

THE CONCORD REVIEW

I am simply one who loves the past and is diligent in investigating it.

K'ung-fu-tzu (551-479 BC) The Analects

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GAME OF THRONES: PRESIDENT SUHARTO AND THE RISE OF INDONESIAN FORESTRY

Jun Bin Lee

Introduction

After gaining independence from the Dutch at the conclusion of the Second World War, Indonesia found itself in a tumultuous period of Western-style parliamentary democracy combined with stagnant economic growth. During this period, a postwar economic boom occurred for the global timber industry beginning in the early 1950s and extending into the late 1980s. In 1959, the Philippines and Malaysia were the two largest exporters of hardwood, while Indonesia's timber industry was still a fledgling business.¹ Indonesia, however, had an untapped forestry sector, with three-quarters of the entire archipelago covered in forests.² These forests would play a pivotal role in the geopolitics of Indonesia in the ensuing decades.

A longtime nationalist, President Sukarno, Indonesia's first president, created the 1960 Basic Agrarian Law ostensibly to safeguard the Indonesian people's basic rights to the land. Article 21 paragraph one of that law stated "Only an Indonesian citizen

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may have rights of ownership [to forest land].”³ Over time, the legislation served to push out foreign businesses from Indonesia, leaving Indonesia’s forestry industry in tatters, as most of the sector had been composed of investors and corporations from abroad. Without the support of foreign businesses, the growth of Indonesia’s logging operations stagnated, leaving the country with just \$4 million in timber exports up until 1966.⁴

However, the face of Indonesia’s forestry sector changed dramatically when Sukarno fell from power in 1965. Between 1965 and 1966, the Indonesian Army eliminated Sukarno’s Indonesian Communist Party (PKI) through mass killings, and Major General Suharto became the president in February of 1967. Under Suharto’s rule, Indonesia’s forestry industry grew exponentially, turning Indonesia into the largest exporter of tropical timber by 1973.⁵

In fact, Suharto played a tremendous role in facilitating the development of the country’s timber and plywood industries into global contenders. These industries achieved massive growth during Suharto’s reign (1967-1998), culminating in a command over international markets for this sector. The transformation of Indonesia’s ailing timber trade into a global powerhouse came at a huge cost, however. It was by ignoring international standards, removing indigenous peoples, creating uncompetitive tax laws, forming monopolies, censoring free speech, using bribery, allowing nepotism, and exploiting his own environmental laws, that Suharto was able to make Indonesia’s forestry industry thrive. In effect, Suharto was able to harness the country’s wood resources for immense personal as well as national economic gain.

The New Order and the Disenfranchisement of the *Adat* Communities

Before Suharto took power in 1967, the Basic Agrarian Law had established the recognition of *adat* (traditional) property rights, which gave the power to determine ownership of forest land to the indigenous community. This law created an unfeasible environment for the development of widespread commercial log-

ging and left the Indonesian Forestry Service without power over the forests of Indonesia.⁶

Suharto saw the previous legal regime as an obstacle to his plan for economic growth, as he required centralized control over Indonesian forests to initiate the development of the country's forestry industry. To further his own aims, he created the Basic Forestry Law of 1967, which contained articles that directly clashed with the Basic Agrarian Law that Sukarno had established. Article 5 of the new law plainly stated that "all forests are administered by the State."⁷ The State, also known as the New Order, took control of the Forestry Service, an old arm of the Ministry of Agriculture. This government body now had the power to manage 143 million hectares of Indonesia's forests, approximately 70 percent of the country's land mass.⁸ With 93.3% of Indonesia's forests coming under the New Order's control, the indigenous communities that had relied on *adat* property rights were vulnerable to disenfranchisement.

Suharto's actions against the *adat* communities contravened not only the previous regime but also international law. Clearly, they went against international demands to recognize the entitlements and privileges of indigenous peoples. Article 8 of the *United Nations Declaration on the Rights of Indigenous Peoples* declared that "States shall provide effective mechanisms for prevention of, and redress for: Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities." As if to respond to the international injunction, Suharto's New Order stated that there was "no such thing as 'indigenous' Indonesians," and even removed the term "*adat*" from the official vocabulary.⁹

Lacking any political leverage, the *adat* communities were left powerless against the actions of Suharto's regime. After Suharto claimed the presidency in 1967, the New Order quickly centralized the political system, bringing all political parties and independent civil-society groups under direct state control and putting an end to the inclusion of independent civic groups in government decision-making processes. After the central govern-

ment took control of the political process, Suharto appointed his long time ally Imam Sudjarwo in July 1967 as Director General of the Forestry Service and gave him the power to issue timber concessions called the HPH (*Hak Pengusahaan Hutan*) to private companies. With the removal of independent civic groups in government decision-making processes, the central government rarely communicated with the *adat* community when distributing HPHs to private corporations, leading to the further marginalization of the *adat* people.¹⁰ Furthermore, Suharto removed *adat* political power through the creation of Government Regulation 21/1971, which stated in Article 6 that:

1. The rights of the *adat* community and its members to harvest forest products...shall be organized in such a manner that they do not disturb forest production.
2. Implementation of the above provision is [delegated to the Company] which is to accomplish it through consensus with the *adat* community, with supervision from Forest Service.
3. In the interest of public safety, *adat* rights to harvest forest products in a particular area shall be frozen while forest production activities are underway.¹¹

Thus, corporations had the power to control *adat* rights to harvest forest products. This precedent allowed logging companies to halt indigenous wood harvesting if a conflict arose with the interests of timber industries. Suharto's regime took additional steps to disenfranchise the *adat* community by removing the functioning institutions of local governance through a series of laws, the most significant of which were Law 5/1974 and Law 5/1979. These laws supplanted local officials with state-approved village heads who acted in coordination with the central government.¹²

Resistance to Suharto imperiled the indigenous communities with the threat of military intervention. The armed forces manifested themselves in all facets of the timber industry, including ownership, licensing, timber concessions, forest access, and protection. Army organizations and generals loyal to Suharto controlled at least fourteen timber companies.¹³ In addition, the distribution of HPH to large timber corporations was frequently backed by military officials. In exchange for timber rents, military officials

ensured that local governments all across the country would be obedient to the laws created by the Suharto regime. In fact, the president's administration frequently assigned military officials to manage key provinces by appointing them as the official heads of these regions as well as the overseers to various district governments.¹⁴ Until the end of Suharto's regime in 1998, there were numerous cases of *adat* community leaders who were too afraid to protest against the timber industry for fear of retribution from military officials. One NGO worker for YPPAMAM (Mengamat Community Representative Body for Forest Conservation) stated that "the village heads were afraid of coming into conflict with the subdistrict head and wouldn't really act."¹⁵

Suharto offered generous timber concessions to the military in return for their support. One of the most notable cases was that of P.T. Tri Usaha Bhakti, a holding company for the Defense Ministry. P.T. Tri Usaha Bhakti received ten concessions amounting to nearly 1.5 million acres from the central government.¹⁶ The company's funds were often used to provide pensions for retiring officers and also financed a client network that ran throughout the command structure of the military.¹⁷

In view of the military's heavy involvement in the timber industry, resistance by indigenous cultures meant facing the strength of the armed forces. Such a state of affairs led to further disenfranchisement of the *adat* communities, which helped to pave the way for the Indonesian timber industry's rapid emergence.

Foreign Money and the Transformation of Indonesian Forestry

When Suharto took control of Indonesia in 1967, the country was in a period of economic crisis. Within the first six months of Sukarno's downfall, the Jakarta Cost of Living Index increased by 510% and the Bank Indonesia (the central bank) defaulted on letters of credit valued at \$2 million, most of which were held by Japanese exporters.¹⁸ Indonesia was in dire need of foreign aid, and the country's major lenders—the IMF, World Bank, and a group of Western States—demanded that the Indonesian government create plans to attract foreign investment.

In 1967, the Suharto regime initiated its plan for attracting foreign investors to the timber industry. The central government reduced startup costs by naming forestry a “priority sector” and allowing investors to deposit only 25% instead of the usual 50% of their intended investments as collateral.¹⁹ Furthermore, the 1967 Indonesian Foreign Capital Investment Law stated in Article 15 that foreign investors had:

a. Exemption from:

1. Company tax on profits during a specified period not exceeding five years from the moment the enterprise commences production.
2. Company tax on profits referred to in Article 19 subsection (a) which are reinvested in the enterprise in Indonesia, for a specified period not exceeding five years from the time of reinvestment.
3. Import duties at the time of entry into Indonesian of fixed assets such as machinery, tools or instruments needed for the operation of said enterprise.²⁰

Article 15 substantially lowered the costs of operating a timber company in Indonesia by providing foreign investors with numerous financial concessions: tax-free repatriation of profits, tax-free importation of logging machinery, and tax holidays. The lowered operating expenses gave corporations based in Indonesia a competitive advantage over the well-established timber industries of other countries. In fact, the new law gave foreign corporations a 10% cost advantage over the Philippine timber market, providing a considerable incentive for foreign firms to invest in Indonesian forestry.²¹ The tax breaks were estimated to have saved foreign firms who invested in Indonesian logging about \$2 billion, from 1967 to 1983.²²

Not surprisingly, Suharto’s strategy led to a flurry of new investments for the timber industry in the country. Seventy-seven foreign firms from countries, including the Philippines, Hong Kong, Malaysia, the U.S., Japan, South Korea, and Singapore, invested \$376 million into Indonesian logging and wood-processing operations by 1978.²³ These investments included not just funds but also technology. Heavy machinery and power stations were necessary for mechanization that would rapidly increase Indone-

sia's ability to harvest logs. Thanks to the influx of mechanized logging techniques and technology, Indonesia was able to begin large-scale modern logging by 1969.²⁴

To further promote investments by foreign conglomerates, Suharto removed competition from smaller, local timber companies. Before foreign investors began pouring in funding for mechanization and the subsequent blooming of large-scale modern logging in 1969, local timber businesses, or *banjir kap* loggers, accounted for 62% of timber production in Indonesia.²⁵ Suharto's government recognized that these smaller companies used a traditional, non-mechanized logging technique called *banjir kap* (cutting during the flood) and that they lacked the capital necessary to maintain large plots of land. Recognizing these twin factors, the Suharto government used legislation to drive out local businesses from the timber industry. In 1970, Sudjarwo and the central government created Government Regulation No. 20/1970, which made the minimum size of timber concessions 50,000 hectares and banned all non-mechanized logging.²⁶

In defense of itself, Suharto's regime claimed that these new laws were necessary for environmental protection. Suharto's government claimed that the *banjir kap* logger's indiscriminate logging practices would prove destructive to the forests and that these local businesses were more difficult to monitor compared to larger corporations due to their smaller business sizes.²⁷ In reality, *banjir kap* loggers were so proficient in the *banjir kap* technique of transporting logs through rivers that they did not need trucks, heavy machinery, and other logging equipment to maintain an output of logs, meaning they did not require fossil fuels. Further, they did not destroy young trees through the mass deforestation techniques that mechanization entailed, which meant that the environmental impact of foreign firms was in fact larger than those of the *banjir kap* loggers. The use of Japanese logging techniques in particular, with their demand for faster and more efficient extraction,²⁸ caused considerable damage to smaller trees and the forest floor during the logging process.²⁹ The *banjir kap* loggers practiced more sustainable logging methods than did the large

corporations. Preventing local loggers from harvesting timber due to adverse environmental impacts was simply a means to attract the financial support of large corporations abroad.

To be sure, foreign investors were essential for large-scale economic growth in the timber industry, as Indonesia lacked the necessary capital and technology for massive expansions. But that is only part of the story. Foreign conglomerates also allowed for vast personal gain, as they provided Suharto's government with a way to transfer timber rents directly into the Indonesian military, a key supporter of Suharto's regime. These timber rents entailed 20 to 25% equity shares for the military partners in the joint ventures, as these partners secured the concessions for the foreign conglomerates and provided political protection within the industry.³⁰ With *banjir kap* loggers unable to offer the same profitability for Suharto and his followers, maximizing foreign businesses in Indonesian forestry provided a most lucrative path for Suharto and his military loyalists.

To expand the coffers for Suharto and his supporters, Imam Sudjarwo took measures to force foreign firms to operate in joint ventures with Indonesian partners whom he had the authority to nominate. Beginning in the late 1960s and extending into the 1970s, foreign investment laws required foreign companies to enter into commercial ventures with Indonesian companies, stating that foreign companies "shall not be allowed to enter into joint ventures with foreign capital."³¹ By this time, members of Suharto's inner circle had already begun creating joint ventures with foreign corporations and establishing domestic companies of their own. Indeed, sixty-six of the industry's seventy-seven foreign firms were essentially strong-armed into partnering with Indonesians.³² In a similar vein, Japanese corporations during this period pursued ventures with Indonesian firms that offered political, military, or bureaucratic relationships rather than forestry expertise or monetary resources.³³ As icing on the cake, some sixteen months after the foreign investment laws were enacted, the Suharto government implemented Law 6/1968, which provided "domestic businesses" in forestry exemptions from numerous taxes, most

notably property tax, as well as immunity from investigations by the central tax agency regarding the origin of capital.

One of the main beneficiaries of the new set of foreign investment laws was P.T. Tri Usaha Bhakti, which was formed in 1969 as a holding company for military officials. In 1971, Tri Usaha Bhakti created a joint venture with the U.S. company Weyerhaeuser to form the ITCI (International Timber Corporation of Indonesia). When Weyerhaeuser first began business in Indonesia in 1969, it was provided with 100,000 hectares of land. However, the 1971 joint venture gave Weyerhaeuser access to 601,000 hectares of valuable forest lands through the ten concessions the central government gave to Tri Usaha Bhakti. At the start of the partnership, Tri Usaha Bhakti owned a 35% share in the joint venture, but it eventually went on to own a majority share of 51%. Tri Usaha Bhakti provided only the timber concessions and \$160,000 of capital, a paltry 5% of the 32 million dollars put forth by Weyerhaeuser, yet it earned \$10-12 million through the venture in 1978.³⁴

Although Suharto possessed ulterior reasons for pandering to foreign conglomerates, his actions nevertheless jumpstarted the Indonesian timber industry, allowing for titanic growth in timber exports. When Suharto took power in 1966, Indonesian timber accounted for only \$4 million out of the \$164 million that comprised the global timber industry, giving the country a paltry share of the market. However, after the implementation of Suharto's economic strategy, the Indonesian timber industry saw an annual 108% increase in timber log exports over the next six years. By 1973, the rise in foreign investments and corporate power propelled Indonesian timber exports to \$3.2 billion, which was 18% of all global timber exports.³⁵ By 1979, the transformation of Indonesian forestry was all but complete: the country was the leading exporter of tropical timber, exporting 31% of the total timber supply worldwide and 70% of the global hardwood supply.³⁶

Popular Riots and Suharto's Public Relations

Suharto's keen interest in attracting foreign investors created a deep tension between the government and the Indonesian

people. Native Indonesian businessmen, along with ordinary working citizens, grew frustrated by the increase in corruption and the severe inequality in treatment between foreign and native businessmen. When the Japanese Prime Minister Kakuei Tanaka arrived in Indonesia in 1974, students began a demonstration to protest the various forms of exploitation the Suharto government was perpetuating. As Japan was at the time Indonesia's largest foreign investor, Prime Minister Tanaka's visit was not a welcomed one for the Indonesian populace. The Malari Riots started a day after Tanaka's arrival and left behind a massive wake of destruction: 144 buildings, 807 cars, and 187 motorcycles were in flames; an estimated eleven people were killed; and seventeen people were seriously injured while 120 people had minor injuries.³⁷ Although initially the nation blamed the students as the instigators of the mass riot, it was later revealed that Suharto was actually responsible for the mayhem. Suharto placed agent provocateurs within the protesters to entice the demonstrators into rioting. Furthermore, Indonesian general Ali Murtopo's Special Operation forces were strategically mobilizing crowds as the students were demonstrating, to incite further pandemonium and confusion among the protesters.

Suharto quickly shut down the "riots" and used the incident as an opportunity to strengthen his iron grip across Indonesia. In the ensuing months, the Indonesian press was strangled into following the Suharto regime's agenda. Twelve newspapers and magazines had their publishing rights revoked and several journalists who criticized the Suharto regime were imprisoned without trial.³⁸ All news organizations were closely monitored to prevent further dissent. Suharto also used his circle of business associates to spread his opinions and sentiments across the media. Many of his business partners, such as Bob Hasan, owned media companies that were used to further Suharto's cause and cast stories in perspectives that were favorable to Suharto's government.

To further increase his power, Suharto also used the riots as an excuse to detain every member of the Indonesian political process who he believed was opposed to his regime. Using

Ali Murtopo's Special Operations group, Suharto accused the Indonesian Socialist Party and the Islamic Masyumi Party for triggering the events of the Malari Riots. Political parties then saw their power evaporate as they were reduced to becoming mere partners of Golkar, Suharto's main political group. The reduction of opposition was justified in the name of stability within the Indonesian government and gave Suharto unopposed political power. Meanwhile, Suharto's regime banned all political activity within universities and imprisoned student leaders in an effort to systematically destroy underground movements.

As authoritarian as Suharto was in his response to the Malari Riots, political stability in Indonesia would be an affirmation for foreign investors that it was safe to establish business relations with the country. In fact, foreign countries such as the United States had a favorable view of Suharto's pro-business stance and sought to make Indonesia a partner in trade. Concerns over civil unrest, of course, would shake the confidence of foreign investors. In 1967, the CIA under the Johnson Administration stated that for Indonesia to be a successful partner there would need to be "a more stable environment for private enterprise."³⁹ In 1967, Suharto's regime was not the powerhouse that it became in the late 1970s and 1980s. There was strong opposition by the Communist and Islamic parties during the first few years of his presidency. Suharto's use of the Malari Riots to quell dissenters and squash opposition brought the stable, pro-business government that private enterprises so desired.

The Legacy of Bob Hasan

Nepotism was rife within Suharto's inner circle. In giving close friends and family members exclusive government contracts and appointing them to positions of power, Suharto better positioned himself to turn Indonesia from an insignificant player in the timber industry to the world's largest timber exporter and manufacturer.

One of the largest beneficiaries of Suharto's nepotism was Bob Hasan. Bob Hasan, formerly named Zheng Jiansheng, was

the foster son of Indonesian army general Gatot Subroto, whom Suharto served in the 1950s. In the early 1950s, Hasan held several menial jobs before establishing himself with army officers from the Central Java's Diponegoro Division. Through Gatot, Hasan met Suharto and became a part of Suharto's inner circle. The two frequently socialized, becoming regular fishing and golfing partners. Through his close relationship with Suharto and the influence Suharto possessed as President of Indonesia, Hasan rose quickly to power as one of Indonesia's most influential and powerful business magnates.⁴⁰

After Suharto enacted the Basic Forestry Law of 1967, mass commercialization of Indonesia's forests began. In the 1970s, Hasan became the key partner for foreign companies that wanted to exploit Indonesia's vast timber resources. Hasan created various joint business ventures between his private company Kalimanis P.T. and government-owned companies while working extensively with the U.S.-based company Georgia Pacific. Alongside Georgia Pacific, Hasan formed P. T. Georgia Pacific Indonesia, of which he owned a 10% equity share. Georgia Pacific quickly grew, rising from an export volume of 43,889 m³ of timber in 1971 to 356,313 m³ of timber in 1976. Their annual revenues shot up from \$733,949 to \$15,840,374 within that five-year time frame.⁴¹

The relationship between Hasan and Suharto was mutually beneficial, to say the least. Suharto used his influence as president to establish Hasan in the timber industry, and Hasan in turn reciprocated through the distribution of shares from his timber ventures. Indeed, Hasan distributed 23% of the interest he obtained from his investment in Santi Murni Plywood to various foundations owned by Suharto's family. For example, a 10% share went to a logging company chaired by Suharto and his wife, while another 7% was distributed to a company owned by Suharto's daughter Siti Hardijanti Rukmana.⁴²

Nepotism, however, was just the tip of the iceberg for Hasan and Suharto's corrupt practices. The underhanded business tactics of Hasan and Suharto used to grow the timber industry of Indonesia were evident when the government forced the industry

to shift to creating and exporting processed wood, in particular plywood, as opposed to raw timber. Amidst a decline in global timber prices, the Indonesian government sought to improve its standing in the plywood market. A shift to plywood apparently had a multitude of other benefits: an increase in the value of local forests, the creation of more jobs, and further development of the regional infrastructure. However, Suharto and Hasan were very much focused on self-aggrandizement.

In order to initiate the shift to plywood from raw timber exports, the Indonesian government banned the export of logs in 1981, an action that was intended to funnel timber into the wood processing business. As a result, many foreign companies quickly withdrew from Indonesia, selling many of their operations to Indonesian businessmen. The domestic companies unable to become involved in wood processing merged with or sold their timber rights to more established Indonesian firms. Timber concession holders were now forced to sell their timber to domestic wood industries at prices well under international log values.⁴³ The banning of logs also allowed for a large concentration of concessions to be distributed to Suharto's inner circle, whose members were partnered with foreign timber companies by Imam Sudjarwo in the early 1970s. In 1983, Georgia Pacific withdrew from all their Indonesian operations, allowing Hasan to assume full ownership of the company's Indonesian arm.

Using his relationship with Suharto, Hasan became the head of the Indonesian Wood Panel Association (Apkindo) in 1983. In February 1976, Indonesia's first thirteen plywood corporations established Apkindo, the primary function of which was to serve as a method of communications for the plywood corporations. Before Hasan took power, Apkindo had little influence over policymaking or the business practices of its members. However, once Hasan became the head of Apkindo, the central government gave Hasan the sole authority to grant export licenses for plywood makers and the power to sanction anybody that breached the organization's rules. Hasan maintained a stranglehold on the manufacturing and exporting of Indonesian plywood, effectively

creating a monopoly over the Indonesian plywood industry. The extent of Apkindo's political power was so vast that one forestry official divulged that "the forestry department coordinates with Apkindo, but Apkindo really makes policies."⁴⁴

Through this monopoly, Suharto's government molded Indonesia's plywood industry into one that dominated the international plywood market. The central government used Apkindo to control the price of Indonesian plywood exports and required plywood companies to lower their prices in order to increase exports.⁴⁵ This system also allowed the central government to dictate where plywood exports went, by threatening to refuse future export rights to uncooperative companies. This coercive tactic would prove crucial in overtaking the Japanese market in the 1980s.

The central government of Indonesia quickly targeted Japan during the second half of the 1980s. After holding reserves of plywood through Apkindo, Indonesia flooded the Japanese market with inexpensive, high quality plywood. Before this epochal move, Japan was considered a market that was nearly impenetrable. Having a large plywood industry of its own, Japan was capable of providing for 98% of all its domestic plywood needs. However, Bob Hasan created a plan to navigate the tricky Japanese market by flooding it with low-cost panels. Apkindo priced their panels below market value to circumvent the heavy tariffs and import taxes Japan had imposed on plywood. An official of Indonesia's Ministry of Planning revealed that Apkindo exported plywood to Japan at prices five to ten percent lower than [those of] other countries to circumvent Japan's heavy tariff barriers.⁴⁶ In public, Hasan emphasized that Indonesian producers "would need to absorb such losses for the short-term in order to weaken Japan's wood processing industry to the point that Apkindo would be able to control prices in that country's domestic market."⁴⁷

The strategy of Hasan proved successful, and Indonesia began to overtake the Japanese market. Indonesian shipments of plywood panels to Japan increased from 139,000 m³ in 1984 to 3.2 million m³ in 1989. By 1989, Indonesia was responsible for

97% of Japan's plywood imports and accounted for 31% of the plywood used by the Japanese economy. Indonesia's dominance continued to grow, and by 1993 Indonesian exports constituted more than 40% of the plywood consumed by Japan.⁴⁸

Indonesia used similar tactics to successfully undercut markets in several foreign countries, including the U.S., South Korea, and Taiwan. As a consequence, Indonesia's share of the world's plywood market increased from 7% in the early 1980s to more than 75% by the early 1990s. Total revenues from wood product exports went from \$200 million in 1981 to about \$3 billion by 1990. With government backing for plywood production, plywood mills increased in Indonesia from 21 in 1978 to 98 in 1985.⁴⁹

Operating with full political backing, Hasan was also able to give his companies a monopoly on various aspects of the timber and plywood industry. For example, his companies Kencana Freight Lines and Karana Lines were given exclusive access to ship Indonesian plywood to foreign markets.^{50,51} Furthermore, a deal was created between Hasan and the plywood companies that would require all Indonesian plywood to be insured and covered by Hasan's insurance firm P.T. Tugu Pratama.⁵² All the while, Hasan maintained a strong relationship with Suharto by continuing his contributions to the Suharto family's various foundations.

Through the work of Bob Hasan, Suharto transformed a timber industry plagued by declining global timber prices and demand into the world's leading exporter of plywood. Monopolization of the forestry sector vastly increased the profitability of Indonesia's wood industry. However, the true beneficiaries of the forestry industry's ascent to global supremacy were a pair of bedfellows.

Conclusion

The tale of Indonesia's forestry industry is one of extraordinary success and unscrupulous deeds, which are so often connected. Transforming an undeveloped forestry industry in a Third World country into the leading timber and plywood producer in

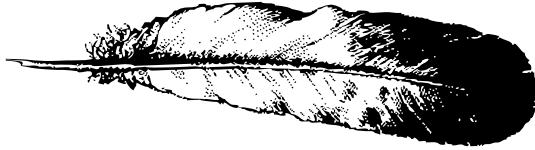
the world in a mere two decades required numerous steps, both brilliant and nefarious.

Coming into power in 1967 and surrounded by the volatile political environment left in the wake of Sukarno's demise, Suharto created an era of economic growth by forcing the development of the timber industry. However, this was achieved by stripping indigenous Indonesians of all rights and privileges to their homeland. Foreign firms may have brought much needed capital, technology, and manpower, but the use of uncompetitive tax breaks spelled the end of Indonesia's domestic forestry firms, save for the few members of Suharto's inner party that foreign firms were forced to partner with. When outrage over unfair treatment led to mass protests, Suharto quelled dissenters and shut down newspapers using the military, but these actions also maintained the stable political environment needed to continue economic growth and calm foreign investors. When the global timber market was in decline, Suharto used Apkindo and Bob Hasan to revitalize Indonesia's forestry industry by turning Indonesia into the global leader for tropical plywood exports, but in doing so they created monopolies, used predatory pricing techniques, and strong-armed plywood companies to compete with the Japanese, U.S., Taiwanese, and South Korean plywood industries.

Suharto's actions in the forestry industry have had profound, far-reaching influences within Indonesia's political and environmental predicaments. The bribery and nepotism present in Suharto's inner circle, for instance, fostered the current culture of corruption in Indonesia's government. Indonesia's political system is still rife with venal politicians who seek to profit themselves by using their power to grant forest lands, among others, to the highest bidders.

Yet the issues present in Indonesia's forestry industry go far beyond the self-aggrandizement of corrupt politicians. The culture of bribery has led to lax enforcements of environmental laws, evident in the 2 million hectares of forest land that have been illegally cleared and burned in Sumatra and Borneo.⁵³ Artificial forest fires by corporations to clear land have led to an

emission of 1,043 million metric tons of carbon dioxide in 2015.⁵⁴ As a point of reference, the carbon dioxide emitted by the entire U.S. economy in 2014 was 5,406 million metric tons.⁵⁵ America's economy is about twenty times larger than that of Indonesia.⁵⁶ After bringing to light the corruption present in Indonesia's forestry sector, we can see the immense challenges that fraudulent politics have brought upon Indonesia's environment. Politicians in Indonesia would be wise to stop devising ways to manipulate legislation for profit and instead focus on how unsustainable the forestry corporations' practices truly are.



Endnotes

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WHERE DEMOCRATIZATION STOPS: JUDICIAL INDEPENDENCE IN THE PROGRESSIVE ERA

Perri Wilson

The judiciary plays a unique role in the American government. It does not derive its power directly from the consent of the governed, but instead from the Constitution itself. This seemingly undemocratic idea—a branch with so little responsibility to the people’s demands—has not gone unchallenged. At various moments in history, there have been measures to make the courts accountable much like the other branches. The first widespread movement of this sort was in the 1850s, when, following excessive legislative spending and subsequent depression, twenty-four states adopted judicial elections to their Constitutions.¹ This movement towards democratic courts was largely intended as a way to empower the courts with their own voter base, making them a *stronger* check on the “people’s branch.”² By the early 20th century, the Populists, followed by the Progressives, would attempt to expand this democratic aspect of the judiciary for a very different purpose: to bring judges closer to the voters and therefore make them *less* willing to obstruct the more democratic legislative branch. This push for a responsive court, however, met with little success,

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blocked by both the people and the lawmakers. It seems that the people held a different set of ideals for the courts than they did for the rest of the government, and trusted countermajoritarian justice over a popularized and easily-influenced justice system.

The Populist Party during the late 19th century had taken a strong stance on overhauling the American political system, which, in the previous decades, had come to represent and protect corporations and the elite. In response, the Populist Party, made up largely of struggling farmers, proposed drastic measures to reform this *laissez-faire* government and empower the working-class. Although the third-party Populists had largely dissipated after the election of 1896, many of their ideas were adopted and successfully enacted by the Progressives in the early 20th century.³ One of their primary goals was to increase direct democracy. These “good government reforms” included measures such as the initiative and referendum, (allowing citizens to bypass their representatives by passing laws or amendments through petition and popular vote), the direct election of senators, and recall elections for many government officials. Between 1898 and 1910, ten states, along with many local governments, had passed initiative and or referendum,⁴ with each success representing the popularity of Progressive ideas.

It is no surprise then that, as the Progressives grew a national voice during the first decades of the 20th century, there were increasing attempts to apply these Populist ideas to the courts as well as the other branches. In 1906, Roscoe Pound, an influential leader of the Bar, gave a controversial speech, “Causes of Popular Dissatisfaction with the Administration of Justice,” showing that public frustration with the judiciary had now become an inescapable topic.⁵ Pound later reflected in *Jurisprudence* that the strict line drawn between law and government had led to a “paralysis of administration.”⁶ Following the landmark decision of *Lochner v. New York* in 1905, which ruled in favor of the business “Right to Contract,” there was a backlash against what many felt to be an obstacle to progressive reform.⁷ Progressives during the era

protested against this “obstructionist” judiciary by attempting to stem the power that they claimed had been “usurped” by the courts, in the form of (frequently pro-business) judicial review.⁸

Some of the many proposals for court reform included Judicial Recall, overriding judicial decisions, nonpartisan elections, and limiting the power of judicial review.⁹ However, of these many proposed “checks on the judiciary,” almost all failed to spread. The concept of recall of judicial decisions, written into the Progressive platform of 1912, was adopted only in Colorado, and even then passed in a 1912 initiative with just 57% of the vote.¹⁰ Similarly, judicial recall elections spread to only five states.¹¹ When Arizona tried to include the judicial recall election in their Constitution in 1911, President Taft opposed it strongly, and he threatened to veto Arizona’s statehood as long as the provision remained.¹² Such strong opposition to judicial democratization did not stop here; by 1934, California would begin the process of turning back to the more conservative appointment procedure, signaling the end of the long, and conflicted, movement for judicial elections. In a seemingly contradictory act, Californians used the distinctly democratic initiative process to pass the “Merit Plan,” a more conservative system of judicial selection which gave the power of appointment to the Governor and the Bar.¹³ Through reading arguments about the judiciary during the era, among both citizens and politicians, one can begin to understand the hesitations of a society committed to an independent judicial branch.

In 1912, the topic of judicial elections, (specifically recall elections,) entered the national debate during the Ohio Constitutional Convention, which came to be a “battleground” for presidential candidates.¹⁴ There, Theodore Roosevelt, running as a “Bull Moose Progressive,” declared his support for judicial recall elections in his “Charter of Democracy” speech in front of the Convention.¹⁵ This stance was a complete shift in Roosevelt’s own opinion. Just a year before he had shown reservations about the recall, stating that if the adoption of recall led to “the subjection of the judge to the whim of the mob,” it was the “imperative

duty of every good citizen, without regard to previous prejudices, to work for the alteration of the system.”¹⁶ As his opinion on the topic shifted, Roosevelt’s remaining hesitations regarding judicial recall were not those of an elitist concerned about the capabilities of the “mob;” he encouraged the idea that any potential issues with the law be solved by the influence of the citizens themselves, and continuously praised self-government, saying just the year before that if you do not “believe in the rule of the people...you are against us.”¹⁷ Rather, his unusually countermajoritarian objections to judicial recall demonstrate a fundamental distinction, made by Roosevelt and many others, between the court’s principles and those of the other branches. This difference, though subtle, greatly changes the way that we understand the conflict over the courts: as either a political battle between the classes, or an ideological war between varying views of the court’s responsibilities.

Of course, a large part of the opposition to any progressive reform of the courts came from business, which depended largely on the unchecked judicial branch in supporting their economic interests. Many of the groups that came out against judicial recall and other forms of democratization were made up of business leaders. Unions had been aggressively running the elections for pro-labor judges in the 1910s,¹⁸ and in 1907, the AFL demanded that all judicial decisions striking down legislation be unanimous.¹⁹ Businesses responded with a campaign, beginning in 1912, to replace elections with appointment. (Similarly, when California launched their Merit Plan campaign in 1933, it derived support most strongly from business leaders.)²⁰ Thus, as William Ross argues, one reason that the movement for limiting judiciary independence failed was because the special interests, along with the court’s corporate leanings, were so influential.²¹

The fear of decisions being made by a reactionary “mob” was not restricted to a conservative elite, however. In fact, within the Progressive platform, there are hints of this concern even within the plank calling for the ability of voters to override judicial review. Slipped into this seemingly radical statement is the idea that they

should only be able to do so “after an ample interval for deliberation.”²² California, Oregon, and Arizona, had all enacted judicial recall elections around 1910, and they very deliberately required time between a petition for a recall and the recall vote itself. At this time, the *Michigan Law Review* took into consideration the conservative public opinion, knowing that “popular feelings may change materially” in a short amount of time.²³ Even in some of the most radical proposals for increasing direct forms of democracy, there was an underlying fear, or at least an understanding, of the importance of separating the courts from volatile public opinion.

Along with this subtle distrust for the public, the Progressive Party Platform of 1912 shows an indecision about the judiciary’s responsibilities, leading to avoidance of any direct popularization of the courts. Of the various ideals for the judiciary present in the document, many seem to conflict. “The Courts” section of the platform begins with a statement calling for “such restriction of the power of the courts as shall leave to the people the ultimate authority to determine fundamental questions of social welfare and public policy.”²⁴ While this statement bluntly prioritizes passing Progressive legislation over careful judicial review, it does not call for more Progressive courts, but instead for the mitigation of judicial power, an idea which historians call “Independent Judges, Dependent Judiciary.”²⁵ Similarly inconsistent is the platform’s opinion on whether the courts should be a representative, and therefore a majoritarian, branch. One plank calls for less final judicial review, with the ability of the people to “vote on the question of whether they desire the Act to become law” even after being declared unconstitutional by the Court.²⁶ Again, however, this proposal did not attempt to make judges more responsive to the people, but merely gave “the people” the final word. In general, Progressive activists tended to simply “circumvent” the often conservative courts when necessary, rather than challenge their power.²⁷

The concept of “Independent Judges, Dependent Judiciary,” along with the language of some of the court’s biggest

opponents, reveals a deeply rooted assumption that a judge's primary responsibility was to remain unbiased. Even in the titles of many articles attacking the legal system, including C.P. Connolly's 1912 article "Big Business and the Bench, How Courts have Been Invaded and Judges Swayed by Big Business," one can see this widespread expectation for impartiality,²⁸ dependent on the premise that judges should remain independent, and "unswayed." This priority may seem odd for a movement that hoped to make political leaders *more* responsive to the public. But in many ways, even the Progressives' proposals for court reform, though aimed at limiting the influence of the elite, only further insulated the bench. Nonpartisan elections, for instance, were meant to separate judges from "party machines" but did not actually increase the "people's" influence in the courts. These steps taken by Progressives often showed a larger interest in protecting the courts from influences of any kind than in making them accountable to the people. As Kenneth Miller argues in *Direct Democracy and the Courts*, it was for this reason that judicial recall was adopted in only five states.²⁹ Following a long introduction supporting recall elections of legislators, a 1912 article in the *Outlook* made a shocking shift, saying, "to make the judge dependent upon the public in a case in which the public is a party is to make the judge dependent upon the will of one of the suitors on whose claim he is to pass judgment."³⁰ Despite many of their other populist reforms, it was hard for Progressives to deny the importance of an independent judiciary; consequently, their campaign for judicial reform was often superficial and too "unimaginative" to really take hold.³¹

Though elections may have seemed like a solution to the issue of a bench highly influenced by businesses, the election process itself was increasingly viewed as corrupting. Throughout the debate over court reform, and in other aspects of the political debates of the time, there was an obvious disdain for the "party machine." The Socialist platform in 1912 displayed this distrust, saying that "political conflicts reflect merely superficial rivalries between competing capitalist groups."³² Even as Progressive leaders such as Roosevelt endorsed judicial elections, Progressive lawyers

were simultaneously devising the more conservative appointment process, (later called the Merit Plan), “for deeper structural independence from the political parties.”³³ When California *did* adopt the Merit Plan, one justification for it was that the elective system had required judges to spend from 25%–40% of their time campaigning.³⁴ As F. Andrew Hanssen argues in his article “Learning about Judicial Independence,” the shift away from judicial elections grew out of a new need to check “party machine” power.³⁵ Although elections were romanticized as the truest form of democracy, the court’s independence was greatly compromised by the corruption of the elections and the parties of the time.

There is an implicit assumption made in any argument to keep the courts separate from popular will: an understanding of the court’s role as a “countermajoritarian” power. In an era when progress was pushed by majority action, it seems an odd assumption to make, and indeed many of the most radical reformers tried to overcome it. Roosevelt, for instance, dismissed this concern in 1912, saying that “no sane man who has been familiar with the government of this country for the last twenty years will complain that we have too much of the rule of the majority.”³⁶

Despite the majoritarian sentiment of the time, however, the consistent protection of minority rights was still viewed as a necessary, and in some ways untouchable, value of constitutional government. From Madison in the *Federalist Papers*, to Rufus Choate in 1853, to Progressive leaders themselves, the courts were seen as the one place where the “Tyranny of the Majority” was countered. As one man defensively wrote in response to Connolly’s article exposing the corruption of the courts, “our courts are the bulwark of our liberties.”³⁷ In the context of the courts, the “liberties” protected by the bench are not those of an activist majority, but of every *individual* in terms of the law. Popularizing the courts, declared Rome G. Brown, was verging on a socialist plot to “do away with all rights of private property.”³⁸ Facing the similar issue of adding judicial elections in 1853, Rufus Choate stated in defense of countermajoritarian law that the Court is

where “there is no respect of persons, where will is nothing, and power is nothing, and numbers are nothing, and all are equal and secure before the law.”³⁹ This reverence for the judiciary came in part from the understanding of judges’ value in a representative government as the one “countermajoritarian” branch.

