United States would not intervene because it would constitute interference in the domestic affairs of another country, which was contrary to his proposal for peace known as "The Fourteen Points." Throughout the debate and even after his decision to intervene, Wilson stuck to this philosophical principle.[23] However, what was right and what was politic or even possible were two different matters.

The pressure on the president to change his mind was tremendous. First, there was a supposition among American leaders that the Red government was only temporary. After all, the Kerensky government

[21]Kennan, 98-103; Stewart, 113-114; Victor Serge, Memoirs of a Revolutionary, 1901-1941 (London: Oxford University Press, 1963), 87-88; Alexander F. Kerensky, The Crucifixion of Liberty, Trans. G Kerensky (London: Arthur Barker, 1934), 299-302; Alexander F. Kerensky, Russia and History's Turning Point (New York: Duell, Sloan and Pearce, 1965), 498-504. Kerensky had unsuccessfully attempted to secure financial aid from the Allies and was told by Albert Thomas, a French minister that the Allies had decided to divide up Russia after the war. Kerensky, Russia, 504. The French continually favored intervention and, as previously discussed, had pushed a Czech group to start the fighting in the south; England was more discreet but very liberal with money and supplies giving the Czechs over 13 million dollars. Kennan, 94-95 and 115-116; Graves, 99; Stewart, 113-114; Schuman, 114-15, 145.

[22]Graves, 20-27, 64-65, 69; Kennan, 94-95; Schuman, 116-119, 145; Kerensky, Russia, 498-504; Kerensky, Crucifixion, 312; de Robien, 149-150, 263-264; Brinkley, 53-55; Moore, 47-48.

[23]Schuman, 82-83; Kennan, 94-95, 117-118; Unterberger, 19-38.

did not last a year, and Lenin's was believed to have even less public support. Soon there would probably be a moderate White government, and the United States could wait until then to do business with Russia. In the meanwhile, the United States should support the Allies and fight Germany.[24]

There was no doubt as to what the Allies wanted. They wanted United States troops to fight along with the Whites to drive the Reds out and to hold some German troops along the eastern front. All of their troops were in trenches along the western front and no more could be spared. The leaders of France, particularly, and England were afraid that communism would spread to their countries. They sent delegation after delegation to see the president. Primarily, they argued that intervention was necessary to win the war against Germany. In addition, Russia's position that it would not pay the czar's debts, suspicion of an alliance between the Reds and Germany, Trotsky's publishing of secret treaties between the czar and the Allies, and the presumed atrocities of the Reds, all strengthened the argument to intervene. The President listened to each delegation and consistently said "No".[25]

Pressure to intervene from within the United States was even stronger and more difficult to ignore than that from foreign powers. There was a real fear of Bolshevism, a fear played upon by a variety of those wanting intervention E. H. Harriman and J. J. Hill, railroad magnates in the United States, wanted the Trans-Siberian Railroad as a part of their around the world railroad network, and saw no chance of that with communism. International Harvester Company, J. M. Coates Company, Singer Sewing Machine Company, and many other United States companies in Russia wanted to avoid nationalization of their plants. They all brought a great deal of pressure to bear directly on the president, but more importantly pressure came indirectly through the Congress and the newspapers.[26] It was the zenith of yellow journalism

[24]Schuman, 50-51; Bernard Pares, My Russian Memoirs (New York: Ams, 1969), 589; Strakovsky, 100-1; "The American Government's Policy," 59-64.

[25]Schuman, 56-60, 66; Haines & Hoffman, 111-14; Kennan, 78-79; Graves, 22-27; Unterberger, 61-69. A British general expressed the typical Allied attitude toward the Reds in saying "There will be no faltering in our purpose to remove the stain of Bolshevism from Russia and civilization." Cudahy, 37. Lord Milner of England said if the Allies withdraw "barbarism will reign throughout." Schuman, 121. "The Allied Powers themselves still viewed the intervention as a part of the war against Germany and her Allies, but the Bolsheviks were now definitely considered one of the latter." Brinkley, 56.

