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PREFACE

The Loyola University Student Historical Journal enables the students to gain the experience and the personal fulfillment of scholarly research and publication. The Journal also serves those who read it through teaching History.

The Loyola University Student Historical Journal has been sponsored jointly by the Loyola University Student Historical Association, Phi Alpha Theta, the Student Government Association and this year the Bicentennial Commission. This completes our eighth volume.

The members of Phi Alpha Theta wish to congratulate the following winners in our special edition of the Journal, dedicated to American Lifestyles: Danielle Sarrat, Holly Hegeman, and Celeste Kraut. We also wish to thank all those whose contributions made this Journal possible. Special thanks are extended to Father Pillar, Frank Leon, and Steve Lanier for their efforts as the editorial board.

Regina Scotto, President

Phi Alpha Theta and LUSHA

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THOMAS NAST: HIS LIFE AND HIS
ROLE IN THE TWEED RING'S DOWNFALL

submitted by:

DANIELLE SARRAT

Thomas Nast was born in Landau in der Pfalz, Germany in 1840. He was the son of a Bavarian army bandsman whose outspokenness on political issues forced his family to flee to America when Thomas was only six years old.

Upon arrival in the United States, Thomas was enrolled in a New York public school. Ironically the school on Chrystie Street near Hester was the same in which Nast's greatest political foe, "Boss" Tweed, received his early education.¹

After six years of public education, young Nast transferred to an art school. However, at 15 he was forced to quit school to help support the family. He applied for and got a job as illustrator for Leslie's Weekly. "It was during his three years at Leslie's that Nast drew his first cartoon attacking civic corruption, a theme that was to bring him fame in later years."²

Nast's first campaign against corruption consisted of sketches that he drew to accompany copy attacking the "swill milk evil". Leslie sent his reporters and Nast into the very stalls where diseased cows were being milked. Leslie's life and business were threatened by the owners of the sick cows, but the campaign ended in victory for the paper and it gave Nast his first insight into corrupt city government.³

In 1860, the New York Illustrated News sent Nast to England to cover the Heenan-Sayers heavyweight fight. The News made a vast display of the pictorial report from what they called "our special artist". The paper devoted an entire issue to the fight with portraits of all concerned including a large one of Nast himself.⁴

After covering the fight Nast travelled on to Italy as a war correspondent in the forces of Giuseppe Garibaldi.⁵ Once in Italy Nast must have made an impression upon the Garibaldians, for he was allowed to join their second expedition. While with the great Italian soldier, Nast drew pictures that were printed in the London News as well as in American newspapers.⁶

When Nast returned to New York, he was married to Miss Sarah Edwards.

To support his young bride, Nast continued as an artist for the News during the first few months of the Civil War. Later he went to

work for Harper's Weekly as a war correspondent. In this capacity he visited battle scenes and sent back sketches of the actual fighting. "But it was his allegorical drawings that attracted the most attention and aroused Northern patriotic fervor to such a pitch that by war's end Thomas Nast was a nationally known figure."⁷ The year 1863 marked the first of the allegorical cartoons. It was entitled "Santa Clause in Camp" and received a front page slot on the Christmas edition of Harper's. A jolly fat man representing Santa was pictured wearing the Stars and Stripes, distributing presents in a military camp. Nast's sentiments about the North's position in the Civil War came out clearly in the cartoon.⁸

At the end of the Civil War, President Abraham Lincoln praised Nast saying,

Thomas Nast has been our best recruiting sargeant. His emblematic cartoons have never failed to arouse enthusiasm and patriotism, and have always seemed to come just when these articles were getting scarce.⁹

And,

General Grant, when asked "Who is the foremost figure in civil life developed by the Rebellion?" replied, "I think Thomas Nast. He did as much as any one man to preserve the Union and bring the war to an end."¹⁰

After the war Nast stayed with Harper's Weekly where he waged his campaign against William M. Tweed and his corrupt political machine. This will be dealt with in detail in the second section.

After Fletcher Harper's death, Nast had problems with the magazine's conservative management. They thought Nast's cartoons were too radical. So, at the age of 40 Nast decided to retire.

By the 1880's Nast was a relatively wealthy man since he had received a generous income from Harper's. In 1879 Nast's salary was "several times that of the Congressmen he lampooned and only slightly less than the salary of the President of the United States."¹¹ He had additional income from speaking engagements.

But Nast's wealth slipped through his fingers quickly. In 1887 a bad mining investment in Colorado left him in trouble. In order to pull himself back together financially, Nast put together a collection of his Christmas drawings for Harper's called Thomas Nast's Christmas Drawings for the Human Race. The collection was published in 1893.

That same year Nast tried to start his own magazine entitled Nast's Weekly, but his efforts failed miserably.

By the end of the 1800's, Nast spent his time making oil paintings

of Civil War scenes. His income from this was insufficient, so when President Theodore Roosevelt offered him an appointment as Consul General to Ecuador, Nast took it.

Nast died in Ecuador of yellow fever in 1902.¹²

It would appear that Nast's life work was war sketches or cartoons attacking political corruption, but there are symbolic images that we use freely today which were popularized by Nast. Some but not all are of a political nature. Take for instance symbols such as the Democratic donkey and the Republican elephant. They are constantly used today but few people realize that it was Thomas Nast who helped to make them viable representations.

Nast also gave us our conceptions of the Tammany Tiger, Uncle Sam, John Bull and Columbia. And, it was Nast who gave life to Santa Claus. He patterned the jolly old man after the St. Nicholas described in Clement Moore's "Night Before Christmas" poem.¹³

Although these images have lived through the years, it is Nast's work to break the Tweed Ring that most people remember. Having seen the man as he lived, it is appropriate to see him now in action.

Nast and the Tweed Ring's Last Days

One author says that by 1869 Nast was neither sentimental nor naive. He was tough and courageous and he hated bullies. It was then that he began to draw cartoons attacking the Tweed Ring. With his hatred for the Ring maturing, his cartoons too matured during his long battle. As that author put it:

They were relatively mild at first, not out of fear or compassion but simply because his talent for destruction had not achieved its later heights. To be good at hating takes practice. One improves slowly.¹⁴

By 1871, Nast's hatred for the Tweed Ring reached a "peak" at about the same time as the scandal reached its peak with the remodeling of the City Court House. This peak was reached when an audit was done on remodeling costs. The audit revealed a fraud of the most enormous proportions. Examples of misspent and stolen funds include:

Forty old chairs and tables \$179,729.60; repairing fixtures \$1,149,874.50; a plasterer's wages for a nine month period, \$2,870,464.06; including wages of \$50,000 a day for a whole month. Thirty months of advertising paid to a Tweed-controlled printing company amounted to \$7,168,212.23.¹⁵

After these figures came out Nast caricatured the suspected individuals in a cartoon entitled "Who Stole the People's Money?" Each of the

culprits is pointing an accusing finger at the other. Their identities are extremely obvious and the point of the cartoon came across well. Those portrayed include: William Marcy Tweed, Peter B. "Brains" Sweeney, Richard B. "Slippery Dick" Connolly and Mayor A. Oakey Hall. Hall was dubbed by Nast as "O.K. Hall."¹⁶

Another cartoon "Tweedledee and Sweedledum" showed Tweed and Sweeney giving open-handedly from the Treasury to their needier followers. The iron is that they are setting aside even greater sums for themselves. Tweed's fifteen-thousand dollar diamond which has become historic, was first depicted in this caricature. The picture was a small one but it incensed "Boss" Tweed.¹⁷

The Tweed Ring hoped the Courthouse scandal would blow over, but Nast kept it alive with the cartoon entitled "A Group of Vultures Waiting for the Storm to 'Blow Over'".

"Boss" Tweed reacted strongly to these attacks. He reportedly said he didn't care what the papers said because most of his people couldn't read. But they could see "them damned pictures!"¹⁸

Tweed's group struck back by starting a whispering campaign against Nast. They claimed he fled from Germany to escape military service there. This rumor was a slight bit far-fetched since Nast was only a child of six when he and his family landed in New York.¹⁹

Nast was undaunted by the rumor-mongers. The Ring decided its next attack would have to be more direct, so they decided to bribe Nast. The group sent an officer of the Broadway Bank, the Ring's chief depository, to speak to Nast. The conversation has been recorded in one work as follows:

"I hear, Mr. Nast, that you've been made an offer to go abroad for art study."

"Yes, but I can't go," replied Nast. "I haven't time."

"They will pay you for your time. I have reason to believe you could get one-hundred thousand dollars for the trip."

"Do you think I could get two-hundred thousand?"

"Well, possibly, I believe from what I hear in the bank that you might get it. You need study and you need rest. Besides, this Ring business will get you into trouble. They own all the judges and jurors and can get you locked up for libel. My advice is to take the money and get away."

"Don't you think I could get five-hundred thousand to make that trip?"

"You can. You can get five-hundred thousand to drop this Ring business and get out of the country."

"Well, I don't think I'll do it," laughed Nast. I made up my mind long ago to put some of those fellows

behind bars, and I'm going to put them there."

"Only be careful, Mr. Nast," said the banker on leaving, "that you do not first put yourself in a coffin."²⁰

It was obvious to all involved that they wouldn't be able to buy Nast off. Tweed decided that he wouldn't give up. His next line of attack was against Nast's employers. Tweed gave orders to the Board of Education to reject any bids made by the Harper Publishing Company to supply the city with school books. Those in use were currently thrown out. This amounted to the destruction of about \$50,000 worth of books.²¹ However, the Board of Directors of the Harper Publishing Company stood behind Nast. For the occasion Nast drew "The New Board of Education" cartoon. Sweeney, Tweed and Hall are drawn left to right with a picture of Governor John Hoffman above them.²²

A series of cartoons depicting the Tweed Ring as a band of thieves followed on the heels of the Board of Education controversy. One cartoon emphasized the difference between "Wholesale and Retail" thievery. It was done in two panels. The first one shows Tweed and his gang walking out of the city Treasury while policemen salute. The bottom panel shows the police beating a poor wretch who has stolen a loaf of bread. His starving wife and child look on helplessly. Another such cartoon entitled "The City Treasury" shows a group of workmen standing before the empty safe of the treasury. The only thing inside is a stack of papers saying "debts". Behind the safe are Tweed and company enjoying champagne and a sumptuous meal.²³

During this time, the Tweed Ring was slowly falling apart. First there was the death of the Country Auditor, James Watson. It was Watson who had guarded the books and ledgers that were so incriminating to Tweed's men. His subsequent replacements were not die-hard Tweed men and they stealthily copied the books and turned them over to the Times. Next the Mayor, Oakey Hall put out an edict forbidding a group of Protestants to parade in New York. He issued the statement at the behest of a Roman Catholic group, the Hibernians. The Orangemen marched anyway and a riot ensued. The city was furious that the Mayor would allow the Catholics to push the city government around. Finally, the Booth Committee (sometimes called the Tilden Committee), a group consisting of eight private citizens, four Aldermen and one supervisor, began a study of Controller Connolly's books. The results of their investigation left no doubt in anyone's mind that Tweed and his group were innocent of allegations that Nast and certain newspapermen had been making for some time.²⁴

Two days before the election of 1871, Thomas Nast drew a cartoon which covered two pages in Harper's Weekly. It was entitled "The Tammany Tiger Loose--What Are You Going to Do About It?" It has been called one of the most powerful political cartoons of all times.²⁵ The picture showed the Coliseum at Rome. Seated in the imperial enclosure are Tweed and his dishonored band with the American Club

emblems above them. But it is the center of the amphitheatre which covers most of the drawing and to which the casual eye is drawn. There in the foreground is the Tammany Tiger with glaring, savage eyes. Its cruel paws are crushing down the maimed Republic. "In all the cartoons the world has ever seen none has been so startling in its conception, so splendidly picturesque, so enduring in its motive of reform."²⁶

Two days later the citizens of New York City voted the Tweed Ring out of power.