This almost unquestioning respect for the courts—especially the Supreme Court—was widespread, even among those who questioned the other branches and their actions. When Theodore Roosevelt announced his own plan to change the courts and check their power, he met with what he described as a defensive backlash.⁴⁰ Because of their traditional position in the American government as the protectors of both the law and the people, the courts were venerated even by those who would readily criticize the other branches. As one man put it, any criticism of the courts was comparable to “sensational attacks on the Christian religion.”⁴¹ In an attempt to overcome this “backlash,” Roosevelt argued that, although the people should maintain a deep “appreciation and respect” for judges, they should not adopt an attitude of “servility.”⁴²

For those who *did* want to fight publicly against the corruption of the courts, there were numerous blockades, including a seeming immunity given to the judiciary by the press. Bolstered by a longstanding public respect enjoyed by the judicial branch, corrupt judges seemed to escape much public scrutiny. As one lawyer claimed in a letter responding to C.P. Connolly’s article “Big Business and the Bench,” the judiciary “is protected by a subsidized press.” When this lawyer tried to criticize corrupt judges publicly, he was threatened with being “ruled in contempt and perhaps disbarred.”⁴³ Connolly’s article, and more generally the “muckrakers’” practice of criticizing judges, drew disgusted dismissal from one professional journal as a “venomous attack upon the judiciary” which would only create public misconceptions and “intense shock of their sense of decency.”⁴⁴

When compared to the more radical movements of the time, such as the increasingly popular Socialist Party, Progressives were a relatively conservative group, carrying a less passionate

reaction against the courts. The middle class, which made up a large part of the Progressive Party, bought into the propaganda describing the Populists and their reforms as “anarchists.”⁴⁵ Though Americans had proved themselves capable of accepting other radically democratic changes, “popularizing” the judiciary was *too* radical for many. The very middle-class Progressive Party would have been more likely to see court reform as overstepping an unspoken boundary of reverence for the judiciary. Even the 1912 Progressive plank calling for change in the judiciary justified the change as a way to create “a more general respect for the law and the courts.”⁴⁶ The huge number of people joining the Progressive movement, though ready for change in their government, were nonetheless “deeply infused with a respect for fundamental American values, which prominently included a deep respect for the law.”⁴⁷ The concept of judicial recall, though comparable to many of the other good government reforms of the time, was considered, as one 1912 article stated, an “attack upon constitutional government itself,”⁴⁸ a government to which even the most radical thinkers of the time were committed.

The demographics of the Progressive Party were also wide-ranging, leading to a variety of opinions on specific policy.⁴⁹ Their diverse views may have led the party to understand the importance of a less “reactionary” government, as they could not depend on a majority rule for every issue. Judicial review, which may have been seen as an obstruction to speedy reform, was actually protected by Progressive leaders who understood the necessity of consistency in the law. This concern for an effective administration of justice, and an overall reliable system, was not restricted to the political minds of the Progressive Party, but was, in fact, part of a widespread movement towards more expertise in many fields.

The professionalism movement of the late 19th-20th century was driven by an interest in scientific efficiency and expertise, with an eagerness to drive society forward. In many ways, this innovative trend created a greater public respect for expertise in government positions, including the courts. A new generation of

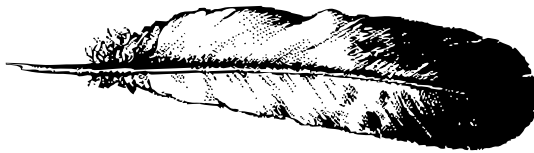
middle class professionals was organizing a growing number of specialized associations. One such organization was the American Judicature Society, founded in 1913 to promote the efficient administration of justice.⁵⁰ The AJS, and other groups of young, academic progressives, were looking for a more efficient, and less political, way of selecting judges. Their solution was to return to appointment, (in a modified form).⁵¹ On the political level, the concept of professionalism appeared in the turn away from the “spoils system,” towards a method of selection based more on merit than political favor. As Roscoe Pound stated in his 1905 speech to the ABA, “maintaining the highest scientific standard in the administration of justice” was necessary in “protection against corruption, prejudice, class feeling, or incompetence.” He believed that a common misconception that elected judges would be more qualified had led to an “unsatisfactory administration of justice,” especially in western states with more populist state constitutions.⁵²

In contradiction to the mechanical quality of the Professionalism movement, some began to question how fluid the law should be in order to allow for shifting morals in a community. In a strictly literal interpretation of the law, ethics should not necessarily be determined by judges. Instead, it is the Constitution itself, carrying our assumed morals, from which legality can be deduced. During the Progressive era however, intellectuals such as John Dewey and William James began to challenge these underlying assumptions, developing the idea that came to be known as “moral relativism.”⁵³ Relativism is the concept that morals are not universally true, but instead conditional, and unprovable. James Robinson, a somewhat radical thinker of the time, wrote in 1913 that the unprecedented modern society, changed by industrialization, urbanization, “scientific ideas and changing religious notions,” had created conditions “that those who framed our principles of morality could not possibly have foreseen.”⁵⁴ It seems natural that in such a varied population and time, people would question the immutable ethics underlying the Constitution, and indeed, Roosevelt stated confidently that “legalistic justice is a dead thing.”⁵⁵ Yet, for most, the idea that their previously assumed set of morals

might not be shared, was an unsettling thought. In times such as the early twentieth century, what Roscoe Pound called “periods of free individual thought in morals and ethics,” the separation of “legal results and strict ethical requirements will appeal not only to conservative constitutionalists, but to much of society.”⁵⁶ In other words, when agreement on the underlying ethics of a law are uncertain, people are more willing to trust strictly legal decisions than those based on shifting community ideals. In relation to court reform, making the courts and their decisions adaptable meant opening up the moral standards of American law to the potentially conflicting interests of a diverse society.

It is hard to define the motives of *inaction*, but in the Progressive Era, a period of such distinct *action*, the lack of successful change in the judicial system stands out. Although one could easily dismiss the Court reform movement’s defeat as evidence of powerful conservative opposition, sources and arguments from both sides prove that something more than a simple partisan clash was at work. The biggest proponents of popularizing the courts, such as Roosevelt, did not address their arguments to an elitist opposition, but instead to the hesitations of their own Progressive followers. The American people, although generally supportive of democratizing their government, were ambivalent about applying democratic ideas to their courts. There was an understanding that interpretation and the application of the law held an importance greater than that of popular will, and that the process should be protected from the very same political opinions which they sought to spread through the legislative branch. In a time of such rapid societal changes, Americans’ attachment to the sober judgment of the courts is astonishing. But maybe it is not such a contradiction; with constantly changing ideals for society, people may have felt more than ever the importance of the courts as protector of the one constant in society: the law. True impartiality was the only way of guaranteeing that a potentially dangerous majority would not misconstrue the law, even if at the moment that meant an obstruction to Progressive reform. It was not just the elite, worried about the threat of the “mob,” but the people themselves, who

stuck to an ideal of judicial independence. The Constitution, so venerated throughout American history, held the same place in the minds of radical Progressives as it had in its original, agrarian times. For the average American, the fact remained that “once his faith in the courts is shaken, he will know not where to turn and his sense of security will be gone.”⁵⁷



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- ³ Richard Hofstadter, *The Age of Reform: From Bryan to FDR*. (NY, New York: Knopf Doubleday Publishing Group. 2011), 98.
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- ⁵ Roscoe Pound, "The Causes of Popular Dissatisfaction with the Administration of Justice," (presentation, the annual convention of the American Bar Association, 1906). <https://law.unl.edu/RoscoePound.pdf>.
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- ⁷ William G. Ross, *A Muted Fury: Populists, Progressives and Labor Unions Confront the Courts*. (Princeton, NJ: Princeton UP, 1994), 49.
- ⁸ Miller, 191.
- ⁹ Shugerman, 160.
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- ¹¹ Miller, 193.
- ¹² W. F Dodd, "The Recall and the Political Responsibility of Judges," *Michigan Law Review* 10, no 2. (December, 1911): 79-92. <http://www.jstor.org/stable/1276486>.
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- ¹⁷ Theodore Roosevelt, "Do you Believe in the Rule of the People," *The Outlook*, 9 March 1912, 526-528.
- ¹⁸ Shugerman, 180.
- ¹⁹ Ross, 57.
- ²⁰ Shugerman, 180-184.
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- ²² "Progressive Party Platform of 1912," *Teaching American History*, August 7, 1912. <http://teachingamericanhistory.org/library/document/progressive-platform-of-1912/>.
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- ²⁴ "Progressive Party Platform of 1912,"

²⁵ Shugerman, 165.

²⁶ "Progressive Party Platform of 1912."

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²⁸ C.P. Connolly, "Big Business and the Bench, How Courts have been Invaded and Judges Swayed by Big Business," *Everybody's Magazine* 27, (1912): 116-128.

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³⁰ "The Recall of Judges," *The Outlook*, (9 March 1912): 522-25, 523.

³¹ Shugerman, 160.

³² "The Socialist Platform of 1912," *Sage American History*, 12 May 1912, <http://sageamericanhistory.net/progressive/docs/SocialistPlat1912.htm>, (24 April 2016).

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³⁵ Andrew F. Hanssen, "Learning about Judicial Independence: Institutional Change in the State Courts," *The Journal of Legal Studies* 33.2 (2004): 441, accessed April 13, 2016. doi:<http://www.jstor.org/stable/10.1086/421572>

³⁶ Miller, 28.

³⁷ "Straight Talk," *Everybody's Magazine*, 26 (1912): 567-69,

³⁸ Rome G. Brown, "Recall of Constitutional Safeguards," *Lawyer and Banker and Bench and Bar Review*, 7 (1914): 14-26, 20.

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⁴⁰ Theodore Roosevelt, "Judges and Progress," *The Outlook*, 6 January 1912: 40-48, 40.

⁴¹ "Straight Talk," 568.

⁴² Roosevelt, "Judges and Progress," 40.

⁴³ "Straight Talk," 568.

⁴⁴ Brown, "Recall of Constitutional Safeguards," 19.

⁴⁵ Hofstadter, *Age of Reform*, 101.

⁴⁶ Progressive Party Platform of 1912.

⁴⁷ Ross, 59

⁴⁸ Brown, 243.

⁴⁹ Hofstadter, *Age of Reform*, 134.

⁵⁰ Shugerman, 174.

⁵¹ *Ibid.*, 173-174.

- ⁵² Pound, "Causes of Popular Dissatisfaction," 5.
- ⁵³ Henry May, *The End of American Innocence*, (New York: Columbia University Press, 1992), 164.
- ⁵⁴ James Robinson, "A Journal of Opinion," *The New Republic*, 8 May 1915: 9-10, 10.
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PROTAGORAS AND ATHENIAN DEMOCRACY

Duohao Xu

Introduction:

The word “sophist” in pre-Socratic period, coming from the Greek word *sophos* (wise), simply referred to those who are wise or distinguished in learning, such as poets, philosophers, etc.¹ Even Plato and Socrates were sometimes given the title. Due to Plato and Aristotle, “sophist” later came to describe a specific group of itinerant teachers active in 5th-century-BCE-Athens and gained its current negative connotations.² Under Pericles, Athens’ gradual democratization paved the way for the emergence of a prosperous cultural and academic situation, to which the sophists were drawn. The sophists charged tuition for a wide range of training, from rhetoric and forensic speeches, to astronomy and geometry, creating a steady force in facilitating cultural prosperity.³ They thrived in the free democratic environment of Athens and contributed their beliefs in equal education, their philosophy of skepticism, and their challenges to conventional politics and morality to the intellectual world. Among all the sophists, Protagoras is considered to be the first, and the most prominent.⁴ Born in early 5th century,⁵ Protagoras’ prime years corresponded

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with Athens' rise into political and cultural prominence. He had a high reputation for decades and even became a good friend of Pericles.⁶ As a supporter for democracy, Protagoras provided justification for Athenian democracy and Periclean rule with relativism and pragmatism. However, his philosophy also contributed to the ultimate downfall of imperialist Athens.

Background:

Although an active part of Athenian political and intellectual life, Protagoras was born around 490 BCE in Abdera, a remote city on the coast of Thrace. As inscriptions from Abdera suggest, the city underwent a democratic effort against the old monarchy around 480 to 450 BCE, the time when Protagoras grew up and started his study.⁷ The early influence of democracy paved the way for Protagoras' later support for Athenian democracy. Young Protagoras first worked as a porter, but later reportedly received education from the philosopher Democritus, who picked up this student when he saw how skillfully Protagoras tied his bundle of wood.⁸

Meanwhile, Athens underwent a series of transformations into democracy, which gradually flourished before the sophist's arrival in Athens after 450 BCE.⁹ Before 5th century BCE, Athens was ruled by a monarchy like many other city-states in Greece. However, in the early fifth century BCE, Cleisthenes started a democratic reform that broke the nobles' monopoly over politics.¹⁰ The reform revolutionized the idea of *polis* (city) by empowering the Assembly and people's voting. Athens now existed no longer as a mere geographic area encircled by city walls but as a vibrant political entity,¹¹ composed of citizens and their political ideas. The emphasis on a politically-active people as the primary component of the city gave rise to further democratic development. In about 462 BCE, Athens experienced another series of reforms pushed by Ephialtes and Pericles. The two politicians further transferred the power of aristocrats to the people's court and the more democratic Council of Five Hundred,¹² creating the result that "virtually all important state actions required the consent of the people."¹³

Athens could not be called a democracy until these reforms were in place.¹⁴ The political opportunities previously controlled by the aristocrats were now open to all citizens.

When Protagoras arrived in Athens, democracy had already become the standard term to describe Athenian politics.¹⁵ Protagoras fully embraced this free environment of Athens: the political training he brought in filled the need of the ambitious citizens, who in turn helped him establish a prosperous sophist career. His training focused on how one could make “good judgment in his own affairs...[and]...how he may have most influence on public affairs both in speech and in action.”¹⁶ Protagoras believed he could teach political virtue to all,¹⁷ and along with other sophists offered education—the former privilege of the aristocrats—broadly to all citizens as long as they were capable of paying the tuition. His training of skills for political participation further accelerated the process of democratization.¹⁸ Apart from his educational contribution to Athens, Protagoras also actively engaged in the philosophical and political spheres of the city. He was a prolific writer, credited with books such as *Of the State*, *Of Virtues*, *On the Gods*, etc.¹⁹ Although a foreigner, Protagoras was entrusted by Pericles with the job of writing the constitution for the colony of Thurii in 444 BCE.²⁰ Most of Protagoras’ thoughts only survived either through Platonic dialogues or in fragments quoted in other authors’ writings. This paper seeks to provide a political reading of Protagoras’ thoughts based on analysis of these fragments and Plato’s representation of his philosophies.

Relativism and Pragmatism

Protagoras’ political theories start with a philosophical definition of truth, involving relativism and pragmatism. He proposes that due to the individual perception of the world, truth is no longer absolute and fixed but only true according to each individual; thus, every citizen is equally qualified for providing his own truth during political participation. Furthermore, Protagoras’ pragmatic classification of truths into less beneficial and

more beneficial ones sets the selection of the most advantageous policies as the ultimate goal for the city.

Protagoras' relativism is best exemplified in one of his most famous and widely-quoted fragments: "Man is the measure of all things, of the things that are, that he is (the measure); of the things that are not, that he is not (the measure)."²¹ In Plato's dialogue *Theaetetus*, Socrates interprets Protagoras' relativism with an example of taste: "food appears and is bitter to the sick man, but appears and is the opposite of bitter to the man in health,"²² but no one can conclude that "the sick man is ignorant because his opinions are ignorant, or the healthy man wise because his are different."²³ In fact, the bitterness of food is true to the sick and the good taste of the food is true to the healthy: neither truth is truer or more wrong than the other. The "human-measure" fragment demonstrates Protagoras' observation that humans offer different interpretations for the various phenomena in the world. His relativistic approach to the truth reconciles the potential conflicts among different claimed truths. Truth now becomes dependent on the opinions and perceptions of each human being. Since everyone has different perceptions, different varieties of observations can coexist all as truths. In fact, there are no wrong perceptions, but only different ones. Relativism thus effectively provides an epistemological view that ensures diversity and equality of all thoughts.

Relativism justified and helped construct a democratic environment for Athenian politics. Because anyone would be capable of producing truth, all citizens would be equally qualified for presenting their truths in political debates, resulting in the decentralization and redistribution of power and voice to everyone. The hierarchy typical in a monarchy, with political truth centralized on the top, lost legitimacy, giving way to a political arena in which anyone with a perception is qualified to take part. Through democratization of truth, Protagoras helped to build an environment open to all perspectives, and gave "rational justification for putting these multiple perspectives into meaningful communication with each other."²⁴ Surveying all regime forms available, the equal and diverse political participation inspired by relativism was

only achievable through democracy. Putting Protagoras' relativism in a political context justified and strengthened the Athenian democracy by valuing diverse opinions from all citizens. The relativistic approach of truth empowered the Athenian citizens by increasing their political participation and valuing their ideas, which Protagoras pointed out was the way of politics for Athens.

On the basis of equality and democratization of truth, Protagoras introduced pragmatic judgement of various perceptions in another fragment: "to make the worse *logos* appear better."²⁵ The Greek word *logos*, which primarily means "words" and "arguments," also can extend to meanings such as mental process, principle and natural law.²⁶ Given the options for interpretation, it is possible to understand *logos* as a perception or experience. Connected to the "human-measure" fragment, *logos* refers to the perception of truth. The "worse and better *logos*" fragment, apparently an advertisement for Protagoras training, actually conveys a philosophical message about pragmatism. It shows the practical difference between perceptions of truth: "some [perceptions] are better or worse depending on their utility."²⁷ Socrates also interprets Protagoras' pragmatism in the example of taste: although it is equally true that "the same food is sweet to the healthy and sour to the sick,"²⁸ the healthy person's perception is pragmatically better because "it is preferable for the food to taste sweet."²⁹ In the same way, among all the various perceptions, some of them are more beneficial than others. The fragment, describing the process of turning the worse or less beneficial perceptions of truth into better ones, portrays the actions of a wise person, "who causes a change and makes good things appear and be to him."³⁰ As a sophist, Protagoras claimed to perform this exchange of less beneficial perceptions for more beneficial ones on his students, which he believed is the effect of education.³¹

Going back into the political context, while relativism justifies citizens' political participation, the "worse and better *logos*" fragment gives politicians responsibility to guide the people to construct and select the most beneficial standards and laws for the city. According to Protagoras, "whatever seems right and

honorable to a state is really right and honorable to it, so long as it believes it to be so.”³² With the “state” being the people as one entity, this claim describes a state of consensus, picturing the whole city agreeing on certain points instead of individuals clinging to their own personal opinions. At this stage, “human” in the “human-measure” fragment is also a whole society or even the entire humanity; the result of the human’s measure would be the laws and social norms established.³³ These laws and moralities are relative to the city and to the collective judgment of the people. In order to achieve this consensus and to make the “measures” better, Protagoras points out the necessity of help from orators and politicians who play the role of the wise teacher of the people, making “the good, instead of the evil, seem to be right to their states.”³⁴ Protagoras seemed to rely on politicians to address the inefficiency in direct democracy, and to create the effect of the “worse and better *logos*” fragment in politics.

The “human-measure” fragment and the “weaker-stronger-*logos*” fragment provided philosophical foundations for the democratic model of Athenian politics. In these two condensed aphorisms, Protagoras described a complete democratic process, in which citizens equally qualified in perceiving truths start with individual opinions and under the guidance of politicians reach a collective conclusion that produces the greatest benefit to the city. The political reading of Protagoras’ two fragments revealed his basic theory for Athenian democracy.

Majority Oppression, Periclean Rule and Athenian Imperialism

Apart from justifying the basic democratic system of Athens, Protagoras’ model enveloped other political phenomena of Athens as well. Pericles’ trust and close friendship with Protagoras seem to suggest the sophist’s support for his policies. In fact, a deeper reading of Protagoras’ ideas confirms his support for Pericles’ political maneuvers, goals and values for Athens. Moreover Protagoras’ pragmatism justified majority oppression, Periclean rule and Athenian imperialism based on the benefits each can create for Athens.

The examination of Protagoras' controversial fragment on the gods sheds light on Protagoras' connection to majority oppression. At the beginning of Protagoras' lost book, *On the gods*, the author states: "About the gods, I am not able to know whether they exist or do not exist, nor what they are like in form; for the things preventing knowledge are many: the obscurity [of the subject] and the brevity of human life."³⁵ To the Greeks, the gods were not merely the religious focus of the city, but were the "protectors of the cities and guarantors of morality and the law ... [and] [q]uestioning their reality, even in the humblest of spirits, was questioning the foundation of the city or social and moral order."³⁶ Considering that the goal of the citizens was to benefit the city, it was preferable to preserve the existing religious knowledge and observe the religious traditions for the sake of social stability, despite Protagoras' belief in agnosticism. In fact, any religious activities should be encouraged and become a part of citizens' life as long as "this is in the best interest of the city."³⁷ Protagoras himself exemplified the statement "by his requirement that his pupils make a statement under oath in a temple concerning the proper fee for his teaching."³⁸ The same pragmatic logic applies to the domination of the majority over the minority. As long as the action carried out brings the most benefits to the city, it becomes the political duty of all citizens, regardless of their own opinions or conditions. In extreme situations, "any action can be just if a... community thinks so, even if it involves the blatant disregard for the rights of others."³⁹ Protagoras' philosophy potentially supports an ochlocracy (mob rule), which posed dangers to minorities such as the sophist himself. One version of Protagoras' life story ends with him facing the charge of impiety during the last years of his life. His book, *On the gods*, was burnt by the mob. The sophist himself hastily fled Athens and died on the journey to Sicily.⁴⁰

Protagoras' view of politicians and compliance to majority rule justified Pericles' rule. Protagoras has already defined the role of the good politician as the one who "the good, instead of the evil, seem to be right to their states."⁴¹ Pericles conveys messages of imperial expansion, Athenocentrism, and emphasis on state

unity,⁴² which appeared to the people to serve the better interests of the city; he was also able to persuade the population in public speeches with his rhetoric skills,⁴³ thus creating consensus. Pericles fulfills Protagoras' expectation of helping Athenians achieve their perception of right and good policies. Moreover, because Pericles' role as the teacher-politician is beneficial to the city, the citizens, especially those opposing Pericles, were obligated to at least support Pericles as the leader in appearance, just as it was the duty of the citizens to abide by religious traditions, in order to continue the beneficial policies of Athens and to maintain the political stability of the majority. The anti-democratic beliefs and actions of Pericles' political enemies—the old elites who wished to “vote, heckle, and exert their moral authority over the mass”⁴⁴ and to overthrow the existing regime—threatened Athens' democratic foundation. Therefore, ostracism of those enemies,⁴⁵ which meant the consolidation of Pericles' own power was necessary for maintaining social order.

In the context of Athens' expansion, Pragmatism also justified the Athenian Empire. Imperialism appeared to bring the most benefits to the city of Athens and to the citizens: the collected profits provided the funds needed for “rebuilding and adorning their city”⁴⁶ while many citizens themselves, especially the lower-class, gained financial prosperity by the Athenian settlement on seized lands.⁴⁷ Since “whatever seems right and honorable to a state is really right and honorable to it, so long as it believes it to be so,”⁴⁸ and the social norms and morality inside the city come into being as the result of consensus in pragmatic politics, democratic consensus in Athens, with the support and guidance of the politician Pericles, gives approval to all actions. The collective decision of the citizens gave rise to Athens' disproportionately dominant and central position and the maltreatment of the marginalized allies. The rights of the allies fell out of the political interests of Athens: in fact, as long as foreign policies were manifestations of public support, even if they were sheer acts of egoism, such as making wars on former allies, reducing their subjects and exacting tributes from others states,⁴⁹ all could immediately be justified and

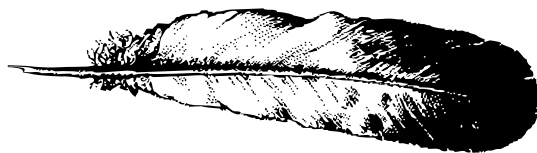
put into practice. With the profits created for the city, Athenian imperialism expanded out of the limited pragmatic constraint of Protagoras' political theories, although it disregarded the rights and autonomy of the allies.

Protagoras' philosophy promotes imperialism and supported the Athenians' desire for expansion, which ultimately caused the defeat of the city during the Peloponnesian War against Sparta. In the limited democratic model of Protagoras, pragmatism fell short of checking citizens' desires for imperialism. By permitting the desire to grow, pragmatism encouraged myopic decision-making that yielded immediate advantages rather than making political and military choices that were beneficial in the long run. As the leader of Athens, Pericles was the last politician who made the effort to warn the citizens against their desires. Before he met his end in the plague in 429 BCE (3 years into the Peloponnesian War), Pericles planned out a "holdtight" war strategy for Athens to avoid confrontation with the Spartan infantry, to remain defensive in the city, and to maintain the already acquired territories of the empire.⁵⁰ However, in just one year after his death, Athenians agreed to intervene in Sicily against Syracuse on the request of [Alcibiades and] Gorgias the sophist,⁵¹ which provided an opportunity for Athenians to unleash "this very desire to expand the empire that Pericles wanted to restrain for the duration of the war."⁵² In 415 BCE, Athens' expedition into Sicily resulted in a debacle, bringing the defeat of Athens in the war.⁵³ The desire originated and accumulated from the imperialist policies, and was permitted and fueled by pragmatism. The justification of the desire for Athenian empire with pragmatism finally contributed to the downfall of Athens and the temporary termination of its democracy by a Spartan-imposed oligarchy.⁵⁴

Protagoras' pragmatism validated the leadership of democratic rulers such as Pericles and rationalized majority oppression. It even provided an excuse for the expansion of the Athenian empire, which resulted in the defeat of the city in the Peloponnesian War. Protagoras helped expand the unchecked desire of the Athenians to a destructive level.

Conclusion

As a prominent member of the sophists, Protagoras actively engaged in the intellectual sphere of Athens through adding a voice of relativism to the philosophical world and building an equalitarian framework for Athenian democracy. His relativistic perspective supported the democratization of political participation, while his pragmatic approach set a standard and goal for selecting ideas on the basis of benefiting the city. Although Protagoras' political model failed to provide an effective check and balance on the sometimes dangerous ideas of the majority of the Athenian citizens, it does shed light into the psychology and the motives of the Athenians in adopting egoistical and myopic foreign policies. The investigation of Protagoras' thoughts not only invalidates the stereotypes of cunningness and superficiality for the sophists, but more importantly shows an understanding of the essence of democracy: the ensurance of each citizen's equal opportunity in politics. Protagoras' fragments reveal the sophist's own effort in providing equality for Athenian politics through a philosophical justification.



Endnotes

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² Jacqueline De Romilly, *The Great Sophists in Periclean Athens*, trans. Janet Lloyd (New York: Oxford University Press, 1988), 1.

³ Plato, “Protagoras,” *Plato*, trans. W. R. M. Lamb (Cambridge, Mass.: Harvard University Press, 1924), 318e, accessed April 17, 2016, <http://www.loebclassics.com>.

⁴ Schiappa and Benson, 1.

⁵ Eric W. Robinson, “The Sophists and Democracy Beyond Athens,” *Rhetorica: A Journal of the History of Rhetoric* 25 (2007): 111, accessed April 1, 2016, <http://www.jstor.org>.

⁶ Nathan Crick, and Thomas W. Benson, “Protagoras and the Promise of Politics,” *Rhetoric and Power* (South Carolina: University of South Carolina Press, 2014), 73, accessed April 12, 2016, <http://site.ebrary.com/lib/standrews/home.action>.

⁷ Eric W. Robinson, “The Sophists and Democracy Beyond Athens,” 111-112. Originally published in P. Herrmann, “Teos und Abdera im 5. Jahrhundert v. Chr.” *Chiron* 11 (1981): 24.

⁸ Diogenes Laertius, “Protagoras,” *Lives of Eminent Philosophers*, trans. R. D. Hicks (Cambridge, Mass.: Harvard University Press, 1925), 9.8.53, accessed May 3, 2016, <http://www.loebclassics.com>.

⁹ De Romilly, 2.

¹⁰ “Cleisthenes,” *Encyclopedia Britannica*, accessed July 10, 2016, global.britannica.com.

¹¹ Crick and Benson, “Protagoras and the Promise of Politics,” 67. Originally published in Farrar, *The Origins of Democratic Thinking*, 21.

¹² Schiappa and Benson, 178. Originally published in Martin Ostwald, *From Popular Sovereignty to the Sovereignty of Laws: Law, Society, and Politics in Fifth-Century Athens* (Berkeley: U. of California Press, 1986), 43-47.

¹³ *Ibid.*, 178.

¹⁴ *Ibid.*, 178. Originally published in Ostwald, *Sovereignty*, 78.

¹⁵ Schiappa and Benson, 178. Originally published in Josiah Ober, *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and*

the Power of the People (Princeton: Princeton U. Press, 1989), 81-82.

¹⁶ Plato, "Protagoras," 319a.

¹⁷ *Ibid.*, 320c.

¹⁸ "Sophist," *Internet Encyclopedia of Philosophy*, accessed May 2, 2016, <http://www.iep.utm.edu/>.

¹⁹ Diogenes Laertius, "Protagoras," 9.8.54-9.8.55.

²⁰ Neil O'Sullivan, "Pericles and Protagoras," *Greece & Rome* 42 (1995): 15, accessed April 14, 2016, <http://www.jstor.org>.

²¹ Crick and Benson, "Protagoras and the Promise of Politics," 62. Originally published in Gagarin and Woodruff, *Early Greek Political Thought*, 15. I modified the original translation, which reads: "A human being [Man] is the measure of all things, of those things that are, that they are; and of those things that are not, that they are not."

²² Plato, "Theaetetus," *Plato*, trans. Harold North Fowler (Cambridge, Mass.: Harvard University Press, 1924), 166e, accessed April 18, 2016, <http://www.loebclassics.com>.

²³ *Ibid.* 167a.

²⁴ Crick and Benson, 65.

²⁵ Michael Gagarin, "The Sophistic Period," *Antiphon the Athenian: Oratory, Law and Justice in the Age of the Sophists* (Austin: University of Texas Press, 2002), 25-26, accessed April 7, 2016, <http://site.ebrary.com/lib/standrews/home.action>. The fragment comes from Aristotle, *Rhetoric*, 2.24.11, 1402a23 = 6b DK, 27 GW. The original translation reads: "to make the weaker logos stronger." However, the Greek adjectives *hetton* (weaker) and *kreitton* (stronger) also have more general meanings of "better" and "worse".

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²⁷ Leo Groarke, "The Rise of Skepticism," *Greek Skepticism: Anti-Realist Trends in Ancient Thought* (Montreal: McGill-Queen's University Press, 1990), 62, accessed April 12, 2016, <http://site.ebrary.com/lib/standrews/home.action>.

²⁸ *Ibid.* 62.

²⁹ *Ibid.* 62.

³⁰ Plato, "Theaetetus," 166d.

³¹ *Ibid.* 167a.

³² *Ibid.* 167c.

³³ Adam Drozdek, "Protagoras and Instrumentality of Religion," *L'Antiquité Classique* 74 (2005): 49, accessed April 9, 2016, <http://www.jstor.org>.

³⁴ Plato, "Theaetetus," 167c.

³⁵ Adam Drozdek, "Protagoras and Instrumentality of Religion," 41. The original fragment comes from Diogenes Laertius IX, 51 and Eusebius, Praep. ev. XIV, 3, 7 = B4.

³⁶ Adam Drozdek, "Protagoras and Instrumentality of Religion," 42.

³⁷ Ibid. 49.

³⁸ Ibid., 48. Originally published in Plato, "Protagoras," 328c.

³⁹ Adam Drozdek, "Protagoras and Instrumentality of Religion," 48. Originally published in M. Nill, *Morality and Self-interest in Protagoras, Antiphon and Democritus* (Leiden: Brill, 1985), 31.

⁴⁰ Crick and Benson, "Protagoras and the Promise of Politics," 63. Originally published in Kerferd, *The Sophistic Movement*, 43.

⁴¹ Plato, "Theaetetus," 167c.

⁴² Josiah Ober, "History of The Athenian Constitution: A Diachronic Survey," *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People* (Princeton: Princeton University Press, 1991), 88, accessed May 4, <http://site.ebrary.com/lib/standrews/reader.action?docID=10141917>. Thuc. 2.35-46.

⁴³ Ibid. 87.

⁴⁴ Ibid. 88.

⁴⁵ Ibid. 88.

⁴⁶ Loren J. Samons, "Foreign Policy I: Democracy Imperial," *What's Wrong with Democracy?* (Berkeley: University of California Press, 2004), 116, accessed May 4, <http://site.ebrary.com/lib/standrews/reader.action?docID=10141917>.

⁴⁷ Ibid. 105.

⁴⁸ Plato, "Theaetetus," 167c.

⁴⁹ Samons, 116.

⁵⁰ Michael Svoboda, "Athens, the Unjust Student of Rhetoric: A Dramatic Historical Interpretation of Plato's 'Gorgias,'" *Rhetoric Society Quarterly* 37 (2007): 286-287, accessed April 3, 2016, <http://www.jstor.org>. Originally published in Thucydides, *History of the Peloponnesian War*, trans.

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⁵¹ Michael Svoboda, "Athens, the Unjust Student of Rhetoric: A Dramatic Historical Interpretation of Plato's "Gorgias", " 287. Originally published in Diodorus Siculus, *The Library of History*, trans. C. H. Oldfather (Cambridge, Mass.: Harvard University Press, 1950), 12.53-54.

⁵² Ibid., 287.

⁵³ Ibid., 290. Originally published in Thucydides, *History of the Peloponnesian War*, 2.70.11, 7.87.5-6.

⁵⁴ Ibid. 299.

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FANNIE MAE AND ITS UNPRECEDENTED IMPACT ON EVERY AMERICAN

Ishwar Mukherjee

Introduction

The largest purchase an American will make during his/her lifetime is the buying of a new home, whether it is an apartment, brick house, or a mansion. But only one in three Americans truly owns their home outright, while the remaining majority borrow money and pay a monthly mortgage. Because homes are so expensive, they are also quite risky. To the buyer, it is a nightmare to foreclose a home. To the bank, it is a hassle. To Fannie Mae, the Federal National Mortgage Association, the risk associated with homebuyer default is an opportunity.

Fannie Mae is the largest American company in the world in terms of assets, maintaining a portfolio of over \$3.25 trillion dollars.¹ Nevertheless, the Federal National Mortgage Association (FNMA) had humble beginnings in Franklin D. Roosevelt's New Deal, when it was federally chartered as a provisional response to the Great Depression. "Provisional" later became permanent, as Fannie Mae grew to become an indispensable aspect of both the housing industry and the economy.

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The FNMA organization, of great size and importance, is indisputably one of great complexity. This paper untangles the confusing and knotted past of Fannie Mae. It deconstructs Fannie Mae's connection with Washington D.C., examining Fannie's role in the financial crisis and the eventual government conservatorship status. In addition, Fannie's duties in the post-crisis world will be analyzed, as will its constantly modified business model. Surprisingly, and somewhat frighteningly, a majority of Americans do not adequately know about Fannie Mae, an organization that affects each American individual, regardless of his/her owning a home or not. Over the course of the last four decades, Fannie Mae has shaped the United States through methods unimaginable to our society. Poking behind dozens of Congressional bills, countless years of economic policy, and almost each and every one of our mortgages, we find Fannie Mae. Essentially, Fannie Mae's reach has extended far beyond the mortgage market, and it has affected America, albeit quietly at times, politically, economically, and socially.

"The difficulty lies, not in the new ideas, but in escaping from the old ones."

~John Maynard Keynes, *The General Theory of Employment, Interest, and Money* (1936)²

The Secret Lives of Mortgages

With trillions in assets and billions in revenue, Fannie Mae is one of the largest companies in the world, bigger than the likes of Wal-Mart and Apple. Fannie has achieved the unachievable several times and has transformed into a hidden staple of the American economy. Although Fannie's operation has been attacked as the one root of the Great Recession, much more hides behind the curtain.

By asking why, and how, Fannie Mae became powerful enough to impact American society unlike any other company, we find ourselves examining eighty years of Fannie's history. Thus, to comprehend Fannie Mae's history, we must understand what this corporation does today and its role in guiding millions of American homebuyers.

Most adult Americans, about 65%, have purchased a home in their lifetime, and almost 90% of homebuyers in the United States take out a home mortgage.³ Ah, mortgage: the dreaded word at the root of much distress to families across the nation! By tracing the path of a mortgage through the financial world, we can better understand Fannie Mae.

Suppose that Mr. and Ms. Smith are buying a home. They have got their eyes on a beautiful home in Massachusetts, a classic English colonial. Bright light, large walk-in-closets, and a recently renovated kitchen seal the deal for the Smiths. The price comes in at a hefty \$500,000, but the Smiths are tired of renting. They readily accept, and get their paperwork ready for a mortgage—they don't have \$500,000 lying around after all. A mortgage is simply a large loan a homebuyer takes while purchasing a home.

The Smiths consult a mortgage originator, an institution that will help them complete their home transaction. Those in the origination business include Wells Fargo, J.P. Morgan, and Quicken Loans to name a few. The Smiths present their information to a local Wells Fargo branch, and representatives at the bank check for appropriate occupation, background, FICO credit score, and sustainable income. Before accepting the Smiths' request, the originator must ensure that new clients have a relatively low chance of defaulting on their mortgage loan. Because homes are the largest purchases Americans make during their lifetimes, great amounts of money are at stake. If enough mortgages go sour, the originator could be out of business. Therefore, prospective homebuyers are classified as either "prime" or "subprime" borrowers.⁴ "Prime" indicates that the risk of default is relatively low; loaning to this type of borrower is a safe, reliable decision for the originator. "Subprime," on the other hand, describes risky borrowers lacking sustainable incomes or healthy credit (a FICO credit score below 635). Loaning to these individuals is much riskier.

The Smiths have everything in order, good credit scores and sustainable incomes, and are given a "prime" rating. Wells Fargo can confidently give them a mortgage loan. The Smiths now negotiate the terms of their deal—how much they are going to

borrow, what interest rates they will pay, and which loan duration they feel comfortable with, choosing among 10-year, 15-year, 20-year, and 30-year contracts. Traditionally, mortgage loans are around 80% of the home value (In the Smiths' case, they would borrow $\$500,000 \times .80 = \$400,000$) and take a 30-year contract.⁵ Mortgage rates can either remain fixed or adjustable; traditionally, buyers chose the rate they think would cost them less in the long-term.

A month or two after the Smiths finalize their application with the local Wells Fargo branch, they secure their mortgage. Upon receiving approval for their loan amount, contract duration, and interest rate, the Smiths buy their dream home. They'll go on to pay their mortgage each month for the next 30 years, and hopefully they'll enjoy their home as well. For the Smiths, their experience ends with sending a monthly mortgage payment back to Wells Fargo.

The situation described above, the Smiths, the mortgage originator, and the buying of a home, is all encompassed by one term: the primary mortgage market. This market involves home-buyers and originators. However, the monthly mortgage payment from the Smiths does not rest solely with the originator; the Smiths' mortgage money travels well beyond Wells Fargo.