[26]White, 128-129. E. H. Harriman was the father of William Averell Harriman who would become ambassador to Russia in the 1940's.

and vitriolic speeches in Congress. There were news stories and speeches discussing the Reds shooting all prisoners, castrating them, disemboweling them, burning them either before or after they had been killed, raping women, killing children, free love, and all other imaginable atrocities.[27] Roger E. Simmon of the Department of Commerce testified of "blood-curdling tales of butchery and horror," and stated that a United States withdrawal "would mean the murder of every man, woman, and child in the evacuated territory." Senator McCumber wanted to save the Russian peasants from the "grasp of these damnable beasts", and declared that "the civilization of the world demands the extermination of such beasts." The newspapers utilized just as inflammatory and sensationalist vocabulary. Even the staid Times on November 1, 1918, called the Reds "ravening beasts of prey, a large part of them actual criminals, all of them mad with the raging passions of the class struggle."[28]

The decision for the American intervention was difficult for President Wilson . He asked his ambassador to Russia, David Francis for his advice. Francis was a rich grain merchant and politician from Missouri, who later became its governor. Without the restraint of his wife, left in Missouri, Francis showed more interest in his mistress than the world crisis about him. He adored the czar and his bountiful hospitality, and hated Bolshevism in general, and Lenin and Trotsky in particular.[29] Francis pleaded for intervention time after time, even after the Civil War was over.[30] On the other side of the debate, Raymond Robins of the Red Cross, Jacques Sadour, a French military attaché,

[27]Unterberger, 19-38, 61-69; Schuman, 100, 151-64.

[28] Schuman, 125, 123, 154.

[29]Rhodes, 6-8, 30; Shuman, 98, 127; Unterberger, 47; Strakhovsky, , 41; Kerensky, Russia, 498; When advised of Lenin becoming premier and Trotsky minister of foreign affairs, Francis said: "disgusting!--but I hope such effort will be made as the more ridiculous the situation the sooner the remedy." Shuman, 56. In memoirs Francis clearly and continually reflects his hatred and jingoistic attitude toward the Reds. Francis: "The Bolsheviks are inhuman brutes,"(283),"my policy of exterminating Bolshevism,"(337), and "to eradicate this foul monster--Bolshevism--branch, trunk, and root . . . . If we would save society from Barbarism and humanity from slaughter."(349) Francis states: "The situation might have been saved had President Wilson permitted me to return to Petrograd accompanied by 50,000 troops, but he doubtless felt that some antidote to Bolshevism would be found by the Peace Conference."(348)
This was after the Reds had already driven out the Czechs with 60,000 troops, Britain with 6,000, Japan with over 70,000, France with 1,500, the United States with 12,000 and the Whites with uncountable numbers.

[30]Francis, 283-348.

Bruce Lockhart, England's vice-consul in Russia, and others believed that by diplomacy, the Reds could have been persuaded to become Allies, and the Allies by riding the Whites were picking the wrong horse.[31] Their reasoning was lost in the shouting of the anti-Reds.

In a political world, President Wilson had to find a way to intervene without breaking his fourteen points, and once again the Czechs were the key. Wilson sympathized with small countries and oppressed peoples such as the Czechs, and on July 5, 1918, while refusing to help form an eastern front, saying it was impossible, he decided to intervene with the Japanese to protect the Czechs. Marines from United States ships landed immediately to help protect Czechs in Vladivostok. By the end of September, General William Graves led 7,000 troops which, with the help of an equal number of Japanese was intended to cover the expected Czech evacuation. By that time, however, the Czechs constituted the strongest force in the area and had complete control of the railroad and Vladivostok. They had no intention of leaving.[32]

Upon landing in Vladivostok, the United States troops had little to do. The Czechs had already done it. The United States assumed some administrative duties from the Czechs in Vladivostok and the guarding and maintaining of the railroad, which released the Czechs to fight Reds in the field. The United States troops engaged in only one minor skirmish with the Reds. Because the United States was not actively attacking the Red army, they perceived themselves as neutral, only being present to protect the Czechs. However, because the United States had released the Czechs from guard duty, freeing 40,000 to 60,000 troops to aid the Whites, the Reds recognized the United States intervention as an act of aggression.[33]

From the summer of 1918 to the summer of 1919, the White forces under the military leadership of Denikin, an old czarist general, and Wrangel in the west, and the Czechs and Whites under Kolchak in the east, had their greatest successes. In the west Denikin was rolling northward towards the new capital of the Reds, Moscow, taking Kiev, Kursk, Orel, and Kharkov. They were within two hundred miles of the Kremlin towers. In the north, the Whites were within thirty miles of

[31]Schuman, 90; Kennan, 60. Kennan claims diplomacy would not have been successful.

