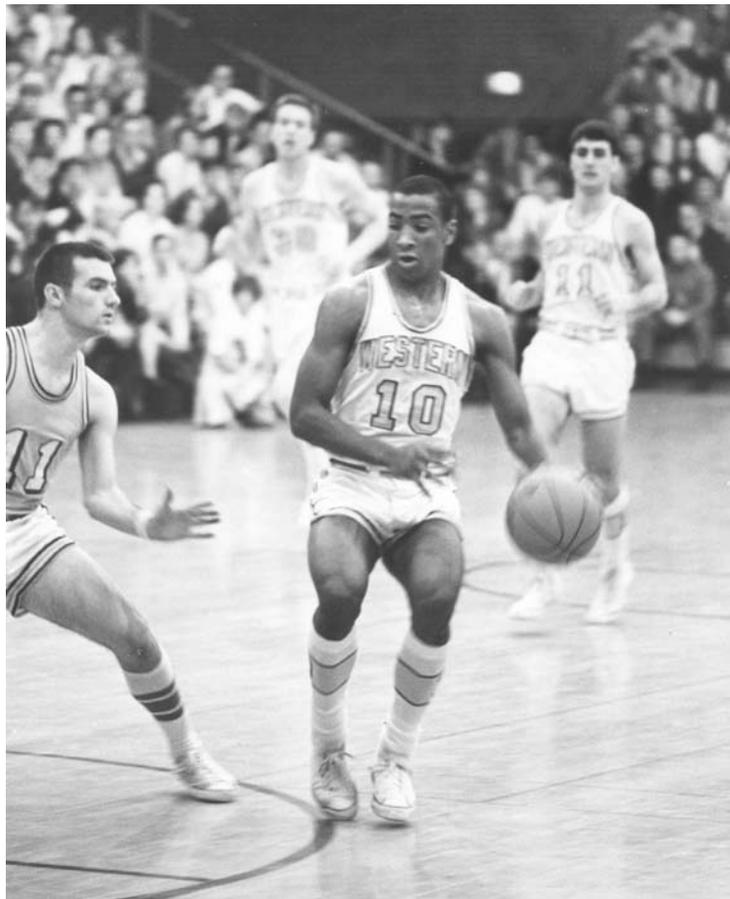


Tuckasegee Valley Historical Review



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Cover Photograph of Henry Logan courtesy of Hunter Library Special Collections, Western Carolina University, Cullowhee, North Carolina.

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Tuckasegee Valley Historical Review

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Welcome

As the Tuckasegee Valley Historical Review has grown over the years, it has become a undertaking far beyond the ability of one or two individuals. Our new faculty advisor, Dr. Richard Starnes, greatly assisted us in navigating a difficult budget year. Editorial Committee members Susan Abram, Keith Alexander, Joel Evans, Daniel Menestres, Heather Murray, Dave Sowards, and Catherine Wilson enthusiastically took up the challenge of additional responsibilities for the editorial committee. Assistant editor Chris Manganiello diligently worked with all aspects of publication from budgets to copyediting. As I finish my third year of involvement with the *Tuck*, I know I am turning the publication over to Chris' very capable hands.

In the midst of significant state budget cuts, Dr. Robert A. Vartabedian, Dean of the College of Arts and Sciences went the extra mile to provide publication funding as he has for many years, as did Dr. Robert Caruso, Vice Chancellor of Student Affairs. In its first year, the new Graduate Student Association provided significant funding for this journal. Dr. James Lewis, Head of the History Department provided department resources and ongoing encouragement. And our contributors greatly benefited from the time History Faculty members Curtis Wood, Gael Graham, and Richard Starnes spent on reviewing papers for this year's edition.

In selecting papers, we continued the tradition of including a paper focusing on western North Carolina. In addition, we opened up submissions to an interdisciplinary approach to our past. As a result, we have a law paper by Dustin Bridges to accompany the more traditional history papers. We have been impressed with the increased participation by undergraduate students and hope this broader approach to our past will continue. The Tuckasegee Valley Historical Review has come a long way from its beginning as a way for Graduate History Student to develop professional writing and editing skills. I am proud to have been a part of this ongoing evolution.

Linda Hoxit Raxter

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*Adequate in our Courtesy
Civility, Race Relations, and the Path toward
Desegregation in Jackson County, North Carolina.*

By Heather M. Murray

Henry Logan could remember back in elementary school when some of the white high school students would come by the Negro school and show him a bullet, saying “Kid this has got your name on it. If you show up here again, you’re going to get it.”¹ Logan often missed school for weeks, afraid to come back. Too frequently, stories like these are forgotten because historians ignore an area’s African- American community, focusing instead on the white leaders or those blacks who accomplished great feats or created change. Logan himself was one such black person, becoming Western Carolina College’s first African-American athlete by integrating the basketball team in 1964. However, there were others in the community affected by segregation and integration who rarely gained attention. Even though blacks have been in Jackson County for more than 200 years, historians often fail to look at this community as a whole. Similarly, these scholars neglect to analyze the events and rhetoric of the period between 1920 and 1965, an era that witnessed the most change within the community.²

A four-time all-American, Logan’s playing attracted many white fans. Stories of greatness surrounded the athlete and his prowess often made headlines in the local newspaper, the *Sylva Herald*. The story that Logan never told, however, was that he was barely literate and failed to graduate from the university. His background in the segregated school system, along with the taunts of the older white high school boys, caused him to reject the educational process. Repeatedly, African-American students

¹ Dagan Lamont Burell, “All Quiet at the Western Front: A History of Black/White Relations at Western North Carolina University” (M.A. Thesis: Western Carolina University, 1992), 32.

² Henry Logan is a native of Asheville in Buncombe County, North Carolina. He led the league in scoring during one of his years at Western Carolina University and was the first black basketball player in the South to start on a formerly all-white team. The University recently retired his Jersey.

would fall through the educational cracks. In Jackson County, North Carolina, as in the rest of the country, funding was low for the black schools, and often teachers did not have suitable materials to educate their students. Nevertheless, the county's African-Americans used education as a way to create community.³ Logan's story was only a piece of the historical puzzle. Between 1920 and 1965, there were many just like him, experiencing the hardships and joys of a small, rural, segregated county that believed it was treating its black citizens with adequate civility.

When one approaches the subject of the Appalachian Mountains, blacks are not the first people to come to mind. In fact, few realize that slavery existed in the region. It was popularly believed that the Scotch-Irish who settled these mountains came in order to escape the slave belt and the planter elite's economic and political domination.⁴ This belief created the myth that these "freedom-loving" mountain people of southern Appalachia never owned slaves. The 1850 census, however, revealed that there were around 100 slave owners in the area that would soon become Jackson County. Ten years later there were forty-six slaveholders recorded. According to the 1860 census, most of those slaves were located in Webster, the county's seat. Along with Webster, which was situated in a fertile valley, slaves were also held in East La Port and Beta.

Local newspapers revealed that some of the county's citizens believed slavery in western North Carolina was a benevolent institution. In an article written in 1956, the author contended that slave owners would hire white men to complete dangerous jobs instead of having their slaves perform the tasks, thus protecting their valuable property. To emphasize his point, the author equated sending a slave to do treacherous work to

³ Historically, African Americans are viewed as a group, a category, set apart from others and sharing similar conditions, attributes, and behaviors. This, of course, is not completely the case. Just like any other group, African Americans are not necessarily cohesive. Each individual experiences life differently than the next and is influenced by outside forces. It is not my intention to portray Jackson County's black community as a stagnant entity, being acted upon by the majority white community. I will use the term community, however, as a way to describe the group of African Americans who lived in Jackson County. I do not contend that these individuals ascribed to the same beliefs or reacted similarly to segregation or desegregation.

⁴ Samuel Hobbs, Jr., *North Carolina: Economic and Social* (Chapel Hill: University of North Carolina Press, 1930), 85.

“using a 1957 model automobile to cart logs out of the mountains.”⁵ Moreover, the author asserted that instances of cruelty to slaves were infrequent. In the memory of men, the author proclaimed, “is stored the kindness and affection of masters.”⁶ This, too, was rarely the case. Often between 1920 and 1965, when tensions between the races ran high, former slaves and their children told white interviewers what they wanted to hear. This allowed the interviewer to conclude that slavery, according to the slaves, was benevolent. Nonetheless, the article confirmed what many within the county believed about the institution of slavery. Naturally, it was impossible to find a majority opinion of those either white or black, but the article presented a viewpoint that was upheld in much of the South for many decades after slavery ended. In his work *Mountain Masters* and *Appalachians and Race*, John Inscoe concluded that Appalachian exceptionalism, a construct that presented Appalachia as a region apart from the rest of the South in its views and values, was in many ways invalid. Slavery did exist in the region, and that form of slavery was not necessarily benevolent. In fact, positive race relations, something that white Appalachia prided itself on for centuries, were in fact exaggerated.

According to the 1870 census, the newly freed black population turned to farming, but a few worked in non-farm occupations. By 1880, three years after Reconstruction ended, there were a total of 749 blacks in the county, showing an increase from the 226 that lived there in 1860. Coming from South Carolina, Virginia, Tennessee, and Georgia, this new black population probably fled from areas where they were held under slavery. Nonetheless, the growth of the population can most likely be attributed to the construction of the western North Carolina railroad system. As blacks received construction jobs on the railroad, their population more than doubled. The expansion of industrial jobs in the 1880s and 1890s lured both blacks and whites off farms. Along with the mica mines that opened in 1868 near Webster, these new jobs provided the county’s black population with a way to traverse the color boundaries. Even though discrimination based on the color of

⁵ “Uncle Will Has Three Handicaps and One New Year’s Resolution; Was Once Foreman of Mica Mine” (*The Sylva Herald*, 19 Jan. 1956), 4.

⁶ “Uncle Will” (*The Sylva Herald*, 1956).

one's skin still existed, because of the county's small total population, employers could not afford to turn away able workers.

At the beginning of the twentieth century, blacks began to move away from these towns. The new railroad had bypassed Webster making the towns of Sylva and Dillsboro the center of Jackson County's industrial empire. Blacks were now working in the county's kaolin mines and tannery. Interestingly, they worked side by side with the white workers. This was often rare in other parts of the South. Even so, blacks were more often given the menial jobs that the whites were not willing to take. C. J. Harris, owner of the mines and the tannery and exploiter of black and white workers alike, built housing east of Sylva where black workers moved their families. These blacks lived as they worked, alongside whites.

As the blacks from Webster and Beta moved to find industrial jobs in Sylva, some from East La Porte chose to find employment at the Cullowhee Normal School. Established in 1889 by Robert Madison, the school was later renamed Western Carolina College and finally Western Carolina University. As the institution evolved from a normal school into a teachers' college, administrators acknowledged the need for unskilled black labor. As the twentieth century opened, the black community began to take shape. Creating their own communities in order to provide structure for their new lives, they used churches and schools as a way to form their new identities. Victoria Casey McDonald, a member and scholar of the black community, contended that it was through these two institutions that blacks tried to define the meaning of freedom.⁷

In Jackson County, as in the rest of the country, churches and schools would play a large part in the twentieth-century struggle to desegregate. In providing the African-American community with a form of cohesion, these institutions supplied blacks with a place to congregate and organize. Strikingly, the county's black population never united beyond these establishments to organize the marches or sit-ins so commonly reported in larger southern towns. Nevertheless, these organizations gave blacks a sense of unity, allowing them to face the difficulties associated with living in a predominately white

⁷ Interview with Ms. Victoria Casey McDonald at her home in Sylva, North Carolina (19 Feb. 2001).

area, even if they chose to cope with them, or even protest them, privately.

The twentieth century brought new challenges to Jackson County's black population. After the Civil War, blacks searched for employment. In order to help provide for their families, black women were forced to enter the paid workforce. Working mainly in domestic jobs, these women toiled long hours for menial pay. In reviewing the census for the decades after Emancipation, one can see the growth of both black and white single women working outside the home. Some were schoolteachers while others were seamstresses or laundresses. By 1900, women began to move rapidly from the home to work. At this time, the census lists black women as cooks, washwomen, maids, and schoolteachers. Strikingly, all these jobs except teaching were strictly domestic tasks, which illustrated a deeper and more universal cultural trend.

Across the country, women began to move into the workforce. Compared to the jobs held by white women, however, black women almost exclusively acquired jobs as domestics. Of course there were exceptions, but by placing women in domestic jobs, men were able to preserve what they believed to be "traditional" gender roles.⁸ In Jackson County, white women also began to work outside the home. Even though some whites worked at menial occupations like cooking and cleaning, a skewed racial division of labor persisted. Intriguingly, most of these white women worked outside the service industry. Women in Jackson County worked as boarding house keepers, postmistresses, telegraphers, nurses, and saleswomen. By 1910, white women were working as lumber mill laborers, dentists, legal clerks, and newspaper journalists, while black women continued to dominate domestic jobs.

⁸ Traditional gender or sex roles are difficult to define. However, the period after the Revolution, some historians believe, marked a decline in the status of women. Women who were once shopkeepers during the American colonial era were confined to the home as the skewed sex ratio declined and the European family and legal structure (English Common Law) took on a different form in the new country. Historians, such as Carol F. Karlsen in her work *Devil in the Shape of a Woman*, argue that the shift in how women were viewed was a result of men's fears of independent and "inheriting" women. Therefore, the term traditional, as I use it in dealing with the nineteenth century, refers to the period after the Revolution. Also, many of Jackson County's women, as well as men, believed in upholding these "traditional" gender roles.

As the tourist industry rapidly grew during the twentieth century, blacks were employed to fill service jobs. These workers did not live in the tourist centers of Highlands or Cashiers areas, which were isolated from the central areas of Jackson County by a mountain ridge. In fact, one white woman from the area came across the mountain to Sylva just to see where and how the black people who worked in her town lived.⁹ Because the tourist areas were inhabited by the wealthy, blacks could not afford to live in them. Even when they did try to move in, the white population strongly discouraged them. Many were forced to make the long trip across the mountain to Cashiers or Highlands in order to secure seasonal employment. Similarly, porters on area trains were almost exclusively black. Again, blacks were pigeonholed into domestic positions, illustrating the power struggle evident in twentieth-century race relations.

Like the women, Jackson County men struggled to enter the workforce. Until the construction of the railroad, most men were farmers. By the twentieth century, however, these men had moved from the farm to industrial jobs. By 1910, there was also a shift of black workers from the kaolin mines to the tannery. As both black men and women were moving into non-traditional occupations, a surplus of white farm labor developed, leading to outmigration—a phenomenon that plagued the county throughout the century. This surplus of labor coincided with the decline in logging after the Panic of 1907. Both black and white men lost their jobs and were compelled to look for employment outside the area. Many moved to Washington State, which at the time had well established logging operations and a similar physical environment to western North Carolina.

For many whites, the end of the nineteenth century seemed to be a “golden age” for Jackson County’s blacks. New industrial jobs provided them with steady cash income, permitting many to purchase land abandoned during white outmigration. Industrialization in the 1880s and 1890s also permitted blacks to move up, albeit slightly, from the subsistence level. Many of these blacks who had learned skills as slaves could now use their expertise to provide income. Even though blacks received more opportunities compared to their life under slavery, they soon discovered that their supposed “golden age” was gilded with fool’s gold. At the end of the

⁹ Interview with Victoria Casey McDonald (19 Feb. 2001).

nineteenth century, North Carolina eliminated black men as voters and legalized Jim Crow to promote social segregation. The mill houses built by C. J. Harris, which once so proudly represented the county's move toward industrialization and modernity, represented a broader and darker social trend, for they were now segregated. Even more significant, however, were the educational limitations placed on blacks. They were forced into one-room schoolhouses regulated by the county's board of education, which limited their term to fifteen and a half weeks out of a year compared to the nine-month term of most white schools.¹⁰

This short term, some have argued, reflected the traditional schooling structure associated with the plantation system. Education revolved around planting and harvesting schedules. Others believed that the system was implemented due to lack of educational funds. Whatever the reason behind keeping blacks under the traditional fifteen-week system, the implementation illustrated a division between the races. Whites, who openly began to discriminate against blacks, saw them as the "other." Segregation and Jim Crow were fast becoming the norm in Jackson County.

In 1899, blacks constituted 31.9 percent of the South's school-age population. They received, however, only 12.9 percent of public school funds.¹¹ Jackson County was no exception, spending much less on the black schools than white schools at the turn of the century. The black community, however, was determined to overcome these challenges. Many fought to keep their schools open longer than fifteen weeks. Some even stayed open as long as nine months. By 1919, the process of the consolidation of black schools began. Finally, in 1924, Cullowhee's one-room schoolhouse was forced to close its doors. Black students from across the county were bussed to Sylva's newly formed Colored Consolidated School.

The 1920s proved to be a somewhat transitional period for the black community. During this time, social patterns were cemented and it took almost forty-five years for the community to overcome segregation. During this decade the Ku Klux Klan,

¹⁰ *Biennial Report of the Superintendent of Public Instruction of North Carolina, 1883-84* (Raleigh: Ash and Gatlin State Printers), 117.

¹¹ See *Jackson County Public Schools: 1953-1954* (North Carolina Education Association, 1954).

an organization founded at the close of the Civil War and restructured during the 1920s, began to become “mainstream.” Throughout the South, the association became accepted among most middle-class whites. The Klan also developed into a fraternity that contributed to southern communities’ growth. Members within the organization gave to charities, held fundraisers, and were active in politics. Yet they also lynched and murdered hundreds of black men across the region. There are few reports of an active Klan in Jackson County, however, analysis of the county’s newspaper revealed that they did in fact exist in the area.

On June 23, 1922, an article in the *Jackson County Journal* entitled, “Klansmen Visit Evangelist,” exposed the extent to which the Klan was involved in western North Carolina. During a tent revival in Bryson City, North Carolina, “seven figures clad in the white robes of the Ku Klux Klan and bearing the American flag and the Fiery Cross, suddenly entered the tent and made their way to the front” where they silently presented Reverend Shuford Jenkins with an envelope.¹² When the minister opened the envelope he found \$127 along with a letter. According to the letter, the donation was a “token of their appreciation” to the evangelist for his efforts to rid the community of “vice.”¹³ The amount of money represented the number of members in the Klansmen’s hometown town of Tuckasegee, North Carolina, located in Jackson County. The author continued, “To say the unexpected drama enacted before their eyes created a profound impression upon the large congregation in the tent is putting it mildly.”¹⁴ The author, however, did not elaborate on what that impression was.

Similar newspaper articles provided a glimpse into the race relations of neighboring counties during the 1920s. One month prior to the Klan’s visit to the evangelist, a headline in the *Jackson County Journal* read, “Lynching is Barely Averted.”¹⁵ In the article, a seventeen-year-old black boy was accused of attempted assault on a “little” thirteen-year-old schoolgirl. If it was not for the intervention of the boy’s parents, the author contended, the boy would have been “speedily

¹² “Klansmen Visit Evangelist” (*Jackson County Journal*, 23 Jun. 1922).

¹³ “Klansmen Visit Evangelist.”

¹⁴ “Klansmen Visit Evangelist.”

¹⁵ “Lynching is Barely Averted,” (*Jackson County Journal*, 17 Mar. 1922).

executed by an angry mob” who would have “riddled his body with bullets.” In fact, the sheriff did not stop the mob; the boy’s father did. Even though this incident occurred in Clay County, North Carolina, the event was representative of what was taking place in other parts of the South. This episode, or others similar to it, possibly influenced the Klan to donate money to the evangelist. It is unclear, however, whether or not these two events were related.

The events of 1922 were not anomalies in race relations. During the year preceding the two incidents, one of the *Journal’s* articles detailed an attack on a Bryson City (Swain County) Negro porter. According to the author, the porter for passenger train No. 20 was in the hospital “thinking things over” after he “got fresh” and waved at a white woman along the train’s route.¹⁶ The woman informed her husband, who proceeded to wait for the black man’s train to return to the station. Once there, the white man hit the porter in the head with a “handy” piece of iron. The paper’s journalist postulated that if the black man came to at all, he would hopefully come with “more sense and manners.”¹⁷ Even though disturbing to most today, the article revealed a lot about the region’s race relations and attitudes.