Enter the secondary mortgage market: the second, and lesser-known section of the mortgage spectrum. Wells Fargo, like any other company, is always worried about losing money. If the Smiths run into hard times, or if a few other of their loans fail, Wells Fargo would lose quite a sum of money. As a result, Wells Fargo goes to Fannie Mae, the cornerstone of the secondary mortgage market. Fannie is willing to risk the default of these mortgages, including the Smiths' one. But in return, Wells Fargo must pay Fannie Mae a fee for guaranteeing each and every mortgage. The guaranty fee, known as the gFee, ensures that Fannie Mae will cover mortgage default losses for Wells Fargo. Mortgage originators, like Wells Fargo, make hundreds, thousands, and even millions of mortgage loans. Fannie Mae generally guarantees the majority of them.⁶

The rest of Fannie Mae's job is to "pool" mortgages together. "Pooling" simply refers to the act of gathering guaranteed mortgages and organizing them into similar bundles.⁷ Next, Fannie hands the newly pooled and guaranteed mortgages back to the originator. Wells Fargo will now sell these mortgage pools, each made up of hundreds of mortgage loans just like the Smiths' loan, for investment purposes. Broker-dealers, hedge funds, banks, the Federal Reserve, and even Fannie Mae serve as key players in the trading network of the secondary mortgage market. Among them, a system of buying and selling pooled mortgages (mortgage-backed-securities) thrives. The Federal Reserve, for example, stepped in and bought mortgage pools during Quantitative Easing efforts, when it tried to stimulate the economy.

Ultimately, when the Smiths pay their mortgage to their originator, money from their payment does not stop there. Some of it remains with the originator as a service fee, some goes to Fannie Mae for the guaranty fee, but the majority goes to the investors—the broker dealers, banks, and funds that had invested in those mortgage pools. Overall, mortgage-backed-securities have transformed into an integral section of the broader financial markets over the last few decades, and as a result, Fannie Mae has amassed great wealth and gained undeniable importance.⁸

Through observing the Smiths and following their mortgages path, we witnessed the primary and secondary mortgage markets in action. Fannie Mae is the backbone of the secondary mortgage market. A backbone is essential in human movement and activity, as is the mortgage market in the American economy.⁹ Fannie Mae supports everything, just like the backbone, but millions of Americans, like the Smiths, are the real roots of the entire mortgage market.

"Fannie Mae was created to serve the American Dream of homeownership."

~Bethany McLean, author *Shaky Ground: The Strange Saga of the U.S. Mortgage Giants*.¹⁰

The Need to Create the FNMA

Upon understanding Fannie Mae's current business model, we can return to its history, and there is no better place to start than its birth: a response to the Great Depression, a time when millions became penniless overnight and unemployment soared to 25% at its peak.¹¹ Overall, the Great Depression persists as one of America's weakest moments.

On October 29th, 1929, the Dow Jones Industrial Average, a benchmark stock exchange, shed 12% of its value, losing \$25 billion (today's \$319 billion) from its value. The day became known as Black Tuesday, marking the beginning of the Great Depression. "Black" perhaps references the dark days that lay ahead for the stock market.¹² This stock market crash continues to be the largest financial crisis America, and the world, have ever faced.¹³ With disastrous financial and monetary loss came a wave of psychological effects, leading many to ask "why?"¹⁴

The cause of the Great Depression was, and still is, linked to the stock market crash. Yet, as economists and historians scratched beneath this surface, several other prominent causes arose. One, as described by economist Milton Friedman, was the shortage of money at the time.¹⁵ The rise of "hoarding" caused banks literally to run out of money to reinvest. Next, John Maynard Keynes believed that during hard times, businesses had negative intuitions, causing them to invest less and less in future sales. Essentially, businesses gave up hope. Lower expectations for future profits deeply worsened the Depression.¹⁶ Overall, the majority of historians believe that together, several of these concepts were the root causes of the Depression. Collectively, the war debts in Europe, "hoarding," lower expectations, ill-thought monetary policy, and the stock market crash were too much to handle.

In 1932, Franklin Delano Roosevelt was elected on the promise of ending the Depression and restoring the United States. His first one hundred days were dedicated to creating "Alphabet Agencies," like the Works Progress Administration (WPA) and the Civilian Conservation Corps (CCC). These agencies were packaged together in FDR's New Deal. Essentially, the main goal

of all the New Deal programs, and the New Deal itself, was to get people back to work.

Roosevelt had a big mess to clean up; the Great Depression scarred America. From 1932 to 1935, well over eleven million Americans were jobless.¹⁷ Another crisis also brewed as the ripples of unemployment traveled throughout the country: half of all mortgage debt was predicted to default by 1933.¹⁸ The Roaring Twenties fueled demand for a material culture, with houses being the most prominent possession. However, in the aftermath of Black Tuesday, the housing industry dwindled, as national home construction projects hovered around 93,000, only 10% of their 1920s peak.¹⁹

Fortunately for the government, the rising unemployment and the housing slump were closely intertwined. About one in three unemployed Americans previously held a construction occupation.²⁰ Roosevelt's plan was to get people back to work by building houses. Then, with the housing industry revived and unemployment reduced, stress could be relieved from the economy as a whole. Lending to both homebuyers and homebuilders required significant amounts of funding, so FDR needed the complete support of the banks and other financial institutions to fulfill his plan. Almost half of the nation's banks, about 11,000 out of 25,000 total, had failed since Black Tuesday,²¹ and the ones remaining just did not want to take any risk. FDR's new mission became to provide confidence to the banks, so that they would open up and lend money to the housing industry. In the Housing Act of 1934, the Federal Housing Administration (FHA) was drafted as an insurance provider to mortgage-supplying banks. By reducing the risks of lending with an insurance service, Roosevelt hoped more banks would lend to homebuyers.

Although lending volume did increase, the banks did not have enough capital to make a large splash in the housing industry or jumpstart the economy.²² Consequently, a new idea emerged to cross this hurdle; the government would create a national mortgage association that would buy and sell mortgages insured by the FHA (known as FHA-insured mortgages). This association,

using money from private investors, would replenish the banks' small capital so more loans could be made. Unfortunately, no organization like this was ever formed, as no private investors were interested. The times were "so pessimistic that no one would put up money for the common good."²³ The government stepped in and did what the private investors wouldn't do: buy FHA-insured mortgages. The Reconstruction Finance Corporation (RFC) became the government vehicle responsible for the buying and selling of these mortgages.²⁴

The RFC, already an existing government organization, had the general purpose of lending to a variety of sectors, like making loans to railroads. On February 10th, 1938, when a special branch of the RFC became devoted only to serving mortgages, the National Mortgage Association of Washington was born. Two months later, on April 11th, it was renamed as the Federal National Mortgage Association (FNMA).²⁵ The initials "FNMA" led to a widely recognized nickname of "Fannie Mae."

The FNMA wasn't heralded as big news; the *Wall Street Journal* only devoted an eight-sentence page-two article on its creation. The FNMA was created with several constraints, most notably a \$220 million dollar borrowing limit.²⁶ It would borrow from the government to buy FHA-insured mortgages from banks. The banks would subsequently have a steady stream of money, with which more mortgages could be granted and ultimately, more homes could be built and sold. The FNMA was not a profit-driven organization—its primary purpose was to stimulate the housing market. In its first year, the FNMA bought 26,276 mortgages,²⁷ a relatively small number, considering America's population was just shy of 135 million.²⁸ The FNMA boasted only twenty-five foreclosures.

Meanwhile, the government took other measures to help the impoverished escape from shantytowns and Hoovervilles. The Housing Act of 1937 established the United States Housing Authority, an early forerunner of the Department of Housing and Development. The U.S. Housing Authority promoted low-income housing and funded home construction for millions of displaced Americans after the Great Depression.

Ultimately, some of FDR's lesser-known experiments were in housing and mortgages. He had aimed to create a provisional response to the crisis, his desire being to restart housing construction and get Americans back to work.²⁹ The FNMA would stretch far from its humble beginnings, later developing into an essential aspect of the American economy. World-renowned economist Adam Smith had this warning:

"These [government chartered corporations], though they may have been useful for the first introduction, have in the long run proved, universally, either burdensome or useless,"

~ Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776)³⁰

Early Success to LBJ's "Weird Hybrid"

The Federal National Mortgage Association grew widely unnoticed for the next four years. By 1942, the FNMA held \$210 million dollars of mortgages.³¹ The United States became busy with other matters, namely developing the atomic bomb, defeating Hitler, and fighting and beating Japan. The war is thought to have been the final step out of the Great Depression and into the prosperity of another "Roaring Twenties." As World War II ended, housing became the center of focus for war-related policy. The end of the war brought surging demand for homes, mostly from the millions of returning soldiers. In 1944, a year in advance of World War II's official end, the Veterans Administration, guided by the Truman Administration, began efforts to guarantee home loans for war veterans. If a veteran aimed to buy or improve a house, he would receive a guaranteed home loan.³² Essentially, the Veterans Administration laid out the provisions for the impending influx of veteran home purchases.

Once American military activity receded, President Truman focused on his domestic agenda. Like FDR's New Deal, Truman created his own set of plans, which he referred to as the Fair Deal. Truman's agenda focused mainly on taxation, healthcare, and labor reform, but it also restructured American housing.³³ The Housing Act of 1949, a landmark accomplishment for lower-income housing, allocated government funds to support the construction

of 800,000 public housing units. The federal government's role in urban-renewal projects and slum clearance programs was now cemented. It would spend \$13.5 billion on urban development projects between 1953 and 1986.³⁴ Less noted at the time, a section of the housing act gave the FNMA permission to purchase Veterans Administration insured mortgages (VA-insured). With the steady increase in home demand from war veterans, the FNMA's portfolio grew to an astonishing \$2.5 billion. The initial borrowing limit, \$220 million, was hastily removed. Thus, the FNMA sparked some controversy, as several critics accused "the [Federal National Mortgage Association] of bursting out of its confines."³⁵

In 1953, Harry Truman's service in the White House ended, and Dwight D. Eisenhower stepped into the presidency. Eisenhower credited himself with dismantling several of FDR's New Deal programs, and his attitude towards the FNMA was no different. Concerned with the government's over-involvement in housing, Eisenhower sought advice from Miles Colean, an economist and mortgage lending consultant. Colean shared Eisenhower's views, writing:

The federal policy [towards housing] should be one of aiding to stabilize the flow of private funds. It should not be one of exercising direct and detailed influence on the building market or of entering the lending market directly, or indirectly, with government funds.³⁶

Eisenhower drafted legislation to get the government out of mortgages. In his 1954 law, Eisenhower tried to break the FNMA into three distinct sections. Two branches would be a part of the government: one a "special assistance" section devoted to serving public interest and another responsible for the liquidation of all mortgages acquired before 1954.³⁷ The third section would be independent of the government, but it would seek to do the same job that the FNMA previously did. Eventually, the goal was to have a completely private company handling all of the FNMA's affairs.

Even though Eisenhower's law passed, and his break-up plan was quite sound, his law was largely ignored. Since there was no deadline or any sort of legal mechanism to ensure that the law was enforced, it was disregarded.³⁸ The burden of dealing with the FNMA fell upon yet another President.

The Vietnam War, the Civil Rights Movement, and the Space Race mostly occupied the 1960s. But the founding of the Department of Housing and Urban Development (HUD) was another accomplishment in the cause to help lower-income Americans. HUD was dedicated to providing affordable housing solutions to impoverished Americans. In addition, the government began recording mortgage interest rates. Throughout the 1960s, mortgage rates remained within a band of 6-7.5%.³⁹

Lyndon B. Johnson took over as President in 1963, after John F. Kennedy was assassinated. In 1966, amidst grueling war costs, Johnson fought with Congress over the rising debt levels. Soon, Johnson created the President's Commission on Budget Concepts, tasked to improve budgetary accounting methods. Upon completion of its study, the commission recommended that the debts of government agencies, like the FNMA, be included in the federal budget. The FNMA's debt would alone add \$2.5 billion, roughly 60% of the current national deficit at the time!⁴⁰ Fortunately for Johnson, Eisenhower's forgotten legislation provided excellent tools to break up the FNMA, pleasing Congress, and relieving deficits.

President Johnson established a mortgage taskforce, comprised of representatives from the Bureau of Budget, the Treasury and Federal Reserve Boards, and the Department of Housing and Urban Development (HUD).⁴¹ While each institution had its own intentions and priorities, the newly-established mortgage association would also have to please the American homebuilders and realtors. To control matters further, Congress did not want any mention of the blend between private and government interests, as that would leave a liability for taxpayers (voters).⁴² Although the perspectives of different institutions might have given the collaboration an extra level of depth and soundness, a conflict of interests led to high tensions and a power struggle. The homebuilders and realtors favored a relatively weak FNMA, one that would make sure "that their interests [would] be adequately protected."⁴³ American realtors especially had a strong desire for a mortgage association independent of the HUD. Robert Weaver, secretary of the HUD, disagreed. He wanted close control over

the new FNMA, even saying that the FNMA should be “completely staffed and operated by the government and completely under government control.”⁴⁴ Charles Zwick, a director at the Board of Budget, shows his strong resentment to Weaver’s ideas: “this proposal is so bizarre that the President [himself] could not possibly recommend it.”⁴⁵ Arguments raged between the Bureau of Budget and the HUD, but budgetary concerns prompted the collaborators to forge an agreement.

On August 1st, 1968, the President signed his Housing and Development Act into law.⁴⁶ The Federal National Mortgage Association, Fannie Mae, was established as a shareholder-owned company, although its government ties remained strong. Fannie Mae’s board was composed of fifteen members, five chosen by the White House and ten chosen by shareholders. Another section of the act formed the Government National Mortgage Association (GNMA), known as Ginnie Mae.⁴⁷ True to its name, Ginnie Mae was all government, and it would only guarantee mortgage payments backed by FHA and VA insured mortgages. President Johnson tasked his close advisor Raymond Lapin with presiding over Fannie Mae’s transition process. Lapin viewed his job as an opportunity to “take Fannie Mae and make it into something that works.”⁴⁸

On May 21, 1970, Fannie Mae fully transitioned into a shareholder-owned company. The privatized Fannie had numerous advantages over its few competitors. Fannie was exempt from state income taxes and Securities and Exchange Commission fees.⁴⁹ Banks had no limit to the funds they could invest in Fannie Mae bonds, as it was considered virtually as safe as Treasury bonds. Fannie enjoyed low borrowing rates, essential in its job to buy mortgage pools.⁵⁰ Most importantly, the public believed that Fannie was simply an arm of the government, and if anything bad were to happen, the government would be there for Fannie.

Fundamentally, Fannie Mae had been made independent of the government in order to avoid a budgetary burden. With the advantages of government-sponsorship (GSE status), the road was paved for Fannie Mae to dominate the mortgage market. President

Johnson did not foresee a contradiction between private profits and public interest, notes Joseph Califano Jr., a personal assistant. Johnson believed that the new Fannie would “leverage federal power”; Fannie Mae would promote the housing market without adding to America’s debt.⁵¹ Raymond Lapin commented on the state of the “weird-hybrid,” a challenge Fannie endures even today:

“The new private corporation must remain publicly oriented despite its private ownership.”

~ Raymond Lapin, President of Fannie Mae, 1968-1970⁵²

Politics and Profits

As Richard Nixon entered the White House, Fannie Mae was “moving out of the federal bureaucracy.”⁵³ However, Nixon held a grudge against Lapin, back from 1962, when Lapin had helped a rival campaign thwart Nixon’s efforts to become California governor. After a brief spat, Lapin was fired by the President himself, who wrote that Lapin had pursued “policies that were inconsistent with the objectives of the law.”⁵⁴ Although Fannie Mae was a shareholder-owned company, it was not able to escape the political realm. Allan O. Hunter became Fannie’s next CEO, using political connections with Nixon. Later, a Fannie spokesman said that Hunter consistently mentioned that Fannie “wasn’t political and shouldn’t be seen that way.”⁵⁵

In the 1970s, the United States had its eyes set on space, and unfortunately, war; with spectacular moon landings came more local Vietnam War protests. The government had begun taking more budgetary measures; the Federal Reserve had already raised borrowing rates, creating a span of tight credit. The housing market fell into another slump as talks of a mortgage crisis brewed.⁵⁶ At the time, the average payment was \$126.88 with a mortgage rate of 8.5%.⁵⁷

Soon, with fear of market destabilization and potential foreclosures, Congress strengthened Fannie Mae through two methods. First, Fannie was permitted to buy conventional mortgages, not just FHA- or VA-insured mortgages.⁵⁸ As a result, Fannie jumped out of its niche market, and it could now purchase the

types of mortgages that the majority of Americans used to finance their homes. Second, Fannie's buying power was increased over the course of the decade. In 1975, Fannie could spend a maximum of \$55,000 towards the purchase of a single mortgage. [The respective median house prices for newly built homes for 1975 and 1979 were \$39,300 and \$64,600.] In 1977, that number had risen to \$75,000, and in 1979, it was nearly \$94,000.⁵⁹ More buying power meant Fannie could maximize profitability between homeowner's interest rates (near 8.5%) and Fannie's low borrowing rates (near 4-5%).⁶⁰ As a result of a larger market, and increased buying power, Fannie's revenues and profits would surge in the coming years.

Lastly, to further increase the availability of funds to finance home mortgages, Congress also passed the Emergency Home Finance Act of 1970. The act made provision for the Federal Home Loan Mortgage Corporation (Freddie Mac). Freddie Mac was chartered as a private corporation, looking to expand the secondary mortgage market, and provide some competition to Fannie Mae.⁶¹

As for Fannie Mae, the corporation struggled to present a good public image. While Congressmen criticized Fannie for becoming increasingly profit-oriented, they blamed the Department of Housing and Urban Development for neglecting to regulate the mortgage giant. Soon after President Jimmy Carter took office in 1977, he appointed Patricia R. Harris as HUD secretary.⁶² Harris clearly expressed the view that Fannie was simply a tool to get mortgages to flow to inner-city people. Her friends in Congress, Senator Proxmire of Wisconsin and Senator Cranston of California, introduced legislation to increase the number of government-appointed directors on Fannie Mae's board, hoping that the federal government's increased presence would lead to a stronger push for Fannie's public purpose. Fannie, meanwhile, was not too keen on investing in riskier lower income housing. [At the time, Fannie believed that the risk of foreclosure outweighed the benefits of purchasing a lower-income mortgage.] Eventually, a compromise allowed HUD to plan goals for Fannie's financing of low-income homes only if these purchases fell below 30% of total investments. Hunter called the compromise "an acceptable

regulatory framework within which Fannie can continue to operate legally, effectively, and profitably.”⁶³ Still, Fannie struggled to “walk a tightrope between public purpose and the stockholders,” and the pressure to support the lower end of the market never went away.⁶⁴

David O. Maxwell became the president of Fannie Mae just as Ronald Reagan became President of the United States in 1981. The same year, Fannie Mae recorded its first issuance of a mortgage-backed-security (MBS).⁶⁵ Currently, the securitization market is largely blamed for the financial collapse of 2008-2009, but in the early 1980s, that market was just emerging. It would be another few decades until Wall Street corporations, insurance companies, hedge funds, and Fannie Mae fully developed the secondary mortgage market. The securitization market will be explored later on.

Back in 1981, Fannie held about \$64.8 billion of mortgages.⁶⁶ Its business model involved buying mortgages from originators (using borrowed money at low interest rates) and receiving most of the homeowner’s monthly mortgage payments. Fannie would profit from the difference between its low borrowing costs and the homeowner’s higher mortgage borrowing costs. Later that year, Fannie introduced a guaranteeing arm to its business. Similar to an insurance policy, Fannie would not purchase the mortgage from the originator, but it would rather guarantee the mortgage with its special government backing. If the homeowner defaulted, Fannie would step in and cover the losses for the originator (if the Smiths defaulted, Fannie would cover their loan value). Originators, now ensured that Fannie would pay them back if mortgages failed, could borrow more money and make even more home loans. [Unlike during the Great Depression, banks did not have overwhelming fears about losing money on their loans: market conditions had significantly improved.] For its service, Fannie charged a guaranty fee (gFee) from the originators. The guaranteeing business caught on fast; Fannie guaranteed \$20 billion dollars worth of mortgages in its first year, about 25% of its total portfolio.⁶⁷ Fannie enjoyed a period of uninterrupted growth from 1980 to 1986; its total portfolio grew from \$56 billion to \$94 billion.⁶⁸

Then the Black Monday crash of October 19th, 1987, hit hard. A chain reaction of distress sent global stock exchanges plummeting. In the United States, the benchmark index, the Dow Jones Industrial Average, dropped 22.6 percent in a single trading session, a loss that remains the largest one-day stock market decline in history.⁶⁹ As global stock markets lost value over fears of overvaluation, American Savings and Loan Associations struggled. Savings and Loan Associations (S&Ls) were financial institutions that accepted savings and deposits, eventually lending them to finance mortgages, car loans, and various types of other personal loans. S&Ls relied on low interest rates, as did Fannie Mae largely, but when the Fed raised these rates, S&Ls could not attract sufficient capital.⁷⁰ Without a government guarantee of any sort, S&Ls began failing; between 1986 and 1995, the S&L crisis documented the failure of 1,043 S&Ls (out of 3,250). Congress passed the Financial Institution Reform, Recovery, and Enforcement Act (FIRREA) as a response to the S&L crisis.⁷¹ In 1989, President George H.W. Bush signed FIRREA, considerably changing the S&L industry and its federal regulation. In addition, FIRREA revised Fannie Mae's federal charter, tasking it with "providing stability" and "ongoing assistance to the secondary market for home mortgages."⁷² Essentially, the reworded charter dissolved all question of removing Fannie Mae from its special government status.⁷³

The failure of S&Ls led to an additional \$124 billion cost in the government's ledger,⁷⁴ so Congressmen began looking around to see what else could potentially fail. In 1991, the Treasury sponsored a report on government-sponsored enterprises (GSEs), specifically Fannie Mae. In 1992, Congress enacted the Federal Housing Enterprises Financial Safety and Soundness Act (FHEFSSA), the last major legislation to influence GSEs until the Great Recession. Under FHEFSSA, the Office of Federal Housing Enterprise Oversight (OFHEO) became the new regulator of Fannie. OFHEO was relatively weak, and as Iowa Senator Jim Leach put it, "it was written by Fannie Mae's lawyers."⁷⁵ Later, records indicated that Fannie spent more than \$200 million on lobbying Congress to create a weak regulator.⁷⁶ Nevertheless, FHEFSSA established the HUD as Fannie's mission regulator; the HUD

would look into whether or not Fannie reached out to support low-income housing and underserved areas. To start, Fannie was expected to devote 30% of mortgage purchases to serve low-income groups. Congress realized that low-income groups had higher chances of foreclosures, so FHEFSSA included provisions to define a “conforming loan,” a loan deemed safe enough for Fannie to either guarantee or purchase. Fannie Mae’s pursuance of lower-income mortgages was capped off at loan values exceeding \$400,000.⁷⁷ Unfortunately, purposefully or not, these guidelines were loose and loosely maintained as well.⁷⁸ The extent of pursuable risk was not clear.

FHEFSSA also introduced capital requirements for Fannie, Freddie, and other related housing institutions. Fannie was required to hold a 0.45% capital buffer for securitizing and guaranteeing mortgages [If \$100.00 worth of mortgages were to be guaranteed, Fannie Mae needed to have \$0.45 in available capital.] and a 2.5% buffer when investing in mortgage-backed-securities (MBS). Banks, on the other hand, received stronger capital requirements of 4% for holding a portfolio of mortgages. Yet, if banks held Fannie MBS, that requirement was reduced to only 1.6%.⁷⁹ Hence, a shortcut was cleverly crafted. Mortgage originators could originate \$100 dollars of mortgages, and then be required to have \$4 in capital. But, if Fannie Mae bought these loans, guaranteed them and securitized them into MBS, the originator could sell them to the banks at a slightly higher price, let’s say \$103. Then, the bank only needed to hold $\$103 \times 1.6\% = \1.65 in capital, much less than the original \$4. Meanwhile, the mortgage originator made its cut by selling the MBS at slightly higher prices and Fannie profited from its guaranty fee.

When dealing with only hundreds of dollars, the 4% vs. 1.6% requirement does not sound too bad, but with billions and even trillions of dollars, borrowing can easily get out of hand and capital may not be readily available if enough investments sour. With the incentives to securitize mortgages, for both the mortgage originators and Fannie Mae, the secondary mortgage market was born, some 11 years after Fannie’s first issuance of MBS.

Within two to three years, with the push to support lower-income housing and the ambiguity in defining a “conforming loan,” Fannie Mae took on riskier assets. Fannie began guaranteeing mortgages from borrowers who had lower FICO credit scores and higher home loan to value ratios (higher LTV). In 1992, 16% of Fannie’s holdings had LTV greater than the standard of 80%. In 1993, it became 19%, and by the late 1990s, a quarter of Fannie’s holdings had LTV greater than 80%.⁸⁰ Fannie Mae began loosening standards and pushing into the lower-end, higher-risk market, partially on instruction from the HUD and FHEFSSA. Fannie was helping mortgages flow to inner-city residents, but it was on a soon-to-be “fatal course.”⁸¹

As 1998 ended, in came new CEO Franklin Delano Raines, a man who exemplified the American dream.⁸² Raines, named for the President who founded Fannie Mae back in 1938, grew up poor and worked his way up through college and into politics. Throughout his tenure at Fannie, Raines continued practices to grow MBS issuance and guarantee increasingly riskier mortgages. With higher guarantee fees from riskier mortgages, and with the added income from the blossoming securitization market, Fannie Mae’s net income kept rising. Fannie’s profit rose from \$3.4 billion in 1998, to \$3.9 billion in 1999, and then on to \$4.4 billion in 2000.⁸³

As Fannie became more profitable, HUD Secretary Andrew Cuomo, present-day New York Governor, pressured Fannie Mae to prove its public purpose. In 1999, he recommended Fannie to devote half of all business to lower income housing.⁸⁴ Cuomo had calculated that the new regulations would provide housing to an additional twenty-eight million Americans within a couple of years, all without spending a federal penny.⁸⁵ Pushed by Cuomo and the HUD, Fannie Mae increased mortgage purchases dramatically. In 1998, Fannie’s mortgage portfolio totaled \$415 billion dollars, but in 2003, that number had almost tripled, reaching a little more than \$1 trillion dollars.⁸⁶ Money flowed in, with profits at \$5.4 billion in 2001 and surging to \$7.3 billion only two years later.⁸⁷

In 2004, amidst the superficial prosperity Fannie Mae enjoyed, the Securities and Exchange Commission found that Fannie's accounting was off. Raines claimed that he was not aware of the accounting scandal, but the same year, he was fired. Later, OFHEO reports found that Raines had improperly deferred half a billion in expenses, enabling large bonuses for top Fannie executives.⁸⁸ Even today, Raines' leadership is under tight scrutiny.⁸⁹

In the calm before the Great Recession, Fannie Mae shone as an iconic American business. Years, and millions of dollars of lobbying, had led to deregulation and more freedom. Political connections helped making money much easier, and the rise of the securitization market only helped in Fannie's rapid growth. With the push to support riskier but higher-return lower-income housing from the HUD and regulatory policy aimed at growing MBS, Fannie prospered. Moreover, it was nearly impossible for Washington to put any constraints on the mortgage behemoth it had created. Even though Fannie outperformed several of the S&P 500 companies, it would begin to succumb to a new type of mortgage-backed securities.⁹⁰ Just about everybody thought they could make a "killing" on real estate, and standards became looser and looser, until just about anybody could get a home loan.

"I'm fairly confident we're not [being] stupid. We have a history of not doing anything stupid."

~Angelo Mozilo, founder and CEO of Countrywide Financial until 2008...⁹¹

The Crisis

Ever since 1970, Fannie Mae, along with its counterpart Freddie Mac enjoyed a monopoly-like status comprising most, if not almost all, of the mortgage securitization market. But, the early 2000s saw a rise to a new kind of competition: private-label securitization (PLS). In order to compete with such intricate and well-funded GSEs, the new competition drew on one of the most basic instincts known to mankind: greed.

Fannie Mae engaged in guaranteeing, purchasing, and securitizing mortgages. When Fannie pooled mortgages together from the originator, it would guarantee against the defaults of

those mortgages. Packaging Fannie's guarantee with its implicit government backing, the risk of the originator losing money was low. Likewise, when originators issued Fannie Mae-guaranteed mortgage-backed securities (MBS) bonds to investors, the risks of an investor losing money were also very low.⁹² Reflecting the low associated risk, Fannie Mae MBS bonds would have low yields; investors would not receive outstanding return on Fannie's bonds. Therefore, investors viewed Fannie's bonds not as a risky play to generate a lot of money, but more like parking garages for storing large sums of money. Low risk transformed Fannie Mae MBS bonds into an almost equally safe alternative to benchmark U.S. Treasury bonds.⁹³ Some investors argued that Fannie's bonds were better investments, because they came with slightly higher yields and a similar "government guarantee." Fannie Mae MBS bonds were the second-most issued bonds in America; they trailed only Treasury bonds.⁹⁴

In order to compete with Fannie Mae and securitize their own loans, the first challenge private-label institutions faced was to obtain mortgage loans. Soon, private companies aimed at "subprime" loans, mortgage loans that, legally, Fannie could not pursue. Fannie Mae could only guarantee loans up to the "conforming" level; a limit of \$400,000 [The conforming loan requirement changed; currently, for 2016, the limit is \$417,000] and a decent FICO credit score were necessities.⁹⁵ The government, through these measures, had safeguarded against the need to dole out bailout-money on highly delinquent loans. However, without any government involvement, the new competition targeted the lower end of the mortgage spectrum. Private-label corporations offered several incentives for homebuyers to borrow from them. Homebuyers were offered "teaser rates," rates that would be unnaturally low for a few years and spike up later. Mortgage refinancing was encouraged, as were lower down payments and taking out higher loan amounts (especially above \$400,000).⁹⁶ In 2007, the average down payment was 9%, down from 20% in 1989.⁹⁷ Additionally, almost 30% of homebuyers paid no money down.⁹⁸

Through incentives, private-label companies gained market share in the mortgage market. In 1996, private, non-GSE mortgage

originations represented 12% of all mortgage originations. That grew dramatically from 17% in 2003 to almost 50% in 2006,⁹⁹ the same year private-label originations reached \$1.15 trillion.¹⁰⁰ Ultimately, as Americans learned about better rates and lower down payments, private-label corporations began hacking away at the bread-and-butter homeowners Fannie Mae depended upon.

For Fannie Mae, the private-label competition negatively impacted progress towards HUD mission goals and congressionally-mandated quotas. Fannie struggled to appeal to lower-income homeowners with the rise of private-label incentives. Overall, Fannie's portfolio took on riskier mortgages to (a) remain relevant and (b) satisfy HUD goals.¹⁰¹ Although Fannie Mae reduced quality criteria for homebuyers and stretched the loose conforming loan limits, the private-label competition sought levels of borrowers far outside of Fannie Mae's lowest possible standards.

In the mid-2000s, private-label originators secured their share of the market, achieving a 50-50 market share split against the GSE giants.¹⁰² As they established a foundation, private-label originators began securitizing their mortgages and offering private-label securitization (PLS) to investors. Once more, through generous incentives and attractive offers, private-label companies were able to compete with Fannie Mae in the securitization business. Unlike Fannie Mae MBS bonds, PLS mortgage bonds were *not* guaranteed. PLS bondholders could lose all of their money if the homebuyers they were dependent on defaulted. To make the risk more appealing, PLS advertised higher, more rewarding yields on their bonds, making it potentially more profitable for investors to invest in PLS over Fannie Mae MBS bonds. Investors looking for greater risk/reward dived headfirst into PLS mortgage bonds; for many, the higher rates and returns of PLS bonds were too much to resist. In 2006, almost 80% of private-label mortgage originations were securitized, up from 50% in 2001, reflecting investors' positive attitude towards higher risk/reward.¹⁰³

Risk rating agencies, companies like S&P, Fitch, and Moody's, assessed risk on PLS bonds.¹⁰⁴ For their work, rating agencies received generous consulting fees from the institutions

that hired them. Most investors require risk assessments on their bonds; the probability of receiving returns plays a major part in deciding whether or not to invest in a bond. As these private-label companies targeted “subprime” borrowers, the set of homebuyers outside Fannie Mae’s reach, rating agencies would be expected to consider the low FICO scores, lower down payments, and weaker incomes when producing their bond ratings. Notwithstanding these “subprime” characteristics, ratings on many PLS bonds were near perfect: several were given the best status of “AAA,” indicating that perhaps ratings were inflated.¹⁰⁵ Clearly, some moral hazard was in play.

As analyzed in “The Secret Lives of Mortgages” section, MBS securities are traded among broker dealers, banks, hedge funds, mutual funds, pension funds, and other financial institutions. PLS securities were an addition into this market and ultimately, the inflated ratings increased investor confidence in PLS securities and bonds, allowing them to be traded more easily than ever.¹⁰⁶ The secondary mortgage market grew attracted to PLS bonds; which investor would not want a mortgage security that even without a guarantee had an extraordinarily low-risk rating and would yield much higher returns than Fannie’s MBS?

Even Fannie Mae and Freddie Mac purchased large quantities of their rival PLS securities, mainly ones given the “AAA” ratings. In 2001, Fannie and Freddie together purchased 3.8% of subprime issuance, peaking to 39% in 2004, and tapering to 25% in 2007.¹⁰⁷ Two key reasons underline Fannie’s decision to purchase PLS securities. First, the private-label mortgage backed securities were profitable investments. Portions of Fannie’s revenue growth in the mid-2000s can be traced directly to private-label mortgage purchases. Second, struggling to meet HUD goals, Fannie convinced the government that PLS securities purchases counted towards its mission to support lower-income housing.¹⁰⁸ Like several other Wall Street corporations, including Citibank, J.P. Morgan, and Lehman Brothers, Fannie Mae had joined the PLS movement. By 2007, investment banks, insurance firms, private originators, and even the GSEs developed a simple methodology to trade PLS and MBS: rolling loans. [Rolling loans were not a

new concept; they had existed since the creation of financial institutions.] Institutions took out new bonds to pay for existing bonds, the short-term money financing a pipeline of capital to purchase, securitize, and trade any PLS and MBS available. With investor interest and excitement, this system of mortgage trading thrived. Nevertheless, the secondary mortgage market was only as healthy as the individuals who ran it, and PLS institutions, for which the foundation was primarily subprime homeowners, were becoming increasingly large players.¹⁰⁹

The mortgage boom of the 2000s was largely due to the rise of PLS. The housing industry and the economy remained closely intertwined, and the uptick of MBS lifted the economy as a whole. Financial institutions, insurance companies, and the GSEs greatly profited from trading PLS. Fannie alone profited \$6.3 billion in 2005, up from \$5 billion in 2004.¹¹⁰

PLS institutions, dependent on subprime borrowers, began further lowering standards and offering more “teaser rates.” Minorities and lower-income Americans could now buy homes with low rates and low down payments. Homeownership rates rose from 64.7% in 1995 to 69% in 2006.¹¹¹ a remarkable increase considering that the previous ten years, from 1984 to 1994, the rate only fluctuated within 63.5-64.5%.¹¹² The homeownership rise caused a prolonged rise in home prices, which increased for an “unprecedented” 135 months in a row between 1995 and 2006.¹¹³

At first, increased home prices only helped American homeowners: their loan to home value (LTV) reduced dramatically. If a home was bought at \$100,000 with a \$10,000 down payment, the LTV was originally 90%. A few years later, if the home price rose to \$120,000, the LTV improved to 75%. Homebuyers used this opportunity to extract money from their houses in the form of HELOCs (home equity line of credits). Homeowners used these HELOCs, among other expenditures, for home improvement projects. These construction projects helped fuel the economic expansion in the mid-2000s; the additional money spent on homes stimulated the housing industry and in turn the economy.

Unfortunately, in the long run, private-label teaser rates and increased home ownership would hurt the economy. First, new homebuyers were affected; they were severely priced out. Second, existing homeowners enjoyed a false sense of comfort. While their home prices rose, homebuyers' incomes did not rise, creating an unsustainable situation for the economy. When the unrealistically low teaser rates reset into higher ones, homeowners struggled to keep up with rising mortgage payments. Worse, a highly disproportionate number of teaser rates were set to adjust in the span of 2007-2009.¹¹⁴ The rate readjustment and the accumulation of rising home prices without the corresponding income growth triggered a wave of foreclosures that had rippling effects across the housing industry.

The interconnectedness of the financial institutions led to their fast demise. Investors quickly realized the real risk of PLS and pulled out from PLS bonds. Banks, dependent on rolling loans and a steady pipeline of money, began defaulting on their loans, due to investors' loss of confidence. Bear Stearns' disclosure of failed subprime hedge funds in July 2007 acted as the harbinger of the looming crisis. Furthermore, without investor interest, PLS origination, securitization, and bond issuance completely collapsed!

Fannie Mae and Freddie Mac remained as the only options left to stimulate the housing market; the seemingly endless supply of private-label cash driving securitization just months earlier had simply vanished. OFHEO, Fannie's regulator, and other government officials let Fannie reposition itself as top player; it was the only way to save the entire mortgage market. The effects of a complete shutdown would have been devastating to the economy. Consequently, Fannie and Freddie mushroomed; their total debt and MBS outstanding was valued at \$3.6 trillion in 2006 but had risen to \$5.2 trillion in 2008.¹¹⁵ Fannie and Freddie regained control of the market they had developed. By the first quarter of 2008, Fannie and Freddie were guaranteeing 80% of mortgages, double their market share only two years prior.

The Great Recession, the worst financial crisis to hit the world since the Great Depression, officially struck in early 2008.

Fingers of blame pointed at the subprime market crisis and “dumb regulation.” For the next nineteen months, global markets would struggle, shedding between half and two-thirds of their value.¹¹⁶ The crisis saw the bankruptcies of banks like Bear Sterns and Lehman Brothers, the takeover of insurance giant AIG, and the mergers of institutions struggling to survive, most notably Bank of America’s merger with Merrill Lynch.

Fannie Mae and Freddie Mac shone as special cases. Like the rest, both lost money, billions a day. There were two main sources of loss. First, Fannie lost money heavily on its purchases of fatally-flawed PLS bonds. Second, Fannie’s guaranteeing arm brought it down. With the recession, homeowners Fannie had guaranteed began failing in alarmingly large numbers, and prospective fears of future defaults remained strong. With lower revenues and increased loss, Fannie accumulated hefty sums of debt. In September 2008, out of Fannie’s \$5.2 trillion portfolio, about a third, \$1.73 trillion, was debt.¹¹⁷ Worse, \$250 billion was scheduled to mature in less than a year. Against that, Fannie held only \$84 billion in capital.¹¹⁸

The repercussions of Fannie failing would be another catastrophic blow to not only American financial markets but also to global markets. In 2008, foreigners, namely China, Japan, and Germany, owned \$1.46 trillion of combined Fannie and Freddie debt, mainly because they believed the GSEs held a government guarantee. Henry Paulson, Secretary of Treasury from 2006 to 2009, indicated his frustration at foreign investment in Fannie Mae: “Try to go around to one world leader after another [Angela Merkel of Germany, Hu Jintao of China, Nicolas Sarkozy of France] and explain what this implicit-not-explicit government guarantee was about.”¹¹⁹ In addition to Fannie and Freddie debt, China and Japan also held \$3.3 trillion (two-thirds) of U.S. Treasury debt as well.¹²⁰ With the reputation of the most powerful Treasury at stake, Fannie Mae and Freddie Mac truly became “too big to fail.”¹²¹

Ultimately, the Great Recession cannot be traced down to one, single root. The collective negligence of each of the players in the financial system brought down the economy. The rise of

PLS led to significant loosening of loan standards; just about anybody could get their hands on a mortgage loan. Homeownership increases caused a home bubble, with teaser rates biting PLS in the back. Private-label institutions lobbied rating agencies, passing PLS mortgage securities off as safe investments. Fannie Mae took advantage of PLS securities; getting its weak regulator OFHEO, and even HUD, to believe that PLS purchases would count towards its mission goals of helping lower-income Americans. The banks' and investors' desire for higher profits, higher rewards, and higher returns fueled the developments in the new PLS bond market. Lastly, Fannie's implicit government guarantee caused problems for foreign investors. Essentially, the risk of the system as a whole, known as systemic risk, and the faults of each player in the system, caused the recession.

