

HISTORY IN THE MAKING

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History in the Making is an annual publication of the California State University, San Bernardino (CSUSB) Alpha Delta Nu Chapter of the Phi Alpha Theta National History Honor Society, and is sponsored by the History Department at CSUSB. Issues are published at the end of the spring quarter of each academic year.

Phi Alpha Theta's mission is to promote the study of history through the encouragement of research, good teaching, publication and the exchange of learning and ideas among historians. The organization seeks to bring students, teachers and writers of history together for intellectual and social exchanges, which promote and assist historical research and publication by our members in a variety of ways.

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Cover photo: Manzanar, California, "Soul Consoling Tower, erected by the Manzanar Japanese," by Renee Barrera

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Introduction

The History Department of California State University, San Bernardino welcomes you to the fourth installment of its annual journal, *History in the Making*. The journal is proudly managed, edited, and written exclusively by California State University, San Bernardino students. Together, we strive to bring you a journal full of interesting and informative articles that will keep you thinking long after you have turned its pages. This year's offering spotlights several past and present issues of human rights around the world, and includes four full-length articles, analytic notes on a pair of archived letters, and a review of an historic site.

In our first article, "Rape Regiment: Sexual Violence against Women during War," Andrea Roskam brings to light a wartime atrocity that has received relatively little scholarly attention. The article focuses on the forced sexual slavery of Asian women by the Imperial Japanese government of the Second World War. Andrea mixes powerful images with vivid detail of brutality and sorrow in an article we hope will encourage further research on this important topic.

Our second article shifts attention from wartime sex slaves in Asia to religious sex slaves in Africa. In "The Trokosi Tradition in Ghana: The Silencing of a Religion," Rhonda Martinez looks at the practices of a little-known African faith. The article focuses on the forced sexual slavery of young women by their own families in order to redeem past discrepancies and ward off future misfortunes. Rhonda uses rich detail in an article that will tear at your heart-strings and bring a voice to Ghana's trokosi victims.

Our third article moves from the modern enslavement of Africans in Africa to the past segregation of African-Americans in the United States. In "Whatever Means Necessary: Uncovering the Case of *Sweatt v Painter* and Its Legal

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Importance,” Adam Scott Miller spotlights a little-known 1950s court case. The article focuses on the lawsuit *Sweatt v Painter* and how it paved the way for future civil rights legislation. Adam employs thorough and in-depth research in an article that artfully displays the case’s place in American history.

In our final full-length article, “Memorializing Conflict and Controversy: A Look Into the Kent State Memorials,” Heather Johnson reminds us of one of the most tragic events in America’s history, and the ways it has been memorialized over time. The article focuses on the 1970 shootings at Kent State University and the sometimes-controversial memorials that have been erected to remember the event. Heather melds photographs with oral histories in an article that reminds us of one of America’s darkest days.

In addition to our four full-length articles, the journal also debuts a special section entitled Notes from the Archives. This year’s notes come from Erica Maien Ward in her analysis of two turn-of-the-twentieth-century letters from the Perris Indian School. With “Indian Boarding School History: An analysis of two letters from the Perris Indian School,” Erica exposes the forced assimilation of Native American children in an article we hope will encourage a greater interest in the relationship between United States and Native American histories.

Rounding out this year’s journal is Renee Barrera’s review of the Manzanar National Historic Site. Renee offers rich photographs in her detailed review of the Central California site where more than 11,000 Japanese and Japanese-Americans were detained by the American government during World War II.

We hope you find these articles as interesting and informative as we do, and thank you for reading the 2011 edition of *History in the Making*.

Thomas Hagen,
Chief Editor

Acknowledgements

A great number of people willing to devote a great amount of time and effort are required to bring a student-run, peer-reviewed journal from concept to print. Two such people are our faculty advisors, Dr. Tiffany Jones and Dr. Cherstin Lyon. Their patience, knowledge and guidance throughout this project have been both calming and illuminating, and have made working with them a wonderful and memorable experience. Further recognition goes to our entire editorial staff, whose commitment and professionalism in their work with authors and to this project overall never wavered. Special recognition goes to *all* authors who met the call for papers and submitted their articles, and to Renee Barrera, whose cover photograph allowed us to maintain the spirit of student-only journal content from cover to cover. Finally, we would like to recognize the faculty, staff, and students of the California State University, San Bernardino Department of History and Phi Alpha Theta for their continued support.

Thank you all.

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ARTICLES

Rape Regiment: Sexual Violence against Women during War

BY ANDREA ROSKAM

Abstract: Despite the extensive research on World War II, little is known about a system created by the Japanese government in which women were forced into sexual slavery. This system, known as the Comfort Woman System, enabled soldiers to systematically and heinously rape young women for the sole purpose of self-satisfaction and as a reward for their military efforts as a man in combat. This study uncovers some of the brutality for a mature audience through an analysis of credible data, photographic evidence and an extensive look into the oral histories of former Comfort Women. These firsthand accounts give the women's own personal reflections on their past and provide a horrific truth to the objection, that this system never existed. This objection is a view that the Japanese government is ardent to stand behind. The stories and pictures add awareness to our understanding of who these women were and what their role was during World War II. This study is part of a growing body of research on violence against women during times of war. In using oral histories with former sexual slaves; this project will add to future research on similar topics.

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Rape is not just a by-product of war. Rape is a sickening occurrence that spreads almost naturally through the tides of conflict. Rape is used as rewards for victors. It is rampant due to a lack of military discipline. Systematic rape has even been used as a tactic of war. This paper examines the forced sexual abuse of women in wartime, particularly the sex slaves of the Japanese military during World War II (WWII) known as comfort women. The focus of this paper is to unlock the horrific past of the “comfort women” and educate the reader on the deceptive practices used on women for the sole purpose of military gain.

This essay will use several aspects of research. First, it will examine the personal testimonies of several former Comfort Women. These vivid interviews will give credibility to the brutal existence that was forced upon them. The evidence will also help analyze the idea of sexual violence during wartime by giving personal experience to the malice imposed by the Japanese government. Second, this essay will delve into documentary materials written by experts in Japanese history, society and culture and include reference materials. Secondary sources will provide an expansive historical background and overview of comfort women during WWII as well as help analyze the assertion of sexual violence against women during wartime.

The sexual violence against women is a silent issue during wartime. During World War II the media focused on combat warfare while the predation of young Asian women was rampant at the hands of the Japanese government. The purpose of this study is to analyze the sexual aggression towards women during times of Japanese occupation in Asian countries, especially forced rape by military servicemen. It is important that societies have a no tolerance policy for rape during wartime. The main issues to be addressed by this research will be to explain the intent of the Japanese military in the creation of the comfort station system, to tell how young women were forced into sexual slavery, to describe the horrendous life a comfort woman was forced to lead, and to compare the violations of women in other military conflicts.

The practice of soldiers raping the enemy’s women during war is seen throughout history. The *Encyclopedia of*

Rape states that “In fifteenth-century England, soldiers often gained control of a woman’s property through sexual seizure. During the American Revolution, British soldiers abducted women and carried out rapes in war encampments.”¹ What has changed is the role of media and how historians have documented the impact of this subject. Claims about soldiers raping during war is not the same as officially documenting the extent to which these heinous crimes have occurred. Knowledge about the number of wartime rapes depends largely on the willingness of the victims to speak out against their assailants and the availability of agencies willing to record and investigate these crimes. For different reasons, whether they are personal or organizational, most victims and military forces decide that remaining silent is the best course of action. Only in recent years, for instance, has the world learned that between 1930 and 1945 the Japanese government forced many women by manipulation and coercion to become involuntary prostitutes for their soldiers.

The idea of using women for pleasure and as a military necessity was nothing new. Before World War II, in Japan for example, prostitution was a state organized program.² Women were licensed and subjected to medical examinations. Prostitutes could be found in many parts of Asia, including areas that became Japanese-occupied territories.³ Given the open nature and well organized system of prostitution in Japan, it was the logical next step for Japanese Armed Forces to implement the same types of institutions throughout the zones conquered and controlled during WWII.

The term ‘comfort woman’ is a euphemism that was derived from the Korean word *wianbu* and the Japanese word *ianfu*, both translating into comfort woman. These were women from different parts of Asia, particularly Korea, China, and Japan, who were forced into sexual slavery. A small minority of women already prostitutes, or “camp followers” as they were

¹ Merrill D. Smith, ed., *Encyclopedia of Rape* (Westport: Greenwood Press, 2004), 1.

² George Hicks, *The Comfort Women* (New York: Norton, 1994), 27.

³ *Ibid.*, 28.

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called, volunteered to be comfort women for the Japanese government. The majority, however, were pushed into such a wretched life.

How did these women become sexual slaves for military personnel? There were two common methods of gathering, or “rounding up”, comfort women.⁴ The first entailed the expeditionary forces gathering women in occupied territories. The other method entailed rounding up women in Korea, Japan, and Taiwan. The accosted women were raped and taken prisoner from their villages by invading military soldiers. Women were purchased through armies who had taken them as prisoners of war and the majority of women were deceived into forced sexual service. Yoshimi Yoshiaki, author of *Comfort Women*, describes an instance where a husband and wife team of comfort station operators, named Mr. and Mrs. Kitamuras, “bought twenty-two unmarried Korean women in 1942. They paid the girls’ parents between 300-1,000 yen (the equivalent of \$3 to \$12 U.S. Dollars), depending on the girl’s character, appearance, and age.”⁵

Deception became a common practice, especially among those rounded up in Korea. Young females were coerced into thinking that they were being a patriot to their country and that they would be working in factories making goods and supplies for the troops. Because the Japanese government frequently used procurers, people who sought out and provided prostitutes, women faced betrayal by their own communities.

Based on my research, throughout military history, fighting men and sexual need has gone hand in hand. Although it seems to be debatable, the rise for comfort systems stem from different areas within war. In Roman society, which was founded on a system of slavery, life was made comfortable and pleasurable for the elite. These leaders of society were traditionally men in Roman armies. Slavery provided a regular supply of captive females whose primary task was to provide

⁴ Yoshimi Yoshiaki, *Comfort Women* (New York: Columbia University Press, 2000), 64.

⁵ Ibid., 105.

sexual services at all hours of the day and night. Other chores may have included cooking, cleaning, and nursing the wounded.

In George Hick's book *The Comfort Women* he writes that "during the sixteenth century, the Spanish Duke of Alva's army, when invading the Netherlands with the Armada," had over 1200 women who were systematically raped and used for sex.⁶ The main objective in having these women available at all times was to keep the troops in order and to establish peace within the ranks.

With the change to armies of mass enlistment, the nineteenth century gave way to greater problems in maintaining order, controlling venereal disease, and preventing desertion. It is my opinion that the level of military prostitution was beginning to transform. Military authorities began to recognize that women being used for sexual service was relevant and a necessity. It kept troops content and obedient, reducing the danger of rape among civilians and disease could be controlled.

War began to provide various arrangements for prostitution. Military brothels were established in key zones of occupied areas as auxiliary installations. These were under the control of central command. Local commanding officers, however, were made responsible for equipment, supply, and supervision. In light of the German experience in World War I, when there had been two million cases of venereal disease in the German Army alone, the main focus was on hygiene control.⁷

With these systems being developed and put into practice all through history, the organization found in the Japanese Armed Forces was anticipated. The deterioration of entire battalions by venereal disease was a threat the Japanese took seriously. They used this danger as justification for establishing military-controlled comfort stations. The Japanese also had several superstitions that were linked to sex. It was believed by officers and soldiers alike, that sex before a battle could prevent injury. Sexual deprivation was thought to make one accident-prone, so visiting comfort women was a source of

⁶ Hicks, 30.

⁷ Hicks, 32.

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good luck and was necessary in effective decision making during battle. Sex also acted as a way for the Japanese soldiers to combat stress and alleviate the savage discipline they endured.

The health of the soldiers was a matter of special concern, but another aspect in the Japanese rationale for creating comfort stations was to decrease the random cases of rape that were occurring among civilian populations at the hands of the Japanese military. Like all war crimes, rape is a hideous act. But these acts were a particular problem for the leaders of the Japanese army. Not only did Japanese military leaders know that reports of mass rape leaked out to the international community, thus bringing unwanted attention and outrage, they realized this would especially not sit well with the Chinese.⁸ Because of this, the mass rapes being committed by Japanese troops were considered a definite problem in maintaining order in occupied China. It was agreed that the establishment of comfort stations was an essential part of wartime tactics. Comfort women were a necessity for the major purpose of preventing uncontrolled rape in occupied territories and minimizing the risk of soldiers contracting sexually transmitted diseases.

The next portion of this study is mainly comprised of oral histories of former comfort women. These statements are products of interviews conducted in order to gain knowledge about these victims and their experiences as sex slaves to the Japanese government. The analysis of these oral histories, compared with secondary resources, provides reliable insight into the validity of the war crime allegations against the Japanese military.

⁸ Yoshiaki, 49.



Figure 1: 1938 view of the first Army-run comfort station in Shanghai. (Dong-A Daily). George Hicks, *The Comfort Women* (New York: Norton, 1994), 98.

In an interview done in Seoul on November 2, 1994, Hwang Keom-Ju said “What I want to say is that it would not be enough, even if they gave me half of Japan, to make up for what they did to me.”⁹ She could not describe the pain and hardship that she has faced. When she was 18 years old, she was drafted by the Japanese. She was under the impression that she was going to work in a factory, making military goods. After traveling for several days, Hwang was taken to a regimented Comfort Station and forced to become a sex slave for the Japanese Army. Hwang, along with the thousands of fellow Comfort Women, were tormented with venereal disease and consistent forced abortions. She mentions that the Japanese often refused to use condoms, therefore illness and pregnancy was inevitable. The women were then injected with drugs, for example an arsenic compound called “#606”, that would make their bodies swell and induce miscarriages.¹⁰ Finally, Hwang exhibits the irreversible damage that was done to her mental and physical state. She explains that the Japanese gave her diseases,

⁹ Hwang Keum-ju, *Comfort Women Speak: Testimony by Sex Slaves of the Japanese Military*, ed. Sangmie Choi Schellstede (New York: Holmes & Meier, 2000), 3-9.

¹⁰ Ibid.

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destroyed her ability to have children, and left her needing penicillin to stay alive. Clearly this woman was describing her life in terms that are absolutely associated with enduring trauma.



Figure 2: Soldiers lining up for service at a comfort station in Hankow, China. (Joong Ang Daily). George Hicks, *The Comfort Women* (New York: Norton, 1994), 99.

Jin Kyung-Paeng was interviewed in November 2, 1994 in Seoul. She was 14 years old when she was abducted by the Japanese military police, known as the Kempei. Jin was picking cotton with her mother when the Kempei came over, kicked her mother several times and then forced Jin into a cramped truck filled with other women. The Kempei took the women to a formed comfort station where they forced the young women to have sexual relations with military officers. During the day Jin served as a nurse's aide in the camps medical facility but at night she was a sex slave to about 20 men each night. She states that "some girls serviced up to 50 men a day" many of who refused to use any sort of sexual protection.¹¹ Jin contracted a venereal disease and was treated with many injections,

¹¹ Jin Kyung-Paeng, *Comfort Women Speak: Testimony by Sex Slaves of the Japanese Military*, ed. Sangmie Choi Schellstede (New York: Holmes & Meier, 2000), 11-13.

including the popular “#606”, an arsenic mixture which was used for syphilis. Jin was sent to Pusan, when the area was liberated. The girls were sprayed with disinfectant and given 1,000 won each. Confused and frightened, she made her way back home to Hapchon. Jin remembers seeing her mother and said “when my mother first saw me, she thought she was dreaming.” Jin lived in Hapchon for 22 years. Within that time she had married a man who had children, and when he died she raised and arranged marriages for all of the children. After so many years, Jin explains she has constant pain all over her body and frequent dizziness, but she cannot afford over-the-counter drugs. She continues by saying “I have no possessions, relatives, or offspring. I am alone.”¹²

The testimony of Kim Yoon-Shin was given at the International Symposium held at Georgetown University in Washington D.C. on September 30, 1996. Kim explains that when she was 13 years old, a car arrived in her village. Considering that not even trains came through her community, an automobile was an exciting sight for the neighborhood children. As the car came to a stop, many children tried to climb in, however, the driver only let Kim and another girl get in. There were two other men inside. Kim thought it would be a short ride, but as the truck rolled on and on she knew something was amiss. With tears in her eyes, Kim begged to be taken back to her mother, to no avail. Several days passed as Kim traveled by truck, train and finally a cargo ship. Kim, along with several other young girls, were confined into cubicles known as comfort stations, when they reached the intended destination.

Every evening several soldiers lined up outside her cubicle and one by one raped her all night long. Kim describes how her body was so young and the repeated assault on her uterus caused it to invert.¹³ Nevertheless, her possessors injected Penicillin shots mixed with “#606” to temporarily heal her sores and get her back to work. Kim recalls that many girls

¹² Ibid.

¹³ Kim Yoon-Shim, *Comfort Women Speak: Testimony by Sex Slaves of the Japanese Military*, ed. Sangmie Choi Schellstede (New York: Holmes & Meier, 2000), 43-47.

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got pregnant, but were still forced to have sex up until childbirth. After birth, one of the many blue-uniformed women welcomed the newborn into the world by placing it in a sack, leaving the umbilical cord fully intact or cutting the cord improperly. As a consequence, many comfort women got terribly sick. When disease could no longer be treated, they went through an all too familiar occurrence: wrapped in a blanket and ordered to move to another location. This time, though, they would never be seen again. Kim explains how the soldiers would wash and re-use a *saku* (condom). Girls often got infected from the used condoms and Kim lived in fear of getting so sick that she would be taken away forever.

Verbal abuse was a daily occurrence and the girls were identified by numbers. Kim was known as “number 27.” After one sexual encounter, Kim recalls an officer giving her 500 yen, which she used to try to escape, but ended up caught in a home full of soldiers. After being interrogated, she was accused of being a spy, beaten severely, and tortured by weaving a stiff pen between her fingers. Her fingers were left crippled. In 1945, liberation came and Kim made an escape by hiding in a fishing boat. Kim worked on the ship for a month cooking, cleaning, washing and servicing sex. The captain dropped her off on an island, which she was told was Korea. She soon found out it was a leper colony. The lepers welcomed her, fed her, and even helped her write a letter to her parents. Her family came for her but she could not return to her parents’ home, as was Korean custom, so she had to stay with relatives. Once a young woman left home, it would have been disgraceful to move back in with her mother and father. Her parents married her off as a safeguard, but she could not be happy. Kim sadly states “all these years I have lived in secret, in shame, and in pain.”¹⁴ She resents the Japanese and to this day does not trust them at all, claiming they have dual personalities. Kim worries that if there was another war what would stop the Japanese government from repeating the same atrocities?

¹⁴ Ibid.



Figure 3: Korean comfort women being interrogated by Allied Intelligence at Myitkyina, North Burma, 14 August 1944. (Dong-A Daily).
George Hicks, *The Comfort Women* (New York: Norton, 1994), 102.

Mun Okchu came from an educated family in Taegu, South Korea. When Mun turned 13, her mother fell ill and was unable to work. Mun's father struggled to provide for the family, so Mun left home to work as a housemaid. She attended the Ladies Institute at night to further her education, while she worked. One evening she heard that there was factory work in Japan and the potential to earn a lot of money sounded exciting. So, at 19, Mun was drafted to work for the Japanese government, along with several other young Korean women. As she sat on the covered train taking her to the factory, she recalls feeling uneasy and trapped.

After several days of travel, the train finally arrived in China and the girls were put in trucks. The trucks pulled up to a large encampment where rows of makeshift tin huts could be seen. Mun was given a thin blanket and sent to a hut. The next day she was ordered to see one of the officers in charge, who promptly raped her until she fell unconscious. Mun woke up in a pool of blood and had no recollection of what happened. From then on, forced sexual encounters were a daily occurrence. Officers refused to wear condoms, the girls often got pregnant.

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They were injected with “# 606” when pregnancy occurred. After receiving the injection, Mun remembers her body feeling chilly and swelling like a pumpkin. A few days later she had a massive discharge of blood, aborting the baby. Mun suffered this atrocious process 4 times, which caused her to be barren. About a month into her new life, Mun was transferred to a comfort station. This was a makeshift building with a main room that was divided into 5 or 6 cubicles by wooden planks. A small blanket was used as a door for each cubicle. She would sexually serve 30-40 men a day, more on the weekends. Mun states that “the comfort women in the military unit were not treated like human beings.”¹⁵ She lived her life after liberation with a resentful heart, especially since she could not have children. She always wanted to tell her government what she has suffered, but she hasn’t been given the proper opportunity.

In 1992, Oh Omok was among 40 women who had agreed to be contacted and interviewed in regards to their life as comfort women for the Japanese Government. She began her story by explaining that she had been tricked into submission by the military and was forcibly taken from her family. In 1937, when Oh Omok was 16 years old, the Japanese military had come to her village and was promised work in a textile factory in Japan. She was told that she would be making goods for the war effort. Oh was sent to a village made up of tents on the outskirts of the Japanese military units’ base. Upon arrival the women were sheared of their hair, given Japanese names, and a blanket. After this, they were sent to one of the many tents that were already filled with up to 30 women.