In an editorial on the Ring's downfall the Nation said:

Mr. Nast has carried political illustrations during the last six months to a pitch of excellence never before attained in this country, and has secured for them an influence on opinion such as they never came near having in any country. It is right to say that he brought home the rascalities of the Ring to hundreds of thousands who never would have looked at the figures and printed denunciations, and he did it all without ever for one moment being weak, or paltry or vulgar, which is saying much for a man from whose pencil caricatures were turning every week for so long.²⁷

Although Nast cannot claim all of the credit for the Ring's downfall, it would be unfair to say that his work did nothing for New York's struggle for reform. His pen called attention to the wrongdoing of Tweed and his men long before most newspapers were willing to step on anyone's toes. His fight was long, but he did at last see Tweed stripped of his power and disgraced before the eyes of New York City.

Many of the Tweed Ring rascals managed to escape serving prison terms for their mismanagement of the City government. However, Nast's final victory over "Boss" Tweed himself was ironic. Tweed was sentenced to jail for some minor offenses but he managed to escape. It became known that the former Tammany Hall leader was making his way to Spain. New York authorities did not have a picture of the Boss so they sent one of Nast's cartoons. It was a caricature of Tweed apprehending two street urchins. The Spanish authorities interpreted it as a poster for a wanted kidnapper. They apprehended Tweed and sent the "kidnapper" back to New York to face his jail term. Tweed died in jail in 1878.²⁸

FOOTNOTES

- ¹Denis Lynch, "Boss" Tweed (New York, 1927), p. 28.
- ²Thomas Nast St. Hill, Thomas Nast: Cartoons and Illustrations (New York: Dover Publications, Inc., 1974), p. 1.
- ³Albert Bigelow Paine, Th. Nast: His Period and His Pictures (New York: Harper & Brothers Publishers, 1904), p. 24.
- ⁴Ibid., p. 41.
- ⁵St. Hill, p. 1.
- ⁶Paine, p. 47.
- ⁷St. Hill, p. 1.
- ⁸Paine, p. 84.
- ⁹Ibid., p. 69.
- ¹⁰Ibid., p. 106.
- ¹¹St. Hill, p. 2.
- ¹²Ibid., p. 3.
- ¹³Ibid., p. 2.
- ¹⁴William Alan Bales, Tiger in the Streets (New York: Dodd, Mead and Company, 1962), p. 172.
- ¹⁵St. Hill, p. 17.
- ¹⁶Ibid.
- ¹⁷Bigelow, p. 158.
- ¹⁸St. Hill, p. 18.
- ¹⁹Lynch, p. 350.
- ²⁰Ibid., p. 364.
- ²¹Bales, p. 181.
- ²²St. Hill, p. 181.
- ²³Ibid.

²⁴Paine, p. 194.

²⁵St. Hill, p. 19.

²⁶Paine, p. 196.

²⁷Ibid., p. 203.

²⁸St. Hill, p. 19.

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**There was no publishing company listed.

THE WORKING WOMAN IN THE 1950's

submitted by:

HOLLY HEGEMAN

Debate over women working in the 1950's ran along two different lines of thought. First, the question of wages and working conditions had to be considered, which were generally inferior to those of men in equivalent occupations. Second, for the first time in American history there appeared a woman who was not happy merely being a housewife and mother. This woman chose to work because she found it satisfying, not because of necessity.

In 1956, the number of women workers in the American labor force exceeded the previous high mark established during World War II.¹ Never before had women been such an important part of the American business community. Since only 18% of these women were single, the great majority of these women were married and/or mothers.²

As more and more women left housework behind and headed for jobs both part-time and full-time, society began to take a serious look at the trend that was supposed to have ended in 1945.

Historically, women came into the American labor force in record-breaking numbers during the duration of World War II. Called upon to fill jobs that had been previously relegated to men, the women proved themselves to be capable workers.

This high number of women workers was expected to drop sharply after the men returned from service. There was a drop, but not one as great as expected. Women continued to work, even as husbands and boyfriends reappeared. Why?

When the men returned from World War II, they were faced with three choices in terms of finding employment. They could (a) take the first job they could find (b) take time to look over the possibilities and better offers or (c) take advantage of the GI Bill and obtain further education as well as a small living allowance. If a man opted for either of the last two choices, the wife would have no choice but to work if the two wanted to eat. Consequently, many wives continued to work, even after the "bread-winner" returned home.³

Experts continued to forecast an eventual decline in the number of women workers as America moved into the 1950's. But, again, there was no decline. In fact, the number was on a sharp increase.

Factors explaining this rise could be seen by merely looking at the changes in American society. The population was becoming more and more urban, creating more and more job opportunities. Inflation was

making one paycheck grow smaller and smaller. Women were marrying earlier, having children before they reached the age of thirty, and found themselves in empty houses when the kids went off to school.⁴

The 1950's was an era of prosperity. Consumer goods were expanded, advanced education for children was becoming more of a necessity than a luxury. The two-car family was making its introduction.

It is no surprise that in a study of families in the middle to upper income bracket in Detroit in 1957, 42% of the disagreements couples experienced dealt with money.⁵

As if these general trends weren't enough, labor-saving devices were making the housewife's work easier and quicker.⁶

It is no wonder why the woman of the 1950's would want to work. But the woman who worked faced prejudices and society's scorn.

The fact that the number of women working in 1956 was so high should not be considered too highly. The jobs these women held were, for the most part, unchallenging and mechanical. Very few were the "career" type of jobs held by women for any kind of personal satisfaction.

As of 1956, well over half of all women employed were stenographers, typists, or secretaries. Factory workers, service-oriented positions, saleswomen, and professional workers drew the majority of the remaining women. Only 1/10 of all proprietors and managers were women, and this percentage had not changed since 1940.⁷

Of the 524,939 women employed through Civil Service, only 850 were classified grade 13 or above. This constituted 1/5 of one percent. Obviously, the majority of women were in the lower levels, namely clerical and secretarial.⁸

The professional category is also a little misleading by its title. These women weren't doctors and lawyers, they were predominantly teachers.⁹

It must also be pointed out that women were not a constant in the labor force. Typically the single girl worked before marriage and then returned to work after her children were in school. The majority of women worked part-time.¹⁰

For those who worked full time in 1960, the median income was \$3,102 a year. Men earned a median income of \$4,927.¹¹

Labor conditions for women in this period were improving. Equal pay laws were in effect in 16 states, but the enforcement of these laws did tend to leave a little to be desired.¹² Tales of office girls secretly marrying for years to avoid being fired seem to have some merit, as the general consensus of employers was to fire the girl who

chose to get married. However, in 1954 women working at the Standard Oil of Indiana Refinery succeeded in forming a separate union when the Industrial Central States Petroleum Union refused to delete the clause that provided women had to quit their jobs within thirty days if they married. The women told the union officials to remove the clause from the union's contract. The union didn't and consequently lost bargaining rights when the women formed their own union.¹³

The constant re-entering and leaving of the labor force by women created problems. In 1960, over half of all women working were over the age of 40.¹⁴ These women might have worked before their marriage and then decided to continue as the children grew. These older women seemed to face countless forms of discrimination.

There were few vocational schools or effective refresher course programs. Professional schools set an age limit of 40 for new entrants, and the part-time employment available was either for skilled women or for women who had worked on and off, keeping up on the new trends and requirements. Furthermore, advertising and public opinion reflected the idea that employers were searching for youth and beauty. The age of 35 became the arbitrary cut-off hiring age for women. "When they are married, they are penalized by vocational discontinuity for accepting the role society allots them," asserted Dr. Hazel Kyrk of the University of Chicago.¹⁵

Even though only 30% of the women employed were married, and even though over half of these women were over forty,¹⁶ the young woman contemplating marriage, the young wife and/or mother who chose to work, and most especially those women who worked because they wanted to were subjected to more scrutiny and condemnation than any of her working sisters.

The Catholic Church was vehement in its criticism of such "modern women." In the national Catholic weekly review, America, an editorial stated "The increase in juvenile delinquency and the rise in married women in the work force may not be merely coincidental."¹⁷ The National Catholic Family Life Conference held in New Orleans in 1954 singled out those women working for their own satisfaction as contributing to juvenile delinquency and actually helping to undermine their own homes.¹⁸ According to the Catholic Concept of Love and Marriage, the woman's vocation was to be her husband's wife. The female, it went on to say, had to be dependent on her husband.¹⁹

But the Catholic Church was not the only negative voice. Ashley Montagu, writing for Saturday Review didn't mince words when he wrote, "Being a good wife, a good mother, in short a good homemaker is the most important of all the occupations in the world."²⁰

An effort was made to lump the women's growing tendency to work with radical feminists of the period. At the International Family Conference held in Oxford, England in 1952, Mlle. M. Baers asserted that women did not really enjoy the equality which feminists were

claiming for her. She too condemned the working mother by saying that her work was "seriously injurious to a social order which is founded upon the family as the cell of society."²¹

Even though some of these sentiments seem rather far-fetched today, it is sad to think that this period of time was only twenty years ago. The most archaic advice was that of Virginia and Louis Baldwin in their book, To Marry, With Love. In this marriage guide published in 1958, the Baldwins assert that the working wife, "instead of being someone to come home to, is at best someone to come home with. Instead of someone whose interests lie in the home he knows, she's rather a fellow boarder whose interests lie to a great extent in a little world he doesn't know." It is interesting to note that the same could be said for the husband's working.²²

Distinctly in the minority, the positive viewpoint of women's self-satisfaction was played up in Life as early as 1946. Life blamed the spiraling rate of divorce in America on the narrowness of the woman's role in the home and the absence of companionship with her husband. Life urged that "some means be found to open the door to a fuller life (for women)."²³

Positive reinforcement was scarce among psychologists, doctors and other experts. One notable exception was Dr. Marion Hillard. It is in her book that we have the first mention and statement of support for those women working for self-satisfaction. "To take a job merely for the sake of a paycheck is a spiritless and degrading business. Women must work," she added emphatically.²⁴

"A husband usually wants a well-run house and a cheerful wife who is ready to meet his friends and enjoy his leisure hours with him," according to The Young Woman in Business.²⁵ If a woman was married to such a man with such expectations, than the woman seriously concerned with working had to realize that maybe marriage with the wrong man could be worse than no marriage. The circumstances of a woman's life and her marriage structure played a big role in whether she was filled with guilt or whether she could freely enjoy working.

Stella B. Applebaum in Problems of Family Life and How to Meet Them gives a frenzied discourse about how the wife, mother, and jobholder was nothing but a nervous wreck. Compounded to this... "the guilt feelings that often persist, especially if the jobholding is a matter of choice."²⁶

The working wife and mother of the 1950's was, therefore, undermining her marriage as well as her husband's ego, sacrificing her children, altering the course of society, and going against the advice of almost everyone if she chose to work. And if the woman was working for purely self-expanding purposes, she was cast in the same category as a communist. Disloyal to her family and country, she might have been non-existent.

While the jobs the majority of these women held weren't highly professional, they did break the ground for later women to enter more and more formerly "all-men" positions.

Caught between the domesticity of the home and the potential paycheck, women began, for the first time to chose the latter. The societal concepts of men, women, marriage, and children have not been the same since.

FOOTNOTES

- ¹U.S. Department of Labor, "1956 Handbook on Women Workers," p. 2.
- ²Ibid., p. 21.
- ³Nancy Barr Mavity, "Two-Income Family," Harpers, p. 58.
- ⁴"1956 Handbook on Women Workers," p. 2, 3, 4.
- ⁵Robert O. Blood and Donald M. Wolfe, Husbands and Wives: Dynamics of Married Living, p. 241.
- ⁶"1956 Handbook on Women Workers," p. 3.
- ⁷Ibid., p. 6, 12.
- ⁸Ibid., p. 17.
- ⁹Ibid., p. 13.
- ¹⁰"1960 Handbook on Women Workers," p. 58.
- ¹¹Ibid.
- ¹²"1959 Handbook on Women Workers," p. 66.
- ¹³"All this,...and a husband too," Changing Times, p. 60.
- ¹⁴"1960 Handbook on Women Workers," p. 2.
- ¹⁵Eva V. B. Hansl. "The Utilization of Woman Power," Vital Speeches, p. 690.
- ¹⁶"Handbook on Women Workers," (1960), p. 2.
- ¹⁷"These Modern Women," America, p. 519.
- ¹⁸America, (April 10, 1954), p. 35.
- ¹⁹Ralph L. Woods, ed., Catholic Concept of Love and Marriage, p. 150-55.
- ²⁰Ashley Montagu, "The Triumph and the Tragedy of the American Woman," Saturday Review, 41, Sept. 20, 1958, p. 13-15.
- ²¹Mille M. Baers, "Stability of the Family--the mother at work outside the home," Vital Speeches, 19, Dec. 15, 1952, p. 157.