In analyzing the account’s rhetoric, one can begin to understand what the race relations and cultural taboos were during the 1920s. Black men across the South were forced to abide by written, and sometimes unwritten, rules regarding their relations with white men and women. Blacks were to tip their hat and step off of the sidewalk when a white person approached them. More importantly, they were never to make eye contact with a white woman, which could be considered flirting. As was illustrated in the article, a black man who waved, blew kisses, winked, or smiled too widely at a white woman was fair game for whites who took offense. In analyzing the Jackson County journalist’s phrasing, it becomes clear that the county’s race relations were not calm during this period. Of course, the author did not necessarily represent the majority opinion; in reality the journalist could be completely alone in his views. Even if the majority in the county considered the author’s

¹⁶ “Negro Flirted, Now In Hospital,” (*Jackson County Journal*, 21 Jan. 1921).

¹⁷ “Negro Flirted, Now In Hospital.”

opinion appalling, which is very doubtful, few would have spoken out at that time against the cultural rules. The fact, however, that his opinion meshed with that of many other southerners is significant. It not only allowed one a glimpse into accepted characteristics and actions for a black man, but also illustrated how western North Carolina recognized the same rules set forth in the rest of the South.

The *Journal* did provide some evidence of heated race relations in Jackson County. On December 31, 1920, two black men attacked Bob Cotter, a white man, in Cullowhee, stabbing him in the back. The article reported that the attackers did not attempt to rob Cotter and it was unclear if there had been any previous trouble between the men. Remarkably, no reported mob violence or lynchings were associated with the arrests of the black men. In fact, there was not even a follow-up article on the event. If the person attacked had been a white woman, however, it is more than likely that mob violence comparable to that reported in Clay County would have ensued. Again, the idea that white women needed to be protected from the “black beast” was reflective of events and ideological perceptions on a larger regional scale.

Economically, Jackson County’s black community also suffered during this time. Even though the 1920s brought an economic boom to the county’s industries, few blacks benefited from it. This boom continued into the 1930’s. While the Great Depression afflicted most of America as well as many within Jackson County, the area’s industries continued to see some progress and growth. Employing both blacks and whites, Parson’s Tannery and the Armour Leather Company were two companies that expanded and grew during the height of the depression, though the industries’ growth and monetary success rarely reached the workers. In his master’s thesis, Nathan Frizzell contended that the isolation of the mountains and the independent nature of western North Carolinians led to resistance to New Deal reforms.¹⁸ Local leaders, however, did implement some social programs. Furthermore, according to Victoria Casey McDonald, the Great Depression did not affect

¹⁸ Earl Nathan Frizzell, “Ante Up Mr. President: The Impact of the New Deal in Jackson County,” (MA Thesis, Western Carolina University, 1998). See also Nancy Grant, *TVA and Black Americans* (Philadelphia: Temple University Press, 1990).

the black community as strongly as it did the white community. McDonald contended that because blacks were suspicious of banks, they guarded their money and did not deposit it into banks. Therefore, when there was a run on banks, much of the blacks' money was safe.¹⁹

Black and white citizens worked for the Works Project Administration (WPA), which built some of the county's bridges and buildings. Often, however, pay was not equal and some white workers resented blacks for taking jobs away from other whites. Some sources refer to violent outbreaks at New Deal construction sites. In her work *The Wild East*, Margaret Brown reported that a small riot broke out when black workers arrived to work on the New Deal funded Fontana Dam project.²⁰ As World War II brought the country out of the Depression and acted as a turning point for the New South, its end also ushered in a new and more vocal form of white paternalism. As the armed forces were encouraged to desegregate and blacks returning from the war began demanding equal treatment, many southern whites felt the need to defend their social structure.

The county's newspaper, now the *Sylva Herald and Ruralite*, published a cartoon series by Stanley. "The Old Home Town" logged the events that occurred at the fictional Central Hotel and represented Jackson County's cultural situation. What was striking about this cartoon was its portrayal of blacks. Three of the cartoons printed between August 11, 1943 and October 4, 1944 stereotypically categorized this group. Presented as if in black face, the characters resembled actors in a minstrel show. In reality, minstrelsy was common in the county. There were newspaper accounts of these plays produced by community citizens. Stanley's confused domestic workers struggled to please their boss, but all they seemed to be able to do was dream of fried chicken. Moreover, in one sketch, the hotel manager chided one of his female black workers—named Lassitude—for making the hens too comfortable. Instead of focusing on the well being of the animals, he believed that she should put some effort on his garden. Even if most of the county's citizens did not employ black domestic workers, many

¹⁹ Interview with Victoria Casey McDonald (19 Feb. 2001).

²⁰ Margaret Lynn Brown, *The Wild East: A Biography of the Great Smoky Mountains* (Gainesville: University of Florida Press, 2000), 151.

found humor in the white boss ordering around his black laborers and giving them impossible tasks to complete.

Education also lacked immunity to the county's prevailing racial attitudes. After 1924, the county's black youth came together under one roof for their education. In 1944, because of state law, Jackson County's board of education continued to uphold school segregation. The issue of segregation in education often caused problems within the black community. For some, racial separation was positive and many blacks felt that the consolidation of the schools brought a fragmented African-American community together. Others, however, fought to end segregation, feeling their education system was unequal to that of whites.

Nonetheless, for better or for worse, segregation continued. Between 1919 and 1942, Reverend John H. Davis managed black children's education in Jackson County. After Davis' retirement, John Wade became the Colored Consolidated School's principal. In order to improve education, Wade required that all teachers he hired have college degrees, not just normal school degrees. In 1944, the *Sylva Herald* ran a story on the hiring of a new black teacher.²¹ In it, the blacks thanked Senator Gertrude Dills McKee and Superintendent A. C. Moses for their assistance in helping them acquire another teacher. This allowed the Colored Consolidated School to offer a high school program to Jackson County's colored children. In 1948, the black school added a complete high school department with expanded courses and more teachers. Black Jackson County students no longer traveled outside the county to receive secondary education. Due to a lack of their own high school program, black students from neighboring Swain and Macon Counties attended the Jackson County school. This practice was common where black populations were not large enough to justify funding a high school.

In 1954, the United States Supreme Court decided the *Brown v. Board of Education of Topeka Kansas* case, declaring that racial segregation in public schools was unconstitutional. The Supreme Court decision, however, had little impact on Jackson County during the 1950s. That same year, the Colored Consolidated School was inspected by Jackson County and

²¹ "Colored Folks Appreciate Extra School Teacher," (*The Sylva Herald and Ruralite*, 19 Jan. 1944), 8.

found to be in fair condition. The schoolhouse had no indoor plumbing and the structure was in desperate need of repair. The building had six classrooms with a combination auditorium, gym, and library and employed five teachers. In 1866, Jackson County Senator James Love stated that the county's white school would employ no black, male or female, as a teacher. In the early twentieth century, Jackson County legislators sponsored bills that proposed improving white schools without improving black ones. As is evident by the reaction to *Brown*, the attitudes of these legislators continued well into the twentieth century.

As indicated by the 1953-1954 Jackson County Board of Education proceedings, \$7,500 was spent on the black's school, while \$35,000 was spent on the white high school. In the county, white school enrollment reached 4,419 in 1954, whereas black enrollment stood at 106.²² According to the school superintendent, renovations for the Colored Consolidated School had been considered, but were postponed at the request of the state as they planned to build a new school for the black community the next year. They wanted to give the Negro children a school that they could be proud of; a school that equaled the white school in all respects—all respects, that is, under segregation. Ironically, construction was to begin a full year after the *Brown* verdict. The Jackson County school system was willing to provide blacks with a new school in order to appease both black and white reaction to the court's decision. Strikingly, when pressed, the whites were willing to pay to uphold Jim Crow.

To answer the black community's verbal protest against the failure to build a new school in 1954, the board's records stated that the school system's investment in the school for black children had been considerably larger per child than its investment per each white child. Actually, though, the black school was physically falling apart. In 1956, two years after the *Brown* case, the county built a new school for the black children. The modern brick building had indoor plumbing, a central heating system, and a cafeteria. While blacks expressed pride in the new school, debates over the court's ruling grew during the 1950s.

²² *Jackson County Public Schools: 1953-1954* (North Carolina Education Association, 1954).

In order to understand the county's reaction to the *Brown* case, it is important to understand events at the state level. In reaction to the *Brown* judgment, the North Carolina Advisory Committee on Education submitted a report to Governor Luther Hodges addressing the "school problem." In the 1956 account, the committee members claimed that it was their duty to think clearly about the situation and submit a statement that would address the problems the state faced due to the court's verdict. The report's rhetoric was quite telling. The first point stated that the committee members were "of the unanimous opinion that the people of North Carolina [would] not support mixed schools." Positing that the state's General Assembly would withhold financial support for integrated education, the report contended that such action would surely lead to the ruin and abandonment of the state's public schools.²³ Although this seems egregious today, during the 1950s many southern political leaders felt that in order to maintain their traditional one-party political system, black citizens needed to remain second-class citizens. Likewise, the idea of mixing the races disturbed the basis of many southern ideals. Therefore, more funding for black education or school desegregation would upset these principles. They would rather uphold white supremacy and watch the black schools decay than integrate the school system.

Those on the committee also felt that between 1865 and 1955, the "Negro race [had] made the most amazing progress which [had] ever been made in the history of man." They felt that this progress was made possible by the cooperation of the white race. Asserting that North Carolina's educational system was built on the principles on the separation of the races, these men contended that all edifying progress was based on that ideal. Like most other political leaders in the South, the committee members posited that the Supreme Court's decision was erroneous and would destroy the educational system. These men, however, did understand that they eventually had to rebuild their state's school system. Suggesting that a special session of the General Assembly be called to calm the situation, the committee hoped that the "problem" would be placed

²³ North Carolina Advisory Committee on Education, Special Report Submitted to Governor Luther Hodges (5 Apr. 1956), 3-4.

primarily in the hands of each individual community, which would integrate when it felt ready.

As a way to bypass the *Brown* decision, in 1955 the General Assembly enacted the Pupil Assignment Act.²⁴ The legislators carefully omitted any reference to race and allowed local boards of education to assign students to schools, taking into account the best interest of the child and the health and safety of the children in the schools. The plan was designed to circumvent desegregation. In accordance with North Carolina's desegregation policy, Jackson County chose to make integration strictly "voluntary." Even though no court cases arose in the county and integration was years away, North Carolina's blacks began to challenge the General Assembly's rulings. Due to the ensuing court cases, in 1957 blacks were assigned to previously all-white schools in other parts of the state.

In the middle of the state's battle against desegregation in secondary schools, Western Carolina College surprised the county by admitting its first black student. The early 1950s saw an intensive period of self-examination at the college. Its basic role had begun to change from that of a teachers college to a "multi-purpose" institution.²⁵ Lavern Hamlin applied to the program because it offered an advanced teaching certificate. President William Ernest Bird referred her application to the board of trustees, who agreed that if she were qualified she should be admitted. They agreed that race should not be an issue, however, the media's coverage made it impossible to separate race from Hamlin's enrollment.

On June 13, 1957, three months before the struggle at Little Rock, Western Carolina University integrated and Hamlin enrolled with few problems. In fact, her admission was the headline in the *Sylva Herald*. The title "Negro Woman Enrolls" stretched across the front page in bold letters. The editorial on that same day, however, provided evidence to the county's actual feeling about the integration. The editor commented on the mixed emotions associated with desegregation. He stated that Jackson County's "folk" were strong individuals, deeply rooted in tradition. He warned, however, that this was a time to

²⁴ Max Williams, *The History of Jackson County*, (Sylva: Jackson County Historical Association, 2001), 311.

²⁵ Curtis Wood and Tyler Blethen. *The Illustrated History of Western Carolina University* (Charlotte: Western Carolina University, 1989).

stop, think, and to be careful and weigh the situation before making judgments. He continued to state that it was also a time to “remember that [they were] Christians, and as such [they had] an obligation.”²⁶ The editor advised citizens to stay calm. This possibly reflected the community’s perceived attitude toward integration. More than likely, however, the editor based his writing on incidents and emotions from across the South, and because Jackson County was part of that same South, he felt he should caution the citizens to stay calm.

While problems did arise for Hamlin, they were reflective of the prevailing mood of the nation. More frequently, Hamlin’s inconveniences were inherent, according to graduate student Dagan Lamont Burell, to living in a rural area. Burell had to go to Asheville to have her hair done and local stores failed to carry some products she desired. What Burell failed to account for, however, was that if the county was sensitive to the needs and wants of their African-American community they would have provided these services. Instead of helping to alleviate some of these inconveniences, the whites in the community ignored the situation. Hamlin was not the first black person to deal with these obstacles. Even so, she opened the door for other African Americans like Henry Logan to enroll at Western.

Despite these changes, segregation retained its grasp in the county. It would not be until the passage of the 1965 Civil Rights Act that North Carolina’s secondary school system was forced to integrate. As with Lavern Hamlin’s case, those who remember this period always remark about Jackson County’s smooth transition. Before 1965, blacks were already going to the white school. In fact, Tommy Love, one of the first blacks at Sylva-Webster High School, would lead the football team to state championships in 1964 and 1965. There were no protests or overt acts of violence associated with the county’s school integration. Some historians contend that an element that contributed to peaceful desegregation was the political atmosphere in the county. Seeing that integration was accomplished before the 1964 Civil Rights Act mandated it, these historians asserted the county was a bastion of progressivism in a sea of conservatism.²⁷ What these historians

²⁶ “Integration at WCC,” (*The Sylva Herald*, 13 Jun. 1957), op-ed.

²⁷ See Max Williams, ed., *The History of Jackson County*. See also William Chafe, *Civilities and Civil Rights* (Greensboro, North Carolina and the Black

failed to consider, however, was that the Supreme Court mandated school desegregation a decade earlier and that the county failed to immediately comply with the ruling. As shown throughout this essay, in many ways Jackson County held similar beliefs to the nation's more positive attitudes about race. Often, however, its beliefs meshed with those of the Deep South.

It was in 1964 that race tensions seemed to heat up in Jackson County. As is evident in the entries of the editorial section of the *Western Carolinian* during the 1960s, Western Carolina University's students were reluctant to support the Klan. Despite the lack of violence, however, Klan influence could be seen on campus. On the night of April 6, 1964, "certain interested and informed students" burned a cross on the lawn of the acting Dean of Instruction, Dr. D. C. Sossomon, protesting his handling of his "office." Some students denounced this activity. Joe Sloop, a student at Western, wrote an apology to the Dean on behalf of the "more reasonable students on campus."²⁸

Segregation in Jackson County was legally over; however in 1965 there was still tension between the races. On the opinion page of the *Sylva Herald*, one person wrote in opposition to the Voting Rights Bill submitted to Congress by President Johnson. The bill primarily ensured that all blacks would be allowed to vote. From local observations, this person extorted, it did not matter to many people whether or not they voted. The author was confused, therefore, of the need for a separate bill. Those who would "get registered by a special bill or who would get taken to polls to register," the author argued, would probably

Struggle For Freedom, 1980.) Chafe contends that very few studies on the South's race relations look at social change on the local level. He examines black communities involved in the Civil Rights Movement. Also, he demonstrates how North Carolina was seen by most to be a very progressive state in regards to its race relations, when in fact, politicians passed laws after the *Brown* decision that made it almost impossible to desegregate schools. Yet, because one or two school systems desegregated (a few black children were allowed to attend previously all white schools) soon after the court's ruling, the state was viewed as progressive or civil in comparison to states in the Deep South. Chafe, however, finds that the state was actually much like the rest of the South in its race relations and that the older forms of white control over black citizens had only taken on a new appearance after *Brown*. The process of desegregation, he posits, was just another form of white manipulation. Jackson County's halfhearted approach to desegregation can be viewed in this case as part of the state's "civility."

²⁸ Joe Sloop, "Apology to Sossoman," (*The Western Carolinian*, 10 Apr. 1964), 3.

lose their enthusiasm for voting after one election.²⁹ This can be analyzed in two ways; either the county's black citizens were already registered to vote and the author really did not see the need for a special bill, or he did not agree with voting rights for blacks. The author's opinion, however, was not clearly stated.

That same year, the closing of the black school caused the black population to lose one institution that enabled them to maintain a sense of cohesion. Victoria Casey McDonald posited that because the county's black communities were geographically separated, the segregated school allowed the community to come together in one place, allowing them to create a feeling of unity.³⁰ With desegregation, however, blacks had to look for another institution to unify them. Black students at Western Carolina University formed associations like the Organization of Ebony Students, enabling them to assemble in order to remake that sense of community within the educational setting. Mainly, however, blacks turned to churches as their link to others. They took pride in their churches. Building them gave the community a sense of ownership. Blacks used the church as a place to voice political opinions they could not express elsewhere. During segregation and disfranchisement the church provided a place where blacks could vote and hold office, while outside the church they remained informally disenfranchised. In separating themselves from the white churches, blacks could freely express their opinions.

Although Jackson County's black communities were small, they each had their own church. Most churches were Baptist or Methodist. Because of the community's dire financial situation, most black Baptist ministers served multiple communities as well as working secondary jobs. The Methodist churches were highly structured. The county had two African Methodist Episcopal Zion Churches (AME Zion) before the turn of the twentieth century. Like the Baptist churches, the Methodist ministers worked a circuit between the two religious institutions.

By 1914, there were six black churches in the county. Some of those churches would close due to outmigration. In the early 1930s, the African-American community organized special get-togethers that enhanced their sense of community. The

²⁹ "Voting Rights?" (*Sylva Herald*, 29 April 1965), op-ed.

³⁰ Interview with Victoria Casey McDonald (19 Feb. 2001).

Feast of Wilderness was one such program that brought blacks together. Held on fifth Sundays, the feast was an all-day affair. Beginning with morning services, the event concluded with dinner on the grounds followed by night services. The feast included members from the county's black churches. In this way, religion acted like the consolidation of the colored schools. After dwindling attendance, the last feast was held on October 31, 1965, the same year segregation ended in Jackson County.³¹

Almost a century after Jim Crow laws were enacted, the black community was no longer legally separated from the white community. They could drink at the same water fountains and attend the same theaters and schools. But, with desegregation some within the black population felt they had lost a greater sense of community. Many who opposed desegregation did so because of the violent scenes they saw on national television. They did not want their children beaten or attacked by police dogs as civil rights protesters were in Alabama and Mississippi, and they wanted to maintain the peaceful balance created by segregation. Some within the county's white community fought to uphold the balance as well. Nonetheless, the 1950s was a decade of change and a new generation of blacks made inroads toward desegregation. Even though they had their opponents, these young people saw the need for integration. Many could not afford to attend the private black schools located in Asheville and Kings Mountain. They needed to be able to receive a quality education in their own county. The only way to achieve this was through desegregation.

Even though desegregation proceeded relatively smoothly, the county's race relations were by no means ideal. Possibly on the surface they were calmer than in other parts of the Deep South, but fundamentally, they were based on the same racist principals that drove the violence in these areas. Like Jackson County, many other areas of the South demonstrated a lack of racial violence, which is by no means insignificant. In fact, an area's white citizens often use this lack of violence as a means to argue away, or cover up, racist beliefs. This is the case in Jackson County—a county that prided itself in positive race relations, yet it continued to uphold segregation. The county's citizens paid blacks less for equal work, placed them in menial jobs, and forced them to conform to cultural

³¹ Max Williams, *The History of Jackson County*, 264.

rules created to uphold the white power structure. Over and over again, however, the county's whites were somehow able to explain away why they did it. In their view, they treated "their" blacks better than other areas and believed the black community should have nothing to protest. True, there is no written evidence that the black community complained during the earlier twentieth century. Yet, few blacks wrote to the newspaper. In fact, it was not until 1954 that they received their own small section in the newspaper—the "Negro News." Even here, the county found a way to segregate black news from that of whites. If one looks closely at the newspapers and documents from the era of segregation, it is possible to analyze the county's race relations. It becomes clear how the county dealt with segregation and integration.

The forty-five year period was marked by tension but rarely violence as in other areas of the Deep South. The county's previous local historians often felt that the number of blacks living in the county was so small that there was little need to identify the group. They would briefly mention those here under slavery, but would fail to account for their heritage and contributions to the county. Few realize that there is still a vibrant, albeit small, black community in Jackson County today. Most remember the names Henry Logan and Jimmy Streeter, two prominent black athletes at Western Carolina University, but few have heard the tales of segregation that both of these men could tell. Most believe instead the myth created by many local citizens that race relations were amicable. It is now time, however, to move forward and acknowledge the contributions and complexities of the county's black community. Local historians must begin to take off their blinders and look below the surface of what the county's whites wrote about "their" black population. They must now go to the community itself to understand the effects of segregation and integration.

