

LEGACY

A Journal of Student Scholarship

Volume 12

2012



A Publication of the Sigma Kappa Chapter of Phi Alpha Theta
& the Southern Illinois University Carbondale History Department

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The editorial staff would like to thank all those who supported this issue of *Legacy*, especially the Undergraduate Student Government, Phi Alpha Theta, our history alumni, the SIUC History Department, the students who submitted papers, and their faculty mentors, Drs. Jonathan Bean, Germaine Etienne, Joseph Sramek, Jonathan Wiesen, and Hale Yilmaz.

This issue of *Legacy* is dedicated to the memory of Judy G. Summers, Editorial Staffmember, 2010.

A Publication of the Sigma Kappa Chapter
of Phi Alpha Theta & the History Department
Southern Illinois University
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Jason Vollmer

Battle through Boycott: The Jewish Anti-Nazi Movement in the United States, 1933-1938



Photo from The Anti-Nazi Bulletin, May 1938,
The Bertha Corets Papers Box 1 Folder 15,
American Jewish Archives, Cincinnati.

Acknowledgements

I have become indebted to a few people throughout the research and writing process for this paper. First and foremost I would like to thank Dr. Jonathan Wiesen for his tireless effort to always encourage me to dive deeper into the research material. His encouragement and enthusiasm for the topic motivated me at times when I doubted my ability to follow through with the aims of this study. Your tolerance of my constant questions and last minute inquiries does not go unnoticed. I would also like to thank Dr. Jonathan Bean for assisting in the revision process and for having pointed me in the direction of a business oriented theme for this paper. Finally, I would like to thank Nathan Tallman of the American Jewish Archives for aiding in my obtainment of the Samuel Untermyer and Bertha Corets Papers. These rich collections provided me with a detailed, eye-opening insight into the American boycott movement. This paper would not be complete without the collective support of all of you, and I thank you again for your assistance along the way.

The Holocaust has been a highly studied subject of world history. When one stops to recollect the events of the Holocaust they most likely think of ghettos, concentration camps, and death camps. High school history courses are likely to start covering the Holocaust in 1938 when the infamous *Kristallnacht*, or “night of broken glass”, occurred. Questions arise as to why the Jews did not “fight back” against Adolf Hitler and the Nazis. What many do not know is that the Jews actually did fight back.¹ The anti-German boycott began as early as 1933 and was initially led by the Jewish War Veterans (JWV) in the United States. The boycott of German products was started by United States Jewish organizations and had a very strong footing in the United States and around the world. While Jews were being persecuted in Europe, Americans such as Samuel Untermyer and Dr. Joseph Tenebaum were leading the Non-Sectarian Anti-Nazi League to Champion Human Rights (NSANL) and the American Jewish Congress (A.J.C.), respectively, in a boycott of German-made goods. Contrary to popular belief, world Jewry responded loudly to the persecution of German Jews. While these economic sanctions failed to curb Hitler’s tyrannical leadership, they prove that the Jewish community did indeed react.

What sets this study apart from others is its attempt to answer more specific questions about the boycott of Nazi goods. Past studies have focused on the boycott organizations themselves and the politics and troubles found within these groups.² Others have looked at the boycott movement abroad and examined the economic plight of Jews as a whole, with the boycott movement being a side note of the main study.³ Few authors have directly addressed the economic or social effects of the boycott. This study argues that while the boycott of German goods from 1933-38 had a positive effect on American Jewish identity, it was not successful in halting Hitler’s anti-Semitic agenda or slowing Germany’s economy. The focus of the Holocaust is usually the horrible extermination of the Jewish population of Europe. While this crime was indeed terrible, it overshadows acts of resistance and defiance. As we will see, Jews had been resisting Nazi Germany for years prior to World War II.

The present study focuses on the boycott of German products from 1933-38. The range of years is important in understanding the study of this topic. The boycott movement began in 1933 and ended around the time of the United States involvement in WWII in 1941. Through the mid-1930s the boycott movement gained considerable ground, winning over such companies as F.W. Woolworth’s and Macy’s. While this was a large accomplishment, the movement had

difficulty boycotting other companies such as Dow Chemical and Bayer Corporation, and it weakened severely around 1938 with the resignation of Samuel Untermyer and in 1939 with the German invasion of Poland and the beginning of World War II. America's entry into the Second World War in 1941 would merge the boycott with an all-out effort to combat Nazism through rationing and a focus on war armaments manufacturing.

Through the examination of the little known Jewish resistance to Nazi Germany, questions arise such as: How, if at all, did the boycott of German products affect Germany's industry and economy? Why were some members of the Jewish community in favor of the boycott while others were against it? If European Jews were the target of Nazi persecution, why was the main boycott organization considered a nonsectarian one? In addressing these questions, this study draws on documents obtained from American correspondence and a small selection of translated German documents. While Nazi documents would ideally have been consulted, the documents cited still offer rich insights into the aims and effects of the boycott movement.

The Birth of a Movement

On April 1, 1933, Nazi Germany declared a boycott on all Jewish stores in Germany. One might think that the ensuing boycott of German goods in America and around the world resulted from this outburst by the Nazi government, but the anti-German boycott did not begin because of this persecution. The JWV called for a boycott of German products on March 13, 1933, in response to anti-Semitic outbursts that had already taken place in the towns of Essen, Magdeburg, Kassel, and Berlin on March 8, and 9, 1933.⁴ They decided to hold a parade on March 23, 1933, where they would present the case for a diplomatic protest and a boycott of goods made in Nazi Germany to New York mayor John O'Brien. The JWV was acting against the wishes of other Jewish organizations of this time such as the A.J.C. and its two sister organizations B'nai B'rith and the American Jewish Committee (AJC). These organizations believed that "public agitation would not serve the cause of Reich Jewry."⁵

The reasons Jews would not have wanted to agitate against Nazi Germany were many. For Jews, these anti-Semitic outbursts in 1933 were not the first episodes of persecution by outside groups. A long history of anti-Semitism accompanies the Jewish faith, and many Jews came to accept their political powerlessness

and vulnerability to persecution. Jews often blamed themselves in an attempt to explain their persecution. This was much easier than presenting difficult questions as to why God was silent and failed to aid them during persecution.⁶ To some Jews, instituting a boycott against German products was like fighting fire with fire, or as they put it, "fighting Hitlerism with Hitlerism." Many argued that a boycott would be "uncultural, unethical, and un-Jewish" and that Jews' high morality meant that they should not resort to "so coarse and uncivilized a weapon" as the boycott.⁷ Still others felt that the boycott was a double-edged sword which, if wielded against Germany, could easily be wielded against Jews as well. In line with this idea was the thought that by declaring a boycott against Germany the Jews negated their moral innocence; "for one who boycotted others would have no moral right to protest their being boycotted by others."⁸ Finally, many did not believe Hitler would be in power long and felt it best to leave the situation alone and not stir things up.

The Nazis announced their boycott of Jewish stores on April 1, 1933 as a defensive measure against the "atrocious propaganda" being spread around the world, particularly in the United States.⁹ Goebbels proclaimed that the Nazis "have not hurt one Jewish hair," but that if the protests in New York proceeded then they would "take their gloves off."¹⁰ A meeting of the Reich Chancellery on March 31, 1933 determined that the Nazis would call off the boycott if foreign governments rescinded their protests by midnight.¹¹ This demonstrates that Germans were still very much aware of global public opinion during this time. Goebbels claimed that the Nazis would stop the boycott if foreign governments halted "the international Jewish campaign of lies against Germany."¹² Goebbels would later use the Jewish boycott of German products as fuel for further persecution.

As the "Jewish campaign of lies" against Germany continued, the boycott of Jewish stores proceeded on April 1, 1933. Members of Hitler's *Sturmabteilung*, or SA, along with members of the Hitler Youth, picketed Jewish storefronts and attempted to stop customers from entering into Jewish shops. In smaller towns, protesters smeared derogatory comments onto windows using paint. Some instances of violence and vandalism were reported, but the overall consensus was that the boycott occurred without much of a violent element.¹³ Officially, the boycott lasted one day, but smaller cities and towns continued an unofficial boycott for many weeks to come. The Nazi government actually feared that a strong boycott against

Jewish shops would weaken the German government and economy and resolved to end the boycott after one day. Many Germans simply disregarded the boycott as well and continued shopping at Jewish stores despite being jeered and pestered by Nazi picketers.

Although the official boycott of Jewish shops ended on April 1, this did not mean that anti-Semitic activities in Germany ceased. Nor did it mean that Hitler would stop deliberating what was to happen to the Jews of Europe, particularly German Jews. In actuality, Hitler had provided the German middle class with a group to blame for the tough economic times that had been brought on by the Great Depression.¹⁴ With the passing of the Civil Service Restoration Act on April 7, 1933,¹⁵ Hitler had created a scapegoat with “the essential qualifications of all good scapegoats: the qualification of being at the persecutor’s mercy and devoid of legal status.”¹⁶ Hitler, thus, gave Germans a group to blame for national problems. For example, the Jews would be blamed for balance of payment issues and export issues later on in Nazi Germany’s march towards war. A boycott of German products was quickly developing in America, as notable Jewish individuals stepped up to the task of trying to squash Nazi Germany’s anti-Semitic activities.

Difference of Opinion

A mixed response issued forth from American Jewish agencies after the April 1 boycott of the Jews in Germany. On one side of the divide were agencies such as the AJC and the B’nai B’rith, who were anti-boycott. The pro-boycott agencies initially consisted of the A.J.C., the Jewish Labor Committee, and the ALDJR.¹⁷ Those who urged a boycott against German goods and services aspired to keep the plight of the German Jews on the minds of Americans as well as to directly impact the German economy. Those opposed to the boycott rallied around the cry of quiet diplomacy. Boycott, these proponents thought, would only elicit more anti-Semitic activity within Germany.¹⁸ The efforts of those opposed to the boycott were fruitless, for those who wished to speak out against anti-Semitic activity in Germany were beginning to gain a larger following. One pro-boycott individual pointed out that the sixteen million “Jews of the world was a force that no country could afford to ignore.” Another proclaimed that the boycott was “not a mere economic weapon” but was much rather a “gesture of self respect and of pride.”¹⁹

The ALDJR reacted first to the April 1 boycott. It asked Samuel Untermyer, a well-known political figure in New York, a supporter

of Palestine, former vice-president of the A.J.C., and one of the country's foremost attorneys, to speak at one of their conferences in California in May 1933.²⁰ Ezekiel Rabinowitz, executive secretary of the ALDJR and member of the Provisional Boycott Committee, was responsible for bringing Untermeyer into the organization. Untermeyer was well received and was one of the most adamant supporters of the boycott, speaking strongly for it at the May conference in California. By September 1933 Untermeyer had become the president of the ALDJR through his popularity within the Jewish community and his exuberant calling for a boycott of German goods. Untermeyer's first order of business was to change the name of the American League for the Defense of Jewish Rights to the Non-Sectarian Anti-Nazi League to Champion Human Rights. This would be a controversial move that Untermeyer would deal with until the end of the boycott movement.

Why did he change the name of the organization? Untermeyer was adamant throughout the period of Hitlerism that the problem in Europe was not a "Jewish" problem as many other groups had been proclaiming. Rather, Untermeyer saw the Nazi threat as a human problem, one that challenged all of humanity, not just members of the Jewish faith. "It is not a fight of Jews but of humanity," Untermeyer proclaimed. He went on to argue that the fight against Hitlerism should continue until the "black clouds of bigotry, race hatred and fanaticism" that had descended on Germany were dispersed.²¹ Untermeyer hoped to attract a larger following to the boycott cause by declaring this a human struggle as opposed to a strictly Jewish struggle. Handling the situation as Jews instead of as a nation of individuals would further alienate those of the Jewish faith from non-Jews. Also, an effective boycott is only effective when large numbers of people are boycotting. For Untermeyer the obvious choice was to present the problem in a nonsectarian light in order to obtain the largest response.

Untermeyer's decision to make the boycott movement nonsectarian was an intelligent one. Anti-Semitism was nothing new in the world prior to Hitler. Members of the Jewish faith had been persecuted since time immemorial, and this was one more instance of persecution. One must not forget that Hitler not only targeted Jews but the mentally disabled, Gypsies, and many other individuals seen as "unfit" to live in the Reich alongside Aryans. Several supported Untermeyer in his idea of a nonsectarian movement. Dr. Frank Bohn, president of the German American League for Culture, argued that "Nazi socialism is slave socialism"

and that the battle was not a Jewish battle but rather “a battle of humanity against slavery and barbarism.”²² Others viewed the predicament as a “challenge to civilization,” which concerned “all who believe in justice and in our common humanity.”²³ Samuel Seabury, a prominent New York Democratic politician and judge, asserted that “the force” that would overthrow Hitler would be “the opinion of the world.” Seabury commented further that “public opinion rules the world” and had overthrown kings and “reduced great empires to ashes.”²⁴ Untermyer also gained the support of labor unions around the world. Some labor organizations included the American Federation of Labor, the British Labour Party, the International Workers of the Continent, and others. These institutions added an estimated seventeen million members to the boycott movement. Catholics and Protestants joined in the battle as well along with women’s rights activists.²⁵

Some of the boycott supporters were “thoroughly convinced” that if an affective boycott was carried out against Hitlerism, then “the Nazi regime would collapse in less than six months time.”²⁶ Part of this reasoning was because Germany was forced to import raw materials such as cotton, copper, iron ore, and many other materials to feed their military industrial complex. These products were crucial to Germany as Hitler began to rearm the country. By refusing to buy products from Germany, they would not have the capital to purchase products for import. The uncompetitive exchange rate of the Reichsmark was also a problem for Germany. In terms of exchange rates, the entire price and wage system in Germany was out of line with most of the world economy.²⁷ To solve this problem German exporters were using their foreign currencies to buy weak German bonds in New York and London.²⁸ With the discounted bonds in hand, German exporters would receive a subsidy from the Reichsbank who purchased these bonds closer to face value. Essentially, German exporters could have purchased German bonds in America worth 175 Reichsmarks and had them bought back by the Reichsbank for 350 Reichsmarks. This devalued the German currency in a roundabout way and allowed German exporters to sell their merchandise very competitively in America.²⁹

Activities of Boycott Organizations

The tedious, day-to-day work of the boycott movement required all members to participate greatly. Women carried out most of the work in the boycott because they “largely control the consumers’ purse strings.”³⁰ Women performed tasks like checking product

labels, writing letters to business owners, recruiting new members, and raising funds for the NSANL or their respective association. Types of products that women looked out for were gloves, hardware, dental and surgical instruments, dye, potash, chemical, and toys. When women had a particularly difficult time getting a business owner to stop selling German-made products, they would then write to the head of their organizations. Bertha Corets was one individual whom the women would write to about stubborn business owners. With Hitler's rise to power in 1933, Corets felt compelled to join the NSANL and served under Untermyer as secretary. She also formed the first Ladies' Auxiliary to the JWV and served as its first president. Corets believed that the battle with Hitler was an important one and since women were responsible for "most of the purchasing for the family" they naturally "had the main job."³¹

Boycotters went to great lengths to get German products off the shelves. It was not uncommon for Untermyer or other boycott leaders like Corets to receive letters from NSANL members complaining of stores selling German products. One particular store that received much attention from boycott proponents was the F.W. Woolworth Company. A large number of complaints were filed against this company for selling numerous German products, as well as goods that were "labeled in an inconspicuous" manner. These products were either "illegibly stamped" or were stamped in such a fashion as to mislead "the consumer as to the place of their manufacture."³² Untermyer received a letter from a woman who insisted that Woolworth stores be boycotted by all. This woman reported that "their new and large nailbrushes bear a mark which is illegible." This woman went on to report that "Crockery, glass, and too many articles to mention" were also of German origin and being sold in Woolworth's stores.³³ Untermyer expressed some sympathy with Woolworths, even though they seemed to have been openly in opposition to the boycott of German products. In a November 15, 1933 letter to Byron Miller, president of the F.W. Woolworth Company, Untermyer wrote, "I am sure that these deceptions are being practiced without your knowledge."³⁴

It does not appear that Miller took much action or even cared that his stores were selling German products. The letters continued to flow into the League reporting Woolworth's refusal to remove German made products from shelves. One woman reported finding jack-o-lanterns on the counter of one store "being openly displayed for sale" along with "chinaware... as well as artificial

flowers, all marked 'Made in Germany'." Another man bought a picture frame and upon removing the cardboard picture from the frame discovered the mark "Made in Germany" on the inside. This customer inquired, "Is this not... a violation of the Customs Regulations?" Writing to Miller, Untermeyer draws attention to Woolworth's "evasion of the law, for which I am sure you are not responsible."³⁵ These letters were sent to Miller throughout 1933 and continued until December of 1934. This leads one to wonder why Miller did not end the sale of German products within his store. A reassuring letter from Miller to Untermeyer stated that Woolworths was not buying from Germany but that there was a "considerable number of items imported of German manufacture which are being incorporated as part of the finished article made here."³⁶ German manufacturers often employed this tactic. Germany began manufacturing parts of products and having them assembled in other countries. The product would then be stamped with the name of the country in which the product was assembled but may have contained parts that were stamped "Made in Germany."

Macy's was another of the larger stores to come under attack from the boycott movement. One woman had sent Ezekiel Rabinowitz a letter complaining that Macy's had been selling German-made goods, and although she wrote a letter to Macy's, she received an unfavorable response from them. Macy's president Percy H. Straus responded to this woman's letter, writing that although he was a Jew, he had a "responsibility to shareholders of all faiths and creeds." This argument was one of economics; Macy's was unwilling to dump merchandise imported from Germany simply because of the boycott movement. Put simply, Macy's was not going to lose profits because of such a young movement as the American boycott movement. This letter was sent very early on in the movement on July 19, 1933, a little over three months after the April 11 boycott of German Jewry. Companies like Macy's were not willing to commit to a cause that might be over with tomorrow. Also worthy of noting is that Macy's was a cash-only store. Its cash-only status not only applied to customers but to the company as a whole, meaning that all merchandise purchased by Macy's to be sold in stores was paid in full as opposed to on credit. Therefore, the merchandise found within Macy's was already paid for and needed to be sold to break even or turn a profit. Another of Straus's reasons for buying from Germany was one that had been heard in the past: to stop buying from Germany might worsen Jews' plight abroad. His final, most intriguing argument was that there were

still businesses in Germany “of Jewish faith whom we can help by purchasing from.”³⁷ Straus ended his letter rather bluntly stating that “you yourself can exercise your own censorship in this store, a censorship we cannot yet feel justified in exercising.”³⁸

Macy’s continuously received flak from boycott agencies, and to clear the air it decided to publish a full-page notice in the general and Yiddish newspapers.³⁹ This notice elicited the response of Untermeyer. The notice was entitled, “The Attitude of All Large New York Stores” and stated the policies of these stores concerning the purchase and sale of German-made products. It announced that the consumer boycott of German-made goods had had such an effect “that German stocks on hand now are much less than 1%.”⁴⁰ The notice closed with a statement of concern for Jews in Germany but also with an assertion “that a boycott by the stores would create a dangerous precedent.”⁴¹

In response to this, Untermeyer prepared a strongly worded letter to be published in the press the next day. His letter consisted of ten points which accused Macy’s of many wrongdoings, such as maintaining an agency in Germany and buying German currency at a discount in order to purchase German products. Untermeyer also pointed out that Jewish business no longer operated in Germany and at the rare instance in which it did it was under the strict rules of Hitlerism. The press refused to publish this letter. In lieu of the newspaper article, Untermeyer sent a letter to Straus echoing some of the same sentiments that he had written in the piece he had hoped to be printed. Blaming Straus for arousing negative public sentiment about the boycott and “having invited this controversy” by publishing an open letter in the press, Untermeyer explained that he would not have published so one-sided an opinion as Straus did at the time. Straus’s simplistic appeal to the public to justify his company’s position *vis-à-vis* the boycott upset Untermeyer, as he thought that it unfairly represented the opinions of many other businesses and that of the NSANL.

Untermeyer decided to drop the subject for the time being and wait to see if Straus held true to his claim that Macy’s was only selling German items that “are not obtainable in any other country.”⁴² However, reports of Macy’s continued selling of German-made products continued to flow in to the NSANL, and not just those products that were only attainable in Germany. Untermeyer resumed the debate with Straus by writing to him in November of 1933, remarking how he remembered the contents of the notice published in the *New York Times*. Untermeyer remarked,

The League is waiting impatiently for some evidence on the part of your Company that it is ceasing to handle German made goods, but we have finally been forced to give up the attempt. Apparently you are determined to force the issue and make this a fight to the finish. So be it.⁴³

With that the correspondence between Untermeyer and Straus ended. Worthy of pointing out is that both the correspondence between F.H. Woolworth Company as well as Macy's with Untermeyer and the NSANL was very early in the boycott movement. In hindsight it may be easy to shake one's finger at these companies for not jumping on board the train of anti-Nazism, but at the time this was a large risk for these companies to take.

Untermeyer's feelings toward both companies appear to be unequal when the correspondence concerning the two is compared. The fiery manner in which Untermeyer writes indicated that he was not happy with how Macy's was handling the situation. Perhaps Untermeyer disliked the manner in which Straus stated that Macy's policy would remain that of purchasing products that were attainable only in Germany. When dealing with Woolworths, Untermeyer was borderline sympathetic, echoing sentiments that suggested that he had a personal relationship with Byron Miller. A former stockholder of Woolworths, Untermeyer understood the "precarious" situation in which the company was in. In a letter to Ezekiel Rabinowitz, Untermeyer wrote of the "precarious" situation of Woolworths "in that they have a number of stores and an investment of \$5,000,000 in Germany."⁴⁴ Eventually, Woolworths would cave in to the pressure of the boycott movement, but not before Macy's succumbed after continued pressure from boycott organizations.