At first, Oh Omok delivered food to the soldiers and washed their clothes. After a few months, however, she was forced to have sex with up to 10 men a day.¹⁶ She serviced soldiers in very small rooms with floors covered in mats. If she did not understand what was expected of her, she was beaten.

¹⁵ Mun Okchu, “Back to my Wretched Life” in *True Stories of the Korean Comfort Women*, ed. Keith Howard (New York: Cassell, 1995), 104-114.

¹⁶ Oh Omok, “I Thought I Was Going to a Textile Factory” in *True Stories of the Korean Comfort Women*, ed. Keith Howard (New York: Cassell, 1995), 65-69.

Oh learned quickly to do whatever they asked of her, in order to stay alive. In rare occasions, she recalls, the soldiers wore condoms and even paid them with red or blue bills, for their sexual service as if they were common prostitutes. The women were not paid for anything else they did. As the army moved, so did the comfort women. Oh remembers arriving in Nanjing, China, where the women participated in (forced) military training, and wore a sash with “Women’s National Defense Society” written on it. After the training session they went back to designated stations to continue their main contribution to the Japanese government: sexual service for its soldiers. While still in Nanjing, WWII ended, and the comfort women were liberated. Oh Omok carefully made her way back home to Chŏngŭp, where she would live for many years with her family. When she was 33, she married a farmer whose wife had died and he had five children. Oh found it hard to raise someone else’s kids, and she had discovered that she could not have any of her own. At 48, she left her husband and took the housemaids baby. She adopted the baby girl and raised her alone. She still feels resentful that she was not able to have children because of what happened almost 50 years ago.



Figure 4: Korean comfort women. (The US National Archives)

This photograph was taken in a comfort station near Shanghai, China. The image seems to convey every horrendous aspect of life that young women were forced to endure as sexual servants during wartime. At the far right of the photo, a woman is shown to be in the second or third trimester of pregnancy.

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Young females were obligated to abort any pregnancies that had occurred due to the forced, unprotected sexual practices of military soldiers. Often, these women did not survive the abortion and their bodies were simply thrown into a local river or stream. Should the pregnancy be allowed to continue, either for genocidal purposes or a mere display of male virility, the women would be continuously raped up until the birth of their child. Once born, the baby was usually killed immediately and the young mother was made to begin servicing soldiers the next day.¹⁷

The three women in the middle of the photo show the abuse that was a normal occurrence in the comfort stations throughout Asia. Women were brutally beaten if they refused sexual advances, got sick while working, or did not complete their assigned daily chores. The females ranged in ages from 12 to 25. The women were given dirty clothes to wear, no shoes, and meals consisting of bread or soup twice a day. As the war progressed, clothing was no longer provided and the women had to scrounge around for clothes that had been left by dead soldiers. Food also decreased and meals were usually given every other day or two. No sanitary napkins were given to women who were still menstruating. They were forced to use and re-use shreds of cloth ripped from old blankets or shirts that had been left behind.

The very presence of the man on the far left of the photograph suggests that soldiers did not see any harm in participating in the mass rape of more than 100,000 women.¹⁸ The comfort stations were used as a way to keep soldiers content and loyal to their regime. Military personnel would line up at the stations, thousands at a time, in order to force women into sexual service. Most of them refused to use condoms, even though they were provided, and they looked upon these women as puppets just waiting to be played with.

The horrendous secrets of comfort women were hidden at the discretion of Japanese officials. It was not until late 1991

¹⁷ Iris Chang, *The Rape of Nanking* (New York: Penguin Books, 1997), 81-104.

¹⁸ Hicks, 19.

that documents were uncovered, revealing that the Japanese military had not only secretly operated the comfort women system, but also instructed military personnel to destroy all evidence of the system at the end of the war. As more information was unearthed, research about the comfort women's nightmarish roles rapidly increased. Along with this newfound information, the victims and their assailants began to give testimonies.

The personal stories of several former comfort women also emerged to make their extraordinary experiences as sexual slaves known. The facts about comfort women, although somewhat vague at times, started to take shape. Women from Korea, China, Japan, and Indonesia were speaking out against the Japanese government. These women wanted to hold their assailants accountable for their mistreatment during the war.

During the early 1990's, historians began to research and investigate different aspects of the issues surrounding the wartime rape, particularly the comfort women system. Most researchers focused on the story that needed to be told from the perspective of the comfort women. Historians began to interview, catalog, and document the oral histories of survivors. In 1995, Keith Howard began to compile a collection of life stories (originally published in 1993 in Korean) entitled, *The Korean Comfort Women Who Were Coercively Dragged Away for the Military*. These stories chronicled the wretched lives of Korean women who were forced into the service of the Japanese government as comfort women. Being that many of the surviving women were quite old when interviewed, many were reluctant to talk about their lives, and so their stories contained inconsistencies and some even contradicted themselves. Howard states "to help them remember their experiences more clearly, researchers compared details of their accounts with what we know about the military history of Japan through documents."¹⁹ In an attempt to obtain accurate testimony, researchers had to interview each survivor more than ten times. The interviewers were forced to restrain their emotion

¹⁹ Keith Howard, ed., *True Stories of the Korean Comfort Women*, (New York: Cassell, 1995), 12.

and maintain an objective attitude while talking about heart-breaking experiences.”²⁰ After recording the testimonies of about 40 former comfort women, Howard included 19 of them into a book called *True Stories of the Korean Comfort Women*.

As the decade progressed, historians began to take a more activist role on the issue of wartime rape. Toward the end of the 1990’s, researchers wrote books that called for a more proactive look at what had happened, and they discussed ways in which the organizations responsible should be held accountable. Yoshimi Yoshiaki, a professor of modern Japanese history at Chuo University in Tokyo and a founding member of the Center for Research and Documentation on Japan’s War Responsibility, wrote a book entitled, *Comfort Women*, which “provides a wealth of documentation and testimony to prove the existence of over 2,000 centers where as many as 200,000 young women were held for months and forced to engage in sexual activity with Japanese military personnel.”²¹ The use of documentary materials makes Yoshiaki’s writings an exceptional resource for historians and represents Yoshiaki’s efforts to respond to comfort station survivors’ demands and help realize their vision for justice.

In more recent years, in Bosnia-Herzegovina, rape was used as an instrument for ethnic cleansing.²² The purpose of the Serbian forces was to drive Muslims and Croats away from the conquered territories using rape as venue for humiliation, demoralization, and ultimately destruction of the victim and her family. “Cleaning squads”, special units of the Serbian army and Serbian units, broke into Muslim homes. The objective was to terrify everyone- women, men, children, and the elderly- so brutally, that they would never get the idea to return back to their homeland. These people were taken to internment camps. Once there, murder, torture, and rape were instilled to break down any hope for the prisoners.

²⁰Ibid.

²¹ Yoshiaki, 11.

²² Alexandra Stiglmeier, ed. *Mass Rape: The War against Women in Bosnia-Herzegovina* (Lincoln: University of Nebraska Press, 1993), 85.

Young women were forced to go to what was known as rape/death camps. Here the genocidal plan of ethnic cleansing was rampant. Women were raped for extended periods of time. These rapes were forms of torture preceding death or torture leading to a forced pregnancy. Victims who became pregnant were raped consistently and subjected to psychological abuse. This went on until they had progressed beyond the point when a safe abortion would be possible, and then they were released.²³ The psychological result of this practice was the surviving victims were convinced that the pregnancy they carried would result in the birth of a Serb, a baby who would have none of its mother's characteristics.

Today, wartime rape is recognized by the United Nations as a war crime. The United Nations is an international organization whose main focus is facilitating the cooperation of international agencies in law, security, social progress, and human rights. Rape can also be prosecuted as a crime against humanity, if evidence confirms that wartime rapes resulted from systematic government planning. These crimes are often difficult to establish. Throughout history, wartime rape has been evaluated and recorded as having certain rules and objectives, including the extent to which the military has supported these crimes. According to the *Encyclopedia of Rape*, these classifications include, but are not limited to mass rape as a genocidal weapon, rape to "wound the honor" of the enemy, rape as part of military culture, and rape as random behavior. Some critics argue that by classifying rape of women a crime against humanity, the international community identifies women as the weaker gender in need of protection. Others disagree, and claim it formally brought women into the frontline of humanity for the purpose of prosecuting crimes against humanity.²⁴

In conclusion, this research provides only a glimpse into the malicious acts of violence towards women during wartime. It has represented specific areas of systematic rape, including

²³ Beverly Allen, *Rape Warfare* (Minneapolis: University of Minnesota Press, 1996), 63.

²⁴ Smith, 269.

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the development of the comfort women system by the Japanese government in World War II. The greatest objective for this work is that it will inspire other researchers and historians to investigate the stories of sexual slave survivors before the last of these stories are gone forever. Most importantly, it is with great hope, that it will awaken the conscience of governments, especially the Japanese leaders, to accept responsibility for these incidents and be proactive in developing preventative measures in order to ensure that these atrocities do not continue.

This research is intended as an interpretation of the acts of violence that have been, and continue to be, systematically used against women during times of war. As researchers, we must be able to dissect and analyze history as thoroughly as we can. As historians, we must take the information that is presented and decide what can be done to either change or enhance our own work, and, if possible, to affect our world. It is the task of this paper to inspire readers to do everything possible to guard against the perpetuation of such acts of violence. The information provided is to be used as a resource for holding those responsible accountable for their actions.

The movement to force agencies, such as the Japanese government, to face the full truth of its legacy is on the rise. This work is a step toward public awareness and activism. It is a call for a proactive role in demanding that international political communities make perpetrators accountable and execute a plan of action that will ensure the safety and humane treatment of women. Historians, educators, and students alike are encouraged to contribute to the groups involved in achieving justice and to give aid to the countless victims. Within these pages numerous issues are described that need desperate representation at every level. By taking this research and expanding the knowledge into activism, government sanctioned wartime rape can be eliminated. We must be convinced that governments involved must acknowledge their past if they expect to command trust from their neighbors and their citizens. This paper was written with George Santayana's undying warning in mind: *Those who cannot remember the past are condemned to repeat it.*

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The Trokosi Tradition In Ghana: The Silencing of a Religion

BY RHONDA MARTINEZ

Abstract: When does tradition and religion infringe upon human rights and who has the right to impose restrictions on them? Slavery is still an ongoing phenomenon that should no longer be denied. Trokosi, still being practiced today, is a relatively unknown African religion in which young girls are sexually enslaved to pay for crimes committed by their families. This paper highlights the terrible tradition of trokosi in order to bring public awareness to its three-hundred-year practice. Through the examination of a variety of secondary sources, definitions of slavery and explanations of the trokosi traditions are first established. Next, debates for and against maintaining the trokosi tradition are examined, followed by a look at some of the pros and cons of activism against it. By spotlighting this centuries-old practice, perhaps we can bring it to an end.

Trokosi Tradition

The trokosi religion, which is practiced in Ghana, West Africa, enslaves girls as young as five years old. Known as trokosi slaves, the girls are forced into hard labor for several years and are also required to perform sexual acts with fetish priests. Parents give their daughters to the shrine in order to compensate for a crime committed by a family member. Local religious belief dictates that misfortune will follow any family that fails to sacrifice its daughters in this way. One fetish priest from the Volta region explains, "People are brought here to appease the gods for crimes committed in their family. The girls must be virgins. The gods will not accept girls who are not virgins."¹ Trokosi has been practiced for the last 300 years and is said to have voodoo affiliations.² The Ghanaian government outlawed forced labor and slavery in 1998 but, trokosi, or "slave of the gods," is currently being practiced and many of the sex slaves are held in captivity today. Moreover, the discovery of shrines housing trokosis in Ghana has not led to any arrests. Human rights activists are outraged that the Ghanaian government is not taking swift actions to abolish the trokosi religion. Trokosi is sustained by strong Ghanaian religious beliefs, thus it is unlikely to vanish even if faced with government legislation. Unless drastic action is taken against it, trokosi religion could become a silent slavery issue.

Definition of Slavery

The definition of slavery is fiercely debated amongst academics. The term "slavery" conjures up images of black African men being bought, sold, or owned by wealthy white landowners, as well as of African men who were brought to America on slave ships whom were forced to work on plantations and beaten on a regular basis. Nevertheless, there are other forms of slavery besides chattel, and academics cannot agree on a single definition of slavery. "Slavery in Africa," by Suzanne Meirs

¹ Lesley Saunders, "Ghana: Africa's Sex Slaves Starting to Fight Back," *The Ottawa Citizen* (November 11, 1995): H9.

² Deann Alford, "Sex Slave's Slow Freedom," *Christianity Today* 49, no.2 (February 2005): 22.

and Igor Kopytoff, presents the argument that “slaves” have one thing in common: all are strangers in a new setting, be it a new kin group, community, region, or even a country.”³ Meirs and Kopytoff explain that a “slave” could be anyone, regardless of their culture or sex, who is not accepted in their community or who is considered to be an outcast.⁴ They also describe a “slave” as someone who may have experienced a reduction in social status. Meirs and Kopytoff believe it is impossible to give one definition to the term “slavery” because it may consist of many institutions, such as adoption, marriage, and parentage.⁵ They suggest that “slavery” is a system under which individuals may acquire other men and women to be used and controlled as total persons, rather than merely to use their specific services.⁶ Therefore, slavery does not only consist of black African men but may consist of those from various cultures and could also be women and children. Meirs and Kopytoff also explain that slavery does not necessarily revolve around labor or on revenue generated from labor.

The definition of slavery put forth by Meirs and Kopytoff accurately describes the trokosi practice. Trokosis are entered into new settings and are strangers to the shrines upon their arrival and are used and controlled by the priests. One trokosi recalls her entrance into the shrine, “Nothing was said to me before I was taken to the shrine. Beads were placed around my knees and ankles and then my family left. I started weeping when I realized that I’d been given to the priest. I cried until some of the women, also trokosis, came to tell me I could not go back, that they’d been there for many years.”⁷ According to the Meirs and Kopytoff definition of slavery, the trokosis are

³ Robert O. Collins, “Slavery in Africa,” in *Problems in African History: The Precolonial Centuries* (Princeton, NJ: Markus Wiener Publishing, 1993): 264.

⁴ Ibid.

⁵ Ibid., 274.

⁶ Ibid., 276.

⁷ Angela Robson, “The Chosen Ones: Slavery in the Name of God; An Ancient Cult is Alive and Well in Ghana, taking girls as Young as Two and Offering Them as Wives to Appease Their Deities.” *The Independent* (UK), (Oct 26, 2006): 26.

slaves even after their release from the shrines because of their lack of acceptance. Trokosis continue to be outcasts after their years of hard labor are over and are never accepted into society. As soon as they are given to the shrines, whatever status the trokosis or their children may have held in the future is immediately lost. Meirs and Kopytoff's ideas of slavery would define trokosis as slaves rather than as "priestesses" as referred to by pro-trokosi supporters.

Additionally, in the article, "Female Sexual Slavery: Understanding the International Dimensions of Women's Oppression," Kathleen Barry describes female enslavement as whether a woman or girl can get out of a particular situation."⁸ She also explains, "female sexual slavery to be present in all situations where women or girls cannot change the immediate conditions of their existence; where regardless of how they got into those conditions they cannot get out; and where they are subject to sexual exploitation and physical abuse."⁹ Her definition labels trokosis as slaves as well, but in a different manner than Meirs and Kopytoff, as she does not insinuate that slaves are outcasts in their community. Instead, she insists that slaves may be able to change their status if given the opportunity to escape out of slavery. Barry's definition of slavery, like Meirs and Kopytoff's, mentions nothing about the labor or the economic aspects involved. They believe physical labor has nothing to do with what a slave is, nor does it determine the status of an individual. Nevertheless, Barry's definition of slavery could be true for all slaves and not only for women or trokosi slaves since male slaves weren't always in positions to get out of their conditions of slavery.

Other historians define slavery differently from Meirs, Kopytoff's, and Barry's definitions, in which the slaves were defined as property and were also defined solely by their economic contributions or physical labor. Paul Lovejoy believes slaves, in contrast to Meirs and Kopytoff, were outcasts because of their cultural surroundings, and he also believes

⁸ Kathleen Barry, "Female Sexual Slavery: International Dimensions of Women's Oppression," *Human Rights Quarterly* 3, no.2 (1981): 48.

⁹ Ibid.

slavery depended on the labor involved. Lovejoy believes that all slavery resulted after violent situations, such as war, which is not the case for trokosi slaves. He states in the article "Transformations in Slavery" that, "Slavery was virtually always initiated through violence that reduced the status of a person from a condition of freedom and citizenship to a condition of slavery."¹⁰ Lovejoy claims slaves were "instruments of work" and he insists that the status of slaves was always hereditary, which is not true for the newly sacrificed trokosis but could depict those born into shrine slavery. However, Lovejoy's definition could apply to various types of slavery other than the trokosi oppression. His definition of slavery would be most suited to describe the slavery seen on plantations or chattel slaves, as seen in the early Americas. In the article, "Women and Slavery: The Popularity of Female Slave Trade in Africa, It's Causes and Consequences," Begum Guvenc states of female slavery, "Whichever definition is used, the slave is involuntarily servile, has a marginal position within the social unit, and is subject to the control of another."¹¹ Therefore, the various definitions given by historians and scholars could all relate to the various forms of slavery because each form consisted of having various traits. For example, chattel slavery, as opposed to trokosi slavery, have different and even contradictory definitions of one another but are nonetheless still forms of slavery. The trokosi system is a form of modern slavery that many historians and scholars have yet to define. However, the definition of slavery given by Meirs and Kopytoff could accurately define the characteristics involved in the trokosi religion.

Origins and Explanation of Trokosi

The trokosi religion originated in Togo and Benin as a war ritual in the 1600s and consisted of warriors visiting religious

¹⁰ Collins, 278.

¹¹ Begum Guvenc, "Women and Slavery: The Popularity of Female Slave Trade in Africa, It's Causes and Consequences," *Journal of Academic Studies* (2005): 221.

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shrines where they offered women to the war gods in exchange for victory and a safe homecoming.¹² The word trokosi comes from the Ewe words “tro,” meaning deity, and “kosi” meaning female slave.¹³ Trokosi is also referred to as “wife of the gods” because all of the trokosi slaves are considered to be the wives of the priests that own them, and the priests’ duty is to act as mediators to the gods. Moreover, modern trokosi consists of giving a virgin girl to a shrine to make amends for a crime committed by a family member and is being practiced today in Africa’s Volta region, which includes parts of Ghana, Togo, and Benin.¹⁴ The crimes committed that require sacrificing a young virgin girl into a shrine vary and may consist of murder, stealing, and rape. Those who practice trokosi believe family members will suffer misfortunes, such as disease and death, if they don’t sacrifice their virgin daughters to the shrine. Mercy Senahe, a liberated trokosi, claimed her grandmother had been blamed for theft and Mercy recalls that members of her family started falling ill and dying.¹⁵ For more offensive crimes, such as homicide, some families must send generation after generation of virgin girls to the shrine.¹⁶

Once the trokosi enters the shrine, they are faced with hard labor and the priest forces the trokosis to work long hours, such as fifteen hour work days, performing various duties that include cleaning, cooking, carrying water, and farming. A priest may keep a trokosi slave for her entire life, depending on the severity of the crime her relative committed.¹⁷ The trokosis are not compensated for any of their work and whatever earnings they make goes to the priest. This characteristic makes trokosi slaves beneficial for production and economic purposes. Today, trokosi shrines are run like businesses in which material goods and money are paramount.¹⁸

¹² Sarah C. Aird, “Ghana’s Slave to the Gods.” *Human Right’s Brief* (2002), 2 <http://wcl.american.edu/> (Accessed on May 10, 2011).

¹³ Robson, 26.

¹⁴ Alford, 22.

¹⁵ Robson, 26.

¹⁶ Aird, 2.

¹⁷ Ibid., 3.

¹⁸ Ibid., 2.

The trokosis are not provided with any clothing, food, or other necessities by the shrine; all essential requirements are to be provided by the trokosi's parents. However, in most cases the parents are too afraid to visit their daughters because of the evil spirits they believe surround the shrine, as well as their daughters. Other parents live in excessive poverty and are unable to provide the necessary food or clothing needed for their daughters to survive. As a result, many of the trokosi slaves suffer from malnourishment and are faced with starvation on a regular basis, which in many cases results in death. If a trokosi slave happens to die inside of the shrine before her time of repent is up, the parents are responsible for providing another virgin girl as a replacement. If they do not, their family will still suffer the trokosi curse even after their daughter died as a result of life inside of the shrine.

Trokosi slaves experience sexual humiliation during their time in the shrine in addition to hard labor. After the first menstrual cycles of the trokosis, the priest will continually rape the girls at any time of his choosing. If the girls become pregnant, they are forbidden from receiving medical attention during their pregnancies, and they receive no guidance by the priest. Patience Akope, a former trokosi slave, tells of her pregnancy inside of the shrine, "The priest did not allow me to visit the clinic for prenatal care or go to the hospital. Throughout the pregnancy, I had to fend for myself."¹⁹ Those born into the shrines become trokosi slaves and belong to the priests as well. One fetish priest admitted to having 64 wives and 300 children.²⁰ The number of children a priest has determines his status in the community, so the priests purposely try to impregnate the trokosi slaves.²¹ The trokosi slaves are also denied access to education. A former Trokosi said at a National Dissemination Workshop on the Study of Trokosi

¹⁹ Nirit Ben-Ari, "Liberating Girls From Trokosi-Campaign Against Ritual Servitude in Ghana." *Africa Recovery* 15, no.4 (December 2001): 26.

