

The Journal of the North Carolina Association of Historians

Volume 28

September 2020

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The Association publishes the Journal of the North Carolina Association of Historians (ISSN 1078-4330), a double-blind peer reviewed scholarly publication annually. It features articles in all fields of history, as well as book reviews. Annual dues for the NCAH are \$45 (students \$25). Due should be paid online at <http://nchistorians.org> or mailed to Dr. James I. Martin, Sr., Executive Secretary-Treasurer, Dep't. of Government, History and Justice, Campbell University, Buies Creek, NC 27506. The Journal's editorial office is managed by Gael Graham from the History Dep't, Western Carolina University, Cullowhee, NC 28723. © 2020.

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Editor's Note

It has been a strange year, 2020. The sudden and catastrophic arrival of COVID-19 in the United States early in the year has led to shut-downs, partial shut-downs, reopening, reclosings, cancelations, new rules for social distancing and mask wearing. All of these things have become politicized, while the effects of the virus have revealed the vast gaps between the haves and have-nots in American society. Some have predicted that this disease will bring transformation—either reforming our society in positive ways, or leading to trauma and collapse. Sensible historians refrain from predicting, since far too many factors are involved for either outcome to be easily forecast right now.

Among the effects of the virus, the North Carolina Association of Historian was forced to cancel its annual conference. Plans are underway to reschedule it for 2021, but it remains to be seen if previously “normal” gatherings will be safe by next spring. The *Journal*, however, has pushed forward despite delays. Papers were submitted for the Association’s two prizes, and although the Brewster Prize was not awarded this year, we do have a Midgette Prize winner among the four reviewed articles for this year.

“Better Beans and Better Genes: Agriculture and Better Baby Contests in Early Twentieth Century State Fairs” is this year’s Midgette prize recipient. The author, Jessica Brabble, is a graduate student at Virginia Tech University, and her paper examines the links between agricultural and human genetics by showing how state fairs judged children as they judged livestock. Popularizing concepts of genetics previously disseminated by university and college extension agents among farmers and rural people, Better Baby contests promoted the idea that human stock could also be judged and improved. Over time, these contests became standardized, after the *Woman’s Home Companion* spun off a “Better Babies Bureau,” which issued “score cards” to be used at Better Baby contests. In North Carolina, which Brabble examines as a case study, the contests were quite popular among both African Americans and whites—albeit segregated. Moving into the 1920s, however, the appeal of Better Baby contests declined, and suggestions to replace

them with public health conferences failed to stimulate the same interest as the state fair events had previously evoked.

Torren Gatson and Louis Lee Woods authored the second reviewed article, “‘To Tighten the Walls of the Negro Ghettos;’ The NAACP’s Fight against Discriminatory Federal Housing Administration Mortgage Insurance Policies, 1937-1962.” Their article draws on the papers of the NAACP to chronicle the organization’s decades-long battle to force the recalcitrant FHA to cease using its power over mortgage insurance to underwrite urban housing segregation, especially in federally-funded housing. Initially unaware of the lengths the federal agency went in order to preserve white communities, once the NAACP got a copy of the FHA’s underwriting manual, which was explicit about keeping African Americans out of white neighborhoods regardless of their ability to buy, the fight was on. Despite rulings by the United States Supreme Court in *Shelley v. Kraemer* and *Hurd v. Hodge* (both in 1948) banning federal enforcement of racial restrictive covenants, the FHA continued its underhanded racist policies until partially blocked by John Kennedy’s Executive Order 11063 in 1962. Although the NAACP was unable to demolish the means used to segregate all housing (the private housing market remained beyond its grasp), it tried its best to leverage its influence on presidents from Franklin Roosevelt through Kennedy, along with adverse publicity, to wring some concessions from the FHA. The article reveals how institutional racism perpetuates itself both by asserting its role as a neutral player in a “free” market even as it weights the dice in favor of white privilege.

In our third article, “‘One of the Great Bulwarks of Liberty:’ James Madison and the Rise of the Press in the Early Republic,” Jeff Broadwater traces the evolution of James Madison’s thought regarding freedom of the press. Noting that early in his career, Madison had not opposed squelching the writings of Tories and later did not favor a federal bill of rights, Broadwater explores how the growing power of the Federalists alarmed Madison, who believed that this “minority” was imposing its will contrary to the wishes of the people. To both inform and mobilize public opinion, Madison helped to organize an opposition newspaper, the *National Gazette*, which some credited with blocking John Adams’ reelection as vice president in 1792. The passage of the Alien and Sedition acts in 1798 further galvanized Madison to defend freedom of the press in a report submitted to the Virginia assembly. The

furor stirred by the unpopular acts helped to elect Thomas Jefferson president in 1800, but as Broadwater notes, the larger result of the debates and Madison's role in them was to stimulate a vigorous and diverse press, praised by historian Gordon Wood as "the most important instrument of democracy in the modern world." As the number of newspapers continue to shrink today, as news reporting becomes not only more partisan but more fantastic (here meaning, "based on fantasy"), the article is a timely reminder of the importance of the press in creating an informed and engaged citizenry.

In the final article, "Making Meaning: Empowering Undergraduates to Shape a Research Agenda," librarian and historian Christine Nugent blends the professional, the personal and the pedagogical. Professional and personal interests drew her to an oral history project conducted in Germany with non-Jewish women who were young (children or teens) during the Hitler era and World War II, as well as their daughters, who grew up struggling to make sense of their parents' history. When she presented the results of this research to an audience of undergraduates, the parallels they perceived between Hitler's Germany and contemporary issues in the United States led them to pose questions to Nugent that sparked her second research project in Germany, while awakening students' curiosity to learn more about their own society. Nugent's readings on pedagogy and her experiences in sharing her research with students undergird her argument that such presentations empowered students to ask questions that furthered her research agenda while simultaneously developing historical questions of their own. As she points out, this dual empowerment makes the notion of "historical writing as conversation" concrete to students.

As always, the *Journal* includes a number of reviews of recently-published books. One of these focuses on American ideals during the nation's birth; the rest examine the most active fault line in American history down through the centuries: the failure to extend its ideals of "liberty" and "equality" to all of our citizens. Race, racism and pushback against racism are at the core of all of the other books reviewed. We think that you will find this volume of the *Journal* timely indeed.

Better Beans and Better Genes: Agriculture and Better Baby Contests at Early-Twentieth-Century State Fairs

Jessica Brabble

NCAH Midgette Award Recipient, 2020

Any reader of a 1913 newspaper might come across a headline like this: “How Babies Are to Be Standardized, Just Like Pigs and Cattle, so That Parents May Know Their Physical and Mental Shortcomings and Overcome Them.”¹ Headlines comparing children to livestock or agriculture were common in newspapers across the United States in the early twentieth century as state fairs began to implement a new kind of contest: better baby contests. Although state fairs were typically known for showcasing the best agricultural products, the growth of eugenic ideas in the early 1900s led to the showcasing of babies as products to be judged and awarded for their supposed genetic superiority.

As the field of genetics became increasingly popularized in early twentieth century, horticultural and agricultural scholars were especially enthusiastic about applying these theories to their own work. Colleges and organizations across the country shifted their focus onto how to improve the look and taste of their products. Soon, they eagerly used eugenic language in their papers and discussions, edging dangerously closer to applying these ideas to humans. By the 1910s, many of these institutions were unashamedly promoting human eugenics alongside plant and livestock eugenics—ultimately encouraging the creation of better baby contests at state fairs. By examining early 20th century southern magazines, newspaper advertisements, and other periodicals, I will argue that the race to create superior agricultural products in the early twentieth helped promote eugenic ideas to rural populations,

Jessica Brabble is a graduate student at Virginia Polytechnic Institute and State University. Her thesis, tentatively titled “‘A Little Child Shall Lead Them;’ The Better Baby Movement in North Carolina, 1910-1930,” focuses on the role of North Carolina’s better baby movement in exposing the public to eugenics.

ultimately paving the way for eugenics-based better baby contests at the state fair. This article will begin by looking at the United States broadly; then it will look specifically at the state of North Carolina as a case study.

Historiography

Although much has been written about the use of eugenic ideas in agriculture and about better baby contests in America, very little has been written about the two in conjunction. This article situates itself within the broader context of these two topics to link the use of eugenics in agriculture and in humans, ultimately building upon the arguments that previous historians have made to integrate these topics.

When trying to understand the role of genetic engineering and the environment, many historians have focused on how environmental and agricultural organizations have applied genetics and eugenic ideas historically. This paper especially utilizes research done by Barbara A. Kimmelman in her article “The American Breeders’ Association: Genetics and Eugenics in an Agricultural Context, 1903-1913.” She argues that the Association’s agricultural beginnings were vital for the development of American genetics and the American eugenics movement.² Kimmelman’s research explores American agricultural institutions and their role in the eugenics movement, and many scholars have built upon her work. This article further builds upon her argument to show how agricultural institutions—including state fairs—created a space for the eugenics movement to become popularized.

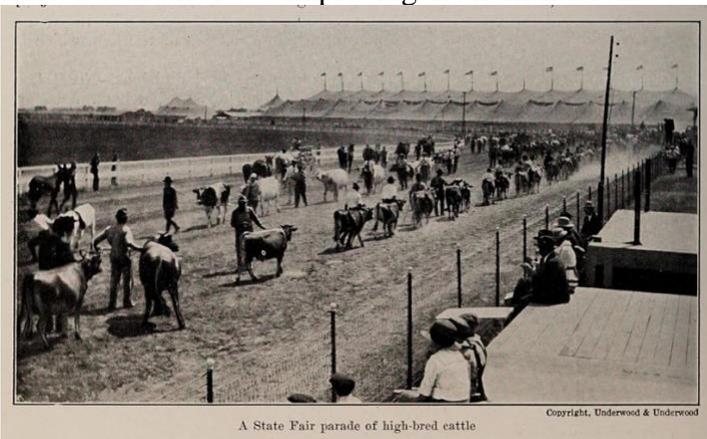
There has been substantive work done on better baby contests at state fairs and their role in the eugenics movement. Historians Richard A. Meckel, Alisa Klaus, and Annette K. Vance Dorey have all explored the early twentieth century push to improve infant health and mortality rates in their research.³ Each of these authors use better baby contests to show how this spectacle contributed to the eugenics movement. By linking this research to the rise of agricultural genetic engineering, this article integrates these two fields of study.

Using Eugenics in Agriculture

The state fair began in the early 1800s as a way to “educate the practicing farmer to the advantages and ways of improving livestock

and crops.”⁴ These fairs, first organized by agricultural societies across the nation, were intended to give farmers a way to discuss how to advance their agricultural products and livestock and to give them a venue to display their best crops of the year. Farmers from across each state could enter their best cow, bushel of beans, or pumpkin into competition; whoever was deemed to have the most superior product by a panel of judges from the local agricultural society won a premium. Some of these premiums were significant. For example, the best cattle at the 1900 North Carolina State Fair was awarded \$10.00; this equates to several hundred dollars today.⁵ These premiums—combined with the prestige of winning—left many farmers with the desire to create better products.

This desire became a potential reality as scientist William Bateson re-discovered Mendelian theories and popularized them through the newly formed discipline of genetics in 1900. In the nineteenth century, scientist Gregor Mendel discovered that dominant and recessive traits—like color and height—were passed down from parent to child. Through this idea, scientists realized that “humans not only could manipulate plant and animal characteristics with predictable results but also could replicate this feat.”⁶ As genetics became an increasingly popularized field of study in the early twentieth century, two institutions began spreading the idea of genetic engineering or eugenics: universities and The American Breeders’ Association. Although these institutions first focused their efforts on improving agricultural products, they soon shifted their efforts to improving the human stock.



A State Fair parade of high-bred cattle

Copyright, Underwood & Underwood

Figure 1: A State Fair Parade of High-Bred Cattle. Underwood & Underwood. “A State Fair Parade of High-Bred Cattle.” In Artemas Ward, *The Encyclopedia of Food* (New York: Artemas Ward, 1923).

In the early 1900s, many colleges and universities began incorporating eugenics into a variety of departments and courses. These courses—taught at universities like Virginia Tech, Rutgers University, and the University of Nebraska—“incorporated a causal connection between genetics, heredity, breeding, and social outcomes.”⁷ One college, Kalamazoo College in Michigan, even required all of its freshmen to take a eugenics-based course on hygiene.⁸ Another article, published in the *Journal of Heredity* in 1914, listed forty-four different colleges teaching eugenics-based courses. These courses were taught mainly in biology, zoology, and sociology departments.⁹ By 1928, the list had increased to nearly four hundred; across the United States, eugenics-based courses were taking off at an unprecedented rate.¹⁰

By implementing these courses into colleges across the United States, students were taught eugenic ideas, like the idea that good genetics and good breeding were vital to producing the best agricultural products. Although these ideas were later applied to humans, they first were taught as agricultural ideas. These students—either after graduation or through co-op extension programs—went on to teach these ideas to rural populations. Many of these students became extension agents—employees of land grant universities who served as teachers in rural areas and disseminated information about agriculture and community development. Some of these agents also participated in state and county agricultural fair exhibits, furthering the reach of their ideas while simultaneously showing that eugenic ideas belonged in a place like the fair. Although the goal of these exhibits was to encourage farmers to utilize genetic engineering in their day-to-day operations, in some of these exhibitions, eugenic ideas were linked to humans through posters and placards. One Texas State Fair placard asked, “How long are we Americans to be so careful for the pedigree of our pigs and chickens and cattle – and then leave the ancestry of our children to chance or to ‘blind’ sentiment?”¹¹ According to scholar Joshua Earle, “Through the conflation of eugenics with horticulture and the agricultural sciences. . .these beliefs became foundational to our social understanding of biological sciences.”¹² Thus, the idea that better breeding practices created better genetics began to be applied not only to agriculture, but also to humans.¹³

The second—and arguably more influential—institution to have an effect on the role of genetics in agriculture was the American Breeders' Association (ABA). Established in 1903, it was “the first national membership-based organization promoting genetic and eugenic research in the United States.”¹⁴ At first, the ABA's work was divided into three broad areas: General Subjects; Animal Breeding; and Plant Breeding. The ABA used these divisions to reach out to individuals and introduce eugenic ideas to agricultural breeders and farmers who might not have otherwise heard of them.¹⁵

At first, eugenic ideas were only applied in an agricultural context, teaching farmers how to breed genetically superior plants and livestock. At ABA meetings, the majority of papers presented were related to the breeding of animals and agriculture. Many of these papers were based upon Gregor Mendel's theories of genetic inheritance. Using Mendelian theory, ABA members would discuss how to make their crops or livestock heartier, healthier, and more aesthetically pleasing; often, members would present their research at local ABA meetings. Later, some of these papers were published in the ABA's magazine, *The American Breeders Magazine*. “Articles described new varieties and improved breeds, detailed breeding techniques, or discussed the economic geography of various regions,” according to historian Barbara Kimmelman.¹⁶ In the first 1910 volume, for example, contents included articles like “New Methods of Plant Breeding,” “Experience in Raising Virginia Deer,” and “Increasing Protein and Fat in Corn.” One article, entitled “Constructive Eugenics,” summarizes this first phase of the ABA, stating: “Science and practical experiences are rapidly evolving plans of so breeding plants and animals as to discard the undesirable and perpetuate the desirable. . . Controlled evolution produces types [of plants and animals] better fitted to the needs of man in the production of his food and clothing.”¹⁷

By 1912, some members of the association began shifting their focus to the use of eugenics in human subjects. *The American Breeders Magazine* soon reflected this change. Just two years after the first volume was released, content had shifted from an agricultural focus to a human one, including articles like “The Geographical Distribution of Insanity in Massachusetts,” “Alternative Human Inheritance,” and “Our Immigration Laws from the Viewpoint of Eugenics.”¹⁸ Members within the ABA began to divide over their stance on including human eugenics

in the organization in such a prominent way. By 1913, many of the agricultural geneticists of the ABA had left to put their work to better use in other organizations; meanwhile, the remaining officers reorganized what was left of the ABA. By 1914, it had reemerged as the American Genetic Association, and *The American Breeders Magazine* had become *Journal of Heredity*.¹⁹

Although these two institutions began with the intentions of creating better agriculture and livestock, they soon began to spread the idea that humans could also be bred to be genetically superior. Given the fact that the ideas that these institutions saw much of their research put into practice at state agricultural fairs, there seemed to be no better venue for the institution of better baby contests. According to historian Martin S. Pernick, “The choice of agricultural fairs as the location and model for these ‘human livestock’ contests likely reflected more than just an effort to sell eugenics in every available marketplace. . . comparisons between human and animal breeding were central to eugenics.”²⁰

The Shift to Better Baby Contests

As the country became increasingly interested in applying eugenic ideas to agriculture and humans alike, the idea of better baby contests exploded. These contests centered around examining, scoring, and judging infants on their outward appearances. They were not based on how cute a child was, or how well behaved they were. Rather, it was a competition to see who expressed the most ideal traits like height, weight, and bodily proportions for their category.

Baby contests first began in 1908 in Shreveport, Louisiana; these contests were advertised and judged much in the same way that livestock contests at the state fair were judged. At an early baby contest in 1911 at the Iowa State Fair, children entered into a better baby contest “in which the examiners followed the only criterion available to them at the time: the methods of observing used by stock judges for determining prime livestock.”²¹ In this same Iowa contest, a judge announced that one participant “was like a defective horse or hog, lightweight, too short of leg or too flabby of skin,” further illustrating how children were judged like animals.²² Later, in an issue of *Woman’s Home Companion*, mothers were informed that children would be examined and scored “in

precisely the same way a judge of experience in livestock scores cattle, horses, and hogs.”²³ This was meant to reassure mothers, giving them the idea that children would be evaluated fairly by local health officials, much like livestock at the fair were judged.

One can further see how children were assessed by livestock standards by comparing livestock contest score cards to better baby contest score cards. One 1919 score card for beef cattle shows categories very similar to baby score cards. For example, the score card indicates that beef cattle should have “quality, fine, soft hair; loose, pliable skin of medium thickness; dense, clean, medium-sized bone.” The scoring criteria for children indicated that “the skin should be pink, flesh firm, and lips red;” hair should not be brittle or show any bald spots; bones should be inspected for strength and not show signs of rickets. Cattle, according to the score card, should have “large, clear, placid” eyes, medium ears, and a short, thick neck and clean throat. In better baby contests, children could be deducted points for “quivering” or small eyes, enlarged neck glands, and small ears.²⁴ Although the transfer between the two score cards is not perfect, it is easy to see how early contests based their judging upon livestock standards.

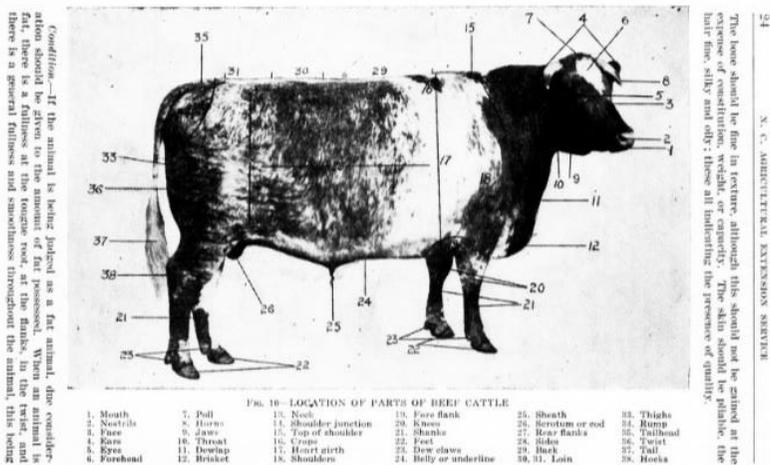


Figure 2: Beef Cattle Score Card for Judging, 1919. From Score Cards for Judging at Fairs (Raleigh: North Carolina Agricultural Extension Service, 1919), Special Collections Research Center at NC State University Libraries.

By 1913, the Better Babies Bureau had been founded, determined to standardize the way in which children were deemed superior. The Better Babies Bureau was created in connection with *Woman's Home Companion* as an association of medical experts and journalists who “believe in the Better Babies Idea as a means of raising the standard of health and hygiene among children.”²⁵ This bureau differed from the American Breeders' Association; while they promoted eugenic ideas among the public, they also sought to improve infant mortality rates. The bureau frequently collaborated with governmental agencies like state health boards and local healthcare workers. They created a variety of literature for better baby contests across the nation, ranging from graphs on how physicians should examine children to pamphlets for mothers on baby health and hygiene. The most important publication by the bureau was a set of score cards, entailing how exactly physicians and nurses at each fair should pick a winner. According to one *Woman's Home Companion* writer, “it took months to perfect this card, months of hard work and the expenditure of much money. The foremost experts were consulted.”²⁶ After the cards were created, the Better Babies Bureau tested it at a New York City contest. This apparently brought up problems with the card, as it was then revised and re-released as the Better Babies Standard Score Card. From then on, this standard score card was used at all baby contests across the country.

Children were first divided into categories based on their sex, age, and place of birth. Rural area children, for example, were judged separately from city children. Then, children were examined for “defects” by a set of local physicians and nurses and scored in an array of categories for a total possible score of 1,000. A maximum of 700 points could be given for lack of deformities and good physical features; 200 points could be given for psychological development; 100 points for physical measurements.²⁷ A child that scored well in the physical features category might have the proper number, shape, and condition of teeth, or symmetrical facial features. For the psychological development category, children should display a cheerful disposition and pay careful attention to the judges. Physical measurements were based upon weight, height, chest, and head measurements; a perfect scoring one year old boy, according to standards, should have weighed twenty-one pounds, measured twenty-nine inches tall, and had a head eighteen inches in circumference.²⁸ One newspaper described a poorly ranked child as “a bright looking child who scored only seventy per cent

in a recent contest. . .the low score was due largely to poor proportions, slow development, decayed teeth, waddling gait, underweight and enlarged spleen.”²⁹ Another newspaper, in listing the winners of a North Carolina contest, explained that the champions “showed measurements nearly identical with those furnished for a perfect baby.”³⁰



Figure 3: Participants from a Better Baby Contest at the Iowa State Fair. “To Make Scientifically Efficient Babies,” *The Des Moines Register* (Des Moines, IA), May 18, 1913, p. 28.

By 1914, *Woman’s Home Companion* claimed that over 100,000 children had been examined in every state but New Hampshire, Utah, and West Virginia.³¹ As these contests increased in popularity, some states took steps to create a permanent facility for them on their fairgrounds. Indiana, for instance, built a Better Babies Building on its fairgrounds. Here, women “watched nurses demonstrate infant feeding techniques, collected free pamphlets such as the *Indiana Mother’s Baby Book*, or perused displays about nutrition and the virtues of sterilized and sparkling bathrooms and kitchens.”³² In Kansas, the Better Babies Building was used for both judging and for public talks by doctors. In Illinois, booths for goods like baby food were located in the Better Babies Building.³³

As baby contests continued to gain traction, the Better Babies Bureau took an increasingly large role in ensuring that mothers from across the nation were well-equipped to raise the best babies possible. Anna Steese Richardson, who helped in the founding of the Better Babies Bureau and was the National Chairman of the Department of Hygiene, Congress of Mothers, and Parent-Teacher Associations, frequently wrote and published outside of the *Woman’s Home Companion* about infant health. In 1914, she authored *Better Babies and Their Care*, a lengthy book covering topics like preparation for motherhood, nursing babies, cleanliness and health, and defects and habits. In the dedication of her book, Richardson wrote: “This book is dedicated by a mother who knows what better babies, better mothers,

better helpers mean to this and future generations.”³⁴ The bureau also started two membership-based clubs for mothers: The Expectant Mothers’ Circle and The Mothers’ Club. By joining these clubs, women would receive pamphlets, letters of instruction on how to care for and feed babies, dress patterns, and other helpful tips for caring for children.³⁵

It is easiest to fully understand the rise and fall of these contests looking at them at the state level. Although nearly every state participated in some form of baby contests by the end of the 1910s, North Carolina’s wide-ranging landscape of rural and urban areas and its segregated state fairs makes it an ideal place to further examine better baby contests.

North Carolina: A Case Study

“Each Year the Old North State Raises Better Cotton, Better Tobacco, Better Horses, and Better Cattle – and Why Not Better Babies?”³⁶ This question was published in the September 1913 edition of *The Health Bulletin*, a monthly periodical by the North Carolina State Board of Health. Stretching across four pages, this advertisement featured pictures of a physician checking a child’s chest and arm measurements, giving parents a peek into how their children would be examined. To further entice parents to enter their children, the advertisement promised over \$300 in cash prizes for winners. Parts of this announcement were reprinted in newspapers across the state, urging parents to enter their children into this first North Carolina contest.

These advertisements proved to be successful—nearly three hundred children were entered into the North Carolina State Fair’s first baby contest. Of these three hundred, there were 62 winners in the following categories: champion babies, Raleigh division, Eastern Carolina division, Wake County division, and Western Carolina division. Warren H. Booker, a writer from *Woman’s Home Companion*, reported that the crowd was enthusiastic, despite the poor weather and “crude and woefully inadequate” arrangements. He considered the event a first-class success, going so far as to say that “a tremendous movement has been launched unconsciously.”³⁷

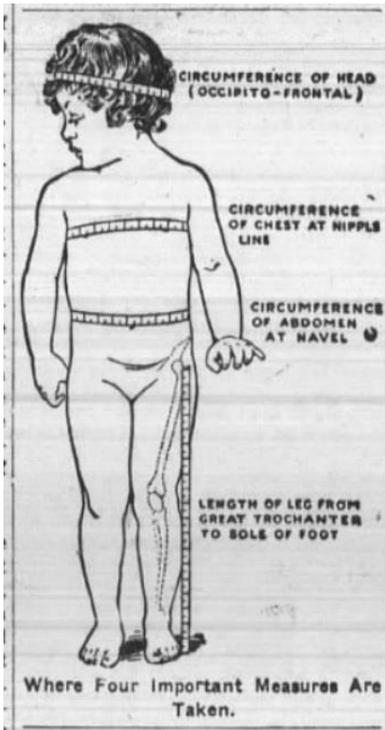


Figure 4: An Illustration Showing How Babies Were Measured for Judging. “Better Babies Health Contest,” *Winston-Salem Journal* (Winston-Salem, NC), October 12, 1913, p. 11.