When Henry Logan was shown the bullet that day as a child, he could not have foreseen the changes that would take place within Jackson County during the next decades and possibly did not fully grasp the greater implications of his integration of the basketball team. Similar events, however, were occurring all over America. Not all areas, though, experienced racial violence. Most, however, clung to the ideal of white supremacy and paternalism, which, although not as overt as violence, is just as important to understand and analyze.

Jackson County's local history is like a puzzle. Its pieces overlap and fit into the slots of the country's race relations and larger struggle to desegregate. Often overlooked, Jackson County's African-American community played an active role in the county's history. Even though this group continues to constitute a small percentage of the county's total population, they are still a part of the community that merits documentation. The stories of their lives and experiences will greatly add to the history of Jackson County.

A Reevaluation of George Washington's Generalship

By W. Keith Alexander

During the afternoon of 19 September 1781, the American and French armies formed on the main road from Yorktown in order to receive the British army's formal dedition. Both forces eagerly awaited the approaching British column led by Brigadier General Charles O'Hara, instead of General Lord Earl of Cornwallis who had mysteriously developed a sudden illness. The English army, dressed splendidly in their best uniforms, marched behind their cased colors with their weapons at shoulder arms. When O'Hara arrived where General George Washington and the allied officers were arranged, he deliberately slighted Washington by tendering his sword to the French army's commanding officer, General Comte de Rochambeau. Rochambeau politely refused the British officer's weapon and pointed toward General Washington. O'Hara reluctantly offered his sword on behalf of General Lord Earl of Cornwallis to Washington. George Washington refused the sword and directed the Irishman toward his subordinate, General Benjamin Lincoln. Lincoln, who previously commanded the forces at Charleston, accepted the British surrender. Cornwallis' slight was not the last time that the British maligned George Washington.¹

Since the British army's defeat in the American Revolution over two hundred years ago, British historians have sought answers as to why the British army lost. The recent trend amongst English scholars was that the British defeat was self-inflicted. Jeremy Black, a noted English military historian, posited that North America was unimportant to the British from an economic or strategic standpoint, and therefore not necessary for the British to win.² For example, North America had no established industrial infrastructure, nor did they

¹ James T. Flexner, *George Washington in the American Revolution, 1775-1783* (Boston, Massachusetts: Little, Brown and Company, 1968), 2: 461-464.

² Jeremy Black. In the fall of 1998, Professor Black posited these views to students at Mary Washington College.

possess a navy. After careful examination of evidence, this answer appeared one-sided. Black's conclusion reflected the British historians' efforts to justify the British defeat.

Another British historian supplied a similar answer for the British loss. In *Redcoats and Rebels: The American Revolution through British Eyes*, Christopher Hibbert blamed the British Ministry's failure to gain public support and to coordinate the war effort. He contended that England withheld their best generals from North America. Although Hibbert articulated his points well, the crux of his argument was that the Americans beat the British second-string team, not the starters.³ Nonetheless, both Hibbert and Black expounded the argument that American forces only won because Britain possessed no desire to win, that their units performed poorly, or that Washington was lucky. British historians failed to grant the Americans any role in the American victory.

American forces were a decisive factor in the war's outcome. They avoided direct confrontation with the King's army, while also incorporating tactics learned on the frontier against Native Americans into their offensive repertoire. Meanwhile, American political leaders negotiated with other European powers a military alliance against the English, as well as financial support. These actions broke the British spirit. Unfortunately, these answers failed to highlight the main reason for American success.

George Washington was the common denominator in all the American successes. Washington's stunning victories at Boston and Trenton, combined with his ability to maintain a force in the field, were instrumental in the American diplomats' negotiations with European powers. Washington's determination to avoid contact and his decision to use frontier tactics contributed immensely to the fledgling nation's victories. However, despite his contributions, Washington as a general has received little attention. Instead, historians traditionally have focused on his noble character.⁴ For instance, Washington's persona was the main emphasis of historians such as

³ Christopher Hibbert, *Redcoats and Rebels: The American Revolution through British Eyes* (New York: Avon Books, 1990).

⁴ Flexner, 2: 3-5; Marcus Cunliffe, "George Washington: General George Washington's Generalship," *George Washington's Generals and Opponents*, ed. George Allan Billias (New York: DaCapo Press, 1994), 3, (hereafter cited as "MCW").

Washington Irving, Marcus Cunliffe, Richard Norton Smith, and Willard Sterne Randall.⁵ According to Cunliffe, another English historian, the Revolutionary War lacked a modern examination of Washington as leader, organizer and administrator, strategist, tactician, and politician.⁶

Washington was a quiet, self-made man, who was born into the lower echelon of the Virginia gentry in 1732. The future general rose within his class through hard work and determination. He served on the frontier during the colonial period as a Virginia militia officer, and as a volunteer on Major General Edward Braddock's staff during the Seven Years' War. Perhaps, his previous military exploits were why Congress assigned him to the newly formed military committee.⁷ Washington attended the committee's meetings in his Virginia militia uniform.⁸ Because Washington wore his uniform to these meetings, historians contended that Washington was campaigning for the position of Commander-in-Chief. Washington emphatically denied this in several letters. For example, Washington wrote his wife Martha, "so far from seeking this appointment. I have used every endeavor in my power to avoid it...."⁹ In another letter to his stepson, John Custis, Washington stated:

I have been called upon by the unanimous voice of the colonies to take command of the continental army. It is an honor I neither sought after, or was by any means fond of accepting, from a consciousness of my own inexperience and inability to discharge the duties of so important a trust.¹⁰

⁵ Marcus Cunliffe, *George Washington: Man and Monument* (Boston, Massachusetts: Little, Brown and Company, 1958), (hereafter cited as *GWMM*). Richard Smith, *Patriarch: George Washington and the New American Nation* (New York: Houghton Mifflin Co, 1993). Washington Irving, *George Washington: A Biography* (New York: DaCapo Press, 1994), originally published 1976 by Doubleday. Willard Sterne Randall, *George Washington: A Life* (New York: Henry Holt, 1997).

⁶ Cunliffe, "MCW," 3-17.

⁷ Flexner, 2:9-16.

⁸ Cunliffe, *GWMM*, 74-5. Flexner, 12.

⁹ George Washington, *The Writings of Washington*, 39 vols., ed. John C. Fitzpatrick, (Washington, D. C.: GPO, 1931), 3: 293-4, (hereafter cited as *WW*).

¹⁰ Washington, *WW*, 3: 295.

On 16 June 1775, Washington reiterated this to Congress in his acceptance speech.¹¹

Historians, who have speculated about Washington's decision to wear the uniform, missed an important aspect of Washington's understanding of the direction that this conflict was heading. George Washington, by donning his uniform, sent a clear message to the colonies, and Congress that they were at war with England. Although all members who attended Congress were at risk of being hung as a traitor, Washington's military uniform would guarantee him a primary spot on the scaffold. Washington's decision was a bold move that showed his audacity.

Washington's leadership skills were present from the beginning, when he assumed his post. General George Washington arrived in Boston on 2 July 1775, completely unaware of the real condition of his new army. Upon his arrival, the local gentry held a reception for the Commander-in-Chief. According to Abigail Adams, the wife of John, General Washington was impressive. Mrs. Adams wrote her husband:

I was struck with George Washington. You had prepared me to entertain a favorable opinion of him, but I thought the half was not told me. Dignity with ease and complacency, the gentleman and soldier, look agreeably blended in him. Modesty marks every line and feature of his face.¹²

The following day, George Washington gathered information on his army and the British troops. He sent letters on the third and fourth demanding accurate counts of all troops and supplies.¹³ Washington learned that he had twelve thousand men present for duty and only four days worth of gunpowder.¹⁴ The British, who were under siege in Boston by the Patriot forces and controlled the harbor, had adequate supplies to withstand a prolonged conflict. General Washington then set out on horseback to inspect his position. The Virginia general discovered that his army consisted of disjointed units

¹¹ Washington, *WW*, 3: 292.

¹² Abigail Adams, *The Letters of Mrs. Adams*, 2 vols., ed. Charles F. Adams (Boston, Massachusetts: Little, Brown and Company, 1852), 1: 51-2, (hereafter cited as *AA*).

¹³ Washington, *WW*, 3: 305-6, 308.

¹⁴ Washington, *WW*, 3:372, 394-5, 415.

still under the control of their individual state militia commanders. Moreover, Washington's forces were spread out over a large area, making it more difficult for him to control, and to concentrate firepower, as well as communicate.¹⁵ Realizing that his army was in poor condition, Washington summoned his subordinates to the first of many councils of war.¹⁶ Latter day generals such as Napoleon thought councils of war were indications of indecisiveness of the commanding officer, and were detrimental to good leadership.¹⁷

The Virginian used these councils both to learn the mindset of his subordinates and to build teamwork. General Washington developed esprit de corps amongst his junior officers by encouraging their input. On several occasions, Washington's chief advisors argued against his plans. He acquiesced to their suggestions. However, on other occasions, Washington quietly ignored his junior officers' council and implemented his own plans. Either way, subordinates were encouraged to offer advice, and believed they were an important part of the team. From these meetings, Washington learned his subordinates' strengths and weaknesses. General Washington assigned them to billets that maximized their strengths and minimized their shortcomings. Commander-in-Chief Washington utilized his understanding of people's personalities and his charisma to build a team.

In 1775, General Washington emerged from these meetings with a list of the immediate problems confronting him. First, the army lacked organization in that the militias were still operating in accordance with their individual state regulations.

¹⁵ Washington, *WW*, 3: 371.

¹⁶ Washington, *WW*, 3: 483-5; Nathaniel Greene, *The Papers of General Nathaniel Greene*, 10 vols., ed. Richard K. Showman (Chapel Hill, North Carolina: University of North Carolina Press, 1976), 1: 130-2.

¹⁷ Napoleon Bonaparte, *The Military Maxims of Napoleon* (New York: DaCapo Press, 1995), 76. The famous French chief believed that military commanders needed determination and that councils of war created hesitation and doubt. Napoleon on several occasions disregarded the advice of his junior officers, such as at the Battle of Waterloo, where his subordinate commanders wanted to attack Wellington's flanks immediately. Other commanders have used council meetings between unit leaders as effective tools for understanding the military situation. For example, George G. Meade on the second day at Gettysburg listened quietly to his officers as they discussed the condition of the army. When the Union corps commanders finished speaking, Meade issued orders for the next day's battle. Meade's orders were correct.

Second, there was no adjutant general to administer and implement new policies. Third, there was a total lack of military law and order. In addition, there was no artillery and no efficient supply system. Finally, the health care system was severally deficient; there were no established criteria for doctors' qualifications, medications were scarce, and hospitals were unsanitary even by 1775 standards. Disorder reigned supreme amongst the fledgling army.

That same year, George Washington demonstrated his skills as organizer and administrator. First, he ordered the formation of infantry divisions and brigades. General Washington assigned a major general to command each division, which consisted of three brigades. Washington appointed Israel Putnam and others to division command. Next, Washington formed brigades that consisted of six regiments each. The Virginia general gave brigadier generals such as Nathaniel Greene command of his first brigades.¹⁸ General Washington had successfully formed a chain of command that established the number of soldiers in a brigade and division. He continued to encourage ideas from below, but with a chain of command in place, which filtered out problems that junior commanders were capable of handling.

Washington's next step was the creation and appointment of a Judge Advocate General. Washington asked Congress to create this position, and he received permission to proceed with his plan. He appointed William Tudor to the post.¹⁹ General Washington was able to discipline his army through the Judge Advocate's office. The Judge Advocate ensured that law and order were established, as well as obeyed. Judge Advocate Tudor also administered the punishment. On several occasions, the Judge Advocate General personally whipped convicted soldiers after a court martial. Tudor resigned from this post because he despised the duty.

Because the majority of his men were illiterate, Washington ordered his commanders to read the Articles of War and the Orders of the Day to the men in formation. General Washington emphasized that ignorance was not an acceptable excuse for violations of the law, and officers were responsible for

¹⁸ Washington, *WW*, 3: 349, 354-7, 396-7.

¹⁹ Washington, *WW*, 3: 349.

the conduct of their men.²⁰ A system of court-martial began shortly after this procedure was established. This increased the effectiveness of the Judge Advocate's office. The army quickly transformed from a mob into a well-disciplined unit.

Next, Washington scrutinized the care of the wounded. In a letter to Congress, Washington expounded that the hospitals were in poor condition and needed new procedures, as well as reorganization.²¹ First, General Washington established a Director and Assistant Director to oversee the new tests that surgeons were required to pass before practicing medicine in the Continental Army.²² He created regimental hospitals, and established guidelines for the care of the men.²³ General Washington's other policies dealt with the cleanliness of the hospitals, and established the proper procedures for admitting and discharging patients from the medical dispensaries.²⁴ When the regimental surgeons violated his procedures, Washington temporarily closed the hospitals.²⁵ Under Washington's tutelage, the army's medical procedures and treatment of the men improved.

Another obstacle facing Washington's army was the absence of an artillery division. Washington detailed Colonel Henry Knox to "examine into the State of the Artillery of this Army...."²⁶ In December 1775, Knox went to New York in order to retrieve captured guns from Fort Ticonderoga. The addition of these guns provided an assortment of cannons for use by the Continental Army. Shortly thereafter, General Washington rewarded Knox by appointing him commander of the Commissary of Artillery Department. Knox's duties included the development, purchase, training and requisition of artillery equipment. He also oversaw the manufacturing of cannons. Washington's decisions spawned the idea for the creation of the

²⁰ Washington, *WW*, 3: 311.

²¹ Washington, *WW*, 3: 350-1, 480-1.

²² Washington, *WW*, 5: 377. George Washington, *The Papers of George Washington*, 10 vols., ed. W. W. Abbot and Dorothy Twohig. (Charlottesville, Virginia: University of Virginia Press, 1993), 5: 541-2, (hereafter cited as *GWP*). Congress failed to approve Washington's request for testing surgeons before allowing them to practice in the army until 1777.

²³ Washington, *WW*, 5: 345, 456.

²⁴ Washington, *WW*, 3: 309, 338.

²⁵ Washington, *WW*, 5: 345, 377.

²⁶ Washington, *WW*, 4: 93.

Springfield Armory, the American artillery, and the United States Military Academy.

Washington continued to focus on the organization and administration of the army. For example, he ordered the army to begin immediately using drummers and fifes. The musicians performed the equivalent of Reveille in the morning and Stand-too during the evenings. Soldiers received instructions that these musical commands were in fact orders that they were expected to obey. General Washington tried to acquire uniforms for the men, and he continued to expound the virtue of cleanliness in his daily orders.²⁷

Washington continued to improve his army through the creation of offices such as the Quartermaster General, the Commissary General, and other positions. He appointed Thomas Mifflin, Joseph Trumbull, and John Dickinson to these important positions.²⁸ The Virginian tasked these men with the duty of providing food, clothing, and weapons, as well as the other necessary materials required by the army for war.

Finally, Washington instituted the Adjutant General's position, and he requested that Congress appoint General Horatio Gates as Adjutant General.²⁹ Gates, under Washington's careful eyes, developed a series of written reports that provided the Commanding General with detailed analysis of the army's real condition.³⁰ Washington relied on these reports and based his decisions on them. For instance, he added an adjutant at each level of command from company through division in order to facilitate the management of the army.³¹ Washington was concerned with the length of the men's enlistments. In 1775, the general petitioned Congress for longer terms of service, but he never received a favorable reply from Congress on this matter until 1777. Overall, the army improved quickly under Washington's tutelage during 1775. Benjamin Rush wrote, "General Washington has astonished his most

²⁷ Washington, *WW*, 3: 338, 357.

²⁸ Washington, *WW*, 3: 309, 368, 459.

²⁹ Washington, *WW*, 3: 318-9, 335.

³⁰ Robert K. Wright, *The Continental Army* (Washington, D. C.: GPO, 1983), 29-36.

³¹ Washington, *WW*, 4: 202-4.

intimate friends with a display of the most wonderful talents for the government of an army."³²

On 1 January 1776, George Washington issued directives for the first time to the newly created Continental Army.³³ Washington's enthusiasm for his new force was present in his personal correspondence. However, the Commander-in-Chief realized that the army was still flawed. The size and abilities of his infantry regiments troubled him. General Washington searched for ways in which to increase the regiment's firepower, while making it more efficient.

Washington and his trusted subordinates discussed different ideas on how to increase the regiment's firepower, speed, maneuverability, and at the same time maintain control. The Continental Army relied on linear and box formations similar to the British. Normally, formations were three lines deep, and prepared to follow a volley with a bayonet charge. American soldiers were better sharpshooters than their British counterparts. George Washington emphasized to his subordinates that he wanted to avoid frontal confrontations with British units, while maximizing their accurate firepower. General Nathaniel Greene introduced a plan that increased firepower, while reducing the size of the regiment, making it easier for troop leaders to command in the field. According to Greene, "The [R]egiment should consist of five hundred and twenty six men including officers...."³⁴ The Virginian agreed with Greene, but was not ready to implement such a drastic plan.

Instead, Washington endorsed a similar plan to Greene's that rebuilt his regiments around the company. In 1775, his companies consisted of sixty-three privates. General Washington added thirteen more triggermen per company to increase his firepower. Washington accomplished his goal by reducing the number of lieutenants in the company, while increasing the number of non-commissioned officers who fired

³² Benjamin Rush, *Letters of Benjamin Rush*, 2 vols., ed. L. H. Butterfield (Princeton, New Jersey: Princeton University, 1951), 1: 92.

³³ Washington, *WW*, 4: 202-4. In 1775, the states controlled their units. During 1776, Congress created the Continental Army, which received troops from the states who were solely under Washington's command.

³⁴ Greene, 1: 130-2.

muskets. George Washington's army now had a supervisor ratio of one man to ten men.³⁵

In *The Continental Army*, Robert K. Wright argued that Washington's decision allowed regimental commanders better control and maneuverability, while increasing firepower. In addition, George Washington made his regiments smaller by removing two companies from each regiment. Each unit now totaled 728 men with 640 men serving as musket men. Moreover, the American units maximized their firepower with eighty-eight percent of the troops serving as triggermen.³⁶

Similarly, a British unit possessed less firepower than their Patriot counterparts. British companies, for instance, consisted of fifty-six privates who fought. In 1776, according to Wright, British regiments consisted of 809 soldiers with most of these men serving in support billets. Wright contended that an English regiment fielded 448 musket men, which were 192 triggermen less than the Continental regiments.³⁷ The American units averaged twice as much firepower than their English counterparts.

Tactically, the Americans stressed well-aimed fires. Wright contended that the Patriot forces adopted a formation that was two ranks deep, and had a frontage twice as large as the English units. By having a larger front, the Americans overlapped the British formation, which forced the British to worry about the Americans enveloping their formation. In addition, the Patriot formation also placed fewer soldiers in the British regiment's immediate sector of fire. When the Americans fired, according to the author, all 640 soldiers fired in two volleys at specific targets, which was very effective. Meanwhile, their British counterparts used three ranks deep, and managed only 300 rounds out of 448 men in three volleys at an area target, which was highly ineffective compared to accurate fire.³⁸ In other words, the Americans not only fired at a faster rate, but they also hit a higher percentage of their intended targets. General Washington fielded sleeker, faster, and harder hitting regiments during 1776. Although these formations did not

³⁵ Wright, 47, 49.

³⁶ Wright, 46, 47, 49.

³⁷ Wright, 48-49.

³⁸ Wright, 49.

necessarily contribute to victories that year, they did pay dividends later in battles such as Monmouth Court House.

By 1776, the artillery remained inefficient in Washington's army. General Washington tried to place all the artillery under the former Boston bookstore owner, Colonel Henry Knox. While Congress pondered Knox's confirmation, Colonel Knox learned gunnery procedures from reading manuals. Colonel Knox, the newly appointed artillery chief, reorganized the artillery regiment into gun crews, and instated a training program for his gunners based on his studies. Knox wanted five artillery regiments, but General Washington believed that was too many.

General Washington won a major administrative battle when Congress approved his request for longer enlistments during 1777. The Continental Army's soldiers now had to sign three-year contracts with the understanding that it was for the duration of the war.³⁹ Washington's efforts provided continuity to the army, which prevented the loss of experienced soldiers at the end of the year. Again, General Washington's subordinates' requested smaller companies and more battalions inside of the regiment. General Washington petitioned Congress for twenty-two more battalions, which raised the army's total to 110 battalions.⁴⁰ In 1777, Washington also added cavalry to the army's organizational structure.⁴¹ This increased the army's ability to gather information, protect their flanks, screen the army's movements, strike quickly, and to pursue a retreating force.