"Letting [the GSEs] fail would have taken down the whole financial system. It would have been worse than [another] Great Depression."

~Henry Paulson, Secretary of Treasury, 2006-2009.¹²²

Conservatorship and Beyond

In September of 2008, almost \$250 billion of Fannie's debt, much of which was owned by China and Japan, was set to expire by year's end.¹²³ With the integrity and reputation of the U.S. Treasury on the line, the government moved fast. The Federal Housing Finance Agency (FHFA), the GSEs' new one-month old regulator, took the necessary steps to ensure a swift takeover of Fannie Mae and Freddie Mac. On September 4th, 2008, James Lockhart III, the director of the FHFA, met with President George W. Bush, Treasury secretary Henry Paulson, and Federal Reserve chairman Ben Bernanke to discuss the FHFA's impending actions. Paulson commented on their proceedings: "We're going to move quickly and take them by surprise. The first sound they'll hear is their heads hitting the floor."¹²⁴

The next day, on September 5th, Lockhart, Paulson, and Bernanke abruptly met with Fannie and Freddie CEOs, making it clear that the government would take over the companies. The GSEs were forced to fire top management and let go dozens of their lobbyists.¹²⁵ The details of the conservatorship were announced

publicly on September 7th, 2008. [It is important to note that the GSEs' bailout was not the only federal intervention in the financial markets in the aftermath of the Great Recession. The government gave insurance giant AIG \$85 billion in emergency loans and purchased stock in Citigroup, Goldman Sachs, and Morgan Stanley among a few others. Most notably, the government did *not* bail out troubled Lehman Brothers, citing moral hazard as the primary reason.] The government now held a 79.9% stake in Fannie Mae and Freddie Mac. If the government took more than 80% in any entity, then those entity's debts needed to be included in the country's budget. In Fannie's case, this would have sent the already large budget deficit skyrocketing.¹²⁶

The government clearly stated that during conservatorship, the GSEs were to be focused solely on repair—not shareholder interests. The Treasury provided \$200 billion over the coming four years, but with staggering 10% interest rates.¹²⁷ In addition, the government received preferred stock for its investments, meaning it would be paid back before any other investors got dividends. Ultimately, dividends got suspended altogether. The news sent Fannie and Freddie's stocks plummeting, which some say the government set out to do.¹²⁸ By blocking out the voices of investors, the FHFA and the Treasury could focus on repairing the broken system. Reflecting on the decision to put Fannie and Freddie under government conservatorship, Paulson mentioned that it was the “most impactful, and gutsiest, thing we ever did.”¹²⁹ Ex-Fannie executives complained about the government's decision, claiming that the government did not foresee, nor specify, a clear plan for the days ahead. Eight years later, in 2016, Fannie and Freddie still remain under the government's conservatorship.

While in conservatorship, the fate of Fannie and Freddie has been the source of much speculation among economists, investors, and politicians. Since 2008, restructuring in the Treasury and the Federal Home Finance Agency (FHFA) led to the appointment of new leaders. As Bush's presidency wound down, Henry Paulson stepped down in 2009, succeeded by Timothy Geithner. In the FHFA, Edward DeMarco replaced James Lockhart.

The effects of the recession took a toll on Fannie's delinquency rate, which more than doubled from 2.42% in 2008 to 5.38% in 2009. Consequently, the GSEs lost a combined \$94 billion in 2009.¹³⁰ A year later, in June 2010, Fannie and Freddie's plummeting stocks were pulled from the New York Stock Exchange; the FHFA cited declining confidence and losses as the rationale. By the end of 2011, Fannie had used \$85.1 billion of its line of credit from the original \$200 billion, while both GSEs had paid only back \$12.8 billion.¹³¹ Fannie and Freddie's financial situation certainly did not make them any more popular; their crumbling position provoked two responses; while the FHFA and Treasury tried reviving the GSEs, Congressional bills outlined their end.

The government tried minimizing Fannie and Freddie's losses through several methods. The Home Affordable Refinance Program (HARP) was a federal program passed in 2009, and reintroduced in 2012, aimed at helping struggling homeowners refinance their mortgages. To qualify, the homeowner must have a mortgage guaranteed by Fannie Mae or Freddie Mac. Ultimately, HARP not only helped the GSEs recover money, it also aided two million Americans to refinance their mortgages.¹³² The monthly money homeowners saved slowly helped the country out of the deep recession.

FHFA director DeMarco had been raising the guaranty fee (gFee) not only to help in Fannie and Freddie's recovery, but to also help taxpayers (voters). In December 2011, President Obama signed H.R. 3630 into law, a measure that sought to increase the gFee for the next ten years. Indeed, guaranty fees tripled between 2009 and 2013.¹³³ In addition, according to the law, most of the additional revenue generated from the gFee increase would head straight to the Treasury—funding, it is hard to believe, tax cuts!¹³⁴ Fannie Mae was not manipulating laws to its advantage this time; on the contrary, through DeMarco's clever scheme, voters would enjoy payroll tax cuts.

Lastly, the 2010 Dodd-Frank law increased the federal government's regulatory oversight on financial markets. Tighter regulations, which ex-Fannie executives particularly loathed, were thought of as safeguards against another financial crisis.

Some of these measures were effective in their goal: Fannie Mae posted a profit in the fourth quarter of 2011. While the Treasury and the FHFA assisted Fannie and Freddie, Congressmen made several attempts to shut down the costly GSEs and get the government out of the mortgage market. Introduced to Congress in late-2013, the Corker-Warner bill became a landmark proposition concerning the fate of the GSEs. Unlike previous attempts to completely eliminate the government from the mortgage market, the Corker-Warner bill laid guidelines for an alternative institution. David Warner, Democrat senator from Virginia, and Bob Corker, Republican senator from Tennessee, wanted to abolish the two GSEs within a five-year period and replace them with two private insurers. The new system of insurers would be required to have ready capital to cover 10% of losses, as well as pay a fee to the government for explicitly backing them during times of crisis. The bill, which had several bipartisan co-sponsors, became stuck in the Senate.¹³⁵

Conveniently during the same time, Fannie Mae began paying the Treasury back, starting with a \$59 billion dividend in May 2013. By December 2014, Fannie Mae had cumulatively paid back the Treasury \$134.5 billion in dividends—approximately \$18 billion more than it had received in support.¹³⁶ Nonetheless, GSE reform bills persisted. The 2014 Johnson-Crapo bill mainly reiterated the preceding Corker-Warner bill, while the early-2015 Shelby bill sought to restructure the financial system altogether.¹³⁷

Two years later in mid-2015, just a few months ago, Warner and Corker reintroduced their bill as the Jumpstart GSE Reform Act. Much simpler the second time around, the new bill sought to (a) end all gFee increases and (b) prevent the Treasury from meddling with GSE securities unless mandated by Congress. The reasoning behind the more “palatable” measures was hope that Congress’ “small steps” would open the path for larger, more decisive reform.¹³⁸

However, the recent change impacting Fannie Mae has been “risk-sharing.”¹³⁹ In order to protect against credit risk, the risk of a homeowner defaulting, Fannie Mae has been pushed to develop several avenues through which the risks on American

taxpayers could be lowered. Beginning in 2016, Fannie will ramp up sales of a new type of mortgage security with higher yields, reflecting the potential losses to investors. Since 2013, Fannie has successfully sold \$25 billion of these new securities, which it calls “Connecticut Avenue Securities.”¹⁴⁰ The FHFA, led no longer by DeMarco but by newly appointed Mel Watt, ultimately aims to transfer most of the risk on Fannie Mae’s future guarantees to investors, instead of American taxpayers.

To date, Fannie Mae still remains the strongest mortgage powerhouse, even with its conservatorship status. Holding more than \$3.25 trillion in assets and set to make \$10 billion in profit for 2015,¹⁴¹ all while battling drastic GSE reform measures in Congress, Fannie Mae is as connected and linked with our laws, politics, and economy as ever.

“The difficulty lies, not in the new ideas, but in escaping from the old ones,”

~John Maynard Keynes, *The General Theory of Employment, Interest, and Money* (1936).¹⁴²

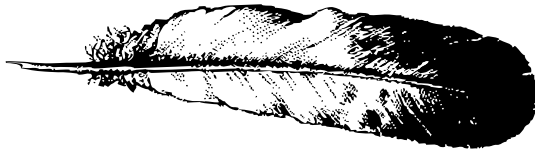
Conclusion

Ultimately, Fannie Mae was able to shift the political, social, legislative, and economic fabrics of our nation. Originally created by President Roosevelt as a “provisional response” to the Great Depression, the FNMA was meant to aid the ailing housing industry, and to relieve overall tension on the economy. The FNMA grew slowly but steadily, enjoying growth spurts after WWII’s end. President Eisenhower drafted legislation to get the government out of mortgages, but it never happened. It fell to President Johnson to create Fannie Mae as a private, shareholder-owned company in 1968. Eventually, politics and lobbying were perfected at Fannie, even though HUD remained a persistent pain.

In the more controversial decades of Fannie’s history, the corporation was wrongfully blamed as the entire root of the financial crisis. System risk was the real cause, the negligence of the system as a whole, and as a result, every finance-related individual may be blamed for the American economy’s failure. It was not just Fannie, or simply big banks, or the government failing

to perform its duty; rather, the collective failing of the system as a whole ignited the financial crisis. In the aftermath of the Great Recession, federal bailouts emerged, with the Treasury and Federal Reserve stepping in to save Fannie Mae by placing it under government conservatorship. Congressional bills seek to reform Fannie, the most recent idea being to “share” the risk between taxpayers and investors. Currently, Fannie has paid the government back in full, and has certainly rebounded, but the real question remains whether or not it has gotten wiser.

We must look to the organizations and corporations that we have become oblivious to. During an era when world terror and foreign affairs are become increasingly important, it is imperative that we look into the structure of the American economy. Fannie Mae plays an integral role in supporting the housing market, collectively a \$10 trillion dollar market, but it is dependent on each and every homeowner at the core. Through analyzing Fannie Mae’s history, and how it has shaped America’s politics, social structure, and economy, we can get an idea of how complex our modern economy has become.



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Glossary of Acronyms

FHA	<i>Federal Housing Administration</i> Developed in 1934, the FHA was the first government agency to insure mortgage loans; Fannie Mae was later born from this agency.
FHEFSSA	<i>Federal Housing Enterprises Financial Safety and Soundness Act</i> A 1992 law that created a new regulator (OFHEO) for Fannie and Freddie.
FHFA	<i>Federal Housing Finance Agency</i> The FHFA, created in 2008, took Fannie Mae and Freddie Mac under government conservatorship and still remains as their current regulator.
FICO	<i>Fair Isaac Corporation</i> Measures consumer credit risk on a scale ranging from 300 to 850.
FIRREA	<i>Financial Institution Reform, Recovery, and Enforcement Act</i> A 1989 law that reformed American Savings and Loan Associations.
FNMA	<i>Federal National Mortgage Association (Fannie Mae)</i>
FHLMC	<i>Federal Home Loan Mortgage Corporation (Freddie Mac)</i>
gFee	<i>Guaranty Fee</i> The amount charged by Fannie Mae to guarantee mortgages.
GNMA	<i>Government National Mortgage Association (Ginnie Mae)</i> A wholly owned government organization (a smaller, all-government sister of Fannie Mae).
GSE	<i>Government-Sponsored Enterprise</i> A Congressionally created financial services corporation that supports government initiatives. (examples include Fannie, Freddie, and Ginnie)
HARP	<i>Home Affordable Refinance Program</i> A federal program to help homeowners, those who saw a drop in home value, refinance with better mortgage terms.

HELOC	<i>Home Equity Line of Credit</i> A loan in which a homeowner takes money out of his/her house, essentially using the house as an “ATM.”
HUD	<i>Department of Housing and Urban Development</i> The government agency that generally oversees home mortgage lending practices for underserved and impoverished Americans.
LTV	<i>Loan-to-Value</i> A financial term used by lenders to express the ratio of a mortgage loan to the home value.
MBS	<i>Mortgage-Backed-Securities</i> A traded financial instrument (bond) backed by a collection of mortgages.
OFHEO	<i>Office of Federal Housing Enterprise Oversight</i> Created in 1992, OFHEO was Fannie and Freddie’s weak regulator.
PLS	<i>Private-Label-Securitization</i> The process of creating non-government guaranteed MBS bonds
S & L	<i>Savings and Loan Associations</i> Private companies that, using depositors’ cash, funded other types of loans.

LENI RIEFENSTAHL:
AUTHENTIC ARTIST OR FÜHRER'S FILMMAKER?

Elizabeth Kim

"The borderline between life and film is in constant flux with Leni Riefenstahl."

— Ray Müller, director of *The Wonderful, Horrible Life of Leni Riefenstahl* (1993)¹

On the night of March 28, 1935, Germany's elite flocked to the lavishly decorated Ufa Palace Theatre in Berlin,² where glowing lights heralded the premiere of *Triumph of the Will*, Leni Riefenstahl's biggest and most influential film to date. The crowd's fervent cheering intensified as Adolf Hitler, Nazi Propaganda Minister Joseph Goebbels, and director Leni Riefenstahl arrived at the premiere and settled in the top box of the theatre. Riefenstahl proudly sat just two seats down from Hitler and waited eagerly to see the fruit of her ambitions reach the silver screen at last. At the end of the screening, the audience applauded rapturously as the Führer himself handed Riefenstahl a bouquet of lilacs.³ The film's enthusiastic reception on its first night at the Ufa Palace was soon echoed across Germany and the rest of the world, with critics internationally hailing the film as a technical and artistic

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tour-de-force. Its portrayal of Hitler was so masterful that Goebbels observed, “Whoever has seen and experienced the face of the Führer in *Triumph of the Will* will never forget it. It will.... like a quiet flame, burn itself into his soul.”⁴ Indeed, over eighty years after its premiere, *Triumph of the Will* remains banned under German law for its glorified portrayal of Adolf Hitler and the Nazis.⁵ Its creator Leni Riefenstahl, while grudgingly acknowledged to be one of the most groundbreaking filmmakers of all time, was denounced as a Nazi propagandist and sympathizer until her death in 2003, and her reputation has not been rehabilitated since.

Who exactly was this woman behind one of the most legendary propaganda films in cinematic history? Why have so many dismissed her as ‘a Nazi pinup girl?’⁶ Was her effectiveness in burnishing the image of the Nazi Party the only reason why she continues to inspire such controversy? While her Nazi affiliation certainly remains a primary factor, Riefenstahl’s controversial reputation has also been shaped over time by three key elements of her persona. Initially, Riefenstahl intimidated others with her immense power as a filmmaker, as demonstrated by her access to Hitler’s inner circle and *Triumph of the Will*’s influence over audiences worldwide. Secondly, Riefenstahl infuriated the international community by vehemently declaring her innocence after the war, for she epitomized German indifference to Nazi atrocities. Lastly, Riefenstahl’s status as an ambitious woman in the thoroughly male-dominated world of filmmaking reinforced the public’s existing bias against her.

Early Years

Born in Berlin on August 22, 1902, as Helene Amalie Bertha Riefenstahl,⁷ Leni Riefenstahl grew up in a middle-class family, often splitting her time between Berlin and rural villages on the city’s outskirts.⁸ Riefenstahl’s innate tenacity and determination to fulfill her creative potential became apparent during her teenage years. In defiance of her father, who disapproved of her artistic ambitions, Riefenstahl secretly attended the theatre

and took dance classes. Long hours of hard work culminated in her first recital as an understudy for the then-renowned dancer Anita Berber.⁹

Riefenstahl's artistic activities did not remain hidden for long. A few months after Alfred Riefenstahl learned his daughter was performing onstage, he sent her away from Berlin to the Lohmann School in the Harz Mountains, where he hoped that isolation from the city would "cure" her of her desire to become an actress or dancer.¹⁰ However, his plan backfired and she rebelled against his ban by "[training] secretly in every spare moment, rising at 5 AM to have three hours' ballet before breakfast."¹¹ After Leni's brief and unsuccessful stint as a secretary in his firm, Alfred Riefenstahl finally gave up on trying to inhibit his daughter's dreams, and for the next several months, she completely immersed herself in dance. The public's first exposure to Leni Riefenstahl came in October 1923 in Berlin, where after rigorous preparation, she finally gave her first solo recital, the first of many to receive positive reviews. It was an experience of triumph and validation for Riefenstahl, who wrote in her memoir, "I resolved to...prove to my father that I could become a good dancer, and never cause him the shame he so feared."¹²

Despite her success, Riefenstahl's dancing career came to a sudden halt when she seriously injured her knee just six months later.¹³ Though it seemed disastrous at the time, the injury proved to be a critical turning point for Riefenstahl, who suddenly became intrigued by the possibility of becoming a film actress. An impromptu meeting with prominent film director Arnold Fanck led to her first major role in the 1926 film *The Holy Mountain*,¹⁴ the first of five successful films featuring Riefenstahl as the young and courageous female lead surrounded by impressive mountain scenery. Despite building a promising career as an actress, Riefenstahl felt a powerful pull towards the artistic autonomy of film directing. After wrapping *Storm of Mont Blanc*, her second-to-last film with Fanck in 1930, she declared, "I can no longer change the fact that I see everything as if through a camera lens. I want to shape the images myself."¹⁵ Armed with considerable acting

experience and a deeper knowledge of filmmaking, Riefenstahl turned toward directing.

The Blue Light (1932)

Her directorial debut came in the 1932 mountain film *The Blue Light*, in which Riefenstahl served as director, actor, co-writer, and producer.¹⁶ Inspired by a South Tyrolean folk legend, *The Blue Light* detailed the story of Junta, a carefree girl shunned by her local mountain village for her uncanny ability to scale steep peaks. After she discovers and tends to a secret mountain grotto filled with blue crystals, the villagers find Junta's hideaway and subsequently strip the entire cave. Devastated by the loss of her crystals, Junta falls to her death.¹⁷ Throughout the course of the film, Junta is transformed from a social pariah into a hallowed figure whose story becomes a founding fable for the mountain villagers.¹⁸ It was precisely this skillful mythologization and idolization of a single figure that would attract the attention of Adolf Hitler. As Riefenstahl's biographer Steven Bach noted, "[Riefenstahl] [knew] how to take a character and apotheosize that character. And that's what [Hitler] wanted from her."¹⁹

In creating *The Blue Light*, Riefenstahl went to great lengths to realize her artistic vision. She insisted on doing all the dangerous mountain climbing scenes herself; when the script required her to scale a sheer cliff without ropes, Riefenstahl chose to do so on an actual mountain face rather than in the safety of a film studio.²⁰ To attain the film's renowned dreamlike quality, she had a developing company design an entirely new type of film stock.²¹ To imbue the natural mountain scenery with "an eerie and ethereal aura," she cleverly employed special effects such as time-lapse photography, different filters, and smoke machines.²² *The Blue Light*, which not only forced her to use the technical knowledge acquired during her work in Fanck's mountain films, but also to experiment and stretch her creativity, marked a new synthesis in Riefenstahl's filmmaking style.

The film garnered moderate recognition abroad, winning the Silver Medallion at the first Venice Biennale and praise for

its photographic beauty and stunning camera work by American newspapers such as *The New York Sun* and *The Times*.²³ In her native Germany however, reviews for *The Blue Light* were mixed. The majority of Berlin's newspapers, many of which were Jewish, dismissed the film as tasteless kitsch and contrived romanticism.²⁴ These criticisms deeply upset Riefenstahl. Co-producer Harry Sokal recalls her saying, "What do these Jewish critics understand about our mentality? They have no right to criticize our work."²⁵ Her initial objection gave way to a bitter anti-Semitism that would last for years. Despite Riefenstahl's denials, psychologist Rudolf Arnheim remembered her stating during a radio interview, "As long as the Jews are film critics, I'll never have a success. But watch out, when Hitler takes the rudder everything will change."²⁶ In fact, once Hitler took power the following year, the official reason for *The Blue Light*'s box-office flop became Jewish critical sabotage, and upon its 1938 re-release, the film's credits had been wiped of all Jewish collaborators.²⁷

Despite its commercial failure, *The Blue Light* was a crucial personal milestone for Leni Riefenstahl. It established her not only as a talented filmmaker with an eye for stunning visuals, but also as an artist with the capacity to maintain a laser-like focus on her craft while shutting out everything around her—a skill that would prove both a benefit and a curse in the future. While *The Blue Light* didn't catapult Riefenstahl to a new level of fame, it sealed her identity as a groundbreaking artist and filmmaker. Equally important, *The Blue Light* captured the attention of one person who would change her life forever: Adolf Hitler.

Triumph of the Will (1935)

Earlier in the year, Riefenstahl had seen Hitler speak at the 1932 Nuremberg Rally, and like millions of others, was mesmerized by Hitler's oratorical skills and power to captivate. "It was like being struck by lightning," she remembered decades later. "I had an almost apocalyptic vision that I was never able to forget. It seemed as if the earth's surface were spreading out in front of me, like a hemisphere that suddenly splits apart in the

middle, spewing out an enormous jet of water, so powerful that it touched the sky.”²⁸ Riefenstahl felt so inspired that she wrote to Hitler requesting a meeting.²⁹ He agreed, and a few months later Hitler asked Riefenstahl to direct a short documentary of the 1933 Nuremberg Rally, named *Victory of Faith*.³⁰ *Victory of Faith* became a rough blueprint for Riefenstahl’s subsequent film *Triumph of the Will*, an iconic portrayal of Hitler and the Nazis at the Nuremberg Rally of 1934.

Triumph of the Will would arrive at a critical juncture for Hitler, who had been elected Chancellor just two years prior. *Victory of Faith* was somewhat problematic due to its emphasis on Hitler’s relationship with Nazi paramilitary commander Ernst Röhm, a political rival whom Hitler would murder along with hundreds of others in a series of assassinations mere months after *Victory*’s release.³¹ Hence, *Triumph of the Will* focused solely on glorifying the Führer and assuaging public apprehension following the killings. The film aimed to convince hesitant German citizens that Hitler was the undisputed leader of Germany and that the Nazi Party was a perfectly unified organization, rather than one roiled by division and deadly violence.

As the filming of *Triumph* progressed, Riefenstahl’s love and admiration of Hitler continued to blossom. Although her post-war descriptions of Hitler always remained calculatedly lukewarm—in a 1945 interrogation, she simply described Hitler as “polite and helpful”³²—various records during the production of *Triumph* reveal her true feelings. In her book *Behind the Scenes of the Party Rally Film*, which detailed the making of *Triumph*, Riefenstahl lauded Hitler’s “enormous strength and resilience,”³³ as well as his visionary recognition of the power of film. “Hitler,” she argues, “recognized the importance of the film and once again provided an unprecedented example of how a conviction...can be realized on a grand scale...The Führer gives the topical film a meaning and a mission.”³⁴ Similarly, during an interview with a British reporter she gushed, “to me he is the greatest man who ever lived...He is really faultless, so simple and yet so filled with manly power...All the great men of Germany—Frederick, Nietzsche,

Bismarck—have had faults...only he is pure.”³⁵ The nature of the relationship between Riefenstahl and Hitler was perhaps best expressed by Riefenstahl’s biographer Steven Bach, who stated in an interview, “[It] was a relationship of equals...They saw in each other the same kind of mythologizing and ambition.”³⁶

Triumph of the Will was a crucial film for Riefenstahl as well as the Nazi Party, marking the pinnacle of a 12-year relationship between the two that lasted until the fall of the Third Reich in 1945. Riefenstahl had already been appointed a “special representative” of the Nazis after the success of *Victory of the Faith*,³⁷ and her elevated standing with Hitler gave her privileges and artistic freedom enjoyed by few others in the tightly censored German film industry. A 1934 contract signed by Hitler officially bestowed full artistic control of *Triumph* on Riefenstahl.³⁸

Joseph Goebbels’ deputy Fritz Hippler confirmed her exclusive independence, declaring, “No one else in Germany had the right to decide alone what to film.”³⁹ Riefenstahl’s autonomy was a point of contention with Joseph Goebbels himself, who usually controlled all aspects of propaganda through the Reich Chamber of Culture.⁴⁰

Riefenstahl’s resources during the filming of *Triumph* were nearly unlimited. Every newsreel company present at the Nuremberg Rally was required to yield its footage for her use.⁴¹ She had 30 cameras, four sets of sound equipment, and 22 chauffeur-driven cars at her disposal; her crew of 120 included 16 cameramen, 16 assistant operators, and numerous bodyguards and field police officers.⁴² The grounds of the Party Rally were expressly renovated to meet Riefenstahl’s filming needs: 65 feet of track were laid at Adolf-Hitler-Platz to facilitate aerial shots, and a 125-foot post was specially built to capture overhead views at Luitpoldhain, the rally’s deployment ground.⁴³ Any scenes that did not turn out as desired were re-shot in film studios, where she could personally oversee the lighting and camera movement. Rally scenes were sometimes rehearsed up to fifty times beforehand to ensure the best shots possible.⁴⁴ Her generous budget and creative license, combined with her authoritative demeanor and meticulous eye

for detail, allowed Riefenstahl to realize her grand artistic vision. Leni Riefenstahl was an *auteur* in every sense of the word.

Triumph of the Will follows Hitler on his journey around Nuremberg throughout the six-day Party Rally commencing September 5, 1934. It thoroughly documents his close interaction with enthusiastic German citizens, speeches by prominent Nazis, and parades by the Hitler Youth and Nazi paramilitary wings.⁴⁵ *Triumph* begins with a scene unforgettable in its portrait of Hitler as a divine savior of the German public. Decades after viewing it, American filmmaker Frank Capra vividly remembered the film's opening of the Führer descending in a plane as "a master stroke of god-building. In an aura of celestial music, an invisible, mystic camera photographed Hitler's invisible spirit descending toward earth from the clouds and stars of Valhalla, and gliding lower and lower...Then, god the spirit materialized into god the Führer—uniformed, resplendent, stigmatic with swastikas."⁴⁶ The images of Hitler's godly descent from the skies are interposed with shots of ardent German citizens hysterically greeting their leader in a chorus of "Heils."⁴⁷ This exuberance is repeated throughout the course of the film; every Hitler entrance is greeted with passionate cries and salutes. The film thus builds to its dramatic climax, in which Hitler addresses an immense and adoring crowd at the closing ceremonies in the Nuremberg Congress Hall.

To create an immersive viewing experience with a variety of perspectives, Riefenstahl devised a number of innovative filming techniques. An airplane took panoramic shots of a majestic-looking Nuremberg at the beginning of the film;⁴⁸ cameras on a circular track captured 360-degree views of Hitler delivering an electrifying speech to Hitler Youth;⁴⁹ and fluid dolly shots recorded Hitler's expansive point of view as he rode in a motorcade, waving to the cheering German crowds.

Beyond varying camera angles, Riefenstahl also employed film elements such as captions, music, and lighting to intensify emotions and generate suspense. The opening scene uses captions and the Nazi Party's hymn Horst Wessel to create an epic atmo-

sphere for Hitler's landing from the skies and to build audience anticipation for his arrival on film.⁵⁰ Further on, the army band plays a melancholy yet noble tune as Hitler, German Police Chief Heinrich Himmler, and General Viktor Lutze proceed down the promenade together, eventually coming to a stop at two large wreaths draped with swastikas to pay their respects to the recently-deceased President Hindenburg.⁵¹ Overhead searchlights and background music heighten the dramatic mood of the thrilling nighttime military rallies shown later in the film.

Despite the ingenuity of her filming techniques, Riefenstahl's true artistry emerged in her superb editing skills. After filming was complete, she managed the colossal task of paring 130,000 meters of raw film down to 3,000⁵² in time for the premiere scheduled early the following year. As renowned film critic Richard Corliss commented, "*Triumph's* pulse, accelerating from stately to feverish, is in Riefenstahl's masterly editing. She needed no narration to tell you what to think or feel; her images and editing were persuasive enough."⁵³ During the editing process, she often abandoned chronology to find the most natural and cohesive shape of the film, stating: "It is not important to get everything on the screen in the right chronological order. The structural outline demands that one finds the road to unity by instinct, influenced by the real experience of Nuremberg, so that the film takes shape in a way that, scene by scene, impression by impression, makes an overwhelming impact on the viewer and listener."⁵⁴ Seven months of painstaking filming, cutting, and editing resulted in a stunning work of cinematic art. Riefenstahl's techniques were trailblazing because they were the first to effectively use dramatically varied camera angles, background music, and time manipulation to glorify a single political figure in a film.

In addition to lionizing Hitler, *Triumph* strongly accentuated the idea of *Volksgemeinschaft*, or a national community united by German identity.⁵⁵ In one scene, Labor Corps workers hailing from different locations such as Pomerania, Königsberg, and Dresden voice a united chant: "One people, one Führer, one Reich, one Germany." Similarly, Hitler's statement to the crowds at the German

Youth Rally distilled the essence of *Volksgemeinschaft*: “We want a society with neither class nor caste... We want to see one Reich.”⁵⁶

The film also endorsed the Nazis’ infamous principle of racial purity. Anti-Semitism in Germany was swelling in the mid-1930s, and *Triumph* implicitly sanctioned the Nazis’ racist claims. While it did not contain the overt anti-Semitism of the notorious Nazi propaganda films *Jud Süß* (1940) and *The Eternal Jew* (1940), the importance of preserving the “Aryan” race is thoroughly insinuated in the numerous close-ups of the light-haired and fair-skinned German children and chiseled, masculine-looking German soldiers. Racial purity is also explicitly championed in the film by Nazi official Julius Streicher: “A people that does not hold with the purity of its race will perish!”—and later, by Hitler himself: “Whoever feels that he is the carrier of the best blood and knowingly uses it to attain the leadership will never relinquish it.”⁵⁷

More directly, the film depicted the German citizenry’s compulsory loyalty to Hitler. In his closing statements of the six-day rally, Deputy Führer Rudolf Hess declares to Hitler, “You are Germany. When you act, the nation acts. When you judge, the people judge. Our promise is to stand by you, through thick and thin, whatever comes our way.”⁵⁸ The man and the nation were inseparable, and Germany would stand by Hitler, no matter what.

Triumph of the Will premiered in seventy German cinemas simultaneously and became the highest-viewed movie of the 1934–35 season.⁵⁹ Over 100,000 people in Berlin alone saw the movie within its first twenty days in theaters.⁶⁰ Although there is no precise way of measuring *Triumph*’s impact on the German public, it served to boost feelings of unity and national pride. Reviews in the Party-controlled press were ecstatic, and Reich magazines and newspapers praised *Triumph* as a “symphony of the German will”⁶¹ and an image of “the new Germany become one.”⁶²

The Nazis’ enthusiastic reception was reflected around the world. After winning the National Film Prize in Germany, Riefenstahl went on to win the Gold Medal at the 1935 Venice Biennale and the Grand Prix at the 1937 Paris World’s Fair.⁶³ Riefenstahl also

profoundly impressed her American filmmaking contemporaries, most notably, Frank Capra. Capra, who had been enlisted by the U.S. Department of War to direct an American propaganda movie to counter films like *Triumph*, was awed by Riefenstahl's "grandiose, mythic imagery, by the hypnotic rhythm of her editing and use of music to add a further dimension of barbarian emotional power to the endless marching, flag-waving, and speech-making."⁶⁴ Capra regarded Riefenstahl's *Triumph* as the greatest propaganda film ever made. Years later in his autobiography, he recalled: "*Triumph of the Will* fired no gun, dropped no bombs. But as a psychological weapon aimed at destroying the will to resist, it was just as lethal... That film practically paralyzed my own will."⁶⁵

Triumph of the Will vividly captured the nationalist fervor propelling Germany and showed how Hitler personally inspired so many Germans with his grand vision for the Third Reich. Through its innovative manipulation of film techniques to glorify a single political figure, it stands as the most groundbreaking propaganda film of its time.

Olympia (1938)

Despite never officially joining the Nazi Party, Riefenstahl became a premier Nazi propagandist with the release of *Triumph*. Her next film, *Olympia*, which documented the 1936 Berlin Olympic Games, further enshrined Riefenstahl's status with the Party. The Berlin Olympics would provide an enormous economic and political opportunity for Germany. The Nazis not only hoped to profit from the thousands of tourists flooding into Berlin,⁶⁶ but also to use the Games to create a more benevolent image of Germany around the globe. Anti-Semitic posters were taken down,⁶⁷ and Hitler surprised the international community by ordering that Olympic competitors of all races be respected.⁶⁸ The Nazis also spent 42 million Reichsmarks on constructing a magnificent 325-acre sports complex and other extravagant facilities in the western part of Berlin.⁶⁹ Leni Riefenstahl, by making another film that would glorify Germany in all its grandeur, would play a critical role in transmitting this desired aura of power and unity to the

world. To achieve this end, Riefenstahl received a staggering 1.5 million Reichsmark budget⁷⁰ (*Olympia* ultimately cost five times as much as a regular feature film)⁷¹ and a 48-member camera crew.⁷²

As *Washington Post* film critic Gary Arnold observed, “*Olympia* may be enjoyed as a cinematic hymn to physical strength and beauty and to athletic effort for its own sake. Anyone coming to the film without knowledge of the political background and significance of the 1936 games would probably decide that Riefenstahl was devoted to physical culture and virtually indifferent to politics.”⁷³ Indeed, *Olympia* appears apolitical because it contains no overt anti-Semitism or racist speeches, as *Triumph of the Will* did. However, *Olympia* was inherently propagandistic in its implicit glorification and whitewashing of Germany; its lack of anti-Semitism was a mere observance of Hitler’s orders to display the nation in a benign manner that would obscure the realities of its racism. Riefenstahl would later cite *Olympia*’s scenes with Jesse Owens as proof that *Olympia* remained isolated from the Nazi policy of racial purity, but her assertion rings hollow. *Olympia* was designed specifically to make the Nazi regime appear to be tolerant of different races and religions.

The challenges of filming 136 separate Olympic competitions⁷⁴ forced Riefenstahl to create fascinating new ways to acquire sports footage. Small cameras attached to marathoners’ necks captured shots of their feet thudding on the ground;⁷⁵ dinghies shot unobstructed views of swimmers in motion;⁷⁶ balloons filmed the magnificent Olympic ceremonies from overhead;⁷⁷ and cameras in ditches framed long jumpers against the sky.⁷⁸ Riefenstahl interspersed close-ups of athletes throughout the film, allowing the audience to witness their fatigue and appreciate the level of tenacity and expertise required to compete in the Olympics.⁷⁹ *Olympia* also individualized the athletes, capturing the “glint of confidence on [Jesse] Owens’ face, [and] the exhaustion of the marathoners as each painful step leads toward the stadium.”⁸⁰ By devising methods to shoot athletes from every possible angle, Riefenstahl accomplished a “quantum leap” in filming technique.⁸¹ Through her pioneering of visual images that captured athletes

from numerous angles and conveyed their emotions to the audience, Riefenstahl set the precedent for the filming of Olympic games and televised sports.

With *Olympia*, Riefenstahl displayed her virtuoso editing skills once again, spending 18 months in isolation to edit the colossal 250 miles of footage down to four hours of visually breathtaking cinema.⁸² She often employed techniques such as rhythmic editing, superimposition, and speed manipulation to intensify the beauty and emotion of the film.⁸³ In *Olympia*'s storied diving sequences, for example, Riefenstahl used slow motion and background music to spotlight the poise and elegance of the divers as they spiral down towards the water.⁸⁴ By alternating between filming divers from the diving board and filming divers from the surface of the water, Riefenstahl made them appear to defy the laws of gravity.⁸⁵ Her precise editing, combined with her cutting-edge compositions, served to aestheticize and imbue the Olympic competitors with a seemingly godly status.

With *Olympia*, Riefenstahl once again astounded the international film community. In rapid succession, she won the German Film Prize, the Golden Lion Award at the Venice Biennale, and an Olympic Diploma from the International Olympic Committee.⁸⁶ Feeling confident about the success of *Olympia* throughout Europe, Riefenstahl went on a tour of the U.S. to pitch the film to American movie companies in the fall of 1938. To her astonishment, the tour was unsuccessful. Never were times more unfavorable than for a woman perceived as a "Nazi saleswoman."⁸⁷ On November 9, 1938, just two days after the Non-Sectarian Anti-Nazi League began campaigning against Riefenstahl's U.S. tour,⁸⁸ *Kristallnacht*, the Night of Broken Glass, occurred: 7,500 Jewish shops were sacked, 267 synagogues were destroyed, and more than 30,000 Jews were sent to concentration camps.⁸⁹ Anti-Nazi sentiment spiked worldwide, and the already-slim chance of screening *Olympia* in America was immediately destroyed. However, despite film companies' icy reception and the German embassy's advice to abort her trip,⁹⁰ Riefenstahl forged on doggedly in her promotional efforts. She reacted appallingly to the reports of *Kristallnacht*, declaring

that the reports of violence were mere defamatory attempts to besmirch Hitler, “the greatest man who ever lived.”⁹¹ Her press chief Ernst Jäger remembers her saying, “If only this damned Jewish question would get out of the headlines. The American public would quickly forget about the whole business if they had a new sensation to talk about.”⁹² After effectively being blacklisted from Hollywood, Riefenstahl returned to Europe empty-handed. Upon her return, Riefenstahl remarked, “I ran into resistance from the Jews who, on my arrival, had already published a giant advertisement in several newspapers that...demanded a boycott against me...An honorable exception was Walt Disney...It was gratifying to learn how thoroughly proper Americans distance themselves from the smear campaigns of Jews.”⁹³

Less than 18 months after *Olympia*’s April 1938 release,⁹⁴ World War II began with Germany’s invasion of Poland.⁹⁵ Riefenstahl immediately volunteered to become a war correspondent for Germany, and ten days later, arrived in the Polish town of Konskie just in time to witness a Nazi atrocity: German soldiers forcing local Jews to dig graves for fallen soldiers and then shooting them.⁹⁶ Unbeknownst to her, a photograph was taken at the moment of the massacre, capturing her horrified reaction.⁹⁷ The photo proved that Riefenstahl witnessed a Nazi atrocity at the very beginning of the war; however, she spent the rest of her life claiming complete ignorance of such crimes. Admitting to having seen such a thing would destroy her carefully-constructed image as a naive artist oblivious to anything but her own craft.⁹⁸

Riefenstahl abandoned her efforts as a war correspondent shortly after the events at Konskie and spent most of her WWII years making *Tiefland*, a melodrama in which she plays the role of a beautiful Spanish dancer. Although the press expected a 1941 release, *Tiefland* only managed to premiere thirteen years later in 1954.⁹⁹ Massive production delays were exacerbated by Riefenstahl’s frequent bouts of illness, unpredictable weather, accidents, and ultimately, the challenge of assembling and maintaining a film crew during the war.¹⁰⁰ Costing 8.5 million Reichsmarks, *Tiefland*

was the most expensive black-and-white film ever made in Nazi Germany.¹⁰¹ When it was finally released in Germany and Austria, reception was decidedly mixed: critics acknowledged the film's beautiful photography, but panned the weak acting and one-dimensional characters.¹⁰² *Tiefland* was also a commercial failure, largely because most German cinemas would not risk screening a film directed by the woman considered Hitler's favorite filmmaker so soon after the war.¹⁰³ The failure of *Tiefland*, however, also revealed a significant truth about Riefenstahl's filmmaking capabilities: Leni Riefenstahl was less a narrative storyteller than a visual artist.