The next year, newspapers promised that the contest would be even better, saying that “the committee in charge has left nothing undone to make this show one of the very best of its kind that has ever been put on.”³⁸ Writers declared that this contest was the biggest in the state—and maybe even in the South. More space and better equipment were secured for the event, and lectures and demonstrations were planned to entertain the mothers of the nearly five hundred babies expected at the event.³⁹ In an adjoining

space to the baby contest, the State Board of Health held its “largest and most complete exhibit,” giving parents a view of what the Board of Health was doing for the citizens of North Carolina. Exhibits on the care and feeding of babies, the treatment of tuberculous patients in the state sanatorium, and medicine fraud would be displayed.⁴⁰ By 1917, an entire wing of the woman’s building had been constructed and dedicated to baby contests.⁴¹

Since the North Carolina State Fair was segregated, only white children could participate in better baby contests. However, North Carolina’s African American community had begun their own state fair. Black agricultural fairs were relatively uncommon in the South, and the size of the North Carolina African American State Fair was especially unusual.⁴² In 1914, African Americans in North Carolina arranged to hold their own better baby contest at the African American State Fair. Fair planners agreed to borrow equipment and paraphernalia from the state Board of Health at the conclusion of the white State Fair. *Woman’s Home Companion* donated gold and bronze medals as prizes for the top children, and cash prizes were to be given in addition to these medals. African American children were to be judged by the same criteria as

white children—however, only African American doctors and nurses were allowed to assess them. Unlike advertisements for white fairgoers, white newspaper advertisements for “colored baby contests” informed African American parents that “where any physical defect of any kind is found, it will be pointed out to the parent and the means of remedying it explained.”⁴³ This indicates that white North Carolinians believed that something was inherently wrong with black children because of their race, regardless of how healthy they were physically. At the conclusion of judgement, Lenora Slade was declared “State Champion Colored baby” and awarded a cash prize and gold medal.⁴⁴ Much like baby contests at the State Fair, contests at the African American State Fair increased in popularity in subsequent years, attracting more parents and children with each contest.⁴⁵

Less than a decade after the first baby contest in North Carolina, the popularity of these contests began to diminish. In a 1922 copy of *The Health Bulletin*, Rose Ehrenfeld of the Bureau Public Health Nursing and Infant Hygiene department of the North Carolina State Board of Health began to discourage the use of baby contests in North Carolina. Although she believed that better baby contests were useful in “focusing limelight on the baby,” she advocated for a shift to “Child Health Conferences” instead of contests. Ehrenfeld recommended the following five general principles at these conferences: non-competitive events, medical examinations by appointment to avoid wait times, medical advice to keep well babies well, examination “sufficiently thorough to locate causes of retarded progress,” and individual instruction of mothers.⁴⁶ By holding conferences in cities across the state instead of contests, Ehrenfeld hoped that mothers across North Carolina could gain a more well-rounded perspective on how to raise the best baby possible. Despite this recommendation from the North Carolina Board of Health, there is little evidence that many “Child Health Conferences” occurred in the state. In 1929, Nash County advertised through local newspapers that they were “one of the few counties in the state” to hold such a conference; besides this instance, it seems that few, if any, other counties did the same.⁴⁷ After this, the instances of better baby contests dropped off dramatically, marking the end of the popularity of these contests.

Conclusion

At first glance, better baby contests do not seem to fit into the culture of agricultural fairs. After all, what do children and livestock have in common? Dr. Lydia DeVilbiss, medical director of the Better Babies Bureau, answered this way in 1915: “For many years the farmers had been bringing the finest of their farm products to the fairs to be judged and awarded prizes. No one thought of entering the farm’s most important crop—the farm babies. . . then everyone wondered why we had not thought of it before.”⁴⁸ As universities and organizations like the American Breeders’ Association began incorporating genetic theories into agriculture and horticulture, farming communities across the country became more aware of these ideas and how they could apply them to their own crops and livestock. This led to bigger, better displays at the state fair, and eventually led to the question: why not display babies, too?

The result of these contests was threefold: first, these contests gave rural area women the opportunity to have their child examined by a medical professional for free. Rural mothers in particular often could not afford or did not have access to check-ups for their children. Although cash prizes were usually offered at these contests, for many mothers, it was prize enough to be given a free medical examination. Although this was just a small effect of baby contests, it is one worth mentioning.

Second, Americans across the country were rewarded for successfully producing “good” babies with prizes. Much like farmers with the best livestock were awarded a premium for being the best in show, parents of the best babies were awarded in cash and gifts. First place winners across the country were awarded prizes ranging from \$15 in cash and \$100 in gold to \$75 merchandise orders to Sears, Roebuck, & Co. and a contract to appear in a Paramount Production.⁴⁹ This promoted the idea that value could be placed onto children, much like it could be placed onto agriculture. Further, by creating both winners and losers, these contests tried to demonstrate to families who should and should not reproduce.⁵⁰ Many so-called experts at the time declared that the white race was rapidly improving because of the winners of baby contests.⁵¹ Non-winning children, however, needed to be improved before they could contribute anything to their race. Parents of these

children were instructed to “resolve to work for the elimination of the defects so that next year [they are the] best.”⁵² In order to do this, *Woman’s Home Companion* recommended these considerations for improving babies: “the food they eat; the air they breathe; the sleep they get; the exercise they are allowed; the clothing they wear; and the intelligence and common sense of their parents at every turn in life.”⁵³ If mothers could not improve these factors, therefore improving their children’s lives, then they were to blame for any defects or death that their children faced.

This brings up the last result of better baby contests: they shifted the blame for infant mortality onto mothers alone—especially rural mothers. Contest organizers argued that since mothers were the primary caretakers of children, they were singlehandedly held responsible if something was wrong with their child. Rural mothers in particular faced scrutiny even if “defects” were a result of poverty or poor home conditions. City children often scored higher than rural children and were often seen as cleaner and happier because of their location.⁵⁴ Education efforts were usually solely focused on rural women; it was believed that rural women were not properly educated on how to raise children. Dr. Lydia DeVilbiss believed this was because rural women learned how to raise children from their mothers, and then passed this incorrect knowledge down to their daughters: “The farmer’s daughter learns what she knows about the care of the home and little children from their mother. . . While the mother in the home is teaching the daughter. . . she is also teaching her her wrong methods of doing things, and her mistakes.”⁵⁵ Rural families might have been seen as ruler over all things agricultural—but when it came to children, rural women were largely blamed for their ailments.

Although state fairs began as institutions for farmers to display their best products of the year and learn about new farming methods, the drive for prestige and prizes offered by contests soon motivated farmers to implement eugenic practices into agriculture and livestock. These eugenic ideas—taught through institutions like universities and the American Breeders’ Association—spread to rural areas and began to be applied to human subjects. Because of this, better baby contests began to crop up across the country, displaying to fairgoers what a genetically “ideal” baby looked like. Although the popularity of these contests

quickly waned, they effectively popularized eugenics rhetoric among the masses and set the stage for future eugenics efforts across the nation.

1 “To Make Scientifically Efficient Babies,” *The Des Moines Register* (Des Moines, IA), May 18, 1913.

2 Barbara A. Kimmelman, “The American Breeders’ Association: Genetics and Eugenics in an Agricultural Context, 1903-13,” *Social Studies of Science* 13, no. 2 (1983).

3 See Richard A. Meckel, *Save the Babies: American Public Health Reform and the Prevention of Infant Mortality, 1850-1929* (Baltimore: Johns Hopkins University Press, 1990); Alisa Klaus, *Every Child a Lion: The Origins of Maternal and Infant Health Policy in the United States and France, 1890-1920* (Ithaca: Cornell Press University, 1993); Annette K. Vance Dorey, *Better Baby Contests: The Scientific Quest for Perfect Childhood Health in the Early Twentieth Century* (Jefferson, NC: McFarland & Co., 1999).

4 Fred Kniffen, “The American Agricultural Fair: The Pattern,” *Annals of the Association of American Geographers* 39, no. 4 (1949): 266.

5 North Carolina Agricultural Society, *List of Premiums and Rules and Regulations of the Fortieth North Carolina State Fair* (Raleigh, NC: Edwards & Broughton, 1900).

6 Miriam H. Markfield, “A More Perfect Union: Eugenics in America,” *NAELA Journal* 15: 18.

7 *Ibid*, 290.

8 “Eugenics in the Colleges,” *Journal of Heredity* 6, no. 11 (1915): 511.

9 “Eugenics in the Colleges,” *Journal of Heredity* 5, no. 4 (1914): 186.

10 Leland L. Glenna, Margaret A. Gollnick, and Stephen S. Jones, “Eugenic Opportunity Structures: Teaching Genetic Engineering at US Land-Grant Universities since 1911,” *Social Studies of Science* 37, no. 2 (2007): 282.

11 *Ibid*, 285.

12 Joshua Earle, “Land-Grant Eugenics: Spreading an Idea in Rural America,” *Nursing Clio*, August 2, 2018, <https://nursingclio.org/2018/08/02/land-grant-eugenics-spreading-an-idea-in-rural-america/>.

13 Historian Barbara Kimmelman further explores this idea in her article, “The American Breeders’ Association: Genetics and Eugenics in an Agricultural Context, 1903-1913,” *Social Studies of Science* 13, no. 2 (1983).

14 “The American Breeders’ Association,” 163.

15 “Eugenic Opportunity Structures,” 283.

16 “The American Breeders’ Association,” 171.

17 The American Breeders’ Association, *The American Breeders Magazine* 1, no. 1 (1910); W.M. Hays, “Constructive Eugenics,” *The American Breeders Magazine* 3, no. 1 (1912).

18 The American Breeders’ Association, *The American Breeders Magazine* 3, no. 1 (1912).

19 “The American Breeders’ Association,” 190.

20 Martin S. Pernick, “Taking Better Baby Contests Seriously,” *American Journal of Public Health* 92, no. 5 (2002): 708.

- 21 Laura L. Lovett, "'Fitter Families for Future Firesides': Florence Sherbon and Popular Eugenics," *The Public Historian* 29, no. 3 (2007): 69.
- 22 J.J. Biddison, "Better Babies," *Woman's Home Companion* 40 (March 1913): 96.
- 23 A.S. Richardson, "Better Babies in Denver," *Woman's Home Companion* 40 (May 1913): 5.
- 24 For cattle, see "Score Cards for Judging at Fairs," *Extension Circular No. 92* (1919), 23. For children, see "To Make Scientifically Efficient Babies," *The Des Moines Register* (Des Moines, IA), May 18, 1913.
- 25 Anna Steese Richardson, "The Better Babies Bureau and What It is Doing for American Babies," *Women's Home Companion* 40 (September 1913), 22.
- 26 "Our Own Page," *Woman's Home Companion* 40 (August 1913), 3.
- 27 Meghan Crnic, "Better Babies: Social Engineering for 'a Better Nation, a Better World,'" *Endeavour* 33, no. 1: 12.
- 28 "Better Babies," *Woman's Home Companion* 40 (January 1913), 26.
- 29 "To Make Scientifically Efficient Babies," *The Des Moines Register* (Des Moines, IA), May 18, 1913.
- 30 "Joseph Womble is the Best Baby," *News and Observer* (Raleigh, NC), October 26, 1914.
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- 32 Alexandra Minna Stern, "Making Better Babies: Public Health and Race Betterment in Indiana, 1920-1935," *American Journal of Public Health* 92, no. 5 (May 2002): 742.
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- 34 Anna Steese Richardson, *Better Babies and Their Care* (New York: Frederick A. Stokes Company, 1914), v.
- 35 "Better Babies: The Bureau Celebrates Its Tenth Birthday," *Woman's Home Companion* 51 (October 1924): 128.
- 36 Warren Booker, "Better Babies in North Carolina," *The Health Bulletin* (Raleigh, NC: The North Carolina Board of Health, 1913), 100.
- 37 Warren H. Booker, "Report on the Better Babies Contest," *Woman's Home Companion* 40 (October 1913), 166.
- 38 "The Better Babies Contest Will Have Beneficial Results," *Durham Morning Herald* (Durham, NC), October 4, 1914.
- 39 "Baby Contest at Great State Fair," *The News and Observer* (Raleigh, NC), September 11, 1914.
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“To Tighten the Walls of the Negro Ghetto:” The NAACP’s Fight Against Discriminatory Federal Housing Administration Mortgage Insurance Policies, 1937-1962

Torren Gatson and Louis Lee Woods, II

Three years after the inception of the Federal Housing Administration (FHA), NAACP officials began accusing this federal agency of racial bias. In June 1937, African American attorney Frank Summers was rejected on an insurance application for a federal mortgage of a newly-constructed property in East St. Louis, Illinois. Convinced that this decision was based solely on his racial identity, NAACP leaders demanded a formal explanation from FHA policymakers. In response to the NAACP’s inquiry, federal officials declared that Summers’ application was rejected, not because of his race, but instead because his newly-constructed home was located in a neighborhood primarily comprised of dilapidated buildings. “If located in a different neighborhood,” FHA officials assured NAACP activists, the property would have received federal mortgage insurance. However, because Summers’ home was “completely out of harmony” with dwellings in the surrounding neighborhood, his application was declined.¹

In an effort to build the best case against the FHA’s racial bias, in this instance NAACP Secretary Walter White wrote directly to Summers, asking for his input for the NAACP’s formal response. Summers informed the NAACP that the FHA practiced racial bias because “Negroes are limited to the Negro districts” constituting “a clear case of discrimination” because unless the FHA “waived location requirements,” as had frequently been done for white applicants, “no

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Negro in our City” could secure federal mortgage insurance.² Using Summers’ counsel in his formal response to FHA representatives, White described the inherent inequality imbedded in FHA underwriting policy. Because “All Negroes are required to live in” slum areas,” White pointed out, a strict adherence to FHA underwriting standards penalized African Americans capable of owning property exceeding average ghetto home prices. White accused the FHA of forcing African Americans to “live in the same type of substandard dwellings as before” while “sanctioning segregation in housing facilities,” thus forcing African Americans to inhabit ghettos.³

The NAACP’s early criticism of FHA underwriting policy began by determining if local incidences of racial bias, like Summers’ case, represented a clear trend. FHA policymakers attempted to quell NAACP concerns by asserting that although barred, black people were not specifically singled out for discrimination. On the other hand, they claimed that they represented one of many excluded groups. “A great many people of the Caucasian race” live in neighborhoods that “are ineligible for [federal] mortgage insurance,” asserted FHA policymakers. NAACP representatives countered the FHA’s conclusion by arguing, “The FHA has refused loans to white people because of neighborhood [location]” however, “white people have the right” to determine the neighborhood they desire “while a colored person has his neighborhood thrust upon him.”⁴ On 20 August 1937, the NAACP issued a press release entitled “Negro’s House Too Good; FHA Refuses Loan.” Designed to shame the FHA, the NAACP publicly accused the federal agency of condoning residential segregation by forcing African Americans to inhabit “substandard homes” and live in “Jim Crow” neighborhoods.⁵

While scholars have focused much attention on the groundbreaking NAACP Legal Defense Fund culminating in the landmark 1954 *Brown v. Board of Education* Supreme Court decision, historians often ignored the NAACP’s constitutional challenge to the judicial enforcement of racially restrictive covenants—the FHA’s discriminatory mechanism of choice—over half a decade before *Brown* in the 1948 *Shelley v. Kraemer (Shelley)* Supreme Court ruling.⁶ Although important scholarship exists praising the statutory NAACP victories in restrictive covenants cases such as *Buchanan v. Warley*, *Corrigan v. Buckley* and *Shelley* and the Association’s role in dismantling this method of

residential segregation, the NAACP's fight against residential segregation extended beyond the courts.⁷ The NAACP's campaign against residential segregation outside the courtroom has been underappreciated by leading historians of the NAACP. This article examines an under-acknowledged aspect of NAACP activism: its fight against discriminatory FHA mortgage insurance policies. This study repositions the NAACP legacy by broadening the scope of the organization's activism. The NAACP campaign against residential segregation generally advocated for nationwide fair housing, while focusing on FHA mortgage insurance discrimination because this federal agency used taxpayer resources to expand national housing segregation. This article reveals the challenges that African Americans faced when confronting federal authority, while offering evidence of African American agency in opposition to the government. No in-depth scholarship exist that entirely focuses on the NAACP's sustained agitation in opposition to the FHA's racially exclusionary mortgage insurance policies.⁸

Although residential segregation began long before centralized government intervention into the American housing market, the endorsement of exclusionary housing by a prominent national agency underwrote racial barriers with federal authority.⁹ Since the American system of government is designed to allow no power to supersede federal authority, the fact that an agency of the national government promoted the countrywide proliferation of residential segregation reflects the NAACP's inability to supersede federal authority more than it does a lack of NAACP innovation. Within the context of omnipotent federal power, directly challenging government authority represented a daunting undertaking for NAACP leadership. As historian Richard Rothstein asserts, "FHA policy was the same, with very few exceptions: no guarantees for mortgages to African Americans, or to whites who might lease to African Americans, regardless of the applicants' creditworthiness."¹⁰ With national law conspiring against African American access to federal mortgage insurance, NAACP leadership implemented a strategy designed to divide and conquer governmental power by pitting sympathetic nationally-elected officials against the influence of a formidable federal housing agency. When confronting discriminatory federal intervention in American private housing markets, NAACP leadership unapologetically fought various methods of exclusion ranging from contesting the constitutionality of racial

zoning and racially restrictive covenants to promoting an Executive Order barring discriminatory dispersal of federal mortgage insurance. In the realm of housing, African American activists had the unenviable position of openly confronting federal power. In other aspects of civil rights activism, the federal government was an ally to the cause of integration, but in housing, federal agencies actively utilized tax revenue to leverage the expansion of nationwide residential segregation. Within this perilous context, the NAACP campaign against residential segregation was an admirable effort to thwart the nation's highest legal authority to spatially ghettoize the black community.

The previous example of Frank L. Summers cements the notion that the FHA underwriting manuals were tremendously impactful. However, FHA underwriting bias was merely one form among federal endorsements of residential segregation. Another organization that directly resulted from President Roosevelt's Depression-era government-sponsored corporations was the Home Owners' Loan Corporation (HOLC). HOLC was established in 1933 to offset the alarming rate of housing foreclosures across America. In theory, the primary purpose of HOLC was to refinance mortgages that were default in order to forgo foreclosure. For instance, after lending approximately three billion dollars to more than one million homeowners at risk of foreclosure the HOLC, under the auspices of Federal Home Loan Bank Board (FHLBB), engaged in an unprecedented national property appraisal enterprise. While there is historical debate about the availability of mortgage financing in neighborhoods appraised as hazardous by HOLC property valuers, there is little debate about the deleterious consequences for urban areas ravaged by discriminatory generational federal housing policy and banking institutional lending neglect.¹¹ Additionally, the practice of redlining and real estate racial discrimination was not created by the federal government.¹² Historian Marc A. Weiss argues convincingly that California led the nation in excluding nonwhite occupancy in the 1880s and historian Keeanga-Yamahatta Taylor asserts that in 1924 the National Association of Real Estate Boards "promised punishment and revocation of membership" for real estate agents disrupting neighborhood "patterns of racial homogeneity."¹³ The national government did not create residential segregation nor establish bigotry in the American real estate market; however, these discriminatory practices were profoundly exacerbated

by their countrywide codification into racially exclusionary federal housing policy.

By 1944, the HOLC completed five million national appraisals, roughly 1 out of every 10 houses and roughly 20 percent nationwide of urban homes.¹⁴ HOLC maps legally quarantined neighborhoods inhabited by people of color and immigrants by drawing red boundaries surrounding these urban areas while labeling them hazardous bank investments.¹⁵ FHLBB documents described hazardous sections, “especially in slum areas, in which a good mortgage man would probably not consider any loans at all.”¹⁶ National redlining divestment exacerbated crumbling urban infrastructure and compounded the deterioration of inner city housing stock, which resulted in the inability of metropolitan residents to secure either suburban federal mortgage insurance or urban home improvement lending.¹⁷ Once urban areas were labeled by federal housing agencies as hazardous bank investments, the stigma these derogatory categories resulted in structural impediments to urban home improvements and were later accelerated by both white flight and real estate blockbusting. Kevin Kruse described “white flight” as the “politics of suburban secession” resulting in white abandonment of the inner city.¹⁸ This massive retreat diminished property tax revenue with devastating consequences for predominantly black central city residents.¹⁹ Similar to “white flight,” blockbusting occurred when unscrupulous real estate agents introduced a black family into an all-white neighborhood. Then, deceitful real estate agents stoked the fears of white homeowners of an impending black neighborhood invasion sparking widespread panic which caused hasty selling of properties well below market values, ending in astronomical resale profits.²⁰

Although the previously mentioned forms of real estate bias were significant, NAACP leadership focused most of their attention on federally-endorsed obstacles to fair housing opportunities. The *FHA Underwriting Manual* stated, in painstaking detail, its intention to exclude African Americans from desirable residential space defining their miniscule presence as antithetical to neighborhood stability and unworthy of federal mortgage insurance. A guiding principal of FHA underwriting procedure was the exclusion of African Americans and it was this fundamental institutional precept that NAACP leaders fought so vehemently to dismantle.

FHA Endorsement of Racially Restrictive Covenants

The NAACP's understanding of and activism against FHA mortgage underwriting standards developed gradually from the 1930s. A June 1936 correspondence between Roy Wilkins, the Assistant NAACP Secretary, and economist and later Secretary of Housing and Urban Development Robert Weaver, chronicled the difficulties black people experienced applying for FHA mortgage insurance by highlighting the unofficial FHA policy to include racially restrictive covenants prohibiting the "sale, rental, or occupancy by persons of African descent."²¹ Restrictive covenants were private contracts between homeowners and perspective buyers, therefore the FHA's support for restrictive covenants through racially-targeted underwriting manuals was a blatant violation and miscarriage of authority. Unsure of the specific aspects of FHA underwriting policies, NAACP leaders proceeded with caution, meticulously examining information gathered from members and allies nationwide. In December 1938, the NAACP acquired an FHA underwriting manual, and at that time they began directly confronting the federal agency by officially accusing it of racial bias. The Association contended that the FHA used the tax revenue generated by every American citizen to federally underwrite suburban real estate only available for a select few.

A brief examination of the 1938 FHA Underwriting Manual reveals the NAACP's rationale for accusing the FHA of propagating the national usage of racially restrictive covenants. In addition to encouraging the spread of racial segregation, these manuals defined whites as the ideal homeowners and associated people of color as deleterious to individual property value and overall neighborhood stability. The 1938 Underwriting Manual used to evaluate home buyers' worthiness contained an entire section dedicated to proclaiming the most effective methods for implanting racially restrictive covenants. In the section marked "Rating of Location," the FHA Underwriting Manual stipulated that racially restrictive covenants protected neighborhoods "from adverse influences" better than other exclusionary methods. The more efficient fortification racially restrictive covenants provided residential communities only proved effective when they "applied over a broad area" restricting the "types of structures" and racial "occupancy." Unless these neighborhood safeguards were

implemented in “adjacent blocks” and racially restrictive covenants could be adequately enforced they offered “little or no protection from adverse influences.”²² In addition to recommending “blanket encumbrances” covering large territories, FHA policymakers endorsed recording racially restrictive covenants that ran “for a period of at least twenty-five years” prohibiting property occupancy “except by the race for which they are intended.”²³

In addition to creating incentives for builders who inserted racially restrictive covenants into property deeds, the 1938 FHA Underwriting Manual also evaluated the borrowers’ social circle. The Manual encouraged property underwriters to analyze the “type of persons” with whom the borrower “associates.” According to FHA policy, borrowers’ mortgage insurance application must be rejected whenever a borrower “chose associates” who were not “substantial, law abiding, sane-thinking people.”²⁴ Evaluating the borrower according to his “chosen associates” punished professional African Americans, whose socioeconomic ascent was anomalous during a time when very few African Americans obtained a bachelor’s degree.²⁵ Unless upper middle class black people were willing to completely abandon friends, family members, neighbors and nearly 99 percent of the African American community, even with extraordinary economic success, these exceptional African Americans were punished by FHA mortgage-insurance policy guidelines.