The Commander-in-Chief's worst problem was the continued lack of supplies. According to E. Wayne Carp, Congress was partially to blame, since they were constantly changing the procedures that the Quartermaster General used to requisition victuals and other equipment. For example, Congress implemented a system in which purchasing agents made a profit from each sale of supplies to the army. They also authorized these men to buy on credit, which Congress failed to pay. Eventually, the farmers refused Continental paper money, because of its decreasing value, and they denied credit since Congress had failed to pay the previous bills. Instead, they

³⁹ Wright, 98.

⁴⁰ Wright, 98. Washington, *WW*, 6: 400-9.

⁴¹ Wright, 105-7; Washington, *WW*, 6: 350-1, 384, 386-8.

wanted cash payments in reliable currency or something tangible.⁴² Many citizens were angered and leveled accusations against Thomas Mifflin, who served as Quartermaster General, and his many agents. In order to prevent these agents from conducting more business in their areas, local civilians mass-produced charges of corruption against Continental agents, which interfered with their abilities to perform their duties.⁴³ Next, Congress tried to task each state with providing a certain quantity and type of supply for the army. Several states ignored Congress' requests and provided little or nothing.⁴⁴ Washington's army badly needed supplies.

General Washington realized that an inferior supply system was threatening to destroy the army. He appointed Nathaniel Greene as Quartermaster General after Mifflin resigned.⁴⁵ A proven organizer and a capable commander, General Greene was aggressive in supplying the army. His methods, although controversial, improved the quantity and quality of food the army received. Greene provided the necessary supplies for the army by threatening to resort to the confiscation of all goods. Farmers and merchants realized that Greene was serious and gave into his demands.

In the spring of 1778, Baron Von Steuben appeared in the Continental Army's camp, and offered his services to General Washington. The Commander-in-Chief recognized Steuben's talents and overlooked his false credentials. General Washington tasked Steuben with teaching the American army drill. Steuben instituted a drill system that took advantage of the Patriots' strengths and increased their maneuverability.⁴⁶ His training changed Washington's troops from amateurs to professional soldiers. In 1781, General Washington rewarded Steuben for his efforts, when he adopted the Prussian's recommendations that regiments consist of 324 men.⁴⁷ Now, the Patriot force totaled 21,000 infantrymen, 2,000 artillerymen

⁴² Wayne E. Carp, *To Starve the Army at Pleasure* (Chapel Hill, North Carolina: University of North Carolina Press, 1984), 59.

⁴³ Carp, 3-5.

⁴⁴ Carp, 179.

⁴⁵ Douglas Southall Freeman, *George Washington: Leader of the Revolution*. 7 vols., (New York: Charles Scribner's Sons, 1951), 4: 618-9.

⁴⁶ Flexner, 2: 286-291; Freeman, 4: 619-22.

⁴⁷ Wright, 153.

and 1,000 cavalrymen.⁴⁸ Washington's infantry regiments, thanks to Steuben, moved faster, and hit harder than any other infantry regiment at that time. Under Washington's leadership, the army was professional, proficient, and a battle-hardened force that was capable of outfighting the British regulars.

George Washington was more than an administrator and organizer. He was an able strategist and tactician. General Washington understood that his army was incapable of fighting the British army in European style warfare, so he adopted a strategy that emphasized using maneuver rather than direct engagement with the English infantry. Washington encouraged the use of guerrilla style warfare in the Carolinas in order to compensate for his army's shortcomings. However, Washington understood that victory was only legitimate when the Continental Army defeated the British in European style battle.

Shortly after assuming command, Washington displayed his genius for tactics. In 1775, General Washington intended to attack when he arrived at Boston. The other Patriot generals advised Washington against any type of offensive operation.⁴⁹ The Commander-in-Chief rearranged his forces, while he studied the ground. General Washington instructed his men to build a portable type of earthwork known as fascines, which were wooden sticks bound together. This work went on for two months.⁵⁰ After he managed to secure the necessary supplies, Washington informed his subordinates of his intention to assault the British forces in Boston.

Washington's spies confirmed that British General William Howe was planning some type of military operation.⁵¹ General Washington acted quickly when he ordered his forces to carry the high ground at Dorchester Peninsula and Nook Hill. Once Washington's army controlled these points, Howe was tactically at a disadvantage. Howe's forces faced the prospect of evacuating Boston, or attacking up-hill across open ground. General Washington's staff developed several contingency plans, while assigning the more difficult tasks to General Israel Putnam's division. Putnam's brigades were commanded by

⁴⁸ Wright, 154.

⁴⁹ Washington, *WW*, 4: 335-8; Freeman, 4: 20-1.

⁵⁰ Freeman, 4: 29.

⁵¹ Freeman, 4: 23.

Nathaniel Greene and John Sullivan, two men whom Washington considered his best.⁵²

On 3 March 1776, Abigail Adams heard the first thirteen shots fired during the Battle of Boston.⁵³ British artillery returned counter battery fire that was ineffective. Patriot artillery maintained their fire all during the day of the third. The following day, the Continental Army launched an attack. Three hundred teams of men carried the huge fascines uphill and emplaced them.⁵⁴ Washington's infantry followed behind, and occupied the manufactured earthworks before the British were able to react. Dorchester Peninsula belonged to Washington's army. Washington then sent reinforcements on the fifth. Bad weather and the prospect of an up-hill assault, however, convinced Howe to evacuate Boston at the end of March.⁵⁵ George Washington exhibited good tactical sense at Boston. First, he adapted his plan to the terrain, and improvised earthworks that protected his infantry. Second, he was clever and resourceful. Finally, he was aggressive, and determined to fight.

In November and December 1776, Washington demonstrated his tactical abilities again during the retreat through New Jersey. General Washington ordered Major General Charles C. Lee to join him with his command in Pennsylvania.⁵⁶ After Washington's army crossed the Delaware River into the Keystone State and occupied the high ground, Washington ordered all boats along the river seized.⁵⁷ Thus, the British were temporarily denied any manner of pursuing the Patriot army. Washington was aware that British General James Grant had informed the Hessian commander, Colonel Johann G. Rall, about the American's ineptness.⁵⁸ Rall grew complacent waiting for the river to freeze. Meanwhile, Washington planned a raid similar to the type practiced while fighting Native Americans in the North American wilderness. He planned to

⁵² Freeman, 4: 28. Flexner, 2: 76.

⁵³ Adams, *AA*, 1: 88. Freeman, 4: 29-0.

⁵⁴ Freeman, 4: 35.

⁵⁵ Flexner, 2: 76.

⁵⁶ Washington, *WW*, 6: 263-6, 274-5, 297-0, 306, 370-2.

⁵⁷ Freeman, 4: 281; Flexner, 2: 161; Anne Hawkins Hutton, *The Year and the Spirit of 76* (Radnor, Pennsylvania: Chilton Book Company, 1968), 102.

⁵⁸ Hutton, 110-1; Freeman, 4: 306.

cross the Delaware during Christmas Day evening, and attack Trenton the next day from several different directions.

Washington's army crossed the half-frozen river during the night.⁵⁹ His time schedule was upset because the crossing took longer than planned, and upon reaching the Trenton side, he discovered that a small Patriot force had crossed earlier. General Washington worried that the Virginians might have alerted the Hessians.⁶⁰ Despite the delays, Washington ordered his army to proceed along their individual unit's routes of ingress.⁶¹ Trenton was a huge success that shocked the world. Washington's army had pierced the shield of English invincibility. George Washington demonstrated audacity and flexibility. Heros Von Moltke, a Prussian General, was attributed with saying, "no plan survives contact with the enemy," that is to say, normally, everything goes awry in military operations.⁶² Nonetheless, Washington's forces triumphed at Trenton.

In 1777, General George Washington's soldiers faced another test, when British forces outflanked his army.⁶³ Congress fled Philadelphia, while Washington retreated several miles toward Mount Airy, Pennsylvania, near Germantown. The Commander-in-Chief showed every intention of attacking. He ordered his scouts to probe the English army's lines. The scouts discovered the exact location of the British army's outposts, as well as their main camps.⁶⁴ In addition, local spies provided Washington with detailed maps covering the local road network.

During October, Washington hoped to take advantage of the weather. Patriot skirmishers reported that British sentinels were sloppy due to the onset of fall. Washington armed with this information, decided on a bold move that used the Schuylkill River as a trap. On 3 October 1777, a tired Continental Army moved into their attack positions.⁶⁵ Shortly before sunrise, several wings were to move in concert from different directions. Despite fog and limited visibility, Washington's forces achieved

⁵⁹ Hutton, 134; Freeman, 4: 307-9.

⁶⁰ Flexner, 2: 175-6.

⁶¹ Hutton, 134; Freeman, 4: 307-9.

⁶² F.W. Mellenthin, *Panzer Battles* (New York: Ballantine Books, 1956), 112.

⁶³ Freeman, 4: 471-8.

⁶⁴ Flexner, 2: 231-2; Freeman, 4: 502-4; John F. Reed, *Campaign to Valley Forge*. (Philadelphia, Pennsylvania: Pioneer Press, 1965), 217-8.

⁶⁵ Reed, 220-1; Freeman, 4: 505-6.

initial successes, such as the penetration of the British main camp for the first time.⁶⁶ Problems occurred when a British unit sought refuge in the Chew House.⁶⁷ American commanders refused to bypass them and insisted on their capitulation. The Chew House was able to withstand direct shots from Patriot artillery with minimal damage.⁶⁸ Meanwhile, English leaders rallied their retreating army, who attacked and drove Washington's men away from the camp. Although Washington was defeated, the world took notice again of George Washington as a legitimate threat. Not only did the Continental Army have a complex and precise plan; it had breached the British line far enough to enter the main camp.

In June 1778, Washington proved himself again as a leader and tactician at Monmouth Court House. He ordered General Lee to assault the withdrawing British forces. General Washington, accompanied by the main body, started moving forward from Elizabethtown where they encountered Lee's soldiers in a disorganized retreat. The Commander-in-Chief knew his unit was stronger. He quickly occupied the high ground with Continental infantry, and placed devastating fire on the English troops, who immediately withdrew.⁶⁹ Washington chose to pursue the fleeing enemy, and ordered the bugler to sound the fox chase. He had demonstrated that he was capable of thinking on his feet and rallying his army.

In addition to his military talents, George Washington also excelled at politics. He established a precedent when he assumed command of the Continental Army, which Congress controlled. General Washington worked closely with Congress, but he had to overcome their indecisiveness on several occasions. For example, Washington allowed blacks to enlist in the army. The Virginia general was aware that the British were trying to entice both slave and freed blacks over to their side. Washington seized the moment by temporarily enlisting these men while Congress debated.⁷⁰ General Washington emphasized in his personal correspondence with Congress that these men were important to the war effort. He understood that

⁶⁶ Reed, 222.

⁶⁷ Reed, 225.

⁶⁸ Reed, 227-9. The Chew House serves as a Revolutionary War Museum in Fairmount Park.

⁶⁹ Flexner, 2: 302-8.

⁷⁰ Washington, *WW*, 4: 194-5.

certain members in Congress disagreed with his arguments concerning the enlistment of blacks. Eventually, Washington convinced Congress to support his decision to enlist slaves and freed blacks in the army.

Washington loved his army, and they reciprocated his affection. He shared his men's hardships, and cared for them. He lobbied Congress on behalf of his officers who requested pensions.⁷¹ In fact, General Washington protected Congress from the soldiers when they threatened to install him as king.⁷² General Washington, in a calm and dignified fashion, quietly defused the situation when he reached for his glasses while saying "gentleman, you will permit me to put on my spectacles, for I have not only grown gray but almost blind in the service of my country."⁷³ With that, George Washington's men went crazy.

Another example of Washington's political shrewdness was his ability to deal with his French ally, General Rochambeau. The French government gave General Rochambeau specific orders that French troops were to serve under French officers only.⁷⁴ They also limited the amount of funds available for support of the French soldiers.⁷⁵ Washington understood that French support would last only as long as it served France's political interests. General Washington wanted to retain his army in New York, but the French proposed a plan that entrapped General Cornwallis in Virginia. Washington changed his mind, and moved his forces south against Cornwallis who occupied Yorktown. French naval forces combined with ground forces encircled the British. Eventually, Cornwallis realized that he was defeated, and he surrendered his army. Furthermore, during the surrender ceremony, Rochambeau established America as a legitimate nation when he rejected British General Charles O'Hara's sword, and recognized Washington as the commanding officer of another country's army.⁷⁶

⁷¹ James Kirby Martin and Mark Edward Lender, *A Respectable Army: The Military Origins of the Republic, 1763-1789* (Wheeling, Illinois, Harlan Davidson, Inc., 1982), 150-1.

⁷² Martin and Lender, 192-4.

⁷³ Flexner, 2: 507.

⁷⁴ Flexner, 2: 366.

⁷⁵ Flexner, 2: 372-3.

⁷⁶ Flexner, 2: 464.

Washington survived plots by subordinates who wished to remove him from command. Congress turned on him, including his friend Benjamin Rush. However, Washington persevered and won the war. What military historians have failed to grasp was Washington's ability to adapt his strategy, his tactics, and his army to meet the military situation. More importantly, General Washington built an army out of scratch, while engaged in conflict with the world's strongest army. His British counterparts remained tactically stagnant, and implemented few changes that improved their infantry units during the war. English forces, for instance, never reintroduced the light infantry units that served during the Seven Years' War. Colonel William Howe, a future general, trained British units to fight wilderness style warfare against the French and Native Americans. Apparently, General Howe and other British commanders considered this method of warfare inefficient and inferior to European warfare.

Jeremy Black was correct when he emphasized that the British lost their will to fight. In *On War*, Carl Von Clausewitz argued that all wars come down to will.⁷⁷ The Prussian military theorist posited that both sides would lose their will to fight sometime during the war, but he emphasized that the loser would never regain their will to fight on. In England, it was first-string British political leaders who lost their will to General George Washington to continue the fight and should be blamed, not the second-string military men.

⁷⁷ Carl Von Clausewitz, *On War* (New York: Penguin Books, 1968), 101.

Transylvania Real Estate: Speculation of Cherokee Lands

By Linda Hoxit Raxter

On March 17, 1775, Richard Henderson and eight other private investors purchased two large tracts of land from the Cherokee at a meeting at Sycamore Shoals on the Watauga River for £10,000 in merchandise. This was named "The Colony of Transylvania in North America." Company investors Col. Richard Henderson, Col. John Williams, Thomas Hart, Col. David Hart, Capt. Nathaniel Hart, Col. John Luttrell, James Hogg, William Johnson, and Leonard Henley Bullock would seem to have found the formula for success. Aside from sheer force of capital, their varied backgrounds included extensive experience in military, law and business. They hired rugged frontiersmen such as Daniel Boone and Joseph Martin to help tame the wilderness for new settlers.¹ And while their purchase of Cherokee lands was made in violation of the royal proclamation of 1763, this direct interference in Cherokee relations marked the beginning of a new era in commercial land acquisition. Land speculation would rarely again be bound by legal restraints.

The Transylvania Purchase was certainly not the first white settlement beyond the Indian Boundary. Hunters and traders had long ventured into Indian Territory. Behind them came individuals and small settlements staking out unofficial claims beyond the reach of British law and taxes.² Henderson forged a relationship with Daniel Boone as early as 1863 when British law prohibited further settlement in Indian Territory. The original company used Boone's hunting trips as an excuse for Boone to examine the western territory and locate the best lands for future settlement. On the eve of the Revolution, Henderson and his now larger Transylvania Company stood

¹ Lyman C. Draper, *The Life of Daniel Boone*, ed. Ted Franklin Belue (Mechanicsburg, PA: Stackpole Books, 1998). 570-579.

² Archibald Henderson, "The Creative Forces in Westward Expansion: Henderson and Boone," *The American Historical Review*. 20, 1 (Oct. 1914): 69-91.

ready to take advantage of the pending chaos.³ Henderson's purchase attracted international alarm even before it was completed. Colonel William Preston wrote to Governor Earl of Dunmore about the situation on January 23, 1775 describing the negotiations and purchase plans. Henderson planned to sell the property at extremely low prices. Preston was concerned that people would settle on these lands and not consider themselves as British subjects. "Henderson undertakes to make deeds in his own and company's names to the purchasers as sole proprietors of the land, and may easily persuade those ignorant people to believe his title good; does not propose paying quitrents unless His Majesty will recognize his title, and in that case will only give up the sovereignty and pay the usual quitrents; but will reserve that granting the land to the company."⁴ By March 14, 1775, the crisis demanded intervention. Governor Earl of Dunmore wrote to the Earl of Dartmouth about his concerns and described his efforts to stop Henderson which included sending out surveyors into the area. He also mentioned another plan, "I thought likewise it might have some effect in defeating this design of Henderson if I could excite fears in the Indians concerned, and I have sent a message to them..."⁵ However, tensions continued to escalate. Settlers arrived near Boonesborough as well as the Watauga and Holston Rivers, all within Cherokee Territory. The British stocked the Cherokee with guns, ammunition, and supplies to help defend their territory.⁶

In the end, British reaction to the Transylvania Purchase proved irrelevant for the colony itself. Col. John Luttrell died during his military service September 15, 1781. Indians killed Nathaniel Hart near Boonesborough July 22, 1782. The remaining seven original stockholders of the Transylvania Company found their dream snatched away by the new nation. Virginia and North Carolina thought enough of the Crown's laws

³ Henderson, "The Creative Forces of Westward Expansion," 99-100.

⁴ William Preston to Governor Earl of Dunmore (25 Jan. 1775), K.G. Davies, ed., *Documents of the American Revolution 1770 - 1783* (Colonial Office Series), XI, *Transcripts 1775 January to June* (Dublin: Irish University Press, 1975), 33-34.

⁵ Davies, *Documents of the American Revolution 1770 - 1783*, 81-82.

⁶ John Stuart to Lord George Germain (23 Aug. 1776), K.G. Davies, ed., *Documents of the American Revolution 1770 - 1783* (Colonial Office Series) XII, *Transcripts 1776* (Dublin: Irish University Press, 1975), 188-191.

to agree that all such purchases should be on behalf of the state and thus claimed the Transylvania purchases for themselves. In 1783, North Carolina was willing to grant Henderson and other interested Transylvanians 200,000 acres as compensation. This land was far from Boonesborough and would involve renewed efforts to settle. This solved two problems for the state: Compensation to Henderson and improved control of Indian Lands.

Despite its ultimate failure, the Transylvania Company did mark the beginning of a new era in Cherokee relations in which diplomatic relations would be largely controlled by commercial land speculation interests, taking a dominant roll over the trade networks which had brought the Cherokee into a dependent relationship with white settlers. Transylvania was conceived as the perfect business scheme. Ignoring laws, it focused on three necessary ingredients: access to capital, gained through the investors; access to land, gained through Cherokee negotiations; and access to a market, gained by advertising inexpensive land to potential settlers hungry for land of their own and frightened by the aspects on the coming war. But Transylvania failed because it lacked the one vital factor which would dominate speculation activity in Cherokee Territory: Government influence.

Land speculators would learn their lessons quickly. Over the next twenty-five years, speculation activity on all levels adapted to a constantly changing political landscape. By the time of the Treaty of Tellico in 1798 such business had become a well oiled machine capable of consuming hundreds of thousands of acres in a single transaction with the promise of massive future profits. Speculators learned to manipulate access to land, investment capital, markets, and government power and policy to their advantage. And when it came to speculation of Cherokee Territory, speculators learned from the Transylvania Colony that direct involvement in negotiations and government activity was the key to successful land speculation.

Far from the evolving settlement of Boonesborough, relations with the Cherokee were less than commercial. July 29, 1776 the North Carolina Council of Safety sent General Griffith Rutherford and his militia from the District of Salisbury against the Cherokee in response to a plea for help from Virginia. Gen. Rutherford was to meet with South Carolina troops under the command of Major Andrew Williamson. They would march

together to meet troops from Virginia. The goal of the military attack was to destroy the Cherokee villages. As the success of the campaign continued, the Council of Safety sent a letter to Gen. Rutherford via Waightstill Avery to make preparations to secure the area, build a fort if possible, and prepare for coming bad weather. Avery would deliver fresh supplies and return with information.⁷ Such careful planning was necessary with growing concern that the various Indian nations might unite against the Colonies.