Macy's surrender was not due to the antagonizing by the NSANL but rather, to the negotiation skills of the A.J.C., led by Joseph Tenenbaum, as well as to the U.S. Socialist Party, which had declared a boycott of Macy's and had picketed their stores with signs reading "Macy's Buys German Goods, We Want No Fascism Here."⁴⁵ Was it Tenenbaum's gentlemanly ways, as opposed to Untermeyer's brash rhetoric, that won Macy's over? Or perhaps a more lenient attitude toward the company that allowed the deal to be made? Whatever the case, Macy's made public its willingness to close its Berlin office, which, according to Moshe Gottlieb, "functioned in handling merchandise from Germany, Scandinavia,

and Eastern European countries."⁴⁶ The statement was made public on March 17, 1934, and this in turn was used to persuade Woolworths to cease dealing with German manufacturers as well. Both the NSANL and the A.J.C. published notices in the press about their victories against Macy's and Woolworths. The former credited the women's division, the latter Untermyer's initial lobbying of Percy Straus.

One might wonder about the boycott movement's tactics. After all, stores like Macy's and Woolworths were large department stores that had businesses around the country. How could a group of people get these corporations to remove German products from their shelves? One tactic was the tenacity of the women's division of these organizations. During this time, women were the primary shoppers of the household. This meant that women were wary of German products and antagonized "store owners to take German products off their shelves."⁴⁷ Seasonal shopping was of particular importance. At the start of each season notices would be mailed out to members of boycott organizations warning them of products that may have been of German origin. Corets noted to the women that she had "already noticed that the St. Valentine's novelties... have 'Germany' stamped at the bottom." These mailings reminded the women to be vigilant and to "visit the confectionary, stationery, five and ten, and novelty stores, for these articles, to examine them and to register your protest."⁴⁸ Boycotters were even asked to check the china on which they were served at banquets and restaurants with the warning that the popular "Black Knight China" was "made in Germany."⁴⁹

The drug industry, in particular, was one focus of the boycott. Pharmaceuticals were often manufactured in Germany, and led to a debate about whether to offer a quality, effective German drug for patients or to use an inferior drug or not prescribe one at all.⁵⁰ Some German Jewish refugees who were practicing medicine in America insisted on having their prescriptions filled with drugs that were made in Germany. Corets felt that "J.W.V. members should hunt these fellows out and 'tell them off' in no uncertain terms."⁵¹ Practically all industries were under attack by women's divisions. Drawing sets, manicuring implements, typewriter brushes, bicycles, chain stores, Bayer pharmaceutical products, among others, were targeted by members of the women's division. Products and companies were constantly researched and added/removed from boycott lists.

Societal and Economic Effects of the Boycott

So what about the effects that the boycott had? Surely there was some result from all of the work these organizations had been doing to combat Hitlerism. One obvious fact was that the boycott had not stopped Hitler within six months as some proponents believed it would. But just because the boycott movement did not stop Hitler in his tracks does not mean that the movement had no effect at all. Indeed, there were reactions to the boycott of German products. Americans were more conscious of what was occurring in Germany and Germans were also made aware that the international eye was upon them. Nazis grew particularly uneasy at this reality and were worried about their image in the international community. This is not to say that Nazis were concerned with pleasing the international community, they were simply weary that international attention might put a damper on their plans for Germany and Europe's Jews. To be sure, the boycott movement did have both social and economic effects on Germany.

The economic effect that the boycott of German products had on Germany is hard to measure. One thing is certain, however; nowhere else in the world was the boycott movement as large as it was in the United States.⁵² Most European Jews were fearful of what a boycott of German products might mean for Reich Jewry. Considering the population of Europe's Jewry compared to that of America, this was a significant feat.⁵³ There are various factors one can examine to try and quantify the effects of the boycott. Numerous American industries benefited from the boycott by virtue of the fact that American stores turned to products that were manufactured outside Germany. American companies that saw the lucrative business possibilities manufactured many of these products. Some of the newly American produced products included gloves, hardware, dental and surgical instruments, dye, potash, chemical, and toys.⁵⁴

The concept of the "home market" began during this time in Germany as well. As the boycott movement progressed, Germany noticed that they had lost markets overseas in which to sell their products. Noticing this, Germany, rather than seeking to *export* products, began seeking markets within Germany in which to sell their products. This meant that German goods would begin to be produced in and sold in Germany as opposed to being produced in Germany and sold elsewhere. Recall from earlier that part of the reason why the Nazis only wanted the April 1 boycott of the

Jews to last one day was out of fear that an extensive boycott would further burden the German economy. The Ministry of Economics for Germany reported that not allowing Jews to participate in the holiday business would significantly damage the attempt to secure a "home market" for German goods.⁵⁵ The labor commissar for Brandenburg expressed the view that "the local press must be made to understand that the boycott is undesirable and not to be permitted."⁵⁶ This initial reaction by the Nazis indicates a slight sign of panic on how to handle the situation. To be sure, they worried about the possible effects of a strong boycott worldwide.

Evidence of a strong blowback against Nazi Germany for the April 1 boycott appeared quickly. *The Economist*, a British publication, had been publishing market summaries within its commercial reports in 1933 and 1934 that told of industry leaving Germany for other nations. "The anti-Jew crusade is diverting business from Germany to Sheffield for tools, implements, and cutlery" explained one entry from May of 1933. Many companies were reporting difficulty selling German products, and countries around Europe were confident that firms from Sheffield would have a nice market to do business in.⁵⁷ Other articles commented on the added publicity that the English firms were receiving because of the boycott of Germany by the Jews, stating in May of 1933 that "the city has already benefited from the boycott to some extent."⁵⁸ The trend continued throughout 1933 as "a few new accounts with overseas importers as a result of the boycott" and "fresh business resulting from the Jewish boycott of Germany" had aided Sheffield.⁵⁹

Not until 1934 do we see a quantified analysis of Germany's export situation. Between April 1933 and June 1934, Germany's wholesale price index rose from 90.7 percent to 97.5 percent, the agricultural index from 81.8 percent to 94.6 percent, and the index of manufactured goods from 111.3 percent to 115 percent. With gold prices falling, this movement did not help the competitive power of Germany abroad, and there was a steady fall in exports as well, "which has, no doubt, been aggravated by tariff wars and the anti-German boycott."⁶⁰ While these numbers may seem to indicate, and *The Economist* indeed suggested, that the boycott of Germany was proving effective, the magazine suggested another explanation for Germany's declining exports. The rearmament of Germany was effectively negating civil industry such as exports since much of the economy was shifted to munitions manufacture

that was self-consumed. This self-consumption and rearmament was causing Germany's decrease in exports and "was not caused by any deliberate boycott, strangulation, or economic victimization of Germany by any other countries." Rather, these poor numbers depicting Germany's economic situation were the simple reflection of "a policy deliberately pursued inside Germany by her own government."⁶¹

Despite this claim by the British press that the boycott movement had nothing to do with the weak Nazi economy, those in the United States remained positive. "We have been responsible in large measure... through the use of the boycott to break their morale through economic collapse" said Dr. William Kalb. Kalb believed that had there been no boycott of Germany, "Hitler would have been a tremendous power in international affairs today."⁶² Still others thought that Germany was indeed on the verge of economic collapse because "the decrease in imports to the countries where the boycott has been popular has wrought havoc with the Nazi financial regime." The belief was that Hitler could not use the wealth of Germany "to pile up armaments and feed the German people at the same time."⁶³ Kalb went further to say that Hitler put the German people "in pawn in order to raise money for armament purposes." In actuality, it had been Jewish actions in Germany, not the boycott, which wrought havoc on the German Reichsbank. Jews were responsible for a currency loss of 132 million Reichsmarks between January 1933 and June 1935 with 124.8 million Reichsmarks being the result of better-off Jews fleeing Germany and taking their currency with them.⁶⁴ After 1935, rather than encourage Jewish flight from Germany, the Nazis issued an expensive tax that made it difficult for most Jews to leave the country. This effectively stranded the middle to lower classes of Jews who could not afford to pay this tax.

Other sources reported a reduction of Nazi exports to America in 1938, citing the fact that since 1932 there had been a fifty percent decrease, and since 1929 there had been an 85 percent decrease. Imports in the first quarter of 1937 stood at twenty-two million while imports in the first quarter of 1938 stood at 14 million.⁶⁵ Finally, the *New York Times* reported in 1938 that the profits of German corporations "in the twelve months ending in September 1937, amounted to 391 [million] Reichsmarks as against 637 [million] Reichsmarks for the same period of the preceding year."⁶⁶ Of all the information presented, the information pertaining to the years 1937-38 is in all likelihood the most skewed. Hitler was in

the process of rearming Germany and was preparing the country for war and these actions greatly impact a country's economy. The atrocities of *Kristallnacht* would be carried out in 1938 and Hitler's "solution to the Jewish question" was soon to be put into effect. It is therefore inaccurate to say that the boycott caused any significant economic turmoil in Germany in the years 1937-38.

One must wonder what Germans did in response to the worldwide movement to boycott German products. One German practice was to label products not with the country of origin but rather, with the region of origin. Instead of saying "Made in Germany," some products read "Made in Saxony" or "Made in Dusseldorf." Untermeyer worried that the "uninformed masses might fail to associate such German provinces and cities with the mother country" and felt the necessity to attack this issue legally.⁶⁷ Untermeyer wrote to the Treasury Department of the United States and demanded that this illegal practice be stopped. Untermeyer urged the Treasury Department to "stop being a party to this fraud upon American industry" and that if it chose not to settle the issue, it would be "dragged through the courts."⁶⁸

Untermeyer received a response from the Treasury Department that outlined its position on products being marked with the country of origin. The letter pointed out that section 304 of the Tariff Act of 1930 required that all products being brought into the United States be marked with the country of origin.⁶⁹ From time to time, the Treasury Department allowed the passage of products marked with the names of "certain well-known capital cities and provinces" to be brought into the country. The names of these allowable cities and provinces were actually listed in Article 509 of the Customs and Regulations Act of 1931. It was suggested to Untermeyer that an amendment to Section 304 of the Tariff Act would be the way to have this exception corrected and improved. With the threat of loud protestation from boycott organizations in the United States and Untermeyer in particular, Congress amended the Customs and Regulations Act of 1931⁷⁰ to make it necessary that the country of origin be stamped on products; cities and states would no longer suffice as indicators of a product's origin.⁷¹ Untermeyer further flexed his legal muscles to pass a bill under Section 435 of the New York Penal Code, which made it illegal to tamper with the country of origin label on merchandise. The storeowner was also held accountable for any "defacement of labels" which were on their store shelves punishable by fine, imprisonment, or both.⁷²

The boycott movement was not as effective as it was hoped to be by early proponents. One reason that the boycott was not as effective against Nazi Germany was because of the policy of no picketing ordered by Untermyer. The Jewish War Veterans were the first to boycott Nazi Germany and also the first to employ the tactic of picketing. The A.J.C. complied with Untermyer's mandate of no picketing until 1934 when a successful boycott led by the Youth Division of the A.J.C. against a Bronx department store was successful in pressuring that company to join the boycott movement. The reason for the sudden change of heart for the A.J.C. was because the boycott had reached a stage where firms were ignoring letters requesting they stop business with Germany. Untermyer was not impressed with this effort and saw picketing as "illegal and contrary to the best traditions of American institutions."⁷³ Upon hearing news of members of the American Youth Club being arrested Untermyer stated that if the Club continued "marching around" in the face of his warning not to picket then "they certainly will be arrested as they deserve to be."⁷⁴

Another issue was that the magnitude of products boycotted was a likely problem for many consumers who were either shopping on a budget or did not have the time to shop around for alternatives to German made goods. Certainly shoppers must have been overwhelmed upon receiving an economic bulletin from Bertha Corets's Ladies Auxiliary with a list of products not to buy due to their German origin. The list included items such as fountain pens, metal foil products, filter-mass, German paints, buttons, lumber transport, and Rollfast bicycles. The bulletin even told members which infrastructure was safe to use, stating that the newly built Lincoln Tunnel in New York was safe to use because it had been built with no German materials.⁷⁵ Furthermore, bulletins warned of products like umbrellas, furs, harmonicas, metals, and typefaces. Surely this was too much for consumers. The large array of products boycotted by the movement made it difficult for consumers to shop and unless the consumer was seriously affected by events in Europe they were unlikely to pay close attention to a product's origin.

The Weakening of the Movement

By 1938 the boycott movement had begun to weaken due to several factors. For one thing, the boycott movement that began in 1933 had failed to stop the Nazis in their tracks. If anything, Hitler was becoming more powerful as he began to take over countries

and further strengthen his rearmed Germany. After five years and no word from the American government, the general public grew weary of the prolonged badgering of the boycott organizations. While many, especially those involved in the JWV, saw the coming of another world war, many failed to see the writing on the wall. Nevertheless, those involved in the boycott movement pushed onward but were beginning to see that their movement was falling apart.

Corets reported in April 1938 that the boycott movement would have to be "curtailed and perhaps stopped altogether within the next week or two, [sic] because of lack of funds."⁷⁶ This may have been an outcry for members to elicit more money from supporters to continue the efforts of the boycott. Corets admitted in a letter penned a few days later that she did not want to take on the image of the "scolding teacher" since she had been hounding branches for more information and more funds in relation to the boycott.⁷⁷ Money was obviously another issue that troubled the boycott movement, for it was not cheap to run organizations of this magnitude. Office space needed to be rented, office supplies bought, stationary created to send out letters, postage paid for the mailings, dinner events, and rallies—all of these factors forced the boycott organizations to rely heavily on donations. Moreover, the lingering effects of the Great Depression were still around, and the years 1933-38 were particularly difficult times to elicit money from people.

The boycott movement also faltered from within the NSANL. It is evident from correspondence between Untermeyer and various members of the NSANL that there was bad blood within the organization. In a May 15, 1938 letter to Abba Hillel Silver, Untermeyer went so far as to write that the "so-called Executive Committee has long been a farce" and that he hoped that Silver would "take the movement in hand."⁷⁸ Untermeyer wrote to Mrs. Mark Harris later in December of 1938 warning her not to be involved with "the league as now constituted." He further expressed his displeasure in the self-appointed leader of the movement since his resignation, Dr. Fisher. "Dr. Fisher... has no authority to speak for me or for my firm." Untermeyer related to Harris, adding that "the boycott could have been made a success if all the various elements had joined."⁷⁹ Ever since Untermeyer had joined the ALDJR he stressed that the anti-Nazi boycott was not a Jewish movement but a movement of humanity. He elaborated further to Harris that "the Jewish element has ceased to be the most important" and that the question now was "one that concerns

the entire world irrespective of race or creed – as I have throughout insisted that it be regarded.”⁸⁰

Untermeyer’s insistence on nonsectarianism divided the movement in two. From the inception of the boycott movement both sides looked to conjoin into one movement of solidarity. This solidarity would never occur. Untermeyer’s belief that the movement should remain nonsectarian was the main reason that unification never occurred. Recall from earlier that Untermeyer’s first decision as president of the ALDJR was to remove the Jewish tag from the name of the organization. The new name of the organization would have no reference to Judaism within it. This obviously went against the beliefs of the other groups who left their group names unchanged such as the A.J.C., the JWV, and the AJC.⁸¹ This lack of unification made a strong boycott movement more difficult to achieve as each organization fought to achieve things that may have been easier with one unified group. It also showed those of non-Jewish faith that the Jewish community itself was split on issues pertaining to the boycott.

Untermeyer’s correspondence had always been feisty, but at the end of his tenure with the NSANL, his tone turns more or less to anger. After resigning from the League, Untermeyer was approached by Dr. B. Dubovsky in a letter to rejoin the League to serve as honorary president and founder. Untermeyer refused this request, stating his desire to have no more connection with the League or with its present management, which he considered to be “hopelessly incompetent.”⁸² Untermeyer also expressed concern with the direction the NSANL was being taken with respect to boycott activities. Commenting on the increase of expenses for the NSANL “for no accomplishment whatever” Untermeyer further belittles the new leaders of the NSANL and laments that “the whole thing is a wreck and a sad spectacle for so great a movement.”⁸³ Of course there are always two sides to every story, and Untermeyer’s belittlement of the NSANL may have been a bit exaggerated. The next letter received from Dubovsky reveals that Untermeyer was at times wrong about allegations he had made against the NSANL. Dubovsky complained of Untermeyer having “accused [him] many times, verbally and in writing, of having been the cause of many troubles in our League.”⁸⁴ Dubovsky planned to retain Untermeyer’s letter which was “couched in such condemnatory terms” in the hopes that one day “fate will be kind enough to prove once more that your judgment was erroneous.”⁸⁵

Another reason the movement was beginning to falter had to do with certain wrongdoings by the NSANL. A June 1938 telegraph sent to Untermeyer revealed to him that "high-pressured salesmen are exploiting your name."⁸⁶ This was not the first time that the manner with which the League collected money was disputed. The next letter came to the attention of Alvin Untermeyer, Sam Untermeyer's son, and expressed concern with a Mr. Bert Levy who was "raising funds on a 60% basis (commissions)." The concern for Untermeyer was that of his name being exploited. These men were both "personally" and through their "solicitors" exploiting Untermeyer's well-known name even though he had severed his connection with the League.⁸⁷

While some welcomed Untermeyer's departure from the League others were shocked and upset. This news elicited a multitude of responses from individuals expressing a sense of sorrow at his departure.⁸⁸ With Untermeyer gone there was a better chance at uniting the other boycott movements under Jewish solidarity, something that Untermeyer flatly refused to do. Boris Nelson wrote to Untermeyer in May 1938 explaining the "shock that evolved into fear" when he heard the news of Untermeyer's departure from the League. Nelson seemed worried about the League's future without Untermeyer and hoped that "no radical flavor be superimposed on the future existence of the League."⁸⁹ Nelson also expressed concern with other boycott organizations, particularly the Anti-Defamation Branch of B'nai B'rith. His fear was rooted in the fact that B'nai B'rith had funded an anti-Nazi publication put out weekly in Chicago that was "completely in the hands of communists." Nelson saw this as a severe impediment on the boycott movement and asserted that "any comment [within the publication] is superfluous!"⁹⁰ Nelson viewed communism the same as fascism-Nazism and spoke of an "iron-broom" with which to sweep out all communists from the boycott movement. His fear was that the public would take notice of the communist publication and lash out at the boycott movement, particularly the Jews, for being bedfellows with such a party.

Moshe Gottlieb, one of the few contemporaries who have written on the anti-Nazi boycott, places a large amount of blame on Untermeyer for the disunity and dislocation of the movement. Gottlieb faults Untermeyer for his "obsessive insistence" that the boycott movement remain nonsectarian as opposed to being a Jewish movement. Gottlieb roots his argument in the idea that Hitler's crusade against the Jews was solely against the Jews and

was aimed at ousting them from the economy, social strata, and all forms of society in general. He further asserts that if one “adds up the concomitants of the deteriorating process,” then one would reach the conclusion that the boycott movement is certainly not nonsectarian. But what Untermeyer aimed to do through making the boycott movement nonsectarian was not to say that Jews were not the targets of prejudice. Rather, what Untermeyer was trying to prevent by making the NSANL nonsectarian was further alienation of the Jewish faith from other faiths. By making it a nonsectarian issue, Untermeyer included all walks of life, not just Jews.

Conclusion

One must not be too quick to answer the question of whether or not the boycott was effective in accomplishing its aims. To be sure, the boycott efforts of the United States and elsewhere did place some stress on the Nazis. As far as stopping the Nazis in Germany, the boycott obviously failed. The boycott organizations themselves are partially to blame for this failure. Their inability to unite into one boycott movement was detrimental to their cause. This schism between whether to be sectarian or nonsectarian caused an undue amount of stress to be placed on each organization as they strived to accomplish tasks that were simply too large for small organizations to accomplish. Had these organizations united into one large organization, their numbers would have been powerful and the ability to reach out to communities increased. Lack of appropriate tactics also impaired the boycott movement. The utilization of a picket would have been worthwhile in convincing businesses to boycott Germany along with the organizations. Before praising the power of the picket, the moral issues involved in boycott are necessary to explain.

The principle design of a boycott is to place pressure on a third party in order to accomplish the goal of weakening a second party. This third party for the most part is harmed because of an outside dispute between two parties. For instance, Nazi Germany attacked German Jews so Jews living in the United States chose to boycott businesses that dealt in German goods. This practice, in one sense, punished business for something outside of their control. While the treatment of Jews by Germans was inhumane, the idea of boycotting an innocent party when any one group is offended is asking a great deal. With that said, this scenario was a particularly interesting one. The Jews were essentially making American business suffer to get through to Germany.

The difficulty for American business was not to decide whether the actions of Germany were inhumane towards Jews or not. The business owner may be completely sympathetic to the movement but legally obligated to the shareholders. The excuse of Miller, the president of Woolworths, was not completely a bogus one then. The legal responsibility coupled with the moral sympathy for Jews most likely effected businessmen to give the boycott movement the benefit of the doubt, but not before a serious consideration of the consequences of suspending German purchases.