²⁰ Saunders, H9.

²¹ Aird, 2.

Practice in Ghana in 2008, “My generation and the generation before mine missed out in education.”²²

If a slave attempts to escape and is caught, she is severely beaten by the priest. If a slave runs away to her parents, they reject her out of fear of becoming cursed by evil spirits and immediately bring her back to the shrine. However, many trokosis are too afraid to try to run away and do not want to bring misfortune to their families. They believe their parents had no other option but to sacrifice them to save their family members. As Susan Aird explains in her article, “Ghana’s Slave to the Gods,” “Many people also fear former trokosi slaves, believing they bring misfortune. When community members easily can identify escaped or newly released slaves by their trokosi names or scars from beatings, they may reject them just as the former slaves’ own families already have.”²³ Local superstition and social stigma serve to create conditions under which the trokosi are unlikely to even attempt escape.

Mostly females are given to the shrines and it is only in rare circumstances that males are given. However, there are no accounts given by male slaves about what shrine life is like and human rights activists look at trokosi as a female slavery issue. A 17-year-old daughter of a trokosi and a fetish priest who had served in a shrine were asked why only girls and not boys had to suffer for the misdeeds of their families.²⁴ The explanation for the preference of girl slaves is due to the notion that girls are less likely to be as defiant and rebellious as boys may be, and therefore are less likely to escape. Female slaves also have a higher tendency to obey the priests’ orders, especially because most of the girls enter the shrines at such a young age that obeying the priest is what they become accustomed to. Young girls are especially valued by the trokosi religion because they are easily controlled. Moreover, their productive and reproductive labor is an important source of support for the

²² “Ghana: Let’s Unite Against Trokosi.” *All Africa* (July 25, 2008).

²³ Aird, 4.

²⁴ Yakin Erturk, “Ghana: “Trokosi”-Ritual Servitude and Sexual Abuse.” *UN Report of the Special Rapporteur on Violence Against Women, It’s Causes and Consequences* (February 21, 2008): 15-16.

priests of the trokosi shrines.²⁵ A young male trokosi, in contrast, may grow to detest orders given by another male figure and decide to protest or retaliate. Females are also entered into the shrines because the priests prefer females as opposed to males for sexual purposes, which has been one of the primary reasons for the preference of female slavery throughout history.

The cruelties that the trokosi slaves experience in the shrines cause them to suffer lifelong negative effects. In her article, "Sex Slaves' Slow Freedom," Deann Alford claims, "All trokosis are unskilled illiterates. Families often reject the girls. Without intervention, girls fall into drugs, crime, and prostitution."²⁶ The ex-slaves are cursed throughout the rest of their lives, which makes them outcasts to their community and unmarriageable since no man or woman wants to go near them. The ex-trokosi are unable to support themselves due to the fact that they lack an education, social skills, and occupational training. The trokosi are familiarized with their lives inside the shrine, and it is the only place where they feel accepted after being shunned by their families and the community. For this reason, the trokosi often want to return to the shrine after their release. Angela Dwamena-Aboagye, a Ghanaian lawyer and women's rights advocate states of the trokosi practice, "It's slavery, pure and simple. It violates every fundamental right. It's a step backwards for women."²⁷ Not only is trokosi a form of slavery but it is also a form of child abuse that the priests and Ghanaian government are failing to address. Currently, more than 3,300 trokosis have been freed, but some 5,000 or more remain enslaved in Ghana alone.²⁸

²⁵ Sandra E. Greene, "Modern Trokosi and the 1807 Abolition in Ghana: Connecting Past and Present." *William and Mary Quarterly* 66, no.4 (October 2009): 273.

²⁶ Alford, 22.

²⁷ "Ghana Debates Use of Shrine Bondage." *The Salt Lake Tribune* (July 8, 1999), A7.

²⁸ Alford, 22.

Silencing of Trokosi

Many activists are pressuring the Ghanaian government to put a stop to the enslavement of trokosis but no changes have been made thus far. The Ghanaian government outlawed forced labor and slavery in 1998, yet trokosi priests still practice the religion without fear of legal repercussions. No arrests have been made by Ghanaian officials, and sexual enslavement of women and children continues to be overlooked by the government and by the community. The trokosi religion has been practiced for several centuries, but only recently has it raised serious issues about human rights violations. Fiaga Togbe Kwao, chief of the Mepe Traditional Area said, “Changing centuries old customs and practices is not easy.”²⁹ The human rights abuses involved in the trokosi religion have been and might remain a silent issue.

One reason for the silence on trokosi is that it has been overlooked for such a great length of time that it has become customary to those exposed to it. Kathleen Barry explains, “As long as female sexual slavery, in any form, is culturally validated or ignored, it will remain invisible as a form of slavery and, therefore, will not be recognized as a violation of women’s human rights.”³⁰ Customs that have been taking place for several centuries, such as the trokosi religion, may seem normal to the community that practices the religion. The religion also remains silent due to the secrecy and fear that surrounds it. Some of the government officials are superstitious and believe if they reprimand any of the trokosi practitioners that their lives may be in danger by the forces surrounding the shrines. Mark Wisdom, Executive Director of the Fetish Slaves Liberation Movement, stated, “Before I started the trokosi campaign I realized that everyone was afraid to either raise his voice against this cruel religious custom or even mention it in public, for fear of being killed by the shrine powers.”³¹ If

²⁹ Ben-Ari, 26.

³⁰ Ibid., 52.

³¹ Mark Wisdom, *The Trokosi System*. (Accra-North, Ghana: Mercury Press, August 2001), 10.

residents of Ghana are unwilling or fearful to talk about trokosi, then the human rights abuses will continue to be ignored by the world community.

The trokosi system may also be a silent issue because Ghana is traditionally a male-dominated society. In the institution of marriage in Ghana, the woman is considered to be the property of her husband.³² Women are discriminated against and are unable to hold any positions of authority in their society. The shrine owners are and have always been owned by males, which is why trokosis are predominately females. Since women in Ghana are seen as objects in their community, it is unlikely that the Ghanaian government sees the enslavement issue with any relevance. It is noted that the situation of African women today is no different than it was during the colonial era.³³ The marginalized status of women decreases the likelihood of any government or activist intervention against trokosi.

Furthermore, the trokosi will most likely stay silent because the history of women in slavery has always been a silent issue according to many historians and scholars. Historians have seldom written about the issue of female slavery. The reason the issue of female slavery has been largely omitted from the historical narrative is due to the fact that most of their labor occurred behind closed doors where they were rarely seen by anyone other than their owners. Female slaves are generally domestic servants, while male slavery generally takes place outdoors, as seen in plantation slavery. The trokosi slaves also live in seclusion, which helps make their enslavement silent and unknown. Angela Robson explains, "We were refused permission to take photos of the Kilkor shrines. Later, the photographer was told in Kilkor and other trokosi-practicing villages in Ghana, that the Afrikania Mission

³² Apollo Rwomire, *African Women and Children: Crisis and Response*. (Wesport, Conn.: Praeger, 2001), 97.

³³ Robert Kwame Ameh, "Human Rights, Gender and Religious Practices: the Trokosi System in West Africa," In *Pan-African Issues in Crime and Justice* (Burlington, VT: Ashgate Publishing, May 2004), 32.

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had banned all trokosi women and girls from giving statements or being photographed.”³⁴

The issue of female slavery also remains silent due to the lack of education. For example, the trokosi slaves are illiterate and cannot write about their experiences inside of the shrines. The only people to tell of the trokosi slaves’ lives inside of the shrines are those who interview them after they are released. The fact that female slavery remains a silent issue contributes to the popular misconception that the majority of slaves throughout history have been male; in actuality, the majority has been female. The preference for female slaves derives from their sexual uses and ability to reproduce, thus providing additional labor. Another suggestion made by anti-trokosi activists is to give cattle to the priests instead of sacrificing young girls into the shrine. In response, a priest proclaimed, “You can’t have sex with a cow.”³⁵ Throughout history, female slaves were used primarily for sexual purposes and the priest’s response to the suggestion proves that Ghana persists to have primitive characteristics.

The trokosi slaves could also be overlooked for the simple reason that many people refuse to accept that slavery still exists and believe slavery is an issue of the past because they are not exposed to it in their everyday lives. There is a lack of awareness that slavery still exists in parts of the world and possibly in their own countries or maybe even in their hometowns. Nevertheless, the trokosi religion is an important issue to examine because of the history of silences surrounding the institution of female slavery.

Debates About Trokosi

Many anti-trokosi activists, like Ms. Florence Butegwa of the UN Development Fund for Women (UNIFEM) and Romana Cacchioli of ANTI-Slavery International, believe enslaving young girls against their will is a crime that should be stopped. Butegwa argues, “The government should move quickly to

³⁴ Robson, 26.

³⁵ Aird, 5.

arrest and jail those who are still perpetuating this evil and dehumanizing practice of keeping and abusing young innocent girls confined in these shrines.” However, some trokosi supporters think that critics are only trying to westernize the African culture and believe campaigns against trokosi are examples of religious persecution.³⁶ Osofo Kofi Ameve, a spiritual leader in the African Renaissance Mission, a council formed by fetish priests to preserve the trokosi religion, insists, “Girls are never forced to enter shrine life; neither are they subjected to harsh treatment, unpaid labor or sexual abuse.” His statement is false since there are numerous accounts of former slaves, as well as accounts from the parents of trokosis, explaining their life of servitude and how they were given to the shrine by their parents. “A trokosi slave, Adzo, received scant food or clothing, no education, and regular beatings. Her duties included hard farm labor, cleaning the shrine grounds, and carrying water. After puberty, her duties included sex with the shrine’s fetish priests.”³⁷ As a result, Adzo died of the harsh treatment she received inside of the shrine, but no remorse is expressed by the priests or by the government in such circumstances.

The African Renaissance Mission justifies the religion by suggesting that the girls are role models for saving their families from detrimental events and that they are looked up to by the community. However, as previously mentioned, accounts given by liberated trokosis suggest that the girls are not well received by their communities. Moreover, the trokosis are subjected to harsh and inhumane treatment. An ex-trokosi states, “The priest was 50 years old. If we refused to do the work he gave us - chopping wood, working in the fields, preparing food - he would beat us.”³⁸ Another former slave experienced extreme hardship, “For more than 14 years, she was overworked, partially starved, barred from attending

³⁶ United States Department of State (Bureau of Democracy, Human Rights, and Labor), *Country Reports of Human Rights Practices-Ghana* (February 25, 2009).

³⁷ Alford, 22.

³⁸ Robson, 26.

school, beaten and from around age 12 raped by the 90 year old priest who fathered her first child.”³⁹ Despite these accounts, advocates of trokosi are free to practice their religion, as the Ghanaian Constitution states, “all persons have the right to practice any religion and to manifest said practice.”⁴⁰ Additionally, supporters of trokosi argue that banning the religion would be a form of religious persecution.

While many anti-trokosi activists believe necessary actions are needed to ban the trokosi practice, no activists have suggested what would be an effective way to stop the enslavement that has been taking place for the last 300 years. Anti-activists are relying on the Ghanaian government to resolve the enslavement issue, but there has been no discussion by activists of what might happen if further actions are taken and what the possible consequences might be. The Ghanaian government believes persecuting those practicing trokosi might cause a “popular backlash” in the Volta region of Ghana and the government officials fear “spiritual consequences”. Also, Butegwa suggests that trokosi might go into another form or underground if persecutions are made, which would make curtailing the religion much harder.⁴¹ To add to the impossibility of stopping the practice of a 300 year-old religion, there exists the possibility that banning the practice could cause economic devastation in the community, as well as increase the likelihood of violent protests by priests and superstitious families.

Human rights activists have also tried to educate the Ghanaian government about the difficulty of progression in a slaveholding country. Slavery keeps villages in bondage and keeps the economy poor.⁴² A country that produces thousands of illiterate inhabitants is more likely to remain culturally and economically underdeveloped. Yet, the Ghanaian government remains unbothered that trokosi is taking place in their country and chooses to overlook the issue. Vincent Azumah, a

³⁹ Salt Lake Tribune, A7.

⁴⁰ Aird, 6.

⁴¹ Ibid., 26.

⁴² Alford, 22.

Ghanaian journalist states, “It has been going on for ages, and many women have died in the system, knowing nothing but the shrine life. They have not been able to help Ghana grow.”⁴³ Trokosi supporters, however, believe the religion is necessary to eliminate crime in the region. Priests believe family members are less likely to commit crime because they would not want their relatives to suffer the trokosi curse. However, many trokosis do not know the relative who they are being sacrificed for and the person who commits the crime may not know the relative who will be enslaved for his or her misdeed, which makes them less likely to feel remorse. There is a higher probability that individuals who have no children will commit crimes. It is unlikely that parents would want to sacrifice their own children for crimes they willingly commit.

Pros and Cons of Activist Involvement

Since human rights groups started pressuring the issue of the human rights violations involved in the trokosi practice, many priests have started to deny that the trokosis are in fact slaves. The most recent annual report on religious freedom from the US Department of State proclaims, “There is no evidence that sexual or physical abuse is a systematic part of the practice.”⁴⁴ Furthermore, many trokosis are now prohibited from giving interviews or having their pictures taken, as priests do not want outsiders to know what takes place inside of the shrines. In addition, traditionalist groups organize press conferences, circulate defamatory information to discredit the work of the abolitionists, and have even tried to disrupt abolitionist press conferences.⁴⁵ The pro-trokosi activists are making it more challenging for the trokosis to escape enslavement. Several anti-trokosi activists have also put themselves in harm’s way as a result of their efforts in abolishing the religion. Many trokosi supporters are angry their religion is being scrutinized in a negative manner. Aird states, “In fact, resistance has proved so

⁴³ Salt Lake Tribune, A7.

⁴⁴ Robson, 26.

⁴⁵ Aird, 6.

strong that many activists have received death threats for their work.”⁴⁶ Mr. Wisdom Mensah, project coordinator of International Needs Ghana (ING), an organization that helps women reclaim normal lives in their communities, is one of those who have received such threats for his work campaigning against trokosi. Anti-trokosi activists have increased global awareness of the trokosi religion, yet this awareness has served to drive the trokosi underground, thus contributing to the status of the trokosi as a silent women’s issue and making it more difficult to locate and rescue the slaves.

The increase in worldwide awareness of the trokosi issue has had one positive outcome: A vocational center run by a non-governmental organization entitled, International Needs Ghana (ING) was developed to liberate former trokosi slaves.⁴⁷ They are taught skills they were forbidden to learn about inside of the shrines, such as batik, tie dying, soap and pomade making.⁴⁸ The organization also assists the children of the trokosis in gaining an education and occupational skills. The goal of ING is to help trokosis to live normal lives after their release and to help them get jobs to support themselves. The organization’s goal is also to educate those unaware of the religion about the cruelty involved and what the girls are faced with inside of the shrines. ING, like the activists, has been verbally attacked by supporters of the religion and supporters believe ING is going against African culture. Mensah stated of the accusations by supporters of the religion, “We are not against our culture. We are against servitude, slavery, and child labour.”⁴⁹ However, ING has been successful in rehabilitating former trokosi slaves. After their completion in the school-like setting, they have a graduation ceremony for the girls to celebrate their triumph. Since its inception, the ING has liberated and rehabilitated 2,800 trokosi women and children.⁵⁰

⁴⁶ Ibid., 6.

⁴⁷ Ben-Ari, 26.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

Conclusion

It seems impossible to eliminate a religion that has been practiced for three centuries. Many activists admit the fight to end trokosi is far from over, but the reality is that it may never be over. Efforts to bring religion into the public eye have instead caused it to go underground in order to prevent activists from interfering with the trokosi belief and practice, thus making trokosi a silent women's issue.

It may take much time for the trokosi issue to be resolved but in the meantime it is important to educate people around the world that slavery still exists. It is important to spread global awareness of the trokosi issue. Although this awareness could drive practitioners underground, it may also serve to prevent the religion from becoming a silent women's issue. If the religion remains a public issue, global scrutiny may result in social change in Ghana; the subsequent outcome being that slavery will no longer be tolerated there.

Humphrey Hawksley, a BBC news correspondent, describes a trokosi's unhappiness, "She hauled up a bucket from a well, spilling water on the dirt ground, and then rested by burying her head in her hands. Her rounded, scarred shoulders showed years of hard labour. When she looked up, her eyes were completely blank as if no longer able to reflect pain, happiness, or any of those basic human emotions."⁵¹ Humphrey Hawksley took the following picture for an article for BBC News entitled, "Ghana's Trapped Slaves" and shows a trokosi with the priest that owns her. The picture shows the innocence of only one of the young trokosis and it also shows the disturbing aspect the religion involves. The girl in the picture is a child and yet she is also a wife, and will most likely have children by the priest. As Hawksley explains, the girl in the picture looks as if she lacks the ability to show emotion.

⁵¹ Humphrey Hawksley, "Ghana's Trapped Slaves." *BBC News*, (February 8, 2001): Front page.

Trokosi Tradition

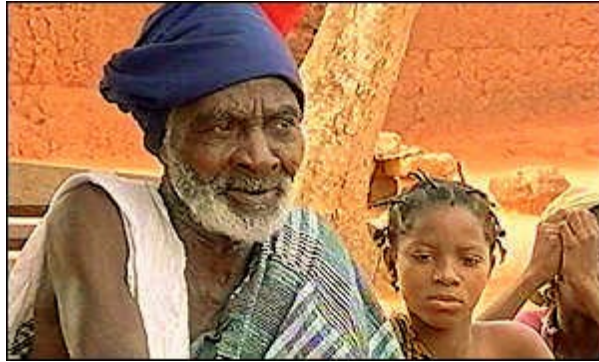


Figure 5. Humphrey Hawksley, “Ghana’s Trapped Slaves.” BBC News, 8 February 2001, Front page.

History often ignores the fact that enslaved women and children are subject to the same amount of brutal treatment – or perhaps even more – than enslaved men. Like male slaves, female slaves are beaten, but women must also sacrifice their bodies to their owners. A lack of public awareness combined with tacit local consent allows such travesties to continue. The trokosi are routinely violated while they are still children. It can be argued that they never experience childhood. An ex-trokosi slave says, “People call us wives of the gods, but we were never that. We were just children.”⁵²

⁵² Robson, 26.

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History in the Making

Whatever Means Necessary: Uncovering the Case of *Sweatt v Painter* and Its Legal Importance

BY ADAM SCOTT MILLER

*Abstract: The road to end segregation in the United States has been a long uphill battle for African Americans. The purpose of this paper serves several critical purposes. The first function is to educate the reader about the legal struggles that African Americans endured between the era of Reconstruction and the Supreme Court desegregating graduate school case of *Sweatt v. Painter* in 1950. Not only was this elusive case an important stepping stone in reversing the “Separate but Equal Doctrine” upheld by the Supreme Court in 1886, this case shows the lengths that segregationists went to in maintaining the status quo of racial separation. Finally, this paper will demonstrate the legal relevance that *Sweatt v. Painter* had to a current Supreme Court Affirmative Action case of *Grutter v. Bollinger* in 2003.*

Introduction to Jim Crow Segregation

In 1946, mail carrier Heman Marion Sweatt, a college graduate, decided to apply for admittance into the University of Texas Law School. He was denied. Although he was clearly qualified to enter the law school, there was one overwhelming problem. He was black.¹

The legacy of Jim Crow Segregation has reverberated throughout American history. Many facets of segregation dominated the lives of black Americans for most of the twentieth century; although some may argue that it still exists today. Jim Crow segregation refers to the ways white Americans continually oppressed and segregated the races on buses, in restrooms, at drinking fountains, in schools, churches, restaurants, general stores, and government facilities; in nearly every component of life where the two races could interact. This psychologically damaging behavior soon dominated Southern society, even though blacks had gained constitutional equality decades before.

The closure of the Civil War brought new hope to a race forced into slavery. However, after Reconstruction, any hope for social or economic advancement soon dwindled. It took a painstaking century of struggle after emancipation for an exhortative Civil Rights leader named Dr. Martin Luther King Jr. to cry out “free at last,” illustrating his desire to finally end a degrading system of oppression.

In American culture, the adverse treatment of African Americans was considered acceptable behavior for whites. Simply put, blacks were inferior to other races. This way of thinking did not restore the ideas of slavery. Slavery held blacks against their will, a complete contradiction to the ideals of the Age of Enlightenment, which heavily influenced the abolition movement. However, as this paper will demonstrate,

¹ In today’s terminology the descriptive word “black” and “colored” can have a negative stereotype on the African American race. This paper will use the term “black” and “colored” to re-impose the historical attitudes of the period. Furthermore, the usage of “black” and “white,” for descriptive purposes, simplifies the dichotomy of the two races brought forth in this paper.

blacks were thematically classified at the bottom of the evolutionary hierarchy, which resulted in the perception that blacks were subhuman, giving whites justification for segregation. The mind-set for that period felt that mingling the races had the same effect as mixing oil and water. Henceforward, blacks were methodically ostracized and separated from white society. Over the years, historians' views of racial segregation have reflected the general public's perceptions in regard to segregation.