[32]Kennan, 98-108; Graves, 38, 55, 66, 79; Uterberger, 60, 69-89, 99; Schuman, 114, 98; Stewart, 140. The aide memoir issued by Wilson authorizing the intervention stated: "Military action is admissible in Russia...only to help the Czech-Slovaks." Graves, 7.

[33]Kennan, 107, 108-10; Schuman, 135-45; Graves, , 55-99,180-90.

Petrogad. In the east Kolchak had control of Siberia and was pushing west from Kazan towards Novgorod and Moscow. In October 1919, and the Allied diplomats and newspapers were declaring victory. This was the high point; they would go no further.[34] It was at this point that the Red Army turned the tide.

In the meantime, an armistice with Germany was declared on November 11, 1918. The war with Germany was over, and there was no longer a need for an eastern front, but the Allied intervention continued. As Trotsky stated: "During the course of the year 1918 the Allies were forcing a Civil War on us, supposedly in the interest of victory over the Kaiser. But now it was 1919. Germany had long since been defeated. Yet the Allies continued to spend hundreds of millions to spread death, famine, and disease in the country of revolution."[35] With the armistice, the original excuse for intervention had passed, but the directive to the military was to continue, though many questioned its legitimacy. It was as though nothing had happened.[36]

The Allies continued fighting and furnishing supplies to those in opposition. The British asked Kolchak to become dictator of the Whites, with his capital in Omsk. The French recognized his leadership. The United States did not, but helped to supply him. Private groups in the United States raised money for the Whites. The YMCA provided the Whites with supplies and services. United States troops still guarded the Railroad.[37] Nothing had changed except the expressed excuses; now it was, as British General Maynard clearly stated, "to throttle in its infancy the noisome beast of Bolshevism."[38]

Stories of atrocities continued to fuel the hatred toward the Reds. As in all wars, the atrocities of Civil Wars seem to be the most bitter, but the Whites certainly rivaled the Reds in brutality. Kolchak in the east committed unspeakable atrocities. He bragged about burning prisoners alive, left prisoners hanging from trees so they could be seen from trains on the Railroad, ordered the immediate execution of all prisoners, jammed prisoners in box cars without adequate food, water, or clothes for the cold so that 800 died out of one trainload of 2,100,

[34]Stewart, 154-85, 239-80; Unterberger, 118-27; Taylor, 310-17; Serge, 90.

[35]Trotsky, 425.

[36]Brinkley, 75; Unterberger, 103-5, 135.

[37]Unterberger, 118-27, 161-65; Graves, 99; Schuman, 118-19, 145, 157; Heald, 226-31; Stewart, 239-51.

[38]Stewart, 206.

purged dissidents in his own staff and army, massacred entire villages, tortured women, and killed rather than helped wounded prisoners. His partner, Semeonoff, robbed $500,000 in furs, murdered three United States soldiers, established "killing fields" where villagers and prisoners after digging their own mass graves were executed, and said he "couldn't sleep unless he had killed someone that day." Yet, despite his unarguably criminal past, he was admitted into the United States in 1922. Nearly every writer says something of the brutality of Kolchak and Semeonoff and their White forces. Even United States Officers ordered their troops to shoot prisoners, probably because the they had heard exaggerated stories about Red atrocities.[39] The ultimate sacrifice came too often.: "every day I hear the roll of drums beating time for the march of a guard of honor and announcing a grim ceremony." Before the Allies left they had suffered over 2,485 casualties.[40] No one knows how many were suffered by the Russians, both White and Red.

After the 1918 armistice, the Reds attempted unsuccessfully to engage the Allies in peace talks. The French and English wanted to continue to fight, but the mood in the United States was changing with the surge of isolationism. In response to some pressure to end the allied intervention, President Wilson on February 18, 1919, delegated William Bullitt to negotiate a proposed peace with Russia. Bullitt came back and advised the president that United States troops were not serving any useful purpose and stood in danger of being destroyed by the Reds. He recommended that they be withdrawn. He also brought back a peace proposal from the Reds which was nearly identical to an earlier British proposal that had not been made public, but had been discussed among the Allies.