Economically speaking, the boycott had a small effect on the German economy. With no endorsement from the U.S. government the American boycott movement struggled to effectively boycott German industry. As Hitler prepared Germany for war he tampered heavily with the economic system. New policies were in effect such as ways to indirectly devalue the Reichsmark through bond buyback programs in order for German merchants to cheaply sell merchandise. This gave American businesses an incentive to buy from Germany. Hitler also transformed industry from civilian consumption to wartime consumption. These efforts may appear to impact German exports, but the reality is that Germany began producing fewer products with which to export. Goebbels periodically lashed out at the Jews citing the meddlesome effect that the boycott was having on Germany but this was done largely to incite public outrage toward Jews as opposed to being based on any actual evidence. Once the Nazis started to scapegoat Jews with the passing of the Civil Service Restoration Act, Jews would be blamed for all problems, economic and social, which occurred in Germany. The biggest worry of Nazi Germany was that the boycott would attract too much attention to what was eventually to become a violent campaign against the Jews.

It is important to consider the level of government involvement as well when drawing conclusions concerning the effectiveness of the boycott. The bottom line is that the United States government never stepped in to endorse the boycott movement. But how could it? The U.S. would be interfering with another nation's sovereignty. After all, Hitler had learned a few lessons from the U.S. along the way. Were not the Jim Crow laws of the U.S. South a similar form of persecution as the Civil Service Restoration Act or other Nazi legislation? Euthanasia programs were also a lesson taught by Americans. Remember Justice Holmes in the 1927 case *Buck v. Bell* when he concluded that "three generations of imbeciles are enough" and suggested the sterilization of the defendant? Part of the problem

with speaking out against nations who do wrong is that the accuser gets placed under the microscope as well. President Roosevelt was not going to risk domestic upheaval over a few persecuted Jews in Europe. Not until the events of *Kristallnacht* in 1938 did Roosevelt issue a complaint against Hitler. When *Kristallnacht* occurred followed by the invasion of Poland, the boycott movement was overshadowed and could no longer be claimed as the cause for U.S. intervention in Europe.

Untermyer argued that the complacency of the world was playing into the hands of the “bully of Europe.” Untermyer petitioned the League of Nations to impose economic sanctions against Germany for the treatment of Jews there. He argued that the League refused to act in order to prevent war but in not doing so actually provoked war. Untermyer pointed out that Hitler’s belligerent actions were born of the fear instilled in the world. This was the fear of another world war and Hitler played off of this fear in order to carry out his agenda. World War I also played a role in the United States decision to stay out of German affairs. Isolationism was a powerful policy in Washington at the time and Roosevelt was not about to enter into the affairs of countries in Europe when America itself was rebuilding from the Great Depression. All of this political appeasement plays into the well-known historical fact that nations all over the world greatly underestimated the power of Adolf Hitler and the Nazis.

Nevertheless, the boycott of German products led by America’s Jewish population was a powerful movement and helped the Jewish population gain a level of self-respect and strength. The boycott efforts also placed stress on the Nazi party who feared international opinion and economic struggles. For the Jews the boycott marked an end to silent persecution. No longer would they lay dormant and accept punishment from aggressors. The Jews were ready to combat the evil of Nazism long before any of the world’s powers were and for this they should carry a high degree of esteem. After all, the Jews made the right call. Hitler proved to be one of the most evil and ruthless dictators arguably in all of history. While history books will continue to show that the first battles of World War II were fought in Poland in 1939, the Jews know that the battles started in 1933. The Jews may have lost the battle of economic sanctions from 1933-1938, but they most certainly won the war. Despite their horrendous losses throughout the Holocaust, they remain to be one of the greatest contributing groups to society and continue to thrive as patriots, as heroes, and as members of the Jewish faith.

Notes

- 1 The obvious examples of resistance occur in the ghettos in the early 1940s but by this time it was largely too late for the Jews. This study is important because it exemplifies resistance *prior* to the death and concentration camps.
- 2 See Moshe Gottlieb, *American Anti-Nazi Resistance* (New York: Ktav Publishing House Inc., 1982); see also *ibid.*, "The Anti-Nazi Boycott Movement in the United States: An Ideological and Sociological Approach," *Jewish Social Studies* 35: 3/4 (1973).
- 3 See Avraham Barkai, *From Boycott to Annihilation: The Economic Struggle of German Jews, 1933-1943* (Hanover, NH and London: University Press of New England, 1989).
- 4 Gottlieb, "The Anti-Nazi Boycott Movement."
- 5 *Ibid.*
- 6 William Orbach, "Shattering the Shackles of Powerlessness: The Debate Surrounding the Anti-Nazi Boycott of 1933-1941," *Modern Judaism* 2: 2 (1982): 149-69.
- 7 Gottlieb, *American Anti-Nazi Resistance*, 48.
- 8 *Ibid.*
- 9 Barkai, *From Boycott to Annihilation*, 17.
- 10 Gottlieb, *American Anti-Nazi Resistance*, 21.
- 11 Barkai, *From Boycott to Annihilation*, 23.
- 12 "Germany's Boycott," *The Economist*, April 8, 1933, 10.
- 13 Barkai, *From Boycott to Annihilation*, 19.
- 14 Although Germany rebounded well from the Great Depression, Hitler was faced with tough economic issues such as the weak Reichsmark and balance of trade issues.
- 15 This law forced the retirement of "non-Aryan" individuals as well as political opponents to Nazism from the civil services. Professions included teachers, judges, and other governmental positions. There were three exemptions: World War I veterans who had served at the front, individuals who had been in the civil service continuously since August 1, 1914, and those who lost a father or son in the First World War.
- 16 "Germany's Boycott," *The Economist*, April 8, 1933, 10.
- 17 The American League for the Defense of Jewish Rights would have its name changed to the Non-Sectarian Anti-Nazi league to Champion Human Rights. Untermyer instituted this move after he was elected president of the organization in September of 1933.
- 18 Robert H. Abzug, *America Views the Holocaust, 1933-45: A Brief Documentary History* (Boston: Bedford St. Martin's, 1999), 33.
- 19 Sharon Gerwitz, "Anglo-Jewish Responses to Nazi Germany 1933-39: The Anti-Nazi Boycott and the Board of Deputies of British Jews," *Journal of Contemporary History* 26 (1991): 255.
- 20 Gottlieb, *American Anti-Nazi Resistance*, 51.

- 21 "Untermeyer Back, Greeted In Harbor," *New York Times*, August 7, 1933.
- 22 Dr. Bohn, Speech at the Inter-State Conference of the Non-Sectarian Anti-Nazi League to Champion Human Rights, March 7, 1937, Box 1 Folder 2, The Bertha Corets Papers, American Jewish Archives, Cincinnati.
- 23 Lady Violet Bonham-Carter, "Child Victims of the New Germany," December 20, 1933, cited in *Nazis Against the World: The Counter-Boycott is the Only Defensive Weapon against Hitlerism's World-Threat to Civilization* (Non-Sectarian Anti-Nazi League to Champion Human Rights, 1935), 13.
- 24 Samuel Seabury, "Civilization Against Hitler," March 7, 1934, cited in *Nazis Against the World*, 27.
- 25 Address by Samuel Untermeyer at a mass meeting of the Los Angeles Americanization League, March 17, 1933, Box 1 Folder 2, The Samuel Untermeyer Papers, American Jewish Archives, Cincinnati.
- 26 "The Nazi War Menace," Address by Dr. Harry Lee Franklin, April 19, 1935, Box 1 Folder 2, The Samuel Untermeyer Papers, American Jewish Archive, Cincinnati.
- 27 Adam Tooze, *Wages of Destruction: The Making and Breaking of the Nazi Economy*, (Penguin Books: London, 2007), 75. Tooze explains that the devaluation of sterling was the first cause of the uncompetitive exchange rate of the Reichsmark. The devaluation of the dollar was the second cause. By 1933, only 20 percent of world trade was still conducted between countries with currencies fixed in terms of gold. When Germany did not follow this trend it meant that the price of its exports, translated at the official exchange rate of the Reichsbank, were uncompetitive.
- 28 The rate of exchange was 3.5 Reichsmarks to 1 dollar. A bond with a value of \$100 (350 Reichsmarks) could be purchased for \$50 (175 Reichsmarks).
- 29 See Tooze, *Wages of Destruction*, for a much more comprehensive analysis of the German economy during this time.
- 30 Samuel Gursky to Samuel Untermeyer, December 28, 1933, Box 1 Folder 3, The Samuel Untermeyer Papers, American Jewish Archive, Cincinnati.
- 31 Bertha Corets to the Jewish War Veterans of the United States, September 10, 1937, Box 1 Folder 2, The Bertha Corets Papers, American Jewish Archives, Cincinnati.
- 32 Samuel Untermeyer to Byron Miller, September 20, 1933, Box 1 Folder 3, The Samuel Untermeyer Papers, American Jewish Archives, Cincinnati.
- 33 *Ibid.*, October 24, 1933, Box 1 Folder 3, The Samuel Untermeyer Papers, American Jewish Archives, Cincinnati.
- 34 *Ibid.*, November 15, 1933, Box 1 Folder 3, The Samuel Untermeyer Papers, American Jewish Archives, Cincinnati.
- 35 *Ibid.*, December 26, 1933, Box 1 Folder 3, The Samuel Untermeyer Papers, American Jewish Archives, Cincinnati.
- 36 Byron Miller to Samuel Untermeyer, November 18, 1933, Box 1 Folder 3, The Samuel Untermeyer Papers, American Jewish Archives, Cincinnati.
- 37 Gottlieb, *Anti-Nazi Resistance*, 108.
- 38 *Ibid.*

- 39 The notice first consisted of three letters, two from a concerned customer and one response letter from Percy Straus. His response was a sympathetic one, revealing his personal Jewish faith and his feelings of sorrow for Jews abroad. This seemed like a publicity stunt where Straus was attempting to salvage the image of Macy's following negative publicity concerning Macy's German purchases and sale of German products in stores.
- 40 Gottlieb, *Anti-Nazi Resistance*, 112.
- 41 Ibid.
- 42 Ibid., 111.
- 43 Ibid., 118.
- 44 Samuel Untermeyer to Ezekiel Rabinowitz, November 3, 1933, Box 1 Folder 3, The Samuel Untermeyer Papers, American Jewish Archives, Cincinnati.
- 45 Gottlieb, *Anti-Nazi Resistance*, 131.
- 46 Ibid., 133.
- 47 Bertha Corets to the National Ladies' Auxiliary of the Jewish War Veterans, February 4, 1938, Box 1 Folder 3, The Bertha Corets Papers, American Jewish Archives, Cincinnati.
- 48 Ibid.
- 49 Ibid.
- 50 There is considerable debate here about whether to supply patients with drugs that are proven to work and whether to give the patient a questionable drug. Corets seems to come off a little naïve in the following circumstance as to the ability to provide effective drugs to patients who needed them.
- 51 Bertha Corets to "All Boycott Chairman," April 22, 1938, Box 1 Folder 3, The Bertha Corets Papers, American Jewish Archives, Cincinnati.
- 52 Gottlieb, *The Anti-Nazi Boycott Movement*.
- 53 U.S. Holocaust Memorial Museum, <http://www.ushmm.org/wlc/en/article.php?ModuleID=10005161>. In 1937 there were 4,641,000 - 4,831,180 Jews in the United States. The number of Jews in Europe in 1933 was 9.5 million. While many Jews would emigrate the U.S. Jewish population would never reach Europe's.
- 54 "Ban on Nazi Products Boosts U.S. Industry, Survey Shows," *Jewish Telegraphic Agency*, May 22, 1934.
- 55 "Economic Ministry Makes Another Attempt to Break Nazi Anti-Jewish Boycott," *Jewish Telegraphic Agency*, 15 December 1933.
- 56 Ibid.
- 57 "Commercial Reports: Market Summary," *The Economist*, May 6, 1933, 54-55.
- 58 "Commercial Reports: Market Summary," *The Economist*, May 13, 1933, 49.
- 59 "Commercial Reports: Market Summary," *The Economist*, August 26, 1933, 38; "Commercial Reports: Market Summary," *The Economist*, September 23, 1933, 42.
- 60 "Germany's Economic Dilemma," *The Economist*, September 15, 1934, 10-11.
- 61 "Germany's 1936 Supplies," *The Economist*, January 16, 1937.
- 62 Address by Dr. William Kalb Bertha Corets Papers, Box 1 Folder 4, General Correspondence July-October 1938, American Jewish Archives, Cincinnati.

- 63 Report of Robert Patterson Unit Chairman, Box 1 Folder 4, The Bertha Corets Papers, General Correspondence July-October 1938, American Jewish Archives, Cincinnati.
- 64 Tooze, *Wages of Destruction*, 75. The German emigration policy was to provide migrants with the foreign currency needed to meet visa requirements abroad. Although Nazis wanted the Jews out of Germany they could no longer afford to subsidize their flight and suspended the program after 1935, instituting a tax instead.
- 65 "National Boycott Committee Reports Great Activity," 1938, The Bertha Corets Papers, Box 1 Folder 15, American Jewish Archives, Cincinnati.
- 66 Corets Papers Anti-Nazi Bulletin Vol. 5 no. 1 January 1938, Box 1 Folder 15, Anti-Nazi Pamphlets 1933-43, American Jewish Archives, Cincinnati.
- 67 Gottlieb, *Anti-Nazi Resistance*, 155.
- 68 Samuel Untermyer, quoted in Gottlieb, *Anti-Nazi Resistance*, 155.
- 69 For the full text of the Tariff Act of 1930 see http://www.cbp.gov/linkhandler/cgov/trade/legal/bulletins_decisions/bulletins_2009/vol43_07242009_no29/43genno29.ctt/43genno29.pdf.
- 70 It is unclear why the Treasury Department recommended amending the 1930 Act but then supported amending the 1931 Act instead.
- 71 Gottlieb, *Anti-Nazi Resistance*, 156-57.
- 72 *Ibid.*, 157-58.
- 73 Gottlieb, *The Anti-Nazi Boycott Movement*.
- 74 Samuel Untermyer to E. Rabinowitz, November 3, 1933, Box 1 Folder 3, The Samuel Untermyer Papers, American Jewish Archives, Cincinnati.
- 75 The Anti-Nazi Economic Bulletin Vol. IV No. 4 April 1937, Box 1 Folder 15, Bertha Corets Papers, American Jewish Archives, Cincinnati.
- 76 Bertha Corets to Comrades and Sisters of Jewish War Veterans, April 22, 1938, Box 1 Folder 3, The Bertha Corets Papers, American Jewish Archives, Cincinnati.
- 77 Bertha Corets to Sisters, April 29, 1938, Box 1 Folder 3, The Bertha Corets Papers, American Jewish Archives, Cincinnati.
- 78 Samuel Untermyer to Abba Hillel Silver, May 15, 1938, Box 1 Folder 3, The Samuel Untermyer Papers, American Jewish Archives, Cincinnati.
- 79 Samuel Untermyer Mrs. Mark Harris Dec 12, 1938, Box 1 Folder 3, The Samuel Untermyer Papers, American Jewish Archives, Cincinnati.
- 80 *Ibid.*
- 81 Although these organizations were formed long before the boycott movement existed. The ALDJR was formed because of the boycott movement and it was therefore easier for Untermyer to change its name.
- 82 Samuel Untermyer to Dr. B. Dubovsky, May 11, 1939, Box 1 Folder 3, The Samuel Untermyer Papers, American Jewish Archives, Cincinnati.
- 83 *Ibid.*
- 84 Dr. B. Dubovsky to Samuel Untermyer, May 13, 1939, The Samuel Untermyer Papers, American Jewish Archives, Cincinnati.
- 85 *Ibid.*

- 86 Western Union Telegraph, "A Friend of the Cause" to Untermeyer, June 5, 1938, Box 1 Folder 2, The Samuel Untermeyer Papers, American Jewish Archives, Cincinnati.
- 87 E.W.R. (presumably Rabinowitz) to Alvin Untermeyer, June 6, 1938, Box 1 Folder 2, The Samuel Untermeyer Papers, American Jewish Archives, Cincinnati.
- 88 One man even expressed that he was "not very impressed with the statement to the effect that age is another reason for [Untermeyer's] withdrawal." He went on to say, "Cato, at the age of 80, commenced to study Greek." Max Winkler to Samuel Untermeyer, April 26, 1938, The Samuel Untermeyer Papers, American Jewish Archives, Cincinnati.
- 89 Boris Nelson to Samuel Untermeyer, May 14, 1938, Box 1 Folder 2, The Samuel Untermeyer Papers, American Jewish Archives, Cincinnati.
- 90 Ibid.

Justin Emery

Desiderius Erasmus: Deeds over Creeds¹

Unless I am convinced by the testimonies of the Holy Scriptures or evident reason (for I believe neither in the Pope nor councils alone, since it has been established that they have often erred and contradicted themselves), I am bound by the Scriptures adduced by me, and my conscience has been taken captive by the Word of God, and I am neither able nor willing to recant, since it is neither safe nor right to act against conscience. God help me. Amen.

-Martin Luther²

Just how much weight the authority of the Church has with others I do not know: for me, certainly, it has so much that I could agree with the Arians and the Pelagians if the Church had approved what they taught. It is not that Christ's words do not suffice for me, but it should not seem strange if I follow the Church as an exegete by whose authority I was persuaded to believe in the canonical scriptures.... I acquiesce in nothing more securely than in the positive judgments of the Church. There is no end to opinions and argumentation....

-Erasmus³

Much of the world we know today in the West resulted from the Protestant Reformation. As the historian Cornelis Augustijn states, "In many respects, it was then that the foundations of modern western civilization were laid."⁴ Everyone who has learned about the Reformation knows of Martin Luther, and thus even those with no special interest in or knowledge of the Reformation have at least a vague understanding of who he was. To many, he is the great hero of the time, the one who alone had the courage to stand up to Catholic corruption and declare with conviction the way to restore the Church. Little is known, however, about Desiderius Erasmus, despite the fact that no history of the Reformation is

complete without a discussion of the man and his work. By the time Luther had publicly posted his famous *Ninety-Five Theses* in 1517, Erasmus was already considered one of the greatest scholars of his day.⁵ A humanist turned theologian,⁶ Erasmus had already written popular literary works, both humanistic and religious, and had already translated and published the New Testament from the original Greek, a controversial move considering it differed from the standard text used during the day, the Latin Vulgate.⁷ Erasmus was not afraid to criticize the Church in these works, criticisms that seemed remarkably similar to Martin Luther's years later. Not only did Erasmus criticize Catholic practices he considered hypocritical, but, like Luther, he also had a tendency to attack the monks and theologians.⁸ At the beginning of the Reformation, many thought Erasmus and Luther held similar beliefs, and after the reformers' departure from the Catholic Church, Erasmus was thought and accused by many of being among the reformers and holding their beliefs.⁹ Erasmus never did break with the Church, however, even though it seemed to many Catholics as well as Protestants that he agreed more with the reformers.

The question then, is why. Why did Erasmus, who to most seemed like a reformer, not side with the Protestants? A simple answer is that he did not agree doctrinally with the Protestants. Although this is true, it is not the primary reason Erasmus sided with the Catholic Church. Erasmus did not agree doctrinally with the reformers, but doctrinal issues were secondary to Erasmus; for Erasmus, Church unity and morality were more important than doctrine. Luther emphasized the doctrine of Christ and the apostles, but Erasmus emphasized the character of Christ and Church unity.¹⁰ The two quotes at the beginning of this paper are representative of these two philosophies. In the work that follows, in which I lay out why Erasmus did not join the reformers, I have relied heavily on the writings of Erasmus from around 1519-33, especially the numerous letters he wrote during this period.

Doctrinal Criticism

Let us start with Erasmus's views on the reformers' doctrine. An examination of Erasmus's writings during the time of the Reformation reveals that Erasmus seldom attacked the reformers' doctrine, and in many ways he was sympathetic, if not favorable to, their ideas. This fact has not escaped historians, for Augustijn makes this point in his work *Erasmus: His Life, Works, and Influences*. He writes, "From 1519 Luther appears on virtually every page of

Erasmus's correspondence – his life in these years was to a great extent determined by Luther – and yet there are only sporadic references in the letters to Luther's doctrines."¹¹ In 1524, however, Erasmus published *On Free Will*, which was a criticism of Luther's belief that, as Erasmus phrases it, "everything we do happens not on account of our free will, but out of sheer necessity."¹² In the book, Erasmus argued that "the will enjoys some power of freedom."¹³ Luther replied to Erasmus's work with his own treatise, entitled *The Bondage of the Will*, to which Erasmus wrote another response, entitled *Hyperaspistes* (which has the meaning of "shield-bearer").¹⁴ These two works contain the only doctrinal arguments Erasmus ever put forth against the reformers. These two works, however, went to the crux of the matter. In his book *Luther and His Times*, E.G. Schwiebert says that Erasmus "chose a most vital spot for his attack" and states, "Were his [Erasmus's] thesis granted, Luther's whole doctrinal system would crumble."¹⁵ If man has any ability to choose good, then he plays some part, however small, in the salvation of his soul. If, on the other hand, man is so corrupt that he cannot even choose good unless God's grace first acts upon that man, then man plays absolutely no part in his salvation. Although Erasmus did eventually write this doctrinal argument against Luther, it is important to note that Erasmus was pressured into writing it.¹⁶ He was initially reluctant to come against Luther with any doctrinal criticism. But, as Schwiebert points out, "What Erasmus failed to realize was that a scholar with his reputation could not remain on the sidelines; he must be either for Luther or against him."¹⁷ Erasmus's many letters during the time of Reformation give insight as to why he was initially reluctant to write against Luther; his primary issue with Luther and the reformers was not doctrinal, it was moral. As we shall see, Erasmus was in many ways sympathetic to the reformers and their doctrines.