Although the FHA Underwriting Manual was widely distributed throughout all sectors of the national housing market, it took over three years before NAACP leaders grasped the magnitude of the racial exclusion imbedded into FHA mortgage insurance policy. J. S. Scholer, an influential representative of Efficient Homes, a Jamaica Queens, New York-based homebuilding company, first told Association leaders about nefarious FHA underwriting policies. For instance, in April 1938, the national NAACP office received a letter from Efficient Homes, seeking the Association’s assistance in securing an FHA loan to build an interracial neighborhood available to African Americans in Queens, New York. Efficient Homes, Inc. representatives described their interest in a predominantly black housing facility as “primarily for profit” but also asserted, “nevertheless we are fulfilling a long and sore need for better homes for colored people.”²⁶ In an initial misunderstanding between the Efficient Homes spokesperson and Dr. John Singleton, Jamaica, New York NAACP Branch president, accused the

homebuilding company of practicing “involuntary segregation.” However, the company representative responded, “we appreciate the fact that there should not be segregation,” but lamented, “we are subject to and under the control of the bankers who may be willing to advance mortgage money on homes for colored people.”²⁷ Singleton was offended by the Efficient Homes Inc., sign reading “Exclusive Homes for Select Colored People. Inspired by the FHA.” Singleton recommended action be taken against the homebuilders because their signs “were advertising segregation.”²⁸

On October 3, 1938, an Efficient Homes spokesperson met with national NAACP leaders. In follow-up correspondence, Scholer expressed gratitude for “the opportunity of correcting” an erroneous impression about “my personal opinion as to segregation of people of different color. Scholer stated, “it is not only extremely difficult to procure mortgages on homes where there is a mixed development but it is impossible. There are unwritten laws of banking and lending institutions with regard to their refusal to grant loans where there is a mixed population.” Scholer argued, “under the circumstances some of the remarks that I may have made were completely misunderstood and misconstrued.”²⁹ Internal memorandum between Dr. Singleton and Walter White, NAACP Executive Secretary, reveal that during an October 7, 1938 meeting with Scholer, Singleton was informed the FHA “practices discrimination against Negroes,” stating “he had a great deal of difficulty in securing their approval when he made it known that only 30% Negroes live in this vicinity” and had to petition “to Washington” before “his project” received approval. Scholer informed Singleton at this meeting about “a clause in the FHA plans” that “aimed particularly at” excluding African Americans. Scholer informed the Jamaica NAACP President that “no bank in New York would loan” an African American “money under the FHA in any area but an exclusive Negro section.” After the meeting, Singleton was convinced “there is certainly every evidence of rank discrimination being practiced by the Federal Housing Administration against Negroes in Jamaica,” adding that he personally was aware of “many cases where Negroes have had great difficulty in securing the Government loan” and encouraged the National NAACP office to “do something about this matter.”³⁰ While the records are unclear about the origin of Efficient Homes Inc., it is abundantly clear that J. S. Scholer provided NAACP leaders with vital information related to what appeared to be nationwide collusion to

exclude African Americans from federally-underwritten mortgage insurance.³¹

Suddenly aware of federal-endorsed residential segregation policies, NAACP leaders focused their protests on federal agencies contributing to higher rental prices and overcrowding within African American neighborhoods. By 1938, NAACP leadership saw the correlation between higher tuberculosis death rates in African American New York City neighborhoods earmarked for slum clearance developments, finding a “60 percent” higher incidences than within the city as a whole. The infant mortality rate in those residential communities was “70 percent greater.” NAACP leaders found that “more than 500,000 dwellings” in the city were “substandard including old-law tenements deficient in light, ventilation” and lacking such essential “facilities as a toilet” or heat and that African Americans were forced to disproportionately reside within these “fire traps.”³² One newspaper characterized South Jamaica, New York African American the living quarters as “squalid, unsanitary and barbarous quarters, which, in most instances, have been abandoned by poor white people.”³³ The NAACP supported public housing and African American access to standard housing amenities; however, it remained steadfastly opposed to racially segregated public housing facilities. NAACP leadership believed that segregated housing facilities would further stigmatize African Americans, while privileging whites. To this end, Association leadership challenged United States Housing Authority (USHA) policy mandating that “the local authority should” regulate “the racial distribution of the total families” accommodated “along racial lines,” allowing “the local housing authority” to determine “its own racial policy.” However, USHA policy dictated that local housing authorities avoid “public housing projects for white occupancy in areas now occupied by African Americans” and that “other minority racial groups [are also] undesirable,” highlighting essential prerequisites for determining the “suitability of the site from the racial standpoint.”³⁴

Walter White and the national office found these federal procedures deeply troubling and exerted considerable and coordinated effort to bring about their discontinuance. White congratulated the Staten Island NAACP Branch leadership for “squelching” the “proposal to have a separate project” for African Americans, providing “a very good chance of establishing” an “interracial housing project” admitting individuals

“without [racial] restrictions.”³⁵ The Association objected to the construction of segregated public housing units because “Negroes are barred” from “housing projects unless” these dwellings were segregated. Walter White also resented the fact that federal policymakers were unperturbed by “Negroes and whites living together in squalor” but barred interracial public housing accommodations “in decent surroundings.”³⁶ NAACP activists were sensitive to the acute need for standard housing in the African American community. At the same time, regardless of whether housing facilities were publicly or privately financed, NAACP leadership resisted the prohibition of black inhabitants from all-white housing units. In a Westchester county FHA-sponsored middle-class exclusively white subdivision, home builders’ classified “undesirables” neighborhood residents as “colored persons” or “persons with a criminal record.”³⁷ While attempting to improve African American living accommodations, the NAACP was frustrated by the limited options available to their community. Housing stock meeting federal standards was only available in segregated public housing or in racially exclusive suburban neighborhoods. Therefore, African American residents were completely excluded from the suburbs or segregated in low-income public housing facilities. Although completely unfair, both these examples upheld the federal standards of that era.

By mid-October of 1938, after resolving their misunderstanding with Efficient Homes Inc., and receiving several national complaints, NAACP leadership formally accused the FHA of statewide racially discriminatory mortgage insurance policies. “For some time now,” the 400 branches of the NAACP have received “complaints that the FHA is restricting the opportunities of Negro citizens” from receiving federal mortgage insurance. Their accusation continued: “We are informed that in the whole state of New York, only one housing development for Negroes has been approved by the FHA.” Focusing its criticism on New York State, NAACP leadership gradually began grasping the monumental national scope of FHA lending activities. NAACP leadership criticized the federal-sponsorship of residential segregation asserting the federal agency used “the public tax money to restrict... opportunities for homeownership” while enforcing “patterns of [residential] racial segregation.” Expressing their frustration with institutional racism, Walter White asserted, “whenever colored people seek to secure better housing” they must navigate “all manner of

obstacles placed” before them.³⁸ In late October, NAACP leadership followed their official accusation with a scathing press release entitled “FHA Bars Negro Home Builders,” stating that FHA mortgage insurance was issued exclusively in segregated “Negro districts.” This media announcement concluded with an assertion that even in homes located in black neighborhoods “colored people are having the greatest difficulty financing their property.”³⁹

Despite repeated NAACP accusations of racial bias, federal policymakers defended their alleged racial neutrality by appealing to assertions of economically sound “market” factors influencing FHA mortgage insurance policies. While supporting their discrimination against African Americans, FHA officials highlighted instances where other groups were also excluded as evidence of the Agency’s objectivity. An FHA spokesperson argued, “While it may be true that many” African American “neighborhoods cannot meet our required standards,” this condition also “exists among people of many other races and the neighborhoods in which they live.” For FHA policymakers, discriminating broadly was confirmation that blacks were not solely targeted by FHA underwriting procedures. When confronted with examples of their institutional bigotry, an FHA spokesperson claimed that, “While it may be true that some New York banks” refused African Americans lending opportunities “it is also true that” the FHA is powerless “to determine the lending policies of those institutions.”⁴⁰ Spokesmen argued that the FHA simultaneously possessed both the authority to exclude many racial demographics and were powerless to influence the lending practices of individual financial institutions.

Finally, on 2 November 1938, after repeated attempts to gain FHA cooperation, NAACP leaders wrote the federal agency requesting access to “official rules” governing FHA mortgage insurance policy.⁴¹ Within weeks FHA leadership responded by stating that, “we are very pleased to send you the enclosed file,” including the 1937 rules and regulations of the National Housing Act.⁴² The packet received by NAACP leadership did not contain the FHA underwriting manual. Angered by FHA recalcitrance, on 23 December 1938 Walter White complained that after requesting an FHA Underwriting Manual instead we only “received several pamphlets.” However, even without the cooperation of FHA officials, in December 1938, NAACP leaders were able to procure an FHA Underwriting Manual. With policy guidelines

at their disposal, NAACP leadership could accuse FHA policies of institutional racism. NAACP leaders stated, “It is almost unbelievable that the FHA distributing Federal funds” would establish, maintain and “inject patterns of segregation unknown to certain areas in this country.” Walter White argued, we are “requesting that Section 233 of the Underwriting Manual” be permanently “rescinded by the FHA” and “there shall be no distinction because of race or color of applicant.”⁴³

Without the power to directly dismantle federal authority, NAACP leaders were forced to appeal to concerned policymakers. After repeated correspondence with President Franklin D. Roosevelt (FDR) about the FHA utilization of federal authority to endorse residential segregation, FDR agreed to meet with FHA leaders. In advance of this meeting, on 14 January 1939, Walter White sent FDR a memorandum pleading with President Roosevelt to demand that FHA officials discontinue the usage of section 233 in the 1936 Underwriting Manual.⁴⁴ The memo stated that African American homebuyers have been denied FHA mortgage insurance in what they described as “cushion” neighborhoods or areas too racially heterogeneous to accurately determine whether they were white or black residential communities. The memo concluded with NAACP executives asserting that whenever African Americans attempt “to improve their housing” conditions, the federal government should not enforce “patterns of segregation upon them.”⁴⁵

After meeting with the Stewart McDonald, the FHA Administrator, President Roosevelt responded to NAACP leaders’ criticism of federal mortgage insurance policies by defending FHA policy as an economically sound practice. “As you know the Federal Housing Administration lends no Government money but simply insures mortgage loans made by private financial institutions,” FDR intoned. “Congress especially admonished the [FHA] Administrator that ‘no mortgage shall be accepted for insurance unless the Administrator finds that the project with respect to which the loan is executed is economically sound,’” FDR replied. Furthermore, he asserted, “real estate values are determined by the market which in turn is established by the demands of the buying public,” therefore FDR maintained, the FHA “does not and cannot in any way prescribe the mortgage area nor set the market price in reverse of public demand.” After meeting with the FHA Administrator, FDR was convinced that no racial discrimination had occurred. The president believed that Administrator

McDonald was “prepared to deal promptly and effectively with any authenticated case in which discrimination” actually transpired. In reference to the specific case of discrimination in New York that Walter White declared in previous correspondence, FDR argued that an impartial internal investigation found “no substantiation for the charge of discrimination in that area” but according to the president, the Administrator “assures me that he will be very glad indeed to show you the full details of his investigation.”⁴⁶

Skeptical of this assertion of full disclosure of FHA files, Association leadership requested access to FHA documents. On January 30, 1939, Thurgood Marshall, NAACP legal counsel, wrote to FHA policymakers “requesting of you authorization to permit me to investigate” the “files in the Jamaica” FHA office.⁴⁷ Despite the assurance by FDR that FHA records would be “readily” available for NAACP legal review, FHA policymakers told NAACP officials that “without specific authorization from each” financial institution consummating federal mortgage insurance applications and permission of “every prospective borrower of mortgage funds” the inspection of FHA records would be impossible.⁴⁸ Walter White believed that FDR accepted the FHA “investigations” in good faith because the FHA Administrator “sold the President a bill of goods.” White asserted that without “irrefutable cases of discrimination” breaking up this practice would remain extremely difficult.⁴⁹ FDR had also appointed the FHA Administrator and was eager to accept the conclusion that no federally endorsed discrimination occurred. After months of continued agitation, on 5 May 1939 Thurgood Marshall, NAACP legal counsel, met with the FHA Administrator in Washington, D.C. At this meeting, Marshall stated that “it was agreed upon that” section 233 and other sections “in the manual” would be amended “at the next publication of the revised manual.”⁵⁰ FHA policymakers assured Marshall that this new version was scheduled for publication in the fall of 1939. However, despite many promises to the contrary, it would be another eight years before the FHA Underwriting Manual was revised.

Not only did FHA policymakers lie to Thurgood Marshall about the next publication of their revised Underwriting Manual, the federal document retained its exclusionary intent without the derogatory language. A brief discussion of this modified document will be instructive here. The 1947 amended version of the FHA Underwriting

Manual policies maintained the sections that NAACP leadership found most objectionable. The revised document deleted the racially offensive language of “inharmonious racial elements” and replaced it with less overtly offensive semantic of “any change in occupancy” associated with “income or other characteristics” while preserving the previous version’s intent. The updated Underwriting Manual stressed the importance of preserving “the degree of compatibility” among neighborhood inhabitants to uphold “owner-occupancy appeal.”⁵¹ For FHA policymakers, racial demographics remained predictive. If a “mixture of user groups” or a transformation in “the occupancy of a neighborhood” or within “adjacent areas” occurred or if “a change in occupancy is imminent” FHA property assessors must reflect this “degree of risk” in the residential community’s overall rating.⁵² This revised document lessened the discriminatory language without fundamentally altering the legislative intent to exclude African Americans. In this amended document, valuers were cautioned of the importance of accurately predicting the probability “of any change in occupancy” in relation “to income and other characteristics” that would alter residential desirability.⁵³ Historian David M. P. Freund described FHA policymaker’s definition of the typical homeowner as being “a responsible, hardworking white man of ‘character,’” who financially supported his family. Freund concluded that FHA officials “conceived of the new housing market as exclusively serving white, male-headed families,” a free market vision with no place for female-headed households or “for racial minorities.” According to Freund, high-ranking FHA policymakers determined that the “free market for homes...simply could not withstand racial mixing.”⁵⁴ This amended official federal document stated that valuers must closely examine, “the degree of compatibility of the inhabitants of the neighborhood” and the mere “presence of incompatible groups” within neighborhoods tends to “destroy owner-occupancy appeal.”⁵⁵

Despite FHA policymakers intentionally misleading NAACP leadership about the publication date and institutional intent of this revised document, the Association persistently continued its campaign against residential segregation by petitioning federal politicians attentive to the African American plight. While President Roosevelt was certainly no champion of African American causes, he promised NAACP leaders that FHA investigation documents would be made available to Association executives; however, these requests were

denied. In May 1939, nearly five months after the president's promise, Walter White wrote the president stating, "It appears doubtful that [any] opportunity" will be granted to review the accuracy of FHA files of "alleged discrimination against Negroes." Thus, despite assurances to the contrary, FHA policymakers remained reluctant to cooperate with NAACP leadership. In July of 1940, NAACP leaders sent President Roosevelt additional correspondence accusing the FHA of requiring segregation as a prerequisite for FHA mortgage insurance. FHA mortgage insurance procedure requires "the maintenance of certain racial restrictions" as prerequisites to maintaining property value.⁵⁶ "What we are complaining of is the evil of using Federal funds necessary for insuring mortgages," argued Thurgood Marshall, "to discriminate against Negroes."⁵⁷

With limited legal options, NAACP leaders continued trying to garner support from sympathetic federal representatives, including President Roosevelt, Senator David I. Walsh, and Senator H. Cabot Lodge. Senator Lodge confronted FHA leadership with the NAACP's allegations of racial discrimination. In response, the FHA Administrator asserted that FHA mortgage insurance was readily available to African Americans, and when pressed to provide evidence to support this claim Administrator McDonald stated that, "the exact number cannot be given" because FHA files do not catalogue applicants' racial identity. Administrator McDonald's response begged the question, how could he know with certainty that federal mortgage insurance loans were readily available to African Americans if FHA files did not include an applicant's race? Despite this seeming contradiction, this FHA policymaker asserted that based upon January 1940 "estimates from twenty-eight" regional offices nationwide, the most recent approximation revealed that roughly \$6,518,000 in federal mortgage insurance financing had been made available to African American homeowners.⁵⁸ This was a most difficult estimation considering the federal agency "did not maintain demographic information." Be that as it may, six and a half million dollars is a pittance when compared to the \$6,188,718,391 in total FHA housing credit issued between its inception in 1934 and 1940.⁵⁹ This figure represented only one-tenth of one percent of the total FHA mortgage insurance they issued during the Administration's first six years of operation.

In addition to galvanizing sympathetic support from nationally elected representatives, NAACP leaders also employed the strategy of pressuring the FHA by releasing damaging press statements designed to publicly shame the federal agency by accusing it of racial discrimination. In late 1940, the Association issued a press release entitled “NAACP Protests That FHA Winks at Discrimination,” highlighting the FHA West Coast requirements for including racially restrictive covenants to qualify for federal mortgage insurance.⁶⁰ In November 1940, Thurgood Marshall stated that utilizing federal funds for “insuring mortgages on property” inaccessible by African Americans directly discriminated “against the Negro taxpayers of this Country.”⁶¹ After this press release, FHA Executive Secretary defended the agency’s right to utilize racially restrictive covenants stating in “all our negotiations and correspondence no mention was made of the right of the Administration to approve” mortgage insurance on property encumbered by racially restrictive covenants. These deed restrictions “constitute a favorable element” in determining the “economic soundness” of federal mortgage insurance and this FHA Executive Secretary maintained that property insured containing racially restrictive covenants enhanced the “economic soundness of insured mortgages.”⁶² Despite maintaining this official policy position, whenever challenged with racial bias FHA policymakers maintained that the procedures this federal agency endorsed were merely concerned with preserving property values. Furthermore, the FHA upheld the significance in categorization of economic soundness of neighborhood desirability even if that “economic soundness” and “preserved property value” required the virtual exclusion of an entire race.

During the early 1940s, the NAACP’s criticism of FHA mortgage insurance discrimination intensified. In January 1941, a letter written by a Boston attorney to NAACP leaders asserted both that the FHA endorsed the usage of racially restrictive covenants and that African Americans had “lost the battle in the FHA.”⁶³ NAACP correspondence revealed the tremendous influence FHA’s underwriting policy had on the national market. During an attempt to access mortgage lending, a banker told a builder of an African American residential community, “I am sorry I cannot do anything for you.” Confidentially this loan officer shared the clandestine lending policy, “that no loans” were to be distributed “to colored developments.” This developer took his business to another lending institution who informed him the application

submitted “was above ordinary” but when it was revealed it was for “a colored development,” he was told the financial institution was powerless to distribute money without “FHA approval.”⁶⁴

The Eradication of Plausible Deniability: A 1944 Memo from the NAACP to FDR

By the early 1940s, any hopes NAACP leadership had of cooperating with FHA policymakers were dashed. By 1944, NAACP officials were convinced that without generating presidential political pressure that national FHA mortgage insurance discrimination was undermining their fair housing efforts. In late October 1944, NAACP leadership compiled a memo to President Roosevelt containing irrefutable evidence chronicling the complete African American exclusion from federally-insured newly-built suburban housing stock. The only housing available to them was property previously abandoned by white homeowners. In addition to occupying severely dilapidated, second-hand homes desperately in need of substantial repairs, and because of an array of lending biases including redlining, African Americans homeowners were also unable to access home improvement loans vital to maintaining timeworn housing stock.⁶⁵ The NAACP memo unapologetically accused the FHA “though by Government edict.”⁶⁶ The 1944 memo to President Roosevelt was significant because it sought the support of a sympathetic president. NAACP leadership realized that without broad-based political support, they were powerless to counteract FHA underwriting policy. “In the face of segregation,” NAACP leaders wrote, “the great hope of minority groups in a democracy” is that such marginalization is “not Government policy.”⁶⁷ Whenever “the entire structure of residential segregation” is enacted “by Government edict” as this discrimination becomes a “matter of national” policy it must be fought “with all the force and skill possible.”⁶⁸

After sending the Roosevelt administration its memo, NAACP leadership continued combatting the FHA’s favorite tool of discrimination: racially restrictive covenants. According to one historian, “On 3 May 1948, after decades of constant struggle, NAACP leaders won a major victory against the legality of racially restrictive covenants in the landmark rulings in *Shelley v. Kraemer* and *Hurd v.*

Hodge, where the Supreme Court outlawed” the judicial enforcement “of racially restrictive clauses included in property deeds.” These landmark decisions stripped white homeowners of their power to seek punitive damages from the justice system if found in direct violation of racially restrictive covenants. This previous loophole in the justice system allowed whites to sue for alleged damages from white defendants who were in violation of restrictive covenants for selling property to people of color. In those cases, white neighbors claimed that African Americans would lower their property value, therefore causing a financial loss. Following the momentous judicial victory, NAACP activists were initially jubilant about what they considered the potential ramifications of this Supreme Court ruling. Thurgood Marshall called the *Shelley* case, “the greatest blow to date against the pattern of segregation existing within the United States.”⁶⁹ In response to the numerous congratulatory letters they received from black people nationwide, Walter White summarized the NAACP’s sentiments immediately following *Shelley* by declaring: “It took us 31 years and cost in excess of \$100,000 to smash this attempt to ghettoize” African Americans “but it was worth it.”⁷⁰

Weeks after the ruling, the enthusiasm expressed by NAACP leadership transformed to dread when they realized that FHA policymakers were ignoring *Shelley*. FHA Administrator Franklin D. Richards declared that the Supreme Court decision, “will in no way affect the programs of this agency or impose any new restrictions” to our mortgage insurance programs. Clarifying the agency’s official position on that matter, FHA commissioner Richards stated “I can assure you that there has been no change” in any way whatever “as a result of the Court’s decision” to our “underwriting procedure.”⁷¹ After making this statement, FHA policymakers accurately predicted a future NAACP response, “it is to be anticipated that organizations” with longstanding concern for the “implications of racial covenants” having made numerous judicial challenges will continue contesting all aspects of “government policy and procedure” not consistent with the recent United States Supreme Court decisions.⁷² By September 1948, NAACP special council members began showcasing the FHA’s complete disregard for Supreme Court authority by stating that Administration valuers were forced to reject applications where the “compatibility of user groups in the area” is not homogenous. NAACP leadership asserted that the erection of barriers that prohibited the “expansion of Negro

housing outside of the black ghetto” was a central tenant of FHA underwriting policy.⁷³ After the *Shelley* victory, NAACP leaders needed sympathetic national political leadership to pressure FHA policymakers to incorporate the new Supreme Court ruling into their underwriting procedures. For this reason, NAACP leadership “decided to draft a memorandum” similar to the one sent to FDR but sent “to the new President.”⁷⁴

If at First you Don’t succeed, Wait for a new President: The NAACP’s 1949 Memo to President Truman

After *Shelley*, FHA policymakers pretended as if the 1948 *Shelley v. Kraemer* Supreme Court mandate was immaterial to their federal mortgage insurance policies. Outraged by a perceived FHA opposition to federal judicial authority, NAACP leadership drafted a memo to President Truman that forcefully argued that whenever the government ignored federal judicial authority, immediate executive intervention was required. Unlike previous presidential memos, the tone of the 1949 memorandum was unrepentant outrage. An exasperated NAACP accused FHA officials of blatantly disregarding Supreme Court authority. “Housing, in our society today, is more than shelter,” wrote the NAACP. Living accommodations include “the whole environment in which the home” resides. For NAACP leaders, “a well-built house in a poorly planned, impoverished, slum area, without adequate schools, [and] community facilities,” hardly constitutes “good housing.”⁷⁵ These statements by NAACP leaders reveal their growing frustration with executive inaction in both combatting inequitable federal housing policy and the flagrant disdain for Supreme Court’s ruling on the constitutionality of underwriting standards established by FHA policymakers. Citing *Shelley* verbatim, the NAACP memo noted, “it cannot be doubted” that the Fourteenth Amendment was intended to provide “the rights to acquire, enjoy, own, and dispose of property.” Equal access to property rights, NAACP leaders argued constituted “an essential pre-condition” to the actualization of the civil rights “the Amendment was intended to guarantee.”⁷⁶ The NAACPs strongest assertion within the memo was that if the President sanctioned the Supreme Court’s authority and then allowed the FHA Administrator to circumvent adhering to the Supreme Court mandate, than Truman was in dereliction of his duties and inadvertently complicit in the subversion

of federal judicial authority, a power he swore an oath to protect. Truman appointed the FHA Administrator along with four Supreme Court Justices. During their memo to president Truman, NAACP officials implored the chief executive to explicitly reject federal policies endorsing residential segregation.

The NAACP strategy to divide federal authority accomplished its goal by galvanizing presidential pressure that encouraged FHA leaders to incorporate the *Shelley* Supreme Court ruling into their underwriting policy. On 6 December 1949, FHA policymakers finally announced changes to the federal mortgage insurance policy—in accordance with the *Shelley* ruling—by discontinuing federal mortgage insurance on officially recorded property deeds containing racially restrictive covenants. NAACP officials referred to this procedural change as “the end of FHA’s policy of intentional racial discrimination.”⁷⁷ In December of 1949, the FHA announced its impending plan to terminate federally issued mortgage insurance on property containing racially restrictive covenants in February of 1950. Ironically, this broadcast provided homebuilders and homeowners nationwide two months to officially insert racially restrictive covenants into their property deeds without penalty.

Dwight D. Eisenhower and the Federal Sponsored Residential Segregation

On March 2, 1955, over two years after the inauguration of President Dwight D. Eisenhower, a coalition of several organizations, including the NAACP, joined forces with the National Committee Against Discrimination in Housing (NCDH) and sent the 34th president a letter complaining that his administration perpetuated residential segregation. In the memorandum, this organizational collaborative boldly asserted we “believe that the time has come for the Federal government to state unequivocally that racial segregation cannot be permitted in any housing program made possible by Federal funds or credit.” The NCDH further noted that the Supreme Court ruling in *Brown v. Board of Education* overturned the “separate but equal” legal principle, “yet the Federal government continues to grant funds to local housing authorities for the construction of segregated public housing.” Similar resources were allocated to “urban redevelopment projects” despite the anti-racist rhetoric expressing a clear agenda of “excluding minority families.”