- ²²Virginia and Louis Baldwin, To Marry, With Love, p. 103-104
- ²³"The American Woman," Life, 21, Oct. 21, 1946, p. 36.
- ²⁴Dr. Marion Hillard, A Woman Doctor Looks at Love and Life, p. 104.
- ²⁵Beth McLean and Jeanne Pares, The Young Woman in Business, p. 283.
- ²⁶Stella Applebaum, Problems of Family Life and How to Meet Them, ed., by Maxwell S. Stewart, p. 82-83.

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THE BEAT PHILOSOPHERS AS SOCIAL CRITICS
AND THEIR AFFECT ON THE COUNTER-CULTURE

submitted by:

CELESTE KRAUT

In the emotional lines of Gregory Corse, in the sardonicism of Lawrence Ferlinghetti and the ululations of Allen Ginsberg, the reader immediately senses the role of the poet as the ubiquitous recorder of significant detail, the synthesizer of human experience and the keeper of the human conscience. The Beat poets, in particular Corse, Ferlinghetti and Ginsberg, considering themselves to be skilled observers in a land of the blind, felt a positive obligation to serve as Conscience for their generation. In the twenty years since Beat poets made their debut, subjects which were the domain of this conscience and once considered taboo, are discussed daily in the public forum. These poets have been largely influential in public reaction to the escalation of an undeclared war and this reaction brought the active war machine, ultimately, to a halt. These poets have also contributed to the increasingly skeptical attitude toward laws which limit the freedom of the individual. In some measure, these poets have even influenced the demand for decriminalization of certain laws. The pace of social change has been accelerated since World War II, largely as a result of the influence of this iconoclastic Beat Generation.

Three new voices emerging from the Beat Generation--Corse, Ferlinghetti and Ginsberg--spoke out against the "climate of fear" in the decade of the 50's. The most obvious causes of fear were the recklessness of Senator McCarthy and the paranoia of the House on Un-American Activities Committee, symbolized by the chilling execution of the Rosenbergs. Motivating this fear was the overhanging sense of national guilt over our use of the atomic bomb coupled, ironically, with a fierce national determination to protect our atomic secrets from enemies foreign and domestic. One critic's view of the causes of alienation in the generation of what were to come to be called the Beats was that "they grew up in a world that tried to follow the way of the commissar and produced war, genocide, and the atomic bomb; so they turned instead to the way of the yogi," and became "mystics."¹ The 50's also saw a growing middle-class devotion to material affluence which fed our social apathy. It was against this apathy that the Beat poets reacted.

Coming from different backgrounds, but with a common attitude toward the society of their time, Corse, Ferlinghetti and Ginsberg became known as the "Beats" or "Beatniks," along with Neal Cassady, Jack Kerouac,² Gary Snyder, and others who embraced the same philosophical principles. They were determined not to be a part of any mass movement, but to assert the values of individualism. Their

aggressive determination to be individuals is what actually brought them to be classed as a "group." Their posture has been summed up as follows: "the Beats had perceived and managed to touch something essential that was only then beginning to take shape in the America of the 1950's. It was a very important and widespread something, compounded of a deep hunger for individual recognition and a desire to speak frankly and honestly about things that mattered."³

Gregory Corso was New York City street-urchin and orphan. He scarcely saw the inside of a high school, and had served three years in a state prison for theft by the time he was nineteen. He began reading in prison and had written some poetry by the time he met Ginsberg, shortly after his release from prison. Ginsberg introduced him to the whole New York "Beat" scene, as well as to Columbia University professor Mark Van Doren, who was the first intellectual force he had encountered. Then, Corso wandered out to the West Coast, later working on trans-Atlantic shipping runs. Eventually, having been invited to visit Cambridge, Massachusetts, on what started as a short visit, he stayed two years. Although he was not a student, he spent all that time reading in the Harvard Library. The remarkable extent and thoroughness and discrimination of his self-education is evidenced by the frequency of literary allusions in his poetry. It was at this time that he became strongly influenced by Shelley. Some of his Harvard friends got together to publish his first collection of poetry.

When Allen Ginsberg met Corso in a New York bar, he had already been an honor student, suspended for eccentric and obscene behavior, at Columbia College. In contrast to Corso, Ginsberg came from an upper middle-class family, both of his parents being well-educated teachers. While he was temporarily out of school he held a variety of jobs, such as brakeman on a railroad. After he completed his studies for his Bachelor's degree, he stayed on at Columbia as a graduate student. At this same time in his hometown of Paterson, New Jersey, he became acquainted with the established poet William Carlos Williams, who wrote the introduction to Ginsberg's first published collection of poetry. The collection, Howl and Other Poems, "exploded on the American literary scene like a bombshell."⁴ His first reading of Howl was enthusiastically applauded at Gallery Six in San Francisco. Nevertheless, publication was held up by an obscenity litigation; the book emerged in 1957 to "herald in the Beat Generation."⁵ Previously, Corso's Vestal Lady on Brattle appeared in 1955 as did Ferlinghetti's Pictures of the Gone World, yet neither attracted so much public attention as Howl.

A few blocks from Ginsberg's room in San Francisco in the 50's was the City Lights Bookshop, "a place where poets and a literate public might meet, talk, and argue."⁶ The manager of the Bookshop was Lawrence Ferlinghetti.⁷ This fairly lucrative venture allowed him to expand into publishing. City Lights Books became one of the most successful publishing houses in the second quarter of this century. Ferlinghetti, himself, was a Beat poet, though not so widely recognized as either Corso or Ginsberg, whose books he published.

There were other Beat writers as well as these three poets. Of the others, Jack Kerouac, though not a poet, was the first to be known widely throughout America. Kerouac said, "I guess I was the one who named us the 'Beat Generation.' This includes anyone from fifteen to fifty who digs everything, man. We're not Bohemians, remember. Beat means beatitude, not beat up. You feel this. You feel it in a beat--in jazz--real cool jazz or a good gutty rock number."⁸ Kerouac's On the Road was read respectfully by the literate public; it introduced the disaffiliated lifestyle to a conventional society.

A main facet of the Beat individualism is that they see themselves standing aside from the mainstream of their contemporaries. They do not merely stand aside; they "howl" at what they see to be wrong, perpetuated by the majority of the society.

The Beat poets are a new voice in their own time, but they inherit from an old tradition

...the tradition of protest and dissent, of the beleaguered minority against the majority, the individual against the community--this is the American tradition. What worthwhile thing has been accomplished here that was not accomplished by a spirited minority over the reluctant submission of a sullen majority? What American writer worth his salt has not had to struggle against the community that contained him... The Beats were different from what they saw around them and what they felt smothering them. They knew they were, and they spent a good deal of their time and energy protesting their right to be different.⁹

Always these poets protest--oppressive authority and regimentation of culture. Currently, we use the word protest in a negative way--protesters are against something. But the derivation of the word has a positive meaning--"pro" as "for" and "test" as "witness." The Beat poets certainly testified their beliefs strongly, their ideas, their right to be different from the rest. They saw that this kind of testament required courage.

The Beat poets (in fact, the Beat Generation and their counter-culture successors) ranged over the whole American scene, disapproving of many things which have grown worse in the twenty years since they first expressed their ideas. It is thereby that they fulfill the role of the poet as Social Critic. The Beat poets also fit into a long tradition of the poet as Prophet, or Seer.

First, as social critic the Beat poets pointed out the forces of destruction which they considered indicative that their country was heading in the wrong direction. The first of these were the super-highways and automobiles which earned Ferlinghetti's detestation:

On freeways fifty lanes wide on a concrete
continent paced with bland billboards illu-
strating imbecile illusions of happiness

The scene shows few tumbrils but mere maimed citizens
in painted cars
and they have strange license plates
and engines
that devour America.¹⁰

Advertising came to Ginsberg's wrath:

Moneyhand by advertising nastyhead, Inc.
Dreamer, Cancer, Prexy
Owner, Distributer, Publisher
and TV Doctor of Emotional Breakdown¹¹

Corse bitterly attacked political trials thus:

Old National Skullface the invisible six-headed
billionaire began brainwashing my stomach with
strange feelers in the Journal American--he
said to all the taxidriviers and schoolteachers in
old brokendown Blakean America/That Julius and
Ethyl Rosenberg smelled bad and she die, he sent
to kill them with personal electricity...¹²

Of the oppressed American Indians, Corse had this to say:

They were the red men
Feathers-in-their-head men
now
Down among the dead men
how...¹³

Ferlinghetti fires a round of contempt at guns and killing:

And to any and all who kill&kill&kill&kill for Peace
I raise my middle finger
In the only proper Salute.¹⁴

Nor does he spare censorship:

Customs agencies searching books--
Who Advises what book where--
who invented what's dirty?
The Pope? Baruch? ¹⁵

Much of this moral evaluation is directed inward at themselves; this introspection is a marked characteristic of the Beat Generation and of the succeeding counter-culture.

In the decade after 1945, the American Conscience had to deal with

an anguished conflict between pride in a military victory and an uneasy guilt about the awful destructive power of the Atom Bomb. The Beat poets articulated the sense of guilt, and expressed their disaffiliation from a society that wielded such a weapon. Among the multitude of their expressions on militarism were these lines of Corso:

Bomb, you are as cruel/as man makes you...¹⁶

Ginsberg feels that we created a monster when he proclaims:

AMERICA WILL BE REFUSED ETERNITY BY HER
MAD SON THE BOMB!¹⁷

From the adoption of the role as social critic flows the poet's function as prophet and seer. Prophecy is not necessarily prediction. The poet does not foresee specific events, but rather what will result at some indefinite future time if a course he sees continues unchanged. Allen Ginsberg has said, "What prophecy is not that you know that the bomb will fall in 1942. It's that you know and feel something somebody knows and feels in a hundred years."¹⁸ By being fully open to his intuition, he states as fact something which has not yet happened; his "prophecy" is therefore available to a reader at a later time who will compare it with history. The poet creates a dialectic in which a future reader recognizes a common human experience.

The Beat poet's criticism of contemporary society has not made them universally popular. It takes a kind of rugged courage to behave according to the dictates of conscience, especially when such behavior makes one eccentric, revolutionary, with regard to the establishment. The Beat poets had that kind of conscience and that kind of courage. Their eccentric individuality in constituting themselves a Thoreauvian "majority of one" drew early unfavorable attention:

"Allen Ginsberg...recognized leader of the pack of oddballs who celebrate booze, dope, sex and despair and who go by the name of Beatniks."¹⁹

However, while they were considered pariahs by the older generation, they were to have a tremendous impact on the youth of the 1960's. By the 70's, their influence manifested itself in an informality of dress and speech even in the Establishment. Later, their influence was increasingly idealogical. To assert that the Beat Generation had an impact on the "hippies" is about as sensational as unmasking DeGaulle as a Frenchman. However, it is valuable to examine in what cultural ways this impact was significant.

The impact on the young showed itself in the development of what could properly be called a new counter-culture. (The word "hippie" is a catch-all almost defying definition and never really accepted by those whom the term was applied.) The Beat's influence on the development of a counter-culture is seen in a new pacifism, emphasis on individualism, universal love, political disaffiliation, and finally, a youthful outcry

against an unpopular war.