Sympathy with the Doctrines

Throughout the Reformation, Erasmus consistently made statements in his letters that seemed as if he saw truth in the reformers and their doctrine. In a letter to the Archbishop of Mainz in 1519, Erasmus, commenting on how he would deal with Luther, said, "I should prefer that that heart which appears to contain some bright sparks of gospel teaching not be stifled, but instead corrected and called to preach the glory of Christ."¹⁸ The next year, Erasmus would write in a letter,

[F]rom these pages [Luther's writings]... I received an impression of rare natural endowments and a talent beautifully suited to the explication... of obscure passages, to the fanning of the spark of gospel teaching, from which general moral behavior both of the world and of the schools... seems to have radically departed. I have heard distinguished men of unexceptionable doctrine and devoutness congratulate themselves for having happened upon the books of this man. I have noticed that whoever was most upright in character and closest to pure Gospel was least outraged by Luther.¹⁹

Erasmus would in this same letter state that he did not agree with Luther. Nevertheless, he still treated Luther much more favorably than did his Catholic contemporaries. In defense of his attitude toward Luther, Erasmus, in the same letter, stated, "This is the way, then, that I have supported Luther; I have supported the good I saw, or believed I saw, in him."²⁰ Part of the good that Erasmus saw in Luther certainly included his doctrines. These two letters were written relatively early in the Reformation, but Erasmus held to this belief almost ten years later. In 1529, in a letter to Justus Decius, an important Polish diplomat, financier, and royal advisor, Erasmus wrote,

The things Luther is upbraiding us with are truer than I should like. Free will, good works, merit, and like matters are subjects which could be debated by the learned to the benefit of right living.... And those things which Luther advocates, if pursued with moderation, would in my opinion approach more closely the meaning of the Gospels.²¹

With statements like these, it is no wonder Erasmus continually had to defend his allegiance to the Catholic Church and was accused by both Catholics and Protestants of being a reformer.

Church Authority

If Erasmus saw some amount of truth in the doctrines of Luther, why then did he not join the ranks of the reformers? Part of the answer lies in Erasmus's view on the Church's authority to interpret Scripture. As the quote from Luther at the beginning of this paper shows, Luther thought the Scriptures had an objective meaning to be learned and obeyed regardless of the Catholic

Church's interpretation. In other words, the Church could be wrong. Erasmus, however, believed that the Church's teaching on Scripture was the final authority, regardless of whether he agreed with the interpretation or not. In this way, Erasmus subordinated his and any other person's understanding of Scripture to that of the Church's. In a letter to John Slechta, a Bohemian noble, Erasmus revealed his strong belief in the authority of the Church to interpret Scripture. Addressing the issue of factions in Bohemia, Erasmus states,

But in this respect it seems to me that the second faction errs more seriously because of its vexing rejection of the judgment and tradition of the Roman church than because of its belief that piety requires partaking of the Eucharist in both kinds... if the Bohemians were to follow my advice, it would be that even if their views on this subject are defensible, even so they should conform rather than dissent, especially since most of Christendom does not follow this practice. Even if - to speak my mind candidly - I am astonished that a practice instituted by Christ has been changed and the causes alleged for the change don't seem completely convincing.²²

Here, Erasmus shows his disposition to submit to the Church's interpretation of Scripture, even if a different interpretation was justifiable. This was not an isolated incident. The quote from Erasmus at the beginning of this paper reveals this tendency as well. For centuries, the Church had considered both belief systems he mentioned - Arianism and Pelagianism - heresies. Arianism denies the deity of Christ, and thus the existence of the trinity, and was condemned by the Church in 325 at the Council of Nicea.²³ Pelagianism, which the Church had condemned at the Council of Carthage in 418, denies that man is born inherently sinful and teaches that man is able to choose God without first requiring some sort of enabling grace.²⁴ While we must acknowledge the distressing times caused a bit of hyperbole in Erasmus's words, nevertheless, the idea that the Church was the ultimate interpreter of Scripture, even if he did not agree with its interpretations, is evident in this statement. Similarly, in a letter to Decius in 1529, Erasmus again revealed this belief. He stated, "If it were not for the fact that I am influenced by the very substantial agreement of the Church, I should be able to adopt the view of Oecolampadius; now I abide in that which the Church, as an expounder of Scripture, has hand

down to me. Otherwise, I find no passage in the Holy Scriptures where it can be firmly established that the Apostles consecrated bread and wine in the flesh and blood of the Lord."²⁵ To be fair, Erasmus does not say that he thinks the Scriptures contradict the Church's doctrine, only that he does not think it can be "firmly established." He does seem, however, to indicate that he thinks the view of Oecolampadius, who did not believe Christ's literal body and blood were present in the bread and wine served at the Lord's supper,²⁶ is more in keeping with the teaching of Scripture than the Church's interpretation, which is that Christ's body and blood were literally present in the bread and wine.²⁷ Once again, however, Erasmus submits to the Church's interpretation because he had a firm belief in the authority of the Church to interpret Scripture.²⁸

Church Unity

Another reason Erasmus did not join the reformers is that he hated division within the Church. In his writings, Erasmus continually lamented the division the Reformation caused and urged his contemporaries to repent and be united under the authority of the Catholic Church. His desire for Church unity is written on nearly every page of his 1533 work, *De Sarcienda Ecclesiae Concordia*.²⁹ This work is technically a commentary on Psalm Eighty-four, but Erasmus used the commentary to comment on the events of his own time,³⁰ as the translation of the title, *On Restoring the Unity of the Church*, clearly suggests.³¹ In expositing the psalm, Erasmus writes, "The concord of righteous men gives us an image of that celestial Church in which there are no warring opinions, for then men see the glory of the Lord, not in shadowy outline, but face to face."³² Both Erasmus and the reformers were concerned that men see "the glory of the Lord," but unlike the reformers, who thought true doctrine would help men see this, Erasmus considered the different doctrines as a hindrance to men's spiritual sight. Later on in this work, in a statement clearly aimed at those espousing doctrines contrary to the Catholic Church's, Erasmus stated, "Whatever excellence or strength or felicity is in the Church is from the Lord, not from men. . . . And whoever opposes the Church rebels not against men, but God."³³

In his desire for Church unity, however, Erasmus was not content to simply rebuke the reformers. Erasmus had admonitions, albeit less severe, for those Catholics who fought against the reformers as well. In *De Saracienda Ecclesiae Concordia*, Erasmus states, "when one group will permit no innovation at all, and the

other side will suffer nothing established to remain, a virtually uncontrollable storm has been stirred up. And when the thin rope of contention has been pulled too taut on both sides, the result is that the rope snaps and both parties fall flat on their backsides."³⁴ Erasmus hated this disunity and thought that the outcome would be devastating.

Erasmus's desire for Church unity also appears in several of his letters during the Reformation. In a letter to Cardinal Lorenzo Campeggio in 1520, Erasmus, commenting on Luther's writings, said, "I first unequivocally censured the books of Luther because they seemed to have an upheaval in mind, a course I have always and consistently shunned."³⁵ In the same letter, Erasmus wrote, "If the immoral practices of the Roman Curia demand some sweeping and immediate reform, certainly it is not my concern or of those like myself to take this task upon ourselves. I prefer this state of human affairs, whatever it is, to the stirring up of new disorders which again and again lead to schism."³⁶ In this statement, Erasmus is essentially saying that he prefers an imperfect Church to a divided Church. In a letter to Archbishop Albert of Brandenburg, Erasmus states, "I have always been careful not to write anything scurrilous or seditious or out of keeping with the teaching of Christ. I will never knowingly be the teacher of error or the cause of disruption; I will suffer anything rather than stir up dissension."³⁷ In this statement, Erasmus subtly reveals an insight into his thinking. Notice that Erasmus contrasts the teachings of Christ and error, and equates error with disruption. A legitimate question one could have asked Erasmus is this: is it permissible, in attempting to be in keeping with the teachings of Christ, for one to cause disruption and dissension? This was certainly the view of the reformers. For him, however, this is a false dichotomy. According to him, stirring up dissension would be contrary to the teachings of Christ.

This valuing of unity over doctrine led Erasmus to believe that it was sometimes best to temporarily keep a truth hidden in order to maintain Church and civil unity. In writing to Campeggio, Erasmus stated, "Even though it is never permissible to deny a truth, it is nevertheless sometimes advisable to pass over it when occasion demands. The essential thing is to bring it to light at the right time and in as fitting and restrained a manner as possible."³⁸ Erasmus echoed this thought in a letter to Louis Marlian when he said, "I know that anything is preferable to making the general condition of the world even worse; I know that it is sometimes an act of goodness to let a truth stay hidden, that this truth is not something

to be waved about regardless of the place, the time, the audience, or the manner."³⁹ Similarly, in a letter to Jodocus Jonas, a German jurist and Lutheran theologian, Erasmus stated, "It is fitting, I know, that a Christian be free of all deceit; it sometimes happens, nevertheless, that truth is best left unspoken, and everywhere the important thing is when, where, and how it is revealed."⁴⁰ Erasmus recognized that the doctrine the reformers were espousing was causing division, and this, in his mind, was the ultimate sin. Even if the doctrines were true, they must be introduced gradually and in a manner that would cause as little division as possible. Luther and the reformers were focused on truth as they saw it; Erasmus was focused on the consequences of the reformers' truth.

The Main Issue: Morality

This brings us to the ultimate underlying issue for Erasmus. Erasmus's desire for Church unity was simply a manifestation of his emphasis on morality over doctrine. For Erasmus, it was not so much the reformers' doctrine that troubled him; rather, for him, it was their inconsistency with the spirit of Christianity. Despite his lack of doctrinal criticism, Erasmus had plenty to say regarding the methods and results of the reformers, and this would be his main objection to the Reformation. In 1519, in a letter to Martin Luther, Erasmus advised Luther in the way he thought the reformer should proceed. Erasmus was concerned that Luther emphasize morality and forego divisiveness, saying, "We must everywhere take care never to speak or act arrogantly or in a party spirit: this I believe is pleasing to the spirit of Christ. Meanwhile, we must preserve our minds from being seduced by anger, hatred or ambition; these feelings are apt to lie in wait for us in the midst of our strivings after piety."⁴¹ In 1521, in a letter to Jodocus Jonas, Erasmus writes regarding Luther's method of reform: "although it was not for my modest capacity, perhaps, to pass judgment on the truth of the opinions he advanced, assuredly the manner and method of achieving the purpose was not at all agreeable to me."⁴²

In another letter six years later, Erasmus stated explicitly three reasons why he does not join the reformers, and not one of the reasons was related to doctrine. He states, "A second reason is the fact that I see in that herd of yours many who are alien to any evangelical commitment... I have known some who before they joined your faith were very fine men; what kind of men they are now I do not know. At any rate, I have discovered that several of them have been made worse, none of them better, so far as human

judgment can ascertain.”⁴³ In the same letter, Erasmus rebuked the Protestant leaders for their conduct, not their doctrine. He states, “If the leaders of this movement had Christ as their object, however, they should not only have refrained from vices but even from any appearance of evil; they ought not to have given even a slight impediment to the Gospel, carefully avoiding those actions which, even if they are permissible, are still of no help.”⁴⁴

Erasmus restated these same ideas to leading Protestant reformer Martin Bucer in 1532, saying, “even if it was a movement righteous in conception it should have been handled by other methods”⁴⁵ and “I have known no one who has himself become better through this Evangelicalism, that is, who has become less given to whoring, to gluttony, to dicing, more forgiving of injuries, more indifferent to getting even, less intent upon serving his own interests. I have known many, though, who have been made worse.”⁴⁶ A great example of Erasmus’s views on the place of doctrine is found in the letter written to Slechta in 1519. Erasmus states,

In my opinion, indeed, the fact is that the pope would win over most peoples to the Roman Church... if everything under the sun were not precisely defined in terms of matters of faith, but only those things which have been plainly laid out in Scripture or without which the basis of our salvation is not made clear. A few principles would suffice for this purpose, and a few are more persuasive than many. Now we divide a single article into six hundred parts, some of which are of the sort that could remain unknown or debated without peril to Christian piety.... Furthermore, the essence of the Christian philosophy consists of this, that we understand that our whole hope resides in God, who freely bestows on us all things through His Son Jesus... on His body we have been ingrafted through baptism, so that... we may live in accordance with His teaching and example in such a way that not only are we guiltless of sin but also serve Him well in every way.⁴⁷

According to Erasmus, the way for the Catholic Church to win more people was not through doctrine; in fact, he saw too much doctrine as the problem. For Erasmus, the Christian philosophy was not truth statements about reality, but living “in accordance with His teaching and example.” Of course, Erasmus does here

show his belief that doctrine is necessary, but not as necessary as the reformers, or even the Catholic Church, considered it. Erasmus did not consider the reformers' doctrines important enough to Christian piety to depart from the Church.

These statements reveal that Erasmus took issue with how the reformers went about reforming the Church. His philosophy on emphasizing morality over doctrine is succinctly stated in a letter to Simon Pistorius, the Chancellor of the Duchy of Saxony, in which Erasmus states, "It is not so important to conform in opinions so much as in character and moral tone."⁴⁸ Raymond Himelick has noted this disposition of Erasmus. He states that for Erasmus, "The all-important matter in religion had to be the life, not the dogma. Beliefs were interesting, even rather important, but they were subordinate to the moral issue."⁴⁹ Herein lays the great distinction between Erasmus and Luther and the other reformers. As Ernst Winter states, "Luther's part in the debate is the emphasis on Christianity as dogmatic religion. He wants to solve the issue theologically. For Erasmus, Christianity is morality, a simplicity of life and of doctrine. He wants to solve the problem philosophically."⁵⁰

Conclusion

Erasmus's understanding of Christianity as a way people should live their lives was the reason he did not join the reformers. He simply saw too great a contradiction between the division the Reformation was causing and Christian piety. He was, in the words of Raymond Himelick, a "religious reformer who was appalled by the Reformation."⁵¹ This understanding of Christianity as morality also buttressed his belief in the supremacy of Church authority and his desire for Church unity and, thus, was the main reason he did not join the reformers. After stating that Erasmus was not tolerant in the modern sense of the word, Himelick calls Erasmus a pragmatic.⁵² In other words, Erasmus considered the practical effect ideas would have in the real world; hence his opposition to the Reformation. It makes sense, then, that Erasmus would believe in the authority of the Church to interpret Scripture, for a single agreed upon authority to interpret Scripture would eliminate religious factions, which Erasmus considered "abhorrent."⁵³ It also makes sense that Erasmus would feel so strongly about Church unity. Disunity meant division, and division was, according to Erasmus, a departure from the standard to which Christ had called his people to live.

The reason Erasmus did not join the reformers, and the aforementioned answer, may on the surface appear to be an insignificant question given our post-modern world. Investigating the reason Erasmus stayed Catholic, and the answer such an investigation produces, however, has immense application to contemporary times. For one, determining the assumptions, underlying ideas, and philosophies of people is a most valuable skill to possess. Knowing these can better help one understand, evaluate, and pass judgment on an author's argument, an action taken by a historical figure, or an action taken by a contemporary. In other words, it can better help us understand the world. Like any skill, this one has to be developed and honed, and reading about the philosophies of other people and how they influenced their actions help us hone that skill. There is, however, an even greater application to such questions, and it lies in its application to ourselves. Not only does the study of how people's philosophies influence their decisions help us understand the world, but it helps us understand ourselves. We too, like Erasmus, have assumptions about the world and the way it should be. These assumptions, whether we know it or not, influence our actions. In fact, they often dictate our entire lives. Such was the case with Erasmus. His life would have been very different had he joined the reformers. Likewise, had he a stronger conviction that the reformers were not on the side of truth, he probably would have not had as much conflict toward the latter end of his life, since the accusations from Catholics that he was a reformer would have no doubt been substantially less, if not non-existent. This is not to say we should examine our assumptions about the world in order that we may lead a more comfortable life. Rather, it is to say that, given the great extent to which these ideas influence our lives, are they not worth examining? Many people live their lives without ever knowing, much less questioning, their assumptions. We should strive to learn, acknowledge, and, sometimes, question our assumptions in an effort to better understand our world and ourselves.

Notes

- 1 The phrase "Deeds over Creeds" is taken from Gary Johnson, "Deeds over Creeds," *Table Talk* (September 2009): 64.
- 2 Martin Luther, quoted in E.G. Schwiebert, *Luther and His Times: The Reformation from a New Perspective* (St. Louis: Concordia Publishing House, 1950), 505.

- 3 Desiderius Erasmus to Willibald Pirckheimer, 1527, in Raymond Himelick, trans., *Erasmus and the Seamless Coat of Jesus: With Selections from the Letters and Ecclesiastes* (Lafayette: Purdue Research Foundation, 1971), 179.
- 4 Cornelis Augustijn, *Erasmus: His Life, Works, and Influence*, trans. J.C. Grayson (Toronto: University of Toronto Press, 1991), ix.
- 5 *Ibid.*, 71.
- 6 Johan Huizinga, *Erasmus and the Age of Reformation: with a selection from the letters of Erasmus*, trans. F. Hopman, letters trans. Barbara Flower (New York: Harper and Brothers, 1957), 32-37.
- 7 *Ibid.*, 88-91.
- 8 *Ibid.*, 23, 52.
- 9 Augustijn, *Erasmus: His Life*, 132.
- 10 This is not to say that Erasmus was indifferent to doctrine or that Luther was not concerned with Church unity and a believer's morality. I am stressing where each of their primary concerns were placed.
- 11 Augustijn, *Erasmus: His Life*, 130.
- 12 Erasmus and Martin Luther, *Discourse On Free Will*, trans. and ed. Ernst Winter, *Milestones of Thought in the History of Ideas* (New York: Frederick Ungar Publishing Co., Inc., 1961), 11.
- 13 *Ibid.*, 7.
- 14 Augustijn, *Erasmus: His Life*, 136.
- 15 Schwiebert, *Luther*, 688.
- 16 *Ibid.*, 685-88.
- 17 *Ibid.*, 685.
- 18 Erasmus to Albert of Brandenburg, Louvain, October 19, 1519, in *Erasmus and the Seamless*, 134.
- 19 Erasmus to Lorenzo Campeggio, Louvain, 1520, in *ibid.*, 150.
- 20 *Ibid.*
- 21 Erasmus to Justus Decius, 1529, in *Erasmus and the Seamless Coat*, 188.
- 22 Erasmus to John Slehta, Louvain, 1519, in *ibid.*, 144-45.
- 23 Wayne Grudem, *Systematic Theology: An Introduction to Biblical Doctrine* (Leicester: Inter-Varsity Press and Zondervan Publishing House, 1994), 243.
- 24 *Ibid.*, text and footnote, 499.
- 25 Erasmus to Justus Decius, 1529, in *Erasmus and the Seamless*, 188.
- 26 Himelick, *Erasmus and the Seamless*, note on 188.
- 27 Preserved Smith, *The Age of the Reformation* (New York: Henry Holt and Company, 1920), 27.
- 28 This quote also supports the idea that Erasmus saw some truth in the reformers' doctrines.
- 29 Himelick, introduction to *Erasmus and the Seamless*, 2.
- 30 *Ibid.*, 5.
- 31 *Ibid.*, title page, ii.

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- 32 Erasmus, *Erasmus and the Seamless*, 42.
- 33 Ibid., 45.
- 34 Ibid., 85.
- 35 Erasmus to Lorenzo Campeggio, Louvain, 1520, in *ibid.*, 158.
- 36 Ibid., 159-60.
- 37 Erasmus to Albert of Brandenburg, Louvain, October 19, 1519, in *ibid.*, 139-40.
- 38 Erasmus to Campeggio, Louvain, 1520, in *ibid.*, 151.
- 39 Erasmus to Louis Marlian, Louvain, 1520 or 1521, in *ibid.*, 163.
- 40 Erasmus to Jodocus Jonas, Louvain, May 1521, in *ibid.*, 168.
- 41 Erasmus to Martin Luther, Louvain, 30 May 1519, in *Erasmus and the Age*, 231.
- 42 Erasmus to Jodocus Jonas, Louvain, May 1521, in *Erasmus and the Seamless*, 166.
- 43 Erasmus to Martin Bucer, 1527, in *ibid.*, 180.
- 44 Ibid., 182.
- 45 Erasmus to Martin Bucer, 1532, in *ibid.*, 205.
- 46 Ibid., 208.
- 47 Erasmus to John Slechta, Louvain, 1519, in *ibid.*, 147-48.
- 48 Erasmus to Simon Pistorius, in *ibid.*, 177.
- 49 Himelick, *Erasmus and the Seamless*, 9.
- 50 Winter, introduction to *Discourse on Free Will*, ix-x.
- 51 Himelick, *Erasmus and the Seamless*, vii.
- 52 Ibid., 10.
- 53 Erasmus to Jodocus Jonas, Louvain, May 1521, in *Erasmus and the Seamless*, 172.

Denise Diliberto

Separation of Church and State: Thomas Jefferson, the Baptists, and the First Amendment

Thomas Jefferson is responsible for many of the documents that help to lay the foundation for American government. One of the documents associated with Jefferson is the Bill of Rights. The First Amendment to the Constitution reads, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."¹ As one can see, the phrase "separation of church and state," verbatim, does not appear in the First Amendment; separation is implied.

When Jefferson wrote to the Danbury Baptist Association in 1801, he used the phrase "thus building a wall of separation between church and state" as a response to the problems Baptists faced as a religious minority in Connecticut. Separation is not what the Baptists expected or desired and would be in opposition to their view of a Christian nation. Their goal was the disestablishment of an ecclesiastical system on the state level in order to promote religious liberty. Because legal matters concerning religion were determined on the state level, Jefferson linked the phrase separation of church and state to the First Amendment with the intention to influence the political and religious views of the people. In doing so, the First Amendment applied to the individual states thus fulfilling the Baptists' goal of disestablishment.