This memo stated, “FHA and VA continue to underwrite racially exclusive developments” and despite statements given by “Albert M. Cole, Housing and Home Finance (HHFA) Administrator” expressing “concern with the problem of discrimination in housing” they argued, “there has been no prohibition of segregation in housing built with Federal assistance.”⁷⁸

Frustrated by administrative inaction, on August 23, 1955, the NCDH-spearheaded partnership issued a press release warning President Eisenhower that his “Administration’s announced civil rights goals have not been realized nor even vigorously approached in federal housing programs.” This document included a statement made by Dr. Robert Weaver, New York State Rent Commissioner, asserting “Segregation still remains in the housing programs supported and sponsored by the federal government” and “the greatest danger of successful evasion of the Supreme Court’s” *Brown v. Board* ruling “is residential segregation.” Expressing their displeasure with Cole’s HHFA leadership the NCDH press release stated, “for the past two years, we have urged Administrator Cole to take a firm stand to prohibit the use of federal housing aids to support patterns of residential segregation.” Not only had Administrator Cole not complied with this request, “on the contrary, Mr. Cole, in appearing before a Congressional committee, urged that we ‘go slow’ in eliminating segregation from the federal housing programs.”⁷⁹

The following month, spokespersons from this coalition, including the NCDH and the New York NAACP Branch, appeared before a Congressional subcommittee on Banking and Currency to register their disapproval with federal housing policies. Referencing the FHA mortgage insurance policy, the congressional transcript stated, “minority families have been, for all practical purposes, excluded from the benefits of this program.” “Of the more than 100,000 new postwar FHA-insured homes built in New York City, not more than 900 units were occupied by minority families.”⁸⁰ This organizational collective learned from and incorporated arguments made by various housing experts about the multifaceted barriers African Americans faced attempting to access fair housing. “The prevailing [national] pattern is that of a central city with rapidly increasing and spreading residency by racial minorities, ringed by expanding, relatively new all white suburban areas.” Restricted from these suburbs, African Americans “have taken over the housing vacated by whites” resulting in blacks

“now occupying better housing than they did a decade ago and that the Black Belts have expanded.” The NCDH accurately argued that “residential segregation is not a sectional phenomenon” and “for fifteen years, from 1934 to 1949, FHA openly encouraged racial covenants” spreading “race restrictive covenants from one end of this nation to the other—in the name of sound business practices!” And FHA policymakers fallaciously claimed “residential segregation was morally defensible and consistent with a democratic way of life” with catastrophic results. Between 1940 and 1950, “less than 50,000 of the more than 2,761,000 [housing] units built” with FHA insurance were available to African American occupancy.”⁸¹

On August 3, 1956, Algernon D. Black, Vice-Chairman, of the NCDH, wrote to President Eisenhower “on behalf of twenty-six national organizations concerned with the civil rights in the field of housing,” we declare “federal authority and funds should not be used to perpetuate or promote segregation.” Black wrote, under your administration “we find a widespread violation of this principle” with “federal housing programs continuing to reinforce and spread segregation.” Black contended, “FHA and VA continue to underwrite racially exclusive suburbs” and while “we last wrote you on March 2, 1955, to urge that you take steps to bar the use of federal funds for racially segregated housing we did not receive a reply.” Meanwhile, Black stated, your “Housing Administrator Albert Cole has spoken out against ending federal support for housing segregation.” The Federal Government has become the single, “most important factor in the housing market” requiring “the use of federal aid to sustain and increase residential segregation” frustrating and destroying “important gains already made in civil rights,” Black asserted. Foreshadowing future events effecting public school integration, Black maintained, “the desegregation of schools cannot very well be made a reality so long as communities live in rigid segregation.” Finally, Black’s letter couched integration in Cold War rhetoric: “in the global struggle between democratic and anti-democratic forces, the world is watching the United States” and “it is of supreme importance that we implement our democratic philosophy and faith.”⁸²

In theory, the stated FHA policy transformation should have fundamentally altered how the FHA conducted business; however, the new “policies had little effect in reversing the impact of its former

practices.”⁸³ According to sociologist Christopher Bonastia, by 1954, “the National Committee Against Discrimination in Housing complained that FHA ‘had done almost nothing to implement’ these stated changes in policies” and FHA district offices usually ignored these “policy shifts.”⁸⁴ Regarding the FHA’s reluctance to abandon its support of federal mortgage insurance on properties containing racial covenants, political scientist Charles Lamb was more emphatic stating, “Prior to the 1960s, the FHA never pursued housing integration.”⁸⁵ In 1958, FHA Commissioner Norman Mason requested a meeting with NAACP leadership to ascertain the Association’s “opinion on racial restrictive covenants and how they affected the administrative policies of FHA in the Houston, Texas, area.” During this meeting, Commissioner Mason wanted the NAACP reaction to “the plan of waiving FHA administrative rules on restrictive covenants filed since 1950 in the Houston area.”⁸⁶ Moreover, according to an NAACP Housing Newsletter, as late as November 1959, “it is now apparent that regional field personnel in the FHA were either not advised of the official policy or saw fit to disregard it.” The newsletter asserted, “Discrimination in housing insured” by the FHA, “is perhaps the most flagrant” form of discrimination stating in order to qualify for FHA mortgage insurance federal officials required strict adherence to agency “minimum standards” while the observance of “racial restrictions” rarely disqualified applications.⁸⁷ Therefore, “no truly significant changes to the FHA Underwriting Manual occurred between 1949 and 1962.”⁸⁸

On June 21, 1960, the NCDH released a supplemental background statement regarding the involvement of government in housing. This document asserted, “standards established by the Federal housing agencies have become standards for housing and planning throughout the country.” This statement asserted, “the government of the United States regulates every aspect of the housing which it aids—except requiring that it shall be available to all, regardless of race or religion.” Despite raising revenue “by the tax monies of all citizens” federal housing policy has not been “dispensed without regard to discrimination based on race, religion and national origin.” The document argued that “testimony has been presented to Congressional committees; letters have been written to the President; meetings and discussions have been held with various Government housing officials” without satisfaction. The NCDH document argued “regardless of constitutional provisions,

guarantees of law, pronouncements of the Executive and administrative officials over many decades, it is an inescapable fact that the Federal Government, through its far-flung housing operations, is today supporting and reinforcing the spread of residential segregation.” NCDH officials declared, the “FHA and VA continue to underwrite racially exclusive suburbs” and quoted the HHFA Administration in a 1958 *New York Times* article where Albert Cole said, “it is not incumbent upon the Federal Government to impose integration in any form of Federal housing that receives Government aid.”⁸⁹

At the dawn of the new decade, Association leadership called upon NAACP branches “throughout the country” to lobby their congressmen to support a presidential Executive Order banning “segregation in federally assisted housing.”⁹⁰ Once again, NAACP leaders would appeal to the President of the United States. Having learned from previous outreach attempts to galvanize presidential pressure to influence FHA officials to discontinue federally sponsoring residential segregation, this time they advocated for an Executive Order to ban discrimination in all federally funded housing programs. On 29 August 1961, NAACP leadership sent a memo entitled “Proposals for Executive Action” to the White House.⁹¹ Bringing considerable fair housing agitation to bear, on 20 November 1962 the Association motivated President Kennedy to sign “Executive Order 11063,” signaling another NAACP victory. By the time President Kennedy signed Executive Order 11063, the NAACP had successfully campaigned against national residential segregation for nearly a half-century, encouraging the President to “graciously present” Roy Wilkins “with one of the pens used in signing the Executive Order.”⁹²

Executive Order 11063 was the “first expression of a national policy on equal housing” by prohibiting “discrimination in all federally-assisted housing” originating after its enactment this landmark legislation also directed FHA policymakers to actively “prevent discrimination by private lending institutions.”⁹³ While a symbolic victory, ultimately, Executive Order 11063 was an ineffectual piece of law. To begin with, it principally applied to homes built after 20 November 1962. By 1962, with devastating consequences, the FHA had underwritten residential segregation telling Americans the federal government supported their “right to discriminate.” After more than a generation, government sanctioned residential segregation becomes

traditional heritage perpetuating itself long after the restrictions are removed.⁹⁴ According to Bonastia, “Executive Order 11063 covered only new housing and excluded homes financed by Savings and Loans Associations” operating under “the Federal Home Loan Bank Board.”⁹⁵ Political scientist Charles Lamb maintained that the Order “had a limiting effect” because “it did not cover private-sector housing” and therefore “applied to less than one percent of all” 1962 United States housing.⁹⁶

Although ultimately unsuccessful in their campaign to combat exclusionary FHA housing policies, NAACP activism promoting fair housing was commendable. Given the considerable constitutional constraints facing NAACP leadership, the NAACP’s strategy of pitting individual elected officials against the FHA was somewhat effective. By highlighting the multiple challenges endured by the NAACP between the 1930s and 1960s, a new vignette reveals the difficulty the NAACP faced fighting prejudiced federal housing policies that excluded African Americans from newly constructed suburban housing developments. The NAACP campaign against residential segregation was characterized by a hostile relationship with national governmental authority. This aspect of residential segregation history underscores the federal government’s contentious relationship with civil rights activists and the painstakingly difficult process of fair housing reform. For nearly two generations, FHA policymakers used the taxpayer revenue of all Americans to deprive African Americans of equal access to newly constructed housing.

At various times throughout African American history, white citizens have defied federal authority in opposition to black advancement. In *White Rage*, historian Carol Anderson chronicles this phenomenon and reveals the extent to which many white Americans have gone to subvert the legality of judicial and legislative milestones promoting African American advancement.⁹⁷ As egregious as these episodes in American history have been for black people, when committed by outraged citizen groups or even state policymakers, they pale in comparison to a federal agency promoting racial segregation. Between 1944 and 1962, on four separate occasions, NAACP leadership actively petitioned Presidents Roosevelt, Truman, Eisenhower and Kennedy, imploring them all to pressure FHA policymakers to discontinue their exclusionary underwriting standards. On each

occasion, NAACP leaders were disappointed by the executive response. For sixteen years after its inception, the FHA unapologetically required, as a prerequisite for the procurement of federal mortgage insurance, the inclusion of racially restrictive covenants that mandated the residential exclusion of African Americans. Beginning with *Buchanan vs. Warley* (1917) and ending with *Shelley v. Kraemer* (1948), NAACP's legal defense attorneys undermined the FHA's favorite mechanism for enforcing residential segregation. Despite this legal victory, NAACP leaders were repeatedly confronted by FHA policymakers' ability to cultivate innovative racial barriers to fair housing. During the 1950s, FHA policymakers begrudgingly discontinued the practice of federally insuring mortgages containing racially restrictive covenants but continued to insure subdivisions defiantly endorsing residential segregation. Despite William Levitt's emphatic pronouncements that his residential communities would continue excluding black people, Levittown communities in three states continued receiving FHA mortgage insurance. Even the passage of Executive Order 11063 could not completely discontinue discriminatory FHA policies. The indefatigable efforts of NAACP's fair housing advocacy for half a century represented one of few reliable resources for individuals—from the consistently excluded African American community—facing federally-sponsored housing discrimination. The NAACP's campaign against residential segregation challenged the racially exclusionary housing policies endorsed by the federal government and while they ultimately failing to discontinue racially discriminatory actions within the FHA mortgage insurance programs, their unrelenting efforts warrant historical recognition.

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“One of the Great Bulwarks of Liberty:” James Madison’s Response to the Sedition Act and the Rise of the Press in the Early Republic

Jeff Broadwater

In 1789, when James Madison unveiled in the House of Representatives the set of constitutional amendments that evolved into the Bill of Rights, he ranked freedom of the press, along with freedom of religion and the right to a jury trial in a criminal case, as the three “great rights.” He called them the “choicest privileges of the people.” Madison proposed amending the Constitution to provide, among other things, that “the freedom of the press, as one of the great bulwarks of liberty, shall be inviolable.” He also proposed a separate amendment to protect the press, freedom of conscience, and the right to a jury trial from state action. Madison considered it “the most valuable amendment on the whole list” of amendments, but it died in the Senate. Senators, who at the time were selected by their state legislatures, hesitated to put additional restrictions on them.¹

The adoption of the First Amendment, prohibiting Congress from “abridging the freedom...of the press,” was a milestone in the struggle for the liberty of the press in America, but not its climax. Over time, Madison’s own commitment to free expression grew significantly. As a critic of the Federalist administrations of the 1790s, Madison came to see the value of a free press in organizing an opposition party. He lived, moreover, in a time when the growth and dynamism of American journalism made censorship increasingly difficult, if not counterproductive. Beyond question, Madison, especially during the Sedition Act controversy, articulated a libertarian vision that encouraged the rise of a free press. At the same time, the cumulative influence of hundreds of American papers, unleashed by a myriad of forces in the burgeoning republic, helped bring that vision closer to reality.

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From the 1790s until the end of his political career, Madison consistently supported press freedom. He favored making truth a defense in a state libel action long before it became settled legal doctrine. In 1731, a New York jury, apparently convinced of the truth of allegedly seditious remarks published John Peter Zenger, acquitted the printer in his seditious libel trial, but the Zenger case was not generally accepted as a precedent in Madison's day. Even lawmakers in his home state of Virginia would not go that far.²

In opposing legislation to charter the First Bank of the United States, Madison reminded his House colleagues that the powers of Congress were enumerated in the Constitution, not implied. Accordingly, he claimed that he had originally opposed a bill of rights as unnecessary because, in the absence of a specific enumeration, congressional authority had never been intended to reach the freedom of the press, among other fundamental liberties. In 1794, he objected to President George Washington's public criticism of the newly-formed Democratic-Republican societies: "Opinions are not the objects of legislation." He asked rhetorically "how far will this go?" and he warned, "It may extend to the liberty of speech and of the press." Madison opposed prosecutions for seditious libel under a federal common law even before the Sedition Act of 1798 raised the issue.³

In his First Inaugural Address, President Madison promised "to avoid the slightest interference" with the rights of the press, and he made good on his commitment. Despite intense opposition to the War of 1812 from Federalist newspapers and politicians, especially in New England, Madison never asked Congress to pass an espionage or sedition law or to enact any form of censorship. The Madison administration never prosecuted anyone for sedition or treason. After the war, Washington's mayor James H. Blake praised the president for commanding a wartime army of 50,000 men "without infringing a political, civil or religious right." The legal historian Leonard Levy has written that on questions involving freedom of expression, Madison "is possibly the one person of outstanding distinction whose record is clean and consistent."⁴

Yet Madison's emergence as a champion of a free press was hardly inevitable. At the beginning of the American Revolution, Madison served on the Orange County Committee of Safety; it passed a

resolution, which Madison may have written, proposing that pro-British pamphlets be “publicly burnt.” He showed no qualms about silencing Anglican ministers who held Loyalist sympathies. While he endorsed freedom of the press in principle, he gave almost no public indication of what he thought it meant until he became embroiled in the controversy over the Alien and Sedition Acts of 1798.⁵

As a delegate to the federal Constitutional Convention, Madison offered no support to George Mason when his fellow Virginian recommended, unsuccessfully, that a bill of rights be added to the Constitution. It presumably would have included some protection for the press. As a co-author of *The Federalist* and as a Federalist delegate to the Virginia ratifying convention of 1788, Madison repeatedly opposed Anti-Federalists’ demands for amendments. In addition to believing a bill of rights was unnecessary, Madison argued that some rights would inevitably be omitted, thus creating a presumption that they had been surrendered to the central government.⁶

Under pressure from constituents, including Virginia Baptists who wanted safeguards for freedom of conscience, and from Thomas Jefferson, Madison’s closest political ally, he decided to compromise. After the Constitution was ratified, Madison sponsored a carefully crafted bill of rights as a way to appease moderate Anti-Federalists without significantly weakening the new federal government.⁷

The congressional debates over Madison’s amendments, however, shed no light on the scope of the press’s freedom. Members of Congress apparently thought that the amendment protecting freedom of the press left current law unchanged. Fisher Ames of Massachusetts complained that the proposed bill of rights, including language protecting the press, “will stimulate the stomach as little as hasty-pudding.” Abraham Baldwin of Georgia predicted it “would tranquillize the minds of honest opposers without injuring the system.” South Carolina’s Pierce Butler described Madison’s initiative as “[a] few milk-and-water amendments” on the freedom of the press and “one or two general things already well secured.”⁸

Ironically, Madison claimed that the Bill of Rights “should consist of an enumeration of simple and acknowledged principles. Such rights only ought to be expressly secured as were certain and fixed.” In reality,

if the idea of a free press were fixed, its definition was hardly certain. The final version of the First Amendment as it pertained to the press—“Congress shall make no law...abridging the freedom...of the press...”—reflected a commitment to federalism more than it did a devotion to civil liberties. Congress apparently intended to leave the regulation of the press to the states.⁹

Madison might easily have adopted his friend Jefferson’s more skeptical view of the press. Over the years, Jefferson’s respect for newspapers declined, and he never moved far beyond the idea that truth should be a defense in a libel case. In 1787, Jefferson could write that “were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate to prefer the latter.” Two years later, although he had urged Madison to support a bill of rights, Jefferson suggested a caveat to what became the First Amendment that would have narrowed its scope. He thought the press ought to be liable for “false facts affecting the life, liberty, property or reputation of others or affecting the peace of the confederacy with foreign nations.” If adopted, Jefferson’s version of the First Amendment might have been read as implying a congressional power to adopt a private libel law, a sedition act, and a law restricting public comments on American foreign policy or international affairs.¹⁰

In the 1790s, Jefferson chafed at the criticism he received from Federalist editors, and he objected to the Alien and Sedition Acts of 1798 mainly on states’ rights grounds. As president, Jefferson complained that because nothing which appeared in a newspaper could be believed, “the man who never looks into a newspaper is better informed than he who reads them.” In his Second Inaugural Address, Jefferson prided himself on leading an administration that could not “be written down by falsehood and defamation,” but he said he did not mean to suggest that state laws “against false and defamatory publications should not be enforced.”¹¹ In retirement, Jefferson defended the need for a free press to keep “the government honest and responsive,” but complained that “the malignity, the vulgarity, and the mendacious spirit” of American editors and their contributors had coarsened public taste. “As vehicles of information, and a curb on our functionaries,” newspapers “have rendered themselves useless, by forfeiting all title to belief.” Although Jefferson recognized the political usefulness of friendly editors, he told North Carolina’s Nathaniel Macon that he only

read advertisements “for they contain the only truths to be relied on in a newspaper.”¹²

How then did James Madison come to embrace an expansive notion of press freedom? Three possible explanations can be discarded. First, as Jefferson’s comments suggest, American newspapers did not earn their freedom by providing their readers with thorough, accurate, and impartial reporting of high literary quality. As Eric Burns has written, “the golden age of America’s founding was also the gutter age of American reporting.” With no real reporting staff, editors printed whatever news came their way regardless of its reliability, relevance, or timeliness, and as politics became more partisan in the 1790s, they often exhausted themselves in spewing invective at their political opponents. Madison had his own problems with the press. Writing for the *Aurora General Advertiser* in 1799, he complained that too many American papers had fallen under foreign influences. Urban papers reflected the views of the “merchants and traders” who provided their advertising revenue, but who enjoyed close commercial ties to Great Britain. “Inland papers” then copied the stories they found in the more prestigious city gazettes. “In this manner,” Madison concluded, “British influence steals into our newspapers.”¹³

Second, freedom of the press did not emerge from a colonial tradition of journalistic partisanship. Given their limited local markets, colonial printers tried to please everyone because they could not afford to lose subscribers. “Liberty of the press” often meant simply that the pages of a paper were open to opinions from all parties, except for more extreme points of view, which were sometimes excluded. Early in his career as a printer, Benjamin Franklin articulated a common attitude: “Printers are educated in the Belief, that when Men differ in Opinion, both Sides ought equally to have the Advantage of being heard by the Publick.” They strove for neutrality. If printers printed only writing they approved, Franklin wrote, “the World would soon have nothing to read but what happen’d to be the Opinion of Printers,” but he tried to avoid publishing anything that might “promote Immorality” or “do real injury to any Person.”¹⁴ Most editors in the colonies published what news they had with a minimum of commentary. At the beginning of the imperial crisis between Great Britain and its North American colonies, some American editors printed both Loyalist and Patriot essays, but as the

conflict intensified, neutrality became harder, and more dangerous, to maintain, and editors gradually became more partisan.¹⁵

Third, America's revolutionary generation—the nation's founders—did not produce, or agree on, a clear and comprehensive theory of press freedom beyond a ban on prior restraints. While nine of the thirteen colonies adopted new constitutions that included protections for the press, state legislatures passed new treason and sedition laws. Prosecutions were relatively rare, but Tory publishers faced boycotts and mob violence. In New York, for example, a Patriot mob destroyed the printing press of Tory publisher James Rivington. Patriot leaders had seen the value of the press in mobilizing support for resistance to Parliamentary taxation and other British policies, and press freedom could be rationalized as a way for the people to defend their rights against an oppressive and unelected monarch. On the other hand, could criticism be tolerated when it was directed against the people's elected representatives or when it threatened to undermine the Revolutionary War effort? The founders lived in a tumultuous age with a keen sense of the vulnerabilities of their republican governments.¹⁶ The debate over the ratification of the Constitution and the congressional debates over the Bill of Rights, as we have seen, offered little insight into the founders' understanding of the rights of the press. The debates in the state legislatures over the proposed amendments are equally uninformative.¹⁷

So if Madison's commitment to a broad definition of press freedom cannot be explained as a product of the high quality of American journalism or the nation's colonial heritage or its revolutionary ideology, how can it be explained? To begin with, Madison lived in an era when the number of newspapers was increasing dramatically. In North Carolina, for example, the lack of large towns, low levels of literacy, relatively widespread poverty, and a poor transportation system had retarded the development of the press. From 1778 to 1783, the state had no newspapers, but by 1789, six were in operation.¹⁸ Between 1776 and 1800, the number of weekly newspapers in the United States as a whole increased from about 25 to almost 230, and papers continued to proliferate after 1800. Dailies began to emerge in the larger cities; by 1800, New York City boasted eleven papers. Almost 400 newspapers were in circulation when Madison became president in 1809.¹⁹

The relative freedom editors enjoyed helps explain the growth; most American lawmakers supported freedom of the press as an abstract principle, even if they could not define it. Postage rates for papers were low, and editors could exchange papers for free with no copyright restrictions, which allowed them to reprint each other's material. The Post Office Act of 1792 standardized policies and required postmasters to forward papers expeditiously.²⁰

Other forces, however, were at work, in addition to congressional sufferance. Literacy rates were rising, along with the domestic production of type and printing presses. Capital costs were manageable, although a scarcity of advertisers and readers caused many early American newspapers to fail fairly quickly. As Americans moved westward, every new town seemed to need a newspaper, and while even successful newspapers generated only modest profits, starting a paper offered an ambitious young person an opportunity to exercise a measure of influence in his or her community. The size of the country also allowed a printer who encountered opposition in one town to move to a more hospitable location. In the years after the Revolution, American newspapers became too numerous, too dispersed, and too influential to regulate effectively.²¹

As the press grew, it also assumed a new importance in Madison's political thought. At the Constitutional Convention and during the debate over the ratification of the Constitution, Madison had argued that power could be safely transferred to the central government because an "extended American republic" would contain so many "factions" that no single interest group could form a majority to pass self-serving or oppressive legislation. While serving in Congress in the 1790s, however, Madison saw his theory of factions in an extended republic fall short of his expectations. A Federalist minority, he believed, had seized control of the federal government and had begun adopting measures that Madison opposed, including the creation of the Bank of the United States and the negotiation of Jay's Treaty with Great Britain.²²

Madison came to believe that newspapers could be used to mobilize what he thought was the true opinion of the nation and thereby defeat the Federalist minority. Liberty would rely less on a diversity of factions and less on structural safeguards, like the separation of powers, and

more on an engaged and enlightened electorate. He collaborated with Jefferson to recruit one of Madison's old Princeton classmates, the poet Philip Freneau, to establish an opposition newspaper, the *National Gazette*, in Philadelphia. Madison solicited subscribers for the *Gazette* and envisioned a paper with a national circulation. Launched on October 31, 1791, Freneau's paper grew rapidly and attracted a diverse readership, sometimes reaching into areas where it was the only newspaper available.²³

The difficulty of distributing a paper over long distances and of collecting bills from distant subscribers, along with Freneau's stubborn defense of the controversial French diplomat Edmund Genet and a yellow fever epidemic in Philadelphia, led to the *National Gazette's* demise on October 27, 1793, but not before it had demonstrated the power of the press. In 1792, seven states cast electoral votes against Federalist John Adams's re-election as vice president. South of Maryland, Adams received only eleven votes out of a possible forty-nine. Writing his wife Abigail, Adams blamed Freneau: "there is no other Newspaper circulated in the back Country of the Southern States than Freneau's National Gazette, which is employed with great Industry to poison the Minds of the People."²⁴

In the paper's two-year lifespan, Madison wrote eighteen essays for it. Madison, of course, was no stranger to newspaper debates. All twenty-nine of the *Federalist* essays generally attributed to him first appeared in New York City papers. Madison's *National Gazette* essays provided a rationale for the nation's nascent party system. Since the ratification of the Constitution, Americans, he argued, had split into two factions. An affluent elite considered the masses "incapable of governing themselves." The rival Republican faction, by contrast, believed "the people ought to be enlightened, to be awakened, to be united, that after establishing a government they should watch over it, as well as obey it." Madison also wrote a series of articles for a subsequent Democratic-Republican paper, Benjamin Franklin Bache's *Aurora General Advertiser*, and he even contributed five op-ed pieces, under the pseudonym Helvidius, to the Federalist-leaning *Gazette of the United States*. In the Helvidius essays, Madison attacked Alexander Hamilton's defense of George Washington's Neutrality Proclamation of 1793. In declaring America's "impartiality" in the ongoing conflict between Great Britain and France, the proclamation, as interpreted by

Hamilton, had, Madison claimed, usurped Congress's authority to decide questions of war and peace in order to pursue a pro-British neutrality. ²⁵

In an essay Madison wrote for the *National Gazette* in December 1791, he explained his new strategy. "Public opinion," he observed, "sets bounds to every government, and is the real sovereign in every free one." Unfortunately, "the larger a country, the less easy for its real opinion to be ascertained, and the less difficult to be counterfeited." To compound the problem, the larger the country, "the more insignificant is each individual in his own eyes." It was a perception that favored the authority of the government, which, he warned, "may be unfavorable to liberty."²⁶

Madison would not go as far as the Anti-Federalists had gone in seeking to limit the power of the federal government. Instead, the Virginia congressman wanted to strengthen the informal bonds of Union and create a national consensus around a moderate Republicanism. Good roads and domestic commerce could promote "a general intercourse of sentiments," but so could a free press "and particularly a circulation of newspapers through the entire body of the people." More roads, trade, and newspapers would, in effect, help contract the nation's "territorial limits," which would be "favorable to liberty, where these may be too extensive."²⁷

Passage of the Federalist-sponsored Sedition Act in 1798 threatened Madison's vision. Clearly intended to silence Democratic-Republican editors and politicians, the act prohibited the publication of "false, scandalous, and malicious writings" against Congress or the president and outlawed any attempt to incite "the hatred of the good people of the United States" against them. James Morton Smith, in his classic study of the Sedition Act, long ago debunked Federalists' claims that they had expanded freedom of expression by requiring the intent behind the words in question to be considered, rather than focusing exclusively on their "bad tendencies;" by allowing truth as a defense; and by allowing the jury to decide the criminality of a statement. In reality, Smith pointed out, allowing truth as a defense shifted the burden of proof from the prosecution to the defendant, and the law required a defendant to prove the "truth" of any offending opinion as well as the accuracy of relevant facts. Federalist judges, moreover, could infer malicious intent from the

tendency of words. Worse yet, perhaps, federal marshals, by packing juries with Federalists, and federal judges, through their jury instructions, could sometimes frustrate a jury's function as a safeguard of a defendant's rights.²⁸

With Jefferson's support, Madison, who had retired from Congress in March 1797, responded to the challenge by drafting the Virginia Resolutions for the Virginia assembly. Madison's resolutions declared the Sedition Act, along with the associated Alien Acts, to be unconstitutional. In attempting to restrict freedom of expression, Congress had claimed, Madison wrote, "a power which more than any other ought to produce universal alarm, because it is levelled against that right of freely examining public characters and measures, and of free communications among the people thereon, which has ever been justly deemed, the only effectual guardian of every other right." He buttressed his argument by quoting the Virginia convention of 1788, which had ratified the Constitution with the understanding that "among other essential rights, the liberty of conscience and of the press cannot be cancelled, abridged, restrained or modified by any authority of the United States," and he noted the convention had proposed an amendment to that effect. The resolutions, as written by Madison, passed easily. The House of Delegates approved them by a vote of 100 to 63 on December 21, 1798, and they passed the senate two days later on a fourteen to three vote.²⁹

Nationally, however, they were not as well received. The vagueness of Madison's proposed remedy for an unconstitutional federal statute confused many of his readers. He had asserted that "in case of a deliberate, palpable and dangerous exercise of ...powers" not granted to Congress by the Constitution, the states "have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them." He did not define "interposition," but he concluded by calling on the other states to cooperate with Virginia "in maintaining unimpaired the authorities, rights, and liberties, reserved to the States respectively, or to the people."³⁰

The more inflammatory rhetoric used by some of Madison's allies made his lack of clarity seem ominous and probably did even more damage to his cause. Jefferson had drafted his own set of resolutions

denouncing the Alien and Sedition Acts as “not law, but utterly null, void and of no force or effect” and asserting that “where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy.” Enforcement of the Sedition Act and similar measures, he warned, would “drive these states into revolution and blood.” Adopted by the Kentucky legislature as the Kentucky Resolutions of 1798, Jefferson’s draft was tempered in the course of debate, but the controversy raised the specter of disunion and possibly civil war. Wilson Cary Nicholas, a neighbor who was coordinating local opposition to the Alien and Sedition Acts, added Jefferson’s phrase declaring them to be null and void to Madison’s draft before John Taylor of Caroline introduced the resolutions in Virginia. The phrase was later deleted, perhaps at Madison’s request, but the version as sponsored by Taylor appeared in the Philadelphia’s *Aurora General Advertiser* and was widely reprinted. Seven states, mainly in New England, rejected the Virginia Resolutions, and all agreed that only the Supreme Court could declare a law to be unconstitutional.³¹