Since the Red proposal was more favorable to the Allies than the British proposal, Bullitt assumed it would lead to an immediate peace, particularly in view of his other observations of social and political stabilization. Amazingly no action was taken and the Allies let the peace proposal die. Since it was so close to the British proposal discussed by the Allies, it was apparent the Allies expected the British

[39]Semeonoff quoted in Graves, 241, 313; Lincoln, 85-87; Trotsky, 431-2; Rhodes, 72-74; Current History, 64-70; Serge, 83; Heald, 327; Schuman, 166-8; Heald, 248-54; Bradley, 104-?; Graves, 125-?, 287, 284, 315, 150-64, 146-150; Unterberger, 118-27; Bradley, 104-5; Schuman, 166-7; Rhodes, 72-74.

[40] de Robien, 298; Cudahy, 211.

proposal, if issued, to be rejected by the Reds and that the Allies really had no interest in peace. In disgust, Bullitt resigned May 17, 1919.[41]

While the Allies were losing this opportunity for peace, they were also losing the war. The Czechs were becoming disillusioned with Kolchak and his brutality and, following the armistice, they were beginning to question whether anything more could be gained by their continuing to fight. Most of the Czechs quit on December 18, 1918, and in many cases revolted against the Whites. Without Czech support, Kolchak and the Whites immediately collapsed. The last act of the Czechs in Russia was to turn Kolchak over to be executed. They left starting on January 20, 1919, and by that time, the Reds had recovered nearly all of Siberia.[42]

The Civil War in the north ended with the evacuation of the Allies in the summer of 1919. After the armistice, the Allies got as far as Plesetskaya, but after that, they were pushed back on all fronts to defensive positions. On July 29, 1919, the decision was made to withdraw. The evacuation was completed September 27, 1919. United States troops had left Northern Siberia earlier in May and June with the British calling them "quitters".[43]

For the United States, at least, it appeared that the war should have been over, but they stayed in eastern Siberia. Was it to continue the fight against the Reds, or something else? Graves, as general of the United States troops, suspected it was to aid the fight against the Reds. When the United States went into Siberia, they brought the Japanese with them. The Japanese had hoped to annex Vladivostok and the far east Siberia. The United States probably stayed in Siberia not to fight the Reds, but to control Japanese ambitions. They could not publicly state the reason because Japan was presumably an ally. Since no reason was given for staying, it was assumed to be a continuation of the anti-Red campaign. Out of fear of being overtaken by the Reds, the United States withdrew its troops from Vladivostok on April 1, 1920, nearly one and one-half years after the armistice. On

[41]For the section regarding the Bullitt mission and report I have relied upon Haines and Hoffman, 111-14; Bradley, 55; Schuman, 131-35; Bullitt, The Bullitt Mission to Russia (New York: B. W. Huebsch, 1919), 54; Uterberger, 147-48.

[42]Schuman, 120, 168-71; Unterberger, 176-78; Kennan, 115-18; Graves, 116, 268-74; Bradley, 100-3, 107-14; Heald, 289; Pares, 563.

[43]Cudahy, 95-100, 150-210; Rhodes, 91-121; Schuman, 135-7.

October 26, 1922, the Japanese left. On the same day, the Reds occupied Vladivostok. The allied intervention was over.[44]