Even though Jefferson receives recognition today for the idiom of separation of church and state, he was not the only person to suggest a division between church and civil affairs. The Bible implies a separation of secular and spiritual affairs: "My kingdom is not this world."² Also, "Render to Caesar the things that are Caesar's, and to God the things that are God's."³ These two quotes by Jesus can be taken by some to imply that a complete separation of civil and spiritual affairs should apply to all areas of society.

As far back as the Protestant Reformation, separation was used to express church-state relations. Richard Hooker, an Anglican

theologian, and a firm believer in the connection between the king and the church, wrote in Book VII of his *Of the Laws of Ecclesiastical Polity* (c. 1590s):

Contrariwise (they against us hold that the *Church* and the *Commonwealth* are two both distinct and separate societies...) and the walls of separation between these two must forever be upheld. They hold the necessity of personal separation which clean excludeth the power of one man's dealing in both, we of natural which doth not hinder, but that one and the same person may in both bear a principal sway.⁴

Although Hooker appears to be endorsing the concept, actually he opposed it and accused dissenters of desiring separation. But in reality, dissenters during the Reformation sought purity within the church, not separation.⁵

Roger Williams, banished from the Massachusetts Bay Colony in 1635, was an early advocate for the separation of church and state, and failed miserably in his efforts to promote the concept. According to author William G. McLoughlin, "almost no one in colonial New England ever praised his experiment, sought his advice, quoted his books, or tried to imitate his practices."⁶ James Burgh, in his *Crito, or Essays on Various Subjects* (1767) used the wall of separation metaphor to defend his position that matters in civil and spiritual issues should be divided.

Build an impenetrable wall of separation between things sacred and civil. Do no send a graceless officer... to the performance of a holy rite of religion... To profane in such a manner... is an impiety sufficient to bring down upon your heads, the roof of the sacred building you thus defile.⁷

Burgh's implication of separation came from his belief that religion, a human invention, came from ignorance of divine truth. Therefore, ignorance should be separate from the divine.⁸

As we have seen so far, there are many origins for the notion of separation between church and state. But how and why is it that early colonial settlers of the future United States insisted on the connection of government and religious affairs? The answer can be found in the Anglo-American tradition of common law, developed over centuries by the English and then sent abroad to the American

colonies. Differing from civil law, common law “comprises of the body of laws derived from principles, customs, and prior decisions or judicial precedents. The principal doctrine of the common law is *stare decisis*, which requires adherence to legal principle, set forth in prior cases.”⁹ The colonies were subject to English rule and Christian principles established by the crown were built into the American judicial system by way of common law. By the eighteenth century, each colony had traditional laws guaranteeing the people the right to trial by jury, an elected representative assembly, limited freedom of expression, and limited religious freedom; all overseen by Britain. This principle of common law became the standing order in the colonies and state constitutions developed around it.¹⁰

The Fundamental Orders of Connecticut written in 1638 was one of the first constitutions implemented. It read:

Where a people are gathered together the Word of God requires that to mayntayne the peace and union of such a people there should be an orderly and decent Government established according to God, to order and dispose the affayres of the people at all seasons as occasion shall require... to maintain and preserve the liberty and purity of the Gospel of our Lord Jesus which we now profess, as also, the discipline of the Churches, which according to the truth of the said Gospel is now practiced amongst us; as also in our civil affayres to be guided and governed according to such Laws.¹¹

The constitution thus coincides with the concepts of common law and clearly presents the connection between church and state relations. Connecticut’s established religion was Congregationalism. Religious laws required every individual inhabiting the colony to be in church on Sunday. Connecticut outlawed new churches except if they were accepted by the legislature and by other churches in the area. At first, the colony’s inhabitants of a given area supported ministers on a voluntary basis but when legislators realized that not enough support was being provided, Connecticut enacted a tax in 1644 providing for ministers’ upkeep.¹²

The relationship between church and state was, thus, quite ingrained. Due to dissenting views, the legislature did revise the tax law five times until 1717, when it was established in its final form. Titled, *The Better Ordering and Regulating of Parishes or Societies and for Their Supporting the Ministry and Schools There*, the law passed

by the Congregationalist majority created "a separate ecclesiastical unit, called the society or parish, and was given the civil power and its own civil officers to manage the choice and the support of the religion 'established by law' - Congregationalism." With the tax law codified, dissenters wanted a way out of the system and Baptists made the first attempt.¹³

The first dissenting church in Connecticut was the Baptist Church. Founded in 1704, in New London-Groton, the Baptists tried to live peacefully among the Congregationalists within the established system. Records indicate, however, that in September of 1704, five Baptists were arrested "for their breach of law in not coming to meeten on the lords day to attend the publick worship of god here Established." The Baptists were also the first dissenters to question how the *English Toleration Act of 1689* applied to their situation.¹⁴

Upon a lawyer's advice, twelve Baptists signed a petition stating their religious opinions and offered it to the General Court. They presented themselves as dissenters who sought toleration. The petition dated October 5, 1704 read: "These are to signify that we differ from you in Som Poynts of Religion but yet we desire to Live Pesably and quietly with our Neighbours... it has Pleased the Almity God to putt it into the hart of our Grasious Queen to grant us dissenters Proclamated liberty of Consience." After this formal petition, Baptists continued to be arrested and fined.¹⁵ On October 17, 1707, minister Valentine Wightman was "warned to leave town because he had not been legally admitted as an inhabitant of the town and because he had no legal means of support."¹⁶ Much controversy was raised over his arrest; he was jailed and fined, but continued to seek his right of toleration under the *English Toleration Act*. According to William G. McLoughlin, there were two reasons why such controversy arose in the town. First, the people of the community had respect for the Baptists because they continued to seek religious liberty. Second, New London-Groton was an urban area and the people, seeing that the Baptists were of the respectable sort, were becoming tolerable toward dissenters.¹⁷

In 1708 Connecticut passed a toleration act. All dissenters, however, had to apply for toleration through a certificate system and present the certificates to the County Court. They also had to deny the Roman Catholic act of transubstantiation, by which Catholics believed bread and wine became the blood and body of Christ during communion. At this point, attending a different church had to be approved by the General Court. This toleration

act also did not apply to Anglicans. Further, even if one attended a different church, taxes still had to be paid to the Congregationalist Church to support its ministers.¹⁸

Within the midst of toleration and the certificate system, there were those in New England who claimed these were just catalysts to separate civil and religious authority. In New England, however, separation of church and state was an accusation with which one did not want to be identified. Accusations of separation started in the early 1700s. Establishment clergy began to worry that religious liberty would necessarily equate with the loss of morality in government. Thus, the clergy began accusing dissenters of seeking separation, when in reality dissenters had no desire to separate spiritual and civil matters.¹⁹ Reproach came from both sides.

In an era when the Enlightenment was sweeping the western world, not everyone agreed with the notion of common law. Thomas Jefferson questioned the notion that Holy Scripture was ever a part of English Common Law in his 1764 tract *Whether Christianity is Part of the Common Law*. Jefferson claimed that common law was introduced in the fifth century by invading Saxons, who were not yet Christians. Christianity, by contrast, was not introduced into the Saxon kingdoms until two centuries later, resulting in a nearly two hundred year period when there was common law without the involvement of Christianity. Therefore, Jefferson concluded, Christianity never had been incorporated into common law.²⁰

In his essay, Jefferson goes on to discuss the *Ten Commandments* and whether or not they apply to common law. He mentions a judge named Fortescue Aland, the definitive authority on the Saxons at the time. Jefferson quotes Aland's reference to the Saxon kings and their laws. "The Ten Commandments were made part of their laws, and consequently were *once* part of the law of England; so that to break any of the Ten Commandments was then esteemed a breach of the common law, of England; and why is it not so now, perhaps it may be difficult to give a good reason." In response to Aland's question, Jefferson simply writes: "We may say they are not because they never were made so by legislative authority."²¹ Jefferson's writings indicate he supported separating spiritual from civil duties.

After the American Revolution, the desire for religious equality escalated. After independence and ratification of the new federal constitution, many states altered their own constitutions. Several states, however, continued to insist that Christianity should still

be maintained by government and, more specifically, that there be “support and maintenance of public protestant teachers of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.”²² The state of Connecticut did not hold a constitutional convention as other states did; rather than change their original charter, Connecticut opted instead to slightly alter it. In fact, when the Bill of Rights was ratified in 1791 by other states, Connecticut’s legislature refused to ratify it and continued with their traditional form of government.²³

In 1784, the Connecticut Baptist congregation consisted of 1800 members in 30 churches.²⁴ In the same year, Connecticut revised its laws concerning certificates. The *Certification Act of 1784* stated,

All denominations of Christians differing in their religious sentiments from the people of the established societies in this State... every such person shall be exempt from being taxed for the support of the worship and ministry of said society... so long as he or they shall continue so to attend and support public worship with a different church or congregation aforesaid.²⁵

This new certificate act supported the growing sentiment of toleration and liberty that had been evolving in the Americas throughout the eighteenth century. With the new laws in place, a multi-establishment system emerged. This system, although a grand vision for government support of all sects of Christianity, failed. The flaws within the certificate system created confusion resulting in the non-payment of taxes and promised dues, which, in turn, led to thirty years of court hearings. Multi-establishment did not settle the inconsistency and inequality observed by the growing Baptist population.²⁶

The Danbury Baptist Association of Connecticut was formed in 1790, being comprised of twenty-six churches. It opposed the certificate system and the taxes imposed upon them by Congregationalists, but because it had the respect of neighboring churches during this period, the Association did not file a grievance against the establishment. Rather, the main purpose at first in forming the association was to ensure and encourage expansion of the church, settle doctrinal matters, and resolve any issues raised by their members.²⁷

By the turn of the next decade the Baptists’ view of the established system widened. They now started to demand

equality and disestablishment. They found the certificate system in opposition to the U.S. Constitution and Bill of Rights. The Danbury Baptists began petitioning the Connecticut legislature on grounds of discrimination and demanded that the state should treat each church equally. Elder Amos Wells stated their grievances at a town meeting: "only the Standing Order is able to tax all within their territorial bounds, all non-resident lands must pay to the Standing Order, and the necessity for dissenters to file certificates gives a legally preferred status to the Congregationalists." Interestingly, these grievances were not stated in their petition. Instead, the Baptists produced a petition stating the various laws that gave Congregationalists privileges.²⁸

The Danbury Association's goal was to submit their petition to the General Assembly by May 1801. Unfortunately, this did not come to pass. With two hundred petitions sent out, only eighty had time to circulate and the Association was out of money. Another factor for not petitioning on time was the election of 1800. The Baptists did everything possible to avoid involvement in the political disputes over Jefferson and the Republican Party of Connecticut.²⁹

The Election of 1800 between Federalist John Adams and Republican Thomas Jefferson was bitterly contested with religion playing a major role in the rhetoric. The Federalist *Gazette of the United States* ran an advertisement which suggested every American ask, "Shall I continue in Allegiance to God - and a religious President (John Adams); or impiously declare for Jefferson - and no God!!!"³⁰ Republicans, in turn, accused Adams of being "an anti-republican Anglophile and an advocate for the establishment of a national church."³¹ The Federalist clergy accused Jefferson of being an atheist or a deist and an infidel. Not one time during the campaign did either candidate argue against religious taxes, the certificate system, or any other discrimination directed toward the dissenters. No one discussed any issue that might have been important in the Baptists' eyes.³²

The Danbury Association waited until after Jefferson's election to move forward with their petition. They wrote to Jefferson on October 7, 1801, stating their concerns. The following is an excerpt of their letter.

Our sentiments are uniformly on the side of Religious Liberty - That religion is at all times and places a matter between God and Individuals.... No man ought to suffer on account of his Religious opinions....

That the legitimate Power of government extends no further than to punish the man who works ill to his neighbor.... Our ancient charter with its laws were adopted as the Basis of our government at the time of our revolution; and such has been our laws and still are; That religion is considered the first object of legislation and therefore what privileges we enjoy (as a minority) are favors granted and not inalienable rights.... These degrading acknowledgements are inconsistent with the right of freemen.... Sir, we are sensible that the President of the United States is not the national legislator and national government cannot destroy the laws of each state; but our hopes are strong that the sentiments of our President, which have had such a genial effect already will prevail through all these states till Hierarchy and tyranny be destroyed from the earth.³³

The Baptists obviously had experience with Jefferson's writing concerning religious liberty, as they reiterate what Jefferson stated in his *Bill for Establishing Religious Freedom* (1779) and *Notes on the State of Virginia* (1780). Both of Jefferson's writings are embellished with opinions regarding religious liberty, the conscience of man, and how they should be applied in terms of government.³⁴

When Jefferson received the Danbury Baptists' letter, he took it as an opportunity to express his views in a public written response. As he put pen to paper, however, Jefferson could not find the words he searched for, as he was careful not to offend anybody. He requested help from Attorney General Levi Lincoln and Postmaster General Gideon Granger. In his letter to Lincoln, dated January 1, 1802, Jefferson states:

Adverse to receive addresses, yet unable to prevent them, I have generally endeavored to turn them to some account, by making them the occasion, by way of answer, of sowing useful truths & principles among the people, which might germinate and become rooted among their political tenets. The Baptist address now enclosed admits of a condemnation of the alliance between church and state, under the authority of the Constitution. It furnishes an occasion too, which I have long wished to find, of saying why I do not proclaim fastings &

thanksgiving, as my predecessors did.... I know it will give great offense to the New England clergy; but the advocates for religious freedom is to expect neither peace nor forgiveness from them. Will you be so good as to examine the answer and suggest any alterations which might prevent an ill effect, or promote a good one among *the people*? You understand the temper of those in the North, and can weaken it therefore to their stomachs: is at present seasoned to the Southern taste only. I would ask the favor of you return it with the address in the course of the day or evening. Health & affection.³⁵

Within his letter, Jefferson expresses what he intends to accomplish. He wanted to condemn the alliance between church and state under the authority of the constitution, offend the New England clergy, and state his reasons for not declaring religious proclamations. He also mentions "sowing useful truths and principles among the people." Interestingly, Jefferson underlined *the people*, which would indicate he wanted his letter to influence *the people*.³⁶

Levi Lincoln quickly responded to Jefferson's request for help. His reply indicated that both Federalists and Republicans would be offended by Jefferson's reasoning for not proclaiming days of fasts and thanksgiving – Jefferson had referred to them as "tainted Tory ceremonies." This language would have been suited to southerners but not northerners. Lincoln reminded Jefferson what had happened in Rhode Island when the legislature there banned proclamations in October 1801. These proclamations were regarded as tradition and Rhode Islanders were deeply offended; within a year the ban was repealed. Lincoln suggested Jefferson modify his language "by acknowledging the propriety of state traditions in these matters."³⁷

According to Daniel Dreisbach, "Granger's written response indicates that he received either the same request Jefferson subsequently sent to Lincoln or a similarly worded one."³⁸ Granger's reply to Jefferson's request differed in character from Lincoln's:

It would give great offence to the established Clergy of New England while it would delight the dissenters as they are called. It may... occasion a temporary spasm among the Established Religionists... yet his mind approved of it, because it will 'germinate among the People' and in time fix 'their political

tenets.' Granger concluded that he cannot therefore wish a sentence changed.³⁹

Obviously, Granger agreed with Jefferson's intentions. Interestingly, he uses the same language as Jefferson, but links the president's words with "in time." This indicates that Jefferson intended to write the Danbury Baptists and over a period of time the people will succumb to his principles of governance and religious liberty.

Jefferson's letter to the Danbury Baptist Association, dated January 1, 1802, is the final version of his efforts. The significance of this letter is stated in the following excerpt:

Believing with you that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach action only, & no opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion or prohibiting the free exercise thereof,' thus building a wall of separation between Church & State. Adhering to this expression of the supreme will of the nation in behalf of the rights of conscience, I shall see with sincere satisfaction the progress of those sentiments which tend to restore to man all his natural rights, convinced he has no natural right in opposition to his social duties.⁴⁰

By linking the establishment and free exercise clauses of the First Amendment with "thus building a wall of separation between Church and State," Jefferson is indicating what he intends to separate. Whether during his lifetime or just over time as indicated in his correspondence with Lincoln and Granger, Jefferson's use of the expression has had a definitive impact on church-state relations and how the phrase has come to apply to the First Amendment.

Within the framework of the U.S. Constitution is the Bill of Rights, which consists of the first Ten Amendments to the Constitution. This document enshrines the principle of federalism; a division of political authority between national government and the states. It also is the definitive document

that states the rights of citizens, which the national government must respect. In a letter to James Madison, dated December 20, 1787, Jefferson claimed: "A bill of rights is what the people are entitled to against every government on earth, general or particular, and what no just government should refuse or rest on inference."⁴¹ Also in reference to a bill of rights Jefferson touted, "I am much pleased with the prospect that a declaration of rights will be added; and I hope it will be done in that way, which will not endanger the whole frame of government, or any essential part of it."⁴²

The Tenth Amendment reads, "The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people."⁴³ The constitution tells us what powers are entrusted to the federal government; listed in Article I, Section 8, religion is not among these. Without the Tenth Amendment's *guarantee*, the First Amendment would not have been reserved as a power of the states.

Because religion was not entrusted to the federal government, it became a state issue. Interestingly, when the First Amendment was being drafted, Madison thought the word national should have been added in front of the word religion.⁴⁴ The clarity within Madison's idea is a given. Religion was an issue to be determined on the state level and Jefferson understood this. Therefore, by presenting his inner belief of separation of church and state to the Baptists, he was hoping to influence their political and religious views.

Contrary to the disestablishment ideas the Baptists hoped for, Jefferson's response proposed separation, which was against their ideas of a Christian country. To prove they were not interested in Jefferson's proposal, the Baptists did not mention receiving a response from him when recording the minutes from their gatherings, which would have been the customary thing to do.⁴⁵ Philip Hamburger and William McLoughlin share that "the New England Baptists dissociated themselves from the deistic and anticlerical premises on which he based his stand... they deplored Jefferson's theological position. No New England Baptist... ever utilized Jefferson's phrase about 'the wall of separation.'"⁴⁶

The Danbury Baptists continued with the process to petition the Connecticut General Assembly for equality and disestablishment, presenting their requests in May 1802. The Baptists appeared in

front of three Democrat-Republicans and fifteen Federalists. Upon receiving their request, one of the Federalists threw the petition on the floor while exclaiming, "This is where it belongs."⁴⁷ The General Assembly concluded, "No legislative aid is necessary on any of the grounds of complaint specified in the petition."⁴⁸ The Federalists viewed the situation as resolved and their views on the necessity of religious establishment in Connecticut remained the same. During this period, Democratic-Republicans began to approach Baptist leaders going even so far as to invite them to their Fourth of July festivities. Soon Baptists began to use the party to get what they wanted, disestablishment.⁴⁹ In the 1804 election, they endorsed the Democratic-Republican Party.⁵⁰

After winning the 1804 election, Jefferson finally sensed an opportune moment to express and defend his position in matters concerning religion. On March 4, 1805, Jefferson used his second inaugural address to the nation to say:

In matters of religion, I have considered that its free exercise is placed by the Constitution independent of the powers of the general government. I have therefore undertaken, on no occasion, to prescribe the religious exercises suited to it; but have left them, as the Constitution found then under the direction and discipline of State or church authorities acknowledged by the several religious societies... I shall need, too, the favor of that Being in whose hands we are... that he will so enlighten the minds of your servants, guide their councils... that whatever they shall do, shall result in your good.⁵¹

Two years after his letter to the Danbury Baptist Association, Jefferson defended to the American people why he could not, as president, declare days of fasting and thanksgiving, which was one of his intentions of composing the 1802 letter he wrote to the Baptists. Instead, he recommended separation, which pushed the Baptists away. Apparently, in his second inaugural address, he did not want to make the same mistake and offend his constituency. He even appealed to them by referring to God.

The disestablishment of Congregationalism in Connecticut occurred in 1818 along with the abolition of the multi-establishment system when voters ratified a new state constitution.⁵² At this time, there were eighty-five Baptist churches in the state with a total of eight thousand members; the total number of dissenters also

outnumbered Congregationalists.⁵³ The notion of separation of church and state, however, did not go away.

The concept of separation continued to flourish and there were instances where judicial decisions were required. Two of the first cases relating to the Bill of Rights occurred within three decades of Connecticut's disestablishment of Congregationalism in 1818. In 1833, Justice John Marshall, in his decision of *Barron v. Baltimore*, concluded about the Bill of Rights: "These Amendments contain no expression indicating an intention to apply them to the State governments. This court cannot so apply them."⁵⁴ Also, in 1845, the Supreme Court ruled in *Permoli v. Municipality*: "The Constitution makes no provision for protecting the citizens of the respective states in their religious liberties; this is left to the state constitutions and laws. Nor is there any inhibitions imposed by the Constitution of the United States in this respect on the states."⁵⁵ These cases continued to indicate that issues relating to the Bill of Rights and the First Amendment were not issues that Supreme Court justices, at least in the mid-nineteenth century, thought could be determined by the federal judicial system. Instead, these were state matters.