Germany surrendered on May 7, 1945, and Leni Riefenstahl was arrested shortly thereafter because of her films and rumors of her connections to the Nazi Party.¹⁰⁴ Although she was tried four times in denazification trials from 1948 to 1952,¹⁰⁵ Riefenstahl was never convicted and instead deemed to be a mere *Mitläuferin*, or Nazi sympathizer.¹⁰⁶ Throughout the rest of her life, Riefenstahl alleged that although she had been enthralled by Hitler and the Nazis at the time, she was completely unaware of the horrors of the Holocaust. Multiple attacks on her past, including the allegation that Riefenstahl had been Hitler's mistress, prompted Riefenstahl to bring (and win) nearly 50 libel suits after her post-war trials ended.¹⁰⁷

Post-War Fate

The hostile attitude displayed towards Riefenstahl during the *Olympia* press tour of 1938-1939 signaled the beginning of a public opposition that would plague her for the rest of her life, effectively dooming her post-war career. Her projects, which included an attempt to make *The Blue Light* into a ballet¹⁰⁸ and an alpine film called *The Red Devils*,¹⁰⁹ were often rejected by people unwilling to tarnish their reputations by working with someone clearly viewed as a Nazi sympathizer. After Riefenstahl's plan for *The Red Devils* fell through, a bleak letter from her German distributor read, "The opposition to you, personally, is so strong that—forgive me for telling you the truth—you can never practice

your profession again.”¹¹⁰ Indeed, though Riefenstahl would live a half century after the war, *Tiefland* would be her last feature film.

Riefenstahl’s behavior during the disastrous *Olympia* tour reflected her overwhelming conviction in herself and a misplaced sense of self-righteousness. It also marked the start of a cycle of denial that would repeat itself through the rest of her life. From the end of WWII till her death, Riefenstahl never ceased working to establish her innocence. Alleging to have been oblivious to Holocaust, she claimed to have heard of concentration camps, but believed them to be a type of prison where criminals served their sentences.¹¹¹ However, her vehement denials proved inconsistent. When screenwriter Budd Schulberg interviewed Riefenstahl shortly after WWII and inquired about Goebbels, she responded, “I was terrified of him. I was scared he would put me in a concentration camp,”¹¹² directly contradicting her purported ignorance about their existence. Riefenstahl expressed remorse about the mass murder of millions, but refused to take any responsibility despite her films’ glorification of Hitler and the Party. She lamented, “Today, when I hear all these dreadful things which happened in Germany, I could cry...I would have committed suicide, had I felt that I shared the responsibility for these crimes.”¹¹³

In a 1945 interrogation by the German Intelligence Service of the U.S. Army, Riefenstahl also insisted that she was never anti-Semitic, citing her relationships with Jewish director Josef von Sternberg and other Jewish collaborators as evidence.¹¹⁴ “Of what am I guilty?” she demanded in the 1993 documentary *The Wonderful, Horrible Life of Leni Riefenstahl*, adding dishonestly, “No anti-Semitic word has ever passed my lips.”¹¹⁵ Riefenstahl viewed herself, not as the Jew-hating Nazi poster woman many believed her to be, but as a victim of circumstance. As she related in French film magazine *Cahiers du Cinéma* in September 1965, “It was impossible for me, as a young woman, to foresee what was going to happen...How should I have known better than Winston Churchill, who even in 1935-1936 was saying that he envied Germany its Führer?”¹¹⁶

A 2002 interview with German journalist Sandra Maischberger encapsulated Riefenstahl’s lifelong efforts to claim an art-

ist's innocence: if she were truly ignorant of Nazi atrocities, she was asked, was it because she was so selfish that she did not care for anything outside her own artistic interests?¹¹⁷ Unsurprisingly, Riefenstahl promptly concurred, as even that pejorative characterization served to validate a perception of herself as a pure artist solely obsessed with aesthetics and film.

Riefenstahl's final controversy took place in August 2002, a year before her death. An organization representing European Gypsies charged Riefenstahl with Holocaust denial, challenging her assertion in an April 2002 interview that "nothing happened to a single one of [the Gypsies]" used as slave-labor extras in *Tiefland*.¹¹⁸ Yet, documents proved that 20 of the Gypsies died in concentration camps to which they had been transferred directly from the film set.¹¹⁹ The charge mandated court proceedings, but further prosecution was dropped when Riefenstahl, at the bidding of her attorneys, announced that she would never again claim that the Gypsies remained safe and sound after the war.¹²⁰

Riefenstahl's controversial profession of innocence, however, was not the only factor at play in her troubled relationship with the public. A comparison of Riefenstahl's post-war fate to those of her male counterparts suggests that the public's discomfort with her gender also hindered her later career. Nazi propagandist filmmaker Veit Harlan, for example, who directed the notoriously anti-Jewish *Jud Süß*, went on to make nine more films after WWII.¹²¹ Famed conductor Herbert von Karajan's well-known membership in the Nazi Party and support of the Third Reich did not stop him from having a successful post-war career.¹²² Even Fritz Hippler, the Propaganda Ministry's film department head who directed *The Eternal Jew* (1940), which likened Jews to rats,¹²³ lived tranquilly in Hitler's favorite vacation spot Berchtesgaden until his death in 2002, largely free of the public scrutiny and media attention that plagued Riefenstahl.¹²⁴ Finally, Sergei Eisenstein, who had similarly worked as a propagandist under a harsh authoritarian regime (in his case, the Soviet Union), was hailed internationally as a filmmaking hero,¹²⁵ while Leni Riefenstahl was treated as a pariah.

Riefenstahl's twelve-year history with the Nazis cast such a long shadow that, as Riefenstahl stated in 1993, "for 50 years I have not been able to do what I passionately want to do: make films."¹²⁶ Prominent feminists such as German journalist Alice Schwarzer have argued that Riefenstahl should be regarded as a feminist trailblazer for her revolutionary work in an industry that continues to be dominated by men. Not only did she take up the traditionally male task of directing, Riefenstahl also "assumed the 'masculine' privilege to be [the] star, director, screenwriter, and producer."¹²⁷ Riefenstahl recognized the disadvantages of being a woman quite early on; in a letter to a school friend at the beginning of her dancing career, she lamented, "How I wish I were a man, it would be so much easier to carry out all my plans."¹²⁸

The public's sexist treatment of Riefenstahl also manifested in the degrading, false accusations regarding her relationship with Hitler. As a beautiful woman often seen in Hitler's company, Riefenstahl made an easy target for tabloids: a fabricated diary allegedly written by Hitler's wife Eva Braun accused Riefenstahl of being Hitler's mistress.¹²⁹ A court ruling in September 1948 proved the allegation false,¹³⁰ however, the negative publicity had already wreaked permanent damage on Riefenstahl's public image.

Whether Riefenstahl would have been as vilified after the war had she been male remains a valid question. As film critic Gary Morris stated, "Were Riefenstahl a man, would she have been treated as venomously as she has been or perhaps forgiven because men have to work? It isn't as if we stop looking at movies with 'charming' Maurice Chevalier because he was racist and pro-Nazi...Elia Kazan has been forgiven by many for helping report on the lives of several colleagues during the 1950s HUAC hearings, and he, like Riefenstahl, has never remotely apologized for being complicit with fascist (sic) historical forces...The fact that [Riefenstahl] was a woman working unquestionably as would a man of the time makes her achievement, in the eyes of many, practically blasphemous."¹³¹ Riefenstahl's movies were undeniably propagandistic in the service of a vile ideology, but one could argue

that she was additionally maligned merely for being an ambitious and gifted woman who defied gender expectations.

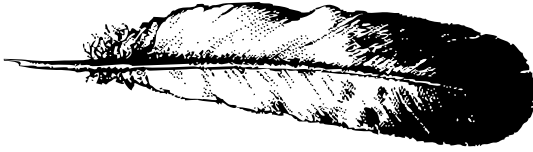
Conclusion

In her single-minded dedication to the aesthetics of filmmaking, Leni Riefenstahl was an admirable filmmaker and artist. As the director of a biographical film about her, Ray Müller, noted in 1993, “You can learn a lot from this enormous power she has—like a bulldozer to eliminate all obstacles to get to your goal—an incredible energy and enthusiasm to get a good picture...she would do anything for a good shot.”¹³² Additionally, through “[daring] to play the man’s game of filmmaking,”¹³³ Leni Riefenstahl established herself as a feminist pioneer. She aggressively defied twentieth-century codes of gender conduct for women, first by disobeying her father’s orders, and later by pursuing and excelling in the male-dominated industry of filmmaking.

However, despite her artistic accomplishments and pioneering status, Leni Riefenstahl failed the most basic moral test of all. She willingly ignored moral atrocities in order to pursue her quest for cinematic beauty and then used her craft to delude her country and the world: *Triumph of the Will* solidified Germans’ perception of Hitler as a charismatic demigod for the horrific decade to come, and *Olympia* disguised a murderous and racist regime as a tolerant one. Leni Riefenstahl was able to set aside the horrors of Nazi Germany as mere nuisances that hindered her from reaching the acclaim she felt she always deserved. Not only did she turn a blind eye to flagrant human rights violations perpetrated in front of her eyes, but she also continued to deny having done so long after the war.

Despite Leni Riefenstahl’s desperate attempts to salvage her reputation and fashion an enduring image as a pure and oblivious artist obsessed with aesthetics, the legacy of her films will far overshadow the memory of her deeply flawed persona. *Triumph*’s legacy continues to manifest itself in the way that modern propaganda strives to portray political figures as god-like,¹³⁴ and *Olympia*,

too, profoundly influences the way sports footage is filmed today. While the films of Leni Riefenstahl remain imprinted in history as monumental technical achievements, the personal legacy of the filmmaker herself will be forever, and justly, tarnished.



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- ¹¹¹ Wallenberg and Lagendorf, "PWB—CPT-HQ 7th Army, German."
- ¹¹² Bach, "Steven Bach, Looking Closely," interview, Fresh Air.
- ¹¹³ Wallenberg and Lagendorf, "PWB—CPT-HQ 7th Army, German."
- ¹¹⁴ Ibid.
- ¹¹⁵ Ray Müller, dir., *The Wonderful, Horrible Life of Leni Riefenstahl*, performed by Leni Riefenstahl, Kino International, 1993.
- ¹¹⁶ Leiser, 138.
- ¹¹⁷ Leni Riefenstahl, interview by Sandra Maischberger, *The Immoderation of Me*, 2002.
- ¹¹⁸ Trimborn, 207.
- ¹¹⁹ Bach, 46.
- ¹²⁰ Trimborn, 207.
- ¹²¹ Eric Rentschler, "Harlan: In the Shadow of *Jew Süss*," Cineaste, 2010, 44, http://go.galegroup.com/ps/i.do?id=GALE%7CA237532151&v=2.1&u=mmln_b_winsor&it=r&p=GPS&sw=w&asid=5d582b192db3d10c0cd7592b9ce3593d.
- ¹²² John Rockwell, "Herbert von Karajan Is Dead; Musical Perfectionist Was 81," *New York Times*, July 17, 1989, <http://www.nytimes.com/1989/07/17/obituaries/herbert-von-karajan-is-dead-musical-perfectionist-was-81.html?pagewanted=all>.
- ¹²³ Robert Everett-Green, "Shooting on the Home Front (German Propaganda Movies, WWII)," *Queen's Quarterly* 103.1 (1996), http://go.galegroup.com/ps/i.do?id=GALE%7CA30375267&v=2.1&u=mmln_b_winsor&it=r&p=GPS&sw=w&asid=c98291a5f6cc049a6ccbf699d53a43c3.
- ¹²⁴ Corliss, "That Old Feeling."
- ¹²⁵ Gregory J. Golda, "Expressionism and Sergei Eisenstein," http://www.psu.edu/dept/inart10_110/inart10/expres.html.
- ¹²⁶ Corliss, "That Old Feeling."
- ¹²⁷ "An Interview with Alice Schwarzer on Leni Riefenstahl," by Henriette Löwisch and Alice Schwarzer, *German Politics and Society* 31.3, no. 108 (2013): [Page 79], ProQuest.
- ¹²⁸ Riefenstahl, *A Memoir*, 19.
- ¹²⁹ Audrey Salkeld, *A Portrait of Leni Riefenstahl* (n.p.: Pimlico, 1997), 227.

¹³⁰ Ibid., 228.

¹³¹ Morris, "Lonesome Leni: The Wonderful."

¹³² Ray Müller, "Her Talent Was Her Tragedy; An Interview with Ray Müller," by Robert Sklar, Cineaste, 1993, http://go.galegroup.com/ps/i.do?id=GALE%7CA16010016&v=2.1&u=mmlin_m_wellcol&it=r&p=AONE&sw=w&asid=38e20a2f46c4e88f8fa5d8d3f96494d3.

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FINDING AN ORTHODOX POSITION
ON THE QUESTION OF CHRISTOLOGY

Abby Langford

The Council of Nicaea was the most important event of the fourth century in the West; the arguments over the institution of the Nicene Creed formed an epoch in the history of church doctrine, and the creed itself both summed up all previous discussion concerning the question of Christology and regulated the progression of the development of orthodoxy in the Catholic faith that would follow for centuries. In the third volume of his book *History of The Christian Church*, historian and theologian Philip Schaff compares the Council of Nicaea to a bed of lava upon which the sweet fruit of the vine may still grow. Even though the dispute that brought the question of Christology to the attention of Emperor Constantine was fought by zealous men and weak men alike, the settling of the dispute institutionalized the Nicene Creed—the sweet fruit of the vine—which expresses the orthodox Christian faith in the deity of Jesus Christ. And as long as that faith lives, the Council of Nicaea—the bed of lava—will forever “be named with reverence and gratitude.”¹

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The events prefacing and comprising the acceptance of an orthodox position concerning the doctrine of Christology at the Council of Nicaea are indicative of the solidification of Church power during the reign of Constantine the Great. The imperial officials of the Roman Empire supported the solidification of Church power because they believed establishing an orthodox position would bring about unity in the empire. The passions of the laity and clergy helped solidify Church power as they worked toward an orthodox position they thought would justify their beliefs. However, the events following the creation of orthodoxy in the form of the Nicene Creed are indicative of how the pursuit of such absolute goals by both the Roman Empire and the clergy led to a weakening of the council's achievements.

The support of the Roman Empire became detrimental over time because of Constantine's focus on achieving unity, so that he did not stop to understand the Arian Controversy itself, and the passions of the clergy became detrimental because they focused on justifying their own beliefs, and they did not stop to understand the need for a unified empire. Because the two forces that encouraged the establishment of an orthodox position at the Council of Nicaea ended up undermining the Nicene Creed as orthodoxy, the disputes concerning the doctrine of Christology, collectively called the Arian Controversy, lasted for decades after the position was accepted.

The complexity of the historical origins of the dispute has unfortunately obscured them. Tradition has cast blame on Arius, the man whose question concerning Christology led to the summoning of the Council of Nicaea, as seen in how his name is now a byword for heresy. This is peculiar, for when he first inquired as to how Jesus Christ could be God in the same way as God the Father, there was no orthodox position that could dictate whether or not he was wrong. Sadly, the very question that established orthodoxy for Christians worldwide transformed Arius into the embodiment of heterodoxy.

Due to the question posed by Arius, a presbyter of Alexandria, to his bishop Alexander concerning Christology in about

320 CE, a theological passion seized the Christian churches of the Roman Empire and its surrounding states, which endangered the coherence of the Church.² Arius believed that Jesus was a part of the created order. The God of Arius was closer to the God of the Greek philosophers than that of Alexander, causing his thoughts on salvation to resemble those of the Greek philosophers also. The Stoic and Platonic view was that it was possible for a virtuous human to become divine. Arius shared that view, which was circulating throughout the Roman Empire. He had an optimistic view of humanity's capacity for God; his view was that Jesus Christ had crossed the divide between the creation and the Creator by living a perfect human life, which meant that there was now a path to salvation and divinity for Christians to follow. Arius believed that if Christ had not been human, and thus created, there would have been no hope for humanity.

Bishops who agreed with the teachings of Arius, or regarded them as harmless, began to defend him and his teachings. In response to the support for Arianism, Alexander, who held the opposing viewpoint, sent out a number of letters that argued against those who had defended Arius. Bishops took sides, thus causing the imperial provinces over which those bishops presided to rise up against one another. Because of the importance of the controversy to the fundamental beliefs of the Christian faith and the fervor with which the sides of the controversy expressed their beliefs, the Roman Empire quickly transformed into a theological battlefield.³

Not only the coherence of the Church but also the unity of the Roman Empire was threatened by the controversy. In hopes of maintaining harmony within his empire, Emperor Constantine intervened, despite believing that the question was simply a theological nuance. However, the Arian Controversy involved a vital question about the nature of God that when arbitrated would define fundamental beliefs of the Church. Constantine sought to maintain the conformity of his adopted religion when the controversy became too heated by summoning a synod to Nicaea tasked with settling the issue.

Despite the response of Bishop Alexander, Arius defended his position zealously. A sharp and logical thinker, he appealed to Scripture to confirm his beliefs. One example is *1 Timothy 6:16*: “[God the Father] alone possesses immortality.”⁴ The goal of Arius was not to undermine Christ but rather to give an explanation for the incarnation that runs into fewer difficulties. Arius found it easier to understand how the Son of God was united with human flesh if Jesus Christ was not of divine origin but rather a perfect creature or honorary god.⁵

The desire of Constantine to achieve a unified empire caused him to support the formation of an orthodox position at the Council of Nicaea, which, in turn, solidified Church power. In order to push orthodoxy, he threw imperial weight at the council. Prefacing the council, the Roman Empire gave support through allotting funds, employing the tactic of toleration, addressing letters, and summoning the synod itself, which would convene at Nicaea.

Constantine did not realize how helpful the Christian Church could be in his quest to achieve supreme power until the year 312. Once he had come to that realization, he began to intervene in matters that threatened the unity of the Church. The Christians of North Africa were, at that time, sharply divided. In response to that division, Constantine sent funds to support reliable clerics and subsidize two church councils. However, money was not able to buy unity. He then employed the tactics of persecution and confiscation to bring about harmony, but again he did not succeed. He turned to the tactic of toleration as a last resort, and it would prove successful in calming passions in the West, becoming the standard for Emperors to come. While Constantine was turning toward religious toleration in the Western Roman Empire, his co-Emperor, Licinius, continued to employ the tactic of toleration, which he had employed since the beginning of his reign in the Eastern Roman Empire.

However, Licinius met his limits of toleration by 321 when he prohibited a meeting of bishops. The hostilities of the Arian Controversy began to sweep across his half of the empire and were threatening the unity of his reign. Supported by the bishop of

Nicomedia and his wife, Constantia, Licinius revoked his practice of tolerance and forbade the bishops to convene. In protest, some Christians refused to participate in the sacrifices celebrating the fifteenth year of his reign. Constantine, always looking to expand the sphere of his influence, supported those Christians. Therefore, many bishops of the Eastern Roman Empire began to hope that Constantine would become their sole leader.

Constantine became the sole Roman emperor in the spring of 324 and inherited the divided churches of the Eastern Empire. In response to the controversy, Constantine and his religious adviser, the Spanish bishop Ossius of Corboda, decided to maintain the religious policy that Licinius had employed before his defeat: they forbade bishops to hold meetings unless the Emperor himself summoned those meetings.⁶ As they had accomplished a decade earlier with the bridging of the division between Christians in North Africa, Constantine and Ossius hoped to bring reconciliation to the Arian Controversy through writing letters to the disputants. Hence, Constantine sent Ossius bearing the imperial letters addressed to both Arius and Athanasius, Alexander's successor, with hope of reconciliation.⁷

The letters Constantine wrote addressing the Arian Controversy expressed his goal of making Christianity the single religion of his provinces. His letters showed that he viewed Christianity as the superior philosophy of his time that was reinforced by the power of a Supreme Deity, so he wished for that philosophy to bring his empire together, not cause controversy over what he considered to be insignificant debates. He believed that those involved in the debates should agree to bring about unity and return to him "his trouble-free days and nights of repose."⁸ The letters also reprimanded both sides for bringing up the question of Christology, which was threatening the unity of the empire, and ordered them to refrain from discussing the question further. They might have been able to remain silent if it was not for Alexander having previously addressed a work containing their defense to the Eastern bishops. Bishops from many provinces had signed it; however, in contrast to Alexander's claim of universal support,

there were many names missing, especially those from the West where the influence of Nicomedia was strong.⁹

Since the attempt to bring reconciliation to the controversy failed, Constantine turned to a different approach. The approach, which he claims was endowed upon him by God, was to summon the First Ecumenical Council.¹⁰ He sent letters of invitation to the bishops of the empire to convene at Ancyra the following year, which he later changed to Nicaea.¹¹ Constantine gave the bishops three reasons for changing the location of the first ecumenical council from Ancyra to Nicaea. The first reason was that Nicaea would be more convenient for the Western bishops in terms of location. The second reason was that it had a milder climate. But the real reason was his third: Nicaea was at a closer proximity to the residence of the Emperor in Nicomedia than was Ancyra. Because of the closer proximity, changing the location to Nicaea allowed Constantine to more easily participate in the proceedings of the council and keep the bishops under his control.¹² He decided that not only a solution to the Arian Controversy would be decided upon at the council but also a solution to other problems affecting the Church at that time, such as the dating of Easter and the reconciliation of schismatic groups.¹³

Unfortunately there are not many primary sources describing the council because the official record of its proceedings disappeared following its dismissal. However, twenty-five years later, Eusebius of Caesarea wrote a history of the council from memory.¹⁴ Eusebius's laudatory description of the arrival of Constantine to the council on the fourteenth of June demonstrates the great shift in the social and cultural status of the Church, which occurred after the Battle at Milvian Bridge in A.D. 312. Only thirteen years since the end of the period of persecution of the Church, the bishops' opinion of the Emperor had greatly changed. Whereas before the Battle at Milvian Bridge bishops regarded the Emperor of the Roman Empire as their worst enemy, Eusebius states that the bishops viewed Constantine, their Emperor, as a "heavenly messenger of God" who "united the spiritual ornament of the fear of God."¹⁵

Even if Constantine had not in fact seen the image of the Chi-Ro appear in the sun and heard the voice of God telling

him to adopt Jesus Christ, as he claims, the belief of the bishops in his claim caused them to look to him as the honorary head of the assembly, regardless of his not having yet been baptized. Constantine even delivered the opening address. He emphasized how his defeat of Licinius ended the period of persecution of the Church and how since that period has passed, he wished only for the Church to be united in harmony and peace. He also called to the attention of the bishops the irony of their theological dispute, for he believed that it was their job as the anointed ones of God to preach the harmony and peace that they had cast aside.

An estimated three hundred and eighteen bishops—about one sixth of the all of the bishops of the Roman Empire—accepted the invitation to attend. Their passage to, residence in, and passage from Nicaea was paid for in full by the public treasury, which demonstrates the lengths to which Constantine was willing to go to attain a unified empire. Some of the bishops did not accept his invitation not because they were concerned with the formation of a final decision upon the relationship between Jesus Christ and God the Father but, rather, because they had private disputes to present to Constantine. In response to those disputes, Constantine burned their papers without reading them and “exhorted the parties to reconciliation and harmony.”¹⁶ Following the preliminaries of the council, most of the bishops presented written accusations against selected colleagues to Constantine. The majority of historians doubt the accusations were based on theological views because the question of Christology had not yet been stated. It is instead accepted that the accusations concerned the reliability of the bishops who had previously won favor with Licinius, which demonstrate the lingering wartime psychology among many of the bishops from the age of persecution.

This psychology of many bishops, which originated during the age of persecution, was supported at the Council of Nicaea with the presence of older men, like Ossius, at the Council, who claimed that they were the men who remained faithful under a reign in which they were deformed by persecution. Few of the bishops present had suffered to those extremes under Licinius, but they all acknowledged that Eusebius of Nicomedia had stood

the closest to him, which made many of them suspicious of his intentions. Constantine would not accept the written accusations most of the bishops presented against selected colleagues. In state affairs, he had denounced informers as early as 312 and had imposed the penalty of burning accusers in 320. He employed that same policy in religious affairs. The majority of the bishops present had shown Constantine their intentions by informing on their colleagues, and the response of Constantine to burn the accusations without reading them indicates his moral superiority and political skill. By treating all of the accusations as anonymous, he was able to refrain from burning the accusers.¹⁷

Eusebius of Caesarea presents Constantine in a positive light within his recounting of the discussion concerning Christology led by the Emperor himself. It appeared to Eusebius that the effectiveness of Constantine's tactics in achieving unity came as a surprise to all of the bishops present. The tone of Eusebius in *Vita Constantini*, his history of the Council of Nicaea, conveys his surprise that Constantine was able to bring all of the dissenting bishops to harmony while simultaneously respecting all of their concerns. Eusebius writes that Constantine was able to bring all of those to harmony through his persuasion, reasoning, praises, and urging. Also, his knowledge of the Greek language worked in his favor. Since he was able to speak in the official language of the council instead of Latin, the official language of the government, he gained favor with those present. He appeared truly attractive as their leader and amiable as their equal.¹⁸

Even though an orthodox position was formed and described as the Nicene Creed during the Council of Nicaea, it was formed and described not because a consensus had been reached between the bishops in the synod, but rather because of the pressure placed on those bishops by Constantine and the orthodox party. Only a few of the bishops would have agreed completely with Arius' stance, and even fewer of the bishops would have agreed completely with the orthodox party's stance. In fact, the greater majority of the synod would have held beliefs in between those two positions. However, the orthodox party was able to foist

its theology and creed describing it, the Nicene Creed, upon the other bishops. Only Arius and two of his supporters refused to sign the Nicene Creed. Nevertheless, Constantine was pleased with what he saw to be an agreement, for he did not understand in the slightest the theological passions he attempted to resolve.¹⁹

The majority of the inhabitants of the Roman Empire all believed that the establishment of an orthodox position would justify their proper beliefs, so they became passionate about the idea of convening a synod to Nicaea, causing them to support and bring about a further solidification of Church power.

From the start of the proceedings, the attendees of the council divided into three distinct parties concerning the question of Christology. The orthodox party composed the extreme right, the Arians, who are also known as the Eusebians, composed the extreme left, and the majority held the middle ground between the two extremes. The orthodox party was the minority in terms of numbers; however, they were by far the weightiest in terms of talent and influence. Alexander of Alexandria was one of the five bishops standing at its head. Those five bishops were accompanied by the Alexandrian archdeacon, Athanasius, who was by far the most talented and influential of them all, despite not being able to hold a voice or seat in the council due to his youth. He was seen as holding the promise of becoming the future head of the orthodox party.²⁰ In comparison to Arius's view of man's capacity for God, which was held by the Arians, Athanasius's view was considerably less optimistic. He believed that when humanity first sinned, they fell back into the nothingness from which they were created. God was then required to descend to the created realm through Jesus Christ—God the Father made flesh—in order to share with humanity his divine nature. Therefore, only the Creator could save his creation from returning to nonbeing, which meant that Jesus Christ was made of the same stuff as God the Father.²¹

The Arians, with perhaps twenty bishops, were more numerous than the orthodox party. Eusebius of Nicomedia, who would later become the bishop of Constantinople, stood at the head of the party along with the presbyter Arius. The Emperor favored the

Arians because Eusebius of Nicomedia was allied with the imperial family. Even though Arius was not a bishop, he attended the council at the command of Constantine, and the council called upon him often to share his views with the council since it was his actions that caused the question of Christology to come to the attention of the Emperor.

The majority held the middle ground between the orthodox party and the Arians, but because Eusebius of Caesarea, who stood at the head of the majority, leaned more heavily toward the right, the rest of the majority followed. The majority of those holding the middle ground only retained uncertain opinions, so they were easily swayed by the arguments of the more talented and influential party and by external pressure, especially the desire of Constantine to achieve unity.²²

Even before the summoning of the council, Arius's desire to have his beliefs established as the orthodox position led him to rally support through appealing to the laity of the Roman Empire. Within the hierarchy of the Church, the role of Arius was senior presbyter over Baucalis, one of the twelve sections of Alexandria. An extremely persuasive preacher, Arius acquired a devoted following of clergy and ascetics. He even went so far as to circulate his teachings through setting them to popular verse and songs.²³ Arius composed a poem, entitled "Thaleia," in order to present his doctrine concerning Christology to all of the inhabitants of the empire through a popular form. Athanasius alleged that the "Thaleia" was sung throughout the empire even within the bars of Alexandria, which, if trustworthy, demonstrates that even the lower orders of the city concerned themselves with theological affairs.²⁴

A notable feature of the Later Roman Empire was the profound interest most of the inhabitants of the empire took in dogmatic controversies in spite of their social or cultural class. The passion those inhabitants felt for such questions of the Christian faith is demonstrated by the threats posed to the unity of the empire and the stubborn resistance to any tactic other than toleration in response to those threats. Thousands of humble Christians resisted the penal laws set against heretics because they demonstrated the

lack of religious toleration within their Emperor. Historians doubt whether or not all of the inhabitants of the empire interested in dogmatic controversies understood the subtle metaphysical point involved in those controversies. However, it is not doubtful that there was an intense popular interest in those controversies, which to many Christians of the twenty-first century seem extremely arid. Gregory of Nyssa described Constantinople towards the end of the Arian Controversy as a city in which if one would ask a shopkeeper a simple question as to the price of an item, for example, they would reply with their viewpoint on the question of Christology.²⁵

Confident that his viewpoints would be accepted by the majority, Athanasius demonized Arius through persuading the Romans to view him as an enemy of the Church.

While Christians throughout the Roman Empire were discussing the question of Christology, a new representative of clerical power, Athanasius, emerged from the synod promising an end to the controversy. The zealous stance he held concerning Arianism and the radical actions Alexander took as a result demonstrates one of the ways in which early Christian leaders interacted due to the lack of a widely adopted orthodox position. It was at the Council of Nicaea, however, that Athanasius and Arius began to publicly challenge one another's beliefs, which was the commencement of the controversy between Athanasius and Arius that would last for sixty years.²⁶ The controversies, which arose during the era, were full of fervor because the disputants truly felt that the fundamentals of their religion were at stake. The Arian Controversy represents that concern for fundamentals because those in opposition to the teachings of Arius believed him to have "undermined Christ's standing as God's revelation" and, therefore, his standing as "the redeemer of mankind."²⁷

Following the death of Alexander of Alexandria in April, 328, Athanasius took his place as the bishop of Alexandria and as the head of the orthodox party, which had become the Nicene party. One of his first acts as bishop was to refuse to reinstate Arius as presbyter. Arius had been recalled from exile by Constantine, who had been swayed by Eusebius of Caesarea, members of his family,

and a confession of Arius, to think more favorably of Arius. However, even though he had recalled Arius from exile, Constantine continued to believe he was demonstrating accordance with the Nicene Creed, which demonstrates that he never understood the extent of the controversy other than the fact that it was a theological debate bringing discord to his empire. This is further demonstrated by the fact that he asked the Arian Eusebius of Nicomedia to baptize him shortly before his death in A.D. 337.²⁸

Because the Roman Empire and clergy went about establishing an orthodox position in an oppressive manner to fulfill their personal agendas, that position was quickly undermined by those who had rallied for its creation as seen in the events following the Council of Nicaea.

The personal agenda of Constantine was to bring unity to his empire; however, he was so focused on the fulfillment of his agenda that even though he participated in the proceedings of the Council of Nicaea, he did not take the time to understand the Arian Controversy itself. This caused him to unknowingly undercut the Nicene Creed by outwardly showing a support to those with beliefs in Arianism later in life. The personal agendas of the clergy were to have their own beliefs justified within an orthodox position so that all would be required to uphold them. However, if their personal agenda was not met, they would have turned away from the orthodox position they had supported without understanding the political need of the Roman Empire to be unified.

The Council of Nicaea lasted for two months. At the end of the council, Constantine was extremely optimistic and truly believed that all of the problems of the Church had been solved. He sent the members of the synod home with zeal. They all attended a banquet at which they celebrated the creation of an orthodox position and the *vicennalia* of Constantine, or twentieth anniversary of his reign.²⁹ Before the council was fully dissolved, Constantine summoned all of the bishops to meet him so that he could address them in a farewell speech. Within the speech, he recommended the bishops be diligent in upholding the unity achieved at the council by casting aside their pride and instead

looking toward not only the wellbeing of the Church but also the wellbeing of the entire empire. After the end of his speech, Constantine gave them permission to return to their provinces. Eusebius stated that Constantine dismissed them with joy and hope because “those who had long been divided” were, as a result of the council, “bound together as members of the same body.”³⁰ After the celebration of his *vicennalia* and the dismissal of the bishops, Constantine personally wrote letters to the bishops who were not present about the proceedings of the council. The letters ended with an exhortation to obey the decrees of the council. Within the exhortation, it becomes clear that the view of Constantine was that the decisions of such synods expressed the will of God.

He was certainly aware that social, political, and personal factors also played a role in the decisions. However, he believed that even those factors were sanctioned by God because God appointed the bishops and gave Constantine his victory over Licinius. He transmitted his letter in several copies, so that all who read it would view his sincerity and piety towards God and would mirror that attitude.³¹ After defeating Licinius, Constantine assumed the responsibility not only for the unity of the Roman Empire but also for the unity of the Church. In the Western Roman Empire, his attempts to unify the Church were not successful. Summoning delegates and paying their expenses himself did not produce the desired peace and harmony. However, he employed the same tactics with the Eastern bishops, but took his efforts a step further by participating in the synods himself, not only in the steps leading up to them. Therefore, he seemed able to achieve the unity he desired.³² Constantine involved himself in the theological and religious questions of the Church in the interest of obtaining unity within his empire through being guided by a united religion. However, because he was only involving himself for political reasons, he went about attempting to settle the dispute in a diplomatic style. For example, he sent letters to the parties within the Arian Controversy so that they would compromise. A compromise could not be achieved since in theological and religious questions the parties must fight to their last resort in hopes of having what they

believe to be truth accepted as truth by all through being deemed a part of the orthodox position.³³

But the unity Constantine cultivated by involving himself in the proceedings of the Council of Nicaea did not last. The achievements of the council were undone within three years after the bishops were dismissed.³⁴ After the Council of Nicaea, the Arian Controversy continued despite an orthodox position having just been set. The signing of the Nicene Creed did not sway the beliefs of Arius and other religious leaders, who continued to teach what they had taught before Constantine had summoned the synod.³⁵ Since most of the clergy were not supportive of the accepted orthodox position described within the Nicene Creed, the half-century following the formation of the Nicene Creed was marked by intense chaos within the Church of the Eastern Roman Empire. The struggle for the Nicene Creed to be recognized as the description of the orthodox position was further complicated by the local social and cultural factions, inter-church disputes, intervention of Emperors, and confusions between the churches of the West and East due to a translation barrier that characterized that half-century. The fact that it took a half-century for the struggle to be drawn to a conclusion may be attributed to those characteristics of that period, which intertwined with the main problem, slowing the progress of the Nicene Creed toward universal acceptance.

One of the reasons the personal agendas of the clergy were not met was the use of the term *homoousios* to describe the relationship between Jesus Christ and God the Father.

Numerous members of the clergy chose to form their own statements of belief in rejection of the Nicene Creed. Those statements of belief ranged from closely paralleling the ideas in the creed to starkly contrasting with them. Not surprisingly, none of them used the term *homoousios*.³⁶ It was difficult for the Creed to receive universal acceptance because some of the beliefs it described were highly controversial and begged many important questions, one of which was how Jesus Christ could be *homoousion* with God the Father without being a second God.³⁷ Athanasius believed that

Jesus Christ was made of the same stuff, or was *homoousios*, with God the Father. Since the leader of the orthodox party was adamant that the term *homoousios* be used to describe the relationship between Jesus Christ and God the Father, the entire party would not sign the creed without that definition being accepted. Therefore, Constantine supported the use of that non-biblical term with the goal of achieving a unanimous decision and, thus, unity. Those composing the synod at the Council of Nicaea were not oblivious to the desire of Constantine for unity. In fact, it influenced their decisions. Even though the majority of those present at the council objected to the use of the controversial term, *homoousios*, they felt forced to act against their beliefs because Constantine had said it would unify the Church if used to explain their chosen orthodox position to all of the Christians.³⁸

The term was not only controversial because it was not found in scripture but also because the term was frequently used in Greek to describe two objects fashioned from the same material, like two gold coins. And, the Greek-speaking bishops from the Eastern Roman Empire were fearful that the term split the Godhead into two as if it were a material being.³⁹ Despite those two reasons to object to the use of the term, no one dared to speak out against Constantine, but their embarrassment at their cowardliness drew them to play down the importance of the term.⁴⁰ While the Council of Nicaea was a victory because it provided those within the orthodox party a defense to employ against the heretics denying the essential deity of Jesus Christ, it did not sway the views or teachings of the majority of the bishops, who had yielded to the use of the controversial term, *homoousios*, for numerous reasons: they did so reluctantly; they did so with a broad interpretation of the term; or they did so because of the pressure from the Emperor for unanimity. That majority of bishops were not swayed, so their stance on the validity of the Nicene Creed was at risk of shifting with a simple change of circumstances.⁴¹

When the positions of the bishops who had signed the Nicene Creed began shifting to the point where their views and teachings declared it invalid, the Arian Controversy broke loose,

and Arianism rose to power. It began developing politically. The Arians were more intolerant of those holding the orthodox position, rather than vice versa, so the elections of bishops often became battles between these two theological camps, which more often than not resulted in bloodshed. The period during which Arianism was rising to power politically was marked with many battles between those holding the orthodox position and the Arians, whether it was bishop against bishop, council against council, creed against creed, or anathema against anathema.

The Nicene Creed, employing the term, *homoousios*, was read out loud by the secretary of the synod and, then, was signed by the attending bishops. This marked the first instance that a document was signed in the Church to be accepted as orthodox. Attached to the Nicene Creed was a signed condemnation of the Arian heresy. Eusebius of Caesarea signed the Nicene Creed and the condemnation of Arian heresy after a day of deliberation. However, Eusebius of Nicomedia, one of the heads of the Arians, and Theognis of Nicaea, another Arian, signed the creed but refrained from signing the condemnation leading to both of them being deposed and, for a time, banished. The two bishops of Egypt, who had not abandoned the teachings of Arius after the creed proposed by the Arians was torn to pieces—Theonas and Secundus—signed neither the creed nor the condemnation, along with Arius. As a result, the three of them were banished to Illyria, the books of Arius were burned, and all the followers of Arius were branded as enemies of Christianity.

The banishment of Arius and two of his followers is the first example of civil punishment for heresy. When there was a separation of Church and state in the Roman Empire, the punishment for heresy was, at worse, excommunication. However, because Constantine had erased the line dividing the Church and state, banishment and, later, death became the penalty for departing from the orthodoxy of Catholic faith. More extreme civil punishments became acceptable because, due to the actions of Constantine, offenses against the Church were not only regarded as such, but as also as an offense against both the state and the civil society.