The pacifism of the Beats was developed by the counter-culture into an antimilitaristic activism, but activism in the Ginsberg-style of non-violent protest. There were violent fringes, but the mainstream was cheerfully passive even in demonstrations. This non-violence was very evident in the first March on the Pentagon, when the demonstrators put flowers in the rifle barrels of National Guardsmen and chanted the slogans which were unmistakably Beat: "Make love not war," and "Draft beer not students."

In less than five years the country-wide growth of the counter-culture of the 60's could be traced through four events which are landmarks of its development. There was the "Summer of Love, 1967," action outside the Democratic Convention in Chicago in 1968, Woodstock 1969, and Kent State 1970. In 1967, thousands of young people migrated to a section of San Francisco known as Haight-Ashbury. They were seeking Utopia, though it is debatable how many of them found it. Unfortunately, there were cases of indiscriminate use of drugs and a national hysteria over teen-age runaways. However, it must be stressed that there was an absolute minimum of the viciousness and violence which we have come to know as Street Crime. The summer, in fact, ended with "The Human Be-In" in Golden State Park, a festival which was arranged by Allen Ginsberg, among others.²⁰ The members of the counter-culture felt that to be there was an affirmation of belief that any human being can exchange love with any other human being.

Secondly, the Chicago Democratic Convention of 1968 marked the first ugly confrontation between the counter-culture and the forces of "Law and Order." Much of what took place there was played out on television screens across the country. Perhaps those involved earnestly give differing versions of what happened. Nevertheless, there is general agreement on the fact that it was frightening, and that opinions on both sides became polarized. Yet, very little is ever said about the fact that Chicago '68 followed the spring months in which Martin Luther King was assassinated, burning and rioting afflicted major American cities, and Robert Kennedy was assassinated. The year, then, was one of pain, grief, and bewilderment.

The most prominent counter-culture event of 1969 was the Woodstock Pop Festival. Close to half a million young people made a pilgrimage to a cow-pasture in central New York State where, for three days and nights, they were entertained by all the famous artists of the counter-culture. It is important to note that average adult Americans were impressed by the fact that such a huge throng of young people could assemble so amiably, even though alcohol and other drugs were widely used; their behavior was neither criminal nor antisocial. This was the finest example yet of the living out of the Beat philosophy of non-violence and love.

Finally, at Kent State University in Ohio, antimilitarist students were attempting to articulate, by nonviolent demonstration, their belief

that government contracts related to war and civilian military training had no place on a collegiate campus. Four students were killed and others injured by National Guard gunfire. Yet, even to this day, there has been no answer as to why the Guard was on campus armed with live ammunition, or why they chose to fire into an unarmed crowd. Young people all over the country demonstrated in protest against the U.S. bombing of Cambodia and the deaths at Kent State while amazingly, in most cases, their elders seemed to be impervious to any sense of outrage. The demonstrators were acting out the Beat philosophy of truth-telling, no matter how ugly the truth might be. They also exemplified the Beat function of social critic and prophet in pointing out that our government had taken a wrong turn in its international policies.

It should be evident, then, that the Beat Generation of the 50's had a definite impact on the young counter-culture of the 60's. This may have been particularly noticeable in surface appearances having to do with hair, clothing, a relaxed attitude toward the use of marijuana, informality in social relationships, and changing tastes in music and graphic art. Yet, the most relevant influence has to do with a new perspective in thinking, an assertion of individual rights and the responsibility to develop a personal system of ethics.

The early 70's, for example, have revealed numerous instances in which a mere sensitive national conscience may be directing our affairs. One of the major social changes in over 200 years of American history is the emergence of nondiscrimination and liberation movements in behalf of such minorities as Blacks, women, homosexuals, Chicanos and American Indians. In large measure, because of the Beat influence, legalization of abortion and of the use of marijuana, funding of political campaigns, and Sunday Blue Laws are now much debated. These debates indicate the spreading influence of the Beat philosophy that laws must have a better reason for being than the prospering of vested interests of the establishment of moral standards by law. There even appears to be more honesty and more tolerance in emerging national attitudes. Self-examination is more and more apparent in attitudes toward the disclosures in the Pentagon Papers, voluntary compliance with measures aimed at reducing energy consumption, and a sense of individual responsibility in the control and reduction of air- and water-pollution, or even something so apparently minor as littering.

Allen Ginsberg probably summarizes it all in the last line of his poem "America" when he says, "America, I'm putting my queer shoulder to the wheel."²¹ This indicates a growing willingness to contribute to the common good even by the alienated, eccentric Beat poets.

FOOTNOTES

¹Review of Stuart Helroyd's Emergence from Chaos, (New York, 1957) in the Saturday Review, (Oct. 5, 1957), p. 5.

²Kerouac has said, "the word 'beat' originally meant poor, down and out, dead beat, on the bum, sad, sleeping in subways." Quoted in Thomas F. Merrill, Allen Ginsberg, (New York, 1969), p. 15.

³Bruce Cook, The Beat Generation, (New York 1971), p. 9.

⁴Merril, op. cit., p. 86.

⁵Merril, op. cit., p. 86.

⁶Cook, op. cit., p. 56.

⁷Ferlinghetti was born in New York in 1919, served in France during World War II, and studied at the Sorbonne. Evergreen Review, Vol. 1, no. 2, p. 4.

⁸Interview with Jack Kerouac, quoted in "Trade Winds," a regular column in The Saturday Review, v, 42, p. 2. (Oct. 5, 1957), p. 5.

⁹Cook, op. cit., p. 23.

¹⁰Ferlinghetti, Verse #1, A Coney Island of the Mind, (New York, 1958), p. 9.

¹¹Ginsberg, Planet News, p. 21.

¹²Corse, Long Live Man, (New York, 1959), p. 18.

¹³(same as 12)

¹⁴Ferlinghetti, Open Eye Open Heart, (New York, 1962), p. 80.

¹⁵(the same as 14)

¹⁶Corse, Happy Birthday of Death, (New York, 1968),

¹⁷Ginsberg, "HUM-BOM!," The Fall of America, (San Francisco, 1972), p. 181.

¹⁸Quoted in Merrill, Ginsberg, op. cit., p. 110.

¹⁹"Fried Shoes," Time, The Weekly Newsmagazine, v. 73, p. 1, Feb. 9, 1959, p. 16.

²⁰Jane Kramer, Allen Ginsberg in America, p. 85.

²¹Ginsberg, Howl, Howl and Other Poems, San Francisco, City Lights Books, 1956.

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- "Fried Shoes; Beatniks," Time, LXXIII, Feb. 9, 1959, p. 16.
- "Trade Winds," Saturday Review, XL, Oct. 5, 1957, p. 5.

OBSERVATIONS ON THE STRANGE CASE
OF WHITTAKER CHAMBERS

submitted by:

ALLEN HARVEY

The case of Whittaker Chambers was indeed a strange one. It was a delicate balance of the extremely personal struggles of the protagonists, Whittaker Chambers and Alger Hiss, and a monumental political, legal confrontation that grasped the American attention, directly or indirectly, for years after the conclusion of the Second War. This paper will more than anything attempt to explore the mentality that found its expression in Chambers' unorthodox actions. The motives and deeds shall be the first object of the paper. Secondly, the somewhat persistent nature of Chambers' message shall be examined. Like Alger Hiss, a following that has incorporated and established Chambers' words into its political vision has emerged. The nature of Chambers' attraction shall be the paper's second purpose. The subject of who was telling the truth shall not be treated for two reasons: (1) there is no reason to doubt that Hiss was a Communist or at least guilty of perjury (leaving himself libel to the implications that are implicit); and (2) the truth value question is not intrinsically related to the analysis of Chambers' mentality.

I

It was with the suicide of his brother that David Whittaker Chambers made his monumental decision to betray his country by becoming a Communist functionary and serving as a coordinator for more than one Soviet spy circles. But the conversion to Communism had not been as abrupt and unthinking as his brother's desperate deed. Instead it was a long, protracted road that seemed almost inevitable and oddly natural for the young Chambers who had those sensitivities violated once too often. Chambers was not the ordinary Communist inductee (if there is such a thing): though an intellectual, neither was he passingly attracted as many idealists were nor was he the sick, pathological spy variety that inevitably populate such occupations (such as the carefully studied behavior of his superior, Colonel Bykov). Instead, there seems to have been an intricate play of intense psychological forces and a complimentarily frustrating social atmosphere that lead to the celebrated choice. The entire process is extensively outlined in Chambers' intense and thickish autobiography that is simply entitled Witness.

Unmistakable marks of irresolvable suffering that can only have their deep sources in the psychological activities of early youth were detectable in the mature Chambers. In Witness, there is no attempt to avoid them; it is sadly and tersely stated: "Few boys run away from happy homes."¹ His father was a newspaper artist, temporarily a victim of technological unemployment, with the advent of the news camera, and his mother a one-time

actress (though of no significance) who chose rather to marry and bear children for a husband who did not want them. Chambers was born on April Fool and his father did not think it a very funny joke.² This vision of things, whether objectively viable or not, was the subjective and therefore the objective reality for Chambers--a reality which colored his entire view of himself and his world around for the balance of his life. But the objective and the subjective seemed to coincide; there is a graphic portrait of the movements and manipulations of an unhappy and eccentric bunch left to their own ways. There is a father who is methodically mean, so insecure in himself and his son, that in a rare act of generosity in obtaining his son a job, he insists that his son remain anonymous least an inadequate performance cause shame.³ There is a mother who tolerated an intolerable husband and a grandmother who was insane and talked to John D. Rockefeller.⁴ And finally there was a brother, Richard, who, vivacious and outward, was the prime candidate to transcend the familiar autrocities; instead, he suddenly went sullen and ended it with his head willingly submitting to an open door of a gas oven.⁵

The grim and unrelenting pressures of the private domain found allied frustration in the world around Chambers. The poverty and eccentricities of his parents were not grave enough to do any real damage; instead, the economic problems built industry and character and the cultural interests of a father-artist had enormous educational advantages to the highly curious and excellent mind that Chambers possessed. Extreme prowess in languages specifically and generally in most intellectual and cultural pursuits had their origin here; undertakings of an impressive range marked Chambers' in his days on the editorial staff of Time magazine. The exterior violated his sensibilities in other ways. First, the world was making the rude transition from rural to urban. Chambers was profoundly touched and his initial literary effort was to be a collection of poetry on the subject to be entitled Defeat in the Village. He wrote of it:

I wished to preserve...the beautiful Long Island of my boyhood before it was destroyed forever by the advancing City. I wished to dramatize the continual defeat of the human spirit in our time, by itself and by the environment in which it finds itself. With the deep attachment to the land I grew up on, the spread of the tentacular towns across it, felling the little woods, piping the shallow brooks through culverts, burying the little farms under rows of identical suburban houses, struck me an almost physical blow.⁶

This is one of the touchstones of Chambers' conservatism. His university emphasis was appropriately enough in medieval studies. Combined with the victory of urbanism, the mounting pressures of the Hiss case, and a certain religious change in Chambers, this notion of the primacy of the land takes on even greater significance.

Our farm is our home. It is our altar... We seek that life that will give us the greatest simplicity, freedom, fruitful work, closest to the earth and peaceful, slow-

moving animals... We believe that laborare est orare--to labor is to pray.⁷

This passage represents the foundations of Chambers' ultimate views--the land and God. In his Communist days, Chambers lacked the second part of the almost liturgical formula affirming the experience of conservatism.