Southern historian Ulrich B. Phillips wrote in 1928 that white supremacy in the South must be kept in place to prevent future conflict and maintain social order. He blamed African Americans participation in the social and political upheavals of the Reconstruction Era on Radical Republicans. According to a primary document published in 1868, Phillips cited, “the black thread of the Negro has been spun throughout the scheme of Reconstruction. A design is betrayed to give to him the political control of the South, not so much as a benefit to him . . . as to secure power to the Republican party.”² In other words, Phillips blamed the political motives of Republicans who put voting blacks into power. According to Phillips, the mass of blacks “were incompetent for any good political purpose and by reason of their inexperience and racial unwisdom [sic] were likely to prove subversive.”³ After the Civil War southern whites, which constituted a minority of the population, lost political power to the black majority. Over the Reconstruction period whites methodically disenfranchised new black voters to regain political power. Upon regaining authority, whites devised ways to segregate blacks. This system became widely known as Jim Crow segregation; a system first studied by historian C. Vann Woodward in the 1950's.

Prior to Woodward's scholarly work, *The Strange Career of Jim Crow*, segregation was not considered a system

² Ulrich Phillips, “The Central Theme of Southern History,” *The American Historical Review*, Vol. 34, No. 1 (1928), 41. <http://Jstor.org/stable/1836477> (Accessed May 24, 2010).

³ Ibid., 42.

of oppression, but an accepted form of day-to-day behavior.⁴ Woodward defined Jim Crow segregation as a system that casually formed after the withdrawal of federal troops in the South at the end of Reconstruction in 1877. From that point on, blacks lost the protection provided by federal authorities that had guaranteed their civil and political rights.⁵ Woodward contended, “What the new status of the Negro would be was not at once apparent, nor were the Southern white people themselves so united on that subject at first as has been generally assumed.”⁶ Whites remained divided on political and economic issues, but as they slowly resolved their grievances, blacks became targets of disfranchisement, which in turn eroded their economic and social status. Woodward reveals that Jim Crow was a system born in the North, which had time to fully develop before moving to the South. The author argues that the North condemned slavery 35 years before the South was forced to do so in 1865, and concludes that “Jim-Crowism” was a product of the termination of slavery.⁷ Thus, Woodward argued that Jim-Crowism began in the North and moved into the South after Reconstruction because of a lessening of Northern military presence, and slowly took shape right through the twentieth century, meaning it was a comparatively contemporary system for the South. However, to say that the North invented Jim-Crowism would be misleading.

If this were true the, North would have displayed the same distinct form of segregation as the South. The South developed “de jure” or legal segregation enforced by the government, which after all is the appropriate meaning of Jim Crow segregation. In contrast, the North developed “de facto” or customary segregation, a form far less oppressive. The legal instruments in the North did not exist as in the South. Discrimination happened at an individual level that allowed

⁴ C. Vann Woodward, *The Strange Career of Jim Crow* (Oxford: Oxford University Press, 2002), 5.

⁵ Ibid., 6.

⁶ Ibid.

⁷ Ibid., 17.

blacks to remain autonomous in the North while, the South remained vigilant in oppressing black autonomy.

After the Civil Rights Movement turned militant in the late 1960's the focus of study turned to analyzing race relations, a side effect of segregation. The fact that urban riots broke out after the passage of the Civil Rights Act of 1964 and Voting Rights Acts of 1965 caused historians and sociologists to intensify their study of the grievances of blacks. Historian Joel Williamson in 1985 studied the legal and social legacy that pitted the two races in his book, *A Rage for Order*. Differing from his predecessor Woodward, Williamson expanded upon the argument that Jim Crow segregation emerged during the chaotic time between Reconstruction and 1915.⁸ By 1915, the South shifted from "de facto" or customary segregation to a system comparable to an apartheid that enforced law through lynching and outright murder.⁹ Furthermore, in the South, two distinct cultures emerged from Jim Crow segregation: white and black.¹⁰ This created division between the races, therefore unity and "brotherly love" never emerged. This racial tension, still evident in 1984, is a legacy of Jim Crow and past exploitation, and defines race relations in America today.¹¹

Most recently, historians began analyzing the antithesis of segregation. *Farewell to Jim Crow*, written by R. Kent Rasmussen argues the key solution to racial harmony questioned in the 1980's is the continuation of desegregation.¹² Integration will ultimately provide African Americans with the equality they have been denied for countless years. Historian Richard Wormser wrote *The Rise and Fall of Jim Crow* in 2003, which illustrating the history of Jim Crow segregation and its long-term effects projected onto present day society. Wormser brings to light the struggles still occurring in race relations today. For instance, the educational system actively sought

⁸ Joel Williamson, *A Rage for Order* (New York: Oxford University Press, 1986), 281.

⁹ Ibid., 153-167, 199.

¹⁰ Ibid., vii.

¹¹ Ibid.

¹² R. Kent Rasmussen, *Farewell to Jim Crow* (New York: Facts on File, 1997), viii.

desegregation in the 1970's, but whites resisted integration by moving to other schools not heavily attended by African Americans. "Schools have slipped back into a pattern of segregation," argued Wormser.¹³ Even after countless court cases and the legal desegregation of the public school system, racial separation still remains a pressing social issue. The historiography of segregation parallels the narrative of this article and the contribution of the Supreme Court's decision and subsequent rulings on *Sweatt v. Painter*.

The Legal Aspect of Jim Crow Segregation

The Fourteenth Amendment is probably the most legally debated Amendment to the Constitution.¹⁴ Its prescribed meaning has been interrupted countless times by the court system. After the Civil War the southern states instituted Black Codes to prevent African American access to the privileges whites coveted.¹⁵ The ratification of the Fourteenth Amendment in 1868 guaranteed equality for all races, but its prescribed meaning was left open for interpretation. In 1896 the Supreme Court upheld the Louisiana case *Plessy v. Ferguson* allowing segregation or as it was more widely known Jim Crow, even though the Fourteenth Amendment stated, "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." In *Plessy v. Ferguson* the Supreme Court handed down a devastating blow to African Americans' search for equality under the law.

¹³ Richard Wormser, *The Rise and Fall of Jim Crow* (New York: St. Martin's Griffin, 2003), 185.

¹⁴ There are three important components to the Fourteenth Amendment: First, the Citizenship Clause provides citizenship to all males twenty-one years of age; the Due Process Clause protects the right to life, liberty, and property; the Equal Protection Clause requires each state to provide equal protection under the law.

¹⁵ Black Codes refer to the laws States enacted after the Civil War to limit the civil liberties and equality of African Americans, whereas Jim Crow Laws recognized Blacks as equal under the law, but required separate facilities

However, for those in favor of integration the court's decision also entailed one caveat. Blacks could be separated from whites if facilities for both were equal. In fact, many were not. For nearly six decades lawyers chipped away at the separate but equal doctrine and finally in 1954 the Supreme Court case of *Brown v. Board of Education* removed the legal shackles of injustice and ordered the desegregation of the public school system.

These two hallmark cases stand out as the most well-known amongst students and scholars. *Plessy v. Ferguson* provided the legal authority to constitutionally allow segregation between "colored" and "white." On the other hand, *Brown v. Board of Education* reversed the 1896 Supreme Court's racist decision and integrated the public school system. Much legal conjecture has arisen in the period between these two monumental decisions, but the Supreme Court did not abruptly arrive at two contradictory decisions. The High Court looked back at lower courts' decisions to find the precedents that would shape a likeminded decision. *Plessy v. Ferguson* was not the only court case to vilify the separate but equal doctrine and by the same token *Brown v. Board of Education* did not suddenly tear down the wall of Jim Crow segregation. This paper will look at several other cases that either built or eroded the wall of segregation. In particular, *Sweatt v. Painter*, a Supreme Court case in 1950 that allowed an African American named Heman Sweatt to attend the University of Texas Law School. The caveat of providing an "equal" education proved challenging for segregated states.

Those searching for civil rights needed to confront segregation. If the southern states wanted to remain segregated, it would place a financial burden on them. They would have to provide two of every government facility, including but not limited to: post offices, schools, restrooms, drinking fountains, including the staffing of all additional facilities. One court case truly demonstrates the changing tides of integration and illustrates the extent to which some states went, in order to prevent black incorporation. The Supreme Court's reversal of a Texas Superior Court ruling in *Sweatt v. Painter* in 1950 was a prelude to the monumental decision of *Brown v. Board of*

Sweatt v Painter

Education that finally overturned *Plessy v. Ferguson*. The perception that *Brown v. Board of Education* overrode all other decisions from the Supreme Court, thus negating the importance of *Sweatt v. Painter* is false. *Sweatt v. Painter* still remained a relevant precedent for future Supreme Court decisions. This paper will argue that in 2003 the High Court employed to the legal meaning prescribed in *Sweatt v. Painter* in upholding the University of Michigan Law School's affirmative action program, in *Grutter v. Bollinger*. Moreover, *Sweatt v. Painter* will be used as a study case to show its legal implications and to tell a detailed story of the battle to prevent integration. Evidence used to weave this story will include Supreme Court dissents, previous scholarly works, and oral histories.

To fully understand the birth of *Sweatt v. Painter* and its impact on the legal evolution of segregation/desegregation, this paper will use a time-line of pertinent court cases. The primary focus of attention will be the reasoning behind court cases that instituted and justified school segregation. This essay will then examine the crucial cases that began to remove the legal barriers to integration. From that point on *Sweatt v. Painter* will be investigated in depth, using court documents and oral histories to reveal specific details about the case. This pivotal case highlights the many details and dimensions of Jim Crow segregation, especially through the use of the oral histories of key players in this lawsuit. The lawsuit contains the motives for integration as well as Southern methods employed to prevent black inclusion in the public school system. Additionally, *Sweatt v. Painter* influenced the monumental High Court's decision of *Brown v. Board of Education*, ending the era of Jim Crow segregation. Finally, this essay will discuss the lasting effect of *Sweatt v. Painter* on future Supreme Court decisions.

Chronological Outline of Segregation Cases

The legal battles to end the Supreme Court's stand of permissible segregation proved to be quite a challenge. Before Justice John Marshall Harlan handed down the pernicious doctrine of separate but equal, school teacher H. J. Buntin used

the Fourteenth Amendment in 1882 as a defense for separate but equal educational privileges for blacks in the case of *United States v. Buntin*. Fortunately for Buntin, the U.S Circuit Court ruled that the state not the federal government granted educational privileges. Moreover, the court allowed segregation to continue as a discretionary matter for the state, as long as those separate schools were “substantially equal” to the white schools.¹⁶ In 1896, the Supreme Court legitimized segregation for the first time. A Louisiana black man named Homer Plessy purchased a first-class passenger train car ticket. When he attempted to take his seat in that car, he was promptly ushered to the “Negro passenger car” where he refused to sit, since that car did not provide first-class amenities purchased by Plessy. Subsequently, Plessy was arrested for violating a Louisiana statute that forced blacks to sit in segregated railroad cars.¹⁷ Eventually, the case reached the Supreme Court who then decided the fate of equal protection under the law. Referring to precedents like *United States v. Buntin*, the court ruled that the separation of races was not a violation of the Fourteenth Amendment as long as equal facilities were provided.¹⁸ The reason behind separation of the races for that time period lay in “scientific racism.”

“Scientific racism” refers to the use of science to justify a link between race and intelligence. Popular belief in such pseudo sciences (as it is known today) perpetuated the perceptions of black inferiority in the nineteenth and the first half of the twentieth centuries. As an example, the Encyclopedia Britannica eleventh through thirteenth editions (covering the years 1910-1926) claimed that “Negroes” were on “a lower evolutionary plane” than white or yellow races.¹⁹ The

¹⁶ *United States v. Buntin*, 10 F. 730, 1882 U.S. App. LEXIS 2330, 3 Ky. L. Rptr. 630, 5 Ohio F. Dec. 166 (C.C.D. Ohio 1882), <http://www.lexisnexis.com> (Accessed May 20, 2010).

¹⁷ Bernard H. Nelson, *The Fourteenth Amendment and the Negro Since 1920* (New York: Russell & Russell, 1946), 8-9.

¹⁸ *Plessy v. Ferguson* 163 U.S. 537. <http://www.lexisnexis.com> (Accessed May 20, 2010).

¹⁹ Anthony Copper ed., *The Black Experience 1865-1978* (Great Britain: Greenwich University Press, 1995), 202-203.

case of *Plessy v. Ferguson* exemplified the notions of scientific racism. The Supreme Court's dissent by Justice Harlan states, "The white race deems itself to be the dominant race in this country. And so it is, in prestige, in achievements, in education, in wealth, and in power."²⁰ These pseudo-scientific notions, that blacks inherently possessed little intelligence, would not be dispelled until the 1930's and 1940's.

Journalist Earl Conrad, in a satirical sense, wrote in 1947 that anthropologists plowed their way into Harlem, examining Negroes' faces, nose, skulls, and color in order "to answer those questions, when the answer lay historically within the white man's back pockets, in one of which he kept his revolver and in the other his purse."²¹ In 1949, the United Nations Educational, Scientific and Cultural Organizations (UNESCO) held a conference with leading international anthropologists, psychologists and sociologists in Paris to define the scientific meaning of race. The UNESCO conference concluded,

Scientists have reached general agreement in recognizing that mankind is one: that all men belong to the same species, *Homo sapiens*... according to present knowledge there is no proof that the groups of mankind differ in their innate mental characteristics, whether in respect of intelligence or temperament. The scientific evidence indicates that the range of mental capacities in all ethnic groups is much the same.²²

Public dissemination of the achievements of African Americans contradicted the popular belief that blacks were inherently unequal and intellectually incapable, as compared to whites.

²⁰ *Homer A. Plessy v. Ferguson* 163 U.S. 537 (1896).

²¹ Earl Conrad, *Jim Crow America* (New York: Duell, Sloan and Pearce, 1947), 126.

²² <http://unesdoc.unesco.org/images/0012/001282/128291eo.pdf> (Accessed May 15, 2010).

African American service in World War II illustrated the equality of intelligence and skills between the two races. The Tuskegee airmen undoubtedly demonstrated the ability of African Americans to fly a plane under combat conditions, with precision. Blacks continued to fill or search out roles coveted by whites, such as doctors, lawyers, scholars, and skilled labor. Increasingly, blacks began demanding acceptance into post-graduate degree programs granted by schools open only to whites. Segregation stood in the way of young black professionals obtaining an equal education.

As previously mentioned the question of separate schools was first upheld in the U.S. Circuit Court case of *Buntin v. United States* in 1882. The issue of segregated schools did not appear again in Supreme Court cases until 1927. In the case of *Gong Lum v. Rice* the Supreme Court's decision held that the state of Mississippi could segregate its schools without violating the Fourteenth Amendment moreover, the dissent clearly vindicated the belief of whites in pseudo-science.²³ The High Court ruled that, "The white, or Caucasian race, which makes the laws and construes and enforces them, thinks that in order to protect itself against the infusion of the blood of other races its children must be kept in schools from which other races are excluded."²⁴ The notion that the white race was superior to all others certainly struck a nerve among African Americans, especially those who were already educated professionals and those who aspired to an advanced graduate degree.

The tides turned for African Americans in 1936 when the Maryland Court of Appeals ruled in favor of graduate school applicant Donald Murray in the case of *Pearson, et al v. Murray*. The National Association for the Advancement of Colored People (NAACP) used the caveat stated previously in *Plessy v. Ferguson*, to fight for universal integration. The University of Maryland could not provide a separate and equal education for Murray; therefore they were forced to admit him to the school. The judgment brought cheers from African

²³ *Gong Lum et al v. Rice* 275 U.S. 78 <http://www.lexisnexis.com> (accessed May 15, 2010).

²⁴ Ibid.

Americans and provided a wake-up call for segregationists who wanted to prevent further integration. The Court ruled that the University of Maryland, “has omitted students of one race from the only adequate provision made for it, and omitted them solely because of their color. If those students are to be offered equal treatment in the performance of the function, they must, at present, be admitted to the one school provided.”²⁵ After this victory, the NAACP continually attacked states’ inability to provide equal educational facilities for African American students. This strategy was first devised in 1934 by the NAACP’s new generation of lawyers, namely Charles Hamilton Houston and Thurgood Marshall.²⁶

The first major case opposing school segregation came to the Supreme Court in 1938, when Lloyd Gaines was denied admission to the Law School of the University of Missouri. In *Missouri Ex Rel. Gains v. Canada*, the University of Missouri defended their action by collaborating with adjacent states that already had “Negro” schools in place or allowed integration. The University’s remedy was to provide Gaines with a scholarship to attend any separate but equal or integrated law school in an adjacent state.²⁷ Gaines rejected the offer and again was denied admission, this time by the Missouri Supreme Court. With the help of the NAACP, Gaines took the case to the U.S. Supreme Court. The court decided that since the State of Missouri could not provide Gaines with an equal education they had denied equal protection under the law to him. Moreover, a law school outside the boundaries of Gaines’ home state of Missouri, does not teach the practice of “Missouri Law.”²⁸ Therefore, Missouri needed to provide Gaines with an

²⁵ *Pearson, et al v. Murray*, 182 A. 590, 169 Md. 478
<http://www.lexisnexis.com> (Accessed May 19, 2010).

²⁶ Mark V. Tushnet, *The NAACP’s Legal Strategy Against Segregated Education, 1925-1959* (London: The University of North Carolina Press, 1987), 29-32.

²⁷ Bernard H. Nelson, *The Fourteenth Amendment and the Negro Since 1920* (New York: Russell & Russell, 1946), 121.

²⁸ *State of Missouri ex rel. Gaines v. Canada, Registrar of the University of Missouri, et al.* 305 U.S. 337. <http://www.lexisnexis.com> (Accessed May 26, 2010).

equal law school or admit him to the University of Missouri. With a clear victory, the NAACP hastened to have Gaines reapply to the Law School. The NAACP knew that once Gaines reapplied, the state would appropriate \$200,000 to create a Negro School of Law just for him and that the NAACP could then fight it on grounds of inequality.²⁹ The NAACP had a larger goal in mind. Their ultimate goal was to turn over *Plessy v. Ferguson* and have universal equality. Tragically, Gaines was nowhere to be found. He simply vanished in Chicago leaving his apartment on the night of March 13, 1939, to buy postage stamps.³⁰ It can only be hypothesized that he fled for his life or possibly fell victim to violence, since he was neither seen nor heard from again; yet the Supreme Court decision he initiated, lives on.

Two years before the study case of *Sweatt v. Painter*, the Supreme Court heard a similar lawsuit involving a black female law student. In the case of *Sipuel v. Board of Regents*, the Supreme Court ruled in favor to admitting Ada Sipuel to the “white only” University of Oklahoma Law School or requiring the university to build an equal facility.³¹ Since the University of Oklahoma could not build a law school overnight it admitted Sipuel as a one-time exception until a new black law school was built.³² The new law school was built after Sipuel’s case and over an eighteen-month period only one student attended; the school subsequently closed.³³ The economic burden placed upon maintaining Jim Crow segregation became overwhelming, but segregationists did not give-up, they had one more trick up their sleeve. Oklahoma responded by admitting Sipuel to the

²⁹ Mark V. Tushnet, *Brown v. Board of Education* (New York: Grolier, 1995), 39.

³⁰ “JBHE Chronology of Major Landmarks in the Progress of African Americans in Higher Education,” *The Journal of Blacks in Higher Education*, No. 53 (Autumn, 2006): 79. <http://www.jstor.org/stable/25073540> (Accessed May 9, 2010).

³¹ *Sipuel v. Board of Regents of the University of Oklahoma Et al.* 332 U.S. 631. <http://www.lexisnexis.com> (Accessed 5/26/2010).

³² Tushnet, *The NAACP’s Legal Strategy Against Segregated Education, 1925-1959*, 122-23.

³³ *Ibid.*, 123.

University, but continued segregating her in the classroom. An oral history from University of Texas Law School Dean W. Page Keeton, then Dean of the University of Oklahoma, describes the torment Sipuel had to endure in the classroom at the behest of the State's Attorney General, in which Sipuel was restricted to an area sign stating, 'For Colored Only.'" Keeton continued to blame the Attorney General's persistence in enforcing this rule.³⁴ The NAACP would challenge these discriminatory practices in the later case of *McLaurin v. Oklahoma State Regents*.

Decided in conjunction with the case of *Sweatt v. Painter* in 1950, *McLaurin v. Oklahoma State Regents* fought for an integrated and non-demeaning classroom environment. Classroom separation was the last resort for segregationists. George McLaurin pursued a Doctorate in Education, and at first was denied admission, but successfully sued in the U.S. District Court of Oklahoma.³⁵ Once admitted through, McLaurin was forced to sit outside at the classroom door, "where he could overhear."³⁶ "Now, that, gave the student the opportunity of being present at a law school that was no doubt superior to the separate law school."³⁷ McLaurin, the NAACP, and the Supreme Court disagreed in 1950 over the intent of Keeton's statement, which in interpretation was phrased sarcastically. Nonetheless, this carefully planned legal process was eroding the walls of Jim Crow segregation. During the time of the Sipuel and McLaurin cases, Heman Sweatt applied to the University of Texas (UT) Law School and he was denied admission because of his skin color. The NAACP saw this case as the final blow for educational segregation. The Supreme Court's positive rulings in *Gaines* and *Sipuel* led the NAACP to

³⁴ W. Page Keeton, Interviewed by Bill Brands June 2, 1986. Rare Books & Special Collection, Tarlton Law Library, The University of Texas at Austin. <http://www.houseofrussell.com.legalhistory/sweatt/docs/koh.htm> (accessed May 8, 2010).