By 1777, the Cherokee threat had been virtually annihilated through the military destruction of the Cherokee towns. Over the next few years only minor military efforts would be needed to maintain control over the Cherokee.⁸ May 20, 1777 the Cherokee relinquished great amounts of their South Carolina lands at a treaty at DeWitt's Corner. Soon after, on July 20, a similar treaty was completed between the Cherokee and the states of North Carolina and Virginia. This treaty was sometimes referred to as Avery's Treaty as Waightstill Avery played a dominant role in negotiating on behalf of North Carolina. This treaty included the stipulation that "no person shall enter or survey any lands within the Indian hunting grounds, or without the limits heretofore ceded by them." North Carolina ratified the treaty the following year.⁹

In the meantime, the thoughts of the soldiers changed from warfare to business. North Carolina developed a system of granting land in 1777. The bill for the establishment of a Land Office was presented by three men, including General Rutherford.¹⁰ Individuals were required to locate unoccupied land and enter a claim for that land at the county courthouse. If there were no challenges to the claim, a warrant was issued. The claimant could sell this warrant, or use it to have the property surveyed by the county surveyor. Once the warrant holder had the survey, he could pay the proper fees and obtain a grant from

⁷ Council of Safety to Genl. Rutherford (11 Sep 1776), Walter Clark, ed., *State Records of North Carolina*, 24 vols. (Raleigh: State of North Carolina, 1895), XI:351-352.

⁸ Robert L. Ganyard, "Threat from the West: North Carolina and the Cherokee 1776-1778," *The North Carolina Historical Review* XLV, 1 (Jan., 1968): 63-64.

⁹ Charles C. Royce, *The Cherokee Nation of Indians* (Chicago: Aldine Publishing Company, 1975), 150.

¹⁰ Clark, *State Records of North Carolina*, XXIV:43-48.

that state which specified the price, location and amount of land, orders to register the grant at the local courthouse within a year and instructions to pay taxes.¹¹

This was followed by the creation of Burke County. Rutherford County quickly followed, though the established lines were vague and final boundaries would not be drawn until 1788. Despite the length of time in determining boundary lines, attorney George Smathers would later conclude that Burke County was never meant to include property south of the Earl of Granville's southern boundary line and Rutherford County was never meant to cover area west of the Blue Ridge Divide.¹² Smathers also recognized that numerous grants were issued for land at the head of the French Broad River despite these limitations, many of which should have been void. Though at the time Smathers wrote, sufficient time had passed to make this only an interesting bit of trivia.¹³

Charles McDowell, a participant in the Cherokee expedition was appointed entry taker for the new Burke County. Among the first entries were several McDowell family and Davidson family entries for land on the French Broad River stretching from Swannanoa area where Rutherford's army crossed the French Broad River South towards the headwaters of the river.¹⁴ Both families had officers involved in Rutherford's march against the Cherokee and many of these entries were for land remaining in Cherokee Territory. Waightstill Avery, who led the treaty negotiations, would also take out entries for land in this area at the head of the French Broad River. While securing a legitimate title for these lands would take years, the existence of the treaty lines drawn by Avery himself would help protect these claims from other entries. For these grants, early claims kept the price low reducing the need for the scarce capital. Access to the land came through the military service. The amount of land involved was relatively small and sold primarily through family and business networks. Legal status for these titles was secured through political appointments in

¹¹ Helen F.M. Leary, ed., *North Carolina Research: Genealogy and Local History* (Raleigh: North Carolina Genealogical Society, 1980), 207-211.

¹² George H. Smathers, *The History of Land Titles in Western North Carolina* (Asheville, NC: The Miller Printing Company, 1938), 22.

¹³ Smathers, *The History of Land Titles in Western North Carolina*. 22.

¹⁴ Edith Warren Huggins, ed., *Burke County, NC Land Records. Vol. 1 1778*. (Raleigh: Carolina Copy Center, 1977).

county offices, such as McDowell's appointment as Entry Taker as well as network connections impacting local politics and Cherokee relations.

When North Carolina formed Buncombe County in 1792, the Davidson family figured heavily in county politics with the first court being held at Col. William Davidson's house. Thomas Davidson was appointed as Entry Taker. Lambert Clayton, who had married into the Davidson family, was appointed as Justice. One of the first orders of business was to complete a road from William Davidson's house on the Swannanoa River to Davidson River where many of these early land claims were still located within Cherokee Territory, including the home of Lambert Clayton.¹⁵

In 1802, Clayton used his influence to encourage running the new Cherokee Boundary Line West of his property. In response to a letter from Col. Meigs, Clayton wrote concerning the location of "Little River" meant to be the southern end of the line. He claimed the Little River must refer to a branch of the "Savandhia" as the Little River on the French Broad River near his home had only recently been named Little River.¹⁶ Despite Clayton's claims, land records show that Little River had held that name for several years.¹⁷ Political appointees used their offices in many ways to facilitate speculation corruption. Surveyors took bribes to change boundaries. Entry Takers took bribes to change entry dates so that previously claimed land could still be acquired. Lambert Clayton created a deal with land buyer John Brown, cautioning him to secrecy to protect Clayton's political position.¹⁸ But all these efforts were minor issues involving minor players in the race to seize Cherokee Lands. And such secretive manipulation was necessary for smaller businessmen to hope for even some measure of success.

¹⁵ April Session 1792, Buncombe County, NC Court Records, vol 1.

¹⁶ Little River is located in present day Transylvania County, North Carolina which was included in the original boundary of Buncombe County. Lambert Clayton to Col. Meigs (15 Sep. 1802), Records of the Cherokee Indian Agency in Tennessee 1801-1835, Roll 1: Correspondence & Misc. Records 1801-1802 (Washington: National Archives, 1952). Microfilm # 208.

¹⁷ The 1792 Buncombe County Court records contain several references to Little River. Additional references are found in the entries of John Carson in the 1794 Buncombe County, NC Land Entry Book.

¹⁸ Newsome A.R., ed., "John Brown's Journal of Travel in Western North Carolina in 1795," *The North Carolina Historical Review* XI (1934): 284-313.

While the McDowell, Avery, and Davidson family networks expanded their Western North Carolina land holdings, the Blount family was building an empire. These three North Carolina brothers: John Gray, Thomas, and William, worked together to maintain and expand their massive planter class holdings and business interests. John Gray was the center of the international business operations, living on the family estate. Thomas chose a military career. William used political appointments to protect the family business interests. Their land speculation ventures began by 1783 when William Blount, then a delegate in the NC Congress, joined five other North Carolinians in forming a company to form a colony at Muscle Shoals on the Tennessee River. Other company members were Richard Caswell, leader of the NC Senate; General Griffith Rutherford; Joseph Martin and John Donelson, Indian Agents for Virginia and former associates of Richard Henderson; and John Sevier, colonel of the militia of Washington County on the Holston.

Like the Transylvania Colony, the Muscle Shoals Company purchased titles for the Shoals region directly from the Cherokee. Blount then set out to convince the State of Georgia to secure a grant for the territory. In doing so, he advised Donelson to lie if necessary to convince Georgia of a large number of people preparing to settle in the Shoals region.¹⁹ Blount and the company also looked out for their property interests through opposing establishing the state of Franklin. Blount and Martin also served in the negotiations at the Treaty of Hopewell in 1785, again looking out for their own business interests along side of the interests of diplomacy. Ultimately, the Muscle Shoals Company fell victim to politics, but before ending, this simple land speculation scheme touched the political affairs of North Carolina, South Carolina, Georgia, the United States' General Government, Spain and France. And it would not be Blount's last attempt to gain land through international politics.²⁰

In 1783, when William Blount began working with the Muscle Shoals Company, a previously unknown name appears in the papers of his brother, John Gray Blount. It is a short and somewhat obscure reference in a letter from John Nelson to

¹⁹ A.P. Whitaker, "The Muscle Shoals Speculation, 1783-1789," *The Mississippi Valley Historical Review* 13, 3 (Dec. 1926): 368-369.

²⁰ Whitaker, "The Muscle Shoals Speculation," 372-373.

John Gray Blount on August 17, 1783, "...have enclosed you an Order drawn by your Bro. William in favor of me on David Allison for Sixty Six Dollars. he refuses to settle it."²¹ David Allison continued to gain greater influence in Blount family affairs, eventually acting as their agent in Philadelphia, orchestrating international business arrangements and land speculation schemes. Allison entered politics in a log cabin courthouse in Jonesborough on May 12, 1788 when he, along with Andrew Jackson and Waightstill Avery, were appointed as attorneys by William Blount, newly appointed Governor of the Territory South of the River Ohio. Jackson practiced law with Allison, and later entered into merchant business with Allison. This business relationship later nearly destroyed Jackson's finances and political career.²² Blount used Allison in an official and unofficial capacity to handle political and family business affairs. Allison participated in matters as varied as Cherokee diplomacy and questionable slave trade.²³ Allison and Blount directly proposed war with the Cherokee, a measure which would have favored the Blount land claims.²⁴ Allison continued to receive political appointments from Blount including Judge of the Miro District, which he later left to take the position of paymaster of the militia. He continued to hold this position even after he relocated to Philadelphia to handle Blount business

²¹ John Nelson to John Gray Blount (17 Aug. 1783), Alice Keith, *The John Gray Blount Papers*, 4 vols. (Raleigh: State Department of Archives, 1959) 2:85.

²² Lewis L. Laska, "The Dam'st Situation Ever Man Was Placed In": Andrew Jackson, David Allison, and the Frontier Economy of 1795," *Tennessee Historical Quarterly* LIV, 4 (1995): 336-347.

²³ Clarence Edwin Carter, ed., *The Territorial Papers of the United States*, vol. IV, *The Territory South of the River Ohio* (New York: AMS Press, 1973). Allison's participation in Indian negotiations described in Secretary of War to the President (28 Jul. 1792), 160; Secretary of War to Governor Blount (15 Aug. 1792), 162-163 described an attempt by the Cherokee to attack Allison; Governor Blount and General Pickens. Blount would later lobby for war against the Cherokee, a measure which would likely have succeeded if the US was not already involved in a war against the Northern Tribes. See Secretary of War to Governor Blount (26 Nov. 1792), 220-226; Governor Blount to Acting Governor Smith (17 Jun. 1793), 274. For reference to a controversial slave business Allison conducted for the Blount's see Hugh Williamson to John Gray Blount (25 Nov. 1792), Keith 2:218.

²⁴ Carter, *The Territorial Papers of the United States*. Secretary of War to Governor Blount (26 Nov. 1792), 4:220-226. Governor Blount to Acting Governor Smith (17 Jun. 1793), 4:274. Attempts to promote war with the Cherokee failed since the US was already at war with the Northern tribes.

affairs from the nations political and business capitol until his death in 1798.

The immense business and political network of the Blount brothers meant only matters of international politics and economics could stop their efforts. Having tremendous political pull and access to large amounts of capital allowed virtual control of Tennessee and significant portions of North Carolina. During their relationship with Allison, some of their greatest speculation activity occurred. The Treaty of Hopewell, signed in 1785, set out instructions for a new boundary line between the Cherokee and whites. The actual survey for this line was not run until 1797. In addition to Muscle Shoals, the short lived proposed State of Franklin and settlements at the fork of the French Broad and Holston Rivers continued to attract white settlers.

These settlements continued to antagonize the Cherokee. In 1790, the State of Tennessee was formed. And in 1791 the Muscle Shoals speculation attracted many white settlers after Georgia authorized this Tennessee Company to manage 3,500,000 acres of land. However, this blatant violation of Cherokee Treaty was too much for the United States to support. The President at last declared that if the company persisted in settling the region, it would be outside the protection of the United States, and the Indians would be free to destroy it. The Muscle Shoals settlements ended at the hands of angered Indians.²⁵ The United States authorized a new Treaty with the Cherokee in 1791, before the boundary lines from the previous treaty had been run, to ease tensions in the region. This treaty raised the annual allotment of money and called for the removal of white settlers west of the divide between the waters of the Tennessee River and the waters of Little River.²⁶ Despite the new agreements, settlement continued and hostilities continued to escalate, requiring Blount to call out his militia to defend the white settlements.

Other military matters were on the minds of the Blounts and their operative, David Allison. In 1785, North Carolina still owed back pay to its Revolutionary Soldiers. Most of these soldiers had not had access to the speculation schemes of officers such as the McDowells and Davidsons. These soldiers

²⁵ Royce, *The Cherokee Nation of Indians*, 169.

²⁶ Royce, *The Cherokee Nation of Indians*, 170.

remained uncompensated for their service, and many were in desperate need of income. Offering land as payment for military services was not new, and had been used to support earlier Indian wars. For Revolutionary War Soldiers, land was offered by the Federal Government and several states. North Carolina, with extensive western lands in what would become Tennessee, offered large tracts of land for past military service. However, the military grant system made it difficult for soldiers to claim their property. Once the warrant was obtained, it was up to the veteran to locate the land and have it surveyed. This process proved time consuming and cost prohibitive to most veterans. Besides a complex bureaucracy which favored organized speculation schemes, many veterans simply did not want to relocate due to age or the far distance of the new unsettled region. Ready to take advantage of the situation were speculators, land office personnel, and military officers.²⁷

In a series of legislation in 1780, 1782, 1783, and 1784, North Carolina established a system for distributing the future Tennessee lands set aside for veterans. One of the complications was that the original tract reserved for these grants had already undergone considerable settlement, forcing North Carolina to look further for an unoccupied tract.²⁸ The actual process was hampered by several factors. A lack of records made verifying war service difficult. As a result, officers were permitted to provide lists of their men as evidence of service. Many of these contained erroneous and falsified information. Once the warrant for land was issued, the recipient could sell it.

In 1784, William Blount was already obtaining these warrants. John Sevier saw the new legislation as a way to convert earlier land entries obtained under the 1779 Confiscation Act into legitimate deed. He bribed Secretary of State James Glasgow with a portion of the land to change the date and the amount paid. Beyond this, the only evidence pointing to the earlier date was the numerical sequence in the entry books which soon became lost. Later, in 1798 as the details of fraud surrounding the military grants were exposed, testimony pointed to a plan by William Blount and William

²⁷ Daniel Janson, "A Case of Fraud and Deception: The Revolutionary War Military Land Bounty Policy in Tennessee," *The Journal of East Tennessee History* 64 (1992): 52-59.

²⁸ Janson, 35.

Terrell at Blount's home to destroy state records in Raleigh which held evidence against them. What came to be known as the Glasgow Land Fraud was too great to be handled in the existing court system, leading to the creation of what would become the North Carolina Supreme Court. Continued Blount family connections to the scandal came forth during the investigations, including obtaining duplicate grants off of the same land warrants. In the end, the affair ended Glasgow's career. After his fines were paid, he moved to Tennessee. As for Tennessee, the extent of fraud connected with military land grants eventually led the state to refuse to acknowledge the legality of any military claims.²⁹

David Allison participated in the military land grant schemes of the Blount brothers both in Tennessee and as the family's business agent in Philadelphia. While in Philadelphia, Allison staged some of his most daring land speculation schemes. In 1794, the boundary lines for the Treaty of Hopewell still had not been surveyed. Despite this, land entries were regularly made in the effected territory. Speculators like Lambert Clayton were content to wait until after the more concrete Treaty of Tellico in 1798 to actually take out grants on these entries. But Allison, as well as northern investors William Cathcart and George Lattimer, realized that in the competition for western North Carolina lands, waiting for treaties would not allow for large scale speculation activity. The race was on. Allison's speculation arrangements involved as much as 1,000,000 acres of western North Carolina land at a time. The extensive Blount business network allowed Allison in Philadelphia to arrange minute details for entries, warrants, and even grants for land on both sides of the yet to be surveyed Cherokee Boundary line, all carefully acquired with land entries of 640 acres each.³⁰ Little description for these land claims were given other than that they were adjacent to each other, though one claimed by John Gray Blount did mention that it included

²⁹ Russell S. Koonts, "'An Angel Has Fallen!': The Glasgow Land Frauds and the Emergence of the North Carolina Supreme Court," *The North Carolina Historical Review* 73, 3 (1995), 301-328.

³⁰ The North Carolina Land Act of 1794, in an attempt to curtail speculation, prevented entries over 640 acres. However, speculators circumvented these regulations by taking out numerous contiguous entries and later executing one survey and grant to cover them all. Smathers, *The History of Land Titles in Western North Carolina*, 74-75.

the house of competing speculator, Waightstill Avery. Philadelphia investors William Cathcart and George Lattimer were also included.³¹ While the Blount empire had secured the necessary network and political influence to gain rapid access to soon to be available land, the problem of access to capital left all land speculators grappling for any available cash. Demands for cash proved problematic to Allison as well as to John Brown, buyer for Cathcart and Lattimer. As for finding a market for these lands, the Blounts planned to send Allison to Europe to open a land office to sell the land to potential immigrants.

The 1794 and 1795 race for Buncombe County, NC land entries resulted in seven massive speculation grants issued in 1796, with much of the land remaining in Cherokee Territory. William Cathcart and partner George Lattimer obtained 183,780 acres. John Gray Blount and his agent David Allison obtained 746,880 acre.³² The extent of the 1794 speculation activity was such that John Carson of Burke County, North Carolina, a Blount operative who assisted in acquiring the entries, petitioned the Secretary of State July 15, 1795 stating that he believed that all vacant land in Buncombe County had been claimed. Carson also complained against former entry taker Thomas Davidson, referring to the original entry book covering 1792 and 1793 which had "accidentally consumed to ashes" suggesting that Davidson was back dating warrants to 1793 claiming they were included in this burned book. Carson also emphasized that Davidson owed the state at least £1,000 which he did not believe Davidson had any intention of paying.³³

Throughout Allison's association with the Blounts, his personal financial problems plagued the family. Allison was constantly requesting more funds to manage the family business. When Allison went bankrupt, his financial ties almost landed the newly elected Tennessee congressmen William Blount and Andrew Jackson in debtors prison in connection with merchant activity in Tennessee. But William Blount had larger legal problems. In 1797, the Boundary line between the

³¹ Buncombe County Land Entry Book, 1794, Buncombe County, NC Central Records Office.

³² E.M. Moffit Map prepared for George Smathers in 1937. The map includes these significant grants which crossed the Meigs-Freeman Line established in 1802 and does not include smaller speculation activity.

³³ Petition of John Carson of Burke County (15 Jul. 1795), Keith, *The John Gray Blount Papers*, 2:661-662.

Cherokee and whites still had not been run. Andrew Pickens from South Carolina, Benjamin Hawkins from North Carolina, and James Winchester from Tennessee were appointed to run the line to help stop white settlement in Cherokee territory. Hawkins was frustrated by three events during this attempt to resolve Cherokee white relations. The first was to learn of an "experiment line" run by Blount, far to the west of where the boundary line would really be located to entice settlers to the area.³⁴ The second was the delay of General Winchester in joining them causing Hawkins and Pickens to prepare to complete the survey themselves. However, the most significant discovery was a letter from William Blount to interpreter James Carey concerning an international plot allegedly to help those living on the western edge of the frontier but which would also promote Blount land acquisition.³⁵ The conspiracy involved the United States, Britain, France, Spain, and Indian nations. Carey, feeling uneasy about the affair, became intoxicated and finally turned the letter over. When Hawkins brought the matter to the attention of Congress, the Senate set out to impeach William Blount for treason in what became known as the Blount Land Fraud. Blount retreated to Tennessee and resigned before the impeachment could proceed.³⁶

By 1798, Allison experienced increasing financial problems. Blount operatives and soon Thomas Blount himself reported misgivings about Allison's trustworthiness to John Gray Blount. In addition, Thomas was deeply upset by the effects of the Blount Land Fraud on family honor.³⁷ Allison's debt problems were increasing as were the debts of the Blounts. And his land schemes were becoming more daring. Back in 1796, Allison suggested to John Gray Blount, "I believe the Ex Secretary has clearly proved that it is not only Justifiable and

³⁴ Journal Entry (07 Apr. 1799), Benjamin Hawkins, *Letters of Benjamin Hawkins*, Georgia Historical Society Collections IX (Savannah: Georgia Historical Society, 1916), 115.

³⁵ Benjamin Hawkins and Andrew Pickens to James McHenry (24 Apr. 1797), Hawkins, 130-131.

³⁶ Thomas Blount to John Gray Blount (08 Feb. 1798), Keith, *The John Gray Blount Papers*, 2:205-206.

³⁷ George Ogg to John Gray Blount, (07 Sep. 1795), Keith, *The John Gray Blount Papers*, 2:589; Thomas Blount to John Gray Blount (29 Mar. 1798), William H. Masterson, *The John Gray Blount Papers*, 4 vols., (Raleigh: State Department of History, 1965) 3:218-219.

legal but highly proper to overdraw, at certain seasons and for special causes" in reference to what had become their habit of borrowing from one fund to pay off the debts of another.³⁸ At one point, to circumvent the lack of ready cash, he actually sold property prior to obtaining it. Obtaining the property proved more difficult than expected.