At the same time, the Tennessee and Georgia legislatures joined Madison in calling for the repeal of the Alien and Sedition Acts, and he enjoyed considerable support elsewhere. In North Carolina, the lower house denounced the acts as “a violation of the principles of the Constitution,” but the Federalist-controlled senate rejected the house resolution by a three-to-one margin.³²

The controversy provoked by the Virginia and Kentucky Resolutions prompted Madison to produce the most thorough and elaborate defense of a free press that he ever wrote. Elected to the Virginia House of Delegates in the spring of 1799, he took a relatively conciliatory tone when, in January 1800, he submitted a lengthy committee report on the Alien and Sedition Acts to the assembly. Much of the debate surrounding the resolutions involved a state legislature’s right to declare an act of Congress to be unconstitutional. Madison tried to reassure his critics: the resolutions had been merely “expressions of opinion, unaccompanied with any other effect, than what they may produce on opinion, by exciting reflection,” unlike judicial decisions, which are “carried into immediate effect by force.”³³

Nevertheless, he continued to argue vigorously that the First Amendment left Congress with no authority to regulate the press and

repeated arguments for a strict construction of the Constitution that went back to the first federal Congress. The first paragraph of Article I, Section 8, referring to Congress's duty to "provide for the...general Welfare" was not intended, he argued, to expand Congress's powers beyond those enumerated in the rest of the section. To read it more broadly would consolidate the states into a single sovereignty and "pave the way to monarchy," because Congress would assume more responsibilities than it could manage, and power would inevitably flow to the president.³⁴

In a similar vein, the last paragraph of Section 8, authorizing Congress to adopt all laws "necessary and proper" for executing its enumerated powers, could not, according to Madison, provide a constitutional basis for the Sedition Act. If Congress was concerned about maintaining law and order, it could, under its enumerated power to "suppress Insurrections," outlaw violent resistance, not peaceful criticism of the government. To read the "necessary and proper clause" loosely, Madison reasoned, would jeopardize the courts' ability to enforce the Constitution. Confine Congress to its enumerated powers and those having "an immediate and appropriate relation to them," and judges would know when lawmakers had overstepped their bounds. To allow Congress to use any reasonable means to promote an end identified in Section 8 would, by contrast, make every dispute one "of mere policy and expediency; on which legislative discretion alone can decide...." ³⁵

The right to enact the Sedition Act, moreover, could not be derived from a federal common law. Madison denied its existence. Before the American Revolution, the common law varied from colony to colony, and neither the Articles of Confederation nor the Constitution gave any evidence of an intent to create a uniform, national body of common law. If they had, given the scope of England's judge-made law, which reached almost every aspect of human life, Congress could "legislate in all cases whatsoever," and federal power "would overwhelm the residuary sovereignty of the states."³⁶

In any event, in America freedom of the press went beyond the common law rule against prior restraints. In Great Britain the law existed to protect the people from the monarch; Parliament was all powerful. "In the United States," Madison wrote, "the case is altogether

different. The people, not the government, possess absolute sovereignty. The legislature, no less than the executive, is under limitations of power.” Congress, as much as the president, ought to be subject to public scrutiny and criticism. Under English law, the king and Lords could, theoretically, do no wrong, but that was hardly the rule in the American system. As a practical matter, Madison added, England had not aggressively enforced its laws punishing seditious libel, and although seditious libel statutes remained on the books in several states, neither had they.³⁷

The press’s occasional abuse of its freedom did not negate its value. “To the press alone,” Madison wrote, “the world is indebted for all the triumphs which have been gained by reason and humanity, over error and oppression...” He ridiculed the notion that several state ratifying conventions could have objected to federal regulation of the press, proposed amendments to prevent it, and later approved an amendment that, according to Federalists, now allowed Congress to pass a sedition statute. Pointing to the difficulty of proving the “truth” of an opinion, Madison also rejected the Federalist claim that the Sedition Act had liberalized existing law, and he dismissed the requirement of intent as a meaningful defense. Any criticism of a public official could be expected to incite “unfavorable sentiments, so far as they may be thought to be deserved.”³⁸

As it was, the Sedition Act gave an unfair advantage to incumbents and diluted the right to vote because the value of the suffrage depended on the public’s “knowledge of the comparative merits and demerits of the candidates for public trust...” Finally, Madison touched on perhaps the most sensitive nerve of all, freedom of conscience. Virginia’s resolution ratifying the Constitution specifically denied the existence of a congressional power over religion and the press and proposed amendments to protect both. They had been so closely linked, Madison argued, that if Congress could regulate the newspapers, the free exercise of religion would also be in danger.³⁹

Both houses of the assembly approved Madison’s report by comfortable margins, and although historians debate the immediate effectiveness of his arguments, the Sedition Act undoubtedly proved to be counterproductive. Before the passage of the act, most American newspapers still remained relatively apolitical, and among the partisan

press, Federalist editors outnumbered Democratic-Republicans by three or four to one. But younger editors who had come to maturity in the shadow of the First Amendment embraced Madison's views. The prosecution of a few opposition editors created martyrs to the cause. Previously apolitical editors joined the Democratic-Republicans, and partisan editors founded new Democratic-Republican papers. By the presidential election of 1800, about 40 percent of the nation's newspapers supported Jefferson, and they contributed to his narrow victory over the incumbent John Adams.⁴⁰

In anticipation of the election, Democratic-Republicans had established four new papers in Virginia alone. In North Carolina, Joseph Gales' newly-founded *Raleigh Register and North Carolina Weekly Advertiser* helped tip the state into the Republican column, and North Carolina's eight electoral votes equaled Jefferson's margin of victory over Adams. When it came to shaping "public sentiment," Jefferson had told Madison before the campaign began, "the engine is the press." The Federalist Fisher Ames agreed: "The newspapers," he wrote after the votes were counted, "are an overmatch for any government."⁴¹

By the time James Madison became president in 1809, "the American press had become," in the words of Gordon Wood, "the most important instrument of democracy in the modern world." Madison had committed himself to a broad interpretation of the First Amendment and to the need, in a republican system, for an informed citizenry. He had seen that the Sedition Act, rather than suppressing dissent, had energized an opposition party and an opposition press. He seems to have recognized during the War of 1812 that an attempt by the federal government to stifle anti-war dissent in Federalist New England likely would have provoked a civil war. Making a virtue of necessity, Madison accepted the free press. Arguments over the limits of free expression would persist well into the twentieth century, but as Madison settled into retirement, Alexis de Tocqueville could write that "[i]n America there is scarcely a hamlet that has not its newspaper....In the United States each separate journal exercises but little authority; but the power of the periodical press is second only to that of the people."⁴²

¹ James Madison to George Eve, January 2, 1789, in Jack R. Rakove, ed., *James Madison, Writings* (New York: Library of America, 1999), 428; Speech of June 8,

1789, *JMW*, 442-443, 445; Speech of August 17, 1789, *JMW*, 470. Senators were not chosen by popular vote until the adoption of the Seventeenth Amendment to the Constitution in 1913.

The Virginia Declaration of Rights had described freedom of the press as “one of the greatest bulwarks of liberty.” Final Draft of the Virginia Declaration of Rights, June 12, 1776, in Robert A. Rutland, ed., *The Papers of George Mason*, 3 vols. (Chapel Hill: University of North Carolina Press, 1970), 1: 288. One of the amendments proposed by the Virginia convention that ratified the Constitution used similar language: “Freedom of the Press is one of the great Bulwarks of Liberty, and ought not to be violated.” Proposed Amendments Agreed Upon by the Anti-federal Committee of Richmond, circa June 11, 1788, *PGM*, 3: 1070; Editorial Note, *PGM*, 3: 1119.

2 Observations on the “Draught of a Constitution for Virginia,” circa October 15, 1788, *JMW*, 417-18; Leonard W. Levy, *Origins of the Bill of Rights* (New Haven, Conn.: Yale University Press, 1999), 111. On the Zenger case, see Richard Kluger, *Indelible Ink: The Trial of John Peter Zenger and the Birth of America’s Free Press* (New York: W.W. Norton, 2017). Even Democratic-Republican jurists in the early 1800s took the position that truth was a defense only in the absence of malice. Jeffrey L. Pasley, *“The Tyranny of Printers:” Newspaper Politics in the Early American Republic* (Charlottesville: University of Virginia Press, 2001), 266.

3 Speech of February 2, 1791, *JMW*, 488-89; Speech of November 27, 1794, *JMW*, 551; John Lofton, *The Press as Guardian of the First Amendment* (Columbia: University of South Carolina Press, 1980), 21-22.

4 First Inaugural Address, March 4, 1809, *JMW*, 681; Terri Diane Halperin, *The Alien and Sedition Acts of 1798: Testing the Constitution* (Baltimore, Md.: Johns Hopkins University Press, 2016), 128; Pasley, *“The Tyranny of Printers,”* 283; Lofton, *The Press as Guardian of the First Amendment*, 48; Leonard W. Levy, *Legacy of Suppression: Freedom of Speech and Press in Early American History* (Cambridge, Mass.: Harvard University Press, 1960), 247. Blake quoted at Irving Brant, *James Madison*, 6 vols. (Indianapolis: Bobbs-Merrill, 1941-1961), 6: 418-19.

5 Jeff Broadwater, *Jefferson, Madison, and the Making of the Constitution* (Chapel Hill: University of North Carolina Press, 2019), 28-29; Ralph Ketcham, *James Madison: A Biography* (Charlottesville: University of Virginia Press, 1990), 63; Levy, *Legacy of Suppression*, 278-79.

6 Max Farrand, ed., *The Records of the Federal Constitutional Convention of 1787*, rev. ed., 4 vols. (New Haven, Conn.: Yale University Press, 1937), 2: 587-88; *Federalist No. 38*, in Jacob E. Cooke, ed., *The Federalist* (Middleton, Conn.: Wesleyan University Press, 1961), 247; Speech of June 12, 1788, *JMW*, 380-84; Speech of June 24, 1788, *JMW*, 401-407.

7 Thomas Jefferson to JM, December 20, 1787, in James Morton Smith, ed., *The Republic of Letters: The Correspondence Between Thomas Jefferson and James Madison, 1776-1826*, 3 vols. (New York: W.W. Norton, 1995), 1: 512-13; TJ to JM, March 15, 1789, *ROL*, 1: 586-89; Speech of June 8, 1789, *JMW*, 437-41; Broadwater, *Jefferson, Madison, and the Making of the Constitution*, 187, 191. Mason had included a provision on freedom of the press in the Virginia Declaration of Rights. *PGM*, 1:288.

Prior to the ratification of the Constitution, Madison probably most feared that a debate over amendments would disrupt the ratification process. For more on Madison

and the adoption of the Bill of Rights, see generally, Jeff Broadwater, “George Mason, James Madison, and the Evolution of the Bill of Rights,” *Georgetown Journal of Law and Public Policy*, 15, no. 2 (Summer 2017): 547-68; Carol Berkin, *The Bill of Rights: The Fight to Secure America’s Liberties* (New York: Simon & Schuster, 2015); Richard Labunski, *James Madison and the Struggle for the Bill of Rights* (New York: Oxford University Press, 2006); Robert A. Goldwin, *From Parchment to Power: How James Madison Used the Bill of Rights to Save the Constitution* (Washington, D.C.: AEI Press, 1997); and Robert Allen Rutland, *The Birth of the Bill of Rights, 1776-1791* (Chapel Hill: University of North Carolina Press, 1962).

8 Fisher Ames to George R. Mint, June 12, 1789, in Helen E. Veit, Kenneth R. Bowling, and Charlene Bangs Bickford, eds., *Creating the Bill of Rights: The Documentary Record from the First Federal Congress* (Baltimore, Md.: Johns Hopkins University Press, 1991), 247-48; Abraham Baldwin to Joel Barlow, June 14, 1789, *ibid.*, 250; Pierce Butler to James Iredell, August 11, 1789, *ibid.*, 274.

9 Speech of August 15, 1789, *ibid.*, 152; Levy, *Origins of the Bill of Rights*, 118-21. Defenders of the Sedition Act argued that the denial to Congress of the power to “abridge” the freedom of the press simply meant Congress could not curtail the rights of the press as they existed when the amendment was adopted, but contemporary critics could counter that any new law would restrict some existing rights and that the intent of the state conventions which recommended an amendment on press freedom was that it be “a positive denial to Congress, of any power whatever, on the subject.” St. George Tucker, *View of the Constitution of the United States with Selected Writings* (Indianapolis, Ind.: Liberty Fund, 1999), 382-87.

10 Thomas Jefferson to Edward Carrington, January 16, 1787, in Merrill Peterson, ed., *Thomas Jefferson, Writings* (New York: Library of America, 1984), 879-81; TJ to JM, August 28, 1789, *ROL*, 1: 627-31.

11 TJ to Samuel Smith, August 22, 1798, *TJW*, 1054; Second Inaugural Address, March 4, 1805, *TJW*, 521-23; TJ to John Norvell, June 14, 1807, *TJW*, 1176-79; Leonard W. Levy, *Jefferson and Civil Liberties: The Darker Side* (Chicago, Ill.: Ivan R. Dee, 1989), 46, 56, 58. See also, TJ to Thomas Seymour, February 11, 1807, in Joyce Appleby and Terence Ball, eds., *Jefferson: Political Writings* (New York: Cambridge University Press, 1999), 272-73.

12 TJ to William Wirt, March 30, 1811, in J. Jefferson Looney, ed., *The Papers of Thomas Jefferson, Retirement Series*, 15 vols. (Princeton, New Jersey: Princeton University Press, 2004-2018), 3: 515; TJ to Walter Jones, January 2, 1814, *TJW*, 1317; TJ to Nathaniel Macon, January 12, 1819, *TJW*, 1415; TJ to James Monroe, October 19, 1823, *Founders Online*, National Archives, Early Access Document; TJ to Marquis de Lafayette, November 4, 1823, *JPW*, 458.

13 Eric Burns, *Infamous Scribblers: The Founding Fathers and the Rowdy Beginnings of American Journalism* (New York: Public Affairs, 2006), 3, 183-84, 238; “Foreign Influence,” *Aurora General Advertiser*, January 23, 1799, *JMW*, 599.

14 Pasley, “*The Tyranny of Printers*,” 27; Stephen Botein, “Printers and the American Revolution,” in Bernard Bailyn and John B. Hench, eds., *The Press and the American Revolution* (Worcester, Mass.: American Antiquarian Society, 1980), 11-57, 19-22; “Apology for Printers,” June 10, 1731, in Leonard W. Labaree, ed., *The Papers of Benjamin Franklin*, 43 vols. (New Haven, Conn.: Yale University Press, 1959-1992), 1:194-99.

- 15 Thad Stem, Jr., *The Tar Heel Press* (Charlotte, N.C.: Heritage Printers, 1973), 1-3; Charles Christopher Crittenden, *North Carolina Newspapers Before 1790* (Chapel Hill: University of North Carolina Press, 1928), 36; Botein, "Printers and the American Revolution," in Bailyn and Hench, *The Press and the American Revolution*, 32, 45; Lofton, *The Press as Guardian of the First Amendment*, 5; Frank Luther Mott, *American Journalism, A History: 1690-1960*, 3rd. ed. (New York: Macmillan, 1962), 55, 79; Joseph M. Adelman, *Revolutionary Networks: The Business and Politics of Printing the News, 1763-1789* (Baltimore, Md.: Johns Hopkins University Press, 2019), 45-91.
- 16 Mott, *American Journalism*, 103-104, 107-108, 144; Richard Buel, Jr., "Freedom of the Press in Revolutionary America: The Evolution of Libertarianism, 1760-1820," in Bailyn and Hench, *The Press and the American Revolution*, 59-97, 81-82; Lofton, *The Press as Guardian of the First Amendment*, 5; Pasley, "The Tyranny of Printers," 32-34; Burns, *Infamous Scribblers*, 220-21; Marcus Daniel, *Scandal and Civility: Journalism and the Birth of American Democracy* (New York: Oxford University Press, 2009), 279; Levy, *Jefferson and Civil Liberties*, 23.
- 17 Levy, *Origins of the Bill of Rights*, 104-108, 117-18.
- 18 Stem, *The Tar Heel Press*, 2-9.
- 19 Daniel, *Scandal and Civility*, 7; Mott, *American Journalism*, 113-14, 116.
- 20 Adelman, *Revolutionary Networks*, 201-203; Donald H. Stewart, *The Opposition Press of the Federalist Period* (Albany: State University of New York Press, 1967), 15-16, 461-64. For a contrary view of postage rates, see Stem, *The Tar Heel Press*, 13.
- 21 Stewart, *The Opposition Press*, 18-19; Adelman, *Revolutionary Networks*, 29-32; Pasley, "The Tyranny of Printers," 3-21, 48, 201; Daniel, *Scandal and Civility*, 7-8; Mott, *American Journalism*, 143; Buel, "Freedom of the Press in Revolutionary America," in Bailyn and Hench, *The Press and the American Revolution*, 69.
- 22 Daniel, *Scandal and Civility*, 84-85. See also, Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (New York: Oxford University Press, 2009), 251.
- 23 Pasley, "Tyranny of Printers," 62-76; Jacob Axelrad, *Philip Freneau, Champion of Democracy* (Austin: University of Texas Press, 1967), 201-235, 243; Mary Weatherspoon Bowden, *Philip Freneau* (Boston: Twayne Publishers, 1976), 90-96.
- 24 Axelrad, *Philip Freneau*, 266; Marcus Cunliffe, "Elections of 1789 and 1792," in Arthur M. Schlesinger, Jr. and Fred L. Israel, eds., *History of American Presidential Elections, 1789-1968*, 4 vols., (New York: Chelsea House, 1974), 1: 29; John Adams to Abigail Adams, January 14, 1793, *Founders Online*, National Archives, accessed September 29, 2019.
- 25 Burns, *Infamous Scribblers*, 281-82; "A Candid State of Parties," *National Gazette*, September 26, 1792, *JMW*, 531; "Who Are the Best Keepers of the People's Liberties?" *National Gazette*, December 22, 1792, *JMW*, 533. For the Helvidius essays, see Morton J. Frisch, ed., *The Pacificus-Helvidius Debates of 1793-1794: Toward the Completion of the American Founding* (Indianapolis, Ind.: Liberty Fund, 2007).
- 26 "Public Opinion," *National Gazette*, December 19, 1791, *JMW*, 500-501. "[T]he defense of public opinion as a legitimate source of authority" has been described as "the primary intellectual innovation of the decade." Jeremy D. Bailey, *James Madison and Constitutional Imperfection* (New York: Cambridge University Press, 2015), 59.

Madison, to be sure, had always assumed a republican government had to rest on popular consent, but in the 1790s, he came to see a greater need for the mobilization and cultivation of public opinion, which went hand-in-hand with the creation of an opposition party. Madison's evolving views on the centrality of public opinion in a republic are explored in Colleen A. Sheehan, *The Mind of James Madison: The Legacy of Classical Republicanism* (New York: Cambridge University Press, 2015); and Sheehan, *James Madison and the Spirit of Republican Self-Government* (New York: Cambridge University Press, 2009).

27 "Public Opinion," *National Gazette*, December 19, 1791, *JMW*, 500-501.

28 James Morton Smith, *Freedom's Fetters: The Alien and Sedition Acts and American Civil Liberties* (Ithaca, N.Y.: Cornell University Press, 1956), 421-24.

29 Virginia Resolutions, December 21, 1798, *JMW*, 589-91; Editorial Note, William T. Hutchison and William M.E. Rachal, eds., *The Papers of James Madison*, 17 vols. (Chicago: University of Chicago Press; Charlottesville: University of Virginia Press, 1962-1991): 17:185-91.

30 Virginia Resolutions, December 21, 1798, *JMW*, 589-91; Editorial Note, *PJM*, 17:185-91.

31 Virginia Resolutions, December 21, 1798, *JMW*, 589-91; Editorial Note, *PJM*, 17:185-91; Editorial Note, *PJM*, 17:303-304. On Jefferson's role in the passage of the Kentucky Resolutions, see Julian P. Boyd, et. al., eds., *The Papers of Thomas Jefferson*, 43 vols. (Princeton, N.J.: Princeton University Press, 1950 to date), 30: 529-56. At one point—when is not entirely clear-- Jefferson considered submitting his draft to the North Carolina assembly, but Nicholas gave a copy to Kentucky legislator John Breckinridge, and the Kentucky assembly adopted it, with amendments, in November 1798. Editorial Note, *PTJ*, 30: 529-35; *ROL*, 2: 1067.

See generally, James Rogers Sharp, *The Deadlocked Election of 1800: Jefferson, Burr, and the Union in the Balance* (Lawrence: University Press of Kansas, 2010), 50-51, 59, 80-81; Halperin, *The Alien and Sedition Acts*, 99-103; Susan Dunn, *Jefferson's Second Revolution: The Election of 1800 and the Triumph of Republicanism* (New York: Houghton Mifflin, 2004), 111.

32 Wendell Bird, "Reassessing Responses to the Virginia and Kentucky Resolutions: New Evidence from the Tennessee and Georgia Resolutions and from Other States," *Journal of the Early Republic*, 35, n. 4 (Winter 2015): 519-51, 541-42.

33 Report on the Alien and Sedition Acts, January 7, 1800, *JMW*, 659; Editorial Note, *PJM*, 17:303-304.

34 Report on the Alien and Sedition Acts, January 7, 1800, *JMW*, 618-19. The first paragraph of Article I, Section 8 states: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

35 Report on the Alien and Sedition Acts, January 7, 1800, *JMW*, 642-44. The last paragraph of Article I, Section 8 gives Congress the power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

36 Report on the Alien and Sedition Acts, January 7, 1800, *JMW*, 633-40. The existence of a federal common law has been a complicated and contentious issue. It might

perhaps be most accurate to say while federal precedent guides federal courts, the common law is not in itself an independent basis of federal jurisdiction. See generally, Martha A. Field, "Federal Common Law," in Kermit L. Hall, ed., *The Oxford Companion to the Supreme Court of the United States* (New York: Oxford University Press, 1992), 278. Oliver Wendell Holmes's classic *The Common Law* (Boston: Little, Brown, and Co., 1881) provides a sense of the scope of the common law.

37 Report on the Alien and Sedition Acts, January 7, 1800, *JMW*, 644-47.

38 Report on the Alien and Sedition Acts, January 7, 1800, *JMW*, 647, 650, 654. Madison did not, however, seem to foreclose the possibility of state libel actions. *Ibid*, 651. In fact, the ability of libeled officials to seek relief in a state court could have been an argument against a federal law, but Madison did not press the point, perhaps because the thrust of this part of the report was to defend freedom of the press.

39 Report on the Alien and Sedition Acts, January 7, 1800, *JMW*, 655-58.

40 Editorial Note, *PJM*, 17: 303-304; Lofton, *The Press as Guardian of the First Amendment*, 18; Burns, *Infamous Scribblers*, 356; Pasley, "The Tyranny of Printers," 105-108, 126-27, 147-48; Edward J. Larson, *A Magnificent Catastrophe: The Tumultuous Election of 1800, America's First Presidential Campaign* (New York: Free Press, 2007), 77-78, 206; Halperin, *The Alien and Sedition Acts*, 99; Bernard A. Weisberger, *America Afire: Jefferson, Adams, and the Revolutionary Election of 1800* (New York: William Morrow, 2006), 214, 223; John Ferling, *Adams v. Jefferson: The Tumultuous Election of 1800* (New York: Oxford University Press, 2004), 144-49.

41 John C. Miller, *Crisis in Freedom: The Alien and Sedition Acts* (Boston, Mass.: Little Brown & Co., 1951), 221-22; TJ to JM, February 5, 1799, *ROL*, 2: 1093; Robert Neal Elliott, Jr., *The Raleigh Register, 1799-1863* (Chapel Hill: University of North Carolina Press, 1955), v, 4-5; Stem, *The Tar Heel Press*, 12-15, 20; Noble E. Cunningham, "Election of 1800," Schlesinger and Israel, *History of American Presidential Elections*, 1: 129. Ames quoted in Stewart, *The Opposition Press*, 640.

42 Wood, *Empire of Liberty*, 250; Lofton, *The Press as Guardian of the First Amendment*, 48; Buel, "Freedom of the Press in Revolutionary America," in Bailyn and Hench, *The Press and the American Revolution*, 93; Mott, *American Journalism*, 149-52; Alexis De Tocqueville, *Democracy in America* (New York: Alfred A. Knopf, 1994), 2: 186, 188.

Making Meaning: Empowering Undergraduates to Shape a Research Agenda

Christine Nugent

Research as Inquiry and Scholarship as Conversation are notions familiar to educators who collaborate with librarians in promoting information literacy among their students.¹ In our typical perspective as educators, these concepts involve orienting students toward inquiry and conversation as they conduct their own research. Inquiry includes the formulation of a research question and a survey of the literature that has been published on the topic. In the process of their research, the theory goes, students discover conversations among scholars that take differing perspectives on the issue at hand, conversations that ideally students enter as they produce their own writing. This is what should happen in academic discourse, but what we generally find is that unless students have the opportunity to present at an undergraduate research conference or publish their work in a refereed journal, it is difficult for them to appreciate that they are making a real contribution to the field in which they conduct their research assignments. Perhaps even more importantly, before students are ready to embark on inquiry and scholarship, they must be motivated to develop the attitudes and acquire the skills necessary to do so, attitudes and skills we cannot assume undergraduates bringing with them from their previous schooling. Given this situation, student motivation or student engagement are central themes in the literature on history pedagogy.

Not all students come to class eager and ready to learn about history; consequently, it falls to the teacher to create an environment that fosters student engagement. Utilizing student-generated questions is a common approach to creating conditions that help students to develop ownership over their learning.² More sophisticated and labor intensive to implement is the Reacting to the Past curriculum developed at Barnard

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College. This pedagogy employs historical role-playing games and may be among the most successful approaches to fostering student engagement, but there are others.³ Historical empathy seems to be a related method to develop student engagement in that it challenges students to slip into the roles of historical figures or historical types to help them explain or understand the past. Historical empathy as one of several components of historical thinking certainly has its pitfalls; for example, it requires knowledge of the historical context in which the people in the past made choices.⁴ There are other, less conventional ways to help students become motivated to learn about the past and empowered to take ownership of their own learning. Allowing students to help shape a scholar's research agenda is one of these.