After the synod was dismissed, Constantine issued several decrees, which attributed the Nicene Creed to divine inspiration and set the observance of the Nicene Creed as a law of his empire.⁴²

Even though Constantine had branded Arians as enemies of Christianity and, therefore, enemies of his empire, Constantine became a supporter of Arianism during the last years of his life. His successor, Constantius, followed his example, and Valens, the Emperor of the Eastern Roman Empire, was also an Arian.⁴³ During the majority of the duration of the Arian Controversy, which continued for around sixty years after the Council of Nicaea, Arius and his followers were favored by the Emperor of the time.⁴⁴ Because the Arians had that support, their main adversary, Athanasius, was often persecuted. He was removed from his position as bishop and exiled four times. While living in exile, Athanasius wrote against Arius and Arianism as an entity.⁴⁵ Athanasius was deposed numerous times throughout the period during which Arianism was rising to power politically. Because he had thrown himself into promoting the orthodox position so fully, answering the question of whether not his deposition was legitimate answers the question of whether or not the Nicene Creed was prevailing over the Arian views and teachings.⁴⁶

Arianism prevailed in the Eastern Roman Empire due to the reign of Constantius, the second son of Constantine, who, along with his court, was a strong observer of the teachings of Arius. Because Arianism prevailed, Eusebius of Nicomedia was made bishop of Constantinople since he was the leader to whom the Arians and less consistent semi-Arians had turned after the death of Arius. However, whereas Arianism prevailed in the East, the Church of the Western Roman Empire was committed to the orthodox position that had been accepted at the Council of Nicaea, which caused them to regard Athanasius as a martyr of the Catholic faith. This caused the Arian Controversy to evolve into a conflict between the two halves of the Roman Empire, the East and West. Therefore, with the goal of reacquiring the unity their father had found through inviting a synod to Nicaea, Constantius, the Emperor of the East, and Constans, the Emperor of the

West, summoned a council in Illyria in A.D. 343, during which the Nicene party prevailed.⁴⁷

As seen in the council Constantius and Constans summoned, the Council of Nicaea set the model for councils to come. The Emperors summoned the councils and influenced their proceedings. The Emperor also took advantage of his civil power to give the decrees concerning the outcome of the council on the standing of imperial laws. The role of the Roman Emperor in councils following the one held in response to the Arian Controversy would be modeled after the role of Constantine in the Council of Nicaea. The Nicene Creed also set the model for creeds to come. Its acceptance by the synod at the Council of Nicaea demonstrated a shift in what could be acknowledged as orthodox. The Nicene Creed gave the use of a non-biblical term a large importance in explaining the relationship between God the Father and Jesus Christ whereas before the acceptance of that creed, the use of such a term would have been considered heretical.⁴⁸

Since the Roman Empire and the clergy, who had supported the establishment of an orthodox position at the Council of Nicaea, began to undermine the Nicene Creed when their personal agendas were not fulfilled, the Arian Controversy continued to be a battle between those two forces for decades after the position was accepted.

A question concerning the Nicene Creed was troubling the inhabitants of the Roman Empire: How can Jesus Christ be divine as the Incarnation of God the Father if there is only one God? Because it seemed like the concept of the Holy Spirit had been tacked onto the Nicene Creed as an afterthought, many people were confused. They inquired on whether or not the Holy Spirit was an activity, was a creature, was a synonym for God, or was unable to be described. Based on the words of St. Paul, who described the Holy Spirit as being renewing, creating, and sanctifying, it followed that since the Holy Spirit was capable of activities only able to be performed by God, the Holy Spirit was also divine. The Cappadocians, three scholars from Cappadocia in eastern Turkey, provided an expanded answer to that question

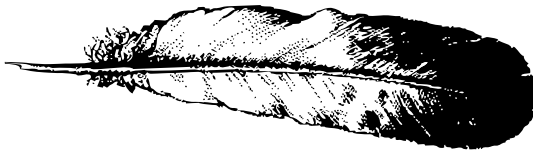
and developed the notion of the Holy Spirit, creating the doctrine of the Trinity. Their contributions to early Christian theology resulted in the turning of the majority of the followers of Arianism towards the orthodox theology.

To explain their understanding of the concept of the Holy Spirit, the Cappadocians used the way in which Athanasius had explained what he viewed the relationship between God the Father and Jesus Christ to be during one of his disputes with Arius. Karen Armstrong stated the formula: “God had a single essence (*ousia*) which remained incomprehensible to us—but three expressions (*hypostases*) which made him known.”⁴⁹ The Cappadocians believed that because the *ousia* of God is incapable of being fully understood, humanity is only able to know God through his *hypostases*, the manifestation of the Father, Son, and Spirit. Some Western theologians were mistaken because they thought that the Cappadocians were claiming to believe in three separate divine beings. This mistake was rooted in their unfamiliarity with Greek. They had missed the subtle difference in the meaning of the term *ousia* and *hypostasis*. The *ousia* applied to an object as it was within itself, and the *hypostasis* applied to an object as it was viewed from without. In more general terms, *hypostasis* means the exterior expression one wears that expresses their inner nature. Therefore, the Cappadocians were not claiming to believe in three separate divine beings but instead one God, who, when he decides to show himself to his creation, does so in three different expressions.⁵⁰

However, the Arian Controversy continued. The prevailing views and teachings were always shifting between Arianism and the orthodox position. Arianism was finally destroyed in the Roman Empire when Theodosius I ratified the decrees of the Second Ecumenical Council, which he summoned in May, 381. As early as July, he had enacted the law, which stated that all bishops who did not believe in the equal divinity of God the Father, Jesus Christ, and the Holy Spirit were to be deposed because the public worship of heretics was forbidden.⁵¹ During the half-century following the acceptance of the Nicene Creed, Arius was banished to the provinces of Illyria by the decree of Constantine. Because of his

banishment to Illyria, its provinces became a bastion of Arianism. It is due to the strong upholding of the teachings of Arius by the population of Illyria that the Visigoths adopted Arianism when they interacted with those people. The Visigoths then repopularized Arianism by launching it as the new religion of the barbaric people, who, then, overwhelmed the orthodox Western Roman Empire.⁵²

Although Arianism was destroyed in the Roman Empire in July, 328, the doctrines of Arianism continued to be maintained among different barbaric peoples of the West for two centuries longer. These people had been converted to Christianity by decree of the Eastern Roman Empire during the period in which Arianism was rising to power politically. However, those barbaric peoples rarely understood the differences between Arianism and the orthodox position but only acknowledged that there was, in fact, a difference between the two. They were not Arians because they believed in the views or teachings of Arius but, rather, because they had been paid in weapons or money to buy weapons to convert to Christianity, and those striving to bring about that conversion were Arians. However, even after Arianism was also destroyed among the barbaric people, views and teachings similar to those of Arius continued to appear as isolated cases.⁵³ The search for an orthodox position on the question of Christology at the Council of Nicaea would not have been possible without the solidification of Church power during the reign of Constantine the Great. However, because the two groups that supported its solidification, the Roman Empire and clergy, ended up undermining the Nicene Creed as orthodoxy, the effort put into finding an orthodox position continued through the Arian Controversy for decades after the adjournment of the council.



Endnotes

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³ Schaff, 618-622.

⁴ Armstrong, 106-111.

⁵ David F. Wright, "Acceptance and Conquest," in *Eerdman's Handbook to the History of Christianity*, ed. Tim Dowley (Grand Rapids, MI: WM. B. Eerdmans Publishing Cooperation, 1977), 156-157.

⁶ Robert M. Grant, "Religion and Politics at the Council at Nicaea," *The Journal of Religion* 55, no. 1 (January 1975): 1-3.

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⁸ W.H.C. Frend, *The Rise of Christianity* (Philadelphia: Fortress Press, 1984), 496-497.

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¹⁰ Schaff, 618-622.

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¹⁴ Grant, 1.

¹⁵ Schaff, 622-632.

¹⁶ Ibid., 622-632.

¹⁷ Grant, 5-6.

¹⁸ Eusebius of Caesarea, *Life of Constantine: Vita Constantini* (North Charleston, SC: CreateSpace Independent Publishing Platform, 2013), Chapter XIII.

¹⁹ Armstrong, 110-111.

²⁰ Schaff, 622-632.

²¹ Armstrong, 109-111.

²² Schaff, 622-632.

²³ Wright, 156.

²⁴ Arnold Hugh Martin, *The Later Roman Empire 284-602: A Social, Economic, and Administrative Survey* (Baltimore, MD: The John Hopkins University Press, 1986), 2:964-965.

²⁵ Ibid., 2:964.

²⁶ Frend, 500-501.

²⁷ Wright, 156-157.

- ²⁸ Schaff, 632-638.
²⁹ Frend, 500.
³⁰ Eusebius of Caesarea, Chapter XXI.
³¹ Ibid., Chapter XX.
³² Grant, 11.
³³ Schaff, 618-622.
³⁴ Grant, 11.
³⁵ Armstrong, 111-112.
³⁶ Wright, 160.
³⁷ Armstrong, 111-112.
³⁸ Frend, 499.
³⁹ Wright, 159.
⁴⁰ Frend, 499.
⁴¹ Schaff, 632-638.
⁴² Ibid., 622-638.
⁴³ Basil Bush, trans., *The History and Canonical Structure of the Orthodox Church*, comp. Metropolitan Hilarion Alfeyev, vol. 1, *Orthodox Christianity* (Yonkers, NY: St. Vladimir's Seminary Press, 2001), 44-45.
⁴⁴ Armstrong, 111-112.
⁴⁵ Bush, 44-45.
⁴⁶ Schaff, 632-638.
⁴⁷ Ibid., 632-638.
⁴⁸ Wright, 160.
⁴⁹ Armstrong, 115.
⁵⁰ Ibid., 113-117.
⁵¹ Schaff, 632-638.
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⁵³ Schaff, 632-638.

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Edward Gibbon [1737-1794] *The Decline and Fall of the Roman Empire*, Volume One. New York: Everyman's Library, *Introduction* [1993] by Hugh Trevor-Roper (excerpt) pp. liii -liv

Edward Gibbon is, in an important respect, the first modern European historian. That is, he is the first historian of the past whose work is still read not merely for pleasure but for instruction. The first volume of his *Decline and Fall of the Roman Empire* appeared in 1776, the last in 1788. It was challenged at the time and has always aroused opposition in some quarters; but no criticism has been able to sink it. Its intellectual content remains valid today, and any discussion of the course and causes of the decline of Rome is still dominated by it. Of no other historian writing before 1830 can this be said. Both as an historical scholar in his mastery and judgment and uses of the evidence, and as an historical interpreter in his examination of causes and effects, Gibbon is still unique in his time.

Of course there are earlier historians whom we still read and enjoy—Froissart, Commines, Clarendon, St Simon. But these were chroniclers of their own time, and their value lies largely in the fact that they were contemporary with the events they chronicled. They were irreplaceable eye- or ear-witnesses. But Gibbon did not write contemporary history. The durability of his work owes nothing to the advantage, or accident, of direct observation. In looking back on the Roman Empire he enjoyed no technical or adventitious advantage over us. Indeed, we may say, he enjoyed less than we do, for the intervening two centuries have vastly increased the evidence for such study. Nevertheless, this increase of evidence has not driven Gibbon, as it has driven every other eighteenth-century historian, out of the field. He remains modern, surprisingly modern. Later commentators may supplement or modify the detail of his work, but they very seldom detect an error. They cannot improve on the style, and they generally endorse the judgment.

Gibbon's whole life was, effectively, devoted to this work, and it supplies the unity of his life. His first and last ambition, as he himself tells us, was to be an historian. His earlier writings, in themselves unimportant, interest us solely as evidence of the formation of his historical philosophy. Inspired by that philosophy, he set out consciously to solve the great historical problem of his time. Having offered his solution, he never contemplated another major work. His memoirs, left unfinished at his death, are a strictly intellectual autobiography: the biography not, except incidentally, of Edward Gibbon, but of the author of *The Decline and Fall of the Roman Empire*.

CHINA'S INTERNAL MIGRATION: HISTORICAL CAUSES
OF POPULATION MOVEMENT AND
PRESENT-DAY SOCIO-ECONOMIC IMPACTS

Johannes Nehemiah Hui

Introduction

In the last 30 years, China has experienced rapid economic growth. Beginning in the 1970s, the East Asian economy began to overturn the world order of the post-World War II landscape. In 1978, Deng Xiaoping's arrival to power in China marked the beginning of Chinese dominance as a manufacturing powerhouse¹. Economic reform in the form of *gaige kaifang* (改革开放) ["Reform and Opening Up"] ushered in an era of economic growth lasting up to the present day, averaging a growth rate of more than 9 percent annually as of 2010² to become the world's second largest economy.³

In stark contrast to this breathtaking economic accomplishment, however, lie the problems faced by rural migrant workers today. The driving force behind the expansion of the industrial sector has been cheap labor supplied from the countryside.⁴ While the country has seemingly become a model success story, the plight of these laborers cannot be overlooked. Though China's place in

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the world economy has risen dramatically, this climb to the top has, and continues to be, propelled by migrant workers living on subsistence wages—often withheld from them by their employers—resulting in an endless poverty cycle and the continuation of a migratory population.

Emerging from the villages for a variety of reasons, including economic ones, after the *gaige kaifang*, approximately 200 million peasants, considered surplus labor, either began non-agricultural work or moved into urban areas to find employment.⁵ Referred to as *mangliu* (盲流: “blind flow”) and the “floating population”⁶ due to their constant movement in search for employment, these people remain unable to find urban residence due to government restrictions that also deny them access to social welfare, education for their children, and other public services, treating them essentially the same way as foreign migrants or illegal aliens would be treated.⁷ 2006 estimates indicate their numbers have reached approximately 200 million, with an additional labor surplus of 150-170 million in the villages. The figure for the total number of migrants may actually be even higher as many migrants do not register with urban administrations, and thus cannot be tracked or counted.⁸ The most recent number from the National Bureau of Statistics of China in 2015 places them at 277.47 million.⁹ This essay will explore and trace the historical roots of the causes of both internal migration—with regard to the “floating population”—and the problems these migrant workers continue to face today back to the 1949 CCP takeover and Deng Xiaoping’s *gaige kaifang*.

Push and Pull: Driving Factors of Rural-Urban Migration and Their Historical Roots

In order to understand the factors that drive modern-day rural-urban migration in China, we must first examine the historical trends in this type of movement after the CCP takeover of 1949 and their respective contexts. With the establishment of the People’s Republic of China, Mao began his First Five Year Plan (FYP) from 1953 to 1957 and the Great Leap Forward in 1958 in an attempt spur industrial growth and gain a competitive place in the world economy. Throwing massive state investment into

the industrial sector in the First FYP, urban centers saw the rise of large manufacturing plants prioritizing iron and steel, electric power, coal, heavy engineering, and building materials.¹⁰ Organizing the people into 53,000 communes in the following Great Leap Forward, the new government attempted to catapult themselves past developed countries by employing the general populace in smaller local plants and even in backyard production.¹¹ The result was unprecedentedly swift, but, as would be later revealed, very uneven, economic growth.

The effects of these efforts on internal migration were two-fold. First, the explosion of urban centers through industrialization created a labor gap filled by peasants rushing into the newly developed cities. By 1960, the urban population encapsulated 20 percent of the country's population,¹² up from around 13 percent in 1953 at the establishment of the first FYP.¹³ These new state industries in the cities continued to draw millions of workers from the countryside but never gave them permanent residence or permanent employment. Those who found work were given the lowliest jobs, often the dirtiest and the most dangerous.¹⁴ This initial phase of migration thus established a precedent for cheap rural migrant labor. The second effect on internal migration, while less direct, set up later factors that would contribute to these movements. While economic growth had been quick, the imbalance of this expansion became clear as the government's failure to develop the agricultural sector came to light. In terms of value added and in comparable prices, during the First FYP, industry experienced a growth rate of 18.7 percent compared to agriculture's 3.8 percent.¹⁵ State-controlled grain acquired through taxes and compulsory sales at fixed prices declined after 1954, but demand continued to increase with higher urban populations. Adding on to this pressure was the crucial need for agricultural products in maintaining trade with the Soviet Union, China's largest trading partner.¹⁶ This trend of inadequate investment in agriculture would continue through the 1980s, and create an increasing wage gap between rural and urban areas.¹⁷

Recognizing the damages caused in the previous decade, the government attempted to address them through grain rations

in the cities, and later, a reversal of migration, forcing workers back into the countryside between 1961 and 1965. 24 million workers were made to move to the countryside to cut urban populations.^{18,19} Yet another wave of this reverse migration occurred during the Great Proletarian Cultural Revolution from 1966 to 1977 as millions of party cadres, intellectuals, and young people, particularly those in the Red Guard, were sent to “learn from the peasants.”^{20,21} While millions of migrants still made their way to the cities for employment by state companies in some of the most demeaning jobs during the 1960s and 1970s, the jobs were, as before, temporary, and workers were returned to rural areas afterwards.²² It is important to note that throughout these phases of internal migration, poverty and meager investment in the rural areas remained constant.

The final phase of migration, lasting up to the present day, began in 1978 with Deng Xiaoping’s economic reforms in the form of *gaige kaifang*. By the end of the Cultural Revolution, China had effectively banned all rural-urban migration, bottling up labor in the countryside until the reforms opened up the paths for movement once again.^{23,24} From 1978 to 1990, China’s urban population increased by approximately 80 percent, an average annual rate of 5 percent.²⁵ It is the *gaige kaifang* that has created the central push and pull forces driving the rural-urban migration today and perpetuated the existence of a rural migrant labor force, the “floating population.”^{26,27}

Deng Xiaoping’s first reforms in the countryside emphasized the decollectivisation of land, breaking apart previously established communes,²⁸ a step that eventually created the “push” factor of surplus labor in the countryside. Most significant of the reforms was the establishment of the household contract responsibility system which broke up collectively-owned land, redistributed it to the peasants, and allowed them to farm. Whatever they produced was then collected up to a certain quota set by the state with any additional crops harvested retained by the peasants. This was a reversal of the commune system of team production in which the workers had generally received equal compensation without regards to the quality or the quantity of work they had.²⁹ The result

was a brief but sharp increase in agricultural production, as workers felt an increased motivation to work, resulting in increased efficiency. While seemingly a response to the stagnation of the agricultural sector from previous decades, this system also created new problems, namely, a surplus of labor in the countryside as more efficient workers reduced the need for labor.³⁰ During the 1980s, it is estimated that somewhere between 150 and 200 million surplus laborers resided in the countryside.³¹ This extraneous working force living in the countryside was the beginnings of one of the “push” factors that would begin internal migration. At the same time, the household responsibility system also increased the food supply, ending the grain rations begun in the 1960s. With easier access to food in the cities and increased freedom without the communes, peasants gained further independence and mobility, facilitating migration into urban centers.³²

Yet even while these factors came into play, the agricultural boom that had begun them quickly came to a halt, with little long-term state investment, leading to a stagnation of growth after 1985, a decline in rural wages, and a widening of the rural-urban wage gap.³³ Another cause of this stagnation, aside from repeated state neglect, is one inherent to a country with the population and geography such as China. With a massive population living on food produced from insufficiently large areas of arable land, a self-sustaining agricultural sector is extremely difficult, especially under the farming constraints of, and neglect by, the state. For some perspective, a comparison between China and the United States in 1996 found that China had half the arable land and 120 times the number of rural laborers.³⁴ A survey of 7,983 villages by the Chinese Ministry of Agriculture in 1986 revealed that each household received seven *mu*, slightly over one acre and barely enough to sustain a family of four.³⁵ The brief explosion in farming ushered in by the household responsibility system had failed and continued to impoverish rural areas, creating instead new problems of surplus labor while giving peasants some increased degree of freedom. The urban-rural dichotomy would motivate farmers to seek wages beyond the countryside and evolve into one of the “pull” factors drawing migrants away from the countryside.

Noting the influx of an extraneous workforce, the government opted for another method of employment, the Township and Village Enterprises (TVE). This system of beginning non-agricultural enterprises in rural areas would have nothing more than the role of a brief minor roadblock in the story of migration, barely slowing movement for only about a decade.³⁶ Given generous state loans, local governments operated these publically owned TVEs and pushed out competition from privately owned enterprises that did not have state support.³⁷ This attempt at developing the rural economy and absorbing surplus labor continued through the 1980s, employing up to 100 million workers,³⁸ but rural-urban migration from the push and pull factors previously mentioned still continued. The final step to unleashing full-blown migration came from the urban reforms in the 1990s, as restrictions on the private sector were lifted, and many TVEs became privately owned.³⁹ Competition from the urban industrial sector slowed down the growth of TVEs, eventually drawing more and more migrants away from the countryside. The number of rural migrant workers exploded from around 25 million in 1988 to 64 million in 1994 to 80 million in 1995.⁴⁰ The decline of the TVEs marked the end of the last containment system for surplus labor in the countryside, and workers flooded into the cities.

To further understand the motivations guiding many of these workers to seek employment in the cities, we must look to economic reforms beginning in 1980 that furthered the already strong pull factor of financial opportunity in the urban sector. One such reform was the establishment of Special Economic Zones. In order to ease constraints on growth in its centrally planned economy, China opened up certain regions known as Special Economic Zones (SEZ) on its eastern coast in which they allowed for a market environment while maintaining strict economic control over the remainder of the country.⁴¹ Part of his “opening up” policies, Deng Xiaoping employed SEZs in an attempt to grow China’s economy and, in his own words, “strive for the utilization of international capital and advanced technology to assist in [China’s] economic development.”⁴² Successfully drawing in 90.1 percent of foreign direct investment from 1983

to 1989 and 88.1 from 1990 to 1996, the SEZs experienced rapid development, providing employment opportunities for surplus labor in the countryside.⁴³ Most famous of these are those in the Guangdong province, particularly the Pearl River Delta region which has become China's "biggest magnet for international capital" since the *gaige kaifang*.⁴⁴ By the mid-1990s, rural laborers comprised 34 percent of the total urban workforce.⁴⁵ Foreign investors quickly moved, especially in the manufacturing sector, to take advantage of cheap labor, perpetuating a cycle of migration, and, as will be shown later, exploitation of workers.^{46,47}

With these agricultural and urban reforms begun under Deng Xiaoping's *gaige kaifang* and the decline of TVEs, migrant labor flooded into urban spaces. Swelling the number of surplus laborers was the adoption of new farming technologies in the countryside and continuing natural reproduction, reducing the number of farmers needed to cultivate the land while creating a larger population—around 10 million additional laborers annually around 1996.⁴⁸ Most economists in the last decades have agreed that this labor surplus, especially after the 1978 *gaige kaifang*, constitutes the major "push" factor in driving the population out of rural areas.⁴⁹

On the other hand, current rural-urban migration is driven not only by forces driving migrants out of the countryside, but also by "pull" factors that draw them to the cities. Some have cited neoclassical migration theory in which a scarce supply of and high demand for cheap labor will draw workers out from regions with surplus labor.⁵⁰ A more common economic pull factor proposed by others is the income gap, further widened by unbalanced government spending in the urban industrial sector and neglect of the rural agricultural sector. Proponents of this pull force point to an ever growing income disparity rising from a rural-urban ratio of 1:1.71 in 1984 to 1:2.55 in 1994 that stems from this unbalanced government focus. While prices for manufactured goods, including farm tools, increase, prices for farm products have changed little, furthering this imbalance.⁵¹ More recent studies show that this trend has continued, as the ratio of urban household income per capita to rural ones has risen from 1.8 in 1996 to 3.3 in 2009.⁵²

While many economists in the past attributed the “pull” to the former neoclassical theory of migration, attributing it to industrialization and a demand for labor, Harris and Todaro rejected this paradigm in 1969 and 1970 based on statistical data indicating chronic unemployment in urban areas. Their observations remain pertinent today as most economists have adopted their research and come to a consensus that it is the wage differential, and not the modern industrial complex, that has served as the “pull” factor in rural-urban migration.⁵³ Migrants’ expectation of higher wages in urban areas, as supported by statistical comparisons of rural-urban incomes, becomes the driving force that brings them out of the countryside. The numbers show that the wage differential does exist for those who find work after migrating, but even for those who cannot find jobs, this expectation of higher wages, regardless of the migrants’ abilities to find employment once they reach the cities, results in movement that they believe will maximize their income.⁵⁴ However, this most certainly does not disqualify the relevance of economic development and industrialization to internal migration. First, it remains undeniable that the economic development of China would not have been possible without migrant labor.⁵⁵ Whether it was during the first wave of migration during the First FYP in state companies or the most recent post-reform wave after 1978, the Chinese economy has been built on the backs of these workers migrating from the countryside.⁵⁶ Second, and even more importantly, the *gaige kaifang*, industrialization, the establishment of SEZs, and all other economic reforms remain crucial in stimulating migration, not because they created a labor shortage in the cities, but because they fashioned the strict rural-urban dichotomy, particularly in terms of income. It was a pattern of state failure in long-term agricultural investment, and even more significantly, rapid economic development in urban areas that created the wage differential and financial opportunity drawing migrants towards the cities.⁵⁷

Political and Economic Systems Perpetuating Socio-Economic Problems among Rural Migrant Workers

The fact that the issue of rural-urban migration exists in addition to economic factors such as income inequality and un-

balanced development point to a continuing clear rural-urban dichotomy. In the 1980s, urbanization through migration increased as restrictions were lifted.⁵⁸ Yet, unlike other developing countries, the rural migrant workers of China face distinct socio-economic disadvantages, not just from discrimination, but from systemic problems inherent to the country's regulations and policies. China's distinguishing feature is the *hukou* (户口) system, a household registration system designed as a mechanism for social control of the population by the state.⁵⁹ While not strictly unique to China,⁶⁰ it has, in combination with the nation's unprecedented internal migration, become a key factor in perpetuating problems faced by rural workers in the cities.⁶¹

The *hukou* system's primary role in affecting migrants is in classifying citizens from birth as they are issued either a rural *hukou* or an urban *hukou*,^{62,63} further subdivided into agricultural and non-agricultural. This permanent label cannot be changed no matter the physical location of the citizen except through a formal and exceedingly difficult conversion process.⁶⁴ These distinctions in *hukou* determine citizens' access to basic welfare and state-provided services,⁶⁵ with the secondary classification, nonagricultural versus agricultural, being primarily a form of determining eligibility for state goods—particularly during the grain rationing period—not necessarily bearing any relation to the *hukou* holder's actual occupation.^{66,67} One of the many reasons the current system of *hukou* was established in the 1950s was for state control over population mobility. At that time, all internal migration had to be approved by the local government.⁶⁸ With the opening up through *gaige kaifang* in 1978, the *hukou* system was revised with a more lenient standard due to a need for low-skilled workers, allowing rural-urban migration. The state, however, still was not fiscally responsible for the welfare of these migrants. Today, the crucial elements of the *hukou* system that must be evaluated lie in the rural-agricultural versus urban-non-agricultural distinction.⁶⁹ Critics such as Cho quote rural migrants who describe their situation with a comparison between “urbanites raised by the state” and “peasants raising themselves.”⁷⁰ Migrants continue to move to the cities, but without a local urban *hukou*, they are aliens within

their own country, stripped of benefits and state services provided to the urban *hukou* population. This is the current situation of the “floating population.”

Some of the most important state-sponsored services and protections denied those without an urban *hukou* are permanent jobs, regular housing, public schooling, and public healthcare.⁷¹ The workers coming into cities with rural *hukou* are only able to obtain temporary jobs and housing, making them susceptible to exploitation.⁷² Despite the disadvantages workers know they will face, migration continues due to the push and pull factors discussed earlier, supplying an overabundance of laborers that only increased their vulnerability to abuse by employers. By maintaining a restrictive *hukou* system and limiting rural *hukou* holders’ opportunities and rights, the government has created a low-skilled, low-paid, inexhaustible, expendable, and exploitable labor pool in the form of rural migrant workers.⁷³ With no citizenship, no “minimum protections” from the state, and temporary jobs, these workers are given jobs labeled by the 3-Ds—dangerous, dirty, and demeaning—while being paid minimum wages.⁷⁴ Most often, these jobs are found in manufacturing, where employers, upon closer inspection, pay the monthly minimum wage, but secretly overwork employees up to 70 hours a week.⁷⁵ The temporary work permits allow factories to take advantage of migrant workers desperate for work and wages, and even though the employees’ meager wages are sometime withheld for months, workers must simply carry on working in hopes that they will eventually be paid.⁷⁶ These wages are especially necessary as migrants arriving in the city are often already in debt from transportation costs and an initial deposit factories require from workers in exchange for housing and employment.⁷⁷ Workers often become further trapped as employers prey on their inability to secure permanent housing by giving them residence in cramped dormitories. With the workers living within such close proximity to the factory, employers are able to easily extend their working hours while exerting close control through the use of guards. Beyond the physical abuse by overworking employees, authors Yan and Yi contend that this closely supervised residence engenders psychological abuse by creating a situation

much like Foucault's panoptic space in which workers act in accordance to the employers demands due to the feeling that they are constantly under surveillance and in danger of punishment.⁷⁸ The *hukou* has effectively deprived rural workers of protections and opened them up to a litany of exploitive control mechanisms used by factory owners and employers. The rural-urban *hukou* divide has been characterized as China's version of an apartheid pass system: institutionalized discrimination that perpetuates socio-economic problems faced by migrant workers.⁷⁹ This discrimination produces not only occupation segregation, giving rural workers inferior jobs, but also an intra-occupational wage differential of 0.584 between urban residents and rural migrants.⁸⁰

Unfortunately, the inequality perpetrated by the *hukou* system in the cities still pales in comparison to the pull factor of the rural-urban wage differential. One major historical event that created conditions drawing migration into urban areas, the establishment of SEZs, is also the one that sustains the mistreatment of migrants. Originally a model nation in its development of such zones, China has since lost this reputation due to the income inequality it made possible.⁸¹ Foreign direct investment in the SEZs is motivated primarily by the availability of cheap labor, and migrants are willing to step into these unfavorable conditions due to expected higher incomes as mentioned earlier.⁸² It is this cycle of foreign investment and, paradoxically, the migrants' willingness to take unskilled and low-wage jobs that serves not only as a pull factor for migration, but as a disincentive for the dismantling of the discriminatory *hukou* system due to the economic growth it fosters.

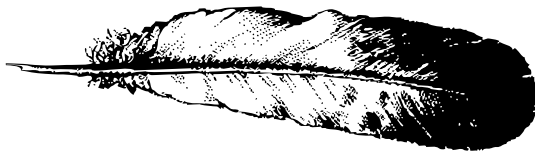
On the other hand, others have pointed to factors such as social exclusion and market exclusion as perpetrators of migrant worker problems. Referencing the inability of migrants to assimilate into urban circles⁸³ and their lack of human capital in the form of "education and marketable skills" and economic capital,⁸⁴ Zhan argues that these issues are even more significant than the *hukou* system in continuing the cycle of migrant exploitation and poverty.⁸⁵ Yet each of these concerns is intensified by the existence of the *hukou* system. By means of the *hukou*, social exclusion finds institutionalization, and market exclusion continues through

continuation of an income gap and denial of public education to migrant children in urban areas. The exclusion of migrant children from the otherwise free and compulsory nine-year public education system has particularly devastating consequences on laborers. Without proper education, the next generation becomes a victim to the same problems. Of the workers who have taken note of this, many choose to leave their children at home for rural public schooling, leading to the number of social problems naturally arising from broken families and “left-behind children.”⁸⁶ Taking these considerations into account, the *hukou* system begun in the 1950s and modified in the 1980s indisputably remains a major obstacle to rural migrant workers and a controlling dynamic in maintaining the social and economic problems they face.

Conclusion

In taking a broad view of the historical roots of internal Chinese migration and the socio-economic problems faced by migrant workers, the situation can best be summed up in the Lewis model for economic development, also known as the dual-sector model. Named after economist and Nobel laureate Arthur Lewis, the model assumes a developing country with a rural-urban dual sector framework and proposes that when industrial wages rise, a surplus of labor from rural areas will eventually taper off until there is a labor shortage. At the point where the economy shifts from one of labor surplus to one of labor shortage, known as the “Lewis turning point,” the wages of rural unskilled migrant labor ought to begin rising, and the economy becomes integrated into a single society and labor market.⁸⁷ In application to rural-urban migration in China, the Lewisan rural-urban transition perfectly describes the push and pull factors created by the circumstances after the 1949 CCP takeover and the 1978 *gaige kaifang*. Where it seems to fall short, however, is its prediction of the “Lewis turning point” as migration and income equality persist even after decades of industrial development. At this “turning point” stage, China would effectively move into a single unified society and labor market, ending its status as the “world’s factory” and a source of cheap labor.⁸⁸ In actuality, the prediction of a transition is not incorrect

but has only been delayed by the implementation of the *hukou* system, which allows rural migrant workers to be drawn into the industrial sector and employed at consistently low rural-subsistence wages.^{89,90} In understanding China's development in the context of the Lewis model, the role of the political and economic systems formed during Deng Xiaoping's *gaige kaifang*—and perhaps even earlier—in driving rural-urban migration and perpetuating problems faced by migrant workers becomes evident. It is these structures that have enabled the continuing exploitation of labor and prevented workers from integration into society. While there is some evidence that surplus rural labor has been exhausted and the “Lewis turning point” may be approaching, as Chan suggests,⁹¹ it has not arrived yet, and the plight of rural migrant workers in the cities and their families at home continues today.⁹² Despite the possibility of future improvement, Kam Wing Chan concludes that “China cannot further delay making substantive reforms. The search for workable reform measures is an urgent task.”⁹³



Endnotes

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⁵ Hsiao-Hung Pai, *Scattered Sand: The Story of China's Rural Migrants* (London: Verso Books, 2012), 2.

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²⁸ Li Shi, "Rural Migrant Workers in China: Scenario, Challenges, and Public Policy" (professor's working paper, Beijing Normal University, 2008), 1.

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⁹⁰ Chan, “The Chinese *hukou* system at 50,” 207-208.

⁹¹ Chan, *Introduction to The Chinese Academy of Social Sciences Yearbooks*, xxxi.

⁹² For example, improvements in labor conditions seen in 2004 and 2005 were quickly reversed in the economic recession in 2008 as up to 20 million migrant workers—15.3 percent of their population—lost their jobs due to the drop in demand for Chinese goods, demonstrating the elusiveness of this turning point. Chan, *Introduction to The Chinese Academy of Social Sciences Yearbooks*, xxxi-xxxiii. Other figures show that 23 million migrant workers were laid off between September 2008 and March 2009. Chan, “The Global Financial Crisis and Migrant Workers in China,” 667.

⁹³ Chan, “The Household Registration System and Migrant Labor in China,” 362.

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Professor David Hackett Fischer—Pulitzer Prize-winner for *Washington's Crossing*, in an interview with Donald A. Yerxa, Senior Editor of *Historically Speaking*, April 2009 issue.

“Like Herodotus, I think of history as inquiry—not a story but an inquiry, which often (but not always) generates a story in its turn...I always try to begin with simple questions. My books never begin with an ideology, a model, a hypothesis, an argument, or an attempt to prove a particular point. All of these things may or may not come in their turn, but I always start with very simple questions. For *Champlain's Dream* I asked: Who was this man? Where did he come from? What difference did he make? Why should we care? This question-framing approach for me is fundamental. The most interesting things I find in my inquiries are always things I could not have known in advance. That process of discovery is where history really comes to life for me, and I think for others...”

THE TRIAL OF THE CENTURY, 1788-1795

Pavan Nagaraj

[There are] two great discontinuities in the episteme of Western culture. The first inaugurates the classical age and the second at the beginning of the 19th century marks the beginning of the modern age.¹

—Paul-Michel Foucault

On 13 February 1788, a trial commenced in Westminster Hall that exposed an important shift in the history of Western thought. The Governor General of India, Warren Hastings, faced charges in the House of Commons for violating the sovereignty of the indigenous rulers, for promoting fraud within the British East India Company, and worst of all, for corrupting the English government itself.² The Trial of Warren Hastings was not only a direct result of Britain's situation in India, it became the stage for a historic clash between the world of classical thought, and the emergence of the new paradigm of 'modern' thought.³

The trial also provided a forum for an examination of the British East India Company's rule in India. The East India Company was established as a joint stock company on 31 December 1600, and given a monopoly on the India trade. In 1765, it was transformed from a trading company into a political power

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by winning in battle the *Diwani*, or tax collecting authority, in the Indian states of Bengal, Orissa, and Behar.⁴ By 1773, the East India Company needed an emergency loan of £1,500,000 from Parliament to keep itself solvent.⁵ Because many people had invested in the Company, the Company was too important to fail. At the same time, something might have to be done to curb the capitalism of the East India Company in India. Nabobs, English traders in India, made fortunes; the Indian word *loot* first entered the English language to best describe how these fortunes were made.⁶ Nonetheless the Company itself was going bankrupt as its private army fought against the native princes, the “country powers,” seeking to maintain their autonomy. The costs of war greatly exceeded the profits from trade, and bankruptcy loomed. In response to this crisis, Parliament passed the Regulating Act of 1773, which established the office of Governor General and a Board of Directors in India, with Hastings as the first Governor General.⁷ Hastings’ trial before the House of Lords occurred in part because the House of Commons felt that his attempt to rein in the excesses and corruption of a profit-seeking company had failed. More importantly, many in Parliament felt that Company corruption and looting in India were beginning to influence the British government at home. Some Company officials were returning to Britain rich enough to buy seats in Parliament to promote both Company interests and those of some Nawabs. The famous contemporary orator and the chief manager of the impeachment of Warren Hastings, Edmund Burke, observed that six or seven members of the House served the Nawab of Arcot.⁸ As Burke wrote at this very same time: “The power of the House of Commons... is indeed great and long may it preserve its greatness....and it will do so, as long as it can keep the breakers of law in India from becoming the makers of law for England.”⁹

At the beginning of its colonial administration in India, some officials of the East India Company believed that they would be permitted to rule as long as they conformed to the millennia-old canons of Indian society. The British understood that the rulers of the Mughal dynasty had a lineage that traced back to the Timurids of Central Asia, and that the preceding potentates of India’s Lodi

dynasty were ethnically Afghan.¹⁰ In an era when race and ethnicity did not define politics, the East India Company thought that the Indian population of roughly 200 million would accept the rule of another foreign power as long as their traditional rights were respected. Parliament itself urged the East India Company to rule in accord with the customs and practices of the “country powers” in India. It was as if the eighteenth-century mindset believed that in an established constitutional arrangement in which the rule of law was followed, government officials simply filled assigned roles.

However, although the conquerors who had governed India for centuries were not ethnically Indian, they had based their empires in India itself and made the subcontinent their home, turning the region into a burgeoning economic center that brought much wealth and prosperity to its people. The East India Company was something entirely new because it was a business. This new form of exploitation, in which India was ruled by a Board of Proprietors, or chief stockholders, on Leadenhall Street in London, was one that sought to increase profit, and in so doing contributed to the impoverishment of India.