The international economy was suffering a depression which was affecting the business climate of Philadelphia. Allison's personal Philadelphia business failed, eventually landing Allison in debtor's prison. Even here, he continued to manage Blount business affairs, though he complained of the difficulty prison placed on these affairs. At the center of his concern was a tract of land in Buncombe County that contained over 250,240 acres which the Blounts had placed in Allison's name to facilitate sales. Allison's debts made the tract vulnerable to seizure by his creditors. In addition, there were back taxes due. Allison proposed a desperate move to rid the tax problems as well as move the land out of reach from his creditors. He instructed John Gray Blount to have another Blount agent, John Strouther, purchase the land at the tax sale. Strouther was chosen since he did not have family and would be able to travel easily to Europe with Allison.³⁹ But Allison would not see Europe. He died in prison September 28, 1798. However, the financial nightmare created by Allison would haunt all three Blount brothers the rest of their lives as they attempted to salvage their profits and lands from the Allison estate proceedings. As for Strouther, he quickly set about securing the Buncombe lands. In Raleigh he identified conflicting land claims and proposed to John Gray Blount that it might be necessary to sell off portions of the land for taxes as well as to prove the legitimacy of the title.⁴⁰

While Allison and the Blounts struggled with economic and political difficulties in 1797, a virtually unknown man was preparing to enter into Buncombe County Land Speculation.

³⁸ David Allison to John Gray Blount (21 Jan. 1796), Masterson, *The John Gray Blount Papers*, 3:9-11. The reference is to Secretary of the Treasury Alexander Hamilton's practice of using congressional funds appropriated for one purpose for another.

³⁹ David Allison to John Gray Blount (16 Jul. 1798), Masterson, *The John Gray Blount Papers*, 3:250-251.

⁴⁰ John Strouther to John Gray Blount (29 Dec. 1798), Masterson, *The John Gray Blount Papers*, 3:268-269.

Before Pickens and Hawkins could complete their boundary line between the whites and Cherokee, the state line between North and South Carolina needed to be extended. This was done under the supervision of surveyor James Clark Kilpatrick. However the line ended up being several miles too far to the North. A marker continued to exist on this line into the 1980s. The front was marked "1797 P.L." On the reverse were the initials "Z.C.," the survey mark used by Zachariah Candler.⁴¹

Whatever Candler's role in the survey was, it was a minor role. His name does not appear in the accounts of Benjamin Hawkins. But it did involve him in the region surrounding the headwaters of the French Broad River. In 1799, Candler purchased 3130 acres of the Allison Grant from fellow surveyor John Strouther.⁴² After the Treaty of Tellico in 1798 and new Meigs-Freeman line in 1802, the headwaters region, south of the line believed to be south of North Carolina, was ceded to the state of Georgia. A census taken soon after shows Zachariah Candler living in the Western District of this area.⁴³ Residents here had been told they were in Georgia and were waiting for the headright grants which would secure their homes with a legal land title. Candler did not wait. In 1802 he began obtaining North Carolina land grants for the area for as little as 50 shillings per 100 acres. In addition to the land grants, many of Candler's land acquisitions came from private individuals for amounts more representative of actual land values. Some of these may have been land offered in payment for survey services in a cash poor economy.⁴⁴

⁴¹ The approximate original location of the marker, description of the Kilpatrick Line, and a photograph of the front of the marker is included in Martin Reidinger, *The Walton War and the Georgia-North Carolina Boundary Dispute* (n.p., 1981). The marker was moved in a property dispute and is currently located at the Transylvania County Joint Historic Preservation Commission Archives, Brevard, North Carolina.

⁴² Buncombe County, NC Deed Book 7 p. 89, registered in 1808 and Deed Book F p. 122 registered in 1814. Duplicate or missing entries are not uncommon in early Buncombe County land records.

⁴³ "A Census of the people settled on that Tract of Country which is extinguished of Indian claims, lying on the head of French Broad River, within the Territory ceded by the United States to the State of Georgia." Harry Ransom Humanities Research Center, University of Texas at Austin.

⁴⁴ A description of an agreement to pay for locating services with a portion of the land surveyed is found in John Catron to Thomas H. Blount (10 Apr. 1833),

Candler's speculation activity placed a new approach to the old standard formula for land acquisition, based on his close personal knowledge of local terrain. Instead of manipulating Cherokee boundaries, he took advantage of the confusion over the North Carolina state boundary. After his former home was erroneously placed in the first Walton County, Georgia a small war exploded between those waiting for Georgia headright grants and residents holding North Carolina land grants.⁴⁵ Candler carefully targeted prime land on the south side of the line which he purchased on North Carolina titles. Candler also quickly diversified his business activities to include a drover stand, a ferry, tenants, and mining. His acquisition of grants seems tied to the drover traffic. Over his lifetime he acquired 53 North Carolina land grants totaling about 19,000 acres. All were obtained between mid November and mid January, the period following the drover season. In 1817 Candler mortgaged his land holdings which now amounted to 74 tracts totaling over 32,245.5 acres.⁴⁶ The tracts demonstrate the advantages of first hand knowledge of the best tracts of land. Candler specifically targeted the existing infrastructure, including roads, Indian paths, and ferry landings. Mills and fish traps were also frequently mentioned. Several tracts mention residents or former residents. Candler did provide his tenants the opportunity to purchase their land and by 1817 three had:

David T. Morgan, ed., *The John Gray Blount Papers, 4 vols.*, (Raleigh: State Department of Archives, 1982), 4:621.

⁴⁵ Reidinger, *The Walton War and the Georgia-North Carolina Boundary Dispute*, 16-17.

⁴⁶ Zachariah Candler to Thomas Moore, et al (05 Nov. 1817), Buncombe County, NC Deed Book 12 p. 103. An exact figure of land transactions for speculators is impossible to obtain. The Registrar of Deeds office contains handwritten transcription of most transactions, though as with all transcriptions, there are human errors as well as the deliberate misrepresentations associated with speculation activity. Some deeds containing multiple tracts, including the Candler Mortgage are missing legal descriptions of some of those tracts. In addition, many tracts of land were based on estimates and not actual surveys. A few deeds do not include the number of acres. And some deeds were never recorded in the deeds books, even though they were proved in court and ordered to be registered. In addition, some deeds which cover multiple tracts of land include a total amount of land which does not match the actual total of the various tracts listed. All acreage amounts should be considered low due to the various problems in documentation.

Abraham Pickleseimer, Benjamin Trammel, and William Gillespie.⁴⁷

Candler effectively purchased the infrastructure of an entire community at the head of the French Broad River. This property had advantages for the final step of the speculation process - finding a market. Some residents stayed on as tenants, some did eventually buy their land. But even those who abandoned their homes left improvements in place to entice settlement. This steady beginning in land speculation activity allowed Candler to make his first large land purchase in 1814 when he acquired 10,000 acres from John Strouther which had been part of the Allison Grant. This tract was relatively inexpensive, only \$500, since it was based on a questionable title. The deed clearly stated that Candler understood the land was in Cherokee Territory. Candler's shrewd business sense allowed him to enter into larger land schemes. September 13, 1817 Candler purchased nearly 13,000 acres from Burdit Sams. This land was originally granted to William Cathcart. And in 1819 Candler acquired almost 62,000 acres of land formerly belonging to Thomas Dillon and George Lattimer at a sheriff's sale for \$188.75.⁴⁸

As Candler's speculation activity grew, the Blounts continued to experience problems. The death of William Blount left his estate still in shambles after Allison's deals. John Gray and Thomas resorted to complex schemes of creating false debts and therefore suing the estate to try to provide for William's children. But despite past problems, they continued to pursue land speculation. In 1809 Willie Blount, the half brother of William, Thomas, and John Gray Blount, wrote a letter to then Major General Andrew Jackson promoting a plan Willie Blount had introduced to the legislature calling for the removal of the Cherokee and Chickasaw to land west of the Mississippi. The plan was promoted as beneficial for the Indians and Tennessee as well as being a cost efficient method of handling the Indian problems and justified as promoting further civilization of the

⁴⁷ Zachariah Candler to Abraham Pickleseimer (27 Sep. 1815), Buncombe County, NC Deed Book 13 p. 307; Zachariah Candler to Benjamin Trammel (21 Dec. 1816), Deed Book 13 p. 307; Zachariah Candler to William Gillespie (23 Dec. 1816), Deed Book 12 p. 515.

⁴⁸ Sheriff et al to Zachariah Candler (20 Mar. 1819), Buncombe County, NC Deed Book 17 p. 224. It is unknown if this was an independent purchase or made on behalf of the former owners.

Indians.⁴⁹ After Andrew Jackson claimed victory against the Creeks in 1814, Blount operative John Strouther was hired to mark the boundary line between the Creek Nation and United States Territory. During this project, the Blounts also hired Strouther to map out the best lands for the Blounts to acquire, though he died August 19, 1815 before he could complete the project.⁵⁰ Candler was also involved in the new lands opened up by the Creek War. His survey notebook includes a diary, description, and map of the region.⁵¹

Following Strouther's death, Robert Love reported that immediately following news of the death; a number of entries were made for the Blount property listed in Strouther's name. However, Strouther's will left all of his speculation lands to John Gray Blount, thus returning Allison's grant to its original investor.⁵² Robert Love quickly became the Blounts' principle business agent in western North Carolina to protect their land claims. The lands were becoming ever more difficult to maintain. Costs involved from taxes, surveys, and litigation were consuming significant profits.⁵³ Sales became increasingly difficult as new, cheaper lands were available in the west. Love recommended selling the land as soon as possible at what ever terms could be arranged. Love also mentioned that Candler was seeking to work for the Blounts in culling out the best parcels of land for sale. While Love did say that Candler would be well suited to the job, he could not recommend hiring him at the time as Candler was involved in litigation surround a bank script counterfeiting scheme.⁵⁴

In 1830, Candler, Love, and the surviving Blount brother, John Gray were old men. Robert Love found it difficult to

⁴⁹ Morgan, *The John Gray Blount Papers*, 4:112 - 114. It is unknown to what extent this letter influenced Jackson's later Indian removal policy.

⁵⁰ Robert Love to John Gray Blount (04 Oct. 1815), Morgan, *The John Gray Blount Papers*, 4:260-261.

⁵¹ *Zachariah Candler's Survey Field Notes Vol. 5*, Transylvania County Joint Historic Preservation Commission Archives. Half of the first page of the description of this journey is missing, which includes the details of why the journey was made.

⁵² Will of John Strouther (copy) (22 Nov. 1806), Morgan, *The John Gray Blount Papers*, 4:78-80.

⁵³ Robert Love to John Gray Blount (02 Apr. 1816), Morgan, *The John Gray Blount Papers*, 4:264-267.

⁵⁴ Robert Love to John Gray Blount (16 Mar. 1824), Morgan, *The John Gray Blount Papers*, 4:404-405.

perform his duties as a result of age and later an injury from a horse kick. John Gray Blount died January 8, 1833, still in possession of large tracts of Western North Carolina lands. Soon after in 1838 came the final stage in the removal of the Cherokee, a process which had been dominated by Blount land speculation interests since the beginning of the new nation. Also in 1838 Robert Love, Thomas Love, and James R. Love sold 150,000 acres of former Blount and Allison land to Zachariah Candler.⁵⁵ The relationship between Love and Candler is complex. Love acquired several tracts of Candler land at a sheriff sale.⁵⁶ However, Candler continued to sell these lands, purchasing a Quit Claim deed from Love as they were sold.⁵⁷ July 4, 1844, Candler sold Robert and James R Love 50,000 acres of the land to settle \$3000 worth of debts and judgments.⁵⁸ However, since sheriff sales and lawsuits could either be friendly business maneuvers, or hostile takeovers, the legal action itself does not shed light on the nature of their relationship.

By July 1844, Candler's speculation was drawing to a close as he prepared his will. Robert Love's son, James R. Love was named among the executors.⁵⁹ Candler died by the end of 1845. The will provided an estate of 1000 acres for his wife. Candler's children, grandchildren, and a bound girl were provided for. Oddly, there is no mention of slaves. The only Buncombe County document that mentioned Candler's ownership of slaves is one deed in which he sold his interest in his uncle's slaves in Bedford County, Virginia to William Dickinson.⁶⁰ In the stormy world of land speculation, Candler had perfected his methods to make land a more profitable investment and tenants a more profitable labor system. His

⁵⁵ Sheriff et al to Robert Love (1838) Buncombe County, NC Deed Book 21, p. 546.

⁵⁶ Zachariah Candler, et al to Robert Love (08 Jan. 1822), Buncombe County, NC Deed Book 13 p. 219.

⁵⁷ Robert Love and Thomas Love to Zachariah Candler (22 Oct. 1838), Buncombe County, NC Deed Book 21 p. 298.

⁵⁸ Zachariah Candler to Robert Love et al (04 Jul. 1844) Buncombe County, NC Deed Book 23 p. 68.

⁵⁹ Buncombe County, NC Will Book A p. 116-117 (23 Jul. 1844) proved December Term 1845.

⁶⁰ Zachariah Candler to William Dickinson of Bedford County, VA, (25 Jan. 1835), Buncombe County, NC Deed Book 19 p. 414. Candler sold his interest in the slaves mentioned in the will of Zachariah Moorman.

children and grandchildren inherited interest land in present day Buncombe, Henderson, Transylvania, Haywood, Yancey, and Madison Counties.⁶¹ In 1894 Candler's grandson, Thomas J. Candler sold what was referred to as the "Candler Speculation Land" described as "all of the land granted to Allison" to a member of a new generation of investors hungry for former Cherokee lands, George W. Vanderbilt.⁶²

Land speculation of former and soon to be former Cherokee lands involved far more than simple ownership. It impacted local, state, national and international politics and economics. It led to the removal of entire Indian nations. It controlled settlement patterns, business and trade networks, and local labor systems. The complex networks required for large speculation activity raises questions of control. At the height of Blount speculation activity it could well be argued that it was David Allison, with his secret personal business dealings, who was speculating and simply using the Blount resources for his own purposes. Later when John Strouther owned much of this land in his own name, it was really the Blounts who controlled the property. Robert Love carefully negotiated his relationship with the Blounts to ensure personal profit.

Successful speculation activity required the basic elements of access to land, access to capital, access to market and sufficient government influence to defend any transactions. Allison and the Blounts, having to manipulate an international arena, largely found it impossible to maintain the perfect balance of the necessary elements. But in the distant mountains of Appalachia, smaller planter class families such as the McDowells, Davidsons, and Averys could successfully manage speculation activity. But perhaps more important, speculation allowed relatively minor agents such as Allison, Strouther, Love,

⁶¹ George W. Candler purchased many of the interests in the estate from his siblings and nephews. Henderson County, NC Deed Book 19 p. 393 - 411.

⁶² T.J. Candler and Hester E. Candler to George W. Vanderbilt (21 May 1894), Henderson County, NC Deed Book 31 p. 439. The deed excepted four tracts from the Allison Grant. However, in the nearly 100 years since the original grant, Strouther, Blount, Love, and three generations of Candler's had sold portions of the land, the Avery's had sued with an overlapping claim to acquire the Pink Beds, and G.W. Candler had made an agreement with the University of North Carolina to split the remaining portion of the land with the University. An additional lawsuit by the Cherokee voided all of the grants west of the Meigs-Freeman Line making the legitimacy of this transaction questionable.

and Candler tremendous opportunities for upward mobility. By aligning themselves with the powerful Blount economic machine, these men were perhaps more successful than the family which supported them.

Richard Henderson's speculation activity launched a race to acquire Cherokee Lands which would directly impact the governments, economic structures, and individuals of several states and entire nations and lead to the near destruction of the Cherokee. It is important to remember that this speculation activity was the standard of the day, right down to any secretive dealings. For these men, speculation activity was simply an investment, just as people today might invest in the stock market. The individuals who used speculation at all levels to gain economic status can only be seen as the brilliant business men and community leaders of their day. The massive territory affected by speculation conceals a small irony of history. At its height, speculation of Cherokee Lands converged around the lands and politics surrounding the 1798 Treaty of Tellico to reshape a small corner of Appalachia at the head of the French Broad River. Local tradition says that in 1861 Joseph P. Jordan named the area Transylvania County, North Carolina, after the land speculation venture of Richard Henderson and his Transylvania Company.

Irish Home Rule

By Patrick Donovan

Centuries of British intrusion in Ireland have resulted in widespread property confiscations. By 1700, the bulk of Irish landed property was in the hands of English and Scottish Protestants who established an oppressive Anglo-Irish tenant system. Strict penal laws prevented Irish Catholics from acquiring land, and tenants were discouraged from improving their homes because it led to higher rents. This led to economic and social devastation for Irish Catholics. Irish history has been cluttered with struggles for relief from British tyranny, but Irish Catholics lacked the political power to achieve such goals. A number of Irish relief efforts resulted in revolt and civil unrest. In an effort to contain Irish insurrection and to secure a buffer from France, England imposed the Act of Union in 1800. This Act dissolved the Irish Parliament and placed Ireland under complete British control. Under the Union, Irish Catholic hopes for political reform drifted further from reality. Owing to these issues of property, religion, politics, and economics, a need arose for Irish Home Rule.

One of the first opponents of the Act of Union was an Irish lawyer named Daniel O'Connell. Since British law prevented Catholics from voting, Irish Catholics were not represented in the English Parliament. This compelled O'Connell to speak publicly for Catholic Emancipation. A famine in 1821 devastated the Irish peasantry and gave rise to a number of agrarian secret societies such as the Molly Maguires and The Ribbonmen, who used violence against landlords as a desperate measure to provide for their families. These Catholic organizations grew larger and became more organized in response to the murderous exchanges with secret Protestant groups, such as the Orangemen, named after William of Orange.¹ In an attempt to prevent the masses from committing open outrages, O'Connell decided to organize them in support of his political agitation for Catholic Emancipation. In 1823 he formed The Catholic Association, which was designed to

¹ E. Strauss, *Irish Nationalism and British Democracy* (Westport: Greenwood Press, 1975), 88.

“transform the elemental power of mass discontent into political pressure on the British Government in the interests of the Irish middle class.”² With a vast amount of financial support, The Catholic Association became a national force.

Although a Roman Catholic Relief Act had repealed some of their civil disabilities, seats in Parliament were still denied to Catholics. O’Connell knew that Catholics, who comprised more than eighty percent of Ireland’s population, would never be truly represented under these conditions. The next move of the Association was for O’Connell to represent the Catholic cause in the upcoming County Clare election in 1828. If O’Connell were to win the election, it would mean that six million Catholics were behind him. This would be the strongest argument in favor of Catholic claims; one that Parliament could no longer resist.³ Pressure on Parliament was realized when O’Connell was elected by a two to one margin. However, the British assembly was obliged by law to refuse Catholic membership in Parliament; therefore, O’Connell was not allowed to take his seat.

O’Connell realized an opportunity to further the Catholic cause by supporting the Dissenters of England. Dissenters were members of various Protestant denominations who refused to take the Anglican Communion or conform to the tenants of the restored Church of England in 1662. The British government tolerated dissenters as long as they subscribed to certain oaths of loyalty. However, the Test Acts of 1673 required all civil or military office holders to be members of the Church of England. These Test Acts excluded Protestant Dissenters, Roman Catholics, and followers of the Jewish faith from ever holding public office. The argument O’Connell used for the repeal of the Test Acts was that it would set a precedent for Catholic relief. A petition was signed by eight hundred thousand Irish Catholics and presented to Parliament for the relief of Dissenters.⁴ Alarmed by this action, Parliament passed a bill that repealed the Test Acts. Additional concerns of an Irish revolt obliged Parliament to pass the Catholic Emancipation Bill in 1829 and

² Strauss, *Irish Nationalism and British Democracy*, 86.

³ Strauss, *Irish Nationalism and British Democracy*, 92.

⁴ G. Shaw Lefevre, *Peel and O’Connell* (Port Washington, New York/London: Kennikat Press, 1970), 83.

O'Connell was then allowed to take his seat as a Member of Parliament.