³⁵ *McLaurin v. Oklahoma State Regents for Higher Education* 87 F. Supp. 526 <http://www.lexisnexis.com> (Accessed 5/26/2010).

³⁶ Ibid.

³⁷ Ibid.

directly challenge the *Plessy v. Ferguson* decision using the case involving Heman Sweatt.

The Case of Sweatt v Painter

There are several facets to the case of *Sweatt v Painter*. There is the legal side, which involved the Texas Supreme Court and the U.S. Supreme Court. This case looks into the equality of a black law school compared to UT Law School and greatly influenced the outcome of *Brown v. Board of Education* leading to the reversal of *Plessy v. Ferguson*. Another angle illustrates the immediate development of an all-black law school. For segregationists, exhausting funds to prevent integration shows the extent some were willing to go to keep the races separated. Finally, the oral histories that have been gathered by some participants involved in the case of *Sweatt* give an in-depth personal analysis of Sweatt the man, the black law school, and the case. All these dimensions surrounding the case of *Sweatt v Painter* will be intertwined into a storyline that maintains synchronization of the lawsuit's timeline.

The story of Heman Sweatt is usually told the same simple way. He was a mail carrier and a college graduate who was qualified to attend law school. Sweatt applied to the segregated UT Law School in Austin, Texas and was denied admission based on his race. It is rarely mentioned in the literature that after enduring four and a half years of legal battles to attend the UT School of Law, Heman Sweatt dropped out due to bad grades.³⁸ There were instances of ostracism that contributed to Sweatt's academic failure at UT School of Law that will be explained later, but for now the beginning of the story may help shed light on Sweatt's aspirations. An oral history will be used to present this information, not of Heman Sweatt (one does not exist) but of an obscure civil rights activist named Juanita Jewel Craft.

³⁸ Dwonna Goldstone, "Herman Sweatt and the Racial Integration of the University of Texas School of Law," *The Journal of Blacks in Higher Education*, 54 (Winter, 2006-2007): 97.
<http://www.jstor.org/stable/25073597> (Accessed May 9, 2010).

Craft described her job in the Civil Rights Movement as a “professional volunteer.”³⁹ She claimed, “I took the first student there and helped him try to make application. I organized a group of youth on the University of Texas campus who helped us through their contacts at the university to file the suit.”⁴⁰ That “first student” referred to by Craft was Heman Sweatt. How did a professional civil rights volunteer and a postal carrier connect? Craft does not give a detailed account of her involvement in the case nor how she became involved in helping Sweatt. We are unable to answer this question, because Craft’s interviewer does not follow through with their line of questioning about how the two connected. Only one other piece of evidence could be found connecting Sweatt to the Civil Rights Movement.⁴¹ In a journal article written in 2006, author Dwonna Goldstone states that Lulu White, the Texas State director for the NAACP, contacted Thurgood Marshall on October 12, 1945 claiming they had “found their plaintiff,” referring to Sweatt.⁴²

The NAACP had been searching for the perfect candidate to proceed in a chain of lawsuits to undermine the separate but equal doctrine.⁴³ Sweatt had joined a group of NAACP representatives where he met White and according to Craft’s oral history, met her as well. Before applying to UT Law School on February 26, 1946, Sweatt and several members of the NAACP went to the office of university President Theophilus Painter to ask what provisions could be made for a black applicant.⁴⁴ Painter replied, “...the only avenue available to African American students was the out-of-state scholarship

³⁹ Ruth Edmonds Hill ed., *The Black Women Oral History Project: Volume 3* (Westport:

Meckler with permission from Radcliffe College, 1991): 4.

⁴⁰ *Ibid.*, 15.

⁴¹ While other sources proving the original connection of Sweatt to the NAACP may exist, the priority of this work is the events that transpired once that connection was made.

⁴² Goldstone, 90.

⁴³ *Ibid.*

⁴⁴ *Ibid.*, 92.

program.”⁴⁵ Because of the successful suit in *Gaines v. Canada* in 1938 striking down out-of-state scholarships, the NAACP hoped Texas would build a black law school so that they could in turn challenge its equality. Sweatt proceeded with his application fully aware of the legal battles to come. He was denied admission because of his race and would have to wait nearly five years to attend graduate school because of countless delays and legal trials.

Immediately after Sweatt’s denial he filed suit against UT. On June 17, 1946 the Travis County Court ordered “that within six months from the date hereof a course for legal instruction substantially equivalent to that offered at the University of Texas is established and made available...on the 17th day of December, 1946, at 10 o’clock am.”⁴⁶ The university was given the choice to either build an all black law school or admit Sweatt to the white school. According to the *Houston Informer*, a black newspaper from 1950, at the follow-up hearing in December the black law school still did not exist and Judge Archer still refused to force admission for Heman Sweatt.⁴⁷ Clearly Judge Archer was biased in this case and contradicted his own order. The NAACP constructed this suit to challenge equality, and Sweatt purposely waited for the law school to be built. This differs from the case of *Sipuel v. Oklahoma*, wherein Oklahoma was forced to admit Ada Sipuel because a black school did not exist at the time she applied.

The NAACP did not force Sweatt’s immediate admittance, as it did Sipuel. Heman Sweatt knowingly was used as a pawn to desegregate graduate level schools. For him, it was not about his aspirations to become a lawyer, but to challenge the legal system and fight for equality.

⁴⁵ Ibid.

⁴⁶ *Heman Marion Sweatt v. Theophilus Shickel Painter et al.*, [fol. 652] In the 126TH District Court of Travis County, Texas No. 74,945, <http://www.houseofrussell.com/legalhistory/sweatt/docs/svppldng.htm> (Accessed May 28, 2010).

⁴⁷ “Judge Dodges Own Order in the Sweatt Case,” December 14, 1946. <http://www.houseofrussell.com/legalhistory/sweatt/inf/HI-122146a.html> (Accessed June 6, 2010).

To prevent integration the State of Texas chose to build an adequate Law School for Negroes. A total of \$100,000 in emergency funds suddenly became available to locate a temporary facility, the staff, and supplies for the new school. Beyond these measures, the “state legislature hastily appropriated \$2.75 million to create a new institution, the Texas State University for Negroes in Houston in response of Sweatt’s lawsuit.”⁴⁸ An oral history provided by Joe Greenhill First Assistant to the District Attorney at the time provides a detailed account of these extraordinary efforts to create a new school: “There wasn’t a separate law school...the Legislature created one...The Legislature gave us more money that we could spend. They wanted an instant equal separate school...so after the suit had been filed, then the legislature made the appropriation for the black law school.”⁴⁹ Greenhill provided more details: “We needed to get a substantially equal library to the law school. So we bought up all the law books you could buy. A lot of the good law books were not available for sale...then substantially equal professors [sic] aspect was accomplished by using the same professors that taught at Texas law School.”⁵⁰ The new library’s equality to the UT library became a large argument in the *Sweatt* case. Corwin Johnson, an Assistant Professor at the temporary black law school argued that the library contained 10,000 books “carefully selected for first-year students” in an oral history interview.⁵¹ Compared to UT Law School’s library, which contained 65,000 volumes, the Negro school was clearly inferior.

⁴⁸ Goldstone, 93.

⁴⁹ Joe R. Greenhill, Interviewed by Bill Brands February, 10, 1986, Rare Books & Special Collection, Tarlton Law Library, The University of Texas at Austin. <http://www.houseofrussell.com/legalhistory/sweatt/docs/goh.htm> (Accessed May 8, 2010).

⁵⁰ Ibid.

⁵¹ Corwin W. Johnson, Interviewed by Sheree Scarborough November 15, 1996 Austin, TX. Rare Books & Special Collection, Tarlton Law Library, The University of Texas at Austin <http://www.houseofrussell.com/legalhistory/sweatt/docs/joh.htm> (Accessed May 8, 2010).

The inequality of the black law school library became a major argument for the NAACP. According to the Texas District Court records, the testimony provided by an expert legal witness, D.A. Simmons compared libraries and provides further insights excluded from the historical record. The dialogue between NAACP lawyer Thurgood Marshall and Simmons unraveled the State Capital's assistance in lending the use of their Law Library to the black law students. The above oral histories describe the black library containing 10,000 "carefully selected" books.⁵² The testimony of Simmons, who helped accredit the temporary Negro Law School, claimed the school had "a law book case or two with approximately, I would say, one hundred and fifty to two hundred books."⁵³ Furthermore, the prosecution purposed this statement/question—"no library was available in the school at that date, nor at that date did the school possess any place in which it could have placed these 10,000 books; is that true? [Simmons answered] No, there was no adequate space immediately provided."⁵⁴ The Texas Supreme Court Library was located 150 yards away from the temporary law school that provided the remaining books needed for accreditation, according to Simmons testimony.⁵⁵ The oral histories above failed to mention that the temporary black law school for the first year had no library on site. Almost a year later, the Black Law School would acquire additional space on the third floor to hold a small library according to the court's witnesses. This gap is critical to determine the equality of the temporary black law school. It illustrates the court's flexibility in allowing UT to develop an equal black law school.

Another argument of the NAACP was the inadequacies of the building itself. The school was located in a building across from the Capitol Building. It was called the "basement

⁵² Ibid.

⁵³ *Heman Marion Sweatt v. Theophilus Shickel Painter et al.*, [fol. 652] In the 126TH District Court of Travis County, Texas No. 74,945 <http://www.houseofrussell.com/legalhistory/sweatt/docs/svptr1.htm#TestimonySimmons> (Accessed 5/29/2010).

⁵⁴ Ibid.

⁵⁵ Ibid.

school” because half the first floor (the location of the school) was located below ground. The testimonies of Simmons and D.K. Woodward Jr. reveal the physical characteristics of the school. The rented space included four large rooms and one small room, a total of approximately 1000 square feet. There were no faculty offices or a dean’s office in the school. Lighting was another issue. Sunlight was blocked because half the building was underground and lacked windows.⁵⁶ Joe Greenhill’s oral history compliments NAACP’s attorney Thurgood Marshall’s defense approach on the subject. “One of the brightest things Thurgood Marshall did was establish that this old building that we were using by the capitol probably wasn’t structurally sound enough to hold the weight of all those law books.”⁵⁷ The faculty hired to teach at the Black Law School provides a slightly different perspective of the black law school.

To provide equal teaching the same professors who taught at UT Law School were brought to the Black Law School. Corwin Johnson was one of the first faculty members to teach at both facilities. “When I first arrived, I found in my mailbox, among other things, a note from Dean McCormick asking me if I would be willing to teach the same course that I was teaching here [(UT Law School)]...I agreed to do that.” He continues, “I recall it as a two or three story building, a rather large residence. And the law school part was the first floor, it has sometimes been referred to as the basement law school. I didn’t think of it at the time as the basement. I don’t recall going down steps to get in it.” In terms of the equality of education between the white and black law schools Johnson had mixed feelings. Johnson stated,

I don’t disagree at all with the Supreme Court decision in that case, *Sweatt v. Painter*, that the facilities there were much inferior to those on the main campus for many reasons. But in terms of

⁵⁶ Ibid.

⁵⁷ Greenhill.

teacher-student ratio and what went on in the classroom, I think the experience there was in some ways superior. It was informal and if a student had some difficulty in something in particular he didn't hesitate to speak up and go over it again. And, if you wanted to refer to one of the textbooks or treatises on the subject, you just said, "Let's see what Prosser on Torts has to say about this." Bring it down and look at it. In that respect, that was a very superior educational situation.⁵⁸

Looking back on history, Johnson's perception may have been construed by "social interpretations" as Trevor Lummis argued in his essay, "Structure and Validity in Oral Evidence." According to Lummis "the problem at the heart of using the interview method in history still remains that of moving from the individual account to a social interpretation."⁵⁹ Johnson said that he agreed in the Supreme Court's decision of *Sweatt v. Painter*, forty-six years after the fact. Over time, the ideals of segregation have been demonized, and that may have changed Johnson's interpretation of how he actually felt during the case of *Sweatt v. Painter*. His oral interview only states the positives and equality of the Black Law School and not the "many reasons" it was inferior. The racial attitudes of those involved in the case are absent in the oral histories and can only be postulated.

Sweatt v. Painter happened because of racism, yet that racism is no longer present in the oral histories. Trevor Lummis additionally argued that "Oral accounts from those who experienced the specific situation provide unsurpassed and irreplaceable evidence for actual behavior."⁶⁰ In a sense, Lummis is correct, but when using his own argument that

⁵⁸ Johnson.

⁵⁹ Trevor Lummis, "Structure and Validity In Oral Evidence," In *The Oral History Reader* Second Edition, ed. Robert Perks and Alistair Thomson, 255-260 (New York: Routledge, 2006), 260.

⁶⁰ Ibid.

individual accounts shift to social interpretations; however in cases of racism, when the behavior is deemed socially unacceptable, oral accounts are not irreplaceable evidence for actual behavior. In that regard, Lummis, in this researcher's opinion, is wrong. If a past attitude is labeled inexcusable in today's standards, then the interviewee may hide their past personal feelings, thus damaging the validity of the interview. Therefore, Corwin Johnson may have hidden his true racial attitudes towards Blacks in his interview because this type of behavior is frowned upon in current times.

A long legal battle ensued in the Texas Court system. Heman Sweatt continually lost his battle to gain admission into UT Law School. November 1948 marked an end of appeals in the case of *Sweatt v. Painter*. By this time, the \$2.75 million permanent Negro Law School was operational in Houston, Texas. The library was stocked with 16,500 volumes of law books, five full-time professors, a practice court, and a total of 23 students enrolled in the University's first year.⁶¹ The cost to maintain this school with such an extraordinarily low number of students must have been quite high. But for avowed segregationists, any means necessary in preventing integration was probably worth the cost. In comparison, the UT Law School concurrently enrolled about 850 students, had 16 full-time professors, and 65,000 law books.⁶² Sweatt could no longer easily claim the Negro school was inferior. Besides, Joe Greenhill was right in saying, "there wasn't any way we could lose that case in Austin" meaning the profound racial attitudes guaranteed segregation would be upheld in Texas.⁶³ Sweatt's legal team had to find another way to fight the inequality between the two schools. The next step in the appeals process would involve the United States Supreme Court.

After four long years, on June 5, 1950 the Supreme Court finally overturned the Texas Court and allowed Heman Sweatt to attend UT Law School. Thurgood Marshall and others argued to the High Court not only the inadequate

⁶¹ *Heman Marion Sweatt v. Theophilus Shickel Painter* 339 U.S. 629 (1950).

⁶² Ibid.

⁶³ Greenhill.

physical attributes of the Negro Law School or the number of volumes in the library, but the attendance and social make-up of the Negro School. A graduate school requires student interaction and role-play; this is especially true in law school. A student body of only 23 could not simulate a real courtroom. Furthermore, the social and cultural difference that is prevalent in society was not represented in the Negro Law School. The Court's judgment agreed,

The law school, the proving ground for legal learning and practice, cannot be effective in isolation from the individuals and institutions with which the law interacts. Few students and no one who has practiced law would choose to study in a academic vacuum, remove for the interplay of ideas and the exchange of views...it excludes from its student body members of racial groups which number 85% of the population of the State and which include most of the lawyers, witnesses, jurors, judges, and other officials with whom petitioner would deal as a member of the Texas Bar. Held: The legal education offered petitioner is not substantially equal to that which he would receive if admitted to the University of Texas Law School.⁶⁴

Segregated graduate schools are inherently unequal regardless of the number of books, faculty, or physical characteristics. In addition, the honor, prestige, and connections of attending a dignified university, such as UT Law School, could not be recreated. Therefore, Texas could never provide a separate but equal law school for blacks. The overriding, divided decision in the case of *Sweatt v. Painter* would desegregate all graduate schools. The Court also alluded to the case of *Plessy v. Ferguson*, which the NAACP was ultimately fighting to have overturned. The justices decided not to extend its meaning to graduate schools because *Plessy v. Ferguson* did not apply to

⁶⁴ Ibid.

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education. On the other hand, they could not rule against it either. Yet, one bit of hope remained that bears the significance of *Sweatt* on *Brown v. Board*. This evidence lay in the last sentence of Justice Thomas Clark's dissent, "If some say this undermines *Plessy* then let it fall, as have many Nineteenth Century oracles."⁶⁵ This decision strikes a major blow in overturning *Plessy v. Ferguson* by way of *Brown v. Board of Education* and removing the separate but equal doctrine. Its legal importance still remains relevant today.

Aftermath of *Sweatt v. Painter*

The case of *Sweatt v. Painter* illustrates the importance for people of all backgrounds to have access to a law education. To shun one group limits their ability to interact with others. Therefore, diversity is needed in a law school. The Supreme Court expressed these concerns because it believed Heman Sweatt could not obtain an education equal to whites. He could not gain access to UT Law School's alumni or legal connections, leaving him at a disadvantage and ultimately shutting him out of the legal profession. In 2003 the Supreme Court heard the case of *Grutter v. Bollinger*. The case involved the University of Michigan Law School's affirmative action admission program. An attempt was made to change the admission standards of the University. A point system was used as a deciding factor for admittance. Non-white applicants would receive extra points to ensure a diverse make-up in the Michigan Law School. Barbara Grutter believed this form of affirmative action was favoritism and a violation of her Fourteenth Amendment rights.⁶⁶ However, a 5-4 split in favor for Bollinger upheld the University's admission standards. Most importantly, Justice Sandra Day O'Connor cited the case of *Sweatt v. Painter* as evidence for her decision,

⁶⁵ *Heman Marion Sweatt v. Theophilus Shickel Painter* 339 U.S. 629 (1950).

⁶⁶ *Barbara Grutter v. Lee Bollinger et al*, 539 U.S. 306, <http://www.lexisnexis.com> (Accessed June 8, 2010).

In order to cultivate a set of leaders with legitimacy in the eyes of the citizenry, it is necessary that the path to leadership be visibly open to talented and qualified individuals of every race and ethnicity... As we have recognized, law schools 'cannot be effective in isolation from the individuals and institutions with which the law interacts.' See *Sweatt v. Painter*...diminishing... stereotypes is both crucial part of the Law School's mission, and one that cannot accomplish with only token numbers of minority students.⁶⁷

Therefore, a clear distinction is made between the contemporary case of *Grutter* and *Sweatt*. The case of *Sweatt* still remains relevant in today's legal battles and upholds the necessity for diversity in Law Schools.

Sweatt also influenced the Supreme Court's decision to desegregate the public school system in *Brown v. Board of Education*.⁶⁸ The progress made by the attorneys arguing Heman Sweatt's lawsuit was a crucial stepping-stone for repealing the separate but equal doctrine under *Plessy v. Ferguson*. The climactic battle of *Brown v. Board of Education* was instrumental in an attempt to heal the racial wounds of America's past. Although the effects of the High Court's decision were not felt immediately, the remedy was now in place to obtain equality for blacks. The NAACP could have attacked violence and the perpetrators of hate crimes through legal means, but they chose to focus more on the school system especially at the elementary and secondary education level. Segregation would continue if white children were taught at a young age that separating the races was acceptable. They were exposed to this every day and the notion for segregation was exemplified in the public school system. Children would accept

⁶⁷ Ibid.

⁶⁸ *Oliver Brown et al v. Board of Education of Topeka et al*, 342 U.S. 483, <http://www.lexisnexis.com> (accessed June 8, 2010).

integration overtime because of their interaction with other races.

At the end of the long, slow, legal march Heman Marion Sweatt was finally admitted into the UT Law School in September, 1950. An oral history provided by a student, Oscar Mauzy, who was concurrently enrolled with Sweatt, explained how Sweatt and other blacks were received at UT Law School. Mauzy explained that his classmates could be divided into three equally numbered categories. The first third were called “state’s right-ers, the secessionists” who were not going to attend “school with no goddammed nigger! ...The next thing you know they’re going to let Mexicans in.”⁶⁹ The second group was the polar opposite of the racists. They not only welcomed integration, but believed blacks should get a free-ride through law school just to make up for all the bad things done by whites. The last group seemed a bit more rational. They believed, “It’s a good decision, it’s long overdue, this situation should never have been allowed to develop this way but it has. Now we’re in the process of correcting it. But we’re not doing these new black, ‘Negro’ ... any favors.”⁷⁰ It is clear Sweatt must have experienced degrading racial epithets since a third of the student body (280 students) engaged in some form of racism.

UT Law School Dean W. Page Keeton’s oral history paints a less demeaning side of the story. He made a reference to one particular letter he received from a parent insisting their student’s units be transferred to a law school with no black students.⁷¹ Furthermore, a group of “rednecks” (as described by Dean Keeton) wanted segregated bathrooms. The Dean felt this was a small request and asked the six Black law students if they could refrain from using one the two bathrooms. This way everybody was happy and a “Colored Only” sign would not be

⁶⁹ Oscar H. Mauzy, Interviewed by Sheree Scarborough. Austin, TX, April 26, 1996, Rare

Books & Special Collection, Tarlton Law Library, The University of Texas at Austin, <http://www.houseofrussell.com/legalhistory/sweatt/docs/moh.htm> (Accessed May 8, 2010).