Such economic exploitation and subjugation of the Indian population was taking place during a time when European intellectuals were discussing the nature of man and his inalienable rights, the nature of freedom, and the natural laws of government. Montesquieu, one of the most famous *philosophes*, published his highly regarded treatise, *The Spirit of the Laws*, in 1762, which analyzed the age-old relationships between the ruler and his subjects. According to Montesquieu, there were three classes of government: despotism, monarchy, and republics. A despotic government ruled without any code.¹¹ A monarchy was based on a system of checks and balances between the ruler and the people.¹² A republic was established and perpetuated by the people themselves.¹³ The British monarchy, as Montesquieu explained in his treatise, was the exemplar of good government because the monarch governed in a balanced constitutional arrangement with Parliament.¹⁴

The members of Parliament, particularly the managers of Hastings’ impeachment, expected that the principles of British

government and law would apply to Company rule in India and that a discourse would flourish in India between the ruled and the ruler. Company officials initially envisioned themselves as White Mughals who would skillfully integrate themselves into the fabric of Indian society as a new ruling elite.¹⁵ In fact, at the beginning of British rule in India, a good number of Company employees assimilated themselves into Indian society and studied Indian texts such as the Hindu Laws of Manu and the Sharia code of the Mughal rulers.¹⁶ Edmund Burke went as far as to illuminate the superiority of Indian civilization. Speaking to the judges during the trial, he said:

Let me remind your lordships that these people lived under the laws to which I have referred you, and that these laws were formed whilst we, I may say, were in the forest; certainly before we knew what technical jurisprudence was. These laws are allowed to be the basis and the substratum of the manners, customs, and opinions of the people of India.¹⁷

Yet British rule in India did not develop in accord with Burke's high-minded appraisal of India's ancient culture but came to resemble the outlook of the famous British historian Thomas Babington Macaulay who disparaged Indian culture in an effort to justify colonial rule:

I have no knowledge of either Sanskrit or Arabic. But I have done what I could to form a correct estimate of their value....I am quite ready to take the Oriental learning at the valuation of the Orientalists themselves. I have never found one among them who could deny that a single shelf of a good European library was worth the whole native literature of India and Arabia.¹⁸

The enmity between Indian Nawabs, Sultans, and Emperors, and the British East India Company demonstrated the incompatibility of colonial exploitation with Burke's view of Indian society. Unsurprisingly, Burke became the chief prosecutor of Parliament's case against Hastings.

Despite the level of economic extortion; wars, dividends to shareholders, rampant fraud, and finally, the 1773 famine in Bengal, which lowered anticipated Company revenues, burst the Company's fragile economic bubble, leaving it £1.5m in debt to the

English government and to the national bank.¹⁹ As the prominent historian, William Dalrymple, said, “the East India Company really was too big to fail. So it was that in 1773 it was saved by history’s first mega bailout.”²⁰

This catastrophic year prompted the British government to impose controls on the free-wheeling East India Company and led to the Regulating Act of 1773. Parliament appointed a board of four directors and Warren Hastings, the first Governor General to administer the East India Company.²¹ He was the *de facto* chief British official in India supervising the three Company presidencies of Madras, Calcutta and Bombay.²² Because he was meant to end endemic corruption, he was answerable not just to the Company but to Parliament as well. Hastings was provided with the significant salary of £25,000 so that he would not need to resort to corrupt practices himself.²³ And finally, as Governor General, he was expected to protect the territorial gains of his predecessors without resorting to their unethical policies, bribery and costly wars.

Further parliamentary restrictions—Fox’s India Bill, for example—proposed in 1783 by the Whig Prime Minister Charles James Fox and his counterpart Lord Frederick North, attempted to nationalize the Company that was ruining the once-wealthy Indian subcontinent.²⁴ On 1 December 1783, Edmund Burke gave a 105-page speech advocating the passage of Fox’s India Bill, arguing that the Company had broken the trust Parliament had put in it when it was given its monopoly on trade in India in 1600.²⁵ The world was watching: “depend upon it, this business cannot be indifferent to our fame. It will turn out a matter of great disgrace or great glory to the whole British nation. We are on a conspicuous stage, and the world marks our demeanor.”²⁶ In November of 1783, the House of Commons passed the bill by a majority of 106 votes, but political intrigue defeated the bill in the House of Lords. The King had intimidated the House of Lords by stating that, “whoever voted for the India Bill was not only not his [the King’s] friend, but would be considered by him as an enemy.”²⁷ An unwritten principle of British parliamentary rule is that if an

important bill proposed by the Prime Minister is defeated, then he must resign. In the wake of Fox's resignation, a new parliamentary election was held. East India Company money backed the Tory ministry to fend off the India Bill's enactment, and William Pitt, the King's good friend, became Prime Minister.

Burke was enraged by King George III's intrusion into parliamentary politics and felt certain the King's alliance with the interests of the British East India Company had caused the bill's defeat, the dismissal of the Whig cabinet, and the Tory victory in the subsequent election. The bill's fate confirmed Burke's worst fear: the upending of the social order at home because of the influx of loot from India:

In India, all the vices operate by which sudden fortune is acquired; in Britain are often displayed, by the same persons, the virtues which dispense with hereditary wealth. Arrived in England, the destroyers of the nobility and gentry of a whole kingdom will find the best company in this nation.²⁸

Parliamentary seats, a centuries-old perquisite of elite families, were now being purchased by Company servants. The *de facto* alliance between Company officials and the King was damaging the balance of power between Parliament and the monarchy. This unconstitutional action of the King was an additional cause for the impeachment trial of Warren Hastings.

The failure of Fox's India Bill led Burke to lobby within the House of Commons for the trial of Warren Hastings. The King himself could not pardon a person impeached and found guilty by Parliament; it was the last constitutional tool available to rein in both the King and the East India Company. The trial commenced with the House of Lords leading a procession of judges to Westminster Hall.²⁹ Into this hall, Hastings came forth with two bails and went on bended knee before the court. An observer noted: "What an awful moment for such a man!—a man fallen from such a height of power to a situation so humiliating—could even his prosecutors at that moment look on—and not shudder at least, if they did not blush."³⁰ A court officer read out the arraignment for two days: Warren Hastings was to be tried on the first, second,

fourth, sixth, seventh, and fourteenth charges.³¹ Of all the charges drawn up by a parliamentary committee, those were the ones that the House of Commons thought would most likely result in conviction. Since Hastings was indicted under English law, he was to be charged for violating English Law in India by high crimes and misdemeanors. Finally, the charges had to be sensational enough to arouse public opinion behind the cause of reform in India.

Burke then introduced the first charge that indicted Hastings for arbitrarily disregarding the rights of a distinguished Maharaja under false pretenses, ousting him from power, and annexing his provinces in the name of the Company. In 1781, as a result of a rise in tensions between Britain and France, Hastings called on Cheyt Singh to pay an additional five *lakhs* of tribute, and to provide a contingent of 2,000 horsemen to protect British interests in the region.³² However, the treaty between Cheyt Singh and the Company explicitly stated that he pay an annual sum of 23 *lakhs* in exchange for protection.

Cheyt Singh understood his contract with the Company as that and nothing more. Hastings viewed this contract as one that held Cheyt Singh's pledge of vassalage to the Company. This misunderstanding between the Maharaja and the Company administrator clearly revealed the vague, as yet undefined, nature of colonial rule in India. When Cheyt Singh pointed out the provisions of the contract, and refused to satisfy Hastings' demand, Hastings set out to arrest him for treason. Cheyt Singh retaliated by killing the English population in Benares. Burke then produced a statement made by Hastings in response to this massacre:

You the Raja have told the truth...I have not answered you...I left you in the dark with respect to my intentions. You dare to tell the truth in your own defense. The charge you make against me is true...But for having the daring assurance, the boldness and the violence, to teach a Governor what is truth—to state a defense for yourself—you shall be put under arrest.³³

Cheyt Singh had been denied the right to a trial but had instead been charged, convicted and sentenced through the authority and actions of Hastings alone. In the eyes of his detractors, this

blatantly exhibited Hastings' despotism, and his acknowledgment of his arbitrary rule. Hastings justified his action as a proper response to unsettled times amid competing French and British colonial interests.

By couching his prosecution in terms of the social contract theory of government, Burke felt that he was more likely to have a winning argument. This allowed him to frame his prosecution in terms of Hastings' despotism. Burke asked how an Englishman who was subject to the rule of law could acquire despotic power?³⁴ Neither the King nor Parliament had despotic power to give. Hastings moreover was an English subject, bound to English law. Burke told the judges that Hastings was wrong to write in his defense that despotism was the nature of rule in India, an error also made by Montesquieu. Indian princes ruled in accord with both the laws of Manu and Sharia law. For according to Burke, the laws of Manu and Sharia law were regional variations of universal natural law.

The administrators of the East India Company ruled despotically because they served as both the judge and the jury of Company actions. As Burke concluded: "He [Hastings] is the self-elected Generalissimo of all the troops of the East India Company that were beyond the provinces—that is, beyond the river (Ganges)...[And has] taken to himself this extraordinary power and authority."³⁵

The second article charged Hastings with corruptly ruling Company territories. The prosecution sought to classify Hastings' rule by Montesquieu's paradigm of despotism.³⁶ The nature of British despotism in India was shown in its newly-efficient, profit-seeking system of tax collection. *Zamindars* were traditional, hereditary Muslim tax collectors who annually guaranteed the government a fixed amount of money.³⁷ When Hastings came to power, the tax rate soared from 10% of agricultural production to more than 50%.³⁸ Previously, *zamindars* were able to live quite comfortably on the tax income that was over and above sums given to the government. Now many of the traditional *zamindars* could not satisfy the Company's revenue demands and were replaced.³⁹ A once

honorable, hereditary position could now be bought. As Burke noted, money was becoming the most important societal value, “the age of chivalry is gone... That of calculators, and economists, has succeeded; and the glory of Europe is extinguished forever.”⁴⁰ The new *zamindars* had to squeeze as much money as possible from the peasants in order to recover the cost of office, inflicting great suffering on the Indian peasant. Hastings appointed Devi Singh chief *zamindar* of Bengal—the territorial heart of the Company—in exchange Devi Singh gave Warren Hastings a *pescush* of £30,000.⁴¹ Burke stated: “He [Hastings] had ruined and destroyed the ancient system, the whole scheme and tenor of public offices, and had substituted nothing for them but his own arbitrary will.”⁴² Burke emphasized that Hastings chose Devi Singh even though he was a well-known criminal who had been charged with fraud and corruption upon paying the substantial sum of £220,000.⁴³ Clearly money, not the rule of law, was the new currency in India.

For the judges, Burke graphically detailed the brutal *modus operandi* Devi Singh used to collect taxes:

Innocent children were brought out and scourged before the faces of their parents...they bound father and son face to face, arm to arm, body to body; and in that situation they scourged and whipped them...virgins were cruelly violated by the basest and wickedest of mankind...they put the nipples of women into the sharp edges of split bamboos, and tore them from their bodies.⁴⁴

Under Devi Singh, the province of Purnea in the Bengal was not only economically devastated, but also depopulated. The situation got so drastic that the *ryots*, or peasants, eventually rose up throughout the Bengal and ousted Devi Singh in 1783—his own people rebelled against him. Hastings had not chosen a vizier who would serve the people, but had chosen a man who would serve Company interest.⁴⁵

Hastings’ appointment of Devi Singh as chief *Zamindar* was not an accident. As Burke said, “It may be thought that...Mr. Hastings has no other consideration than money...on the contrary, he made the most careful selection; he had a very scrupulous regard of the aptitude of the men for the purpose for which he

employed them.”⁴⁶ Hastings was a cruel despot, and he needed to collaborate with ruthless henchmen who held the same rapacious lust as he, and were willing to carry out any act to maximize Company profits. Warren Hastings was the despot described by Montesquieu, and Devi Singh was one of his viziers; Burke framed this parliamentary discourse in terms familiar and acceptable to the educated elite of the Age of Enlightenment.

Burke finally presented the charge that the Governor General used the age-old Indian tradition of presents to further his financial interests. This charge was particularly important because Hastings was given a specific mandate by Parliament to end the practice of presents in all of British India; presents were considered the starting point for rampant corruption. This charge clearly fell within the jurisdiction of British law and was considered to be a high crime and misdemeanor. It also represented the values of classical thought, of checks and balances, in which the British East India Company was to be held accountable by Parliament. The Regulating Act of 1773 had established a four-man Board of Directors to check the power of the Governor General.⁴⁷ Yet Hastings admitted that he frequently ignored the board.⁴⁸ The impeachment trial was another attempt to assert parliamentary control over this unchecked capitalist enterprise.

Burke ended by entering into evidence the tragic story of Maharaja Nandakumar, an Indian prince and a *zamindar* for the British East India Company. On March 11, 1775, Nandakumar testified to Hastings’ corruption in the West Bengal to Phillip Francis, the head of the Board of Directors.⁴⁹ Nandakumar asserted that Hastings had corruptly appointed a regent to rule after the death of the Raja Mir Jafar of the Bengal in 1765. The Board of the Proprietors had authorized Hastings to select a person of “honorable status” to serve as regent as a result of the young age of Mir Jafar’s sons.⁵⁰ Hastings immediately acted on this order, replacing the *de facto* ruler Muhammad Reza Khan with a former slave and one of Mir Jafar’s concubines, Muni Begum.⁵¹ Not only had Hastings appointed a person of low status, but he had also chosen a woman, a former slave, and a former prostitute to take

charge of a royal princely household. Upon selecting Muni Begum as nawab, the Company cut the nawabship's budget for living expenses from 32 to 16 *lakhs*.

Hastings later explained that he had cut the budget, but he had not kept records on when he did so.⁵³ The question was whether the debit to the household account was immediately matched by a credit to the account of the East India Company or was pocketed by the Governor General himself. Burke used this as an example of Hastings' arbitrary rule and corruption, stating that Hastings knew that Muni Begum's low status precluded her from demanding the rightful living allowance for the princes.⁵⁴ That is one reason, Burke explained, why Hastings did not make any of Mir Jafar's brothers' regent; their prominence would have enabled them to fend off Hastings' self dealing.⁵⁵ In addition, it was Maharaja Nandakumar's testimony before the Board of Directors that Muni Begum only became regent in West Bengal after giving Hastings a hefty sum of £36,000.⁵⁶ Burke judged this to be a bribe and a violation of Parliament's prohibition on presents.⁵⁷ Hastings' attorney, Edward Law, argued that Hastings had accepted the money to keep within the culture and customs of India.⁵⁸

Soon after the Board of Directors received the documents of Hastings' corruption, Maharaja Nandakumar was arrested on an obscure matter, for a violation of a British law. Maharaja Nandakumar was convicted of forgery in a British court by the first chief justice of India, Elijah Impey, a close friend of Warren Hastings.⁵⁹ He was executed on August 5, 1775—5 months after his testimony.⁶⁰ This was judicial murder.

Burke's prosecution lasted six years, proceeding in fits and starts when Parliament was in session. There was no certainty as to when it would end, but no previous parliamentary trial in British history had lasted even one session of Parliament, and this trial had gone on for five.⁶¹ Through the eloquent and beguiling speeches of some of the most famed orators of the age, Hastings had been publicly shamed for six crippling years. Once the prosecution rested, Hastings spoke in his own defense at the outset:

My lords, this . . . puts my fame and honor at issue with other judgments than your lordships'. And their judgments are formed not, like yours, upon calm investigation and cool unbiased wisdom . . . [but] misled by the arts of eloquence, they [the people of Great Britain] are deceived into the opinions of which it is impossible they can either detect the fallacy or perceive the imposition.⁶²

He had spent, he told the judges, much of his money defending himself while the government bore the expenditures of his accusers.⁶³ He questioned the fairness of a trial that first ruined a man financially before he was convicted. Hastings summarized the parliamentary case in this way: he stood accused of ruining provinces, violating treaties, extorting money, mishandling funds, and ignoring his superiors.⁶⁴ In response to this summation, he replied that he had in fact increased the Company's revenue from £3 million to £5 million pounds, as shown in the accounts annually sent to the Commons.⁶⁵ Obviously the local population was prosperous enough to pay increased taxes. To Burke's claim, "that there [was] not a single prince or state, whoever put any trust in the [Company], who [was] not utterly ruined; and that none are in any degree secure or flourishing, but in the exact proportion to their settled distrust and irreconcilable enmity to this nation," Hastings introduced a great number of testimonial letters sent praising his administration of the Company territories.⁶⁶ Muzuffer Jung, the Nizam of Hyderabad, and Fyzula Khan, the Nawab of Farrukhabad, for example, requested that Hastings' successor treat them as they had been treated under Hastings—testimonials to Hastings' judgment and good faith.⁶⁷ Hastings said:

My influence in India has long ceased. It is very seldom that mankind are grateful enough to do even common justice to a fallen minister; and, I believe, there never was an instance, in the annals of human nature, of an injured people rising up voluntarily to bear false testimony in favor of a distant and persecuted oppressor.⁶⁸

Hastings and his barrister, Edward Law, then ventured to address the first charge in which Burke had accused him of unjustly violating the sovereignty of the Maharaja Cheyt Singh. According to Hastings, Cheyt Singh was not an independent Maharaja but a vassal to the Company.⁶⁹ Cheyt Singh's vassalage enabled the Company

to call for military aid in a time of emergency according to Hastings.⁷⁰ Edward Law then recounted the dangerous circumstances facing the Company and the British Empire during the late 1770s to the mid 1780s.

Since 1775, the Company had been embroiled in a power struggle with the Maratha Empire.⁷¹ In 1780, a substantial hostile force of 70,000 infantry, 30,000 cavalry, and 100 pieces of cannon, commanded by Mysore's Sultan, Hyder Ali, was at the very gates of the presidency of Madras.⁷² Britain itself was struggling during the American Revolution to hold on to her colonies in North America. Furthermore, there was a looming threat of a French invasion of the Indian subcontinent. Warren Hastings, a prudent man according to his chief counsel, took necessary precautions against French forces in India. Respected figures such as Admiral Sir Edward Hughes even sent a report of an impending French invasion in 1780. He urged Hastings to do whatever necessary to keep India in British hands:

I recommend to your most serious consideration the Company's very valuable possessions on this coast...for the present force with Hyder Ally is not all they have to contend with....Strongly impressed as I am with the certainty... that the French may bring a superior naval force into these seas, I think it my indispensable duty to warn you... to guard...the Company's territories.⁷³

Hastings sought to prepare Company defenses. Because of this threat, his attorney explained that Hastings had demanded that Cheyt Singh provide an additional 5 *lakhs* and 2,000 horsemen.⁷⁴ Cheyt Singh could have easily paid 5 *lakhs* but refused to do so, and so Hastings demanded that he also pay a fine of 50 *lakhs* for not keeping to his code of vassalage.⁷⁵ When Cheyt Singh did not comply, Hastings ordered his arrest and ousted him from power—one less threat to Company possessions.⁷⁶

Edward Law next responded to the charge that Hastings' despotic administration ruined a well-governed country and replaced it with an arbitrary despotic rule that inflicted great suffering. While Burke argued that India had not typically been subject to arbitrary rule, Edward Law regaled the court with story after

story of awful tyrannies in India. The *Mahabharata*, an account of early Hindu lore, depicted a great battle involving millions of men and thousands of elephants, of which only 8 men survived.⁷⁷ The Muslim Sultan of Ghanzi, the first Muslim to make India his home, was a cruel tyrant who massacred Hindus whom he considered nothing more than idol worshippers.⁷⁸ Law characterized his rule as a “a system, not a government...of cruelty and rapine.”⁷⁹ Law then referred to the *Bibliothèque Orientale* which credited the founder of the short-lived Timurid Dynasty, Timur or the “Destroying Prince” in India with the phrase, “a monarch was never on his throne but whilst a great deal of blood was shed around him.”⁸⁰ These examples are some of the stories told by Law to show how Indians were used to cruel and arbitrary rulers. Could comparable horror stories be told about British rule in India? Edward Law concluded:

I challenge not only the honorable gentlemen opposed to me, but all mankind to produce one well-authenticated instance of personal cruelty, by persons entrusted with and in the execution of power in India, from the beginning of our [British] history in that country to the end.⁸¹

Edward Law then cut to what must have been for many in Britain the heart of the matter: the East India Company had been restored to financial health and all investments in it were safe. Under Hastings’ leadership, the Company took over the salt and the opium trades, lucrative sources of revenue that had previously been privately held. By 1789, the profits of the salt trade amounted to £860,000 and of the opium trade £170,000 per annum.⁸² Money paid into the Company treasury as a result of Hastings’ financial reforms exceeded the parliamentary bailout of £1 million; the Company was now on a firm financial footing. While Burke argued checks and balances, natural law, the sanctity of contracts and the inevitable corruption of despotism, Edward Law’s defense of Warren Hastings took on the air of an accountant’s balance sheet of empire.

The trial ended on April 23, 1795 with Warren Hastings’ acquittal on all counts.⁸³ Over the 7-year trial, 60 of the original 160 lords had died.⁸⁴ So it was in 1795, that only 29 of 200 peers considered themselves able to vote on the verdict.⁸⁵ Of those, 23

voted to absolve Hastings, while 6 voted to convict him.⁸⁶ As Macaulay stated: "Hastings himself said the arraignment had taken place before one generation, and the judgment pronounced by another."⁸⁷ Shortly after his acquittal, the Board of Proprietors and the Board of Directors of the British East India Company agreed to reimburse Hastings' trial expenses. Hastings was given £71,000 for trial expenses, an annual pension of £4,000, and a loan of £50,000 that was waived in 1804.⁸⁸ Yet while Hastings had won the trial and had received enough financial assistance to live well, he had lost his reputation and his social standing. Prior to the impeachment, Hastings believed he would be granted a peerage by Parliament upon his return to Great Britain. After the trial, Parliament never even considered it. Burke's case against Hastings had proved a level of corruption that made the social elite squeamish. As a former professor of law at the University of California, Berkeley, John T. Noonan Jr., stated:

The Lords were ready to acquit him; no administration was willing to make him a lord himself. In these ways, social not legal, pragmatic not theoretical, indirect and tempered, not direct and absolute, Hastings was sanctioned for the presents he had taken.⁸⁹

Parliament's unwillingness to grant Hastings a peerage was the only success for Burke and the other managers of the impeachment. What newly-appointed governor general would have wanted to go through the humiliation that Warren Hastings endured? In that way the trial set a standard for British behavior in India.

The trial of Warren Hastings marked a transition from the era of classical thought to the emerging epoch of modern thought. As such it was a watershed between the two mindsets about how a government legitimizes its rule. Burke, the paradigm of a classical thinker, believed that legitimate power came out of an adherence to natural law. In 1791, in the midst of the trial, Edmund Burke published his *Reflections on the Revolution in France*, a book that catapulted him to fame and came to be regarded as the classic statement of conservative philosophy. He outlined how a government legitimizes its power by honoring the traditions, the customs, and the wisdom of the past. Burke characterized society as an organic living thing, and just as a plant could

not be uprooted in hopes of improving it, so too society could not be made better by uprooting its past.⁹⁰ For Burke, the worst government was unchecked and arbitrary. Impeachment served as an important tool within the British constitution to make a government accountable to the people. Burke wrote *Reflections on the Revolution in France* in response to the revolution that had engulfed France, yet it was also a commentary on events that had happened at home in Britain with the failure of Fox's India Bill and on Hastings' trial. Burke saw impeachment as the classic way to prevent arbitrary rule:

No pardon under the great seal of England should be pleadable to an impeachment by the commons in Parliament. The rule laid down for government in the Declaration of Rights, the constant inspection of Parliament, the practical claim of impeachment, they {the Commons of England] thought infinitely a better security not only for their constitutional liberty, but against the vices of administration.⁹¹

Burke used Montesquieu's *Spirit of the Laws* to support the superiority of a government in which despotism is prevented by the check and balance of opposing constitutional powers even while he denounced as mistaken Montesquieu's chapter on Oriental despotism. Burke believed that India was a government of law and that the rule of law precluded despotism. Burke told the judges:

Now having contended...that the law of nations is the law of India as well as of Europe, because it is the law of reason and the law of nature, drawn from the pure sources of morality, of public good and of natural equity, and recognized and digested into order by the labor of learned men.⁹²

India had been governed under the Hindu laws of Manu and under Mohammedan law throughout the ages. Once a monarch ruled according to the law, he could not be a despot because his power was limited by law. A British government in India, a rule of white Mughals, was plausible if the ideas and customs of the populace were respected. He accused Hastings of not respecting such customs and instead imposing arbitrary law.

Was Burke's prosecution out of date in a new world of disparate power, capitalist expansion, and imperialism? Hastings realized that a government formed to make money for investors

was not compatible with the interests of the indigenous population. Whereas Burke used Montesquieu's chapter on the British government as the perfect example of good government, Hastings' attorney Edward Law used Montesquieu's writing on oriental despotism to justify Hastings' rule. Law told the judges that Indian history was the history of despotism: "I will quote the words of Montesquieu: 'The people of Asia are governed by the cudgel, and the inhabitants of Tartary by whips...what the people of Asia have called a punishment, the people of Europe have called an outrage.'"⁹³ Edward Law's historic apology on behalf of Hastings directly contradicted the Enlightenment's conception of the equality of all men and anticipated social Darwinist ideals. Edward Said, an authority on imperialism, wrote in his book, *Culture and Imperialism*: "[Imperialism's] worst and most paradoxical gift was to allow people to believe that they were only, mainly, exclusively, white, or Black, or Western, or Oriental."⁹⁴ This modern imperialist mindset signified the emergence of a new order of things, a fundamentally new way to see the reality of human existence.

In his book *The Order of Things* Foucault states that, "the threshold between classicism and modernity...had been definitely crossed when words ceased to intersect with representations... [A]t the beginning of the 19th century they [words] rediscovered their ancient enigmatic density."⁹⁵ Throughout the trial, Edmund Burke used the clear and precise language of the Enlightenment *philosophes*. Hastings's lawyer, Edward Law, used a different approach to separate and demean a whole race of people to justify British imperialism. Instead of wielding the language of balance, Law used the language of racism.

Both Burke and his opponents at the trial sought to evaluate rule in India, but their assumptions were fundamentally different. The original title of *The Order of Things*, *Les Mots Et Les Choses*, translates to "words and things;" Foucault sought to explicate the relationship between words and things. The relationship is not static but instead changes over time. Hence, although Hastings and Burke may have used the same words, those words connoted

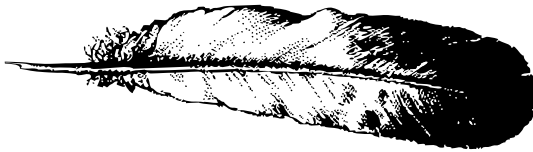
different ideas. As Ian Crowe, the director of the Edmund Burke Society of America, wrote in his book *An Imaginative Whig*:

Said emphasizes perhaps above all the tendency of Orientalists to attribute an essence to the Orient that renders it essentially “other” or different from the West, morally, intellectually, as well as in its social institutions...[and] rejects the Enlightenment’s belief...in favor of a view of fundamentally diverse nations, races, or cultures.⁹⁶

Law also used race to connect with an errant stream in Western civilization. Since the 1460s the West [and the Arabs] had enslaved Africans, and consequently had begun to consider them inferior by birth. Law emphasized the view that the Orient was different from and inferior to the West. In this new division, the British colloquially referred to Indians as blacks, like the black slaves of Africa.⁹⁷

Burke totally rejected this new ‘modern’ attitude. On his deathbed, Burke wrote to Dr. Lawrence—the man he chose to be the executor of his estate—to write an account of the trial, for his efforts in the impeachment trial were what he wanted posterity to remember him for.

Let everything I have done, said, or written, be forgotten, but this...The cruelty of this pretended acquittal [was] but in reality this barbarous and inhuman condemnation of whole tribes and nations, and of all the classes they contain. If ever Europe recovers its civilization, that work will be useful. Remember! Remember! Remember!⁹⁸



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CATALYST FOR THE NATIONAL CANCER ACT:
MARY WOODARD LASKER

Langley Grace Wallace

Mary Woodard Lasker, a prominent mid-20th century New York City philanthropist and health activist, had a simple warning: “If you think research is expensive, try disease!”¹ These oft-used words defined Lasker’s rationale behind her lifelong initiative for greater research funding to fight cancer in the United States, culminating with passage of the National Cancer Act in 1971. Beginning in the 1940s, the charming but relentless Lasker moved beyond her roles as rich socialite and shrewd entrepreneur to become a pioneering leader in the male-dominated worlds of national policy-making and scientific research. Convinced that the transfer of science from the lab to the patient could speed the cure of cancer, Lasker presented the nation with the idea that a single deadly disease could be eradicated with sustained and substantial public funding for medical research. Aided by her husband’s wealth and advertising savvy, Lasker transformed some nonprofit and government entities dedicated to the disease, created bold public-awareness messages, and forged valuable personal and professional relationships and political connections, in

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her “crusade” against cancer. Recognized in New York salons and Capitol Hill offices for her social manners and bouffant hairstyle as well as her results-driven bottom line quest for research dollars, Lasker led a groundswell of public and government support demanding that cancer research be a national priority. With her unlikely and unusual leadership made all the more compelling because of her gender during this time in history, Mary Lasker became the catalyst² for the adoption of the National Cancer Act and the nation’s declaration of the “War on Cancer.”

Lasker’s early brushes with her own illness³ and with the cancer of her family’s housekeeper profoundly heightened her later interest in medical research.⁴ Born Mary Woodard in 1900 in Watertown, Wisconsin, she endured chronic and painful ear infections, causing “deeply resentful” feelings for the lack of medical remedies during her childhood.⁵ “I screamed so much that I wonder how my mother and father lived with me,” she recounted later.⁶ Perhaps more significantly, Lasker witnessed cancer’s devastating effects when she was a young girl in a deathbed visit to her family housekeeper, Mrs. Belter, who was suffering from breast cancer.⁷ When the young Lasker saw the “miserable sight with her children crowding around her,” she later said, “I was absolutely infuriated, indignant, that this woman should suffer so and there should be no help for her.”⁸ Yet, she received no explanation for Mrs. Belter’s decline, because “cancer was a word that you simply couldn’t say out loud” in the early 1900s.

Her mother’s death in 1940 served as the tipping point in Lasker’s anger over inadequate medical treatments, which had been building for decades.⁹ “I am opposed to...cancer,” she said, “the way I am opposed to sin.”¹⁰ Lasker set out to rid the world of cancer with proselytizing fervor, realizing that “my major motivations...all went back to my violent reaction and hostility to illness for myself or for anybody else.”¹¹ Such a conviction meant that other aspects of her life, while impressive and illustrious, became secondary, including her roles as glittering social maven,¹² successful art dealer and collector,¹³ and savvy businesswoman.¹⁴ Her lack of a scientific or medical background was no deterrent: “Nobody

would have me in their laboratory for five minutes,” she once said; “I couldn’t cut up a frog, and I certainly couldn’t perform surgery,” but she resolved to be “better at making it possible for other people.”¹⁵

Her marriage in 1940 to Albert Lasker, considered the founder of modern advertising for his novel use of logos and slogans to distinguish brands, enabled her to transform her cause into a full-blown mission for cancer research.¹⁶ Having amassed a fortune both from his national advertising campaigns for products such as Whirlpool washing machines and Sun-Maid raisins and from taking stock as partial payments from companies including Pepsodent and Kimberly-Clark,¹⁷ Lasker’s millionaire husband catapulted her to a new level of philanthropic and social influence, particularly in “her life-long interest in health.”¹⁸

She soon convinced her husband that his resources and talent could make a great impact in health issues, especially cancer.¹⁹ “Without Albert’s support, know-how, and money, I couldn’t have done anything,” Lasker acknowledged later.²⁰ In 1942, the Laskers founded the Albert and Mary Lasker Foundation,²¹ which established a new vehicle for encouraging medical research through public education and advocacy. They also created The Lasker Prizes, prestigious annual awards for groundbreaking medical and scientific research.²²

Strengthened by her newfound prominence and platform, Lasker prepared to take on the unmentionable, dreaded disease that struck her childhood housekeeper. Even more alarming to her, in her opinion nothing in cancer research or treatment had improved some 40 years later.²³ She was right: “Within the public domain and the medical community...the 1930s and 1940s were still characterized by pessimism regarding cancer treatment.”²⁴ Around this time, her cook developed cancer, and was sent to a hospital for incurables.²⁵ Lasker’s cook and more than 150,000 others were dying each year of cancer in the United States,²⁶ but the disease garnered scant public and media attention.²⁷ Into the 1940s, “cancer was hidden away from public view.”²⁸ People

suffering from cancer remained loathe to acknowledge it; even her own cook only reluctantly revealed her diagnosis to Lasker.²⁹

Lasker began her mission in earnest with a quick survey of the cancer landscape. Her first stop was a visit to the voluntary organization founded in 1913 to raise public awareness and “re-duce taboos” of cancer diagnoses in order to fight the disease.³⁰ In April 1943, the well-dressed “socialite” practically stormed into the office of the American Society for the Control of Cancer, one of the nation’s leading disease-focused voluntary organizations.³¹ She confronted its director, Dr. Clarence Cook Little,³² and demanded to know the amount of money being spent on cancer research.³³ “Nothing,” replied Little, who had never met Lasker and had no inkling that his answer would set off a firestorm of change.³⁴ Rather than supporting research, the organization, made up of a relatively small group of physicians and scientists, primarily used its meager funds to educate the public and accumulate data on cancer.³⁵ Alarmed at its limited size, purpose and ambition, Lasker left with the realization that the American Society was not “going to eliminate cancer.”³⁶ She angrily observed that “an advertising campaign about a toothpaste” attracted more money than the charity charged with fighting cancer.³⁷

Indeed, the proof was in its budget. The American Society had an annual budget of only \$102,000 in 1943. Even its public counterpart did not fare much better; the federal government’s National Cancer Institute, which was part of the National Institutes of Health,³⁸ had a \$500,000 budget for the fiscal year ending in June 1945.³⁹ By contrast, the March of Dimes effort to combat polio brought in \$15 million for its cure, though the disease affected far fewer people than cancer.⁴⁰ In doing additional reading on cancer research, Lasker found a pamphlet from the New York City Cancer Committee which stated that no single institution had more than \$500,000 for research and that such a “vast sum” could allow “great progress.”⁴¹ “In business \$500,000 wouldn’t even be a suitable sum to use for an advertising campaign for a toothpaste,” she recalled thinking at the time. “I was appalled that no single laboratory had this amount with which to try to conquer the number-two cause of death of the people of the United States.”⁴²

Lasker could not permit this meager state of cancer-research funding to continue—and she had a plan to fix it. Under the tutelage of her husband on modern salesmanship, she plotted promoting the need for cancer research as if selling cigarettes or gum. To Lasker, an important initial step meant that cancer had to emerge from the shadows. Because the word “cancer” provoked such doom in the first half of the 1900s, including a likely death sentence for those afflicted,⁴³ it was only whispered about in private.⁴⁴ She wanted to make the disease a public health issue that resonated with Americans, many of whom either had cancer themselves or experienced a family member suffering from cancer. Lasker’s objective: get the battle against cancer covered by radio, the main outlet for news and information, and by mainstream publications in order to change the national dialogue—and perhaps the future trajectory of research funding.⁴⁵

Taking a page from her husband’s use of radio to grab the public’s attention with ad jingles, Lasker wanted to commission radio spots on the need for more research dollars to fight cancer. Her goal: grab listeners’ attention by highlighting the disease as the nation’s second leading cause of death. There was a major problem, however, because radio networks prohibited the use of the word “cancer” over their airwaves. At this time, cancer “was an unpleasant word and must not be mentioned,” Lasker said. “You could mention sex...but cancer, you couldn’t even mention the word.”⁴⁶ She leaned on her advertising-guru husband, who had purchased vast amounts of time on radio networks in his career, to persuade David Sarnoff,⁴⁷ head of the Radio Corporation of America, that cancer’s mention over the airwaves was long overdue.⁴⁸

In 1944, Lasker seized an opportunity in a different medium when she ran into a friend, Lois Mattox Miller, the medical editor of the *Reader’s Digest*. She told her about the “sad facts” that the American Society for the Control of Cancer had no funds for research, even as “one out of eight would die of the disease.”⁴⁹ Taken by Lasker’s compelling pitch, Miller wrote three small articles published in the widely-circulated magazine, which concluded with a line at the end asking for donations to be sent to the American Society for the Control of Cancer. More than \$300,000

in contributions poured into the Society, which was far more than the organization's previous annual budget.⁵⁰

Around the same time, Lasker used her social skills and hefty bank account to work her way onto the Society's board of directors.⁵¹ She then prodded several friends either to solicit or contribute donations, raising more than \$4 million for the American Society in 1945,⁵² of which she mandated that one-fourth be set aside specifically for cancer research.⁵³ With that first appeal netting \$960,000 solely for cancer research, a number which she easily recalled decades later, Lasker was elated: "For the first time in the history of mankind, there was a substantial single fund in the cancer field which was to be used for cancer research!"⁵⁴

Lasker continued to overhaul the American Society and assumed virtual control. She wanted to restructure the board on which she now sat, replacing more than half of the scientist-and-physician-dominated positions with action-oriented laypeople.⁵⁵ For the new board chairman, Lasker recruited Emerson Foote, a successful advertiser and friend of Albert Lasker. Foote and Lasker acted swiftly to upend the stale, club-like group of doctors into a lobbying force by recruiting more high-powered and specialized professionals, including lawyers, movie producers, businessmen and pharmaceutical executives.⁵⁶ They also changed the group's name in 1945 to the more concise American Cancer Society.⁵⁷ Dr. Little finally resigned when he "couldn't get along with anybody" in the new crowd now in control, Lasker recounted.⁵⁸

Shortly after the American Cancer Society's revamp, the new board, comprised of Lasker's skillful friends and allies, immediately put to use its greater prominence and lobbying muscle. Together, Lasker and her group of activists became known as "Laskerites" in the media, a name they proudly accepted.⁵⁹ She was "the center of this collective, its nucleating force, its queen bee."⁶⁰

With the leading cancer charity now flush with cash and good will, Lasker turned her attention to the government institution charged with cancer research, the National Cancer Institute. Again, Albert Lasker provided wise counsel to his wife. Charitable giving could take her cancer drive only so far; what she needed to

ascend to the next level was political action to unleash federal dollars.⁶¹ “You need a lot of money for the kind of progress you have in mind,” Albert Lasker told his wife, “You cannot do that without involving the federal government.”⁶² Despite being a supreme networker and social dynamo, Lasker was entering uncharted territory: “I had never had any contact with Washington at all, officially or unofficially,” she recalled.⁶³

“There are unlimited funds,” Albert Lasker told her, “I will show you how to get them.”⁶⁴ One of her first lessons was to go straight to the congressional committees that provided money.⁶⁵ On Capitol Hill, Lasker and her colleagues found immediate success. Newly emboldened by support from the American Cancer Society and the public, they sought and won from Congress greater funding for the National Cancer Institute.⁶⁶ Its federal appropriations skyrocketed from \$1.75 million in 1946 to more than \$14 million in 1947.⁶⁷

The next year NCI’s director, John Heller,⁶⁸ returned the favor to Lasker by introducing her to the idea of chemotherapy as a cancer treatment and to the famed doctor who had created it, Dr. Sidney Farber.⁶⁹ The Harvard pathologist and cancer researcher had just discovered that treatment with anti-folic acid compounds resulted in permanent remission of acute leukemia in children, one of the first eradications of any cancer.⁷⁰

Lasker immediately recognized Farber’s value to the cause of cancer research. His discovery validated that scientific pursuit might yield the “magic bullet” against cancer,⁷¹ and thus augment the scientific legitimacy of her effort. Becoming regular pen pals, Lasker and Farber quickly found common ground on the poor state of research funding despite its huge potential to unlock treatments and possible cures. For example, in 1948, the nation’s hospitals supported only 100-150 beds for special cancer research, which Lasker called “completely inadequate.”⁷² Not surprisingly, the dearth of research spawned a multitude of theories on the origins of cancer from a “disease of civilization”⁷³ to the product of germs,⁷⁴ against which Farber railed in his lengthy and more knowledgeable letters to Lasker, which he called his “scientific treatises.”⁷⁵

Suddenly and ironically Lasker's battle against cancer became even more personal. Her beloved husband and co-conspirator against the disease was diagnosed in 1951 with colon cancer, which had metastasized.⁷⁶ As Lasker frantically wrote oncologists, including Farber, for last-ditch treatments, her husband slipped into a coma and died the following year.⁷⁷ He left Lasker with not only his fortune,⁷⁸ but also a new urgency to find effective treatments for cancer.⁷⁹ After watching her husband's painful decline and death, Lasker "didn't want others to suffer the way he did. She redoubled her efforts."⁸⁰

When Lasker emerged from her grief,⁸¹ cancer was no longer her cause, it was her enemy.⁸² She resumed her close alliance with Farber, and by the mid-1950s they became convinced that together they could successfully launch a coordinated national attack on cancer, which Farber began to call a "crusade."⁸³ Determined to discover new cancer treatments in the research laboratory,⁸⁴ Lasker planned to use her social, political and media skills, while Farber would provide the scientific expertise and authority.⁸⁵ Lasker and Farber created a "synergistic partnership that would stretch over decades,"⁸⁶ becoming a key component in the march toward a national cancer-research agenda.