In this article I will share my experience with such a process and how it has worked for me and my students over the past six years. The result of including students as genuine partners in shaping my research agenda has been a broadening and deepening of my own work, but, perhaps even more importantly, I have seen students become motivated to learn more about the topics raised in my lectures and to conduct their own research to find answers to questions that my presentations have prompted in them. As a professional librarian at a small liberal arts college who is also an active historian, I do not teach credit-bearing classes in history; rather, I bring my research to students in the form of lectures and presentations or as one-on-one independent study opportunities. In what follows I will provide short overviews of my research projects as they have evolved over the past six years, address concerns some critics have raised about the pedagogy employed, and close with some observations about the applicability of this approach to the history classroom.

I did not embark on my original project expecting that my mostly undergraduate student audiences would shape the course of my research agenda. Rather, I pursued a topic that was of interest to me, would fill a gap in the literature, and was doable over the course of a year-long sabbatical that I was granted for the 2013/14 academic year.⁵ I conducted oral history interviews in Germany with 29 non-Jewish German women. Nineteen interview partners had experienced Nazi Germany as children or teens and participated in the mandatory Female Hitler Youth. Ten interview partners were born after the end of the war and thus were members of the first successor generation. This second

group had mothers who had been in the Female Hitler Youth. The elder cohort was between eighty and ninety-five years old at the time of the interviews, while members of the daughter generation were in their late forties to mid-fifties. I conducted topic-centered, in-depth, life experience interviews with the women individually rather than with mother-daughter pairs. A number of open-ended questions I had prepared beforehand prompted my interview partners to narrate their lives or share significant life memories. Within the field of Holocaust Studies, interviewing members of the perpetrator society is still somewhat controversial, unless it is in connection with exposing Nazi supporters or perpetrators. My motivation to undertake this research was as much personal as it was professional.

I was raised in West Germany in the 1960s and 1970s as a member of the first successor generation, just like the younger cohort of women I interviewed. My maternal grandfather was a card-carrying member of the Nazi party whose three daughters, my mother among them, were enthusiastic leaders in the Female Hitler Youth. Throughout the project I felt some ambivalence about this work. It was a balancing act between listening with genuine empathy for the memories of hardship and loss my elderly interview partners shared with me on the one hand, and on the other naming, facing, and mourning Germany's responsibility for war and Holocaust and my own family's entanglement in that history. Consequently, I started my interviews with family members and friends, and then used the snowball system to find the rest of my interview partners. Sadly, my own mother had passed long before I conceived of this project.

Why did I choose this project? Seeing those iconic images so familiar to most of us, images of German women waving swastika flags and cheering high-ranking Nazi officials, if not Adolf Hitler himself, always makes we wonder whether these women remembered their enthusiasm for the Nazi regime after its collapse. Did they tell their children about it, or did they rather suppress all memories of the events that had shaped their youth? What would they be willing to share with me during our conversations? How would they construct their life stories for this German American historian, herself a member of the first successor generation? Would my elderly interview partners be reflective about the past and their own or their loved ones' role in it? As for the younger women, how did they process and live with the Nazi legacy?

What, if anything had they heard from their mothers about life under National Socialism? Was the information freely given or did they have to ask? Those were some of the questions that prompted me to embark on the initial research project.

I have often been asked why I focused on women rather than men. Reviewing the vast and still growing literature on National Socialism, World War II, and the Holocaust, I noticed that non-Jewish German women who did not fall into the categories of criminal perpetrators or persecuted resisters, had received much less scholarly attention than their male counterparts. Not much is available about them in the English language. As a rule, male experiences in the war are privileged over female experiences at the home front. The situation is very similar for the various victim groups of war, persecution, and Holocaust. As recently as 2018, Elisabeth Krimmer argued that women's war stories have long been underrepresented or altogether absent. Women have been virtually invisible in their active participation and implication in war and genocide, but also as sufferers of crimes committed against them, in their roles as rape victims, refugees or expellees, and camp inmates. According to Krimmer, a full understanding of modern war, of suffering and perpetration, but also of the complicity of bystanders, is impossible without the inclusion of women's war experiences.⁶ Given the neglect of women's perspectives in public discourse and their general absence from public memory, I was not surprised that many of my older interview partners initially expressed doubt that they would have much of interest to contribute. After all, they argued, they had not experienced anything that was unusual at the time. Nobody had ever been interested in their stories and perspectives before. In the rare cases where a man was present in the household at the time of the interview, those men expressed disappointment that I was not interested in their stories, even though they believed they had so much of importance to share. After our interview, several of the elderly women told me that I was the first person that had ever asked, including in most cases their own families. Indeed, they thought it had felt good to convey their memories to tape, to talk about their experiences without fearing to be judged, and to share their thoughts about what they remembered of their childhood and youth under National Socialism, albeit late in life.

Before describing how my student audiences reacted to my lectures and presentations about this project, let me convey a few insights and conclusions from the study.

My elderly interview partners enjoyed sharing happy memories about their time in the Female Hitler Youth, filled with a sense of belonging and comradeship, a uniform they liked, crafts, outdoor activities, singing, and projects that made them feel valued and important; however, according to them, the Female Hitler Youth had been completely devoid of anything political. Frau S.'s account is quite representative of what I heard time and again. As a ten-year-old she was recruited to join the Female Hitler Youth. Asked to say a bit more about what they did, she responds: "Then we also went on hikes. And, a uniform. [...] Well, it was not a bad uniform [here she chuckles]. And all of us looked the same, were the same. None was above the others. We were all equal. [...] So, for me as a child, as the youngest child of the family, it was nice. There I always had children to play with, or go to the theatre with, or we went swimming sometimes." Did she remember having learned anything about National Socialism during her time with the Hitler Youth? "Uh, the songs, that was first. And then Adolf Hitler, his life, and, yes, you had to memorize that right away."⁷ Trying to make me understand her generation's infatuation with Adolf Hitler and National Socialism, Frau U. provides a teenage perspective:

We were so indoctrinated. But I must add, there was nothing else. Nowadays young people have so many choices with, um, [...] with their pop stars, and with their movie idols. We did not have any of that. Sometimes I think that this was kind of a substitute for us, that we could cheer and idolize someone without thinking much and pondering, 'is this the right thing to do?'⁸

In her photo album and diary Frau K. shares a special encounter that illustrates Frau U.'s point perfectly. On an outing in early summer 1939, Frau K.'s high school class runs into Rudolf Hess, second to Hitler in the state hierarchy. Hess is vacationing shortly before Germany invades Poland, marking the beginning of World War II. The young girls offer to sing to him, and he magnanimously grants permission. Afterwards Hess invites the group on a boat ride. During our interview Frau K. proudly shows me the photos made of this chance encounter. It was

among the highlights of Frau K.'s teenage years, only comparable with a youngster running into one of the Beatles a few decades later. In the photos it is only too apparent how much Hess enjoys the attention of his youthful admirers!

But life in the Third Reich, even before the beginning of the war, was not all fun and games for young Germans, male and female alike. The Nazi state required contributions of time and talent from all the members of the so-called Community of the People. In addition to the mandatory groups for children and the state-sponsored Labor Service for young men and women, there were many opportunities for volunteer work. Teaching children of newly re-settled ethnic Germans was one of them, and Frau K. participated enthusiastically. After all, even at a youthful age her professional ambitions included teaching, and she had a real talent for it. Did Frau K. remember how she thought about her role in the Third Reich after the war was lost and the regime had collapsed? She was 24 years old at the time. Indeed, she was the only interview partner who addressed having had feelings of personal culpability during the early post-war years for her own role in the Nazi state because she had given of herself to the cause.

Then I thought to myself, 'so, now you are burdened with guilt; you supported, helped, passed on. You have—and that was this conflict—really made the best of yourself available, the best energies you have, you made available to the National Socialist cause, and all of this happened for these most terrible ends.' I did feel misused. And, as I said, one was culpable, one had participated, but I participated with the best I was able to give. I did not, not even close, hurt anyone [...], but now here one stood, saw this heap of shards and knew, there is much of yourself in here, but much of what you considered your greatest strengths and best talents.⁹

How do subsequent generations deal with the Nazi legacy? I conducted the interviews with the daughter generation to look for traces of personal and familial memory, but I also travelled throughout Germany, wandered the streets, attended conferences and public events, and perused bookstores to find evidence of public memory. After all, current public memory in Germany is shaped by the first and second

successor generations, the children and grandchildren of those who experienced Nazi Germany first-hand.

Here I will only share one example of the many ways in which successor generations are making the process of working through the past visible and tangible. Indeed, Germany's cultural, intellectual, and political identity can only be understood within this framework shaped by members of the first and second successor generations to which my younger interview partners belong.

In Hamburg I literally stumbled over the *Stolpersteine* or stumbling stones. Most are embedded in the pavement at entrances to houses, apartment complexes, or businesses. One sees especially many in revitalized former Jewish neighborhoods, in historic shopping districts, close to universities or cultural institutions, or near places where synagogues stood before their almost universal destruction on Pogrom Night in 1938. Each *Stolperstein* is about five by five inches in diameter and is covered with a brass plate commemorating a person who was deported from the house, business, or neighborhood. The engraving gives the name, date of birth, date of deportation, and, if known, place and date of murder of the person being remembered. It is not uncommon to see stones for husbands and wives, or entire families, together in the same place. I found long rows of them in front of the main building of Hamburg University, commemorating the Jewish professors who had been driven to suicide or killed in custody, in concentration camps, or in the notorious Nazi death camps in occupied Poland. At the entrance to a train station I noticed a large cluster of stumbling stones that commemorate the group of patients who were deported from there directly from an asylum for the handicapped and mentally ill to killing centers elsewhere in Germany. Twenty years into this stumbling stone project, there are well over 1000 of them in Hamburg alone and more than 56,000 in 22 countries, with most of them in Germany. The majority is dedicated to Jewish victims of the Holocaust, but lately I have also seen *Stolpersteine* dedicated to other persecuted groups, such as the handicapped and mentally ill, members of the resistance, and conscientious objectors and deserters.¹⁰ Also predominant in Germany's public spaces are monuments and memorials depicting the horrors of war. Whether it is soldiers that are depicted or civilians, all are emphatically anti-heroic.

Getting back to my initial research questions, after reviewing what my interview partners told me, I came to the following conclusion. For my elderly cohort it was all about *remembering*. They shared with me childhood memories of belonging and community and experiences of separation and loss during the war. And they were proud of having rebuilt their lives after the war. If rape came up during our conversation, it was always the rape of others that the women told me they had witnessed. Anything else was probably too painful to talk about. The memories my elderly interview partners passed on to their daughters focused on these same issues. For those who had had to flee their homes, either because of allied bombing or because they fled in front of the Russian front at the end of the war, those memories took center stage. Only one older woman was *reflective* about the role she had played to support the Nazi regime and how that had burdened her with guilt. The daughters, by contrast, wanted to know what their mothers had known about the persecution and killing of Jewish neighbors. How had it been possible that German men and women, just one or two generations removed from themselves, had allowed the Nazis to come to power, unleash a war on the rest of the world, and, worse of all, perpetrate the Holocaust? For this daughter generation, *reckoning* with what had happened, was more important than listening repeatedly to the same memories from their mothers. By reckoning I refer to a process in which family members would move from talking about experiences of hardship and loss during the war years to examining what had originally caused those situations, namely Nazi Germany's war of annihilation on the Soviet Union, and on the incomparably more traumatic experiences Nazi Germany had imposed on Jewish people and other persecuted groups. However, this reckoning rarely happened between mothers and daughters.

In a recent article I explore possible reasons for this phenomenon.¹¹ I believe that post-war gender roles that persisted into the early 1980s play a primary part in having prevented candid conversations about National Socialism, war, and Holocaust between mothers and daughters. My cohort grew up not seeing our mothers as political beings and full agents of their lives. For most of us, our mothers were housewives. They were well educated, but they did not work outside of the home. Few, if any, engaged politically. Moreover, many stressed how apolitical they had been ever since the end of the war. According to them, even the Female Hitler Youth had been apolitical, a claim that

I was able to disprove after doing some research in the German National Archives in Berlin. After these women's, our mothers', experience with National Socialism, most would never again join any group that engaged politically. Consequently, we daughters did not think that they had anything to contribute to the political discussions many of us had with our fathers about National Socialism and the genocidal racism that was at its core. By and large, we failed to challenge our mothers to explain to us "how it could have happened." Our fathers could or would not explain that either; on the contrary, many still held racist views, so many of us fought with our fathers during our teenage years. Conforming with gender norms at the time, our mothers tended to play the role of peacemaker between fathers and daughters. Nothing was resolved in terms of coming to terms with the legacy of National Socialism, war, and Holocaust. Nothing was resolved in terms of working through our own families' entanglement, as bystanders, active participants, or perhaps as perpetrators. As parents aged, daughters gave up trying to have these difficult conversations with them. Addressing one's own family's role in Nazi Germany, family members' various levels of entanglement or complicity with the system, happened only between one mother/daughter pair of my cohort, and only after the husband and father had died. As for themselves, my younger interview partners without exception embraced the legacy of Germany's Nazi past as "negative possession" on a very personal level, to use the expression coined by Jean Améry.¹² Never again! was these women's mantra. Never again following blindly a leader or ideology that excludes or vilified others; never again supporting militarism or waging a war of aggression; never again abandoning persecuted people to their fate while looking the other way and remaining silent. Taking a stand, questioning authority, and engaging politically was important to these younger women, and this is how they brought up their own children.

Equally important to them was to talk about this burdensome shared legacy within their families, even after the parent generation had passed away. Frau F. speaks for many of my younger interview partners when she concluded our conversation with an anecdote. At a family reunion in the family homestead where her father had grown up—he was no longer living at that time—her cousin took Frau F. aside and whispered something into her ear. He had found her father's SS membership card in the attic.¹³ Frau F. was furious. Not with her father at that moment, but rather with her cousin. Why could they not have taken this as an

opportunity to talk openly about their family's past? "I think if one wants to learn from something, then one has to talk about it openly and for all to hear. And not behind closed doors [*emphatic*]. Otherwise one simply cannot learn from it." ¹⁴

So far so good. I had transcribed the interviews, sorted through my photos, and made sense of the archival evidence I had found. It was time to present. I lectured in familiar settings: myself up front, positioned at a lectern, a screen for my slides behind me, and the audience following, with some more attentive than others. The setting was perhaps especially traditional and formal since I generally use a manuscript rather than notes, together with a multimedia slide show. This "sage on the stage" setting is still standard for invited lectures. In a classroom setting, on the other hand, alternative spatial arrangements are being discussed as one among several methods to promote student engagement. For example, Active Learning Classrooms (ALC) use moveable tables that can be reconfigured into pods to facilitate group work and that do not necessarily face the front. The instructor moves around the room, often utilizing free-standing white boards or screens situated throughout the teaching space. Students collaborate with one another, utilize various technologies, and expect the instructor to provide guidance to them when they need help.¹⁵ The setting during this first round of lectures, delivered at colleges and universities throughout the Appalachian Region, certainly did not meet the criteria for an ALC.

Nevertheless, many in my audiences were engaged enough to ask questions. I noticed that students posed similar questions wherever I lectured. For example, they wanted to know more about how Germans commemorate their forebears' crimes during war and Holocaust, but also whether and how the country acknowledges German suffering. What could I tell them about memorials of WWI that were erected and revered by the Nazis, or memorials created during the Cold War in both Germanies? Was there discussion whether those memorials should be torn down, not unlike the debates in this country about memorials commemorating famous persons from American history who were also slave owners, or monuments commemorating war efforts of the Confederacy erected throughout the South? Also, was there perhaps a backlash against the public reckoning with Germany's guilt? At one university my lecture happened in connection with their Quality Enhancement Plan (QEP) that focused on civic engagement, and we

talked about how members of the Hitler Youth Generation had been highly engaged civically but had failed to question the driving forces behind that and had allowed themselves to be used for ultimately murderous ends. It was clear from my audiences' questions that the issues addressed in my research prompted them to ponder issues of current import in their own communities and perhaps even within their own families. Their engagement seemed to stem from the meaning they made of my material, connecting the themes I addressed with struggles in their own lives. The *setting* of the presentations was certainly not what facilitated engagement.

The questions and conversations we had during the first round of presentations inspired me to return to Germany in the summer of 2016 for the first follow-up study that would hopefully help me find answers that I could later bring back to subsequent student audiences. My second research project was born. I examined the much-lauded welcoming culture in Germany vis-a-vis the great influx of asylum seekers and refugees in the summer and fall of 2015.¹⁶

For this project I interviewed women in their twenties who had come to Germany as immigrants or as refugees about their take on Germany's memorial culture and the country's policies towards refugees and asylum seekers. I also wanted to know whether they thought that the population's current welcoming stance towards newcomers had anything to do with lessons learned from Nazi Germany and the Holocaust. All told me that of course newcomers to Germany should learn about National Socialism and the Holocaust. Just like their native-born German compatriots, immigrants and refugees should assume responsibility for never letting anything like that ever happen again. One did not need to be the child or grandchild of those who had experienced National Socialism on the perpetrator side firsthand to have this responsibility; rather, it simply came with being a member of post-war and post-reunification German society. It was not personal guilt passed down from one generation to the next that called to action, but rather a communal responsibility to learn from a troubled past. The interview partners of color also spoke of racism they had encountered in Germany. To my surprise they said that older people, people who had been socialized under National Socialism and had had white supremacy drilled into them as children, generally became friendly once they had had an opportunity to get to know the women as individuals, while

younger people seemed to be more racist. After hearing this, I understood why an anti-racist plaque that my former high school displayed prominently over its entrance was an important statement in these times of growing diversity and multiculturalism. Incidentally, this same high school had once expelled all its Jewish students, who were German nationals like the rest of the population, but there was no plaque commemorating that shameful legacy. I believe that failing to make a connection between today's racism and the antisemitism during Nazi Germany is not merely an oversight, but rather a lost educational opportunity.

As another part of this project I included participant observation in Dresden, a city in the eastern part of the country, of what I consider a backlash movement against Chancellor Merkel's liberal refugee policies. Germany has accepted more refugees and asylum seekers in recent years than any other country in Europe. Despite heavy criticism from her own party, from the opposition, and from many of her European peers, Chancellor Merkel has held steadfast in her conviction that Europeans have a moral if not legal obligation to grant refugees asylum. "War schaffen das," ["we can handle this" or "we can get this done"] has been her motto ever since she decided in October 2015 to allow the refugees stranded in Budapest free passage to Germany.¹⁷

She probably had many reasons for doing this, but I argue that being part of the first successor generation after World War II and the Holocaust played no small role in her decision. Angela Merkel is two years older than I am. We are the same generation. Her parents were non-Jewish Germans growing up under National Socialism. I do not know anything about her family's stance at the time vis-à-vis the Nazi regime; however, just as my middle-aged interview cohort from 2013 told me that the Nazi legacy had influenced important personal and professional choices, I believe this is true for Angela Merkel as well. I believe one cannot fully understand her refugee policies without looking at what I call the "long shadow of National Socialism." "Never again," is one of the lessons, as previously mentioned.

It is probably safe to say that most Germans agree with Chancellor Merkel, albeit with growing doubt that integration will be easy, but a sizable and vocal minority does not. The most prominent movement of opponents was formed in October 2014 in Dresden, notably before this

current refugee influx peaked one year later. It adopted the acronym PEGIDA for its name.

PEGIDA stands for *Patriotic Europeans Against the Islamization of the Occident*. The group gathers in the city center of Dresden every week. I had planned my stay to witness two of those so-called strolls. The first week I was too intimidated to approach any of the protesters. I barely dared to take pictures and record a few sound clips. The following week the police, stationed between PEGIDIANS and counter-protesters, allowed me to get into the no-man's land between the groups. In most other cities counter protesters outnumber PEGIDA marchers by a large margin, but it is the opposite in Dresden. Still, they did their best to disrupt the PEGIDA speeches with noise. This time I approached a group of young protesters, asking if they would answer a few questions. They did but declined to be taped.

Why is PEGIDA important? I asked. "So that the people assert their right to speak their minds," the group responded. Things should never become like in China where people are not allowed to speak up. More people march in the fall and winter when it is darker than when it is light in the summer because they are afraid to be seen. One member of the group said she had lost two jobs because someone had recognized her online as being present at a PEGIDA event.

I asked what PEGIDA had accomplished so far? The answer was prompt: That topics like the refugees are even discussed in Germany. This was because of PEGIDA. Had PEGIDIANS not "shown face," nobody would address the issues connected with refugees pouring into the country and integration going wrong in many instances. At the rally I realized once again how alive the legacy of Nazi Germany still is today when Lutz Bachmann, founder and major figure within the movement, addressed the crowd, telling them how proud they should be of "showing face" week after week to prevent the Merkel government from "ruining" the country. He went on to say that many members of the younger generation had confronted their parents why they had not stood up against the Nazis. When it came time for the next generation asking those present at the rally what they had done when millions of foreigners flooded the country, at least they could say that they had protested loudly and persistently. I could not quite believe that I had heard this

correctly: PEGIDA claimed for itself the legacy of the German anti-Hitler resistance movement!

PEGIDA has tarnished Dresden's reputation as a cultured city and preferred tourist destination. Visitor numbers from the western part of the country have plummeted. Dresden fights back with numerous initiatives. One is the "Initiative for a Dresden that is open to the world (#WOD)." Cultural institutions band together to offer events and programs that speak for tolerance and solidarity and against populism and fear mongering. One of the slogans of this movement is "Dresden for Everyone." PEGIDA likes to use the world-famous Dresden Opera House as backdrop for demonstrations. During Christmas time 2015 about 17,500 PEGIDIANS sang Christmas songs here to make a visible and audible statement in support of Western culture, prompting opera and town officials to turn off the flood lights illuminating the opera house. Then town and opera officials hoisted the banners on the large public place in front of the opera that is one of the most popular gathering places for tourists. The banners read, "Human Dignity is Sacrosanct," which is Article One of the Basic Law of the Federal Republic of Germany, and "Doors Open!" "Hearts Open!" and "Eyes Open!" They are to signal the city's and its cultural elites' commitment to tolerance, openness, multiculturalism, and the inclusion of all. Those same banners were still flying when I re-visited Dresden in the summer of 2019.

As part of this project I also studied monuments commemorating World War I, World War II, the Holocaust, and also the Peaceful Revolution of 1988/89 that led to the fall of the Berlin Wall and to the dismantling of the Iron Curtain that had separated the two German states from 1961 to 1989. I wanted to see whether these monuments assumed an educational function by contextualizing the conditions under which they were erected. For my guest lectures on memorial culture in Germany I use as a case study a war/anti-war memorial complex located in downtown Hamburg, Germany. The original memorial, pompously unveiled by the Nazis in 1936, is a massive block of stone depicting eighty almost life-sized soldiers from a Prussian regiment that suffered tremendous casualties in World War I. The soldiers, clad in full battle gear, are depicted marching in endless procession under the caption, "Germany must live, even if we must die." All look the same. While other German World War I memorials bemoan victims of war, this

monument glorifies the soldier as a hero. It was to be razed by the British occupation forces after World War II, but ultimately saved for historical preservation purposes.

After much debate over its purpose and future, a second memorial was erected on the site in 1985, depicting the horrors of the 1943 Allied firebombing of Hamburg and its many civilian victims. Juxtaposing the clean-cut marching soldiers of the original memorial are twisted and maimed bodies writhing in the flames of structures collapsing in the fire. Explanatory plaques educate the public about the connection between Germany's war of aggression and Germans as victims. Yet another memorial joined the assemblage in 2015, commemorating World War II deserters and other victims of Nazi "military justice."¹⁸ Each person is represented with a name and his or her story. My audiences are interested in this case study, especially considering the debates surrounding Civil War monuments in this country that were contentious and at times led to violent clashes between opposing sides. This is the reality in which my students live, and the issues with which they grapple.

When it was time again to present, I found conditions that were quite different from those I had encountered during my first round of presentations on college campuses. The best example for this change is the student group, *Standing Up for Racial Justice* (SURJ), that invited me to deliver the keynote address for an event on the topic of White Guilt.¹⁹ They had decided that my research was relevant for their work combatting racism on their own campus and in their own lives. This time, we were going to have a conversation. Probably without knowing the scholarship behind spatial arrangements of learning spaces and how Active Learning Classrooms can foster student engagement, but certainly having experienced such spaces in some of their classes, the leaders of the group set up the room for the event, creating a semicircle of chairs, with mine integrated into the round and the screen on the opposite side. I took this arrangement to signal what the students expected from the event. They did not introduce me in the standard fashion, with title, degrees, presentations, and publications; rather, the student leadership framed my talk by asking all participants to share a story that had been passed down in their own families from generation to generation. Responding to the prompt, some participants shared family holiday traditions and recipes as examples. Others told of famous

ancestors that were held up as examples of goodness and civic virtue within their families even though they had owned enslaved persons, a fact that was not discussed. Others told of family stories proudly pointing to a general among the ancestry or to other important persons in the Confederate South. The students were expected to claim these ancestors with pride but felt increasingly troubled by that expectation. There were also stories that involved family secrets; something the students suspected was wrong, but about which one was not allowed to talk.

After this introductory round, they were ready for my presentation. I remained seated in the circle. After the talk and after some Q&A about its content, the student leadership asked their fellow students to share with the group a goal for the following week. What would they do now that they had heard my talk? A few wanted to become more knowledgeable about National Socialism and the Holocaust; others planned to ask their parents and grandparents about segregation and integration before and during the Civil Rights movement; yet others wanted to do research on local Civil War memorials. Several wanted to uncover dark family secrets and expose family myths. Most planned to interview their grandparents and other elderly family members, recording those family members' memories while there was still time. And they sent me on my way towards Research Project number three: examining racism in Germany vis-à-vis the recent influx of refugees and asylum seekers, expanding my previous research on memorial culture in general, with a focus on monuments that commemorate war and Holocaust, and studying Jewish-German perspectives on Jewish life in today's Germany. The underlying theme and unifying question among the various strands of my projects continued to be, *Whither Germany?* I have since conducted this study and am in the process of developing the next round of presentations and guest lectures making use of the materials I have collected and interviews I have conducted in the summer of 2019.

I have been pleased to see that my student audiences make their own meaning from my research by perceiving it through the lens of what is important in their lives here and now. Over the past three years I have observed increased interest in my work: the role of propaganda, the assault on the press, the chipping away at democratic institutions, the

sowing of hatred against all who are perceived as “the other,” and contested monuments and memorials. These are all hot topics today.