The causes of the losses by the Whites and Allies were many. Surprisingly the Reds were much better administrators than the Whites though the Whites had all of the experienced administrators. The Reds had better military control. The Red soldiers executed orders more loyally and quickly. The Reds had the shorter interior lines. The Allies not only had the exterior lines, but long supply lines. Trotsky, with no military experience, turned out to be the war's best general, maybe because he had the best mind. The Whites and the Allies were like most coalitions--different agendas, too many egos, too many different supporters to satisfy, and suspicions leading to divisiveness and lack of unity; the Reds had none of these problems. Morale deteriorated among the Allies, particularly after the armistice. They had no common goals, unlike the Reds who were fighting for their motherland and fervently held principles. The atrocities of the Whites committed by the likes of Kolchak soured many on the war and turned them to the Reds. These were all reasons for the Red victory but not the main reason. The major reason was the overwhelming support of the Russian peoples. Many peasants joined the Reds because of their land reforms, and because the Whites kept the old czarist generals who had treated them so badly in prior wars. France had committed atrocities against not only the Russian peasants, but even the Whites. The English were nearly as bad, treating many White soldiers as laborers. This caused many White soldiers of the lower classes to decide they had been deceived, and they deserted to the Red army. Regardless of the propaganda to the contrary, there was virtual unanimous support for the Reds among the masses particularly after the Allied intervention.[45] Support of the people was important, and the

[44]Unterberger, 99, 176-230; Schuman, 171; Graves, 243-348; Bradley, 115-16. The Japanese had increased their troop total to over 70,000, according to Unterberger, 96. An incident that occurred in 1933 when the United States was considering recognition of Russia, lends credence to the theory that it was to expel the Japanese from Siberia that the United States stayed. One of the conditions of United States' recognition was that Russia waive any claim for damages arising from the Siberian expedition. Secretary of State, Cordell Hull, made available to the Russian Foreign Minister Litinov various documents apparently confirming Hull's argument that the United States stayed to avoid Japan taking control of eastern Siberia. With this assurance Russia waived its claim for damages. Cordell Hull, The Memoirs of Cordell Hull, vol. I (New York: Macmillan, 1948), 299-300.

[45]Bradley, 176-84; Serge, 93-94, 87-88, 83; Stewart, 208; Schuman, 135-7; Cudahy, 61-75; Rhodes, 91, 101; Unterberger, 91, 230; Haines, 114; The French and British attitude toward the Russian peasants could be summed up by British General Knox's observation that they could be treated like swine; Graves, 337-338.

Reds had it in part because the Allies pushed the people in that direction.

In the United States, after it was over, there was much analysis by the public that could be summed up with the following popular ditty: "some might have liked us more if we had intervened less, that some might have disliked us less if we had intervened more, but that, having concluded that we intended to intervene no more nor no less than we actually did, nobody had any use for us at all."[46] Ambassador Francis wanted to go back in and exterminate the Reds with 50,000 troops.[47] Because reason prevailed over passion, this position lost support, except for a hard core that remains to this day. The issue became whether there should have even been invasions, and the consensus is, that there should not have been. The invasions prolonged the Civil War and assured an ultimate Red victory. The intervention spread ruin, famine, and disease across the country, killed, injured, and destroyed many, left the Russians suspicious and angry at the Allies, and provoked the founding of a Russian military dictatorship. Instead of a constant ally, the United States raised an enemy, costing casualties in confrontations throughout the world, and hundreds of billions of dollars.

Was the United States there by invitation? Only in Archangel can that be argued. If so, the United States was the proverbial guest who was invited to dinner and stayed. Later "such action could no longer be based upon even a tacit agreement with the Bolsheviks, either locally or at the center, but on the contrary involved overthrowing local Bolshevik authority and ignoring the protests of the Soviet government."[48] It is nonsense to suggest that because an intruder was initially invited into a home, he is to be excused for sacking the home and trying to kick the owner out of the home while killing the owner's family and friends. Was it intervention or invasion? It probably doesn't matter. The United States landed armed troops in Russia and killed Russians. It fought against the Reds, who constituted the de facto government of Russia. No effort was made to intervene between or reconcile the Reds with the Whites.

> The American expedition to Siberia thus failed as completely and ingloriously as the force sent to Archangel to achieve the purpose for

[46]Unterberger, 183, quoting from the Literary Digest, LXII (Sept. 6, 1919), 60.

[47]Graves, 348.

[48]Brinkley, 56.