Then there was War and New Orleans. The southern metropolis greatly touched the youth's somewhat virgin senses; he had not known a city could be so beautiful--"it seemed...the perfect place to live."⁸ He had made his way South with savings from work in the proletariat ranks on a Washington, D.C., construction gang. In New Orleans, he was exposed to the Lumpenproletariat--"the passively rotting mass."⁹ The extent of the perversity of man's state was smothering. Ugly people, engulfed in vice and corruption, characters like Ben Santi and One-Eyed Annie were his old world French Quarter life. Work was scarce--"nigger work" was not open for him--so he spent his time in his filthy room discovering Shakespeare. If New Orleans gave credence to Chambers' carkest thoughts on the crisis that man had presently found himself contending with, World War I had an even greater impact. There were two historical problems that drew men to Communism: the economic crisis and/or the issue of war. Chambers wrote: "I was one of those drawn to Communism by the problem of war."¹⁰ The loss of eleven million lives in the century's first confrontation was certainly distressing; prostrate Europe--Germany with her skyish inflation, her territories occupied by three armies, France with her scars of war ruin--was even more disturbing; but the predictability of even another worldwide disaster was unbearable. "I saw for the first time the crisis of history and its dimensions."¹¹ Such were the conclusions drawn from a European trek that Chambers took in 1923.

Savinus' fifth century words were etched in Chambers' mind: "The Roman Empire is filled with misery, but it is luxurious. It is dying, but it laughs."¹² Western Civilization was doomed. "The world was dying of its own vulgarity, stupidity, complacency, inhumanity, power and materialism--a death of the spirit."¹³ Only Marxism, long and carefully studied, offered a meaning to the present chaos. Only Leninism gave man a means of extrication.

But it still took his brother's death to seal the Communist commitment. His brother's alcoholism, despair, and suicide were inextricably tied with the simultaneous death of Western society. Once, in the bleakness and loneliness of night, Chambers leaned against his brother's headstone and scribbled an interesting line of poetry:

Shout and caper, happy people,
You have killed him.¹⁴

Chambers made the plunge into Communism.

His activities in the Party were indeed shocking. Almost unbelievable. But in these days of C.I.A. plots, Watergate, and continuing cases

of Soviet spying,¹⁵ nothing defies the imagination. Chambers' strange acts are now captured in Congressional and Court transcripts--long transcripts of obedient labor.

The path out of the Party was likewise no speedy event. The seeds of the break were, of course, initially subtle. The difference between Party doctrine and policy became more problematic. A decision not to abort his wife's first pregnancy--according to Chambers a common and routine practice as not to interfere with individual operations--was apparently a significant turning point in his life.¹⁶ The purges of the Party and the rise of Stalin reminded Chambers too much of fascism. Defections of other displeased associates made the way a little more plausible, especially the defection of Walter Krivitsky (who later turned up with a bullet in his head which sent the Chambers' family to Florida for safe keeping). The losing side of civilization was regaining its appeal. Also, during this entire period, Chambers was experiencing a religious transformation that pulled him away from his atheism to first a divine recognition, to Quakerism, and finally, in his very last days, to Catholicism. This conversion was religiously and philosophically tied: his struggle with Communism ultimately became a religious one. "Every sincere break with Communism is a religious experience."¹⁷ This aspect of Chambers' story is plainly odd, yet it is fully consistent with his personal development.

At any rate, the event that occasioned the decisive break was the Hitler-Stalin pact. The benefits of his handiwork going to the Nazis was too much. The break was made and Chambers, the spy, became Chambers, the informer. The assistant Secretary of State, Adolf Berle, personally interviewed Chambers and promptly filed the strategic revelations in a government cabinet where they remained until 1948 and the House Committee on Un-American Activities. No action, out of governmental ineptitude or design, was undertaken.

In 1948, the series of Grand Juries, Committee hearings, and Court-room sessions began. An editor of Time told a strange story and Alger Hiss, who sat not far behind Roosevelt at Yalta, took the brunt of the onslaught. Chambers produced documentary evidence and Hiss contradicted himself far too often. With this, the major scenes in the life of David Whittaker Chambers were played out. He had performed his personal measure in the direction of history--at least in his personal appraisal.

II

Chambers' appeal was multi-dimensional. He became an instant hero for the political Right and remains so to this day. Richard Nixon, in his Six Crises, sometime before his seventh, devoted pages to the memory of his days with Chambers; Ronald Reagan concluded his first 1976 primary speech with words from Chambers. Conservative literature (e.g., William Buckley) invariably carry some reference to him.

Success carries its own appeal. This was Chambers' immediate

attraction. Ralph de Toledano could co-author a book and conclude that their man, Chambers, was right and honorable. William Buckley could do the same with Joseph McCarthy and end up, whether intentional or not, with an extended rationalization. Chambers himself observed the difference: "...he scarcely knows what he is doing. He simply knows someone threw a tomato and the general direction from which it came."¹⁸

Secondly, Chambers gave modern American conservatism, whose present message is so tied to anti-Communism (probably to its detriment), a philosophical and historical framework for that perceived conflict. The First World War had given us Communism, the Second War had given the status of an international menace to Communism, and the next general war would be the death of the West.¹⁹ Although conservatives shared the urgency of his message, they did not share his pessimism. With this, much weight was given to the Cold War mentality.

On a more profound and universal level, the intensely personal aspect of his struggle is of great appeal. Given Chambers' description of things, his individual actions have a certain epic flavor to them. An individual flies in the path of the inevitable evil and, at least on the personal level, escapes the encroaching sickness of the soul.

...ages hence, when a few men begin again to dare to believe that there was once something else, that something else is thinkable, and need some evidence of what it was, and the fortifying knowledge that there were those who, at the great nightfall, took loving thought to preserve the tokens of hope and truth.²⁰

This is the deepest source of Chambers' appeal.

With this it is still difficult to discern the nature of Whittaker Chambers. He was a man who suffered greatly, necessarily or not; a man with a vision, correct or not; a man with a following, subtly and overt, rightly or not. Whittaker Chambers is at last elusive--possibly a prophetic man, possibly a deluded man, possibly something far in between. But a man, who with dignity and diligence, elevated his image of reality to the forefront--a haunting image, an image that is hopefully mistaken.

FOOTNOTES

- ¹Whittaker Chambers, Witness, (New York, 1952), p. 150.
- ²Ibid., p. 91.
- ³Ibid., p. 163.
- ⁴Ibid., p. 170.
- ⁵Ibid., p. 181.
- ⁶Ibid., p. 165.
- ⁷Ibid., p. 517.
- ⁸Ibid., p. 158.
- ⁹Ibid., p. 160.
- ¹⁰Ibid., p. 193.
- ¹¹Ibid., p. 194.
- ¹²Ibid., p. 195.
- ¹³Ibid., p. 185.
- ¹⁴Ibid., p. 185.
- ¹⁵This is in reference to Senator Eastland's spying staff member.
- ¹⁶Chambers, p. 248.
- ¹⁷Ibid., p. 486.
- ¹⁸William Buckley, Odyssey of a Friend, (New York, 1969), p. 58.
- ¹⁹Ibid., p. 68.
- ²⁰Chambers, p. 7.

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LIEUTENANT WILLIAM LAWS CALLEY, JR.

THE MY LAI MASSACRE

submitted by:

MANUAL ESTRADA

On March 16, 1968, Charley Company was winging its way southeast on their fifteen minute flight to My Lai. Below was the neat quilt-patch pattern of farmlands and rice paddies, broken up by the straight sharp line of highway 521. It was morning but already the heat of Viet Nam made the air sultry and moist.

There was nothing about My Lai 4 to even qualify it for even a paragraph in military history. It was no Battle of the Bulge, no Okinawa, no Iwo Jima. It was no place crucial to the outcome of the Viet Nam conflict. "This was just a small place in a small war."

So it seemed another day in a messy war, with no gains and only body counts to gauge advances and retreats. But on March 16, 1968, My Lai was the day's biggest fight going in Viet Nam. It was important enough to bring out a division commander; important enough to warrant a thorough gunship and artillery preparation; important enough for the navy to protect the coastline nearby; and important enough to be recorded by an Army photographer-reporter team.

The months preceeding My Lai had provided an education for the young platoon leader of Charlie Company, William Laws Calley, Jr., at this time a Lieutenant in the United States Army. Now his unit was heading for its first bloody mission, it was a search and destroy mission.

He was only a minor part of the powerful half-million man United States Army, that had just been giving a stunning lesson. The Guerillas of Viet Cong and the North Vietnamese Army had left their jungle strongholds and struck the South Vietnamese forces where they lived, in the cities.

This was the Tet Offensive of January-February 1968, a challenge to the American might.

The eruption of the Tet offensive brought out the full ugliness of war. Nearly ten thousand persons died in the ten days of the offensive. This bloodshed ranks with the many slaughters of Viet Nam's tortured history.

Vietnamese officials were the targets of assassination that did not spare the life of any other family members. A colonel, whose headquarters was overrun was beheaded. His family of seven gunned down.

In the ancient capitol of Hue, 2500 officials and relatives were

marched into sand dunes, crudely beaten and buried in the sand.

The Tet offensive was the most sustained fighting for the Americans. Only very slowly was order returned, first to the cities, then in the countryside. These days followed a definite pattern; the spotter plane surveillance of the countryside, the quick assault with combat troops if the enemy was seen, then, a rapid withdrawal. In this way the threat to Saigon was gradually eased; the Delta secured. But the American Division was strung out to its limits and had been sorely tested in the Tet Offensive. It was not the best place for a green rifle platoon and an equally green leader to be introduced to the violence of the Viet Nam war.

Charlie Company's commanding officer, Captain Ernest Medina, recalls that the training the men undertook, in preparation for their combat, lasted one day. During this training, instruction in the rules of warfare as outlined in the Geneva Convention Conference of 1949 were discussed. They specifically outlawed willful killing, torture, or inhumane treatment.

Lt. Calley, in his early training days in Viet Nam learned to suspect everyone, that everyone was a potential enemy, that men and women alike were capable of murder. In fact the Vietnamese women are, for some reason, better shots than the men. Children can be used in a number of facets, from being used as warning signals to distributing booby traps and mines. Many of the soldiers operating in this area had been killed and others ruined for life by having their arms and legs blown off.

Thus it was, with Calley's platoon in the lead, Charlie Company stormed into My Lai, March 16, 1968, with a feeling of revenge and reprisal.

The orders were given; "To destroy enemy forces and fortifications in a Viet Cong base camp and to capture enemy personnel, weapons, and supplies. Villages were to be ruined and leveled to remove Viet Cong havens, crops were to be ruined to deprive the enemy of their food, all that could give comfort to the Viet Cong was to be laid to waste, and the enemy was to be driven off."²

In the eyes of the government of Viet Nam and in the eyes of the American forces, the people who lived in the Sun My and My Lai areas were recorded either as Viet Cong or Viet Cong sympathizers. Eventually the whole area was declared a free fire zone in which anything that moved was considered free game.

With no conception of time, Charlie Company was on the ground and setting up their position. While the gunship fire was working on the village, Calley and his platoon sat and waited for orders.

The order came to start the assault and they came up with an initial heavy burst of fire. It was difficult to maintain a fire formation because of hedges, trees, and buildings. Calley does not remember how long

it took his platoon to go through the village, but evidently it was a long time because Captain Medina came on the radio to see what was holding him up. Lt. Calley told of the slow progress and the taking of enemy personnel. Captain Medina told Calley to get rid of the people detaining him. Calley asked PFC Paul Meadlo if he knew what he was supposed to do with the people. Meadlo said he did, and they were brought to the main ditch.

Calley then had a conversation with Medina again. He was asked why he was disobeying orders. Calley explained. He then told Meadlo if he couldn't move the people, to get rid of them. A considerable amount of firing followed.

The rapid gunfire that ensued marked the beginning of the massacre. Too many people saw and too many people knew to keep the My Lai 4 a secret.

Warrant Officer Hugh C. Thompson was flying as observation helicopter over My Lai. Thompson said his attention was called to a ditch east of the village. "He saw a lot of bodies. He landed the helicopter and asked if there was any way he could help the wounded. He was told that the only way he could help them would be to put them out of their miseries. He estimated there were between 50 and 100 women, children and old men."³

Perhaps it was an up-the-chain-of command which prompted a cease fire order to Medina and the subsequent word from the company commander to stop shooting. Medina then issued an order to his platoon leaders to make sure that none of their personnel were shooting innocent civilians. It was Medina's first ceasefire of the day.