I also see with concern how little historical knowledge my student audiences have, which leaves them with little or no context for assessing social and political currents today in this country. At the same time, I am heartened to see how much they want to know about the past, probably to be able to make political choices in the present in a more informed and critical way.

My student audiences also enjoy learning how their peers’ questions had guided the development of my research agenda and gladly follow my invitation to pose new questions for further research. Now they get it when I tell them that scholarship is a conversation, and they eagerly embrace their role as conversation partners in that process.

My approach is not without its critics. The main concern is that it allows, even invites students to “mix and match” historical events and epochs that lie far apart and, on the surface, have little in common. As historians we know that history does not repeat itself; rather every historical event is unique, and one should assess the actions of historical figures using today’s standards with utmost caution. While it is acceptable to teach history focusing on great events or turning points, allowing students to compare events from recent U.S. history with those during Nazi Germany is less conventional. Scholarly literature that examines comparatively events from different historical time periods that seem disparate yet are connected by common themes or can be analyzed using overarching categories is quite rare. For example, in her compelling book, titled *The Victims of Slavery, Colonization and the Holocaust: A Comparative History of Persecution*, Kitty Millet analyzes slavery in the United States, colonial German Southwest Africa, and the Holocaust using victim experiences, survival strategies, and imagined communities of victims as well as perpetrators as analytical categories.²⁰ In her article, “Finding Common Ground in Education about the Holocaust and Slavery,” Dienke Hondius argues that the two events have in common concepts such as “‘race’, exclusion/inclusion, memory, persecution, dehumanization, fatherland, civilization, injustice, equality, and tolerance.”²¹ The concept of racism can be a connector between teaching the Holocaust and Slavery, allowing that “[T]here have been some academic discourses that

connect the history of the World War II, the Shoah, that of race, and of slavery – but they are rare.”²² My student audiences made this connection on their own, albeit between National Socialist Germany and current racism in the United States.

I invite students to make their own meaning from my presentations mainly because I see the motivational potential in this approach. At the undergraduate level what matters is student engagement, which is a powerful motivator for students to want to learn about the past. I have seen time and again students in my audiences making connections between the materials I present and their personal family histories. The inclination to do so is not confined to traditional-aged students. The occasional adult who found their way into my lectures, including mostly elderly local citizens who had heard about the event through the newspaper or found it on the college website, would regularly bring up members of their own families, such as fathers and grandfathers, who had fought in World War II or the Vietnam War and who would not ever talk about their experiences. Others had German immigrant neighbors who had similar stories as my elderly interview partners, or they had women of the second generation with German roots in their circle of friends who had shared with them the burden of the Nazi legacy. Yet others knew of Holocaust survivors and were therefore interested in what I had to report about members of the former perpetrator society. An emotional connection is indeed helpful to prompt a desire to learn more about history. This was most apparent in the students belonging to SURJ. Almost none of them knew much about Germany, World War II, the Holocaust, or any other history for that matter, but they were concerned about racism on their campus, in their hometowns, or within their extended families. Learning about National Socialism and the Holocaust helped them to understand conditions under which racism has turned murderous in the past. Without exception, they were motivated to learn more about history. “I want to google that,” was their way of expressing this, but that is a start, is it not?

Another concern about my approach is whether it can be used in a classroom setting. This probably depends on an instructor’s research agenda and on the classes he or she teaches. Even though lecturing as primary pedagogy tends to be frowned upon in today’s educational environment, mini-lectures followed by a conversation, which in turn may lead to individual research projects and student presentations are a

common approach to teaching history. What is important for student engagement is that students are equipped with the tools to enter a real conversation about the topic at hand. Such conversation includes the engagement with the literature in the field, an understanding of the role of primary sources in historical research, the discovery that published authors engage in conversations or debates not only with their sources, but also with one another, and the realization that students can and are acquiring the skills to contribute to such conversations in their roles as fledgling historians. Formulating a question, studying primary sources, perusing the literature, and discerning possible (and sometimes competing) explanations for change over time that in turn lead to new questions is at the heart of the process we call historical research. As I have demonstrated, getting students engaged with this process worked well with my research agenda and with my approach of sharing my findings with others. In terms of teaching philosophy, driving the iterative approach between my research, the presentations about that research, audience questions, and new research projects resulting from those questions is a constructivist, or student-centered approach that is based on the assumption that knowledge is created or developed through experience.²³ Since this pedagogy allows the learner to create knowledge in their own mind, “the learner becomes the ‘owner’ of the knowledge” which enables the learner “to understand the knowledge in an intimate way that cannot be achieved by mere memorization.”²⁴

From what I have described above it should be evident that I have benefited tremendously from the iterative process I have used to bring my research to lay audiences of primarily undergraduate students, with the occasional member of the broader public in the mix. There have been genuine conversations between me in the role of researcher and presenter and my students as active participants and fledgling researchers themselves. My experience has probably been not unlike that of many an author who in the acknowledgement section attributes much of the credit for their book to their students who through their questions challenged and motivated the scholar in his or her work. These scholars say that they have learned much from their students over the years, and that without the interaction with their students the work would never have come to fruition. My interactions with my student audiences have felt like that as well. My work would not have been the same without them and I am grateful for that. It is indeed rewarding to think that I may have contributed in a small way to students becoming

motivated to learn, to question, and to engage in the important conversations for which we are preparing them during their undergraduate studies.

1 *Research as Inquiry* and *Scholarship as Conversation* are two of the six frames constituting the Framework for Information Literacy for Higher Education of the Association of College & Research Libraries (<http://www.ala.org/acrl/standards/ilframework>). Accessed Dec. 20, 2019.

2 Yvonne Zeegers and Katrina Elliott, “Who’s Asking the Questions in Classrooms? Exploring Teacher Practice and Student Engagement in Generating Engaging and Intellectually Challenging Questions” *Pedagogies: An International Journal* 14, no.1 (2019), 17-32, here 3, <https://doi.org/10.1080/1554480X.2018.1537186>.

3 For more information to *Reacting to the Past*, see <https://reacting.barnard.edu/reactingconsortium>. Accessed Dec. 19, 2019.

4 For a discussion of historical empathy as pedagogy, see Jukka Rantala, Marika Manninen, and Marko van den Berg, “Stepping into Other People’s Shoes Proves to be a Difficult Task for High School Students: Assessing Historical Empathy through Simulation Exercise,” *Journal of Curriculum Studies* 48, no. 3 (2016), 323-345; Jason L. Endacott, “Reconsidering Affective Engagement in Historical Empathy,” *Theory and Research in Social Education* 38, no.1 (2010), 6-47, DOI: 10.1080/00933104.2010.10473415; Jason L. Endacott and Sarah Brooks, “An updated theoretical and practical model for promoting historical empathy,” *Social Studies Research and Practice* 8, no.1 (2013), 41-58.

5 The title of this project is *Remembering, Reflecting, Reckoning: German Women and the Long Shadow of National Socialism*.

6 Elisabeth Krimmer, *German Women’s Life Writing and the Holocaust: Complicity and Gender in the Second World War* (Cambridge: Cambridge University Press, 2018).

7 Frau S., interview by the author, October 21, 2013, tape recording, transcript. Curiously, Frau S. insists that nothing in the Female Hitler Youth was political while at the same time telling me that the children had to learn about Hitler and the party during their weekly meetings.

8 Frau U., interview by the author, October 9, 2013, tape recording, transcript.

9 Frau K., interview by the author, August 29, 2013, tape recording, transcript.

10 For more information on this project and images of *Stolpersteine*, see <http://www.stolpersteine.eu/en/home/>. Accessed Jan. 2, 2020.

11 Christine Nugent, “Remembering, Reflecting, Reckoning: German Women and the Long Shadow of National Socialism,” *The Oral History Review*, 45, no.1 (April 2018), 1-26, <https://doi.org/10.1093/ohr/ohy002>.

12 Jean Améry, *Jenseits von Schuld und Sühne: Bewältigungsversuch eines Überwältigten*, 2nd ed. (Stuttgart: Ernst Klett Verlag, 1977), 124.

13 SS stands for “Schutzstaffel,” or protection squadron. It was founded in 1925. Led by Heinrich Himmler, it was the most powerful organization in the Third Reich. Members wore all black uniforms. The Waffen-SS, the armed wing of the SS, was declared a criminal organization at the Nuremberg Trials. It headed up the

implementation of the Holocaust in occupied territories in the East and perpetrated other war crimes. It is not clear whether Frau F.'s father was in the SS or the Waffen SS.

14 Frau F., interview by the author September 2, 2013, tape recording, transcript.

15 Kimberly M. Sawers et al., "What Drives Student Engagement: Is it Learning Space, Instructor Behavior, or Teaching Philosophy?" *Journal of Learning Spaces* 5, no. 2 (2016), 26-38, here 27.

16 The title of this project was *Exploratory Study of Attitudes towards the Legacy of National Socialism among Young German Women with Migration Background*.

17 Chancellor Merkel and her Grand Coalition have since tightened Germany's refugee policy considerably, also in consultation with or pressure from other European states, but Merkel holds fast to her humanitarian approach to the refugee crisis.

18 For more information about the site, including photos of the various monuments, see <http://sites-of-memory.de/main/hamburgdammtor.html>. Accessed Dec. 28, 2019.

19 For more information on *SURJ*, see <https://www.showingupforracialjustice.org/>. Accessed Dec. 18, 2019.

20 Kitty Millet, *The Victims of Slavery, Colonization and the Holocaust: A Comparative History of Persecution*. A Modern History of Politics and Violence (London: Bloomsbury Academic, 2017).

21 Dienke Hondius, "Finding Common Ground in Education about the Holocaust and Slavery," *Intercultural Education* 21, Supplement no. S1 (2010), 61-69, here 63.

22 *Ibid.*, 67.

23 Yehudit J. and John Belcher, cited in Kimberly M. Sawers et al., "What Drives Student Engagement: Is it Learning Space, Instructor Behavior, or Teaching Philosophy?" *Journal of Learning Spaces* 5, no. 2 (2016), 27.

24 Yehudit Judy Dori and John Belcher, "How does technology-enabled active learning affect undergraduate students' understanding of electromagnetism concepts?" *The Journal of the Learning Sciences*, 14, no. 2 (2005), 243-279, here 246. Stable URL: <https://www.jstor.org/stable/25473479>.

Book Reviews

Chris Myers Asch and George Derek Musgrove. *Chocolate City: A History of Race and Democracy in the Nation's Capital*. Chapel Hill: University of North Carolina Press, 2017. 624 pp. 25 illustrations, 1 map, 7 tables, Bibliography, notes, index. \$35.00 Cloth. ISBN: 9781469635866.

Expansive studies that extend beyond states, regions, and even nations are daunting undertakings. Nevertheless, historians Chris Myers Asch and George Derek Musgrove skillfully accomplish these objectives in their well-researched and concisely written investigation of Washington, D.C., in their book. While their monograph limits itself to one city, *Chocolate City: A History of Race and Democracy in the Nation's Capital* explores the everchanging and competing notions of racial ideologies in a locality where national historical figures and historically marginalized people all cohabitated in the same city, and sometimes interacted with one another between 1608 and 2010. The authors describe their purpose as examining “how being the nation's capital has had both a catalyzing and, at times, demoralizing effect on local racial struggles” (3). This approach provides an opportunity for the city's modern residents to historicize the deep-seated subjects of race, gender, and class that they continue struggling with today. Ultimately, the authors argue their monograph “helps explain why racial mistrust is so deeply ingrained in the nation's capital and the nation at large.... We are writing this book to deepen popular understanding about the ways that race and democracy interact in our city and nation” (4). Therefore, *Chocolate City* highlights how this localized history provides a lens to see how Washington, D.C.'s contested battles over race, class, and politics also became part of shaping the nation's identity.

To be clear, *Chocolate City* does not restrict its investigation to a black-white binary. Instead, Asch and Musgrove carefully detail how all of the locality's inhabitants resided within a defined space. While sometimes peacefully, however it was primarily under strictly demarcated parameters imposed by those individuals or group(s) in power. The people examined here span widely and exceed beyond the

allotted word count of this review. Topics discussed include European colonization and seizure of eastern Native American peoples' land, the city's involvement in profiteering from slavery, freedpeople's hardships navigating life outside of bondage, the exclusion of certain racial minorities from federal government agencies during Woodrow Wilson's administration, and housing segregation for financially destitute racial minorities in the 1940s. Throughout, it is apparent that both historians have thoughtfully inspected the longstanding issues of racial politics in a city that defined politics for the nation.

Asch and Musgrove offer valuable and succinct insight on the city during antebellum era through the Reconstruction era. In chapter five, the authors discuss how the African American struggle for equal access to public transit reveals the various attempts by whites to curb African American citizenship after emancipation. By chapter seven, the authors highlight that the post-Civil War battles for access to public transit in Washington, D.C., was still prevalent by 1900, even though there were no legal Jim Crow-era discriminatory policies in place. For instance, Perry Carson, an African American, learned this fact when a white conductor angrily replied to the passenger who did not sit in the "colored section" even though there was no official law mandating it (208). By the 1940s, African Americans still battled against racial discrimination on public transportation in the hopes that city government would support racial equality (278). Thus, this particular example highlights how generations of African Americans fought for inclusion in a public space.

Chocolate City truly shines in its focus on the politics of race and class in the 1950s and afterward. Their discussion of the legal and informal battles over racial desegregating residential communities, along with public accommodations and institutions, reveals how all of the city's residents navigated contested spaces. Seeing the evolution of the Cardoza Education Campus (formerly known as Central High School) from an all-white to an all-black school reveals the complexity of racial politics impacting public education, which is still discussed amongst locals. Meanwhile, the authors' discussion of Karla Galarza, a Mexican-American youth, highlights how some racial minorities were "white" when attempting to attend a black vocational school. Including the precarious place of such children, along with the struggles of the growing Latinx community who fought to have political voice and

rights heard in a highly racialized city, demonstrates historical context for contemporary issues. In closing, *Chocolate City* is an illuminating study to understand the complex history of race in the nation's capital. The book is ideal for an upper-level undergraduate or graduate course for those interested in learning the importance of conducting a local examination.

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Anne C. Bailey. *The Weeping Time: Memory and the Largest Slave Auction in American History.* New York: Cambridge University Press, 2017. 206 pp., 12 illustrations/photos, Bibliography, notes, index. \$24.99 Paper. ISBN 9781316643488.

This compelling work explores the two-day auction remembered by enslaved African Americans and their descendants as the “The Weeping Time” (3). Held at Savannah, Georgia, an indebted Pierce Butler sold 436 individuals in March 1859. Anne C. Bailey describes the various sales, familial separations, and conversations occurring around the enslaved men, women, and children and white participants at the makeshift auction block. Opening with the event itself, she contends that the largest slave auction encouraged a “massive breach in historical memory” (22). This auction transformed lives, black and white; but African Americans’ post-Civil War memory recovery efforts served to “heal the breach” (23). Organized in three major sections (The Breach, Linked Fates and Healing the Breach), Bailey argues that the auction did not end their lives of 436 enslaved individuals sold. With emancipation, however, their new lives and the battles over memory began.

Following a conventional organization, Bailey opens part one by discussing the historical event under examination. She sheds light onto the enslaved people who were separated and had their lives transformed using the surviving archival record in an engaging narrative. Central to her recovery process, Bailey provides readers with a baseline historical account before outlining her core argument and themes on how the

breach was collectively forgotten in the commemorative public landscape while simultaneously remembered by African Americans affected over the generations. She, therefore, centers the slave auction before delving into an extended examination of the participants, memory wars, and modern memory recovery efforts over the next two sections.

In the second section, Bailey extensively explores the main participants at the center of the historic auction and subsequent collective memory—the Butlers and the enslaved community members. According to Bailey, these linked fates (and even the denial of the shared connection) “was as much as a legacy of the Butlers as were the people, land, and the things they possessed” (38). Bailey convincingly shows how the marriage between Pierce Butler and Fanny Kemble resulted from their denial that the “problem of slavery” had become “their problem” (46). Before detailing their infamous divorce in chapter seven, Bailey extensively discusses the enslaved community on the rice and Sea Island cotton plantation. Using the work of Judith Carney’s classic text *Black Rice* (2001) and others, Bailey sheds light on the diverse Butler slave community and its shared ties, traditions, and Africanisms with other members of Gullah/Geechee communities. Absenteeism encouraged Butler’s denial of his own enslaved laborers, slavery and debt. Bailey shows how it also allowed for a degree of freedom and resistance among the enslaved in terms of language, music and spirituality. Unlike her husband, Bailey contends that Fanny Butler understood her fate as spiritually linked with enslaved individuals. Concerned over the enslaved community’s Christian religiosity, she held religious services for them during her time on the island. Yet, she remained ignorant of the Africanized version of Christianity they adopted. Bailey concludes this section with a discussion of the Butler’s divorce, which contributed to the auction on eve of the Civil War, the Civil War, and the role of Sherman’s Field Order #15, the Emancipation Proclamation and Confederate defeat in allowing the enslaved community to rebuild their lives torn asunder by slavery and the Civil War.

The last section meticulously documents African Americans’ post-emancipation efforts and challenges at healing the breach created by the auction. At the March 1859 sale, a journalist observed the devastating effects on the African Americans left behind and those “scattered to the

four winds” (115). Bailey, however, reveals that the sale began a series of weeping times. Following emancipation, African Americans fought for reunification, a new racial order, and the right to a Civil War pension. Despite caring for the “old Butler slaves,” Bailey shows how the Butlers and other white southerners opposed African Americans who fought for meaningful freedom after Confederate defeat (126). Presuming readers’ familiarity, Bailey understates the role of white southerners’ post-Reconstruction project of rewriting the past and erecting Lost Cause memorials in contributing to the erasure of the event from public consciousness and the silencing of African American collective memory.

The fight over memory of the auction continued into the twentieth century. Here, Bailey’s ninth chapter explores several African American descendants who sought to create familial pasts from fragments. Each profiled individual had unique journeys. Annette Holmes embarked on her work after watching a documentary on the Butlers. Mabel Hewlin began with a first name, used surviving oral traditions and became “one of the few family members interested in this history” (138). Tiffany S. Young’s interest grew out of her grandfather, who recounted stories about the hard life on the Butler Island. For other descendants’ recovered pasts, common connections and themes emerged, specifically the continuity of naming practices, marriage traditions, prizing education, military service and vibrant oral tradition sustained over generations. Bailey reveals: “Out of the silence, they have found their voices.... In that, there is victory and joy” (147). Here is a major strength of Bailey’s work. She considers African American familial and communal memories as essential to overcoming the collective forgetting of the auction and the African American lives transformed. Their memories and voices matter. While her discussion of some of the descendants’ shared commemorative traditions needs further development, Bailey restores the event and African American memory in the collective scholarly consciousness and provides a model for future recovery work.

Bailey ends the work with a provocation. Addressing the continued absence of African American memory, she demands the democratization of historical memory. She proposes methodological approaches to combat not only the silence but also the denial and downplaying of marginalized communities’ collective memories.

Despite the rise of the “multivocal sites,” African American memory remains sidelined (161). This homelessness in both the field and commemorative landscape has real consequences and relevance in terms of current race relations and other contemporary issues. Democratization and inclusive methods will facilitate the recovery of African American memory. As Bailey convincingly shows, the work requires acknowledging the intergenerational effects of both traumatic racial events, such as the Weeping Time, and the subsequent collective forgetting that followed. In so doing, Bailey concludes that it will show that African American memory matters to both academics and non-academics.

The Weeping Time is a valuable addition. Bailey’s approach to overcoming the historical memory breaches shaping African American memory and persuasive epilogue will appeal to scholars, graduate students, public history practitioners, and African American descendant communities.

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Evan Faulkenbury. *Poll Power: The Voter Education Project and the Movement for the Ballot in the American South*. Justice, Power, and Politics. (Chapel Hill: The University of North Carolina Press, 2019.) 200 pp., 6 illustrations/photos, Bibliography, notes, index. \$27.95 Paper. ISBN 9781469652009.

In 1972, the local chapter of the National Association for the Advancement of Colored People (NAACP) in Thomas County, Georgia launched a six-week voter registration campaign after earlier efforts brought mixed success. As part of the new effort, volunteers canvassed the county, drove elderly residents to the courthouse, and held rallies. The campaign netted 1,300 new Black voters in the county. African American residents’ new-found political power had measurable effects on their quality of life resulting in much-needed infrastructure improvements. Integral to the campaign’s success were a \$700 grant from the Voter Education Project (VEP)—used to print materials,

organize transportation, and feed volunteers—plus the presence of VEP representatives John Lewis, Hosea Williams, and Shirley Chisholm at campaign rallies. However, the VEP's endeavors weren't limited to Georgia. Historian Evan Faulkenbury argues for the organization's centrality in the development of Black voter power and electoral politics across the South in *Poll Power: The Voter Education Project and the Movement for the Ballot in the American South*.

The Voter Education Project began operations from the Atlanta-based offices of the Southern Regional Council in 1962. Though the group's origins have frequently been simplified to political expediency by the administration of President John F. Kennedy, Faulkenbury suggests a much more complicated genealogy, pointing to both white liberal reform efforts and Black organizing well before Kennedy's election. Faulkenbury further contends that the VEP's role has been "understated" in the myriad literature on local freedom movements, major political and movement leaders, and freedom movement and government organizations, largely hidden by its "semi-secrecy" (5). The "unique" organization, funded by major philanthropic foundations, supported voter registration campaigns across eleven southern states. It equipped the freedom movement's "Big Five" organizations--the NAACP, Congress on Racial Equality (CORE), Southern Christian Leadership Conference (SCLC), and Student Nonviolent Coordination Committee (SNCC) plus innumerable smaller groups -- with "funding, advice, and data" (4). Of its three programs, it was the group's financial resources that empowered local people to "intensify" their "grassroots registration campaigns" (7). In fact, Faulkenbury demonstrates that hundreds of local movements leveraged VEP grants to pay for gas, print materials, host workshops, buy food, pay volunteers, and coordinate rallies in their efforts to extend the franchise. The organization's work in its first two and a half years helped deliver critical Black votes for Lyndon B. Johnson in the 1964 presidential election. And as Black voting power bore fruit in the form of African American elected officials, the organization facilitated numerous training and development opportunities for them. The organization struggled financially after the Tax Reform Act of 1969 and significantly withered in the late 1970s before finally shuttering in 1992.

With a focus on the southern regional efforts of the VEP, Faulkenbury employs a rich array of sources to offer a new perspective

of the organization missing from accounts of the civil rights movement. In under 200 pages, Faulkenbury efficiently uses his many sources to create a succinct but comprehensive narrative. Furthermore, he deftly manages the exigencies of organizational and people's history. Faulkenbury expertly counterpoises the actions of the national office, federal government, and foundations with accounts from local movements—weaving together the varied voices of leaders, officials, and grassroots activists.

Faulkenbury's account of the VEP in *Poll Power* is well-written and unencumbered. While the book is targeted towards an academic audience, its brevity and composition make it easily accessible to a general audience. While the author's conciseness is impressive, it is occasionally counterproductive, eliding connections the author seeks to highlight, in particular the organization's tie to the Voting Rights Act of 1965. Despite its possible shortcomings, the text makes a valuable contribution to the study of the civil rights movement. It brings a number of men, women, and organizations to the forefront, expanding the movement's historical actors. Additionally, it provides new insight for studies of philanthropy and social movement activism as well as the conservative backlash to Black activism in the 1960s. *Poll Power's* illumination of VEP's breadth of support for local activism encourages continued studies of local movements.

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Stephanie Hinnershitz. *A Different Shade of Justice: Asian American Civil Rights in the South.* Chapel Hill: University of North Carolina Press, 2017. 296 pp., 10 illustrations/photos, 1 map, notes, Bibliography, index. \$39.95 Cloth. ISBN 9781469633695.

Historians of the modern south who write about race tend to focus on the black/white divide, the defining fault line of our society across all sections. This emphasis has meant that the experiences of Asian immigrants and Asian-Americans in the south have not been well

researched. In *A Different Shade of Justice*, assistant professor at Cleveland State University Stephanie Hinnershitz explores the struggles for civil rights and equal justice among Asian Americans from the first Chinese laborers in the south, introduced as an experiment to see if Asian labor could replace slavery in the post-Civil War era, to more recent efforts by Indian immigrants to flourish in the hospitality industry in the south. Framing this history in the "interstitial identity" (p. 5) of Asian Americans--that is, neither black nor white; an anomalous status that fit awkwardly into the southern racial system--Hinnershitz argues that Asians found both opportunities and challenges in the American south.

The book struggles for organization, using a chronological and thematic framework beginning with the earliest Asian immigrants: Chinese followed by Japanese in the late nineteenth and early twentieth centuries; Filipinos in the 1930s; Vietnamese in the 1970s and finally Indian immigrants in the 1980s. Hinnershitz regards each group as differently situated, despite their common "non-white" (and sometime "non-citizen") status. This is a logical approach, as she points out that unlike the west, where by the 1960s a pan-Asian civil rights movement emerged, Asians in the south never reached beyond their own racial/national group, and fought for their rights piecemeal. The book draws heavily upon court cases, collections of oral histories (notably the Chinese Oral Histories at Delta State University and the Vietnamese Oral History Project, at the University of Texas, Austin) and papers from the Asian American Hotel Owners Association.

Hinnershitz begins with the experimental importation of Chinese laborers into the south in the first decade following the Civil War. Southerners quickly abandoned the project as "too costly and inefficient" (17) and joined with other white Americans in the west to exclude Chinese laborers, gaining a victory with the 1882 passage of the Chinese Exclusion Act. From there, she explores laws preventing Japanese and other "aliens ineligible for citizenship" from owning land, the ambiguous place of Asians in Jim Crow schools (were they "white?" were they "colored?"), the hot-button topics of interracial dating, love, marriage and rape, and—by this time the narrative had moved into the 1970s-1990s—clashes between Vietnamese and white fishermen in Texas, and hostility toward Indian hotel owners in the south. Economics

and intimacy drove white racism against Asians in the south, with fear of economic competition the dominant response.

In combing through these topics, Hinnershitz focuses on lawsuits brought by (or against, in the case of rape and marriage) Asians. This highlights the individualistic approach to civil rights that she perceives among Asians, a striking contrast to the multipronged, collective strategies already being deployed by African Americans in the early century, although less so in the south. She does a very good job of contextualizing this history, both in terms of trends and patterns in the south, and in the US as a whole. Readers will understand that the “yellow peril” hysteria of the late nineteenth century was stronger on the west coast, which had far more Asians living and working there, but nevertheless spread to the south as far fewer Asians arrived in Florida, Louisiana, and Arkansas. We see the same fear of economic competition, strengthened by whites’ sense of entitlement, in the reaction to Vietnamese fishermen and Indian hoteliers.