In 1868 and 1871, Jefferson's Danbury letter came to light once more in a compilation of Jefferson's letters.⁵⁶ With the letter resurfacing, the separation of church and state issue reignited. Much focus was directed toward schools and what children learned in terms of exposure to non-Protestant beliefs. In an era when floods of immigrants were arriving daily bringing their "European" faith with them, the concern of Protestant parents was Catholicism and its tie to the pope. By 1840, there were two hundred Catholic schools in the United States. Many Catholic children, however, attended public schools which began to be used for after school religious functions, which prompted Protestant parents to seek separation.⁵⁷

Jefferson's views on religion in schools also implied separation. During a period when the only book many people owned was the Bible, it was the primary tool to teach children to read. Jefferson thought the Bible ought not to be used as a schoolbook as children were too immature to understand its content. New York Democratic-Republican governor Dewitt Clinton defended Jefferson's stance by saying, "The primary design of sending children to school is to learn to read, and write, not to learn religion. That to teach the latter is more appropriately duty and concern of parents and clergymen."⁵⁸ By implying a necessity for separation at the primary level, Protestant and civil leaders were setting the stage for future church-state relations.

After the turn of the twentieth century, the Supreme Court began to make the states comply with the requirements of the First Amendment, as the federal government has always been required to do. This enforcement came into light with the adoption of the Fourteenth Amendment in 1868. Many lawyers made the connection as early as 1897 that this amendment now brought the states under the full force of the Bill of Rights.⁵⁹ The first section of the Fourteenth Amendment states clearly:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the state wherein they reside. No State shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.⁶⁰

Because the First Amendment and the Bill of Rights more generally are *guarantees* that the federal government must adhere to, the Fourteenth Amendment's clause, "No State shall abridge the privileges or immunities of citizens of the United States," clearly pushes those guarantees to the state level. Lawyers took this amendment and rode it all the way to the Supreme Court, and the court began to rule in ways that made the states comply. In 1925, the Supreme Court ruled the states must adhere to the First Amendment's guarantees of freedom of speech. Other aspects of the First Amendment soon followed. "In 1931, freedom of the press, in 1937, the right to assemble and petition, in 1940 the free exercise of religion, and in 1947, the establishment clause of the First Amendment was enforced on the state level."⁶¹ One hundred and fifty-six years after the ratification of the Bill of Rights, the First Amendment's free exercise and establishment clauses became applicable to the individual states.

Jefferson's use of the term "thus building a wall of separation between church and state," reflects his view of church-state relations. He took Roger Williams' then-radical views of separating spiritual and civil affairs and copied Richard Hooker and James Burgh's "walls of separation," producing one of the most controversial topics. Although the phrase was initially articulated in Jefferson's letter to the Danbury Baptists, they rejected Jefferson's views. The Baptists did not believe spiritual and secular affairs should be

divided because each influences the other to secure morality and liberty among all people. Jefferson's intentions of "sowing usual truths and political tenets among the people," came to be eventually reflected in the notion of separation of church and state.

Jefferson's legacy as a founding father, philosopher, and writer enabled him to influence the American people one hundred and fifty-six years after the ratification of the Bill of Rights. His correspondence with the Danbury Baptist Association came to be used as part of American jurisprudence. This letter was his way of influencing future Americans to apply the First Amendment to all judicial systems. This influence resulted in what Baptists sought; the disestablishment of religion, which was achieved through separation of church and state.

Notes

- 1 U.S. Constitution, Amendment I, in Thomas E. Patterson, *We the People: A Concise Introduction to American Politics* (New York: McGraw-Hill, 2009), 660.
- 2 John 18:36 (King James Version, hereafter KJV).
- 3 Mark 12:17 (KJV).
- 4 Richard Hooker, "Of the Laws of Ecclesiastical Polity," in Daniel L. Dreisbach and Mark David Hall, eds., *The Sacred Rights of Conscience: Selected Readings on Religious Liberty and Church-State Relations in the American Founding* (Indianapolis: Liberty Fund, 2009), 523.
- 5 Philip Hamburger, *Separation of Church and State* (Cambridge, MA: Harvard University Press, 2002), 32.
- 6 William G. McLoughlin, *New England Dissent 1630-1833: The Baptists and the Separation of Church and State* (Cambridge, MA: Harvard University Press, 1971, 2 vols.), I: 7-8.
- 7 James Burgh, "Crito, or Essays on Various Subjects," in Dreisbach and Hall, ed., *The Sacred Rights of Conscience*, 525.
- 8 Hamburger, *Separation of Church and State*, 56-57.
- 9 Dreisbach and Hall, *The Sacred Rights of Conscience*, 537.
- 10 Ibid.
- 11 "Fundamental Orders of Connecticut," in Dreisbach and Hall, ed., *The Sacred Rights of Conscience*, 88-89.
- 12 McLoughlin, *New England Dissent*, I: 247-48.
- 13 Ibid.
- 14 Ibid, 255.
- 15 Ibid.
- 16 Ibid, 257.
- 17 Ibid.
- 18 Ibid., 263.

- 19 Hamburger, *Separation of Church and State*, 65.
- 20 Thomas Jefferson, "Christianity and the Common Law," in Saul K. Padover, ed., *The Complete Jefferson* (New York: Sloan & Pearce, Inc., 1943), 933-34.
- 21 *Ibid.*, 934-37.
- 22 Dreisbach and Hall, *The Sacred Rights of Conscience*, 415.
- 23 McLoughlin, *New England Dissent*, II: 918.
- 24 *Ibid.*, 919.
- 25 Quoted in *ibid.*, 922-23.
- 26 Jon Butler, *Awash in a Sea of Faith: Christianizing the American People* (Cambridge, MA: Harvard University Press, 1990), 267.
- 27 McLoughlin, *New England Dissent*, II: 920-21.
- 28 *Ibid.*, 985-89.
- 29 *Ibid.*, 988.
- 30 Quoted in Daniel L. Dreisbach, *Thomas Jefferson and the Wall of Separation between Church and State* (New York: New York University Press, 2002), 18.
- 31 Dreisbach and Hall, *The Sacred Rights of Conscience*, 478.
- 32 McLoughlin, *New England Dissent*, II: 1004.
- 33 Danbury Baptist Association to Thomas Jefferson, October 7, 1801, in Dreisbach and Hall, eds., *The Sacred Rights of Conscience*, 526.
- 34 Dreisbach, *Thomas Jefferson and the Wall of Separation*, 48-49.
- 35 Thomas Jefferson to Attorney General Levi Lincoln, January 1, 1802, in Dreisbach and Hall, eds., *The Sacred Rights of Conscience*, 527.
- 36 Dreisbach, *Thomas Jefferson and the Wall of Separation*, 44.
- 37 *Ibid.*, 45-46.
- 38 *Ibid.*, 47.
- 39 Postmaster General Gideon Granger to Thomas Jefferson, December 1801, in Dreisbach and Hall, eds., *The Sacred Rights of Conscience*, 528.
- 40 Thomas Jefferson to Messrs. Nehemiah Dodge, Ephraim Robbins, and Stephen S. Nelson, January 1, 1802, in Padover, ed., *The Complete Jefferson*, 518-19.
- 41 Thomas Jefferson to James Madison, December 20, 1787, in Dreisbach and Hall, eds., *The Sacred Rights of Conscience*, 412-13.
- 42 *Ibid.*, March 15, 1789, in Padover, ed., *The Complete Jefferson*, 125.
- 43 U.S. Constitution, Amendment X, in Patterson, *We the People*, 662.
- 44 Dreisbach and Hall, eds., *The Sacred Rights of Conscience*,
- 45 Hamburger, *Separation of Church and State*, 164.
- 46 McLoughlin, *New England Dissent*, II: 1013.
- 47 *Ibid.*, 990.
- 48 *Ibid.*
- 49 *Ibid.*, 1004-5.
- 50 *Ibid.*, 988.

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- 51 Thomas Jefferson, "Second Inaugural Address," in Philip S. Foner, ed., *Basic Writings of Thomas Jefferson* (New York: Wiley Book Company, 1944), 359.
- 52 Butler, *Awash in a Sea of Faith*, 247.
- 53 McLoughlin, *New England Dissent*, II: 919.
- 54 U.S. Supreme Court, *Barron v. Mayor & City Council of Baltimore*, Case #32US2423, 1833.
- 55 U.S. Supreme Court, *Permoli v. Municipality No. 1 of the City of New Orleans*, Case #44US589, 1845.
- 56 James Hutson, "A Wall of Separation: FBI Helps Restore Jefferson's Obliterated Draft," <http://www.loc.gov/loc/lcib9806danbury.html>, accessed March 12, 2011.
- 57 Joseph E. Bryson and Samuel H. Houston, Jr., *The Supreme Court and Public Funds for Religious Schools: The Burger Years, 1969-1986* (Jefferson, NC: McFarland & Company, Inc., 1990), 22.
- 58 Quoted in Hamburger, *Separation of Church and State*, 119.
- 59 James E. Leahy, *The First Amendment, 1791-1991: Two Hundred Years of Freedom* (Jefferson, NC: McFarland & Company, Inc., 1991), 40.
- 60 U.S. Constitution, Amendment XIV, in Patterson, *We the People*, 662.
- 61 Leahy, *The First Amendment*, 43.

Travis Lamken

U.S. Perceptions of Stability and Support of the Shah in Pre-Revolution Iran

The 1979 Iranian Revolution not only overthrew the Shah but turned what was considered a pillar of Western support in the Middle East into an avowed enemy that opposed any interference in the region. The ramifications of this revolution forever altered global politics and the political dynamics of the Middle East. This crisis in particular presents many questions, as the events of the revolution appeared to have escalated overnight and led to the dissolution of what many perceived to be the most stable country in the region. Questions of how the revolution began and how it was successful in what was considered a stable state are still debated today. In this paper I will argue that the Iranian Revolution resulted in many ways from the Cold War in that its foundation was that of global Cold War strategy. Factors that led to its escalation also directly resulted from the Cold War in terms of U.S. policy vis-a-vis the Shah. The United States began its involvement in the area as a move in the Cold War struggle and maintained this involvement for the same reason. The investment in the stability of Iran was an act of dependence, as instability and Communist domination of the country would have had devastating effects on global strategy. A forced United States policy arose from this situation that escalated investment in Iranian stability and in the Shah.

Like most Revolutions, the 1979 Iranian Revolution was a product of many factors ranging from culture to economics. In terms of preventing the revolution from occurring, the United States failed greatly in its efforts as it failed to realize that the people of Iran were in fact important to the stability of Iran. The Cold War can be linked to the revolution through various factors such as the American aid programs, the CIA's Cold War agenda, and the overall blind-faith support of the Shah's regime that developed as part of a necessary alliance. Furthermore, as the Cold War struggle intensified, Iran became regarded as a greater asset under the Nixon administration and was viewed as a potential nuclear ally in the region. The Shah's nuclear program represents the strategic

importance Iran had for the U.S. and the extent to which America was dependent upon its ally.

Despite all of this, the Shah's regime finally collapsed in 1979 ending his nuclear program and the Iranian-American partnership. In many ways this revolution was not prevented due to the Cold War. The Cold War forced the United States to focus on other events and pay lesser attention to the stability of a state that should have been taking care of itself. This "perfect storm" created a situation where the Cold War aided the revolution. With global distractions and the Shah's broken relationship with the United States, the revolutionaries had the perfect opportunity to strike. The United States was unable or unwilling to act against them and the Shah failed to respond to them successfully.

American involvement in Iran intensified with the outbreak of World War II. Iran soon became an area of interest for the British and the Soviet Union, as well as the United States, due to its oil wealth. After the defeat of Nazi Germany, Iran became perhaps one of the first battles of the emerging Cold War, as the Soviets began to press for influence in the area. From the perspective of the United States, the Soviets were alarmingly interested in Iran, and in particular the area known as "Azerbaijan." A CIA document from 1947 states that the Soviets utilized the Azerbaijan area as a main means to put pressure on Iran for oil as well as general control of the area.¹ The document explains the strategic importance for access to oil in the region and how the buildup of Soviet troops after the end of the war showed Soviet intent.² This initial scuffle pushed Iran into the forefront of the Cold War as Iran's government was no longer seen as nationalistic, but as an anti-western communist regime. The British strategic interest in Iran drove American interest with British Prime Minister Winston Churchill (1940-45, 1951-55) and other ardent Cold Warriors escalating the situation in Iran, portraying the Iranian nationalist government under Mohammad Mosaddegh as already being under Soviet domination.³ Iran's importance grew as Soviet pressure from Azerbaijan was seen directly as their attempt to gain "hegemony" over Iran as a whole.⁴ Iran seemed to be at high risk, while the nationalist government grew more and more anti-Western, the Communist party in Iran "continued to penetrate every part of the Iranian body politic; including the military."⁵ The intensification of the Cold War during the early 1950s and the pressure of corporations seeking Iranian oil would result in the

coup of 1953 that would eventually send Iran down the path to the Revolution of 1979. The Cold War escalated these events, forcing powers to make choices around the world and driving “the United States to recognize not only the power of its enemies but also the vital importance of its friends.”⁶

Growth in American fears of a “second China,” along with the rise of the Eisenhower administration, led to a more aggressive policy toward the Soviet Union.⁷ Operation TPAJAX was the result of this fear as Iran was seen, like China, as too vital to fall to the Soviets. Those who proposed the operation saw it as a preemptive strike against the inevitable Soviet one, citing Korea, China, and Berlin as evidence of a menacing Soviet global plan that also involved Iran.⁸ In addition to Cold War reasons, the Shah had just taken a trip to the United States in 1949 and met with American armaments manufacturers and industrial companies such as Lockheed and G.M.⁹

The 1953 coup removed the nationalist government from power and restored the Shah. This change was made in order to make Iran the “first line of defense in the Middle East” against Soviet aggression.¹⁰ Western policy analysts regarded the Shah as being “weak, immature, and alone” which was perhaps not a bad thing as he was viewed as easy to control.¹¹ Operation TPAJAX forever changed the relationship between the United States and Iran, as the United States began supporting an oppressive regime in order to gain influence in the region over the Soviet Union. With this event the United States lost the respect of many of the Iranian people who had previously viewed them with respect and admiration and now, in their view, took a place alongside Britain as an imperial manipulator.¹²

After the 1953 Coup Iran became a pro-Western state but yet in his new position of power the Shah played a dangerous game of using the Cold War to Iran’s advantage. While evidence exists that shows the Shah’s dependence upon the United States, more often the relationship was the reverse, with the United States dependent upon the Shah. The Shah clearly perceived this dual relationship and he began use this to manipulate the United States to support Iran further. The United States hoped that with the installation of the Shah Iran “would reach equitable an oil settlement, enabling Iran to become economically solvent and financially solvent, and which would vigorously prosecute the dangerously strong Communist Party.”¹³ When the United States failed to give the Shah the assurance of alliance in all cases, the Shah held secret talks with

the Soviets to put pressure on the United States by raising fears that they were losing their ally.¹⁴ This game backfired on the Shah when the Soviets became aware of his lack of true commitment and subsequently tried to assassinate him, further depicting that the United States relationship with the Shah was more complicated than just blanket support.¹⁵ Iranian modernization, stability, and industrialization were based on American support for Iran, which in turn was based on Iran's value to the United States in the broader Cold War. This attempt by the Shah to effectively blackmail the United States was highly successful, demonstrated by the fact that the aid from the United States and the support to Iran only increased over the years. In particular, the military aid program was extensive and continuously grew from the end of the Second World War on. From 1943 to 1979 the United States provided the Shah with a host of military aid programs that forever linked the countries and dictated the international perceptions that the United States had of Iran. The foundation for the so-called stability that Iran held was perhaps based in these extensive aid programs as the United States linked a country's military might directly to its internal stability.

The foundation of American aid to Iran started in Iran's defeat at the hands of the British and the Soviet Union during the Second World War. The four different programs that the United States used to aid Iran were called GENMISH, ARMISH, MAAG, and TAFT, with each representing a deeper tie to the country.¹⁶ The purpose of these programs were twofold: first, they were intended to deter the Soviet Union's aggression by strengthening the Iranian army and police force to counter Communism domestically; and secondly, to link Iran to the United States close enough to thwart the Soviet Union abroad.¹⁷ The United States saw that the Iranian army would never be large enough to prevent the Soviet Union from invading and so additional deterrence needed to be applied.¹⁸ Programs like MAAG deeply connected the United States to Iran as they guaranteed military assistance and advisement. These programs also acted as a way for the United States to control Iran as the economic and military advisors sent acted more as part of the Iranian military structure themselves. In addition, the program acted as an economic system in which American corporations benefited from arms sales while Iran paid for much of the costs of the programs.¹⁹ This economic strain is yet another link to the revolution caused by the Cold War as this relationship only grew with time. From the first program, GENMISH, to the last one,

TAFT, the military-industrial complex that had developed far exceeded actual Iranian needs and essentially became an ends to itself. The effects of this system on Iranian relations with the United States and American perceptions of Iran cannot be underestimated. The United States became complacent, believing Iran to be a stable country and assuming that with such military might, stability would develop and continue.

Domestically the United States aid programs affected Iran and the Shah's regime on many different levels and shaped the United States perception of Iran's stability throughout the Shah's reign. The first program, GENMISH, extensively altered the Iranian police force. The Iranian police forces were reorganized and trained in population control by American advisors.²⁰ In addition to crafting the police, the program supplied them with riot gear and greatly aided in the creation of the secret police organization SAVAK.²¹ The programs actively worked toward the 1979 Revolution as American policy became crafted by the programs themselves and gave way to a goal of an alliance of the United States and the monarchy against the populace.²² Adding to these factors was the failure of the program itself on an administrative level. The programs were intended to aid not only Iran's military, but also economically through reorganizing the Iranian government. The aid program not only failed but aided in the creation of the misconception of stability. American policy toward Iran was dictated largely by whatever presidential doctrine was in effect at the time. These various doctrines created problems as smaller issues and obstacles were thrust to the side by the overall goals set. As a result, negative reports regarding the Iranian government's corruption and internal weakness were largely ignored. As the Shah's regime grew closer to the United States and more money was filtered to his government, the programs' advisors began to promote false success more and more.²³ The creation of these "yes" men was due in many ways to the dual dependency between the Shah and the United States. Due to the Shah's strategic position, he was in a relatively safe position as the United States relied on him more and more for Iranian stability. As a direct result, the United States blinded itself to the Shah's lack of willingness to let the economic and governmental program advisors to do their jobs effectively. While the military program flourished, the advisement program completely failed to fix the Shah's governmental administrative structure.²⁴ This failure was crucial, as it in many ways ultimately fueled the 1979 Revolution.²⁵

The greatest factor affecting American policy toward Iran was the change in presidential administration. The various doctrines that formed during the Shah's reign had a great impact upon U.S. policy as each president produced a global goal. This is reflected in the development of the military aid program; as each new president came into office, a new program was also created.²⁶ The first program, GENMISH, was created under Franklin Roosevelt and did not yet reflect anti-Soviet priorities; rather it was an effort to stabilize Iran against the Nazis. The second program, ARMISH, came under the Truman administration and reflected a containment doctrine that pushed for a stronger, more stable Iran, but still did not fully commit the U.S. Under the Eisenhower administration, the program MAAG was produced and entanglement with Iran escalated greatly as anti-Communist leadership now headed Eisenhower's administration. They pushed not only for the conversion of Iran to a pro-Western state but also a continual American presence in the country.

Finally, during the Nixon administration, the TAFT program was created and with it full commitment was established for the long-term future between Iran and the United States. This also marked a substantial change in policy since before Nixon the program followed a general escalation of commitment. Under Richard Nixon the program fell under his new global strategy against the Soviet Union.²⁷ It was through this doctrine change and the escalation of presidential strategy against the Soviet Union that the illusion of stability was created and the larger political strategy demanded positive results. Parallel to these programs were the ongoing talks and growing support for the Shah's nuclear program. These talks themselves highlight the Nixon administration's goal and blindness in viewing Iran as the talks progressed successfully up to the revolution in 1979.²⁸

After the Nixon administration, policy shifted again as Jimmy Carter embraced détente and focused on the Arab-Israeli conflict.²⁹ This change in policy also drove the 1979 revolution as American support lessened with the waning of the Cold War. While authors like Charles Kurzman have stated that Carter may have abandoned the Shah in his moment of need, it can be also seen that the Carter Administration had its hands full with the Camp David Accords and simply did not have the time to aid the Shah.³⁰

The CIA is largely criticized and blamed for the failure to perceive and prevent the 1979 Revolution in Iran. With Iran's global interest and United States involvement in the state, the lack of attention to Iran's internal political situation surprised many.