He issued a second ceasefire when a Major radioed instructions to insure that no civilians were being killed.

As a result of these atrocities at the hamlet of My Lai 4 on March 16, 1968 many members of the United States Army were brought to trial. There was an official report of that day of My Lai 4. This was made by Lt. Col. Barker. He wrote the following: This operation was well planned, well executed and successful. Friendly casualties were light and the enemy suffered heavily.

It seemed that the secret might remain buried there but the atrocities were too well known. Too many people knew.

We want to put you there. Those were the opening words of the prosecution in the Lt. William L. Calley, Jr. courtmartial, Captain Aubrey Marshall Daniel, III. His opening statement recreated the day from the moment choppers deposited Charlie Company of Task Force Barker in the area and three platoons, one of them Calley's, began a sweep of My Lai 4.

Those two mass killings accounted for 100 of the 102 dead charged to Calley. The other two were his own. Allegedly, Calley moved up the ditch and came upon an old man at a tree. He was 101. Someone then

shouted that a child was getting away. The child was thrown into a ditch and became 102.

The first week's testimony was less dramatic as the prosecution tried to prove that in fact the massacre had occurred. The pace was slow with vivid flashbacks.

The witnesses consisted of PFC. Dennis Conti, PVT. Paul Meadlo, combat cameraman Ronald Haeberle, PFC. James Dursi, Frank Beardlesey, SGT. Leo Moroney, and radioman John Paul. They told of the orders they received, and of the war crimes they had committed. Cameraman Haeberle sold his photos of the scene to Time, Inc. for 35,000. Not all of these men followed orders. One removed civilians out of Calley's sight for safekeeping.

After three weeks of blood chilling prosecutions, the testimony for the defense got underway. Calley's counsel began constructing a case based not so much on whether the young lieutenant actually killed the Vietnamese but on whether the killings amounted to justifiable homicide, a scheme they hope would turn the charges back on the Army and transform Calley, in the eyes of the jury from villain to victim.

Most of the killings, they contended, had been caused by fire from helicopter gunships.

"The area around My Lai was known to be under the control of the Viet Cong. It was a death trap for American servicemen."⁴ The soldiers were told that all civilians had left the area and if any occupants remained they were either Viet Cong or Viet Cong sympathizers.

Chief Defense Counsel, George W. Latimer then laid what may have been his strongest argument: "That a soldier above all follows orders. Captain Medina ordered the village burned, the livestock killed, the wells contaminated, and in general every living thing in the village killed. No instructions were given on the handling of civilians."⁵

Over and over Lt. Calley listened to the witnesses describe unforgettable, bloody scenes. Then he heard the lawyers plead his case, his life.

After days of waiting the verdict in the longest courtmartial in military history was in. A jury of six peer officers had convicted Lt. William Laws Calley, Jr., of killing at least 22 Vietnamese civilians and guilty of intent to commit murder on a child approximately two years old.

The following afternoon, choking back tears, Lt. Calley spoke in a strong voice that broke down as he said, "Yesterday you stripped me of my honor. Please by your actions that you take here today, don't strip future soldiers of their honor."

Colonel Clifford Ford, president of the jury, read the formal

phrases of the sentence..... "confined at hard labor for the length of your natural life...dismissed from the service...forfeit of all pay and allowances."⁶

The verdict turned Lt. Calley into an instant hero. The people regarded him as a scapegoat for the higher ups in command. Dissention and protest occurred throughout the country.

"Governor Edgar Whitcomb of Indiana ordered all the flags on state property flown at half mast. Draft boards in Athens, Georgia and Huron county, Michigan resigned. The Texas Senate asked for presidential pardon. An Atlanta printer had takers for "Free Calley" bumper stickers as fast as he could turn them out."⁷ In Cushing, Oklahoma, two veterans of previous wars surrendered to the police for crimes similar to the ones Calley had been convicted of.

The incident at My Lai opened the eyes of many Americans to the true savagery of war. No longer could we identify American G.I.'s as being the all pure boys we envisioned them to be. No longer could we think of ourselves as being the liberators of the oppressed. Our fantasy ended, we were as capable of immorality as the bad guy. The old cliché of, "All is fair in love and war" rang in our minds. William Calley was guilty but only more so than us because he committed the physical act of pulling the trigger.

FOOTNOTES

¹Richard Hammer, One Morning in the War (Coward-McCann; New York, 1970), p. 65.

²"They Make Me Feel Important," Newsweek (December 28, 1970); p. 19.

³Hammer, One Morning in the War.

⁴"Calley's Defense," Newsweek (Dec. 21, 1971): p. 25-26.

⁵Ibid.

⁶Time, (April 12, 1971); p. 14.

⁷Ibid.

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THE WARREN COURT AND REAPPORTIONMENT

submitted by:

BILL BLASE

I. Introduction

The appointment of Earl Warren as Chief Justice of the United States in 1953 marked the opening of a new period in our constitutional development. In the next fifteen years the Supreme Court rewrote, with profound social consequence, major constitutional doctrines governing race relations, the administration of criminal justice, and the operation of the political process.¹

Passing this decade and a half of his tenure in review after he had announced his retirement, Warren reflected that the most important achievement of the Court he had headed was the apportionment revolution.² That is saying quite a bit, having regard to all else the Warren Court did. Before turning to the Warren Court's momentous decisions on reapportionment, it is essential first to define malapportionment and trace its historical development in the United States.

II. The Prevalence of Malapportionment

Legislative malapportionment has been as much a part of the traditional American way of life as the Fourth of July. It has taken as many different forms as the political ingenuity of American politicians has been able to devise. Of these forms the two most frequently encountered are positive malapportionment through gerrymandering (and other forms of maximizing the political leverage of the dominant party), and the increasingly formidable discrimination against metropolitan areas through failure to reapportion at all.³

Prior to 1962, in 44 of the 50 states, less than 40 percent of the population could elect a controlling majority of the legislature. In 20 state senates and 13 lower houses, less than 30 percent of the population could control a legislative majority. Two specific examples of this inequitable situation were in Connecticut, where a vote cast in Colebrook town for the lower house was worth 299 cast in Hartford; and in Georgia's county-unit system where one vote cast in rural Echols County was worth 102 cast in Fulton County (Atlanta).⁴

III. Historical Development of Malapportionment

It is not difficult to see how this situation came into being. Entrenched rural minorities clung to positions of legislative power-- in the face of the tremendous 20th century demographic revolution by which the United States became an urban nation.⁵

Following the 1910 national census, Congress passed the Reapportionment Act of 1911. Two Sections of this Act were to become equally important in the history of the reapportionment question. Section 3 said, in part, that members of the House of Representatives "shall be elected by districts composed of a compact territory, and containing as nearly as possible an equal number of inhabitants."⁶ Realizing that the number of representatives from various states would grow with the population in the years to come, Congress added Section 4, providing for the election of additional representatives. Should the number of Representatives in any state be increased, the additional representatives were to be elected at large until the state was redistricted "in accordance with the rules enumerated in Section 3 of this Act."⁷ Presumably, this provision was included as a recognition of possible population shifts within states; or, more specifically, as a recognition of the farm to city movement.

The next reapportionment Act was passed in 1929. It omitted Sections 3 and 4 of the 1911 Act, and specifically repealed those parts of the Act of 1911 which were inconsistent with the 1929 Act.⁸

Enactors of the 1929 Act, unfortunately, could not foresee what would develop in subsequent years. The Great Depression of the 1930's drove millions off their farms and sparked mass migration to the cities. By 1946, post-war prosperity had shifted a wave of people to the suburbs. Metropolitan areas swelled. But metropolitan expansion was not coupled by equitable legislative apportionment.

To break this imbalance of power urban dwellers had two alternatives at their disposal. One alternative was to try to persuade the state legislatures to reapportion themselves. This turned out to be a preposterous request. Rural legislators had no intention of giving up the power which an outdated and inequitable structure enabled them to continue to exercise. It was obvious to these people that modernization of apportionment would relocate lines and thus give a more effective voice to urban voters.

The other alternative was more sensible. Urban voters could turn to the federal court system in an attempt to convince the courts that state legislatures had failed in their duty of proper apportionment. But this alternative failed also. The Supreme Court refused to become involved in the affairs of the states. Cases dealing with the problem of reapportionment, as well as cases involving the existence or non-existence of state acts, were treated as nonjusticiable political controversies, i.e. political questions.

Perhaps the most prominent political question case involving reapportionment was Colegrove v. Green (1946), primarily because it was reversed sixteen years later. In it, the Court laid down the rule that it would not consider reapportionment cases because to do so would be to violate the boundary between Court and Congress. Speaking for the majority in a 4-3 decision, Justice Frankfurter stated,

The issue is of a political nature. Article I, Section 4 of the Constitution states that the procedure for electing Representatives shall be prescribed by the legislature of each state, but that Congress may at any time make or alter such regulation. If Congress fails in exercising its powers whereby standards of fairness are offended, the remedy ultimately lies with the people through the ballot. The courts cannot force a legislative body to take affirmative action.⁹

Justice Black wrote a dissenting opinion on behalf of Justices Douglas and Murphy and himself. As might have been expected, he was very much concerned with "the glaring inequalities which constituted the foundation for the case, citing both the pertinent figures (sizes of districts) and the attempts made within the state (Illinois) to secure legislative or judicial action."¹⁰ He specifically mentioned the interest of state legislators in perpetuating the inequality.

The "political questions" doctrine expressed in Colegrove was widely applied in a number of subsequent reapportionment suits in which the Court either declined jurisdiction, or briefly indicated that the political arrangements under attack did not violate any constitutional principle.¹¹

Inequalities in representation between rural and urban districts continued to increase through the 1950's. The farm population diminished and the city population multiplied, but the districts and the number of representatives allotted to each remained the same, and rurally-controlled legislatures continued to control the states.¹² It was apparent to all units of government that this dilemma, which had been disintegrating the core of American democracy for half a century, had to be resolved.

IV. The Warren Court Enters the "Thicket"

By 1962, Earl Warren was solidly entrenched as Chief Justice of the Supreme Court. For almost a decade, the Court he headed had handed down several crucial, controversial decisions in the areas of civil rights and criminal procedural reform. With Justices Brennan, Douglas, Clark, and Stewart in constant agreement with his opinions, Warren had built a majority unmatched in any other period of Supreme Court history. With confidence in their beliefs, this coalition decided to reconsider the reapportionment issue, which had been cast aside sixteen years earlier. Why did the Court decide to reenter this "political thicket" that Frankfurter spoke of in Colegrove v. Green?

It had been a matter of historical acceptance that judges, since they were not directly responsible to the electorate, should not enter

the political-legislative arena in an attempt to work out socio-economic problems. But the Warren Court had been so deeply drawn into civil liberties questions, that this historically accepted rule was withering away. It was clear to Warren that since low-status minorities were subject to arbitrary invasions of their rights on the state and local level, the courts were the sole recourse of such groups.

This same consideration applied to the kind of situation that malapportionment presented. The Warren Court felt that if the state legislatures could not provide for equal protection of the laws, and could not correct their abuses, then it was time for the Court to step in and resolve the problem.

The case which reopened the reapportionment issue was Baker v. Carr (1962). The procession of successful plaintiffs was led by a group of urban citizens of Tennessee, who declared that their state's current apportionment of the 33 seats in the state senate and the 99 seats in the general assembly denied to them the equal protection of the laws guaranteed in the federal constitution by the 14th amendment.¹³

The Warren Court dispatched the issue of justiciability in Baker v. Carr with unforeseen ease. Justice Brennan, the majority's spokesman, repudiated the district court's conclusion that "since the appellants sought to have a legislative apportionment held unconstitutional, their suit presented a 'political Question,' and was therefore nonjusticiable."¹⁴

What the Supreme Court held in Baker v. Carr was that apportionment problems in all their aspects, were justiciable and no longer to be considered as raising political questions. Constitutionality of apportionment was to be adjudicated under the equal protection clause of the 14th Amendment.