The book has some weaknesses. Hinnershitz veers back and forth in classifying her protagonists as immigrants, refugees, and citizens, sometimes when discussing the same group. For example, when she discusses Japanese land ownership in the 1940s, she refers to them as “Japanese Americans,” despite the fact that well over a third of Japanese living in the United States at that time were Issei—“first generation”—and therefore non-citizens. Later, she alternates between emphasizing the “rights of citizens” and “human rights” when exploring the status of Vietnamese in the 1970s. It seems likely that many Vietnamese had taken US citizenship, but it would be nice to have this clarified. For example, she uses both “Vietnamese Americans” and “Vietnamese refugees,” although the organization this group founded called itself the “Vietnamese Fishermen’s Association” (159). This choice contrasted with Indian hoteliers, who considered the name “Indian American Hotel Owners Association” before ultimately going with “Asian American Hotel Owners Association.” The group added “American” to combat the racist ads of white hotel owners who broadcast that their hotel was “American-owned.” In both of these cases, we do see some of the collective action that was missing in the pre-WWII history of Asians in the south; however, the names adopted for their groups highlighted their role in the economy (fishermen, hoteliers) as much as their ethnicity.

Lack of clarity over the citizenship status of the Asians Hinnershitz discusses is a minor flaw. A more serious one is her reluctance to engage with Asian anti-black racism, which threads through the narrative without being systematically addressed. Hinnershitz seems to regard Asian racism as strategic, to avoid linking themselves to African Americans at the very bottom of the southern racial hierarchy. A tortured section toward the end of the book explores the Asian American Hotel Owners Association's denial that theirs was a "civil rights organization," since they linked civil rights violations with African Americans. Instead, they argued that their organization sought "equality, and an end to prejudice" (pp. 229-230), an assertion that had this reader scratching her head, wondering what fine distinctions this group drew and why it appeared to matter to the AAHOA not to be considered a civil rights association.

Avoiding the issue of Asian anti-black racism forecloses an opportunity for Hinnershitz to make a larger argument about race and racism in the south and the United States as a whole. What racial beliefs and prejudices did Asians bring with them, and what did they pick up or adopt after arrival? On what occasions did they deploy anti-black prejudices to further their own ends, and when did they avoid race and emphasize nationality, instead? Ultimately, what does knowing about the experiences of Asians and Asian Americans in the south add to our understanding of race in the United States?

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Lisa Lindsay. *Atlantic Bonds: A Nineteenth-Century Odyssey from America to Africa.* Chapel Hill: University of North Carolina Press, 2017. 312 pp., 22 illustrations/photos, 1 map, 1 graph, Bibliography, notes, index. \$35.00 Cloth. ISBN 9781469631127.

As the nineteenth century began, conversations arose concerning the population of enslaved and free blacks in the United States. In the aftermath of several revolutions and revolts, questions highlighted their

status within the newly-formed nation and what to do with these groups. Well-known politicians, influential groups and elites questioned whether enslaved and free blacks were a sub-human species, could be civilized through enslavement and religion, and if they were unable to be saved, should they be sent elsewhere? Nonetheless, the opening of Liberia to enslaved and free blacks set the stage for African Americans to take control of conversation and shift the debate to whether they should stay or leave the United States? Creating new connections, which went beyond the institution of slavery and the limitations of their surroundings, Lisa Lindsay's work *Atlantic Bonds: A Nineteenth-Century Odyssey from America to Africa*, follows one family, the Vaughan family across three continents and several decades as they wrestled with this very question.

Using a variety of sources including newspapers and administrative records from the United States, United Kingdom, and Nigeria, the organization records of the Southern Baptist Convention and American Colonization Society, and family documents, Lisa Lindsay has produced a well-researched work on the Vaughan family and their movements and connections between the southern United States, Liberia, Nigeria and the United Kingdom. Utilizing this variety of sources together, Lindsay "recounts a story of survival, prosperity, and activism" (11). "With his transatlantic outlook," she contends that the "Vaughan's transcontinental perspective opened . . . new possibilities and critiques as well as alliances . . . Despite dangers of enslavement, limits of freedom, and constraints of citizenship, some determined . . . or lucky refugees . . . were able to find shelter, and even make their own marks, in nineteenth-century Africa" (11-12). Rigorously analyzing the diverse sources, Lindsay reveals that the bonds created by the Vaughan family were not disconnected by slavery, the vastness of the Atlantic Ocean, Jim Crow or British colonialism, but instead the familial connections were maintained and, in several instances, strengthened by a promise made to the dying patriarch in the mid-nineteenth century.

While this work is about the Vaughan family, Lindsay uses the experiences of Scipio and James "Church" Vaughan as the foundation of her work. Beginning with Scipio Vaughan, who eventually gained his freedom and married, she writes: "In 1840 a dying Scipio . . . gathered his family together and imparted his final wish: that they should leave South Carolina for Africa, the continent of their ancestors"

(13). According to Lindsay, the elder Vaughan implored his surviving family members: “Don’t stay in South Carolina . . . Got to Africa, the land of our ancestors!” (42) Beginning with this simple but important wish, she interweaves the history of the Vaughan family with the current events of the period.

Moreover, she discusses Scipio’s dying wish by placing it within the context of conversations of the day regarding the decision to stay or leave the United States for Liberia. Facing the day to day realities of South Carolina in the mid-1800s, Scipio believed the best outcome for his remaining family members was to leave the country. Although this was his final wish, Lindsay shows how “there remained virtually no free black support for Liberian colonization until the 1850s” (49). Accordingly, Church Vaughan, a descendant of Scipio, upon his arrival in the region, saw firsthand this lack of support.

Obedying his father’s wish, Church Vaughan arrived in Liberia in 1853. Arriving just as months before the first presidential election, Lindsay highlights the important question of the day, notably whether Liberia provided better opportunities for African Americans. Church Vaughan, himself now facing an uncertain future in Liberia, witnessed untold number of deaths from disease and conflict between this newly-arriving population from America and the local indigenous population. Two years after arriving in Liberia, and disillusioned with the emerging “plantocracy,” he accepted a position with the Southern Baptist missionaries and moved into the Nigerian territory of Yorubaland. With the slave trade still active, he understood that he needed to move carefully throughout the region.

Nevertheless, Church Vaughan, according to Lindsay, became friends with individuals such as Martin Delany. He also witnessed the early rumblings of colonialism and the annexation of the Nigerian city of Lagos. Lindsay writes: “During his twelve years in Yorubaland, Vaughan had been associated with American Baptist missionaries . . . But . . . was neither insider nor outsider, distinct from the white missionaries but only partially assimilated to Yoruba society. Now he was seeking freedom and safety in a British colony” (143). Amid this backdrop, Church Vaughan still questioned whether he should return to post-emancipation South Carolina. His decision was made easier by his increasing economic opportunities in Nigeria and the rising tensions in

the post-Civil War United States, such the confiscation of black-owned property and dwindling of political rights. Church noticed in Lagos that “white supremacy did not flourish” (146).

As Church Vaughan continued to establish himself in Nigeria, Lindsay’s work follows him through what she refers to as the “Vaughan’s Rebellion.” With the scramble for Africa underway, Vaughan’s Rebellion was not a battle where blood was shed. Rather, it saw Church, now married with sons, establish the Native Baptist Church (later known as Ebenezer Baptist Church) and open a hardware store. More importantly, Lindsay shows that Church Vaughan and his family were drawn into the Nigerian nationalist movement. The church they established offered a place of escape for those searching for refuge from the missionary movement and emerging colonial racism in Nigeria. Upon his death and burial in Nigeria, Church Vaughan’s descendants were well-off and continued to make an impact on society in Nigeria and later Britain.

With her work *Atlantic Bonds: A Nineteenth-Century Odyssey from America to Africa*, Lindsay has given us a new story of familial bonds, which were stronger than the institution of slavery that separated them, the Jim Crow South which followed, or the British colonial system that eventually took over areas of Africa. Her work is a must-read for anyone studying the migration patterns of people of African descent across the Atlantic Ocean and the connections they were able to maintain. She fittingly concludes: “The Vaughan family’s Atlantic bonds emerged not only from the painful history of the slave trade, but also from the way some diasporic migrants took risks on unlikely journeys-and sometimes even succeeded” (236). Further, this work proves that more studies are needed on these strong familial ties which crisscrossed the borders of North America, South America, Europe and Africa between the eighteenth and nineteenth centuries.

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Imani Perry. *May We Forever Stand: A History of the Black National Anthem*. Chapel Hill: University of North Carolina Press, 2018. 296 pp., 2 illustrations/photos, Bibliography, notes, index. \$26.00 Cloth. ISBN: 9781469638607.

In 1900, at the cusp of the 20th century, the Johnson brothers, James Weldon and John Rosamond, composed "Lift Ev'ry Voice and Sing" while disillusioned with their task to draft an address in honor of President Abraham Lincoln's birthday. Indicative of the bourgeois morality and racial uplift objectives of turn-of-the-century "race men," the Johnson brothers tasked themselves with the intellectual development of the next generation. (19) Through a song that could be embraced by a "chorus of 500 voices," they provided an avenue for cultural building and source of dignity and identity for the Black community within a highly racialized and oppressive society (7). In particular, the significance of the song, dubbed the "Black National Anthem," resides in the nature of its form and content. "Broad, epic, and creative" the lyrics resonates for those looking backward and forward within the Black freedom struggle (39). Its imaginative implications and breadth offered diverse uses for individuals across the Black political spectrum. In *May We Forever Stand: A History of the Black National Anthem*, Imani Perry uses "Lift Ev'ry Voice and Sing" as a window for deepening our current socio-cultural understandings of Black life in America from the late nineteenth century to the present day.

Moving beyond Evelyn Higginbotham's politics of respectability, Perry offers a more inclusive cultural history through her concept of "Black formalism." Perry defines Black formalism as the "ritual practices with embedded norms, codes of conduct, and routine, dignified ways of doing and being within the Black community" (7). Whereas previous understandings have centered on Black middle-class individuals' adaption of white Victorian norms, Black formalism incorporates the entirety of the Black community and its diverse cultural dimensions. Utilizing the song's imaginative aspects, Perry takes great pains to highlight the its continued relevance time and space. To clearly trace the form and political content of Black formalism, each chapter reflects a facet of Black life beginning in the Jim Crow era and moving into the twenty-first century. The song set the tone and the agenda for Black community events and familial spaces where singing the Black National Anthem was mandated. She also illuminates the song's

adaption into the content and form of Black intellectual and cultural production. In doing so, she extends the temporal and geographic boundaries of the Negro Renaissance beyond Harlem to include Black cultural and intellectual production in places like Chicago, Atlanta, and Washington, D.C. and fully captures the cultural milieu of the time. By decentering Harlem, Perry also moves beyond the traditional tropes describing folk cultural products along the high and low cultural binary and captures the song's many uses irrespective of race, class, and gender. The author disrupts these classifications by demonstrating the lack of mutual exclusivity within the complexities of the composition of "Lift Every Voice and Sing."

There is much to admire about *May We Forever Stand*. The text transcends easy categorization and expands socio-cultural methodologies through critical literary and visual analysis. The use of sources in the book facilitates the numerous conversations with which the author is able to engage. Her sources are a rich tapestry of Black cultural products including periodicals, speeches, art, letters, and even graduation programs. Her formidable primary sources allow the voices of those of all backgrounds to be leaders in the development, dissemination, and sustenance of Black culture. The author includes "educators, parents, [and] librarians" among the voices she teases out of obscurity. Through school time rituals, educators developed "a black formal, civic, and associational culture" (89).

While her use of Black formalism provided a more inclusive narrative, the text has room for improvement. Perry argues that her evasion of focus on class divides within the Black community is her counter to the limitations of the white imagination, specifically in the scholarship of sociologists Walter Dinkin and Thomas Standing, which falsely posits rifts within the Black community. Rather than investigating this point further, she simply calls for interrogation. Perry also introduces the idea of "postblackness," in which Black people of the twenty-first century emphasized their "varying experiences and influences" and "rejected the idea that they could easily be identified by a single tradition" (219-220). However, her incorporation of the concept is never defined. Furthermore, she is not clear on how it could be adapted. This also leaves the reader wondering where philosophies such as "Afrofuturism" are displaced in sight of postblackness. Despite these possible shortcomings, *May We Forever Stand* is meticulously

researched and innovative in its engagement of aspects of Black culture once seen as too disparate to interrogate in one setting. A signpost for future directions in historical studies of Black life, Perry provides a valuable methodological framework for historicizing the imagination.

LA-KISHA EMMANUEL
M.A. Women Studies

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Craig Bruce Smith. *American Honor: The Creation of the Nation's Ideals during the Revolutionary Era.* Chapel Hill: University of North Carolina Press, 2018. 367 pp. Bibliography, notes, index. \$35.00 Cloth. ISBN 9781469638836.

Craig Bruce Smith's clearly written and exhaustively researched *American Honor* traces the evolution of "the ethical ideology of early America" from the middle of the eighteenth century through the early 1800s (7). The founding generation, Smith argues, took their ethics, and their reputations, seriously. Ideas, as the saying goes, had consequences, but they changed in the course of the American Revolution. Earlier in American history, honor and virtue had been the domain of elite and middling white men. The need to mobilize opposition to British rule, however, created pressure to democratize notions of honor. Patriot leaders needed the support of white women in order to enforce boycotts of British goods. Once the war for independence began, the new nation made use of many enslaved African Americans who won their freedom by serving in the Continental Army. Common soldiers quickly came to be addressed as "gentlemen" (105). Honor, and the closely related concept of virtue, came to depend less on social status and more on personal conduct. The applicable ethical standards might vary depending on an individual's station in life, but almost everyone was believed to be capable of acting honorably. The democratization of honor created new opportunities for upward mobility. American colleges, for example, quit ranking students based on their family backgrounds.

The notion of honor had never, in any event, been static or simple. Collective or national honor meant defending the public good and the reputation of the larger community. Personal honor, which could conflict with the public interest, had always been more a matter of individual ethics and deportment. What Smith calls “primal honor,” or the kind of violent protest represented by the Boston Tea Party, never won broad acceptance. In the northern colonies, Americans associated virtue with religion and considered it to be more important than honor. In the southern colonies, honor and virtue were virtually identical. As Massachusetts’s John Adams observed at the First Continental Congress, “It is certainly true that some of our Southern Brethren have not annexed the Same Ideas to the Words Liberty Honour and Politeness that we have...” (92).

Nevertheless, Americans could find some common ethical ground. Most educated Americans studied the classics and read the same popular contemporary writers, especially the English essayist Joseph Addison. Colonial colleges assumed they had a responsibility to develop the character of their students. Educators helped to standardize ideas of honor and virtue. Students took from the Scottish philosopher Francis Hutcheson the notion that people had a natural tendency toward ethical behavior. John Witherspoon, the indomitable president of what became Princeton University, helped popularize Hutcheson’s philosophy, and probably deserves more attention than Smith gives him. Smith’s treatment of Montesquieu is even more surprising. The French philosopher, typically remembered as the dean of separation-of-powers theorists, is credited in *American Honor* with helping to teach Americans that a people ought not to obey a ruler who commands them to act dishonorably. Accordingly, the American Whig James Otis argued specifically that it would be shameful and dishonorable for Americans to pay taxes imposed on them without their consent. As Smith explains, Americans “linked the ideas of honor and virtue with liberty, freedom, and independence; in many ways, these ideas became inseparable and have only been distanced in the linguistics of the modern era” (69).

The Revolutionary War tested Americans’ notions of honor. Civilians often blamed military defeats on a lack of virtue in the army. Continental Army officers complained routinely that poor pay or a lack of promotion offended their personal honor, which they sometimes put

above the national interest. Smith argues that the defection to the British of Benedict Arnold, an otherwise successful general embittered by a series of personal slights, sobered Americans and contributed to a new commitment to national honor over individual interests toward the end of the war.

After independence was achieved, the preoccupation with personal status reemerged with a vengeance. The partisan battles between Federalists and Democratic-Republicans in the 1790s fed and bruised egos. Nothing symbolized the obsession with personal reputation more than did the practice of dueling. The death of Alexander Hamilton in an 1804 duel with Aaron Burr, Smith writes, turned public opinion against the *code duello*. Never had so prominent a public figure been killed in a duel, but dueling actually increased in the early 1800s as men too young to have served in the Revolutionary War found another way to demonstrate their courage. The coming of the War of 1812 with Great Britain, moreover, “revived the cult of personal honor that had been extensively denigrated after the death of Hamilton” (232-33).

Smith, an assistant professor of history at William Woods University, leaves the reader wondering how a concern for honor virtually disappeared from American politics. While Smith treats the idea of honor more sympathetically than have many other historians, he might do well to acknowledge that honor, as Americans employed the concept during the Revolution, could be awfully self-serving. Still, honor is a useful analytical tool, and the idea that Americans wanted to appear virtuous to themselves and others goes a long way toward explaining the American Revolution. *American Honor* is an interesting and important book.

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The Journal of the North Carolina Association of Historians

Guidelines for Articles

The *Journal of the North Carolina Association of Historians* invites the submission of research manuscripts for the Fall 2021 issue. We welcome the work of both established and emerging scholars. *Preference is given to NCAH members.* The deadline for submission of manuscripts for consideration is traditionally the end of February. Manuscripts should be 20-25 pages in length and employ the following structural components:

Prepared according to the *Chicago Manual of Style*, 16th edition (University of Chicago Press, 2010);

* *Endnotes* (not footnotes) should be used, inserting consecutive Arabic numerals (superscript) within the text and endnotes;

*Basic formatting should be set as follows: single space, indentation for first line of paragraphs, and one space following periods at the end of a sentence (not traditional two spaces);

*Manuscripts should be submitted electronically by email attachment to the editor. It is not necessary to submit a hard copy;

In addition to the manuscript itself, an author should submit a current c.v. and a file containing the author's name, title, affiliation, address, phone number, and email address;

*Manuscripts should be submitted in .doc, .docx, or .rtf. Accompanying images, tables, etc., should be submitted electronically as separate files rather than imbedded within the manuscript. The author should indicate the desired placement of visual materials in the

manuscript. Image files should be named with sequential numbers so that there is no question about which goes first, second, and so on;

*A list of captions should also be submitted if images or tables are to be included;

* The author *must secure written permission for the reproduction of copyrighted images in the Journal and submit copies and documentation granting permission electronically to the managing editor*;

*Images should be submitted as .tiff or .jpg files, minimum 300 dpi.

Manuscripts for 2021 should be submitted to: Gael Graham, Editor of the *Journal of the NCAH*, graham@wcu.edu. The deadline for initial submissions of articles for consideration in the Fall 2021 should be no later than March 1, 2021.

The Journal of the North Carolina Association of Historians

Guidelines for Book Reviewers

Reviewing books is one of the principal functions of the *Journal of the North Carolina Association of Historians*; it helps sustain historical scholarship concerning and within the state. We focus on historical works published in the state, as well as books spotlighting historical events, periods or figures with some connection to North Carolina history.

The *Journal* does not accept unsolicited reviews. Individuals who wish to write a review should contact the book review editor through the Journal website to be assigned a book or books to review. Titles may be assigned from a list of available books for review, located on the NCAH website (<http://www.nchistorians.org/journal/book-reviews>) - or from the recommendation of a reviewer at the discretion of the book review editor. We do not accept reviews previously published or concurrently submitted to another publication for consideration. *Preference will be given to NCAH members* in the assignment of reviews.

Reviews of single titles should fall within the range of 600 to 1200 words. Comparative review essays of multiple books are also welcomed, and should range from 1500 to 3000 words.

The editors reserve the right to edit for style and length. Reviewers should provide interesting appraisals of books, highlighting the basic premises while also placing the works in historical context. All reviewers are encouraged to discuss the major strengths and weaknesses

found. We reserve the right to edit out any ad hominem attacks upon the author and any unsupported assertions of plagiarism.

To request a book to review, send an email, with current c.v. attached, to the book review editor, Dr. Hilary N. Green. Specific formatting details will be provided when review assignment is made.

Most reviews will be published in the book review section for the annual Journal publication; however, some may be published in the online website for the *Journal of the NCAH*. Reviews should be submitted in electronic format (.doc, .docx, or .rtf), via an email attachment at reviews@nchistorians.org. The deadline for submitting a completed review for inclusion in the Fall 2021 issue of the *Journal* is March 1, 2021.

The North Carolina Association of Historians 2021 Annual Meeting

The annual conference of the North Carolina Association of Historians is hosted by colleges and universities of the association's membership. It is not clear at this time whether there will be a conference in 2021, either in person or virtually. Information containing specific details regarding registration and programming will be forthcoming on the NCAH website – www.nchistorians.org.

If there is a conference, there will be a CFP: the Program Committee of the North Carolina Association of Historians invites submissions of one-page proposals for presentation papers to be presented at its Spring 2021 meeting. NCAH offers opportunities for historians in all fields – American, World, European, transnational, state and local – to meet, discuss research, and exchange ideas with colleagues through the state of North Carolina as well as with individuals with research, spiritual, and other connections with the state. In addition to participation by faculty and graduate students at post-secondary institutions, the Association welcomes individuals whose careers are in public history as well as social studies teachers in public and private schools.

* Panels (typically up to 3 panelists, one chair, and optionally, one discussant) – Individual papers, maximum of 20 minutes in length – typically 8-10 pages);

* Single papers on historical topics;

* Roundtables (between 4 to 6 participants) – 5-minute opening statements from participants and then conversational dialogue with the audience;

* Workshops on specific teaching techniques or practices;

- * Mixed panels of K-12 teachers, students, university professors, and independent scholars examining cutting-edge scholarship and its classroom integration;

- * Panels devoted to research in progress (and potential for classroom integration).

Each proposal should include: a maximum 250-word abstract for each paper, brief curriculum vitae for each participant, and biographical details for use in the introduction by the chair. Presenters will have a maximum of fifteen minutes; papers should be eight to ten double-spaced pages in length, excluding notes, in order to fit within this time constraint.

Papers presented at the Spring NCAH meetings are eligible for the Association's annual awards for the best student paper (Midgett Award) or the best faculty paper (Brewster Award). Participants who are interested in being considered for these awards should bring a hard copy of their paper (a longer version, that goes into further detail and includes endnotes, should be brought to the conference and submitted to the Award's Committee Chair (see page vi). All papers submitted for award review will be considered for publication in the *Journal of the NCAH*, depending on the contributor's desire to publish with the Journal.

Submitted paper proposals **MUST** go to the designated person noted on the NCAH website. Please go to the NCAH website to determine the contact information, lodging information, maps, and other pertinent information regarding the conference and submissions.



Phi Alpha Theta, American History Honor Society for graduate and undergraduate students, boasts over 350,000 members and 860 local chapters. Established in 1921, the organization promotes the study of history through its encouragement of research, publication and teaching. Phi Alpha Theta hosts local, regional and national conference opportunities, as well as numerous opportunities for prizes, scholarships and awards.

The Phi Alpha Theta Carolinas Regional for 2021 cannot be confirmed at this time. Guilford College is tentatively scheduled to host the meeting, but in the time of COVID, plans may not be finalized until early in the new year. In the past, there have awards for best paper in session and best paper overall for undergraduate and graduate presenters. Readers should consult the organization's website for updated information at https://phialphatheta.org/regional_conferences/.

If there will be a meeting, an "official" Call for Papers, including hotel information and a more detailed agenda, will be forthcoming. Please remind your students about the Regional during the first week of class so that they can begin considering paper topics. Volunteer judges will be needed as well.

Questions regarding the conference may be addressed to Dr. Wade Dudley at dudleyw@ecu.edu.

Friends of the Archives

The Friends of the Archives was incorporated in 1977 as a non-profit organization to fund programs and activities of the State Archives of North Carolina not supported by state-appropriated funds. The mission of the State Archives is to collect, preserve and provide access to North Carolina's documentary history and culture.

The Friends receives grants, bequests, and donations from individuals, corporations, foundations and other organizations in support of its work. With the generous donations and endowments, the Friends purchases collections, funds conservation work, implements public programming, and sponsors staff education and professional development.

Our Military Collection's Veterans Oral History Collection now holds more than 1,150 interviews. Currently we are raising funds to digitize these interviews; the recordings will be placed online through State Archives' N.C. Digital Collections.

In 2020, we again hosted "Growing into the Family Historian," a series of three genealogical workshops at the Governor Charles B. Aycock Birthplace in Fremont, North Carolina. The workshops covered a variety of subjects from deciphering colonial handwriting to how to find female ancestors, and solving complex genealogical problems. The first and second workshops were held in January and February but the March workshop was postponed due to the pandemic and will be rescheduled.

The Friends unite members with a community of professional and lay historians who share an interest in the culture and history of North Carolina and want to use their time, energy, and financial commitment toward the preservation of irreplaceable artifacts. The Friends also provides opportunities to volunteer with archival processing and program development. Membership is tax deductible to the fullest extent permissible by law.

North Carolina Maritime History Council Conference Place and Dates

The Program Committee of the North Carolina Maritime History Council hosts a North Carolina maritime history, archaeology, and culture conference in November. Due to COVID, no details are available at this time as to whether this will be possible.

The North Carolina Maritime Council offers opportunities for historians in all fields to meet, discuss research, and exchange ideas with colleagues throughout the state of North Carolina, as well as with individuals with research, and other connections with the state. In addition to participation by faculty and graduate students at post-secondary institutions, the Council welcomes individuals whose careers are in public history, as well as social studies teachers in public and private schools. Send questions concerning the conference or membership to Brian Edwards, brian_edwards@albemarle.edu as the program chair.



The Federation of N.C. Historical Societies invites you to join a community of historical societies, museums, historic sites, genealogical organizations, and historic commissions located throughout the state that are dedicated to preserving and promoting local and state history in North Carolina.

The Federation produces a quarterly newsletter, the *Federation Bulletin*, which is filled with information about useful historical resources, grants, member news and events, workshops and conferences, new historical publications, and more. The Federation also sponsors workshops; offers technical assistance to members who contact the Federation with questions; and offers no-interest loans for members to publish local history books, create educational videos or CDs, and develop special events

The Federation is a non-profit organization whose mission is to promote the pursuit of local history through local and regional historical organizations, societies, and commissions; to foster cooperation between such organizations and the N.C. Office of Archives and History; and to promote and support history education through sponsorship of the National History Day program and other appropriate activities. An advisory board made up of members of historical organizations from across the state oversees the work of the Federation.

To learn more, please visit [www. http://www.ncdcr.gov/fnchs](http://www.ncdcr.gov/fnchs).