⁷⁰ Ibid.

⁷¹ Keeton.

used. Moreover, Keeton stated “they didn’t have much complaint then” and racial attitudes did not persist long after the school was integrated.⁷² On the other hand, faculty member Corwin Johnson recalls that “maybe some of the senior faculty would have” supported segregation.⁷³ Johnson also recalled, “some cross burnings on the lawn of the Law School.”⁷⁴ Journal author Dwonna Goldstone stressed that on Sweatt’s first day of school the Ku Klux Klan waited for him outside the building.⁷⁵ In addition, she claimed that some professors repeatedly turned their back to Sweatt when he asked questions, and they refrained from calling him Mr. Sweatt, though they referred to white students as “Mr. So-and-So.”⁷⁶ Therefore, accounts differ as to the treatment Sweatt received while attending UT Law School. Because of this treatment and enduring four and a half years of his lawsuit, his ailing health and troubled marriage, Sweatt failed three classes and subsequently dropped-out of school.⁷⁷

Conclusion

Whether Sweatt actually wanted to become a lawyer is debatable, however, what is clear is that he put five and a half years of his life aside to break down the barriers of segregation to pave the way for those African Americans who truly wanted to obtain an equal graduate school education. The case of *Sweatt v. Painter* truly personifies the battle over segregation. The many aspects of this case, particularly, the legal struggle and the lengths to which segregationists would go to prevent integration, give a sobering account of America’s racial past. The history of *Sweatt* may not be well known, but its legal importance embodies ideals upheld to this day by the Supreme Court in such cases as *Grutter v. Bollinger*. Unlike the 1938 case involving Lloyd Gaines, who mysteriously disappeared,

⁷² Ibid.

⁷³ Johnson.

⁷⁴ Ibid.

⁷⁵ Goldstone, 96.

⁷⁶ Ibid., 97.

⁷⁷ Ibid.

Heman Sweatt eventually was successful in obtaining a master's degree in social work at an all black university in Atlanta, Georgia.⁷⁸

The walls of segregation fell slowly; no one court case is responsible for ending legal segregation. *Murray*, *Gaines*, *Sipuel*, *McLaurin*, *Sweatt*, and *Brown* among others not chronicled here played some part, whether small or large, in finally asserting the constitutional rights of African Americans under the Fourteenth Amendment. The decision in the case of *Sweatt v. Painter* relied on past cases, just as future cases would rely on *Sweatt*. For historians, a variety of sources are available from the *Sweatt* case. Court records, journals, oral histories, secondary sources, letters, and other primary documents help bring to life a case that has been all but forgotten. Only passages in books are devoted to *Sweatt*. This important case was soon overshadowed by the Supreme Court decision in *Brown v. Board of Education*. Accordingly, a comprehensive study is not available of the *Sweatt* case, a case that is critically important to the fight to end segregation. Nevertheless, multitudes of media are available and for the most part, remain untapped. This is especially true of the Texas court documents. As time passes and details become vague, the case of *Sweatt* will soon be summarized in a few short sentences. The valuable information stored online will be erased when maintaining the data becomes a burden. The growing need for well-researched narrative then becomes inevitable. The irreplaceable detail must not be compromised for over generalized facts.

⁷⁸ Ibid.

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Memorializing Conflict and Controversy: A Look Into the Kent State Memorials

BY HEATHER JOHNSON

Abstract: May 4, 1970, marks a day in American history when the protests of the Vietnam War and the government of the United States erupted in violence. It was on this date that Ohio State National Guardsmen fired into a crowd of unarmed student protestors on the campus of Kent State University. In the span of thirteen seconds, nine students were wounded and four lay dead. The shootings sent waves of emotion throughout the country. In the decades following the May 4th shootings, a series of memorials have been created in remembrance of the tragedy. Through the use of oral histories, this project looks to create a cohesive look at the event itself and the memorialization process that has taken place on the campus. By examining the continuing evolution of the Kent State memorials, a better understanding can be made of how best to develop a space that can become not only a remembrance of an event but also a direct connection to lives of those involved.

On May 3, 1971, at 11:00 p.m., 1,000 students, faculty, and family members gathered at the Victory Bell on the campus of Kent State University. Silently they marched, candles in hand, towards the Prentice Hall parking lot. The procession was led by four students which represented the four students killed by gunfire on May 4, 1970. For the next twelve hours, groups remained standing through the night in constant vigil over the areas where Allison Krause, Jeffery Miller, William Schroeder and Sandra Scheuer were shot.¹ Forty years later, this tradition continues. This candlelight vigil serves as an opportunity for those attending to personally reflect and remember the events.

For those attending, there is much to reflect upon. In a matter of thirteen seconds, a student protest over the Vietnam War, on the campus of Kent State University, turned into a national tragedy when National Guardsmen fired on unarmed student protestors. Those visiting the campus also have the opportunity to think about the incident when they come upon one of the memorials located there.

These memorials include the B'nai B'rith Hillel Marker, a student created memorial, and the May 4 Memorial and Prentice Hall Permanent Markers, which are university sponsored memorials. The creations of these memorials occurred over three distinct decades and have been the focus of great debate on the campus over where, with what funds, and how, if at all, the event should be memorialized. Individually, each of these memorials lack the ability to create a cohesive statement about the shootings, but when looked at as a whole the memorials create a space where visitors can reflect upon the event, the individuals, and the event's overall effect on the campus.

Over the past forty years, the shootings that occurred on the campus of Kent State University have been studied by scholars worldwide. The studies have asked and attempted to answer a range of questions in order to solve what some

¹ Scott Bills, *Kent State/ May 4 Echoes Through a Decade* (Kent, OH: Kent State University Press, 1982), 174.

consider to be “a murder mystery.”² The questions that were asked forty years ago are still the same questions that remain unanswered today. Why did some members of the Ohio State National Guard fire on unarmed student protestors? Were protestors from outside of the university student body organizing the events? Questions such as these may never be fully answered. As researchers continue to look in to the subject, the way in which they choose to analyze the event changes. These changes often are a reflection of the current social, political and economic state of the nation.

Research that was immediately published regarding the May 4th shootings chronicled the details of the events that led up to the confrontation. In 1971, James Michener, a Pulitzer Prize winning author, wrote the book *Kent State: What Happened and Why*.³ In 554 pages, Michener, like so many others, took on the enormous task of creating a cohesive picture of the days from April 30, 1970 to May 4, 1970.

While many authors focused on the specific events, other researchers looked into the psychological aspects of the issue. In the late 1960s and early 1970s, the American population was told by Vice President Spiro Agnew that these protestors were “hardcore dissidents,... professional anarchists”, and “vultures.”⁴ Many Americans began to question why the youth of the nation were rebelling in this manner. This led to an influx of research regarding this issue. In 1976, an article printed in the *Sociology of Education* journal, “Changes in College Students Value Patterns in the 1950s, 1960s and 1970s,” attempted to answer this question. The article studied “surveys of undergraduate men at Dartmouth (conducted in) 1952, 1968 and 1974 and at the University of Michigan in 1952, 1969, and 1974.”⁵ The article’s author, Dean

² “A Teachable Moment,” *USA Today*, May 4, 2010, 9.

³ James Michener, *Kent State: What Happened and Why* (New York: Fawcett Crest Books, 1971).

⁴ Spiro Agnew, Quoted in Denis M. Simon, “The War in Vietnam, 1969-1973,” August 2002.

<http://faculty.smu.edu/dsimon/change-viet4.html> (Accessed May 24, 2011).

⁵ Dean R. Hodge, “Changes in College Students Value Patterns in the 1950’s, 1960’s and 1970’s”, *Sociology of Education* 49 (1976).

Hoge, used these studies to determine what outside influences prompted declines in traditional values and promoted increases in deviant activities among youth.

As the generation of youth affiliated with the shootings graduated and moved on, researchers continued to search for the answers. In the 1980s, scholarship concentrated heavily on the trials that occurred in the aftermath of the shooting. There were a total of “seven major judicial investigations and trials which have focused upon the events of May 4.”⁶ Thomas Hensley, a professor emeritus of political science at Kent State University, wrote the book, *The Kent State Incident: Impact of Judicial Process on Public Attitudes*, which studied the “impact of the grand jury’s decision on the attitudes of Kent State students.”⁷

In the 1990s, scholarly research sought to create accurate accounts of historical events. By this point mountains of literature had been printed regarding the Kent State shootings. According to the article, “The May 4 Shootings at Kent State University: The Search for Historical Accuracy,” even college level U.S. history books contained false information about the incident.⁸ One of the authors of the article, Jerry Lewis, was a professor at Kent State at the time of the shootings. Lewis’ intimate knowledge of the situation has driven him to play a pivotal role in reconstructing the day’s event. In this article, Lewis, and co-author Thomas Hensley, create a basic overview of factual information pertaining to the shootings.

As the May 4 incident neared its thirtieth anniversary, scholars and activists began relating the Kent State massacre to current political agendas. This change in focus is discussed in the article, “Kent State Thirty Years Later.”⁹ The author of this article, Mac Lojowsky, chronicles the public memorial events that occurred at the thirty year anniversary of the shootings.

⁶ Thomas Hensley, *The Kent State Incident: Impact of Judicial Process on Public Attitudes* (New York: Greenwood Press, 1981), 85.

⁷ Ibid, xiii.

⁸ Lewis and Hensley, “The May 4 Shootings at Kent State University”, revised 1998 in *The Ohio Council for the Social Studies Review* 34, no. 1, <http://dept.kent.edu/sociology/lewis/lewihen.htm> (Accessed May 9, 2010).

⁹ Mac Lojowsky, “Kent State Thirty Years Later,” *Humanist*, July 2000.

These events were attended by “some 3,000 students, Vietnam War veterans, activists and others...to remember what happened in 1970 (and) to celebrate the long tradition of protest and resistance that stemmed from it.”¹⁰ These events were controversial for several reasons. First, the focus of the memorial had been pulled away from its main purpose, to remember and reflect upon the shootings. Secondly, the organizers of the event had invited a person of questionable character to speak. Coordinators of the occasion had decided to play a tape-recorded speech given by death-row inmate Mumai Abu-Jamal, a journalist, activist, and convicted murderer of a Philadelphia police officer.¹¹ This move prompted a backlash from Ohio officials and others. Lojowsky’s article looked into why organizers felt that this was an appropriate stage for the activists of the Mumai Abu-Jamal case to be heard.

Today, forty years in the future, scholars have gained a broader historical perspective. Research is being conducted on how to best maintain the history of the event and how to turn it into a “teachable moment.”¹² As Kent State works to embrace the event, research is being conducted on the effectiveness of the university’s memorials and educational materials regarding the shootings. Kathryn Weiss, who received her PhD from Kent State University, wrote the book, *The Kent State Memorial to the Slain Vietnam War Protestors; Interpreting the Site and Visitors’ Responses*, in which she discusses the memorials that exist on the campus today as well as the controversies that have surrounded them.¹³ Weiss studied how these memorials were interpreted by visitors and how the event will be remembered in the future.

Through the decades, students and alumni of Kent State have worked to memorialize both the victims and the events of May 4th, 1970. Much of this work has been met with hesitation

¹⁰ Ibid.

¹¹ Ibid.

¹² “A Teachable Moment,” *USA Today*, May 4 2010, 9.

¹³ Kathryn Weiss, *The Kent State Memorial to the Slain Vietnam War Protestors: Interpreting the Site and Visitors’ Responses* (New York: The Edwin Mellen Press, 2008).

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and resistance on the part of the university administration and the community at large. In 1974, a plaque dedicated in remembrance of the victims was stolen and reappeared with bullet holes in it. In the mid-1970s, a massive student demonstration occurred over the decision to build a gymnasium annex over the area where the shootings took place. For a long period of time, the university, a state funded institution, chose to keep their involvement with any type of a memorial minimal. In 1990, a university-funded memorial was finally erected. In 2007, the site was declared an Ohio state historical landmark and in 2009 it appeared on the National Registry of Historic Places.

Today, forty years since the Kent State shootings, it is necessary for researchers to reflect upon why these memorials have been so long in the making and the significant impact they have made on the remembrance of the victims and the events. The exploration of these issues will first include extensive research into the specific events that led to the shootings. Secondly, the examination will look into the memorials that exist on the campus today, the process that took place to create them and the statement each one makes about the events. Finally, we will analyze how the memorials work together as a whole to create a complete narrative of the events.

In order to grasp the enormous effects the shootings and subsequent memorials have had on the campus of Kent State, the town of Kent and the nation as a whole, one must understand what took place during the time period from April 30, 1970 to May 4, 1970. During the spring of that year, turmoil erupted on campuses throughout the United States. Much of this campus unrest was related to dissatisfaction with the way the government was handling the Vietnam War.

Protests on campuses escalated on April 30, 1970 when President Richard M. Nixon announced, “in cooperation with the armed forces of South Vietnam, attacks are being launched this week to clean out major enemy sanctuaries on the

Cambodian-Vietnam border.”¹⁴ A Student outcry against this military operation was witnessed immediately. On the campus of Kent State University, the group World Historians Opposed to Racism and Exploitation planned the first in a series of protests regarding Nixon’s speech. The group planned a burial of the constitution at twelve noon on the campus. A flyer distributed by the members listed the reason for the burial; “President Nixon has murdered the constitution and made a mockery of his claims to represent law and order.”¹⁵ This peaceful demonstration was the beginning of four days of unrest on the Kent State campus.

According to James Michener’s book, “Kent State: What Happened and Why,” the evening of Friday, May 1, 1970 began like most in the city of Kent. The bars on North Water Street were jammed with a mix of university students, hippies, runaways and motorcycle gangs. Around ten o’clock in the evening, some in the crowd outside grew restless and began throwing bottles and bothering cars driving by on North Water Street. This escalated into groups of people blocking vehicle access to the street. Later in the evening, a fire was lit in the middle of the road and the crowd began to move from North Water Street into the center of town smashing forty-seven store windows. Michener’s timeline indicates that at 12:17 am the police moved into the area and ordered all the bars to shut down. This decision angered the patrons so much that the rioting escalated further. Shortly after this, the mayor of the city of Kent declared a state of emergency and contacted the state governor in Columbus.¹⁶

After the events of Friday night, protestors organized a rally to be held Saturday night at eight o’clock. Somewhere

¹⁴ Richard M. Nixon, “Address to the Nation on the Situation in the South East” (Mekong Network, 2008)
<http://www.mekong.net/cambodia/nixon430.htm> (Accessed May 15, 2010).

¹⁵ “May 1, students bury the constitution” (May 4 Collection, Special Collections and archives)
<http://speccoll.library.kent.edu/4may70/exhibit/chronology/bury.html>
(Accessed May 15, 2010).

¹⁶ Michener, 48-58.

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between several hundred and one thousand people attended the event where the group set fire to the old Reserve Officer Training Corp building on the campus. When firefighters arrived the protestors cut their hoses. According to an oral history interview given by Jim Vacarela, the crowd then moved off of the campus and onto Main Street. He states that the National Guard, arriving around 11:00 pm to disperse the demonstrators, was met with much resistance from the students.

They were pelted with rocks and bottles and knives and whatever anything, anything anybody could throw. No question. And there were half-track tanks, jeeps and big old trucks carrying all kinds of soldiers. And they came and I guess they went to the field, where the practice field, and they set up. And all night long it was a guerilla-kind of warfare. We were up all night long throwing things, harassing the guards. It was interesting.¹⁷

After two nights of riots, the town was quiet on Sunday morning. Students prepared for exams and discussed the events of the weekend. However, around dusk the calm was disrupted again. An oral history interview of a National Guardsman relates what the scene was like for the guardsmen as they prepared to approach the crowds of protestors. "We got the order to line up shoulder to shoulder and form a straight line somewhat behind the old Student Center and the ROTC building...a helicopter came over, shown a light on the hill where the architecture building was, and there were several thousand kids up there. They were very quietly massed there."¹⁸

¹⁷ James Vacarella, interview by Sandra Perlman Halem, "Kent State Shootings Oral Histories Collection, April 3, 2000, http://www.library.kent.edu/drc/oral_histories/item_detail.php?search=search_keywords&itemId=118 (Accessed May 15, 2010).

¹⁸ Anonymous National Guardsman, interview by Sandra Halem, May 4 Collection, May 2, 2000, <http://speccoll.library.kent.edu/4may70/oralhistory/anonymous5.html> (Accessed May 17, 2010).

The National Guard used tear gas to finally disperse the crowds, preventing the protestors from moving off the campus and into the town.

Kent State University's May 4 Collection gives a chronology of the events that took place on Monday, May 4, 1970. According to the website, two thousand demonstrators gathered for a rally at twelve noon, shortly after this, an order to disperse was given by the guardsmen. When the protestors failed to comply, they were met again with tear gas. Rocks were hurled at the guardsmen as they moved the demonstrators into a nearby athletic field. The guardsmen then turned and began marching back up the hill.¹⁹

Near the crest of Blanket Hill, the guard turned and 28 guardsmen fired between 61 and 67 shots in 13 seconds toward the parking lot. Four persons lay dying and nine wounded. The closest casualty was 20 yards and the farthest was almost 250 yards away. All 13 were students at Kent State University. The four students who were killed were Jeffrey Miller, Allison Krause, William Schroeder and Sandra Scheuer.²⁰

The scene after the shootings was one of disbelief and chaos. Ambulances whirled in and out of the scene taking the wounded away. Photographers, both student and professional, captured numerous pictures of the events. The pictures included the widely recognized picture of a fourteen year old runaway kneeling next to the body of Jeff Miller, one of the students shot that day.

The campus of Kent State University was closed, as a result of the shootings. Twenty-one thousand Kent State

¹⁹ "KSU Libraries and Media Services Chronology", Special Collections and Archives,

<http://speccoll.library.kent.edu/4may70/exhibit/chronology/index.html>
(Accessed May 17, 2010).

²⁰ Chronology, May 1-4 1970, May 4 collection

<http://speccoll.library.kent.edu/4may70/exhibit/chronology/index.html>
(Accessed May 17, 2010).

Students were given the order to evacuate the campus within one hour and the campus remained closed for the remainder of the semester.²¹ “In the wake of their decision, 760 major American institutions of learning either shut down or came close to doing so.”²²

The Kent State shootings can be seen as the day the Vietnam War came home. The nation learned of the tragic events on the evening news and through photographs taken of the events. Letters to the editors of newspapers began rolling in showing the concern, frustration, and anger that the people had towards the student protestors. Letters that supported the actions of the guard described the young students as “surly, foul-mouthed, know-nothing punks”.²³ Many throughout the nation not only supported the actions of the guard but felt that more students should have been shot. Vietnam was thousands of miles away, but the campus of Kent State was a familiar site. The men and women in these photographs could have been the viewer’s next door neighbor. It was this familiarity and feeling of attachment that helped to escalate emotions concerning the situation.

Today, the topic of Kent State massacre is still widely studied and numerous questions remain. One of the most talked about aspects of the event is the debate over whether or not an order was given to fire on the unarmed students. Another question that exists is whether protestors from outside the Kent State student body were orchestrating the events, pushing the students towards the use of more radical behavior. These questions may never be answered; however, many historians feel that it is important to continue to researching these events.

Jerry Lewis, a professor at the university in 1970, lays out three main reasons why it is important to continue teaching the history of the Kent State incident. One of his arguments is, “If the Kent State shootings will continue to be such a powerful symbol, then it is certainly important that Americans have a

²¹ Michener, 419.

²² Ibid., 418.

²³ Ibid., 440.

realistic view of the facts associated with this event.”²⁴ Secondly, he discusses the fact that the nation will not be able to heal from this event until the truth about what happened is finally revealed. Lastly, and what Lewis says is the most important reason, “May 4th at Kent State should be remembered in order that we can learn from the mistakes of the past.”²⁵

Today, on the campus of Kent State there stand four memorials, the B’nai B’rith Hillel Marker, the May 4 Memorial, and the Prentice Hall Parking Lot markers. Each of these memorials offers their own unique way for visitors to reflect upon the shootings. Each marker was designed by different individuals at different time periods.

The B’nai B’rith Hillel Marker was first dedicated on May 4, 1971. It was placed in a garden plot located in the parking lot where the shootings took place. It was dedicated by the student members of the Hillel chapter and Rabbi Gerald Turk. The marker was originally an aluminum plaque inscribed with the statement “in loving memory” and then listed the names of the four students.”²⁶ According to an oral history



interview conducted with Shirley Ohles, the wife of a Kent State professor closely related to the placement of the marker, “this aluminum plaque was not anchored...people frequently came, picked it up, and had their picture taken with it.”²⁷ For many years this student-initiated memorial was the only one that existed on the campus.

On May 3, 1974, the Hillel plaque was reported stolen. In February of 1975, Professor John Ohles took on the difficult

²⁴ Lewis and Hensley.

²⁵ Ibid.

²⁶ Shirley Ohles, Kent State Shootings Oral History Collection, May 2, 1990, http://www.library.kent.edu/drc/oral_histories/item_detail.php?search=browse_narrators&itemId=134 (Accessed May 9, 2010).