This lack of understanding of how Iran operated and the true threats in its society is reflected in a report that discusses Iran's clergy as being merely able to "grumble" its discontent but unable to take action against the Shah.³¹ While this report acknowledges some civil discontent, the report also analyzes the inner-workings of the Shah's regime, but does not mention any failings. Primarily, this report and the CIA's goal as a whole were not gathering intelligence on Iran itself, but rather what Iran's international position was. Post-revolution documents draw a stark contrast as they not only show a detailed overview of Ayatollah Khomeini's government but also highlight political understanding of Khomeini wanting to "maintain some competition among the factions that support him."³² This level of intelligence is not seen in many of the pre-Revolution reports concerning the Shah's government, which highlights the overall problem that developed under the Cold War. The failure of the CIA to predict the revolution was in many ways caused by the Cold War because the Cold War absorbed almost all of the CIA's attention at this period. International positioning, the status of non-safe states, and how events affected the balance of power in the region seem to have been its primary foci; in short, Iran's chief role for the CIA seems to have been mainly as a mirror from which the Soviets could be seen.³³ In this way, the CIA itself was stuck within a broken policy as the overall strategy of the Cold War directed all attention on the Soviet Union and its aims to the near-exclusion of other matters. The CIA only looked at the situation from the perspective of Soviet involvement, reflecting the initial understanding of the revolution as being a part of the Cold War itself.³⁴

While the Cold War may have distracted the CIA from the problems in Iran, its failure to predict the Revolution of 1979 may have been on a much simpler level. The actual function of the CIA and its focus on governmental activity only is another reason why the stability of Iran was so overrated. Understanding domestic discontent and the power of nongovernmental entities are simply not the CIA's goal nor its interest; such topics have traditionally been seen as its blind spots.³⁵ In this way, the CIA's analysis of the Shah's regime lacks cultural and ethnic understanding. This goes as far as to demonstrate that it failed to even establish stereotypes or clichés about the Iranian people.³⁶ In many ways this was due to the fact that the Shah was responsible for his own domestic affairs but also the resistance put in place by SAVAK to a clearer understanding, by the CIA, of Iran's domestic problems.³⁷ The

CIA was not concerned with Iran's stability in terms of domestic upheavals or even its government but rather its goals were to understand the Shah himself. Yet, in the end, the CIA never really understood the Shah all that well either; for example, the CIA did not learn of the Shah's personal illness until after the revolution took place.³⁸ Various reports say that the Shah was not himself during and before the revolution, but this fact is not reflected in CIA documents.³⁹ Rather than truly understanding his stability (or lack of stability) as a ruler, the CIA and the State Department's policy toward Iran effectively became more concerned with ensuring the Shah was kept in check. Indeed, according to one of the CIA pre-revolution reports, the clergy even were not seen as a threat to the regime.⁴⁰ Overall it can be concluded that the CIA simply did not understand or know much about the Iranian people before the revolution as they regarded these rather important topics to be mundane. But again, the primary goal of the CIA during this period was to uncover the secrets of governments.

The Iranian nuclear program started as early as 1967 but it was during the Nixon administration that the talks truly began to escalate. It is these talks and the agreement to make Iran a nuclear state that highlights the lack of American understanding of Iran's internal lack of stability. While American policymakers heavily considered the possible repercussions of nuclear proliferation, what the nuclear talks highlight more than anything was how Iran's importance to the United States overrode all other concerns. Regarding nuclear proliferation, the U.S. assumed that nuclear energy countries would inevitably seek nuclear weapons.⁴¹ The initial talks started with relative concern for the Shah's intent on gaining nuclear capabilities as it was widely assumed that the Shah was not only reaching for nuclear power, but also a nuclear arsenal. At the beginning of the talks Iran was viewed as stable, but only due to the Shah's power.⁴² This reflects the continual view throughout the nuclear talks that Iran's stability was "heavily dependent upon the Shah's remaining in power."⁴³ While the possibility of the Shah's fall and the risk that nuclear devices would be in under such circumstances was discussed, more weight was placed on the need for "safeguards" rather than prevention.⁴⁴ Blocking the Shah from getting nuclear capability may not have been an option as the Shah actively pursued any means possible to get nuclear capabilities.⁴⁵ This reflects the dual dependency or perhaps suggests that toward the last half of the Shah's reign the United States was more dependent upon the Shah than vice-versa. The Shah was perceived

to want nuclear devices to deter Soviet aggression, to make Iran the Persian Gulf Military Hegemon, and finally to disconnect Iran from foreign reliance, either of which was regarded as a losing proposition from the American point-of-view.⁴⁶ The last of those perceived reasons particularly frightened American policymakers who still valued Iran as a strategic and economic asset in the region. The developing problem was that the Shah rejected the "safeguard" measures that the United States wanted as part of a comprehensive plan.⁴⁷ This tension between the Shah and the United States over the actual control of enrichment of uranium led to a long stalemate that caused many to worry over how the talks might adversely affect the U.S.'s relationship with Iran. Concerns about how not giving the Shah what he wanted on nuclear capacity risked "poisoning other aspects of U.S.-Iran relations" demonstrates how the relationship between the Shah and the United States became one of appeasement over time.⁴⁸

The alteration of policy towards the Shah and the overriding concern for keeping him content falls in line with adherence to the global Cold War strategy as even nuclear armaments were being risked for the sake of keeping the Shah close to the United States. At this point in the Cold War the Shah appeared not to need the United States, as he could now turn to other Western countries for arms deals without having to agree to "safeguards."⁴⁹ These talks show the connection of the Shah's power and the Cold War clearly as the talks escalated with the Cold War until Carter's administration and the shift to *détente*.

During the mid-1970s and the adoption of *détente* and the cooling of the Cold War, the Shah notably lost a great deal of power. The Carter administration openly made policy that upset the Shah. While the last deal was finalized in 1978, the Carter doctrine and movement against nuclear proliferation lacked the consideration that previous talks had for the Shah's views toward the matter. The nuclear talks highlight the Cold War relationship to the Shah's reign and show how presidential doctrine and global strategy ran rampant over smaller issues. The escalation, stalemate, and final disinterest of the Carter administration in the talks with the Shah for nuclear capability demonstrate how the changes in Washington greatly affected the Shah overall. The connection that these talks have with the Cold War seems limited at first but given the context of the failure of American administrative policy and aid, it becomes more of a constant theme that aided the occurrence of the revolution.

In comparison to other major factors leading to the Iranian Revolution of 1979, the interference of the United States was more of a background reason. It was complex governmental, economic, and cultural factors working together that brought down the Shah and fueled the revolution. Still, in searching for more longer term causes of the revolution, the United States and the Cold War become a much larger factor in the eventual collapse of the Shah's regime. Indirectly, the 1979 Revolution was in many ways caused by the United States and the Cold War. For example, the White Revolution of the mid-1960s was the Shah's attempt to rapidly modernize Iran. This reform movement can be seen as one of the leading causes of the Revolution of 1979 as social discontent rose due to rising expectations engendered by the White Revolution a decade earlier. But the White Revolution itself can also be seen as a product of the United States and other Western powers as they attempted to force development for the sake of the Cold War as well as each country's respective oil companies. While not directly connected to the revolution, the Cold War was a cause when looked at from a wider context.

Iran's history alone demonstrates that the Cold War and the effects of Western aid to Iran did not actually forge the revolution as the people held a long tradition of strong political action prior to the Revolution of 1979. From the Tobacco Revolution to the Rise of both Communist and nationalist extremists, Iran faced a turbulent history in the last century that suggests anything but stability. Charles Kurzman's book, *The Unthinkable Revolution* in Iran highlights just this as he details the many different factors that led to the Revolution. Overall, what Kurzman does is break down the myth of stability and present the true picture of the Iranian people and how discontent escalated to revolution by 1979. What Kurzman does not cover are the global factors that helped cause the revolution. Iran was a country that was heavily influenced by global politics and the superpowers that dominated the region. While perhaps not as profound as the factors that Kurzman provides as being the causes of the revolution, the Cold War is still nonetheless a heavy influence that continually affected Iran during the Shah's reign.

Revolutions usually are some of the most pivotal moments in history as they change the world in the area where they take place. Revolutions also present historians a puzzle to solve, as they are also some of the most challenging historical events to

understand due to their vast complexity. The Iranian Revolution is no exception as it both changed Iran monumentally and was caused by a host of factors and influences that range from the poorest person in the country to the Shah himself. Revolutions, however, are usually perceived as internal events. Long-term external factors are sometimes ignored as scholars tend to focus instead on understanding the short-term causes. Global politics and international relations rarely have a monumental effect on the cause of revolutions, but if any revolution can be said to be partially caused by such things it is the Iranian Revolution of 1979. The effects of the Cold War are demonstrated through the occasionally irrational choices policymakers made through necessity. While the Cold War remains a background factor it remains a causal influencing factor that helps shed insight on why bad policy and bad decisions were made when in many cases those making the decisions knew perfectly well that they were not wise. The Cold War remains a driving factor behind bad policy, dependency, forced modernization, nuclear proliferation, and the aiding of the Shah's oppressive regime. All these factors together played a large role in the Iranian Revolution as the Shah's regime was shown to be the house of cards that it was. The end result of the Revolution was an anti-western regime rising in the Shah's place and chaos for years to come in the Middle East.

Notes

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Jon Sauer

Black Robes and a Black Man: Roger Taney, John McLean, Benjamin R. Curtis, and the Dred Scott Decision

The American Civil War was a tragic consequence and the ultimate result of collective conflicts between divided states, including, perhaps most importantly, over slavery. It is well documented that during the war, from 1861 to 1865, brothers fought against each other, fathers fought sons, and friends fought against friends in bloody and brutal battles. It was, perhaps, the darkest period in the illustrious history of the United States. While many other factors contributed to the Civil War, none were more prominent than the question of slavery. It was at the forefront of the dispute and it paved the path to war with an imprudent force. Many compromises were made, and legislation passed, but they could not stop the inevitable fight for freedom.

The tipping point in many ways was a court case that was held before the Supreme Court in 1856. It involved a man named Dred Scott, a slave, essentially suing for his freedom. A Missouri court had granted Scott his freedom, only for the decision to be reversed in a higher court. When the case made it to the highest court in the land, media coverage followed and so did the ongoing debate over slavery. Nine respected justices heard the case, and in March of 1857, they sided with Scott's owner, John Sanford, by a vote of seven to two. Immediately the Northern press bashed and berated the court, especially Chief Justice Roger B. Taney, who gave the majority opinion. In the March 28, 1857 edition of the *New York Daily Tribune*, Reverend Dr. Cheever wrote, "The Decision of the Supreme Court is the Assassination of a race, and cannot be obeyed."¹

The case proved to be a historical error, one that forever changed the course of history. For the next four years, virtually all politicians used the case to build their platforms. It was the court case of the century, and the justices involved went down in history as the council that decided the fate of Dred Scott, and perhaps even set the Civil War into motion. Most historians have harshly criticized Roger Brooke Taney, while praising the two dissenters,

John McLean and Benjamin R. Curtis. It is important to note the lives that these men lived in order to understand their decisions. It is beneficial to any researcher to analyze the contributing factors that led the judges to their decision. When analyzing the personal and political backgrounds of Taney, McLean, and Curtis, it is clear that neither Taney's overt racism, nor the moral fiber of both McLean and Curtis, decided the case. These key justices made their decisions based on political intervention, political aspirations, and personal connections, and not mainly on legal interpretation.

Dred Scott was a slave born on a Virginian plantation around the turn of the century. He belonged to a man named Peter Blow, who eventually decided to give up farming and move to St. Louis, Missouri. Strapped for cash, Blow sold Scott to a young surgeon in the U.S. Army, Dr. John Emerson. In December of 1833, Emerson received orders to leave Missouri for Illinois, and he took his slave Dred Scott along. Emerson was stationed at Fort Armstrong, a base about two hundred miles north of St. Louis, near present-day Rock Island, Illinois. Emerson was then transferred, in 1836, to Fort Snelling, in the Wisconsin Territory, now in the state of Minnesota. While at Fort Snelling, Scott met, and soon married another slave, Harriet Robinson, who was also sold to Emerson. Together they had two boys and two girls, but only the girls survived past infancy. The Scotts stayed in Fort Snelling until 1840, when Emerson was again transferred to Florida, during the Seminole War. The Scotts were then sent back to St. Louis with Dr. Emerson's wife, Irene. Dr. Emerson died in December of 1843, willing all of his estate to his wife, Irene, and their daughter, Henrietta.²

In the spring of 1846, Dred Scott and his family made the first of their famous attempts at freedom. On April 6, 1846, *Dred Scott v. Irene Emerson* was filed in a Missouri state court. The case was not the first of its kind, and did not acquire much media attention at first. In the case of *Rachel v. William Walker* in 1836, a similar trial took place in which a female slave, named Rachel, had also been taken by an army officer to Fort Snelling, which was in a free territory. After being sold to William Walker in St. Louis, Missouri, Rachel sued for her freedom, and won the suit in the Missouri Supreme Court. Due to a technicality, the Scotts' case had to await a second trial, which did not commence until 1850. In January 1850, the Missouri court declared Dred Scott free, due to the evidence that John Emerson took Scott to Illinois and the Wisconsin Territory. The former had been a free state since its inception as a state in

1818, and the latter prohibited slavery according to the terms of the Missouri Compromise of 1820. Between 1846 and 1850, any money earned by the Scotts was held by a local sheriff and would be given to the winners of the suit, either the Scotts or Irene Emerson. At this point, shortly after the 1850 decision, Irene's brother John F.A. Sanford was left in charge of the Emerson estate, and this gave him particular interest in winning the case. Irene left St. Louis to marry Dr. Calvin Clifford Chaffee, an abolitionist from Massachusetts apparently unaware of the lawsuit.³

Sanford (misspelled Sandford in court documents) appealed the verdict to the Missouri Supreme Court, which reversed the decision of the lower court in 1852. Still under Emerson's name, Sanford hired a new legal team that proved to be better equipped. The two to one decision of the Missouri State Supreme Court overturned the notion of "once free, always free" that had been the previous judicial precedent in similar cases. Perhaps the first case of this happened in England, in 1772. A slave named James Somerset had belonged to Mr. Charles Stewart from Virginia, and Stewart brought Somerset with him to England to conduct business. The slave escaped, but was caught months later. The presiding Chief Justice, Lord Mansfield, eventually declared that Somerset should be let free. In his momentous opinion, Mansfield stated that England did not recognize slavery in either common or parliamentary law; therefore, it was illegal, and Somerset should be set free due to his stay on English soil.⁴

With cases such as Somerset's as precedent, Scott's lawyers appealed the Missouri verdict to the U.S. Supreme Court. During this time, slavery was becoming an increasingly controversial issue throughout the country. It was written on the walls in every corner of the Union. The boundaries of slavery had been hotly contested for decades, ranging from the Northwest Ordinance and the Missouri Compromise to the Kansas-Nebraska Act and the Wilmot Proviso. Before the Supreme Court, both sides of the *Scott v. Sanford* case bolstered their legal teams, hiring the best lawyers at the time to argue the case. National figures Montgomery Blair and George T. Curtis represented Dred Scott, and Reverdy Johnson and Henry S. Geyer, Emerson. On the national stage, this infamous court case was imprinted into the history books forever, after it was argued before the Supreme Court in February and December of 1856, and decided on March 6, 1857.⁵

All nine justices who heard the case gave separate written opinions of the decision, but Chief Justice Roger B. Taney gave the

majority opinion. In his lengthy opinion, Taney declared that the plea in abatement was before the court. (Sanford's defense team intended to impede Scott's suit by claiming that he was not a citizen, and, therefore, could not sue in federal court.) Taney agreed that the plea had to be considered in the final ruling, and that the Supreme Court had the jurisdiction to give such a ruling. He ascertained that the lower court of Missouri, that had granted Scott's freedom, was erroneous and that the decision of the Missouri Supreme Court must be upheld. Taney delved into an extensive description of his ruling, in which he concluded that the *intent* of the framers of the Constitution was not to include the "unfortunate race" as citizens, but rather as property. Taney claimed that during the framing of the Constitution, African Americans were, "at the time considered a subordinate and inferior class of beings." Later, in his highly criticized opinion, Taney states:

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit.

Since Taney claimed that Africans were excluded from citizenship, he declared that the Missouri court did not even have the jurisdiction to hear the Dred Scott case; therefore, Scott was still a slave. Also, in his opinion, Taney declared the Missouri Compromise, along with other similar legislation, unconstitutional.⁶

The Missouri Compromise of 1820 had prohibited slavery in any territories north of the Ohio River and west of the Mississippi River, except for the state of Missouri. Siding with states' rights Democrats, Chief Justice Taney stated that Congress had no right to prohibit slavery in territories, because it was in direct violation of slaveholders' private property rights. He argued that Congress was given the right, by the Constitution, to make laws and regulations in order to govern territories. The Constitution, however, only granted those rights to the existing U.S. territories, and not to the territories acquired after the adoption of the Constitution. Taney alleged that because of that, Congress did not have the right to put forth legislation prohibiting slavery in territories because slaves were private property.⁷ The notion that the Missouri Compromise was unconstitutional, and thus nullified, was largely controversial, even among concurring justices, because the extent of the scope and

power of the court was an issue. Did the court have the ultimate power to go beyond the case itself? Taney believed that it did, but many others did not. Nevertheless, the decision was made, causing even more tension in a time of rising conflicts.

Six of the remaining eight justices concurred with Taney on the final ruling of the case. All of them, however, decided to write their own opinions, because of several discrepancies in Taney's majority opinion, and to better explain their own reasoning on such an important case. Along with Taney, Justices James M. Wayne, Peter V. Daniel, and Benjamin R. Curtis agreed that the plea in abatement was properly before the court, while the other five thought it not to be. Also agreeing with the Chief Justice, Wayne and Daniel held that a slave could not, in any circumstances, be a citizen of the United States. Every judge, excluding Curtis and McLean, ruled that the laws of Missouri, not Illinois, should determine Scott's status as a slave. This meant that all seven of these men, Taney, Wayne, Daniel, Samuel Nelson, Robert C. Grier, John Catron, and John A. Campbell, held that Dred Scott was still a slave, belonging to Sanford. Perhaps the most controversial subject of the decision was when five justices – Taney, Wayne, Grier, Campbell, and Catron – all held that the restrictions on slavery created by the Missouri Compromise were unconstitutional. Not surprisingly, the political affiliation of the associate judges was reflected in their decisions. Five out of the nine judges (Taney, Wayne, Catron, Daniel, and Campbell) were Southerners with obvious Southern sympathies, and two of the Northern justices who also ruled against Scott, Nelson and Grier, were conservative Democrats.⁸

Associate Justice John McLean was one of the two justices who gave a dissenting opinion. McLean's dissent was considered the less significant of the two, but it still boosted his credibility and notoriety among many prominent Northern politicians and abolitionists. McLean disagreed with several justices in that he did not believe the plea for abatement was before the court, and questioned the court's jurisdiction. Going forward, however, he argued that blacks were indeed intended, by the framers of the Constitution, to be citizens and not property. He condemned slavery as an institution saying it was, "without foundation in the law of nature or the unwritten and common law." Furthermore, he regarded slavery as a local law and argued that states should honor the laws of other states. This would ensure the principle of "once free, always free" that Dred Scott briefly enjoyed almost a decade prior, because he resided in free soil for some time. In his

dissent, McLean expressed a strong resignation of personal grief he felt toward Africans. Regarding Taney's decision overturning the Missouri Compromise, McLean quoted Article IV, Section III of the Constitution, "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." McLean thus argued that Congress did have the power to prohibit slavery in territories, without violating any property rights.⁹ Although John McLean was already a national figure at this time, it was the dissenting opinion written by his colleague, Justice Benjamin Robbins Curtis, which would prove to be more noteworthy.

Curtis's dissent was so enticing and well written that it was used in many fiery debates. It is believed that Abraham Lincoln carried a copy of it during his famous public debates with Stephen A. Douglas. Curtis agreed with Taney that the plea was within the jurisdiction of the court, but that was nearly all they agreed upon. According to his opinion, under Article II, Section I of the Constitution, citizenship included "a citizen of the United States at the time of the adoption of the Constitution." Preceding the Constitution, under the Articles of Confederation, five of the thirteen original colonies included some free blacks as citizens of their respected states. Curtis said affirmably,

The Constitution was ordained and established by the people of the United States, through the action, in each state, of those persons who were qualified by its laws to act thereon in behalf of themselves and all other citizens of the state. In some states, as we have seen, colored persons were among those qualified by law to act on the subject. These colored persons were not only included in the body of 'the people of the United States,' by whom the Constitution was ordained and established; but in at least in five of the states they had the power to act, and, doubtless, did act, by their suffrages, upon the question of its adoption.¹⁰

According to Curtis, if someone was a natural-born citizen of a state, that person was automatically a citizen of the United States as well. This meant that any citizen, regardless of race, had the opportunity to sue and be sued in federal courts. He believed the Missouri and federal Supreme Courts were erroneous in their judgments, and they should be overturned.

Furthermore, Curtis asserted that the Supreme Court had no right to reach beyond the case itself and deem the Missouri Compromise of 1820 unconstitutional. As precedent was installed in previous court cases such as, the *Carroll v. Carroll* court case, Curtis concluded that the court should have no power to stretch its jurisdiction. The territories were to abide by the Missouri Compromise, which prohibited involuntary servitude unless used as a form of punishment or for fugitive slaves.¹¹ Curtis's opinion differed from Taney's in almost every conceivable way. With the emotional and sometimes violent topic of slavery becoming increasingly divisive, many in the North appealed to Curtis's dissent. Looking at what the case had caused and the ensuing years of turmoil, it is important to look into who these three men were, and why, perhaps, they made their final decisions.

There are many questions conjured up about Chief Justice Roger B. Taney and the interesting story of his life. Perhaps the most broad but satisfying is: How did a man once proclaimed by his peers as a great, intelligent, and diligent judge become someone who was, "next to Pontius Pilate, perhaps the worst that ever occupied the seat of judgment among men." The latter statement was published on August 4, 1865, in an anonymous sixty-page pamphlet called: *The Unjust Judge - A Memorial Of Roger Brooke Taney, Late Chief Justice Of The United States*. The account of Taney goes even deeper than one might initially think. For instance, Taney had emancipated his own slaves when he was younger, including a few that were willed to him after his father's death. Recalling the situation years later, Taney implied that owning slaves was not in his heart by simply saying, "I am not a slaveholder." As a young lawyer and judge in Maryland, Taney had repeatedly protected slaves and abolitionists, including when Taney acted as a Mr. Gruber's principle council of defense. Gruber was a Methodist preacher, as well as a devout abolitionist who gave a sermon to a large crowd, many of whom were black parishioners, about the ill consequences of slavery. He was indicted by a grand jury for intention to incite slaves into rebellion.¹² Many other instances of this nature occur throughout Taney's early career, so what changed?