Said Justice Brennan,

"Nor need the appellants, in order to succeed in this action ask the Court to enter upon policy determinations for which judicially manageable standards are lacking. Judicial standards under the Equal Protection Clause are well-developed and familiar, and it has been open to courts since the enactment of the 14th Amendment to determine, if on the particular facts they must, that a discrimination reflects no policy, but simply arbitrary and capricious action."¹⁵

Justice Frankfurter dissented in Baker v. Carr, adhering to the opinion he wrote sixteen years earlier in Colegrove v. Green. He wrote,

"Apportionment, by its character, is a subject of extraordinary complexity, involving--even after the fundamental theoretical issues concerning what

to be represented in a representative legislature have been fought out or compromised-- considerations of geography, demography, electoral convenience, economic and social cohesions or divergencies among particular local groups, communications, the practical effects of political institutions like the lobby and the city machine, ancient traditions and ties of settled usage, respect for proven incumbents of long experience and senior status, mathematical mechanics, censuses compiling relevant data, and a host of others."¹⁶

The equal protection of clause, Justice Frankfurter concluded, manifestly supplied no "guide for judicial examination of apportionment methods."¹⁷

What Frankfurter meant in his opinion was that it was easy for the Court to promote profound theories concerning the operation of the political process in the states, but, in reality, it would be politically impossible to implement these theories. "The Court had moved into the uncertain avenue of politics, a path it was historically loath to walk."¹⁸

Baker v. Carr left several questions unanswered, most important of which was that of prescribing a specific standard for determining what constituted a denial of equal protection in legislative apportionment. Two cases decided after Baker v. Carr provided ample evidence of the Supreme Court's conception of the nature of representation, while another succeeded in prescribing a specific standard. The first of these three decisions was Gray v. Sanders.

On March 26, 1962, James Sanders sued in a federal district court to restrain Georgia from utilizing the "county unit" system as a basis for counting votes in a Democratic primary for the nomination of a United States Senator and statewide officers. Sanders claimed that the system violated the equal protection and due process clauses of the 14th and 17th Amendments. To support his claim, he indicated that although 14 percent of Georgia's population resided in Fulton, that county had only 1.5 percent of the state's total unit votes; whereas Echols County, with .05 percent of the population, possessed 50 percent of the unit votes. A popular vote in Echols was therefore worth 99 times that of one cast in Fulton.¹⁹

Instead of following the reasoning in Baker v. Carr, as might have been expected, Justice Douglas, who wrote the opinion for the Court, based his entire opinion on the well established right to vote.

"The present case is only a voting case. If a State in a statewide election weighted the male vote heavily than the female vote or the white vote more heavily than the Negro vote, none could successfully

contend that that discrimination was allowable. How then can one person be given twice or ten times the voting power of another person in a statewide election merely because he lives in a rural area or because he lives in the smallest rural county? ...Once the class of voters is chosen and their qualifications specified, we see no constitutional way by which equality of voting power may be evaded."²⁰

Justice Harlen dissented in the case, asserting that the Court's decision, "strikes at one of the fundamental doctrines of our system of government, the separation of powers." Harlen took issue with the majority's conception of its role. The Court's stability, said Harlen, was dependent upon its recognition of its limitations, for the Constitution, "does not confer on the Court blanket authority to step into every situation where the political branch may be thought to have fallen short."²¹

Harlen, who also dissented in Baker, may have been right--but to which corner of the political process was Sanders to turn? It was obvious to the majority that the Court was Sander's last recourse.

The other case decided after Baker v. Carr which provided ample evidence of the Supreme Court's conception of the nature of representation was Wesberry v. Sanders. Justice Black, writing for the majority, struck down a Georgia congressional districting statute which accorded some districts more than twice the population of others. Black wrote, "The command of Article I, Section 2, that Representatives be chosen by the people of the several states, means that as nearly as is practicable one man's vote in a congressional election is to be worth as much as another's."²²

Wesberry v. Sanders was a significant case in several respects. It would have an impact on the make-up of future Congresses, it sharply limited the scope of the political question, and it reiterated a far-reaching conception of the judicial function.²³

The serene response to Baker, Wesberry, and Gray enhanced the strength and prestige of the Warren Court in particular and courts in general even where the reaction to the decisions was negative. No state legislature refused to reapportion; a number acted relatively quickly. Emboldened by the reception of these cases, the Court pushed further in the "thicket."²⁴

Still unresolved was the question of what constituted a legitimately apportioned state legislature. No specific standard had been set. Blatent discrimination was now illegal, but the Warren Court had not told legislatures how much they could diverge from a numerical standard. What considerations could be given to the representatives of minorities? Was numerical representation to be considered more important than the

representation of groups with similar interests? "The answer to these questions lay in the realm of political theory, and it was an indication of how far the Warren Court had gone since Colegrove v. Green that it marched right in."²⁵ Reynolds v. Sims followed Wesberry v. Sanders by a short five months.

The fact situation leading to the Reynolds situation could have been duplicated almost anywhere in the nation.²⁶ A complaint was filed by a group of residents, taxpayers, and voters of Jefferson County, Alabama, challenging the apportionment of the Alabama legislature. The most recent apportionment of the Alabama legislature was based on the 1900 federal census. Under the existing provisions, applying 1960 census figures, only 25.1 percent of the State's total population resided in districts represented by a majority of the members of the Senate, and only 25.7 percent lived in counties which could elect a majority of the members of the House of Representatives.

Also, there were two plans for apportionment pending. One was a proposed amendment to the state constitution. The other was a statute enacted as standby legislation to take effect if the proposed constitutional amendment should fail of adoption or be declared void by the courts. In neither of these plans was there provision for apportionment of either of the houses of the Alabama legislature on a population basis.

Chief Justice Warren, writing for a majority of six in the case, openly connected voting and reapportionment cases and announced that, taken as a whole, they establish the axiom that "the fundamental principle of representative government in this country is one of equal representation for equal numbers of people....Overweighting and overvaluing the votes of persons living in one place has the certain effect of dilution and undervaluing the votes of those living elsewhere. Full and effective participation by all citizens in state government requires that each citizen have an equally effective voice in the election of members of his state legislature."²⁷

Reynolds v. Sims answered the question that Baker v. Carr left unanswered. A specific standard for apportionment was set. "One man--one vote" became the accepted criterion for apportionment schemes. Any apportionment law which deviated from the standard therefore created an impermissible discrimination, for "population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies."²⁸

Within a week after Reynolds v. Sims the Court decided fifteen more reapportionment cases striking down apportionment enactments in fifteen states. By mid-1968, congressional district lines were redrawn in thirty-seven states; only nine states had any district with a population deviation in excess of ten percent from the state average, while twenty-four states had no deviation as large as five percent from the state norm; every state legislature had made some adjustment, and it seemed probable that more than thirty of the state legislatures satisfied

any reasonable interpretation of the equal-protection principle.²⁹

From these successful results it was no wonder why Warren considered reapportionment the most important issue his court dealt with. The Warren Court had the courage and fortitude to solve a dilemma which other levels of government had neglected for half a century. The Court could have avoided the reapportionment issue--as it could have avoided the other issues it faced. But the era was explosive and called for decisive action. Earl Warren and his fellow Justices delivered this decisive action in all the controversial issues, and the action delivered concerned reapportionment was probably the most beneficial, or all the issues, for the salvation of our democratic system of government.

FOOTNOTES

- ¹The Warren Court, p. V.
- ²Reapportionment in the 1970's, p. 57.
- ³Commonweal, May 4, 1962, p. 145.
- ⁴Ibid., p. 147.
- ⁵Ibid., p. 147.
- ⁶The Supreme Court and 'Political Questions,' p. 36.
- ⁷Ibid., p. 37.
- ⁸Ibid., p. 37.
- ⁹Constitution, Leading Cases, p. 67.
- ¹⁰The Supreme Court and 'Political Questions,' p. 48.
- ¹¹Reapportionment, p. 6.
- ¹²The Supreme Court and 'Political Questions,' p. 57.
- ¹³Atlantic, October 1962, p. 61.
- ¹⁴Reapportionment, p. 6.
- ¹⁵Reapportionment in the 1979's, p. 62.
- ¹⁶Ibid., p. 62.
- ¹⁷Ibid., p. 62.
- ¹⁸Newsweek, April 9, 1962, p. 29.
- ¹⁹The Supreme Court and 'Political Questions,' p. 79.
- ²⁰Ibid., p. 81.
- ²¹Ibid., p. 87.
- ²²Ibid., p. 87.
- ²³Ibid., p. 87.
- ²⁴Ibid., p. 88.
- ²⁵Ibid., p. 88.

²⁶Ibid., p. 88.

²⁷The American Constitution, p. 1056.

²⁸The Supreme Court and 'Political Questions,' p. 90.

²⁹Reapportionment: Success Story of the Warren Court, p. 67.

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THE BATTLE OF THE LITTLE BIGHORN:

A STUDY OF DEFEAT

submitted by:

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On June 26, 1876, Lieutenant Colonel (Brevet Major General) George Armstrong Custer led the 7th U.S. Cavalry into battle against the Sioux and Cheyenne along the banks of the Little Bighorn River. If successful, Custer would have won the greatest victory ever attempted against the plains Indians, and secured for himself a place among the great captains of war. Instead, by late afternoon June 26, Custer and over a third of his command lay dead along a ridge in Montana. Because he neglected the principles of war, Custer lost his bid for a place among the great captains of war, and the Battle of the Little Bighorn became a casebook study of defeat.

Custer and the 7th Cavalry were part of General Alfred H. Terry's column moving west from Fort Lincoln to join columns under Colonel John Gibbon and General George Crook in a campaign to force the Sioux and Cheyenne back onto their reservations. Operating in Montana Territory, Terry's force found a trail indicating the Indians were encamped somewhere along the Little Bighorn River. Custer was given orders to move south of the trail, if indeed it did lead to the Little Bighorn, while Terry, joined by Gibbon, would move south along the Bighorn River and trap the Indians between them.¹

Instead of moving south of the trail, Custer followed it into the valley of the Little Bighorn. On June 25 he began his movement to contact without waiting for Terry and Gibbon, who were due to arrive June 27.²

Why did Custer move against the enemy early? Some historians argue that he simply disobeyed orders from Terry, while others maintain that Terry's orders were open for interpretation and in fact gave Custer carte blanche. John Terrel says, "Compliance with those orders (from Terry) would mean sharing the victory with Gibbon." Further, "Custer could see himself being denied the undivided glory he had so long dreamed of attaining, and which his political advisors had assured him would open the doors of the White House for him and Libby (Elizabeth Custer, his wife)."³

Stephen Ambrose elaborates further on the possible reasons for Custer's actions, "...the enemy was to the west, not the south, and Custer was hardly the soldier to march away from the enemy's known position." As for Custer moving early, Ambrose comments, "Perhaps the opening date of the Democratic Convention, only three days away, had something to do with it."⁴

Whatever his reasons for turning west and moving early were,

Custer apparently believed the principles of surprise and offensive were more important elements in the coming battle than the necessity for mass, maneuver, and security.⁵

Custer found a large Indian encampment with perhaps as many as 4,000 warriors in it, although Custer believed there were only 1,500 or less warriors. He divided his command into four battalions. One, of three companies, under Captain Frederick Benteen was ordered to scout to the left of the main column. A second battalion, also of three companies, under Major Marcus Reno was ordered to move south and parallel of Custer's column, which was comprised of the other two battalions, less one company left to the rear to guard the pack train.⁶

Custer sent Reno to attack the village from the south and sent orders to Benteen to rejoin the command once the exact position of the village had been determined. Reno crossed the Little Bighorn south of the stream junction of the Little Bighorn and what is now called Reno Creek. Reno crossed the Little Bighorn in good order, regrouped, and proceeded to move against the village. Within range of the village, Reno dismounted his battalion and formed a skirmish line. A mass of Indians moved against his left flank and forced him to halt his battalion and change his front. To keep from being enveloped, Reno moved his command into the timber along the bank of the Little Bighorn. With his back against the river and under continuous pressure from the Indians, Reno remounted his battalion and ordered a retreat across the river. The retreat became disorganized and Reno suffered heavy casualties in crossing the river. After crossing the river, Reno set up a defense on the bluffs overlooking the river. Benteen arrived shortly after and joined with Reno. Custer was not to be found, and an attempt to move the command north to find him had to be abandoned when large numbers of hostiles blocked the movement. The command remained in the bluffs until relieved by Terry on June 27.⁷

Much has been argued concerning Reno's conduct during the charge on the village, his retreat across the river, and in his subsequent defense in the bluffs. Some historians and military men believe Reno acted cowardly and was the cause for Custer's demise. Others view Reno as the unwilling scapegoat and a victim of Army and civilian politics.