²⁷ Ibid.

task of collecting \$800.00 from the faculty in order to replace the original plaque.²⁸ The new marker was made to be permanent so that it could not be stolen again. The marker consists of “a small upright granite rectangle [that] resembles a tombstone.”²⁹ The inscription on the second memorial is the same as the first with the addition of the line “Rededicated May 4 1975 By Members of the Kent State University Faculty.”³⁰

As the only memorial on campus, this new marker became center for remembering the event.

The marker became a focal point for some of the May 4th activities, and also for the media. Frequently when they were here, TV cameras would focus in on the marker, when they were telling their story. At the end of the procession, it always ended in the parking lot, and students began placing their candles near the marker. Now during these years, the University grounds had made special efforts to plant flowers, and keep it neat and attractive, particularly around May 4th.³¹

On May 4, 1979, candles placed around the marker at the end of the yearly candle light vigil caught the woodchips surrounding the marker on fire leaving the marker badly damaged. After noticing that the administration was not going to step forward and repair the marker, Professor Ohles again took on the task of collecting donations for its repair.

The story of the B’nai B’rith Hillel Marker shows the lack of interest that the University had in creating a memorial during the first decade preceding the shootings. In the early 1980s, Professor Ohles was asked by the May 4 Memorial Committee to write a brief history of the marker. The memo was shared by his wife during her oral history interview.

It should be emphasized that the marker was intended solely as a permanent replacement for the cast aluminum plaque dedicated by Hillel on

²⁸ Ibid.

²⁹ Weiss, 69.

³⁰ Ohles.

³¹ Ibid.

May 4th, 1971, and stolen in 1974. My greatest concern from the first efforts to provide the marker, to the present, has been the apparent lack of interest and concern on the part of the administration, where there should have been the original plaque or the replacement marker. The actions I initiated were taken only when it seemed obvious that the University would not replace the stolen plaque, and later, would not repair the fire- damaged marker. I'm not aware of any commitment by the University to assure security and maintenance of the marker.³²

This memo shows Professor Ohles contempt for the university's inaction in recognizing the need to establish a permanent memorial. By neglecting to create a physical monument to memorialize the event and victims of the May 4 shootings, the university could be perceived as attempting to erase the memory from the universities historical record. "The faculty members' decision to rededicate the marker countered this erasure."³³

The second memorial to be created on the campus of Kent State University was built after great controversy. In the spring of 1977, it became public knowledge that the university was intending to build a gym annex on a location that was considered part of the shooting site. The intent to build here led to mass protests. On May 12, 1977, approximately sixty people pitched tents on Blanket Hill after demands made by the May 4 Coalition to university trustees were not met. The trustees "rejected two demands, official acknowledgment by the University administration that the events of May 4, 1970, were an injustice, and never building on or altering the site of the shootings."³⁴ The amount of pitched tents grew and the controversy continued for several months. The events played

³² Ibid.

³³ Weiss, 70.

³⁴ Mikhail Slobodinski and Jennifer Schrager, Tent City Chronology, May 4 Collection, <http://speccoll.library.kent.edu/4may70/citychron.html> (Accessed June 14, 2010).

out on the campus, in the courts, and by the media. Growing fear of another violent confrontation with the protestors led to a White House invitation for then acting president of the university, Michael Schwartz. Schwartz recalls that, “we left at the end of the day, and there was no resolution of anything except we understood no one was supposed to get hurt. Well, we didn't need a trip to the White House to tell us that. But we had a trip to the White House and that's how far up in the food chain--the political food chain--that this concern had finally reached.”³⁵

The decision to construct the gym annex in this area came about long before May 4, 1970. University officials argued that the site did not encompass the area where any of the victims had fallen or the area where the guardsmen had stood and fired their guns. However, many felt that this entire site was sacred ground. An interview conducted on November 5, 1980 with Nancy Grim, a former Kent State Student and founding member of the May 4 task force, shows the other side of the argument.

But the importance of the site as a historical place included the entire area. People were in fact shot about two feet from where the building was constructed. The Guard marched right across the area. One of the historical arguments to say, “Look, it wasn't the Guards fault,” was the idea that they were hemmed in. And when you put that building there, it sure looks like the guard was hemmed in. It really changes the whole area.³⁶

In this quote, Grim is referencing the claim that at the time of the shooting, the National Guardsmen were trapped and felt

³⁵ Michael Schwartz, interviewed by Craig Simpson, Kent State Shootings Oral History Collection, November 20, 2008, http://www.library.kent.edu/drc/oral_histories/item_detail.php?search=browse_subjects&itemId=200 (Accessed May 24, 2010).

³⁶ Bills, 226.

threatened and had no choice but to shoot on the crowd of protestors. The placement of a building in this area changed the overall landscape significantly altering historical perspective of the site.

“Constructing the gym despite protests could be read as a rhetorical maneuver on the university’s part, an argument that this part of the story is not significant, or that the past should be forgotten.”³⁷ Again the University was neglecting the need to publicly and permanently recognize the shootings. Michael Schwartz related he was under great pressure to build the gym annex. He stated that he was told by the speaker of the Ohio State House of Representatives, Vernal Riffe, that, “if you don’t build that Gym Annex where it’s supposed to go, you’ll never get another building on campus.”³⁸ Schwartz’s pressures were representative of the amount grief and anger that still existed in the community seven years after the shootings.

In 1982, Michael Schwartz became the President of Kent State University. His position as acting president during the Gym Annex controversies had enlightened him to see the need of a permanent university sponsored memorial.

Early in my administration--I think that probably the first six to ten months--that I felt we gotta come to terms with this thing. And we'll never end this, because it's not gonna end, but we can get at least the beginning of an ending. An ending in the sense of the anger and bitterness. We got the beginning of that going. So we struck on the idea of having a memorial built. That is something that people had wanted. But it's also something that an awful lot of people did not want. So the trick was, somehow, to bring both sides together, and let them hammer this thing

³⁷ Weiss, 70-71.

³⁸ Amanda Young, “Tent City and the Decades of Discontent: An Interview with Former Kent State President Michael Schwartz,” *The Burr*. <http://www.burr.kent.edu/archives/may4/tentcity/tent1.html> (Accessed June 14, 2010).

out. And see what sort of conclusion they could reach. And it was miraculous that we got them to sit down at the same table.³⁹

The committee eventually came to the conclusion that a memorial would be created to recognize the events of May 4, 1970.

A design competition was ran using a grant from the National Endowments For the Arts.⁴⁰ The competition was announced in 1986, and 698 submissions were received.⁴¹ The design contest was not without controversy. According to Schwartz, before the grant money was received he had a visit from an individual within the Regan Administration who explained to Schwartz “that he wasn't too sure that the government wanted to make an award like this, that politically it was too hot to handle, too controversial.”⁴² Schwartz found this visit ironic because it took place concurrently with President Reagan’s visit to Germany, where he laid a wreath in a cemetery where numerous SS soldiers were buried.

The May 4th shootings represented a time in United States history that many in political power would like to forget. The era of the Vietnam War was filled with turmoil. Overseas 58, 193 U.S. soldiers had given their lives to fight a proxy war that many back in the states did not support.⁴³ Political leaders feeling increases in dissent over the war had taken to making statements that were driven by pressure to stop the protests. Even Ronald Reagan had been heard making a statement about how to deal with the rapidly growing amount of increasingly aggressive protestors. The statement, made while he was governor of California, is one which will haunt him from the

³⁹ Schwartz.

⁴⁰ Ibid.

⁴¹ Historical Note, May 4 Memorial Design Competition Records, 1985-91, May 4 Collection, <http://speccoll.library.kent.edu/4may70/85.html> (Accessed May 24, 2011).

⁴² Schwartz.

⁴³ The National Archives, “Statistical Information about Casualties of the Vietnam War,” <http://www.archives.gov/research/vietnam-war/casualty-statistics.html> (Accessed June 14, 2010).

history books, “If the bloodbath must come, let's get it over with it”.⁴⁴ Perhaps Reagan’s disinterest in creating a May 4th memorial is connected with his need to distance himself from the May 4th event and his comments.

Contempt towards the memorial came at the local level also. In 1986, the local American Legion came out with a resolution opposing the memorial, opposing the "memorial to terrorists, as they called it.”⁴⁵ A similar resolution was passed by Ohio’s Fraternal Order of Police.⁴⁶ In the summer of 1986 President Schwartz received a letter from State Representative Lynn R.

Watchman suggesting, “that the site be moved to a park not owned by the taxpayers of Ohio.”⁴⁷ Oppositions such as these made it difficult to collect donations for the memorial.

The winning design for the memorial was created by Bruno Ast. Ast’s original entry was downsized after fundraising efforts fell short. It was originally estimated that it would cost 1.3 million dollars to construct Ast’s monument and the new budget to create the monument was only 100,000 dollars.⁴⁸ The size of the memorial also became issue. Many were disappointed and felt that the university was again trying to downplay the events. “Alan Confera, [a] wounded student, writes that the memorial was scaled down ninety percent in response to pressure from conservative community members, and is therefore incomplete.”⁴⁹

⁴⁴ Nicholas Bromell, *Tomorrow Never Knows: Rock and Psychedelics in the 1960s* (London: University of Chicago Press, 2000), 128.

⁴⁵ Lisa Lynott, interviewed by Deborah L. Woodson, Kent State Shootings Oral History Collection, May 4, 1990, http://www.library.kent.edu/drc/oral_histories/item_detail.php?search=search_keywords&itemId=165

⁴⁶ May 4 Memorial: Chronology of Events, Special Collections and archives Kent State University, <http://www.library.kent.edu/page/14887> (Accessed May 24, 2011).

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Weiss, 74

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The scaled down monument is “tucked into a wooded area.”⁵⁰ A visitor’s brochure available at the site describes it as follows:

The “plaza measuring 70 feet wide” and bound by a granite walkway” is bordered by a granite wall “representative of both shelter and conflict.” The Plaza’s “jagged abstract border” is “symbolic of disruptions and the conflict of ideas” and suggests “the tearing of the fabric of society.” The “four polished black granite disks embedded in the earth...reflect our own image as we stand on them” and the “four free-standing pylons aligned on the hill” to which the desks lead “stand as mute sentinels to the force of violence and the memory of the four students killed.’ Finally “a fifth disk placed to the south acknowledges the many victims of the event” and implies a much wider impact...that stretched far beyond the Kent State campus.⁵¹



Inscribed on the memorial are the words “Inquire, Learn, Reflect.” The meaning behind this inscription is to “inquire into the many reasons and purposes of the events, to encourage a learning process, and to reflect on how differences may be

⁵⁰ Ibid., 76.

⁵¹ Ibid., 75.

resolved peacefully”.⁵² Nowhere on the memorial is there any identification of what it is representing and nowhere do the names of the victims appear. Only later were two plaques placed in the area of the memorial. One plaque contains the names of those responsible for the construction of the memorial and the other names the dead and wounded students. The original decision to not include the names of the students angered many.

I know a lot of townspeople that couldn't understand why they had a problem with putting the victims' names on the memorial. I mean, that is why it's there. That's why it's going in. Even now, they're talking about putting it off to the side, so that it's not actually on the memorial. I think that's crazy. I think it should be right there. I mean that is the reason for the memorial. It's because of the four dead and the nine wounded.⁵³

The design of the May 4th memorial differs greatly from the Vietnam Memorial Wall. At the Vietnam Memorial the names of fallen soldiers are displayed boldly allowing reflection over the loss of each individual. The wall does not ask for the visitor to learn or inquire about the Vietnam War but rather to identify with the individuals so that the life of those soldiers becomes more than just a statistic.

The May 4th memorial was officially dedicated on May 4, 1990 and a daffodil was planted for every United States soldier lost in the Vietnam War. The dedication took place during the annual May 4th memorial events and to the surprise of all, Ohio State Governor Richard Celeste appeared and offered the first official state apology to the victims and their

⁵² Special Collections and Archives, “May 4 Memorial Design Competition,” <http://speccoll.library.kent.edu/4may70/exhibit/memorials/m4mem.html> (Accessed June 14, 2010).

⁵³ Diane L. Williams, interviewed by Deborah Woodson, May 4 Shootings Oral History Collection, April 29, 1990.

families. An apology that Governor James Rhodes, the governor at the time of the shootings, said would never happen.

Many who have visited the memorial site find it difficult to understand the meaning of the different aspects of the memorial. The memorial does not use recognizable “symbols of violence and pain” like the thorns and brambles used in the Fosse Ardeatine memorial.⁵⁴ Nor does it use a haunting visual such as the empty chairs of the Oklahoma City Memorial. Instead the designer chose to use abstract design concepts that require a written explanation in order to interpret.

Oral histories taken of those who have visited the site show visitors frustration with the memorial itself. In one such oral history the gentlemen interviewed stated, “The Memorial that is up there--help me understand what it represents. What it symbolizes in common-sense terms. For me, art should be able to communicate to most people when they see it. I see some interesting structures, but I don't know what the artist was thinking.”⁵⁵ The purpose of a memorial is to create a space where a specific event or individual can be remembered. When the memorial is dealing with a tragic event such as the May 4th shootings it is hopeful that the memorial itself will assist with the healing process. When a memorial is difficult to interpret, an individual cannot identify with it and therefore it does not help with the healing process.

In 1998, during the annual May 4th candlelight vigil, the university president received letters from the families of the slain victims asking for the university to close the parking lot spots where the victims had fallen. In 1999, under further pressure, the university created the Prentice Hall Permanent Memorial Markers. The markers outline the sections of the Prentice Hall Parking Lot where each of the four individuals had fallen. The markers consist of a granite rectangular outline

⁵⁴ Alessandro Portelli, *The Order Has Been Carried Out: History, Memory and Meaning of a Nazi Massacre in Rome*, (Palgrave Macmillan, New York), 241.

⁵⁵ E. Timothy Moore, interviewed by Craig Simpson, May 4 Shootings Oral History Collection, May 14, 2009, http://www.library.kent.edu/drc/oral_histories/item_detail.php?search=search_keywords&itemId=196 (Accessed May 24, 2010).

with small lit pools surrounding it. Located in the corner of each marker is a plaque that contains the date of the shootings and the name of the victim who fell there.



For thirty years the university allowed traffic to drive over and park on the sites where the students had fallen. The decision to create a space that openly recognizes the victims “represents a decisive official acknowledgement that the shootings occurred”.⁵⁶ The markers themselves allow for the individual victims to be mourned publicly in a permanent space.

For decades the university attempted to remove the May 4th shootings from its history. The story of the creation of the memorials represents the universities evolution to deal with the May 4th shootings. “The university administration has moved from building over the site in the 1970s, to shrouded woodland memorials in the 1980s, to discretely marking the site itself in the 1990s.”⁵⁷ Former University President Michael Schwartz’s thoughts and reflections on the memorials show just how deeply the events have impacted the university.

⁵⁶ Weiss, 79.

⁵⁷ Ibid.

You know, if you back out of it, it was all part of a piece. It was the creation of this enormous great saga, almost like an Icelandic saga. A great heroic story that was developing, and it has developed to the point now where it is such a massive part of that's now the legend of Kent State. Never mind the reality of it, its part of the legendary Kent State. I never really thought about it too much while it was happening, but it sure did occur to me, while it was happening, that something like that could happen. And it did, and I'm sure that it still arouses all kinds of feelings on both sides of the event... You can like it, not like it, doesn't matter. But I think it's now so part of the university that it ought to be understood as that. As the great saga. And we go forward.⁵⁸

Recently the university has moved a step forward in commemorating the events. In February of 2010, the site of the shooting was placed on the National Register of Historic Places. After this designation was given, the university created a walking tour of the site. Currently, the university is working to establish a visitor's center which will include a permanent exhibit, virtual visitor's center, online educational exhibit, educational programs, and special lectures and events.⁵⁹

The addition of the May 4th Visitor Center turns the memorial into what Edward Linenthal, one of the foremost researchers of historical memory, interpretation and conservation, calls "a new species of activist memorial environments."⁶⁰ These memorial environments are created to not only remember an event but also place "emphasis on names,

⁵⁸ Schwartz.

⁵⁹ May 4 Visitors Center, Kent state University
<http://www.kent.edu/about/history/may4/visitorscenter/what.cfm> (Accessed May 24, 2011).

⁶⁰ Edward T. Linenthal, "Violence and the American Landscape: The Challenge of Public History," *Magazine of History*, 16 no. 2, 13.

faces, [and] life stories”.⁶¹ Kent States movement towards the creation of a complete memorial experience shows how university officials have finally accepted that the May 4th shootings will forever be a part of the legacy of Kent State.

Individually, each of the memorials presents a unique perspective. The positioning of the Hillel Marker and the Prentice Hall Permanent Markers allow visitors an opportunity to reflect upon the events from the vantage point of where many of the protesting students were standing. Their location in the Prentice Hall Parking Lot, coupled with the addition of the names of the victims of the shooting, create a space where one can mourn. This differs greatly from the May 4th Memorial which is located off of a path in a secluded area. The space for this memorial is to do exactly what the words inscribed say to do “inquire, learn, and reflect.” This space was not created to mourn the individuals but rather the event. When analyzed as a whole and in conjunction with the addition of the May 4th Visitor Center the memorial becomes complete.

Some will always complain that the memorials for the Kent State shootings are not large enough and others will state that they are too large. However, “when controversy rages over memorials, it does not mean that something or someone is wrong, but that memorial processes open as many wounds as they close.”⁶² Through the study of memorials, such as these, public historians can see need to create complete memorial space where the public can reflect upon and educate themselves about the individuals and events.

⁶¹ Ibid.

⁶² Ibid.

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History in the Making

NOTES FROM THE ARCHIVES

Indian Boarding School History: An analysis of two letters from the Perris Indian School

BY ERICA MAIEN WARD

Abstract: This paper is not meant to be the traditional research paper. It is a brief look into the documents researchers find and analysis while researching on a topic. The documents provide a view into the people and policies of that time period. The two letters that will be analyzed later in this paper are examples of Indian boarding schools' policies that had direct effect on the lives of the students and their families.¹ In the turn of the twentieth century, Indian boarding schools were still operating on the premise of assimilation of the American Indian into the "white culture."² Hopefully, this paper will encourage people to explore a more comprehensive understanding of United States history and its relationship to the American Indian children.

¹ The term "Indian boarding schools" is problematic due to the possibility of confusion with people from India; however, this is the most prominent term used when referring to the school system the United States government established to assimilate the American Indian children. Because of this I will use the term in this paper.

² "American Indian" will be used in the body of the paper to avoid any confusion with the people from India, who are referred to as Indians. The term "white culture" though derogatory is also necessary in reference to label the desired social culture. "White culture" generally refers to Anglo-Saxon culture with a spackling of pieces from France and other "accepted" white cultures.

Indian Boarding Schools

The United States government tied Native Americans' naturalization to the eradication of Native American cultural identity and complete assimilation into the "white culture."¹ The forty-ninth Congress passed an act in 1887 during their second session that established "every Indian born within the territorial limits of the United States who has voluntarily taken up...his residence separate and apart from any tribe of Indians...[and] adopted the habits of civilized life..." may secure a United States citizenship.² Ultimately, Indian boarding schools became one of the solutions the United States government employed to "civilize" the Native Americans and thus eliminate the "Indian problem," which was the continued existence of unique, sovereign American Indian societies within the political borders of the United States.³ The persistence of American Indian societies were perceived as a blight upon U.S. expansion and progress as their continuation thwarted the evolution of individual American Indians in the common parlance of the late 19th century. In this regard, as House Representative John A. Elston stated at a subcommittee hearing in 1920, "...a student...is an elevating influence and a leaven in the tribe for the improvement of the tribe..."⁴ In addition to

¹ In this paper terms referring racially to a group of people will be in the quotes. The quotes come from a time period in which the normal reference to a Native American was "Indian". This does not excuse the derogatory terms or the behaviors of degrading people in the past and unfortunately some in the present continue.

² Charles J. Kappler, ed, *Laws*, Vol. 1, *Indian Affairs: Laws and Treaties* (New York: AMS Press, 1904), 35.

³ Philip Weeks, *Farewell, My Nation: The American Indian and the United States in the Nineteenth Century*, The American History Series, 2nd ed (Wheeling, Illinois: Harlan Davidson, Inc., 2001): 47-48. The issue of the sovereignty of the American Indians was legally defined and established through the course of several cases in the 1830's. The Supreme Court cases *Cherokee Nation v Georgia* (1831) and *Worcester v Georgia* (1832) determined the American Indians' sovereignty only to be undermined by the enforcement of the Indian Removal Acts (1830) by President Andrew Jackson.

⁴ House of Representatives, *Indians Of the United States: Investigation of the Field Service*, Vol. 3, Hearings By a Subcommittee of the Committee On Indian Affairs (Washington: Government Printing Office, 1920), 1084.

“civilizing” the American Indian children; the American government foresaw the use of the American Indian children to extinguish the “savagism” perpetrated by American Indian tribes.⁵

An influential figure in the development of the Indian boarding school system was Richard H. Pratt, a United States Army general, who fought during the General Pratt recognized the opportunity to exploit the connection between the Native Americans and their influence on their tribes in order to further the assimilation process. In 1875, Pratt pulled seventy-two American Indian prisoners from the Red River War to form the first Indian boarding school in Florida.⁶ The prisoners were adult males, and the level of accomplishment differed with each student; depending on how much of their American Indian identity they shed replacing it with an Anglo-Euro influenced identity. The students were taught English, European culture, vocational skills, and required to dress in European clothing.⁷ Another important part of this education system was the shedding of the Native American religions to be replaced by conversion to Christianity.⁸ The students, who embraced the change from American Indian to Anglican, were an important step toward confirming the vision of American Indian assimilation through education.