O'Connell wasted no time in working toward the repeal of the Parliamentary union of Great Britain and Ireland, a policy that became known as Home Rule. He declared that he would prefer "the re-enactment of the Penal Code in all its pristine horrors" rather than give up the legislative independence of Ireland.⁵ In a speech to the House of Commons he declared the futility of this union:

You are unable to govern Ireland, even to your own satisfaction; you have ruled her, not by the powers of the law, but by undisguised despotism. You have not made Ireland prosperous, and her misery has been of no advantage to you. In the name of Ireland, I call upon you to do my country justice and restore her national independence.⁶

He supported the Whigs in their struggle for government reform and worked diligently for the concerns of the Irish people. A cause that he particularly favored was the abolishment of mandatory support for the Church of Ireland. In 1843, O'Connell sought a separate and local Parliament for Ireland and the restoration of legislative independence from England, but Sir Robert Peel's Tory government would not have any of this.⁷ For this, O'Connell was indicted for creating disaffection, declared guilty, and imprisoned. The House of Lords later overturned the sentence.

During the unusually wet summer of 1845, a potato blight called *Phytophthora Infestans*, completely destroyed Ireland's potato crop.⁸ As a result, a devastating famine struck Ireland that eventually caused more than a million people to die of starvation. In an effort to bring relief to the Irish, Prime Minister Peel, who was a Liberal Tory, repealed England's Corn Laws. These were laws that kept domestic grain prices artificially high to protect English farmers from cheaper foreign

⁵ Lefevre, *Peel and O'Connell*. 6.

⁶ Daniel O'Connell, *Speech to the House of Commons*, ed. Anthony C. Hepburn (New York: St. Martins Press, 1980), 15.

⁷ Alan O'Day, *Irish Home Rule 1867-1921* (Manchester and New York: Manchester University Press, 1998), 6.

⁸ Cormac O'Grada, *The Great Irish Famine* (Cambridge: Cambridge University Press, 1995), 24.

grain imports. The Corn Laws protected wealthy landowners who owned most of the profitable farmland; however, they made it difficult for poor and urban class workers to provide food for their families. This action upset many landowning Tories causing the party to split into conservative and liberal factions. Many conservative Protestant Irishmen, such as Isaac Butt, also became increasingly liberal after witnessing how the conservative English government handled the famine situation. However, racism and prejudiced attitudes toward Irish Catholics set the stage for future political coalitions who favored Irish needs.

Because O'Connell favored the constitutional process to end the Parliamentary Union, as opposed to a more radical approach, he lost favor with people who grew weary of a Parliament that ignored Irish issues. Nationalist groups focused more on the land question, and Irish agitation increased. A group of Irish-American extremists in New York decided to take action by orchestrating a revolt in Ireland led by a force of returning emigrants. The New York Irish were not successful in their project because they failed to organize a radical enough group in Ireland to assist such a venture.⁹ However, after the Crimean War in 1856, English tensions with France resumed when the French embarked on a program of building modern ironclad ships that threatened England's naval supremacy. This development, coupled with England's trouble with rebellion in India, inspired the Irish-American exiles in New York and Paris to form a conspiratorial organization in Ireland. This marked the beginning of the Fenian movement.¹⁰

The Fenians, who named themselves after legendary Celtic warriors, vowed to achieve Irish independence by force. The Fenians would not hesitate to use terrorism as a mechanism to bring Irish problems to the attention of Parliament. They perceived themselves as a secret Irish Republican Army who was at war with Great Britain, an external enemy in temporary occupation of the country.¹¹ The development of the Fenians had four consequences: The formation of a clemency movement on behalf of the activists who had been imprisoned; concern by

⁹ Richard V. Comerford, *Anglo-French Tension and the Origins of Fenianism*, ed. F.S.L. Lyons and R.A.J. Hawkins (Oxford: Clarendon Press, 1980), 150.

¹⁰ Comerford, *Anglo-French Tension and the Origins of Fenianism*, 152.

¹¹ Strauss, *Irish Nationalism and British Democracy*, 144.

middle-class leaders to formulate a platform to contain the Fenian threat; the reanimation of clerical involvement in politics; and a renewed interest in Irish reform by British politicians.¹²

Isaac Butt, an Irish lawyer and nationalist leader who previously opposed O'Connell, entered Parliament in 1852 as a liberal-minded Conservative. As a politician, he led the fight for land tenure reform, and as president of the Irish Liberation Society he defended the actions of Fenian leaders. Butt wasted no time in forming an alliance with Prime Minister William Gladstone's Liberal Party. Gladstone's liberal reforms had positive effects for underprivileged English and Irish alike. In 1868, he disestablished the Church of Ireland. Catholics and Presbyterians no longer were bound to pay tithes to the Anglican Church and became eligible to receive annual grants for their own theological training.¹³ Other Gladstone reforms included civil service, military, and education reforms, as well as the establishment of the secret ballot. Pressure from the radical element of Gladstone's coalition petitioned for clemency for imprisoned Fenians. After releasing some Fenians, Gladstone made a point that he was not an amnesty Prime Minister. His real purpose was to draw a line between Fenians and the people of Ireland. Isaac Butt and his land reformers put in their claim with Gladstone, but the Fenians resented this intrusion of the land question as a diversion from the fate of the prisoners and broke up several tenant meetings. Gladstone had his share of troubles confronting the priorities of clergy, tenant farmers, and Fenians, but these were typical problems in political coalitions. Not wishing to damage their relations with Gladstone's liberals, the Irish temporarily backed off.

In 1870, Butt founded The Irish Home Rule Association in an attempt to restore Irish political leadership to the upper-middle class. They intended to establish a home government to manage their domestic affairs, but wanted to remain part of the United Kingdom. By 1873, their membership included Catholics and tenant farmers who began to use the Association to push their demands. Later they called themselves The Home Rule League, became an official political party, and pushed to get

¹² O'Day, *Irish Home Rule 1867-192*, 24.

¹³ O'Day, *Irish Home Rule 1867-1921*, 27.

members elected to Parliament.¹⁴ That same year, Prime Minister Gladstone issued the first land act, which gave tenants longer tenure and land rights.¹⁵ Although the franchise was still restricted, Gladstone's Ballot Act of 1872 enabled Catholic voters to determine the outcome of sixty-six seats and enlarge Home Rule numbers in Parliament during the 1874 election.¹⁶ Isaac Butt died the following year and was replaced by a more militant leader, named Charles Stewart Parnell. In June 1874, the first substantial Home Rule debate took place in the House of Commons, but it did not make a very big wave. That same year Benjamin Disraeli was elected Prime Minister from the Conservative Party and the Conservatives still held three hundred fifty of the six hundred fifty two seats in the House of Commons. Irish Home Rule efforts slowed down during conservative rule.¹⁷

Parnell's agrarian radicalism appealed to the nationalist sentiments of the Fenian society, which was used frequently by Parnell in his methods of agitation against Irish land laws. In 1879, The National Land League was formed with Parnell elected as its President. This group "possessed the strength, unity and techniques of a militant trade union, supported by a nightly campaign of terror, which was no doubt carried out from within its membership."¹⁸ Parnell and his land leaguers were the first to coin the term Boycott when they organized a plan to refuse work or trade with a land evictor landlord named Charles Boycott. Parnell forged an alliance with Gladstone's liberals, and for the first time in British history, the English took Irish members of Parliament seriously.¹⁹ In a speech Parnell gave in the House of Commons, he recommended a policy of shunning and ostracizing anyone who bid on a farm from which another

¹⁴ *Butt Essay*, (Database on-line); available from Dialog, <http://www.templehistory.dna.ie/buttessay.htm>

¹⁵ Strauss, *Irish Nationalism and British Democracy*, 155.

¹⁶ O'Day, *Irish Home Rule 1867-192*, 38.

¹⁷ O'Day, *Irish Home Rule 1867-192*, 40.

¹⁸ Hepburn, *The Conflict of Nationality in Modern Ireland*, 44.

¹⁹ Katherine Bailey, "Charles Stewart Parnell" *British Heritage* 24 (December 1999/January 2000): 14.

tenant has been evicted.²⁰ This agitating technique also encouraged some violence to occur against landlords.

In 1880, the liberal party under Gladstone regained power only to inherit a hostile Irish situation. The Irish problem had three dimensions: the land, preservation of order (coercion), and local government. By 1881, the land movement came to personify national identity. Parnell had been busy exploiting the land question as a means of igniting confrontation with conservatives and a small land war ensued. When Land League violence broke out in County Mayo, Parliament's reaction was the harsh Coercion Bill of 1881. It called for the suspension of habeas corpus, which gave officials the right to arrest land league members and detain them in prison without bail or trial.²¹ Parnell himself was arrested but continued to promote agitation techniques from jail, urging tenants to fight the Coercion Act by refusing to pay rent. He became a martyr to the Irish cause, which by this time had gained worldwide support, particularly in America where the fact that he was a grandson of the American naval hero, Charles Stewart, added to his influence.

Soon after Parnell was released from prison, two members of the British government were murdered in Dublin's Phoenix Park by an extremist Fenian group. Although Parnell openly denounced the murders he was kept under surveillance by British agents who eventually confirmed his innocence. However, the investigation did uncover an adulterous relationship Parnell was conducting with the wife of another Irish Member of Parliament.²² This kind of scandal, especially during the Victorian Era, compelled Gladstone to sever his support for Parnell, resulting in the Irish leader's decline from power.

In his desire to give some relief to Irish farmers, Gladstone passed another Land Act, which emphasized the three F's: Fair rent, Fixity of tenure, and Free sale of tenant's interests. This act gave tenants more opportunities to purchase land. Continued public support for the farmer and his own sympathy for the Irish cause compelled Gladstone to commit the liberal

²⁰ Charles Stewart Parnell "Speech in Parliament on Boycotting" (19 Sep. 1880). Alan O'Day and John Stevenson, ed., *Irish Historical Documents since 1800* (Savage, Maryland: Barnes and Noble Books, 1992), 100.

²¹ O'Day and Stevenson, *Historical Documents since 1800*, 101.

²² Bailey, *British Heritage*, 21 Dec. 1999/Jan. 2000, 4.

party to Home Rule. He proposed a Bill in 1886 that included a separate Irish Legislature. However, Liberal Unionists and conservatives considered the measure too radical and formed a coalition opposing Home Rule. Fear that the Irish would use the Home Rule Bill as a stepping-stone to achieve total independence from Britain induced Unionists speeches against Home Rule. In 1886, A.V. Dicey declared: "Home Rule does not mean national independence. There are spheres of national life that Ireland is not to act."²³ Dicey later compared Home Rule issues to States-Rights issues. Lord Randolph Churchill addressed ten thousand Unionists in Belfast using the phrase: "Ulster will Fight; Ulster will be Right."²⁴

In 1893, a second home rule passed the House of Commons, but it too was killed in the House of Lords. Again, Liberal Unionists used the same arguments comparing the Civil War in the United States to Home Rule issues in the United Kingdom. Union supporters in the United Kingdom opposed Home Rule for Ireland during the 1880's, while Gladstone, who supported the Confederacy on states' rights principles during the American Civil War, called for Irish Home Rule on the same grounds. Disraeli believed that Irish Home Rule would "plant in the heart of the British empire the seeds of contagious anarchy, and perhaps even Civil War."²⁵ Opponents of Home Rule also point out how the United States Government put down the attempt made by the Southern States as an example of love of "Imperial Unity."²⁶ The Unionist believed that the only safeguard against the power of an unchecked majority, such as the Catholic Nationalists in Ireland, was a strong constitution like that of the United States. By 1900, impatient Home Rule Constitutionalists split into the revolutionary faction called Sinn Fein (We-Ourselves). Sinn Fein promoted complete national self-reliance by resisting all things that were English.²⁷

By the time a third Home Rule Bill was proposed, a new champion for Nationalism was in place in the person of John Redmond. An Irish Member of Parliament since 1881, Redmond

²³ O'Day and Stevenson, *Irish Historical Documents since 1800*, 110.

²⁴ O'Day, *Irish Home Rule 1867-1921*, 108.

²⁵ Joseph M. Hernon, Jr., "The Use of the American Civil War in the Debate over Irish Home Rule," *The American Historical Review* 69 (July 1964): 1024.

²⁶ Hernon, 1023.

²⁷ InfoPlease.com, *Sinn Fein*, (Database on-line); available from Dialog, www.infoplease.com/history.

took Parnell's place as leader of the Home Rule Party. With his exceptional orator skills, he set out to convince the world of the justice of his cause. Redmond raised huge financial support from Irish-Americans and Irish-Australians but the real surprise came when he rallied the support of many people of England. Redmond became a key figure when the English newspaper cartoon, *Punch*, showed him on a throne holding a scepter and orb, with Big Ben in the background. The caption read, "Well, if I can't rule in Dublin, I can here."²⁸ The Home Rule Bill finally passed both houses of Parliament in 1912, but this time it was Protestant Ulster who rejected the bill owing to fears of Roman Catholic domination. They raised an army and promised to fight if the bill became law.

In 1914, a provision in the bill allowed Ulster to vote itself out of Home Rule for six years, but World War I delayed any action on the bill. More doubts about British good faith brought on The Easter Rebellion of 1916; and in 1918 South Ireland elected only Sinn Fein members to Parliament. Instead of going to the Westminster Parliament, the elected members set up an Irish Assembly in Dublin and declared Irish independence. A guerrilla war ensued between the Irish Republican Army and British irregulars called Black and Tans whose ruthless campaign did nothing to improve Anglo-Irish relations. In 1921 the British government negotiated a fourth Home Rule Bill, which excluded six counties in Northern Ireland. This agreement did not satisfy the militant wing of Sinn Fein and terrorist activity continues, as the matter remains unsettled to this day.

²⁸ Robert S. Redmond, "Ireland's Forgotten Patriot," *Contemporary Review* 265 (July 1994): 16-21.

Free Speech during Wartime: An Illusion - The Story of Eugene Debs

By Dustin Bridges

I realize that, in speaking to you this afternoon, there are certain limitations placed upon the right of free speech. I must be exceedingly careful, prudent, as to what I say, and even more careful and prudent as to how I say it.¹

*Eugene Debs,
Canton, Ohio, June 16, 1918*

America at the turn of the twentieth century was a place of unprecedented prosperity for industrialists such as John D. Rockefeller and J.P. Morgan. A wave of immigration enhanced the capitalist's workforce, and in return fed their wallets. Eastern and Southern European workers would pass by Miss Liberty only to find their rights violated while producing Carnegie's steel. Many immigrants who felt alienated by the conservative government and laissez-faire Supreme Court found refuge in the words of Eugene Debs, Socialist candidate for President of the United States. However, Debs would soon find himself imprisoned under the Espionage Act--an act arguably in violation of the First Amendment. This essay will explore the rise of Debs' left-wing Socialist politics and the world events that led to his Supreme Court case about suppressed speech. Finally, I will examine the constitutionality of the Espionage Act in the trials of Charles Schenck and Eugene Debs.

Eugene Debs recognized that the 1896 demise of the Populist Party resulted in a lack of representation for left-wingers. In this void, Debs founded the Socialist Party of the United States in 1901.² The Socialist message was akin to the Green Party message 100 years later: Reform in the workplace, government control of certain industries, pacifism, and an alteration of the inverted triangle of wealth. These were ideas

¹ Eugene Debs, Speech (Canton, Ohio: 16 June 1918). Text available from Northwestern University's Douglass Project: http://douglass.speech.nwu.edu/debs_a78.htm: 17 April 2001.

² H. Wayne Morgan, *Eugene V. Debs: Socialist for President* (Syracuse: Syracuse University Press, 1962), 59-60.

that the under-privileged classes could easily identify with in their quest for life, liberty, and the pursuit of happiness.

Debs' brand of idealism was sweeping the country. Theodore Dreiser, Jack London, Susan B. Anthony, Helen Keller, Upton Sinclair, and hundreds of thousands of others were riding the wave of socialism after seeing the exploitation that capitalism had brought to the nation. Ultimately, Eugene Debs, co-founder of the Industrial Workers of the World, ran for President five times. As time progressed, Debs seemed to gain ground. In 1912, 15,000 people paid to see Debs at New York's Madison Square Garden and 18,000 crowded Philadelphia's Convention Hall in order to hear his impassioned rhetoric of helping the little man.³

Even Theodore Roosevelt, running this time on the Progressive ticket, remarked just years earlier at how massive the Debs movement really was. He posited, "I have felt that the growth of the Socialist Party in this country was far more ominous than any populist or similar movement in the past."⁴ In the election of 1912, Debs garnered six percent of the vote – including besting Republican Presidential efforts in Mississippi and gaining one out of every six votes in select states. Nevertheless, six percent was still short of a plurality; this appeared to be as close as the high school dropout from Terre Haute, Indiana, would ever come to spreading his dream of justice for all.⁵

Revolution was right around the corner. This occurred in Russia, not in the United States. The Bolshevik Revolution, along with the strong pacifist stance of the Socialist Party spelled trouble for the Socialist Party as America entered World War I. In order to forge patriotism, Congress passed the Espionage Act of 1917. Section Three of the Espionage Act threatened anyone who criticized the United States government, its allies, or the war effort with twenty years in prison and/or a \$10,000 fine.⁶ However, in a nation that was established by religious and political dissenters, could such a law stand as constitutionally valid?

³ Morgan, *Socialist for President*, 130-133.

⁴ Morgan, *Socialist for President*, 85.

⁵ Morgan, *Socialist for President*, 138.

⁶ Espionage Act of 1917. Text available from a University of Kansas Website: <http://www.ukans.edu/carrie/docs/texts/esp1918.htm>: 17 April 2001.

On a Sunday afternoon in Canton, Ohio's Nimisilla Park, Eugene Debs was slated to give a speech at a Socialist picnic. Frustrated that other Socialists had been sent to prison for voicing their pacifism, Debs gave his speech on June 16, 1918 with the intention to be arrested. Debs was confident that the First Amendment would protect him when the court interpreted the Espionage Act's constitutionality. Earlier, Debs confided to Kate Richards O'Hare, "I cannot yet believe that they will ever dare to send you to prison for exercising your constitutional rights of free speech. But if they do . . . I shall feel guilty to be at large."⁷

Debs' speech, as biographer H. Wayne Morgan contended, "...contained little that was new, nothing that he had not said before, and much that was not incendiary."⁸ His two-hour speech to over 1200 did, however, speak of pacifism, and demonstrated his adoration towards the Bolsheviks of Russia. Because of his ideas, an arrest was eminent: within days of his speech, Debs was arrested and a trial was set in Cleveland.

Despite the pressure, Debs remained strong and loyal to Socialism. Clarence Darrow, America's most renowned attorney, even offered to defend Debs. Debs declined the offer, however, due to Darrow's support of the war. Nevertheless, Debs settled on four Socialist attorneys. The defense was simple: Debs stoically admitted the government's account was accurate. However, Debs and his legion of attorneys challenged the constitutionality of the Espionage and Sedition Act, claiming a violation of the First Amendment's guarantee of free speech.⁹ Indeed, Debs gave a speech to the Cleveland courtroom which has found its way through many anthologies of great American speeches--providing a haunting glimpse of the suppression of free speech that the Espionage Act had allowed:

This country has been engaged in a number of wars,
and every one of them has been condemned by some
of the most eminent men of the country. . . the
Mexican War was bitterly condemned by Abraham
Lincoln, Charles Sumner, Daniel Webster, and

⁷ Morgan, *Socialist for President*, 161.

⁸ Morgan, *Socialist for President*, 162.

⁹ Ray Ginger, *The Bending Cross* (New Brunswick: Rutgers University Press, 1949), 362.

Henry Clay. They were not indicted. They were not tried for crime. They are honored today by all of their countrymen. The war of the Rebellion was opposed and condemned. In the year 1864 the Democratic Party met in convention in Chicago and passed a resolution condemning the war as a failure. What would you say if the Socialist Party were to meet in convention today and condemn the present war as a failure? You would charge us with being disloyalists and traitors.¹⁰

Debs continued by quoting verbatim the First Amendment of the Constitution. Despite his master oratory, Debs, nearly 63 years old, was sentenced to ten years in prison.

However, Debs would have his day in front of the Supreme Court. Debs' Biographer Ray Ginger proclaimed, "nothing during the entire war had shocked the American people in quite the same way as Debs' arrest."¹¹ Would the nine Justices muzzle the champion of working-class America for simply spreading his beliefs or would they stand up for America's most important civil liberty?