> which it was intended . . . Russia had been invaded, blockaded and disrupted with subsidized civil strife that wrought ruin and destruction to her cities and farms and carried suffering and death to thousands of her people . . . more complete and tragic debacle would be difficult to imagine.[49]

From the British viewpoint, it was later described as "a blunder comparable with the worst mistakes of the Crimean War."[50]

George F. Kennan is one of the foremost students of Russia. About the invasion he said:

> These ventures, without exception, were serious mistakes. They reflected no credit on the governments that sent them. The impression they made in Russia was deplorable. Until I read the accounts of what transpired during these episodes, I never fully realized the reasons for the contempt and resentment borne by the early Bolsheviki toward the Western powers. Never, surely, have countries contrived to show themselves so much at their worst as did the Allies in Russia from 1917 to 1920. Among other things, their efforts served everywhere to compromise the enemies of the Bolsheviki and to strengthen the Communists themselves. So important was this factor that I think it may well be questioned whether Bolshevism would ever have ever prevailed throughout Russia had the Western governments not aided its progress to power by this ill-conceived interference.[51]

It might be that the last word should be left with Kennan, but an observation is warranted. One reason for studying history is to learn from the mistakes it discloses. Yet, less than fifty years after the United States' debacle in Russia, it invaded Vietnam ignoring again the desires, principles, and nationalism of the peoples being invaded, seeking instead to save the village by destroying it. The Vietnam experience is what the United States remembers today when it considers involvement in another country's problems. But the first such experience arose from the United States' tragic invasion of Russia, now all but forgotten. One can only hope that those lessons learned in Russia, and taught again in Vietnam, will be longer remembered.

[49]Schuman, 171.

[50]Rhodes, 123.

[51]Kennan, 117.

Undaunted Courage: Meriwether Lewis, Thomas Jefferson and the Opening of the American West. By Stephen Ambrose. (New York: Simon and Schuster, 1996. Pp. 511. $27.50.)

University of New Orleans professor Stephen Ambrose, noted Nixon and Eisenhower historian, examines the Lewis and Clark expedition in his latest book. This volume is plagued by a series of factual errors, assumptions, and speculations--especially in the introductory and concluding chapters.

Ambrose's lack of factual knowledge of the Federal Period is exposed several times in the book's opening chapters. In all, the background chapters add nothing to the work's thesis and display shoddy research. Ambrose's folksy prose is best used to describe the expedition to the Pacific Ocean. However, this portion of the book is littered with examples of Ambrose leading the reader to believe that he can recall Meriwether Lewis's unrecorded thoughts and words. Ambrose tries to obscure his statements by writing that he is only playing out the scene in his mind. As an historian, Ambrose should know better, but he states that he is "writing as a biographer rather than an archivist or an historian," (167). While one can not question the journey's timeline, fault can be found in a history volume that teeters on the brink of fiction.

A second error made by Ambrose is that he utilizes one source too many times. He continually overlooks references by other historians and contemporaries, favoring Donald Jackson's Letters of the Lewis and Clark Expedition, with Related Documents: 1783-1854. There is nothing wrong with these volumes; in fact Jackson's work serves as one of, if not the best, source on the expedition. However, an historian's motivation should be to add something to the discipline, not rephrase another interpretation. Jackson's study is cited 237 times compared to 15 footnotes for the most recent edition of the journals, completed in 1989 by Gary Moulton.

A third mistake made by Ambrose is his overt hero worship of Meriwether Lewis. The title shows the first hint of this. If the two explorers were co-leaders, why is William Clark's name missing? Ambrose consistently minimizes Clark's role throughout the book. While there are many examples of this problem, one illustrates the point. He writes that "He (Lewis) had been first," (395) in reference to reaching the Pacific. What about Clark and the Corps of Discovery? He even goes so far as to compare Lewis to Christopher Columbus (400). Later, Ambrose diverts attention from Lewis's suicide by writing two pages on his unrecorded last thoughts.

The best part of this volume is the amount of attention given to the biological, botanical, astrological, and diplomatic aspects of this last attempt to find the long-sought Northwest Passage. These areas, often

overlooked by historians of the expedition, proved more productive than the land surveys. Including these subjects in a single-volume work deserves praise. Ambrose's emphasis on the scientific discoveries adds to the book's value to the study of the voyage.

In conclusion, this book provides an interesting history of the expedition's scientific contributions and the life of Meriwether Lewis. However, if Ambrose's study proves one thing it is that historians should not sign book contracts because they want to elaborate on an "obsession" with a subject, as Ambrose admits in the "Introduction."

Patrick Broz