Pratt convinced two schools in Virginia to accept the twenty-two students who voluntarily continued their education

⁵ David Wallace Adams, “From Bullets to Boarding Schools: The Educational Assault on American Indians”, In *“They Made Us Many Promises”: The American Indian Experience 1524 to the Present*, edited by Philip Weeks, 155-174 (Wheeling, Illinois: Harlan Davidson, Inc., 2002): 155.

⁶ Weeks, 178-179. Lorene Sisquoc, curator of Sherman Museum, interview with the author, November 16, 2009, Riverside, California.

⁷ Letter from C.H. Yates, *Annual Report of the Commissioner of Indian Affairs to the Secretary of the Interior for the Year 1887*, (Washington: Government Printing Office, 1887), 13. Clarke Historical Library, *Richard Pratt and Indian Boarding Schools*, <http://clarke.cmich.edu/indian/treatyeduction.htm> (Accessed January 2010).

⁸ Clarke Historical Library. “Federal Education Policy & Off-Reservation Schools, 1870-1933. <http://clarke.cmich.edu/indian/treatyeduction.htm> (Accessed January 2010).

when the War Department discontinued the schooling experiment in 1878.⁹ Pratt completed his vision in 1879 with the opening of the first Indian boarding school called the Carlisle Industrial Training School located in Pennsylvania.¹⁰ The student body consisted of Native Americans from multiple tribes, as would be common in most of the off-reservation Indian boarding schools.¹¹

The education provided at Carlisle and subsequent boarding schools differed depending on the child's gender. All of the children received a vocational education with the goal of obtaining a lower income job.¹² In 1887, the Indian Affairs department reported that Carlisle offered, "carpentering, wagon-making, harness-making, tailoring, shoemaking, tinning, painting, printing, baking, and farming" for the males.¹³ The female Indian students, however, learned "sewing, laundry, [and] housework."¹⁴ The Indian Affairs department believed that the solution to the American Indian problem was in the services provided through the Indian boarding schools. "Let this policy [Indian boarding schools' vocational courses] be carried out for ten years, and each Indian will have a well-improved home, and the rising generation will be prepared to earn their living."¹⁵

Following strict military schedules and emphasizing the importance of work were critical to the boarding schools success of turning the Native American children from their heritage to the "white way."¹⁶ Students were not allowed to

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Cultural Systems Research, Inc, *Cultural Resources Surveying: Ethnographic Resources Candidate Site Selection Phase*, California Low-Level Radioactive Waste Disposal Project (California: 1987), 59.

¹³ *Annual Report of the Commissioner of Indian Affairs for the Year 1887* (Washington: Government Printing Office, 1887), 257.

¹⁴ Ibid., 257.

¹⁵ Ibid., 12.

¹⁶ W.A. Jones, letter to Agents and Bonded Superintendents, April 12, 1892. The military precision would be drilled into the children through the use of such things as marching drills and whistle or bell signals.

speak their native language once their English was sufficient.¹⁷ Many students lost the ability to speak in their native language or were unable to communicate effectively with their relatives and other tribal members due to the students' vocabulary deficiency. This served to distance the children from their culture and traditions and further undermined the authority figures at home and also reinforced the American Indian belief that the boarding schools were aimed at destroying their families and by extension their tribes.

The first Indian boarding school opened in Southern California was the Indian Industrial Training School (often referred to as the Perris School) in Perris, California. The school opened in 1897 and remained open until 1904.¹⁸ The Senate passed an amendment on May 31, 1900 to "...increase appropriation for removal of school from Perris to Riverside, Cal."¹⁹ According to Lorene Sisquoc, curator of the Sherman Museum in Riverside, California; the Perris School was closed in 1904 due to problems with the school's water source. The Sherman school opened in 1901 and is still in operation today as an Indian boarding school. Most Indian boarding schools were closed or completely changed to promote Native culture (as well as teaching the education curriculum required by the state government) by the end of the twentieth century.²⁰

First Letter

The two letters to be analyzed are from the archives of the Sherman Museum located in Riverside, California. Each letter

¹⁷ Cultural Systems, 59. *Annual Report of 1887*, 260. In the *Annual Report of 1887*, Pratt writes about Native languages. He no longer sees a use for them since the Native children at the boarding schools will be taught to be fluent in the English language.

¹⁸ Ibid., 4.

¹⁹ Microfilm from the *Congressional Record*, reel 71, vol. 33-34. Index, Cong 56, Sess. 1-2, 1899-1901.

²⁰ Patricia Dixon and Clifford E. Trafzer, "The Place of American Indian Boarding Schools in Contemporary Society," in *Boarding School Blues: Revisiting American Indian Educational Experiences*, ed. Clifford E. Trafzer, Jean A. Keller, and Lorene Sisquoc (Lincoln: University of Nebraska Press, 2006), 238-241.

Indian Boarding Schools

is from the bound volume of carbon-copies from the school's Superintendent's office. The letters also share a connection to the Perris student Romundo Balcktooth, an Agua Caliente native. The first letter reproduced below was written by Superintendent Harwood Hall to Dr. L. A. Wright, United States Indian Agent at San Jacinto, California.²¹ Hall was writing to notify Wright of the death of Agua Caliente native, Romundo Balcktooth's death on November 1, 1901 at the age of fourteen.

Indian School, Perris, Cal.
Nov. 2, 1901

Dr. L. A. Wright:
U. S. Indian Agent:
San Jacinto, California

Dear Sir:-

I have to report that Romundo Balcktooth, aged 14, a Mission Indian boy from the Agua Caliente (Warners Ranch) Reservation, was found dead in his bed yesterday morning. The physician who was called in pronounced the cause of death heart failure.

The body was immediately sent to Agua Caliente by train and stage and arrived there this morning.

Very respectfully,
Superintendent.²²

The above is an internal letter for the Indian Affairs agency. Considering that the Superintendent, Harwood Hall,

²¹ Miscellaneous 9/11/1901 to 7/28/1902, 80. Carbon copy of a letter in bound volume of carbon copies.

²² Ibid.

started the letter out with the statement, “I have to report...”²³ indicated there was a policy regarding the deaths of students and who within the agency was to be informed. The letter also informs the reader that the death of a fourteen year old was attended to by a physician to determine the cause of death. Lastly, the letter reveals the practice of releasing some of the bodies to the families. Many more questions arise, despite some answers provided by the letter.

One question regarding the letter could be: Why would a fourteen year old die of heart failure? Some scholars have done extensive research into the physical care and treatment of enrolled children at the boarding schools and the lack thereof. One could reasonably see the possibilities for the heart failure to be attributed to malnutrition, physical abuse, disease, birth defeat, and so on.²⁴ Several other questions of concern are: Why were some students’ bodies shipped home while other were not? Was it an attempt to conceal the cause of death? Who was the presiding physician and what were their medical qualifications? Additional research into these questions would be necessary.

Second Letter

The second letter presented below was also written by Superintendent Hall for Mrs. J. H. Babbitt in Warenrs, California on November 6, 1901.²⁵ The letter conveys Mrs. Babbitt’s desire to have Mariano, a student of the Perris School, sent home. Hall denies the request with the explanation of following orders from “the Office.”²⁶

²³ Ibid.

²⁴ Clifford E. Trafzer, Jean A. Keller, and Lorene Sisquoc, “Introduction: Origin and Development of the American Indian Boarding School System,” in *Boarding School Blues: Revisiting American Indian Educational Experiences*, ed. Clifford E. Trafzer, Jean A. Keller, and Lorene Sisquoc (Lincoln: University of Nebraska Press, 2006), 20-21.

²⁵ Miscellaneous 9/11/1901 to 7/28/1902, 95. The letter has Warenrs, California. It is possible it was shorthand for Warner Springs, California.

²⁶ Ibid.

Indian School, Perris, Cal.
November 6, 1901.

Mrs. J. H. Babbitt:
Teacher Indian School;
Warens, California.

Dear Mrs. Babbitt:

Your letter in regard to Mariano's coming home at hand. The truth of the matter is that under ordinary circumstances I would immediately send Mariano home provided he could pay his own way, but there is a continual line of requests coming in daily from the various reservations desiring children home for different causes; and I have received strict instructions not to send children home. In fact, the Office tells me I have no authority to permit pupils to visit during the school year, and that I am only to pay transportation expenses when the time for which pupil enter-ed [sic], which cannot be less than two years and preferably when the course of the school study has expired, which means not less than [sic] five years.

I know the pupils have gotten in bad habits and I do not feel justified in sending Mariano home. I think you will appreciate the situation. We all feel sorry for Romundo's people and the shock was severely felt here. Mariano feels very badly over it, but it is one of those occurrences which accidentally happen.

Very sincerely
Superintendent²⁷

²⁷ Ibid.

The second letter raises questions that are both related and unrelated to the first letter. According to the letter, Mariano's parents did not have the authority to have Mariano sent home. Instead, the decision was made by the Indian Affairs office. Superintendent Hall enforced hegemonic control over that of the parents, in relation to the students. That brings up the question of whether Hall personally believed in his hegemony or was just enforcing the policies required of him by the home office. Why was the "home office" requiring a strict no-release policy for the students if in the past it had been lenient?²⁸ Was the change in policy, regarding students' visits home, established prior to the death of Romundo? Why does the Superintendent feel the students are exhibiting "bad habits"?²⁹ What are the "bad habits" and where were the students learning the "bad habits"?³⁰ How were Mariano and Romundo connected or were they even connected, since their families are situated in separate reservations? Considering the dates of each letter (only four days apart), the question of how reliable and quick communication between different Native peoples in different locations functioned during the early twentieth century is raised. Additionally, how would uncensored information pass between the students at the boarding schools and their families considering the schools censorship policies? Finally, what was the connection between Mariano and the death of Romundo, if any? Did Mariano witness something? Was the death of Romundo an accident? Many of the questions will never be answered unless further information can be found through more research.

Further Research

Both letters are found at the Sherman Indian Museum in Riverside, California. There are also records from the Indian Affairs department (also known as the Bureau of Indian Affairs) located at the National Archives at Riverside facility in Perris,

²⁸ Ibid.

²⁹ Ibid.

³⁰ Ibid.

California and facilities in Washington D.C. and Maryland. Researchers can also find books on the topic of Indian boarding schools at most bookstores. The topics covered include, but are not limited to: personal accounts of students, resistance amongst the student body, boarding schools' policies, and the treatment and care provided to the boarding school students. Individual case studies are one topic of interest that may be pursued. Also, one could look into the outing system of the Indian boarding schools within the United States and those in Canada.

Conclusion

The examination of documents like those presented in this paper is essential in gaining a fuller understanding of American Indian history. More often than not history is presented in a one-sided format representing the “winning sides” version of things. For too long, the history of the Indian boarding schools was taught as being humane and the way the “savage Indian” was civilized. This excluded the side of the boarding schools that destroyed some families and caused the astrocization of some of the American Indian children. In order to understand the development of the present-day Native American tribes and their sovereignty relationship to the United States' federal government; people need to research and analysis a comprehensive history through the use of surviving documents and oral histories from those involved in Indian boarding schools.

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inspiration for completing her education. A thank you is also extended to her parents and sisters for their support over the years. Erica would finally like to thank Professors Cheryl Riggs, Thomas Long, and James Fenelon for their unwavering support and confidence in Erica's ability to reach and complete her education.

History in the Making

REVIEWS

A Pilgrimage to Manzanar

BY RENEE BARRERA



FIGURE 1. Monument located in the cemetery, Manzanar National Historic Site. Photo by the author.

Pilgrimage to Manzanar

A caravan of cars drives up Interstate 395 carrying around one hundred and fifty people to a place that is located somewhere between Lone Pine and Independence, California. The site they are looking for is Manzanar. On this day in December 1969 the group embarked on the first annual Manzanar Pilgrimage. The following is a review of the annual pilgrimage that has been held every year after that first cold day in December 1969.

In December 1941, the United States government declared war on the Empire of Japan after the attack at Pearl Harbor. In February 1942, the United States government issued Executive Order 9066. With this order, the military was authorized to create military zones from which they could exclude anyone, including aliens and citizens. Following the creation of military zones along the western half of Washington, Oregon, the entire state of California and the lower-third of Arizona, 110,000 men, women and children were forced to leave their homes for indefinite incarceration in remote, military-style camps operated by the War Relocation Authority. The mass removal and incarceration of Japanese Americans during the war came with no due process, and was later determined unconstitutional by the courts. The federal government concurred when Congress published its report identifying racism, wartime hysteria, and a failure of leadership as the causes for the civil rights abuses against Japanese Americans. President Reagan signed the 1988 Civil Liberties Act and apologized for the wrongs committed in the past. Congress continues to approve funds to support research and preservation of the history of this chapter in American history. Manzanar was the first of ten War Relocation Authority camps to be built, and remains one of the most well preserved and most thoroughly interpreted of the 10 sites that held Japanese-Americans during World War II.

Manzanar National Historic Site sits at the foot of the Sierra Nevada Mountains just north of Lone Pine, Ca. The original sentry post, one of the last remaining original structures, greets visitors as they turn off of Highway 395 and onto a dirt road. Driving, visitors immediately notice numerous signs that indicate where the police station, administration building, and other structures once stood. The largest building

on the site is the original gymnasium, returned to the site for use as an interpretive center, gift shop, and theatre. An auto tour is the most convenient way to see the site that spans a square mile. Visitors can drive and follow the map to the different markers that guide them along the route. In the main, these markers indicate where buildings once stood, but sometimes the visitor can see archaeological remains, such as concrete foundations, stone walkways or even rock gardens. The National Park Service has a replica of the mess hall and a barrack that give visitors a chance to see what some of the buildings were like and to imagine what it might have been like to live in Manzanar during the war years.

The 42nd Annual Pilgrimage began on Friday, April 29, but the main events were held on Saturday, April 30, 2011. The site opens at dawn, but the interpretive center opens at 9am. The interpretive center had an annual art show that showcased art from Henry Fukuhara and other artists that participated in his Manzanar artist workshop. The art on display was a mixture of watercolor and oil paintings. These pieces of art represent the artists' interpretations of life in Manzanar and the scenery of the Owens Valley. One painting in particular used the majestic Sierra Nevada Mountains as the backdrop, with Manzanar Camp in the foreground. It was striking because it gives the visitor a sense that amidst all the beauty there was a scar on the landscape called Manzanar.

In the Interpretive Center the video *Remembering Manzanar* is shown every thirty minutes. This video explains the events leading up to the wartime confinement of Japanese Americans and some of the ways this experience is remembered. The video ties together historic images with the memories of former internees about life before, during and after the war. Also shown in the video, is the propaganda the U.S. government showed to the American people about the "relocation" of Japanese Americans during the war. Visitors are invited to think about the meaning of this wartime violation of the Constitution and the ways it might be avoided in the future. After watching the introductory video, visitors can tour the museum. There is a replica of the guard tower in the middle of the museum, along with a small replica of the barracks where

Pilgrimage to Manzanar

families lived. Pictures, videos, exhibits and a slide show all tell the story of the Japanese American experience during the war years. There is also a huge paneled wall with the names of all of the individuals who were incarcerated at Manzanar.

On the day of the Pilgrimage, like every other day this national historic site is open to the public, children can participate in the Junior Ranger program. Children who wish to participate complete activities in a booklet (separated into age-appropriate tasks). The activities guide the kids through an exploration of the museum and the site as a whole. Once completed, children turn in the booklet, and a ranger swears them in as official Junior Rangers. As Junior Rangers, children pledge to help protect historic sites, to remember what they learned at Manzanar, and to help others learn the story, too. They receive a button and patch to show that they were now official Junior Rangers.

The Pilgrimage program is held on Saturday afternoon at the cemetery, which is located at the western edge of the park. Near the cemetery there are booths set up for selling commemorative t-shirts, and most importantly, the National Park Service provides water to help visitors stay safe in the intense afternoon sun. The crowd that had gathered for the pilgrimage was diverse. There were former internees, young and old, Hispanic, Caucasian, African-American and Muslims all gathered together for the program.

The Pilgrimage may have been started by a contingent of Japanese Americans, but it has become quite diverse in its following, especially since the tragic events of September 11, 2001. A group called CAIR, (Council on American Islamic Relations) has made the pilgrimage an annual event. This group has been in a unique relationship with the Pilgrimage because of the unjust way Muslims were treated after September 11, and the immediate efforts of Japanese Americans to steer the American public away from wartime hysteria and racism. Many Japanese Americans knew firsthand how it felt to be treated and discriminated against in the context of World War II. September 11 gave a new generation of Americans from diverse backgrounds reasons to view the pilgrimage as an event that not only memorializes events of the past, but serves as a

time when the public can reaffirm their commitment to prevent similar forms of racism and wartime hysteria from happening again.

The program begins with a performance by the UCLA Kyodo Taiko Group. This group is made up of students from UCLA and they played the traditional Japanese Taiko Drums. At every Pilgrimage there are recognition awards given out. They are named in memory of Sue Kunitomi Embrey, who was the person that formed the Manzanar Committee and fought hard to get Manzanar recognized as a historic site.



FIGURE 2. UCLA Kyodo Taiko performs *Encore*. Photo by Gann Matsuda, “42nd Annual Manzanar Pilgrimage/Manzanar At Dusk 2011 – A Personal Reflection.” *Manzanar Committee*, May 1, 2011. <http://blog.manzanarcommittee.org/2011/05/01/3628/#more-3628> (Accessed May 4, 2011).

The keynote speaker this year was Mako Nakagawa. Nakagawa has been working to working hard to eliminate euphemisms that have cloaked the real meaning behind the Japanese American wartime experience. During the war, the government used words like “non-aliens” to talk about the “evacuation” of citizens, and talked about “relocation” to camps that they called “relocation centers.” Even after the war, people have called the program that incarcerated 120,000 Japanese

Americans “internment” despite the fact that only the Department of Justice can “intern” enemy aliens in wartime, and yet 2/3 of those 120,000 individuals incarcerated without due process were American born citizens. In 2010 she was the principle author of the “Power of Words” resolution adopted by the National Japanese American Citizens League last summer.¹ This resolution calls for the use of terms like “forced removal” instead of “evacuation,” and “incarceration” instead of “internment.” By using more accurate terminology, it will be easier to avoid the racial biases that led the government to sponsor, and a vocal minority to support to massive assault on the rights of citizens and resident aliens as if these measures were benign acts. Replacing wartime language like “pioneer communities” with “imprisoned populations,” for example, makes the constitutional violations that occurred more clear.

Honored at the pilgrimage were major civil rights figures within the Japanese American community who died over the past year: Frank Emi, leader of the Heart Mountain Fair Play Committee; William Hohri, redress activist and author as well as supporter of the draft resisters; and Fred Korematsu, principle defendant in the Supreme Court case that challenged the wartime exclusion of Japanese Americans from the West Coast.

¹ National JACL, “Power of Words,” <http://pnwjacl.org/documents/R-2PowerofWordsresolution-Adopted.pdf> (Accessed May 4, 2011).



FIGURE 3. 2011 Pilgrimage with cemetery monument and Sierra Nevada mountains in the background. Photo by Gann Matsuda, “42nd Annual Manzanar Pilgrimage.”

After the keynote speaker, the roll call of the camps began, where former internees from each camp was invited to stand behind their camp’s flag for a processional to the cemetery where the interfaith ceremony would be held. As the procession of the flags entered the cemetery, the rest of the guests followed and were given a single flower. The interfaith service is held in front of the monument that has become an iconic symbol of Manzanar. Representatives from various religions, including protestant faiths, Buddhist and Islamic leaders joined together to honor the dead. The Buddhist monks then asked everyone to light some incense, and place their flower on the monument. After the interfaith ceremony, pilgrims are invited to join in the Bon Odori. This a traditional Japanese dance done in a circle and everyone joins in.²

² To watch a video of the Tanko Ondo Bushi as performed by pilgrims to the 2008 Manzanar Pilgrimage, see: <http://www.youtube.com/watch?v=TV4p-Zs4vU8> (accessed May 4, 2011).

Pilgrimage to Manzanar



FIGURE 4. Interfaith ceremony. Photo by the author.



FIGURE 3. The UCLA Nikkei Student Union's Odori group led the traditional Ondo dancing. Photo by Gann Matsuda, "42nd Annual Manzanar Pilgrimage."

Renee Barrera

The Manzanar Pilgrimage is a powerful experience. My family and I went to it for the first time in 2010, and I was moved by speakers and by the efforts of those who worked so hard to make Manzanar a national historical site. There have been many obstacles such as prejudice and ignorance. Manzanar has given me a new perspective on how to view people and life, by showing me that no matter how tough things are one should always look past the bad and make the best of the situation. As I was standing at the monument surrounded by the Sierras and the sun beating down on me I felt for that instant how the internees must have felt and with this vastness of land spread out before them. I hope that no one ever has to go through what they did and the only way is to never forget.

Pilgrimage to Manzanar



Renee Barrera is a Public and Oral History Major and will be graduating in the Spring of 2012. She will be continuing her graduate education at University of California, Riverside or University of California, Los Angeles. Renee's goal is to work for the National Park

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