Just a week prior to the Supreme Court's acceptance of Deb's case, the High Court took a case and adopt a test which is crucial to our understanding of the law: Charles Schenck, as Philadelphia's Socialist Party Secretary had ordered the printing of 15,000 pamphlets urging resistance to the draft. These letters were then mailed to individuals, some of whom had been drafted. This occurred in 1917, in the midst of recruitment for the First World War. The Socialist platform advocated pacifism, with a focus on the domestic war on poverty and inequality in lieu of any international military involvement. The question was not if Schenck had violated the Espionage Act, a fact agreed upon even by Schenck's attorney, but instead if the Espionage Act was Constitutional. Gibbons claimed that the law violated free speech as guaranteed by the First Amendment. Unanimously, the court struck that objection down.¹²

¹⁰ Debs Speech to Cleveland Court (01 Sep. 1918), Robert Torricelli and Andrew Carroll, ed., *In Our Own Words: Extraordinary Speeches of the American Century* (New York: Washington Square, 1999), 47-51.

¹¹ Ginger, *Bending Cross*, 360.

¹² Lee Epstein and Thomas G. Walker, *Constitutional Law For A Changing America: A Short Course* (Washington: Congressional Quarterly Press, 1996), 434-442.

In his opinion of the Court, Justice Oliver Wendell Holmes, a lifelong Republican, proclaimed that the Espionage Act was indeed within the scope of the Constitution. In the much-lauded opinion, Holmes used his famed analogy of the First Amendment not protecting the rights of someone who fraudulently yells “fire” in a movie theatre to cause a panic. It is also set up the boundaries of “free” speech; whereas Holmes states “the question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.”¹³

A question that Holmes failed to address in his opinion was the danger of government censorship over a political party’s ideas. The court failed to rule in favor of logic or freedom. Holmes was correct – some speech should be protected. Fighting words, or as he called it, “uttering words . . . of force,” have no constitutional leg to stand on. The same goes for libel, slander, and obscenity. But, for a court to block an idea from a political party distributing literature that spoke of “asserting your rights” was equally ridiculous and sad – especially when that literature sought not a belligerent quarrel, but a halcyon existence. On March 10, 1919, with America’s prominent class warrior on trial, the guaranteed right to free speech would be challenged before the court.

Again, Debs did not dispute or deny any of the facts in front of the court. He only challenged the constitutionality of the Espionage Act. The court found many grievances in the speech that Debs gave on June 16, 1918 showed many places where the court found grievances. One of Debs’ statements the court deemed “harshest” dealt with the present war:

. . . let me emphasize the fact - and it cannot be repeated too often - that the working class who fight all the battles, the working class who make the supreme sacrifices, the working class who freely shed their blood and furnish the corpses, have never yet had a voice in either declaring war or making peace. It is the ruling class that invariably does both.¹⁴

¹³ Epstein & Walker, *Constitutional Law*, 434-442.

¹⁴ Eugene Debs, Speech (Canton, Ohio: 16 Jun. 1918). Text available from Northwestern University’s Douglass Project: http://douglass.speech.nwu.edu/debs_a78.htm. Accessed 17 April 2001.

Despite this strong language, to infer pro-German sentiment from Debs would be foolish. Eight times within Debs' speech, he referred to the German Kaiser as the "Beast of Berlin." Furthermore, Debs spoke of the forthcoming Socialist Revolution, declaring that "The sun of capitalism is setting; the sun of socialism is rising."¹⁵ Debs also criticized the Espionage Act during his epic speech in Canton:

The other day they sentenced Kate Richards O'Hare to the penitentiary for five years. Think of sentencing a woman to the penitentiary simply for talking. The United States, under plutocratic rule, is the only country that would send a woman to prison for five years for exercising the right of free speech. If this be treason, let them make the most of it.¹⁶

Following this statement in Canton, Ohio, the crowd rewarded Debs with thunderous applause.¹⁷ The Supreme Court did not look upon the case of Eugene Debs with similar favor. His conviction was unanimously upheld. Oliver Wendell Holmes, who has since been given the misnomer "champion of free speech," wrote the opinion of the court. In his opinion, Holmes wrote that "Debs expressed opposition to Prussian militarism in a way that naturally might have been thought to be intended to include the mode of proceeding in the United States"¹⁸ The opinion then continues to speak of the "probable effect" of draft obstruction. Nevertheless, Holmes did privately write a letter on April 29th to Frederick Pollock. Holmes wrote, "Now I hope the President will pardon him and some other poor devils with whom I have more sympathy."¹⁹

With the end of World War I, the Espionage Act would lose its force. However, the law remained on the books. Furthermore, in 1963, President Kennedy tried to bolster this law by making it also apply to "statements uttered by Americans abroad." Nevertheless, during World War I, 900 were imprisoned and 2000 prosecuted for violating the Espionage Act. Freedom of the media had vanished, private conversations

¹⁵ Debs, Speech.

¹⁶ Debs, Speech.

¹⁷ Debs, Speech.

¹⁸ Howard Zinn, *A People's History of the United States* (New York: Harper Perennial, 1995), 359.

¹⁹ Marvin Summers, ed., *Free Speech and Political Protest* (Boston: DC Heath & Company, 1967), 35.

were unprotected, and even a filmmaker was sentenced to ten years in prison for making a movie on the Revolutionary War which, in the words of the Judge, “. . .question[s] the good faith of our ally, Great Britain.”²⁰

Eugene Debs' popularity, however, remained strong. The Socialist Party pleaded for Debs to run a fifth time for president from his jail cell in Atlanta. As prisoner number 9653, he would garner nearly a million votes in the 1920 election--more than on any previous run.²¹ Newly elected President Harding pardoned Debs on Christmas Day, 1921. Debs later visited the President for a day at the White House, and then returned to Indiana to play a pivotal role in the Socialist Party until his death in Elmhurst, Illinois in 1926. From coast to coast, silent marches paid tribute to one of America's prominent political leaders.²² Debs dedicated his life in order to give a voice to the voiceless and the Supreme Court had tried to take it away. Ultimately the people were not silenced. That is, after all, the spirit of the First Amendment.

²⁰ Zinn, *People's History*, 357-362.

²¹ Morgan, *Socialist for President*, 189.

²² Morgan, *Socialist for President*, 192, 199.

Book Reviews

Gettysburg—The First Day. By Harry W. Pfanz. Chapel Hill, North Carolina: The University of North Carolina, 2001. Bibliography, Appendices, Maps, Illustrations, Index. Pp. 528. \$34.95. ISBN: 0807826243.

In *Gettysburg—The First Day*, Harry W. Pfanz, a former Gettysburg National Military Park historian, reexamined the first day of battle. Pfanz focused on the following three areas: the events surrounding the first day encounter, the morning action, and the afternoon battle. After reevaluating primary and secondary sources, the author drew conclusions that differed from traditional views of Gettysburg's first day fight. Pfanz posited that Union cavalry fought a significant engagement in order to hold off the Confederate infantry. In addition, he contended that Major General Oliver O. Howard's XI Corps performed well on the Federal right.

The author began his narrative with June 15, 1863, when General Robert E. Lee ordered his army to invade the North. Major General Joseph Hooker, the Federal army's commander, lost sight of Lee's army. In fact, he was unable to answer the president's questions concerning Lee's location and destination. On 28 June, President Abraham Lincoln replaced General Hooker with Major General George Gordon Meade, a Pennsylvanian, who enjoyed a reputation as an aggressive battlefield commander. General Meade assumed command, while the two armies moved north.

During the early morning of July 1, 1863, Brigadier General John Buford's Union cavalry division occupied the town of Gettysburg. General Buford realized that Confederate forces were marching towards Gettysburg. Furthermore, he also knew that Major General John F. Reynolds' Union infantry corps was located nearby. According to the author, General Buford decided on his own initiative to fight the southerners. First, he sent couriers to inform General Reynolds of the military situation. Next, General Buford prepared his small force for battle. General Buford had his whole command, which consisted of a little over two thousand men, dismount. In order to garner time for Union infantry to arrive, General Buford planned to fool the

Confederates into believing that his unit was a larger force. He believed that he could buy time for his men and Reynolds' force by forcing the Confederates to deploy their units before reaching his main position. Buford ordered his skirmishers to form a line of battle forward of Herr Ridge near Marsh Creek. The general instructed his skirmishers to act aggressively, especially as they fell back toward the mainline. His subordinate commanders had established a defensive line that extended from the Mummasburg Road south toward the Chambersburg Pike along McPherson Ridge.

The key to General Buford's plan was Lieutenant John Calef's horse artillery battery. In order to carry out the ruse, Lieutenant Calef deployed his battery by sections instead of concentrating them at one point. First, Lieutenant Calef placed one section, which consisted of two six-inch Ordnance Rifles, on the right side of the Chambersburg Pike along McPherson Ridge. Second, he emplaced the second section with its six-inch Ordnance Rifles on the left side of the pike near McPherson's barn. The last section, Lieutenant Calef ordered to occupy an area near the southeast corner of McPherson Woods. Lieutenant Calef instructed his artillerymen to clear fields of fire, and open passageways through the fences so that the guns were maneuverable.

During the early morning, Brigadier James J. Archer's Confederate brigade, the lead element of General A. P. Hill's corps, advanced blindly toward General Buford's skirmishers who opened fire. Archer's men were unprepared, and forced to rearrange their formation from a column, which was used for marching, into a line. On Archer's left, Brigadier General Joseph Davis brought his brigade into line. The two Confederate brigades moved forward against Buford's main position. Calef's artillery wreaked havoc on the southern infantry, while General Buford's troopers armed with carbines, opened fire. Again, Buford's men impeded the Confederates forward progress. Pfanz believed that Buford's aggressive actions allowed Reynolds' infantry to reach the field in time.

Pfanz also examined General Howard's XI Corps, which fought on the right flank. The author contended that the Howard's men fought hard, but aggressive tactics by Howard's subordinate commanders, and the terrain favored the Confederates. For example, Brigadier General Francis Channing Barlow, a division commander under Howard, pushed his men

forward onto the high ground known as Blocher's Knoll. According to Pfanz, a former artillery officer, Barlow's decision was correct because of certain advantages that the ground offered to the artillery. The problem was that the roads allowed the Confederates to move quickly, and the terrain permitted the southern infantry to form under cover. Although, the XI Corps fought heroically, three Confederate brigades simultaneously swept the Union's right, while Brigadier General George Doles' Georgia brigade pushed down the Carlisle Road into the remaining XI Corps' position. Pfanz emphasized that terrain was the decisive factor in the XI Corps' undoing, and not poor fighting.

Pfanz's work was refreshing, but it lacked depth in several areas. First, the author passed over the fight at Brandy Station, which occurred on the ninth. The Union cavalry surprised Major General J. E. B. Stuart's cavalry forces. In an effort to overcome this embarrassment, General Stuart rode around the Union Army, which left Lee blind to the Union Army's location. Another question Pfanz failed to address was the role or lack of role played by Confederate Lieutenant General A. P. Hill. Lee had ordered his corps commanders to avoid a major engagement until the army was concentrated. Furthermore, Brigadier General James Johnston Pettigrew's North Carolina brigade spotted General Buford's men the day before the battle, and reported their actions to Hill. Neither Pfanz, nor Professor James I. Robertson, Hill's biographer, have criticized Hill for starting the fight, which ended in Lee's retreat back into Virginia.

Pfanz focused on the often-neglected first day fight at Gettysburg. The author concluded that the Union Army fought bravely and skillfully against a Confederate force, which was relentless in the attack. He also argued that certain factors such as terrain favored the Confederates and not the Union soldiers. More importantly, Pfanz emphasized that the Confederates suffered heavy casualties on the first day, which ultimately hurt Lee's ability the following two days at the Battle of Gettysburg. Perhaps, the first day at Gettysburg was Lee's last great chance for total victory.

- W. Keith Alexander

Make Love, Not War - The Sexual Revolution: An Unfettered History. David Allyn. New York: Routledge 2001. Photographs. Bibliography. Index. Pp. xii-381. \$18.95. ISBN 0415929423.

David Allyn's *Make Love, Not War - The Sexual Revolution: An Unfettered History* tied historic elements of the sexual revolution together to demonstrate how these events culminated in lasting cultural, scientific, and legal changes. Concentrating on the 1960s and 1970s, Allyn's work illuminated the different interest groups that embodied the sexual revolution. In particular the author focused upon two groups of people: those who earned a living through the exploitation of sex for financial gain, and those who altered their lifestyles for sexual liberation. While some participants in the sexual revolution advocated political change, others sought the liberty to explore their sexuality in private.

Allyn's social and cultural analysis offered a history of the revolution from 1962 to the early 1980s. Allyn described the sexual revolution as "spiritual yet secular, idealistic yet commercial, driven by science yet colored by a romantic view of nature" (pp. 8). The apparent difficulty in defining the sexual revolution surfaced in this book, and revealed our culture's ambivalence in talking about sexuality. The author navigated this minefield tactfully in a well-documented study and made heavy use of personal interviews. However, the book examined the sexual revolution largely from the standpoint of intellectual, scholarly, and middle class backgrounds. This exposed a weakness of the book and portrayed the sexual revolution primarily from a white Anglo-Saxon perspective. Allyn made clear that no one person, activity, or event symbolized the sexual revolution. Gay pride, feminism, group marriages, middle-class students seeking to co-habitat, scientific theory, technical advancements, radical political activists, pornographers, sex therapists, and suburban-swingers all characterized the sexual revolution.

Allyn demonstrated that the sexual revolution resulted from an adult culture that relied upon the consumption of pleasure for satisfaction. Alternative relationships like swing couples changed partners for experimental purposes, but also to relieve the monotony of society. While participants in group

marriages and swing couples claimed their activities strengthened their relationships, upon later reflection some confided to Allyn feelings of guilt and remorse. The author explained that while partner swapping relationships redefined ideas of privacy and exclusiveness, issues of possession, jealousy and “property” existed within these alternative relationships that ostensibly scorned monogamy.

A comprehensive chapter devoted to the Sexual Freedom League (SFL) and one of its founders Jeffery Poland represented a further lack of cohesiveness among activists during the sexual revolution. Allyn attributed the failures of the SFL to the organization’s inability to mobilize a constituency dedicated to a full-scale political-sexual revolution. The SFL coined the “Make Love, Not War” slogan, and in the process merged student activism and the quest for sexual liberation. However the Vietnam War protests, Civil Rights demonstrations, and experimentation with drugs remained more pressing than political revolution aimed at issues of sexuality.

Another “participant” of the sexual revolution presented varied approaches to sexual liberation. Allyn’s discussion of the gulf between gay and lesbians’ efforts in the later stages of the sexual revolution exemplified the different goals of homosexuals. Gay men sought to “come out of the closet,” be accepted and feel safe while “cruising” for other men according to Allyn. Lesbians desired to subvert objectification, dominance, and inequality in the white-male world. While these two groups ultimately sought sexual liberation and revolution their approaches, methods, and ideology differed.

For those readers who grew up in the 1970s and 1980s, Allyn’s history of the sexual revolution presented facts that shed light upon the stereotypes of the 1990s. With Allyn’s explanations of the reasons behind male sex in public bathrooms, the links between Communism and homosexuality, and the popularity of “elite” establishments for sex frequented by middle class patrons that were not considered “seedy,” the urban legends of the past received factual foundations. Did the rebels of the sexual revolution set out to turn heads or were they revolutionaries who sought to turn the establishment upon its head? Allyn’s use of over eighty personal interviews suggested the answers to those questions as yes and no. For example feminist Gloria Steinem and publisher Larry Flynt exhibited rebellious and revolutionary qualities. However, more “common

folk” such as a suburban couple Allyn used to expose the intricacies of swing couple-relationships, sought personal excitement in the privacy of their own homes, not to change to world. These individuals represented a part of a mass movement dedicated to changing attitudes about sex, the body, and liberation.

Did the events of the 1960s constitute a revolution? If the movement transformed individual lives significantly and resulted in legislative change, Allyn successfully proved the cathartic nature of the sexual revolution. While not every issue debated or discussed during the sexual revolution resulted in victory or defeated existing taboos, sexual liberation left a legacy. Co-habitation and premarital sex never ceased among unmarried hetero or homosexual couples. While the sexual revolution did not result in universal change, the movement led to incremental change. Rebellious men and women conceived, nurtured, defended, and fought for the realities of today in a quest for the liberty to make their own sexual decisions.

- Chris Manganiello

Department News

Dr. William Anderson entered his second year of phased retirement. He is completing work co-editing the John Howard Payne papers.

Dr. H. Tyler Blethen is the Creighton Sossomon Professor of History and serves as the director of the Mountain Heritage Center. He continues to work on *High Mountains Rising: Appalachia in Time and Place* for the University of Illinois Press.

Dr. David Dorando is working with the University of Indiana Press on *Great Battles of the 20th Century*. He is contributing a chapter tentatively entitled *Iron Rain: The North African Air War, 1940-1943*.

Ms. Linda Culpepper has completed her course work at the University of Tennessee, Knoxville, and is studying for her doctoral exams. Her dissertation topic is post-Civil War African American community building in western North Carolina. She recently gave a paper at the 25th annual Appalachian Studies Conference in Helen, Georgia.

Dr. Gael Graham serves as coordinator of the graduate program in history. She has nearly completed a draft of her book on high school activism in the 1960s. She has submitted an article based on this research for publication.

Dr. James Lewis once again spent his summer in the *Archivo General de Simarcas*, the largest depository of the Spanish Naval archives, working on his project "The Spanish Flota of 1750." Through the trials and tribulations of the departmental move he has remained the department's chair.

Ms. Elizabeth Gillespie McRae continues to work on her dissertation for the University of Georgia. She contributed articles this year for the University of Arkansas Press and the Oxford University Press. She also presented papers at the Southern Historical Association Conference and the Conference on Massive Resistance at the University of Sussex in Brighton, UK. She is the proud mother of a new daughter, Lucy Caroline.

Dr. Scott Philyaw has a book under contract with the University of Tennessee Press entitled *Virginia's Western Visions* to be published in 2003. He is continuing his research on out-migration of western North Carolina residents to the Pacific Northwest.

Mr. Karl Rohr has been a visiting lecturer at Western Carolina University for eight semesters. He is currently writing his dissertation on the Road to Nowhere controversy in Swain County for the University of Mississippi.

Dr. Richard Starnes continues to stay busy with the publication of several book reviews and two books under contract with the University of Alabama Press. He gave a paper at the Southern Historical Association Conference and is co-authoring a biography of William Alexander Graham for the North Carolina Office of Archives and History. Dr. Starnes is also the proud father of a new baby boy, Nathan Thomas.

Dr. Gerald Schwartz completes his third of phased retirement this year and his thirty-fourth year of service at Western Carolina University.

Dr. Vicki Szabo is currently continuing her interdisciplinary research in human ecology. She recently participated in the Kendall Whaling International Symposium and International Medieval Congress. Currently she is working on an article about whalebone houses.

Mr. Eric Tscheschlok has served the department this year as Visiting Assistant Professor. He is finishing his dissertation, *Spencer Roane of Virginia: Law, Politics, and Constitutionalism in the Early Republic*, for Auburn University that he expects to defend in May. He has contributed several book reviews and is the proud father of a new baby boy, Mason Westbrook.

Dr. Curtis Wood continues to enjoy phased retirement. He will be with the department for three more years. He is currently working on the agricultural section of the *Encyclopedia of Appalachia* for which he is the research section editor.

Joe Ginn

This spring the history department is losing two long time institutions. The wide open halls and warm oak details of which have given McKee building a distinct academic character since it was built in 1939 are giving way to renovations for a more modern approach to classroom architecture. So it is perhaps appropriate that this spring we will also lose a long time department fixture that came with McKee Building, Joe Ginn.



A native of Sylva, Joe taught in McKee Building while it was the Camp Lab School serving as a high school for Cullowhee students. Joe received his B.S. in Education from Western Carolina University in 1968 and then worked in church music for about ten years before returning to Cullowhee.

Joe began working as History Department Secretary in June 1978 as a temporary job while he completed his Master of Arts in Education. Joe stayed on after he graduated in 1980. A combination of the poor education job market and what Joe calls “Good people” to work with in the History Department persuaded him to remain. During his tenure, Joe greatly assisted students and faculty members through the necessary paper work found in any institution of higher learning. Originally hired by Department Head Ellerd Hulbert, Joe has served six department heads in his twenty-four years of service.

As for retirement plans, Joe hasn’t really made any yet. Joe’s wife, Marilou, retired a year ago after thirty years of teaching and has compiled a lengthy “honey-do” list for him. Beyond Joe’s work as a do-it-yourself handyman, the Ginns will be traveling and playing with their five grandchildren.

After encouraging countless students and helping them complete their graduation paperwork requirements and move onto their careers, Joe Ginn will retire from his own career at Western Carolina University on April 30, 2002.

Thank you Joe!