The Court of Inquiry convened in 1879 to investigate charges of misconduct by Reno, Benteen, and others during the battle did not pin the blame on Reno for Custer's defeat or even admonish him for the conduct of the retreat. Both Reno and Benteen were clearly presented as having obeyed orders as far as possible and of making every attempt to rejoin Custer after being forced to abandon their original orders.⁸ However, the tone of the Court's findings seemed to "damn with faint praise:"

"The conduct of the officers throughout was excellent and while subordinates in some

instances did more for the safety of the command by brilliant displays of courage than did Major Reno, there was nothing in his conduct which requires animadversion from this Court."⁹

Terrell says that Reno's retreat turned into a rout because where his battalion recrossed the river, the bank was six feet high and many of the horses refused to jump, thus causing a bottleneck of men and horses at the river bank. Also, Terrell claims it would have been suicidal for Reno to attempt to reach Custer after recrossing the river.¹⁰

Colonel W. A. Graham believes that Reno was justified in halting his charge: "His little command wouldn't have lasted five minutes if he had gone a thousand yards further. It would have been utter lunacy to have gone on."¹¹

As for Reno's conduct during the battle, Graham states:

"The character of the retreat is the only thing that can rightly be charged against Reno. And even that, the evidence showed, was intended by him, and understood by everybody, to be a charge, to cut through the surrounding enemy and gain contact with the regiment.

The most that can fairly be charged against Reno is that he became excited and lost his head when this charge or retreat began; that he failed to cover his crossing and temporarily lost control of his men. That much is true. But to blame him for the disaster to Custer is not only unfair and unnecessary, but, in the light of the demonstrated and demonstrable facts, most unjust."¹²

Graham also attributes the nature of the initial charge and later retreat to the fact that thirty to forty percent of the 7th Cavalry troopers were raw recruits. Further, Reno and his battalion were expecting support from Custer, as he had promised. Needless to say, when no support from Custer came, the thought of being abandoned to their fate by Custer had a tremendous demoralizing effect on both the officers and troopers.¹³

Ambrose adds, that because the 7th Cavalry had been forced marched for several days by Custer and not allowed to rest before the attack, both the men and horses were too exhausted to press home a charge or conduct a rapid and organized retreat.¹⁴

Of Custer's last movements, little is known. He and his battalions, about 230 troops, moved north through the bluffs after detaching Reno to

charge the village and ordering Benteen to rejoin the command. Custer moved north for about four miles then turned west into Medicine Trail Coulee to approach the village. Apparently, he was turned back by a force of hostiles sent to cut him off. He turned north again and moved to the line of bluffs, and about two miles north of Medicine Trail Coulee he dismounted the command. Surrounded by overwhelming forces, Custer and his men were destroyed.¹⁵

Graham believes that Custer had no clear plan of battle until he saw the Indians charging Reno in the valley. At that time Custer thought that all the Indians from the village were engaging Reno. Custer decided to let Reno keep them busy while he planned to cut in behind and hit the Indians from the rear; he would send Benteen in between Reno and himself. What Custer did not know was that seventy-five percent of the total number of warriors in the camp, perhaps as many as 3,000 were watching and waiting for him.¹⁶

Graham's version of the battle has Custer being forced to move north from Medicine Trail Coulee by Indians waiting for him there. Still under pressure from these hostiles Custer came under attack from Crazy Horse to his rear. Surrounded, Custer and his command were finally crushed by the combined forces of Gall, who had left the fight with Reno in the valley, and Crazy Horse.¹⁷

John Finerty, a correspondent with General Crook's column, states (or repeats) the interesting theory that Custer did reach the Little Bighorn River and was about to cross it, but was repulsed and lost several men killed. Finerty claims that the dead troopers fell into the quicksand below the bank, which explains why Lieutenant Harrington and several troopers' bodies were never found.¹⁸

Bruce Rosenberg offers an explanation of the final displacement of Custer's command prior to their destruction. Custer sent two companies, C and E, to attack the village through the ravine leading to the river. The Indians overran these troops, and in the ensuing route the officers fled back to Custer. This, Rosenberg offers, was the reason the officers of C and E companies were found dead with Custer instead of with their respective companies. Two other companies, I and L, had been deployed on line and put up an organized resistance to the end. Company F was with Custer on the ridge where they fought to the end.¹⁹

Every historian who has written about Custer and the Battle of the Little Bighorn has had his opinions on the reasons for Custer's defeat. Among the most common are: 1) Custer disobeyed Terry's orders and attacked early. 2) Custer divided his command, and each element was not in supporting range of another. 3) Custer abandoned Reno. 4) Reno's retreat was premature. 5) Reno should have attacked the village as he was ordered to do. 6) The carbines issued to the soldiers were faulty, while the Indians were armed with repeating rifles. 7) Custer did not believe that the Indians would charge regular troops. 8) Custer grossly underestimated the strength of his enemy, either because of

inadequate intelligence reports or just sheer stupidity on his part.

In his analysis of the battle Ambrose found six major mistakes made by Custer. 1) He refused an offer by Terry of four companies of the 2nd Cavalry. 2) He underestimated his enemy's fighting ability, and consequently decided to divide his command. 3) Custer pushed his men too far; he should have rested the men and horses before attacking. 4) He committed his forces without knowledge of his enemy's position, strength, or location. 5) He had lost the element of surprise; the Indians were fully aware of his movements. 6) Custer lost the element of initiative by not securing a defensible position when cornered by Crazy Horse.²⁰

Graham maintains that the Indians had at least six times as many men, they were better armed, better prepared for the battle, "and as well, if not better, led."²¹ Custer, as well as every other military commander in America, had underestimated the size of the Indian forces, not appreciated their leadership and fighting ability, and did not even suspect their superiority in side-arms. Even if Custer had not divided the regiment, he would have been hard pressed to keep from being destroyed; defeating the Indians was, Graham claims, beyond the power of the 7th Cavalry alone. When Custer divided the regiment without any clear plan for mutual support, "what happened was bound to happen."²²

Custer's actions can also be analyzed in terms of the principles of war. There are nine principles of war recognized by the U.S. Army. They are the principles of objective, offensive, simplicity, unity of command, mass, maneuver, economy of force, surprise, and security. They complement each other and are mutually dependent, but, at times, they can conflict with each other. A military commander must weigh each principle by its merits and reach a successful balance which will meet the needs of his particular situation and allow him to accomplish his mission.²³

The human elements of a situation must be taken into account, and consequently, sound judgment, common sense, and flexibility are all important elements in the application of the principles of war.²⁴

In analyzing Custer's application of the principles of war before and during the battle it is necessary to separate his process of application into two phases. The first phase is bounded by his decisions to move against the enemy without Terry and Gibbon and attacking his command without a rest from their march. By attacking early, Custer hoped to gain the initiative by taking full advantage of the principles of offense and surprise. He apparently believed he had the ability to maneuver and mass his forces to defeat the enemy alone.

It is obvious that Custer disregarded the principles of objective and security. He was moving in unfamiliar, and hostile, territory with no information on his enemy's disposition and no clear target. Further, his decisions to move against the Indians early meant that he would have no outside support or reinforcement for thirty-six to forty-eight

hours. Custer also misjudged his ability to surprise the enemy. His movement was known even before he turned west.²⁵

The second phase of Custer's application of the principles of war concerns his scheme of maneuver for the battle. Having found his objective, his actions were directed to attaining that goal. By dividing his command and maneuvering each element beyond supporting range of each other, he violated the principles of economy of force, mass, and maneuver. Because he could not effectively communicate with, and thereby direct, his elements, he violated the principle of unity of command.

Custer's initial element of surprise had long been lost, but had he supported Reno's attack on the village from the rear, as he originally indicated he would, then he probably would have regained the element of surprise. As it was, he chose to move north--right into the Indians' trap.

Custer disregarded the principle of security by, again, maneuvering his battalions out of supporting range of Reno's force. By doing so, Custer left Reno without any covering force, and gave the enemy the opportunity to isolate and destroy his own column.

The principle of simplicity was violated by Custer, not because his plans were too complex, and they were not, but because he failed to maintain control over all his elements, failed to provide for a flexible response, and did not properly coordinate the fire and movement of his elements.

The principle of the offensive was abandoned, it can be argued, by both Custer and Reno during the battle. By not attacking the village, Reno compromised his offense, but he abandoned it when his retreat turned into a rout. Exactly when, where, and how Custer lost the initiative is not known, but it can be deduced that Custer lost the advantage of the offensive soon after he was attacked in Medicine Trail Coulee. Whether he ever regained the offensive is also not known, but it is the common consensus that his command died in a desperate defense, aimed not at regaining the initiative, but at keeping from being overwhelmed.

On the other hand, the Indians were keenly successful in applying the principles of offensive, mass, economy of force, maneuver, surprise, and to some extent security in defeating Reno's attack and in ambushing and destroying Custer. Even the Indians agree that there was no real unity of command among them, and their overall objective was never clearly defined.²⁶

In conclusion then, it can be seen that the successful application of the principles of war is a vital and necessary element in conducting a winning military operation, while the neglect or violation of any, or all, of these principles can seriously jeopardize the success of an operation and can, in fact, lead to its failure. The Sioux and the

Cheyenne successfully applied the principles of war to the situation at the Battle of the Little Bighorn and won. Custer disregarded some principles, violated others, and misapplied the rest--he lost.

FOOTNOTES

- ¹Maurice Matloff, American Military History (Washington, D.C., 1969), p. 315-317.
- ²Ibid.
- ³John U. Terrell, Faint the Trumpet Sounds (1966), p. 159.
- ⁴Stephen E. Ambrose, Crazy Horse and Custer (Garden City, New York, 1975), p. 430.
- ⁵ROTCM 145-60, Theory and Dynamics of Tactical Operations (Washington, D.C., 1972), p. 227-230.
- ⁶Matloff, American Military History, p. 315-317.
- ⁷W. A. Graham, The Custer Myth (Harrisburg, Pa., 1953), p. 306-307.
- ⁸W. A. Graham, The Reno Court of Inquiry (Harrisburg, Pa., 1954), p. 1-20.
- ⁹Ibid.
- ¹⁰Terrell, Faint the Trumpet Sounds, p. 167-173.
- ¹¹W. A. Graham, The Custer Myth, p. 306.
- ¹²Ibid, p. 308.
- ¹³Ibid., p. 306-308.
- ¹⁴Ambrose, Crazy Horse and Custer, p. 439.
- ¹⁵Ibid., p. 440.
- ¹⁶Graham, The Custer Myth, p. 293-294.
- ¹⁷Ibid., p. 293-294.
- ¹⁸John F. Finerty, War Path and Bivouac (Chicago, 1955), p. 197-218.
- ¹⁹Bruce A. Rosenberg, Custer and the Epic of Defeat (University Park, Pa., 1974), p. 40.
- ²⁰Ambrose, Crazy Horse and Custer, p. 444-445.
- ²¹Graham, The Custer Myth, p. 294.
- ²²Ibid., p. 294-307.

²³ROTCM 145-60, Theory and Dynamics of Tactical Operations, p. 227-230.

²⁴Ibid., p. 227-230.

²⁵Dee Brown, Bury My Heart at Wounded Knee (New York, 1970), p. 291-297.

²⁶Ibid., p. 291-297.

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