Roger Brooke Taney was born on March 17, 1777, in Calvert County, Maryland. His father, Michael, and mother, Monica, taught him the importance of a quality education, along with the value of hard work. His father was a living example for Roger;

he ran the family plantation and was a respected local politician. An intelligent young man at age fifteen, Taney went off to study at Dickinson College in Pennsylvania. His wit and determination was noted by one of his professors, Dr. Charles Nesbit who later recalled: "[Taney] was a Roman Catholic with the stubborn integrity and idealism of a Scotch Presbyterian." This was a considerable compliment because for many decades past Catholics had been persecuted by Protestants in Britain and its colonies. Dr. Nesbit's acclaim must have been accurate because Taney graduated with high honors in just three years with a Bachelors of Arts degree. He then went on to study law in Annapolis, Maryland for a short period, but after being admitted to the bar in 1799, Taney moved to Frederick, Maryland in 1801. A few years later in 1803, Taney married Anne Phebe Charlton Key, the sister of Taney's close personal friend and famed poet of the War of 1812, Francis Scott Key. Samuel Tyler, a close confidant had said, "no man was ever more happily married than Mr. Taney."¹³

Politically, Taney was a Federalist who was briefly elected to the House of Delegates in 1803, the lower house of the Maryland legislature. As a Federalist, Taney opposed the War of 1812 but later stated his support after war was already declared. This issue divided the Federalist Party, both locally in Maryland and nationally. Taney was elected, briefly, to the Maryland Senate in 1816, and, after moving to Baltimore, Taney quickly became recognized as a leading lawyer in the state.¹⁴

On September 3, 1827, Taney was unanimously appointed Attorney General of Maryland. According to Samuel Tyler, it was the only public office that he ever aspired to obtain. By this time Taney had confessed his support for Andrew Jackson and the Democrats after the Federalist Party splintered into the Democratic and Whig Parties. When the inconclusive 1824 presidential election was thrown in early 1825 to the House of Representatives to decide, Taney urged his friends in Congress to vote for General Jackson, and later helped to organize a political convention in Baltimore to draw support for Jackson. Roger B. Taney's public support and renowned notoriety was rewarded on a national level when, in 1831, President Andrew Jackson named Taney as Attorney General of the United States.¹⁵

In 1834, Jackson tried to appoint Taney as Secretary of the Treasury, but the Senate would not confirm the nomination; it was the first time that the Senate did not confirm a president's choice for a cabinet position. Then, after Judge Gabriel Duvall retired from

the Supreme Court, Jackson nominated Taney for the position. Again, the Senate voted against the nomination, but this time there was more support in favor of Taney, including Chief Justice John Marshall. When Marshall died less than one year later, in 1836, Taney was again nominated, and this time the Senate approved. The United States had a new Chief Justice, and many leading politicians gave their full confidence to Taney. Senator Henry Clay, a noted adversary of Taney's, later confessed to him, "I am now convinced that a better appointment could not have been made, and that the ermine [sic], so long worn and honored by Marshall, has fallen on a successor... every way his equal, and I have sought this interview so to say to you."¹⁶

As previously mentioned, Taney had been a Federalist at the beginning of the nineteenth century, but then switched his support to the Democratic Party. It can be argued that the foundation of his beliefs came while he studied law in Annapolis in the 1790's. He studied under a man named Jeremiah Townley Chase, who voted against the ratification of the Constitution because it gave too much power to the federal government, and did not provide sufficient rights for the states. Nevertheless, Andrew Jackson built Taney's true political identity, starting in his first presidential campaign in 1824, when Taney helped to fundraise and organize a convention for the distinguished general.¹⁷

During his time as Attorney General, Roger B. Taney developed a close connection with President Andrew Jackson. From this relationship a lot can be discovered about why Taney eventually decided that the Missouri Compromise was unconstitutional in 1857. Taney increasingly became reactionary in his interpretation of the Constitution. Like Jackson, Taney became an advocate for more powers for the states, and less for the federal government. With his appointment as Attorney General, Taney dutifully obliged, and thus created a legacy based on a personal connection to Jackson, and a political connection to the states. Later in his presidency, Taney became Jackson's most trusted advisor in his cabinet. Taney's loyalty and commitment was never more evident than in the Bank Wars of the early 1830's, when President Jackson vetoed the charter renewal of the Second Bank of the United States, and withdrew federal deposits from the bank.

The First Bank of the United States was Secretary of Treasury Alexander Hamilton's brainchild, and it served to manage the financial needs of the new country under the Constitution. In 1811, the bank's twenty-year charter was up, and was not renewed by

Congress. Then, in 1816, a second bank was revived and given a twenty-year charter. Set to expire in 1836, President Jackson voiced his concerns of the bank shortly after his inauguration in 1829. Jackson believed that the bank had become a greedy corporation, run by corrupt elites. It was privately controlled, could not be taxed by any states, restrictions prevented Congress from chartering any other banks, it had spread throughout the union, and was granted additional special privileges as well. In return, the U.S government received annual bonuses, sometimes in excess of over one million dollars, or over twenty-two million in today's dollars. Also, the government was able to store its deposits, transfer public funds and pay for government transactions free of charge, and the federal government was allowed to appoint five of the twenty-five directors of the S.B.U.S's board. Jackson viewed the bank as a constrictive monopoly and he planned to veto its renewal. His determined agenda was fought with force from all sides of Congress, and although most of Jackson's own cabinet also disagreed with him, Taney stood by his side through it all.¹⁸

Jackson started a war in Washington during his first year as president, and elected as the "people's president," Jackson felt that he was doing the right thing for the nation. Taney, as Attorney General, was the only cabinet member to support Jackson, and, as his personal advisor, he caught a lot of unflattering attention. At first, Jackson did not want to destroy the national bank, but modify it so that the government can do its business without jeopardizing state banks. A letter from 1830, found in his memorandum book states, "the proposed substitute would not be a corporation, but a branch of the Treasury Department; it would hold no property real or personal, and would withdraw none from the operation of state laws."¹⁹ This was the ideal situation for Jackson, but when the bank's president, Nicholas Biddle, refused, it created an even bigger mess.

Many members of Congress wanted the charter renewed, and were willing to fight for it; as Henry Clay wrote to Representative Nathan Appleton, "if he should veto it; I shall veto him!" A bill for renewal was passed four years early, in 1832, and Jackson vetoed it swiftly. Taney continued to back Jackson, even when it made him unpopular, and it is during these crucial years that Taney developed a true admiration for the states-rights agenda. In August of 1833, Taney wrote the president to offer his trust and support, "the continued existence of the powerful and corruptive monopoly will be fatal to the liberties of all the people, and that no

man but yourself is strong enough to meet and destroy it." Later in the same letter Taney tells the president, "if you find it necessary to call for my services, to aid in carrying it (deposit withdrawal) into execution, they will be promptly and willingly rendered."²⁰

A couple of months later Taney withdrew federal deposits from many of the top branches of the Second Bank of the United States, and reallocated them to state banks. This move wounded the bank, and ultimately destroyed it by 1841. For his efforts, Jackson appointed Taney to become the next Treasury Secretary, but, due to his involvement in the crisis, the Senate rejected Taney's nomination. President Jackson never forgot what Taney had done for his administration, and after Congress became more Democratic in 1836, Jackson finally repaid him by appointing him to the Supreme Court, and this time the Senate approved.²¹ Also appointed to the Supreme Court by President Andrew Jackson was John McLean, a Whig from Ohio. Although Taney and McLean shared the bench together, their opinions often differed.

John McLean, who was one of the dissenters in the Dred Scott decision, was born in Morris County, New Jersey on March 11, 1785. His family moved around frequently before finally settling down in Ohio, near Cincinnati. After getting a basic education, McLean became an apprentice of John Stites Gano, a clerk at the Hamilton County court. It was while working under Gano that McLean also began to study law in Cincinnati under Arthur St. Clair, Jr., a Revolutionary soldier and a territorial governor. He was able to purchase a printing office in November of 1806, and in 1807 McLean moved his equipment to Lebanon, Ohio. In Lebanon, McLean began publication of his own newspaper, the *Lebanon Western Star*; a newspaper that widely supported the Jefferson administration. Two years later, McLean gave up the paper to concentrate on practicing law. In the War of 1812, as a newly elected member of the House of Representatives, McLean had backed the Madison administration fully. In 1816, the Ohio legislature appointed McLean to the Supreme Court of Ohio, and McLean resigned from Congress.²²

McLean spent ten months as Commissioner of the Public Land Office before being appointed to the Postmaster General of the United States in 1823. He was able to secure this post because of the reputation he built while in Congress, the ties he created with his close friendship with John C. Calhoun (then Secretary of War), and because of his policy stance with the Madison Administration

during his time in Congress. President James Monroe appointed McLean to one of the most important offices in the country; the duties thereof were both substantial and necessary. McLean proved to be a very able and diligent Postmaster General and he served at that post through the administration of President John Quincy Adams, until he was appointed to the Supreme Court by newly elected president, Andrew Jackson, in 1829. Some scholars suggest that McLean was appointed to the high court because Jackson feared that McLean, continuing on as Postmaster General, would not otherwise cooperate with his agenda. Historian Robert Smith suggested Jackson had appointed the Ohioan because he was a Whig, he was known to have his own political interests, and because he was a rival of Henry Clay (whom Jackson also despised). Thus, by his one move, Jackson had pleased his Whig adversaries, opened the position of Postmaster General which he could fill with an ally, eliminated a future potential presidential candidate, and he got under the skin of his old foe, Henry Clay.²³

“Judge McLean hopes, I think, to be a candidate for the office. He would be a good President, but I am not willing to have a judge in that most trying position of being a candidate for this great office.” Fellow justice, Benjamin R. Curtis wrote to his beloved uncle, George Ticknor, on April 8, 1856, to tell him about the state of the court and his affairs, and he mentioned the ambitious McLean and his presidential desires.²⁴ John McLean had aspirations of eventually becoming president for practically his entire professional career. During the administration of John Quincy Adams, McLean, as Postmaster General, had won over the likes of his contemporaries. Some of these men had great political power in the country, including Adams, and John C. Calhoun. Throughout his career in government, McLean was known to be a politician looking for an opportunity. McLean was a bit of an abolitionist himself, but it was his hope of someday becoming president that boosted his anti-slavery opinions.

John McLean was able to maneuver himself into a favorable position among the members of Adams’s administration, but when Jackson ran for president in 1824, McLean was quick to use his own politicking strategies. Adams and other Cabinet members quickly thought McLean was a traitor and began to distrust him. Adams later recalled, in 1824, that “his words are smoother than butter, but war is in his heart.” Jackson also began to realize McLean’s true intentions after he was elected president in 1828. Rumors spread throughout Washington that McLean might be a potential running

mate of Henry Clay's in the 1832 election, to which many leading Whigs approved and encouraged. McLean also lost interest in Jackson when the bank wars occurred, because he disagreed with Jackson, and Taney's, proposal.²⁵

The closest that McLean ever came to an actual presidential nomination was in 1831, with the Anti-Masonic Party. The party had sparked from a movement that started after a New York bricklayer, William Morgan Batavia, intended to publish a tell-all book to reveal the secrets of the Freemasons. He was arrested and whisked away by kidnappers, and a body, presumed to be his, was found in the Niagara River shortly after. These events created a massive outrage against freemasonry and were perfect for hopeful politicians. At a convention in Baltimore on September 26, 1831, over one hundred attendees from thirteen states looked to nominate McLean as their candidate. McLean declined, knowing that he could not win against both Jackson and Henry Clay, saying, "it would seem that a member of the judiciary should decline the contest, unless the use of his name would be likely to tranquilize the public, and advance the prosperity of the country." Discouraged, the party nominated William Wirt of Maryland, who received 7.8% of the popular vote.²⁶

McLean had other close calls with becoming, or at least attempting to become, Commander-in-Chief. Millard Fillmore and Salmon P. Chase both expressed their approval, after it was clear that Martin Van Buren was next in line to succeed Andrew Jackson. During this time, Supreme Court justices also had to preside over circuit courts. While on his rounds, McLean campaigned for himself in the western states that he presided over. Many, such as Henry Clay, did not agree with his intentions, and that hurt his cause with the Whig Party, so in 1836, McLean took himself out of the running. It is also believed that the second hearing of the Dred Scott case was postponed until December of 1856, because of suspicion that McLean would use his dissent to run for the Republican nomination for President. Respectfully an amateur abolitionist, John McLean's dissent was largely due to his political ambition.²⁷

Benjamin Robbins Curtis, the other dissenter in the case, was born on November 4, 1809, in Watertown, Massachusetts. He was raised without a father, but through hard work and intellectual ability he was able to go on to find success. His mother, Lois Curtis, had to help put him through college by running a students' boarding house in Cambridge, Massachusetts. Nevertheless, Curtis was able to graduate from Harvard College and Law

School. He then went on to practice law with a family member in Boston, specializing in commercial law. During those seventeen years, from 1834 to 1851, Curtis quickly rose to the top of the bar in Massachusetts. Daniel Webster once said of Curtis, "his great mental characteristic is clearness; and the power of clear statement is the great power at the bar." Curtis served in the Massachusetts state legislature from 1849 to 1851, where he established himself, by authoring many legal reform bills. Although he tended to vote Whig, in Curtis's memoir, his brother notes that Benjamin never took part in party politics, never attended a political convention, and ruled without partisanship while on the bench. Nevertheless, in 1851, when Supreme Court Justice Levi Woodbury died, President Millard Fillmore looked to replace him with a Whig. He nominated Curtis expecting, "as long a lease and as much moral and judicial power as possible." The Senate confirmed his nomination on December 20, 1851, and Fillmore truly believed he found the right man for the job.²⁸

Benjamin Robbins Curtis is a peculiar case when looking into external factors in the Dred Scott decision. It appears that he was very moderate, and never specially chose political sides. The only discrepancy in the case was that his brother, George Ticknor Curtis, was one of Dred Scott's attorneys that argued his case before Benjamin and his colleagues, which may have had *some* impact on his decision. Nevertheless, it is beneficial to look into his credible law career, starting as a lawyer in Boston, and ending as the same.

In his private practice, from 1832 to 1849, Curtis quickly gained a reputation for being a respectable and talented lawyer. Although he tended to be seen as a Whig, Curtis was reluctant to take to any one political party, but in 1849, he was elected as a Whig to the Massachusetts General Assembly. During his time there, the Compromise of 1850 was passed through the U.S. Congress, which included the Fugitive Slave Act. The Act was supposed to end disputes between Northern and Southern radicals, but in reality, it only intensified these conflicts. Curtis earned notoriety for his support in enforcing the act, and was even labeled a "slave-hounder." Curtis even indicted several citizens after they aided in the escape of a slave named Anthony Burns, and, as the law read, Curtis ordered for Burns' forceful return.²⁹ Although he caught much criticism from his strict enforcement of the statute, there was principle behind his decisions, and he stuck to what he believed.

Curtis trusted wholly in the Constitution, and his legal interpretation of court cases reflected it. He believed that not obeying the Fugitive Slave Act, was treason, and grounds for starting a revolution. The primary reason for the unrest of citizens was that southerners would come up to Boston and capture free blacks and enslave them. The Fugitive Slave Act of 1793, stated that they escaped slaves must be returned, and oral testimony from a white man claiming to be a slave owner was enough grounds to grant him ownership over a black person. The new law tried to correct this, but instead made it worse because it punished anyone who aided in the escape. In a speech given on November 26, 1850, in historic Faneuil Hall in Boston, Curtis urges concerned citizens to obey the Constitution and its laws. Curtis advocated peace over civil liberties. “[W]ithout an obligation to restore fugitives from service, Constitution or no Constitution, Union or no Union, we could not expect to live in peace with the slave-holding states.”³⁰ Curtis firmly believed in preserving law and order in order to maintain a growing country, and his interpretation of the Constitution seemed to always represent his values in his court opinions, such as *Dred Scott v. John F.A. Sanford*.

It is apparent after examining the case of Dred Scott that the judiciary system is not always just. The men that preside over the honorable bench tend to be held in a encouraging sentiment of what is right. Many may not realize, however, that there is as much political intervention in the courts as there is in Congress, and the Dred Scott decision was a prime example of that. The stories of the men who decided the fate of Dred Scott are inside clues on why the decision made the way it was. Perhaps one of the most erroneous of all Supreme Court cases to date, *Scott v. Sanford* is an important contributing factor to the Civil War, and it is worth investigating how it became such a monument of error.

Roger B. Taney’s Supreme Court, during the time he was Chief Justice, reversed much of what had been put in place under John Marshall, the previous Chief Justice. The United States was steadily becoming a country with the majority of power coming from a central, federal government. Taney looked to combat that, however, by creating a more states-rights oriented government, and it is reasonable to presume that Taney was heavily influenced by Andrew Jackson. Taney has gone down in history as the classic embodiment of Jacksonian Democracy, and as an evil villain

because of his opinion in the Dred Scott case. This was also the case in his own time, to the extent that upon Taney's death in 1864, George Templeton Strong wrote, "The honorable old Roger B. Taney has earned his gratitude of his country by dying at least. Better late than never."³¹

John McLean's dissent was heard throughout the country, and was repeatedly read and cited in the sermons of abolitionist preachers everywhere. Although he was neither the first, nor the last justice to seek the presidency, McLean's pursuit is crucial in his decisions during the Antebellum period. His dissent was not as widely acknowledged as Benjamin Curtis's, but his contributions were incredibly significant. He may have made enemies by his politicking, but generally he was a well-respected man, who came close to his dreams, but never quite made them a reality.

Benjamin Curtis gained worldwide support for his contributions to the anti-slavery movement. Shortly after the decision, however, in September 1857, Curtis resigned from his post, in part due to the court's decision on Dred Scott. Curtis was more inclined to resign because of his financial status, and although he made a decent living as a Supreme Court justice, Curtis experienced more success in private practice. Confessing to his brother, George T. Curtis, Benjamin acknowledges that he had acquired a lavish lifestyle that his salary could not sustain. He owned a house in Washington, but he also had to support his family in Massachusetts. After leaving the court, he went back to his private practice, and even served as President Andrew Johnson's attorney during his impeachment trial, before dying on September 15, 1874.³²

Dred Scott had an impact upon the country in a way that he would never understand. Slavery was a horrid institution that has ramifications that still exist today. Abraham Lincoln used the case in his 1860 campaign, and on June 26, 1857, he gave a speech in the Illinois statehouse, stating, "we think the Dred Scott decision is erroneous. We know that made it, has often over-ruled its own decisions, and we shall do what we can to have it over-rule this." After his trial in 1857, Scott remained a slave, but after only two months, in May of 1857, his owner, John F.A Sanford died in an insane asylum. Taylor Blow, son of Scott's original owner Peter, bought Scott and his family, and finally emancipated them. He stayed in St. Louis, living a quiet life as a porter, while his wife worked at a local hotel. It is generally agreed that Dred Scott died of tuberculosis in September of 1858, and although it was brief, Scott died a free man.³³

Notes

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- 2 Walter Ehrlich, "Scott, Dred," *African American National Biography*, edited by Henry Louis Gates, Jr., and Evelyn Brooks Higginbotham, *Oxford African American Studies Center* (2006), 2-3, <http://www.oxfordaasc.com/article/>; Don E. Fehrenbacher, *The Dred Scott Case: Its Significance in American Law and Politics* (New York: Oxford University Press, 1978), 244.
- 3 Ehrlich, "Scott," 2-4; Missouri Digital Heritage, "Before Dred Scott: Freedom Suits in Antebellum Missouri," <http://www.sos.mo.gov>.
- 4 Ehrlich, "Scott," 4; *Somerset v. Stewart*, 98 Eng. Rep. 499, 14 May 1772, retrieved from Heinonline.org, 509-10.
- 5 Ehrlich, "Scott," 5.
- 6 *Scott v. Sandford*, 60 U. S. 393 (1856), retrieved from <http://supreme.justia.com/us/60/393/case.html>.
- 7 Ibid.
- 8 Fehrenbacher, *The Dred Scott Case*, 324; *Scott v. Sandford*, 60 U. S. 393 (1856), retrieved from <http://supreme.justia.com/us/60/393/case.html>; Stanley I. Kutler, *The Dred Scott Decision: Law or Politics?* (Boston: Houghton Mifflin Company, 1972), xi.
- 9 *Scott v. Sandford*, 60 U. S. 393 (1856), 440-60.
- 10 Lucas E. Morel, "The Dred Scott Dissents: McLean, Curtis, Lincoln, and the Public Mind," *Journal of Supreme Court History* 32: 2 (2007): 143; *Scott v. Sandford*, 440-60.
- 11 *Scott v. Sandford*, 600-20.
- 12 Walker Lewis, *Without Fear Or Favor: A Biography Of Chief Justice Roger Brooke Taney*, (Boston: Houghton Mifflin Company, 1965), foreword; Charles W. Smith, Jr., *Roger B. Taney: Jacksonian Jurist*, (Chapel Hill: University of North Carolina Press, 1936), 141; Samuel Tyler, *Memoir Of Roger Brooke Taney, LL.D.: Chief Justice of the Supreme Court of the United States*, (Baltimore: John Murphy and Company, 1872), 126-27.
- 13 Smith, *Roger B. Taney*, 7-10; Lewis, *Without Fear or Favor*, 43-44.
- 14 Smith, *Roger B. Taney*, 8-10.
- 15 Lewis, *Without Fear or Favor*, 99, 122.
- 16 Arthur M. Schlesinger, Jr., *The Age of Jackson* (Boston: Little, Brown and Company, 1945), 103-108; Lewis, *Without Fear or Favor*, 239-41.
- 17 Smith, *Roger B. Taney*, 7.
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