Lasker next intensified her focus on the National Cancer Institute, where she served on its National Cancer Advisory Council, a panel she had pushed to be established and to include laypeople.⁸⁷ In this capacity, she wrangled key information out of the director of the National Institutes of Health, from the broader "goals and objectives of cancer research and their means for implementation" to more specific details such as "the program review of the clinical chemotherapy area."⁸⁸

For several years, Lasker had been successfully lobbying to increase NCI's budget, and was "credited with a considerable role in persuading Congress to increase appropriations" for NIH (of which it was part) from \$2.5 million to more than \$1 billion by the 1960s.⁸⁹ The national budget for cancer, however, remained in the range of about \$100-150 million, which didn't keep pace with inflation.⁹⁰ A *de-facto* slowdown in federal research dollars for

cancer was anathema to Lasker and her allies. As she frequently asserted, "Without money, nothing gets done."⁹¹ Lasker believed that the government's commitment would be ineffective in "little pieces; rather it should be approached as an integrated whole with a substantial and continuous commitment of resources," her step-grandson, Christopher Brody, later recalled. "She thought big."⁹²

Thinking big to Lasker meant the time had come for action by Congress and the President in order to ensure federal financing of medical research, specifically in the fight against cancer. After years focusing primarily to influence the disease-focused charitable and government institutions, Lasker prepared to take her cause nationwide. With her growing stature, connections, and list of prominent supporters, Lasker essentially created the first-ever medical research lobby.⁹³

She started by going straight to the top, and in the 1960s that meant to Vice President (and former Senate Majority Leader), and later President, Lyndon Johnson. She had gotten to know the powerful Texas senator through his wife Lady Bird over their shared interest in the beautification of public spaces, particularly with flowers.⁹⁴ Calling Lasker "a dauntless warrior," Lady Bird Johnson recalled the cancer advocate as "warm and open-armed to me as well as to Lyndon...She wanted to educate Lyndon and use him in all her health [lobbying]."⁹⁵

With Lyndon and Lady Bird Johnson as influential allies, Lasker gained entree to Washington's elite, especially among Democrats.⁹⁶ Using her social circles as a starting point, Lasker tactfully worked to insinuate herself and fellow Laskerites within political circles as well. "They got some of the most cogent, gently applied arguments for fighting killer diseases, as well as some of the most elegant dinners and interesting evenings," Mrs. Johnson observed.⁹⁷ Lasker quickly became a "regular on the Hill."⁹⁸ As an aide to President Johnson noted, Lasker and her associates "set a new fashion for lobbyists. The moving and shaking done by such womenfolk affects everybody, including the most obdurate politician."⁹⁹

Lasker's single-minded focus to obtain federal funding for medical research was revolutionary and therefore controversial.¹⁰⁰ Because such research at the time was conducted by universities, nonprofit institutes and private companies, Lasker and her lobbying efforts attracted scrutiny. She and her allies were dubbed "Mary and her little lambs" by detractors.¹⁰¹ By the mid-to-late 1960s, critics charged that she was "too covetous of power, too insistent on her pursuits, too confident of her own expertise in the minutiae of medicine."¹⁰²

The 1968 publication of *Cure for Cancer: A National Goal* by Dr. Solomon Garb immediately caught Lasker's attention. "It seemed to me to be a very lucid and intelligent appeal to make cancer a major effort," she said.¹⁰³ Garb, a pharmacology professor at the University of Missouri, explained in his book that the nation needed to re-examine its cancer-research effort, because "less than two percent of the federal funds allocated for research are used for cancer research."¹⁰⁴ He proposed establishing a research program for cancer that was similar to the nation's successful space program: "through a national commitment to make the cure...of cancer a national goal, in the same way that putting a man into orbit around the earth was made a national goal, and then achieved."¹⁰⁵

Garb's book contended that sufficient funding could essentially buy scientific ideas and talent, making a cure for cancer possible.¹⁰⁶ He additionally argued that the agency charged with cancer research should follow NASA's experience of reporting directly to the President, bypassing layers of bureaucracy.¹⁰⁷ The book helped Lasker "crystallize her thinking" and gave her confidence to speed up her actions.¹⁰⁸ Lasker distributed Garb's book to the Laskerites, which "became their bible."¹⁰⁹ Lasker also invited Garb to dine with her in New York City, where "Garb convinced her that curing cancer was only a matter of money and political resolve."¹¹⁰ Going forward, Garb's book not only affirmed Lasker's past actions, but also provided her a guiding light for her future direction.¹¹¹

As she sat glued to her television set on July 20, 1969, Lasker watched in awe as Apollo 11 astronaut Neil Armstrong walked on the moon.¹¹² Inspired by the boldness of both the moon landing and thesis of Garb's book, Lasker developed a new justification for her mission: the "moonshot" for cancer.¹¹³ The triumphant Apollo mission marked a turning point in Lasker's campaign, because she incorporated one of America's leading topics of the day into her own argument. Lasker reasoned that in the space program, the United States had set a goal, used large resources to achieve that goal, and was ultimately successful in a great scientific achievement.¹¹⁴ She insisted that a similar process be set up for increased cancer research and ultimately a cure for cancer.¹¹⁵ She even started to call her cause a "conquest of 'inner space' (as opposed to 'outer space'), conceptually unifying the two projects."¹¹⁶ Lasker's embrace of the "moonshot" parallel enabled her to equate a cancer-research initiative with a source of American pride and unity, and became her template to popularize its appeal, even with respect to a dreaded disease.

Later that year, Lasker founded the Citizens Committee for the Conquest of Cancer¹¹⁷ to organize "grass-roots support" for cancer-research dollars.¹¹⁸ She named both her longtime doctor ally Farber and her newest ally, Garb, to be its first co-chairmen.¹¹⁹ Tapping into the public's desire for "the promise of rapid cancer cures," the Citizens Committee sought to generate a groundswell for support for curing cancer by 1976, America's bicentennial.¹²⁰ The new Citizens Committee members, who were orchestrated by Lasker, offered witnesses before congressional committees and generated statistics documenting the minuscule scale of federal expenditures on cancer research compared to defense spending.¹²¹

With Richard Nixon now occupying the presidency instead of Johnson, Lasker's loss of direct access to the White House forced her to work from the outside.¹²² Her answer was a groundbreaking and provocative full-page newspaper advertisement that called on the President to take personal responsibility for curing cancer. The ad first ran in the *New York Times* on December 9, 1969, and then in other newspapers including the *Washington Post*.¹²³ The

full-page ad was intended by Lasker and her Citizens Committee allies as a full-scale offensive to influence American opinion. Importantly, the ad elevated the attack on the disease as an enemy to be defeated with the phrase: “War on Cancer.”¹²⁴

“Mr. Nixon: You can cure cancer” was the daring statement that began the advertisement.¹²⁵ The large font and direct address to the President were designed instantly to capture a reader’s interest. In smaller font at the bottom of the page, an open letter to Nixon used precise language that put pressure on the country’s leader to prevent more Americans from dying of cancer. The ad’s fine print read: “If you fail us, Mr. President, this will happen: One in six Americans now alive, 34,000,000 people, will die of cancer unless new cures are found.”¹²⁶ For shock value, the ad included a powerful visual of a mass of cancer cells, “sending a shower of metastatic fingerlings through the text.”¹²⁷ Lasker privately delighted in the ad’s novel impact, which led lawmakers to remark “they’d never had ads before on cancer in their districts...and it caused quite a little commotion.”¹²⁸ Ultimately, through the ad’s clever language and layout, Lasker gained invaluable new support, while simultaneously transferring much of the responsibility for increasing cancer research to President Nixon and Capitol Hill.

In addition to the advertisement’s public pressure on Nixon, Lasker also attempted to influence the President through his own Cabinet. In October 1969, she had lunch with Health, Education and Welfare Secretary Robert Finch to persuade him of the urgent need for a presidential commission on the conquest of cancer.¹²⁹ She followed the lunch with a letter, which attached a “detailed memorandum”¹³⁰ on how a presidential commission should spend “whatever the cost”¹³¹ to save an estimated 300,000 lives a year. The memorandum went so far as to predict that “this saving of lives will add to the gross national product and many times pay for the total expenditures.”¹³² Lasker suggested that the committee include esteemed citizens such as philanthropist Laurance S. Rockefeller and International Business Machines Company chief executive Thomas J. Watson, Jr.¹³³

Lasker pressed her case for the Commission on the Conquest of Cancer to another Cabinet member in the Nixon administration, Secretary of Defense Melvin Laird. "I did have a chance to talk with the President about the possibility of his appointing a commission to explore the near-term conquest of cancer," he wrote Lasker.¹³⁴ "He seemed favorable to the suggestion." The letter was dated just three weeks after the full-page advertisement directed at Nixon, which Lasker had a "a feeling that it couldn't help but have been shown to Mr. Nixon, who is now thinking of appointing this commission."¹³⁵

Whether before the administration, Congress, or the National Institutes of Health, Lasker was becoming a powerful—and recognizable—force. "With brown hair coiffed in a perfect bouffant, a mink coat slung carelessly over her chair, and perfectly applied makeup, Mary had the appearance of a lightweight socialite with too much time on her hands,"¹³⁶ one cancer scientist recalled from a 1969 meeting attended by physicians and men in dark suits. The scientist "consequently learned that she was very much a heavyweight, despite her appearance, and, indeed more than a little scary."¹³⁷

Lasker knew better than to rely solely on the executive branch of government on her goal of a new committee to oversee greater federal funding for cancer research. She needed congressional action, including a key lawmaker to take up her cause on Capitol Hill. She selected Texas Senator Ralph W. Yarborough,¹³⁸ chairman of the Senate Labor and Public Welfare Committee, who had worked closely with Johnson on his liberal legislative agenda.¹³⁹ Yarborough was "very disorganized, very harassed,"¹⁴⁰ but Lasker came prepared to her initial meeting in 1969 with substance and sustenance. Accompanied by a scientist from Memorial Sloan-Kettering Hospital, Lasker presented the notion that a nationwide commission of citizens could build consensus for researching a cure for cancer.¹⁴¹ The Texas senator was interested.¹⁴² Then Lasker and the cancer scientist, Mathilde Krim, each pledged \$5,000 for Yarborough's upcoming senatorial election campaign.¹⁴³

Yarborough agreed to propose a Senate resolution to establish such a citizens committee,¹⁴⁴ introducing “Senate Resolution 376 to establish a Panel of Consultants on the Conquest of Cancer” in March 1970, which was unanimously adopted by the Senate in April.¹⁴⁵ Once the panel was established, Lasker quietly did her best to “hand-pick” members of the panel, many of whom she knew would either represent her point of view¹⁴⁶ or use their Republican credentials with the current administration.¹⁴⁷ In the “official” letter from Yarborough inviting Lasker to serve on the new Panel of Consultants, he wrote in cursive across the bottom of the page: “It was your genius, energy and will to help mankind which created the committee.”¹⁴⁸

The Lasker-led group of doctors, cancer activists and business leaders soon drafted a “blueprint”¹⁴⁹ with its main purpose to create a new federal agency to coordinate and expand cancer research.¹⁵⁰ Its report, released on December 10, 1970, from the “Yarborough Commission,” laid out details for a legislative plan to establish a new “independent government agency known as the National Cancer Authority” that “would replace the present fragmented government research agencies and create one strong agency to get the job done to find the cause and the cure of cancer.”¹⁵¹

Following Yarborough’s public proposal, Lasker and other influential members of the Panel of Consultants mobilized to secure Nixon’s approval. While the Panel’s Republicans lobbied Nixon’s aides, Lasker and Panel chair Benno Schmidt, Sr.¹⁵² approached Elmer Bobst, a millionaire pharmaceutical executive and Nixon’s close friend.¹⁵³ They urged Bobst to encourage Nixon to include the cancer initiative in his upcoming State of the Union address.¹⁵⁴

The suggestion found favor with Nixon, perhaps as much for political as for scientific reasons. Nixon had observed how Senator Ted Kennedy was gaining increased visibility and good will by becoming the “champion of the bill” for cancer legislation after Yarborough lost his Senate seat.¹⁵⁵ Worried about the possibility of Kennedy becoming the Democratic presidential nominee against him in his 1972 reelection bid, Nixon wanted to deprive

his potential rival of further attention.¹⁵⁶ At the time, Nixon was also grappling with a deeply-divided country after ten controversial and costly years of American deployment in Vietnam.¹⁵⁷

In his State of the Union address in January 1971, Nixon acknowledged a suffering nation: “In these troubled years just past, America has been going through a long nightmare of war and division, of crime and inflation. Even more deeply, we have gone through a long, dark night of the American spirit. But now that night is ending.”¹⁵⁸ The President then turned from the negative to the positive by saying: “Now we must let our spirits soar again. Now we are ready for the lift of a driving dream.”¹⁵⁹ One of those drivers would be the fight against cancer, an enemy that struck millions of Americans more directly than the Viet Cong and one that Nixon hoped would deliver a better result for his presidential legacy.¹⁶⁰

Nixon proposed that “the same kind of concentrated effort that split the atom and took man to the moon should be turned toward conquering this dread disease. Let us make a total national commitment to achieve this goal.”¹⁶¹ He sought new and substantial funding for cancer research from Congress.¹⁶² While the State of the Union speech realized a landmark advance for Lasker’s cause, she faced her next challenge—congressional action to implement Nixon’s mandate for the War on Cancer.¹⁶³

In the spring of that year, the Senate promptly took up the cancer legislation, put forth by Kennedy, to appropriate an unprecedented amount of funds for research. However, the bill, known as S-34, met with some resistance from an unexpected source—a faction of the scientific community that ironically stood to benefit from more dollars distributed to research laboratories.¹⁶⁴ Certain physicians and researchers argued that an attack on cancer was premature, given how much was still unknown about the disease.¹⁶⁵ To challenge Lasker’s moonshot argument, Columbia University cancer scientist Sol Spiegelman claimed that “an all-out effort at this time would be like trying to land a man on the moon without knowing Newton’s laws of gravity.”¹⁶⁶ Unlike Lasker, some scientists did not believe that a virtually endless sup-

ply of funding for cancer research would necessarily yield a cure, because money could not buy scientific creativity and ideas,¹⁶⁷ nor were advances typically the products of breakthroughs but rather of modest steps.¹⁶⁸ Lasker dismissed her scientific opponents “as narrow-minded laboratory dwellers who seek little more than self-indulgent research grants.”¹⁶⁹

Kennedy, as the leading sponsor, and Lasker “line[d] up teams of experts to testify” that cancer-research dollars would yield results toward cures.¹⁷⁰ Noting that “cancer was a leading concern everywhere,” Kennedy held 20 hearings in Washington and around the country.¹⁷¹ Lasker’s experts included several who had made cancer-treatment breakthroughs, such as Farber on treating some childhood leukemia patients.¹⁷² “That success...became a part of her message; if we could cure childhood leukemia, we can cure other cancers.”¹⁷³

Yet, Lasker’s most compelling argument in drawing lawmakers to her side was heartfelt and simple—the moral imperative to end suffering caused by the terrible disease.¹⁷⁴ In Capitol Hill meetings, she habitually revealed that the number of cancer deaths each year far outweighed the number killed in the Vietnam War. As an example, the cancer-death toll in 1969 alone was eight times greater than the total number of American deaths in six years of the Vietnam War.¹⁷⁵ Additionally, she often produced “from her handbag a folded onionskin chart” tracing cancer appropriations over the years and “notebooks filled with statistics... on paltry sums” spent on researching cancer, as compared to huge amounts spent on producing chewing gum.¹⁷⁶ Beyond her compelling display of facts and figures, Lasker had fine-tuned her congressional pitch to go beyond securing funds for research to attacking the very disease killing their constituents. Objecting to spending on cancer research became the equivalent to opposing “Mom, apple pie and the flag.”¹⁷⁷

To assure the bill’s passage, Lasker needed “to galvanize the public.”¹⁷⁸ True to form, she once again turned to the media. Lasker had built a friendship with Eppie Lederer,¹⁷⁹ the popular writer of the “Ask Ann Landers” advice column in *The Chicago Sun*

Times.¹⁸⁰ She encouraged Lederer to use her column both to alarm the public about cancer and to make it popular—and politically imperative—to join the fight against it.

On April 20, 1971, the "Ask Ann Landers" column was published nationwide with the opening salvo: "If you want to be a part of an effort that might save millions of lives—and even your own—please stay with me."¹⁸¹ With input from Lasker and the Citizens Committee for the Conquest of Cancer, Lederer revealed the shocking statistics on the minuscule government spending on cancer research compared to other government initiatives, such as the Vietnam War and the space program.¹⁸²

The column, perfectly timed to sway public opinion and impact lawmakers, explained that the Senate bill would establish a National Cancer Authority in the federal government and provide new funds for cancer research. Furthermore, "Ann Landers" urged her 90 million readers to get involved:¹⁸³ "Today you have the opportunity to be part of the mightiest offensive against a single disease in the history of our country. If enough citizens let their senators know they want Bill S-34 passed, it will pass."¹⁸⁴ The effect of the column was not only felt by its readers, but also in the senators' telegraphs and mailboxes.¹⁸⁵ Within days of her column's publication, Lederer wrote to Lasker that "all hell has broke loose" in the Senate, because "all the Senators [were] experiencing an unprecedented deluge of telegrams and letters in support of S-34."¹⁸⁶

After successfully gaining the support of the American public and President Nixon, Lasker's decades-long passion project headed toward its congressional climax. On July 7, 1971,¹⁸⁷ the Senate bill, closely modeled after the proposal pushed by Lasker and the Panel of Consultants, passed overwhelmingly—79 to 1.¹⁸⁸ It would establish an independent cancer agency and provide \$1.59 billion in funding for cancer research over three years.¹⁸⁹ On December 9, 1971, the House, by a vote of 350 to 5, passed a modified version of the Senate bill, which kept the same funding to expand cancer research.¹⁹⁰ Much to Lasker's disappointment, however, the House version, spearheaded by Florida Represen-

tative Paul Rogers,¹⁹¹ failed to grant autonomy to the National Cancer Institute, instead keeping it as part of the NIH.¹⁹² When the House and Senate conference subsequently met to iron out their different versions, the lawmakers compromised. The House prevailed that NCI would remain part of NIH, but the Senate assured that its director would become a presidential appointee with the authority to propose budgets directly to the President.¹⁹³

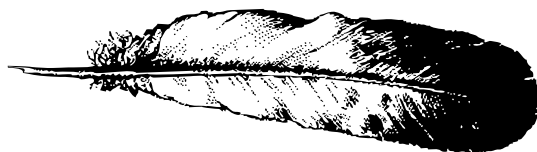
When the bill landed on his desk, President Nixon weighed whether to hold a public event for the signing, which his advisers recommended as an opportunity “to cultivate a more compassionate persona.”¹⁹⁴ Overcoming his initial reluctance for an event for fear that Kennedy would share the spotlight, Nixon hastily called a ceremony on December 23, 1971.¹⁹⁵ “It was a beautiful day in Washington...and we didn’t know until the very last minute whether he was going to sign it or not, in a big ceremony,” Lasker later recalled.¹⁹⁶ As some 250 invited guests, including Lasker, were gathered at noon in the State Dining Room in the White House,¹⁹⁷ Nixon signed the National Cancer Act of 1971,¹⁹⁸ which he proclaimed “the most significant act taken during this administration.”¹⁹⁹ Several weeks later, Nixon presented her with a “pen which I thought you might like to have as a memento of this significant step we have taken in our campaign against this dread disease.”²⁰⁰ Lasker reflected upon the style and substance of the arduous path to her campaign’s landmark achievement. “It should be a novel”...of “a strange variety of ways and people,” she said.²⁰¹ More substantively, the month after the law’s enactment, she said, “We’re just at the beginning of a new era. But how long it will take to eliminate cancer as a threat to human life, I don’t know. Of course it’s still a great big struggle.”²⁰²

Over the subsequent years, as the National Cancer Act took effect, it became evident that its impact was more limited than Lasker had envisioned.²⁰³ Because the law had been forged by compromise through disparate interests, including those of the Laskerites, politicians, and scientists, it ended up not being as groundbreaking or as sweeping as Lasker originally envisioned.²⁰⁴ More significantly, increased research over many years demon-

strated that cancer was far more complex than perhaps anyone had realized.²⁰⁵ The disease remains, to this day, a killer. Nonetheless, Lasker's revolutionary work leading up to the National Cancer Act triggered advances in cancer research from prevention to new treatments, extending people's life spans after their cancer diagnoses by six times compared to that in 1971.²⁰⁶ For her body of work on cancer research funding, Lasker was later awarded the Presidential Medal of Freedom, and the Congressional Gold Medal, among other honors.²⁰⁷ Yet, the accolades she received from the nation's esteemed American scientists arguably most genuinely characterized her lasting impact in their field. Jonas Salk called Lasker a "matchmaker between science and society."²⁰⁸ Heart surgeon Dr. Michael DeBakey said: "Mary Lasker is an institution unto herself. Asking what her importance has been is like asking what Harvard has meant to this country."²⁰⁹

Mary Lasker stands out as a compelling case study of how one individual—albeit an incredibly resourceful and insightful person willing to eschew social norms of the time and to employ unorthodox tactics—could advance positive change in America's philanthropic, scientific and democratic communities. With her dynamic will, her priceless personal and professional relationships, and her ingenious media strategies, Lasker orchestrated a campaign in which each milestone had its own significance, and together generated the National Cancer Act.²¹⁰ Starting from private interest and strengthened by funds and social attributes, Lasker launched her initiative to raise awareness of cancer and increase government funding for its research. She methodically overhauled the American Cancer Society and strengthened the National Cancer Institute, which eventually became the philanthropic and federal pillars of the nation's fight against cancer. Lasker's keen and consistent focus on federal funding allowed her to set specific goals and achieve measurable results. Throughout her campaign, Lasker skillfully captured public attention and subsequently shaped political attitudes and responses through her creative use of the media and her masterfully-built political alliances.²¹¹ The National Cancer Act, passed by Congress and signed into law by President Nixon in December 1971, marked the ultimate achieve-

ment of Lasker's decades-long march for federal commitment and funding of cancer research.²¹² Remarkably, even forty years later, her comparison of the search for cancer's cure to a "moonshot" continues to influence lawmakers: President Barack Obama and Vice President Joe Biden announced their own "moonshot" to cure cancer in 2016.²¹³ Mary Lasker's trail-blazing campaign not only transformed cancer awareness and public opinion during her own lifetime, but also established a strong foundation for future disease-focused philanthropy, political discourse, and action—above all in the field of cancer research.



Endnotes

¹ This statement is still being used in current debates over funding of medical and scientific research. New Jersey Senator Cory Booker argued for more research dollars for the National Institutes of Health by saying “The famed mid-20th-century health advocate Mary Lasker proclaimed, ‘If you think research is expensive, try disease...Now more than ever, Washington needs to reflect this activist spirit and common-sense compassion.’” Cory Booker, “BOOKER: Stop shortchanging medical research funding,” *Asbury Park Press*, last modified September 2, 2014, accessed June 13, 2016, <http://www.app.com/story/opinion/columnists/2014/09/02/booker-stop-shortchanging-medical-research-funding/14987085/>. See also: Larry Goldstein, head of UCSD’s stem cell program, quoting Lasker in a board meeting as an ultimate reason to conduct scientific research. “If you think research is expensive, try disease,” video file, 01:04, YouTube, posted by Bradley Fikes, March 9, 2013, accessed June 19, 2016, <https://www.youtube.com/watch?v=QTtPLa12p0>.

² In a 1979 interview, Lasker called herself a “self-employed citizen petitioner” and a “catalyst.” Victoria Graham, “Mary Lasker—The Fairy Godmother of Health,” *Ludington Daily News* (Ludington, MI), March 31, 1979, accessed June 25, 2016, <https://news.google.com/newspapers?nid=110&dat=19790331&id=G9NOAAAAIBAJ&sjid=HkoDAAAAIBAJ&pg=6912,7353470&hl=en>.

³ Eric Pace, “Mary W. Lasker, Philanthropist for Medical Research, Dies at 93,” *The New York Times* (New York, NY), February 23, 1994, accessed June 13, 2016, <http://www.nytimes.com/1994/02/23/obituaries/mary-w-lasker-philanthropist-for-medical-research-dies-at-93.html?pagewanted=all>.

⁴ Claire Pomeroy, “‘Empress of All Maladies:’ Mary Lasker,” *The Hill*, last modified March 20, 2015, accessed June 13, 2016, <http://thehill.com/blogs/congress-blog/healthcare/236121-empress-of-all-maladies-mary-lasker>.

⁵ “The Mary Lasker Papers: Biographical Information,” U.S. National Library of Medicine, accessed June 13, 2016, <https://profiles.nlm.nih.gov/ps/retrieve/Narrative/TL/p-nid/199>.

⁶ Nadine Brozan, "Woman in the News: Mary Lasker; Lobbyist on a National Scale," *The New York Times* (New York, NY), November 21, 1985, accessed June 15, 2016, <http://www.nytimes.com/1985/11/21/us/woman-in-the-news-mary-lasker-lobbyist-on-a-national-scale.html>.

⁷ Pomeroy.

⁸ Jo Cavallo, "A Leading Light in Cancer Advances, Mary Lasker Used Wealth and Connections to Increase Funding for Medical Research," *The American Society of Clinical Oncology* 3, no. 14 (September 15, 2012): accessed January 21, 2016, <http://www.ascopost.com/issues/september-15-2012/a-leading-light-in-cancer-advances-mary-lasker-used-wealth-and-connections-to-increase-funding-for-medical-research.aspx>.

⁹ Lasker's mother died from a stroke, rather than cancer, but Lasker felt similarly helpless. Siddhartha Mukherjee, *The Emperor of All Maladies*. New York, NY: Simon and Schuster, 2010, 110.

¹⁰ Pace. In her life, Lasker supported a variety of health issues, including heart research (heart disease afflicted both her parents), birth control, blindness, cerebral palsy, and others. Susan Ware, ed., *Notable American women: a biographical dictionary completing the twentieth century* (Cambridge, MA: President and Fellows of Harvard College, 2004), 371. This paper, however, covers Lasker's substantial body of work on cancer, which consumed more of her time and energy than any other health-related interest and for which she is widely recognized for having the most significant impact. Nonetheless, Lasker continuously urged governmental officials and legislators to increase funding for medical research on several major "killing and crippling diseases," and she lobbied Congress to increase appropriations for the National Institutes of Health and to establish research centers concentrating on specific diseases.

¹¹ When recalling her early motivation to fight cancer, Lasker noted that she was only able to make a difference "30 to 40 years later." Mary Lasker, "Oral History," interview, Columbia University Libraries Oral History Research Office, accessed June 14, 2016, http://www.columbia.edu/cu/lweb/digital/collections/nyl/laskerm/transcripts/laskerm_1_16_476.html. Another influence in Lasker's cause: "A great friend of mine, Mrs. John Dorr (the mother of a friend with whom she had traveled to Europe in the late 1920s), died of cancer in 1930 and her death was a great blow

to me.” Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office. “This puzzled and infuriated me because I found so little had been done in that time about cancer.” Kirsten E. Gardner, *Early Detection: Women, Cancer, and Awareness Campaigns in the Twentieth-Century United States* (Chapel Hill, NC: University of North Carolina Press, 2006), 98.

¹² In a letter to a friend, Lasker recounted an invitation she received from Eleanor Roosevelt to stay overnight at Hyde Park, the Roosevelt home in New York. *Letter by Mary Lasker and Frances Goldwyn*, July 12, 1944, National Library of Medicine, accessed June 16, 2016, <https://profiles.nlm.nih.gov/ps/retrieve/ResourceMetadata/TLBBHV>. High-society visits such as this were routine for Lasker. For example, she travelled to France in 1949 to view the fashion collections of Dior and Balenciaga. *Florence Mahoney to Mary Lasker*, August 28, 1949, National Library of Medicine, accessed June 16, 2016, <https://profiles.nlm.nih.gov/ps/retrieve/ResourceMetadata/TLBBFC>.

¹³ Lasker regularly corresponded with Salvador Dali, and she organized the first showing of Marc Chagall’s art in the United States. *Salvador Dali to Mary Lasker*, ca. mid 1940s, National Library of Medicine, accessed June 16, 2016, <https://profiles.nlm.nih.gov/ps/access/TLBBKV.pdf>. Susan Ware, ed., *Notable American women: a biographical dictionary completing the twentieth century* (Cambridge, MA: President and Fellows of Harvard College, 2004), 370.

¹⁴ After divorcing her first husband who owned the art gallery where she worked, Lasker supported herself by launching “Hollywood Patterns,” a profitable line of dress patterns based on movie stars’ clothes, which was later purchased by Conde Nast. Susan Ware, ed., *Notable American women: a biographical dictionary completing the twentieth century* (Cambridge, MA: President and Fellows of Harvard College, 2004). Lasker recalled that “after my divorce, I wanted to make money so I’d be independent and then would be able to feel free of worrying about money,” and she earned “about \$25,000 a year, which I thought was an enormous amount of money. I lived in great comfort.” Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office.

¹⁵ Brozan.

¹⁶ In Albert Lasker’s campaign for Lucky Strike cigarettes, he promoted the product as a diet aid with the slogan: “Reach

for a Lucky instead of a sweet.” To increase sales for the California Fruit Growers Exchange, he created the market for orange juice with his “Drink an Orange” ads. “The First Mad Man,” *Northwestern Magazine*, 2012, accessed June 13, 2016, <http://www.northwestern.edu/magazine/winter2012/feature/youve-come-a-long-way-baby-sidebar/the-first-mad-man.html>.

¹⁷ Jeffrey L. Cruikshank and Arthur W. Schultz, *The man who sold America: the amazing (but true!) story of Albert D. Lasker and the creation of the advertising century* (Boston, MA: Harvard Business School, 2010).

¹⁸ Richard A. Rettig, *Cancer Crusade: The Story of the National Cancer Act of 1971* (Lincoln, NE: iUniverse, 1997), 19.

¹⁹ “Mary Woodard Lasker,” *The Eleanor Roosevelt Papers*, last modified 2006, accessed June 14, 2016, <https://www.gwu.edu/~erpapers/mep/displaydoc.cfm?docid=erpn-marlas>. Ironically, Albert Lasker, fearful of doctors and illness, preferred to avoid learning about the specifics of disease. Vincent T. DeVita, JR., MD. and Elizabeth DeVita-Raeburn, *The Death of Cancer* (New York, NY: Sarah Crichton Books, 2015), 125.

²⁰ “Mary Woodward Lasker—Oral History Notes,” Rare Books and Manuscripts Library, Columbia University, New York, NY.

²¹ The Lasker Foundation 2015 Annual Report stated its mission “to improve health by accelerating support for medical research through recognition of research excellence, public education and advocacy.” Lasker Foundation, “2015 Annual Report,” Lasker Foundation Annual Report, 2015, accessed June 14, 2016, http://www.laskerfoundation.org/media/filer_public/5a/14/5a14adbd-b0be-4588-993c-684393ebe136/lasker_foundation_2015_report_final_printed_report.pdf.

²² “Marking 70 Years, 2015 Lasker Awards Honor Scientists for Basic and Clinical Medical Research and Public Service,” *PR Newswire*, last modified September 8, 2015, accessed June 15, 2016, <http://www.prnewswire.com/news-releases/marking-70-years-2015-lasker-awards-honor-scientists-for-basic-and-clinical-medical-research-and-public-service-300137774.html>. The Lasker Awards have developed a reputation among the scientific community as the “American Nobel.” “Albert Lasker Awards,” The Rockefeller University, accessed July 2, 2016, <http://www.rockefeller.edu/about/awards/lasker/#sidebar>.

²³ Devra Davis, *The Secret History of the War on Cancer* (Philadelphia, PA: Basic Books, 2007), 121.

²⁴ Eileen Berlin Ray, ed., *Communication and Disenfranchisement: Social Health Issues and Implications* (Mahwah, NJ: Lawrence Erlbaum Associates, 1996), 188.

²⁵ Davis, 121.

²⁶ Cancer was the second leading cause of death, killing 120.3 people per 100,000 in the 1930s, according to the U.S. Census Bureau, which documented 132 million living in the nation. Amir Khan, "1940 Census: Causes of Death Then and Now," *International Business Times*, last modified April 3, 2012, accessed June 19, 2016, <http://www.ibtimes.com/1940-census-causes-death-then-and-now-433346>.

²⁷ "The Mary Lasker Papers," U.S. National Library of Medicine.

²⁸ Claire Pomeroy, "About the Foundation," video file, 08:13, Albert and Mary Lasker Foundation, accessed June 19, 2016, <http://www.laskerfoundation.org/about/>.

²⁹ Patterson, *The Dread Disease*, 172.

³⁰ "1913 American Cancer Society," Philanthropy Roundtable, accessed June 15, 2016, http://www.philanthropyroundtable.org/almanac/medicine_and_health/1913_american_cancer_society.

³¹ "The Mary Lasker Papers," U.S. National Library of Medicine.

³² Smoking a pipe, Dr. Cook had been featured on the cover of *Time* magazine in 1937. Davis, 106.

³³ Davis, 121.

³⁴ Rettig, 20.

³⁵ Ulrike Boehmer, *The personal and the political: women's activism in response to the breast cancer and AIDS epidemics* (Albany, NY: State University of New York Press, 2000), 8.

³⁶ Lasker, "Oral History," interview, Columbia University Libraries Oral History Research Office.

³⁷ Walter Sanford Ross, *Crusade: The Official History of the American Cancer Society* (Ann Arbor, MI: Arbor House, 1987), 35.

³⁸ The National Cancer Act of 1937 established the federal government's principal agency for cancer research. "NCI Overview," National Cancer Institute, accessed June 22, 2016, <http://www.cancer.gov/about-nci/overview>. Existing cancer research labs in Washington and Boston were joined to form the nucleus of NCI with the authorization to "conduct and

foster cancer research.” NCI and other health institutes became divisions of the National Institutes of Health under Public Health Service legislation in 1944. “History of the NCI Cancer Centers Program,” National Cancer Institute, last modified August 13, 2012, accessed June 22, 2016, <http://www.cancer.gov/research/nci-role/cancer-centers/history>.

³⁹ Patterson, *The Dread Disease*, 171.

⁴⁰ Ibid., 171.

⁴¹ Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office.

⁴² Ibid.

⁴³ For example, in the 1930s, fewer than one in five cancer patients were alive five years later. Ray, *Communication and Disenfranchisement: Social*, 188.

⁴⁴ Claudia Levy, “Philanthropist Mary Lasker Dies at 93: [FINAL Edition],” *The Washington Post* (Washington, DC), February 23, 1994, sec. A, accessed December 7, 2015, <http://search.proquest.com/docview/307722334?accountid=13856>.

⁴⁵ Margaret I. Cuomo, *A World Without Cancer: The Making of a New Cure and the Real Promise of Prevention* (New York, NY: Rodale, 2012), 6.

⁴⁶ Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office.

⁴⁷ Sarnoff later angered Lasker’s allies when he served with them on the 1964 President’s Commission on Heart Disease, Cancer, and Stroke. Sarnoff refused to sign portions of the report that Lasker’s handpicked American Cancer Society chairman Emerson Foote drafted, which proclaimed that “cigarettes cause death.” “The Emerson Foote Page,” last modified March 15, 2008, accessed June 24, 2016, <http://www.smokershistory.com/Foote.htm>.

⁴⁸ “The Mary Lasker Papers: Cancer Wars,” U.S. National Library of Medicine, accessed February 7, 2016, <https://profiles.nlm.nih.gov/ps/retrieve/Narrative/TL/p-nid/201>.

⁴⁹ Scott M. Cutlip, *Fund raising in the United States: Its Role in America’s Philanthropy* (New Brunswick, NJ: Transaction Publishers, 1990), 433.

⁵⁰ Mukherjee, *The Emperor of All Maladies*, 112.

⁵¹ Davis, 127.

⁵² Patterson, 173.

⁵³ Rettig, 21.

⁵⁴ Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office.

⁵⁵ Rettig, 22.

⁵⁶ Mukherjee, 112; From this Lasker-orchestrated reorganization to the present, ACS grew from a lackluster voluntary group into a philanthropic powerhouse. Her “\$4 million fundraising campaign initiated a research program, and filled in gaps in the group’s education and prevention efforts.” It has remained the “largest voluntary health organization in the world.” “1913 American Cancer Society,” *Philanthropy Roundtable*, accessed June 15, 2016, http://www.philanthropyroundtable.org/almanac/medicine_and_health/1913_american_cancer_society.

⁵⁷ Davis, 127.

⁵⁸ Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office.

⁵⁹ Mukherjee, 113.

⁶⁰ *Ibid.*, 113.

⁶¹ Steven Shapin, “Cancer World,” *The New Yorker*, November 8, 2010, accessed June 13, 2016, <http://www.newyorker.com/magazine/2010/11/08/cancer-world>.

⁶² Brozan, “Woman in the News”.

⁶³ Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office.

⁶⁴ Shapin, “Cancer World.”

⁶⁵ Vincent T. DeVita, Jr., MD, and Elizabeth DeVita-Raeburn, *The Death of Cancer* (New York, NY: Sarah Crichton Books, 2015), 125.

⁶⁶ Cuomo, 7.

⁶⁷ *Ibid.*, 7.

⁶⁸ A decade later, Heller announced the NCI was “on the verge of breakthroughs.” In 1959, he was featured on the cover of *Time* magazine. Patterson, 147-148.

⁶⁹ Mukherjee, 114; Dr. Heller informed Lasker of the “possibility of a symposium” with Farber “to carry our ideas through.” *J.R. Heller to Mary Lasker*, October 15, 1948, National Library of Medicine, accessed June 17, 2016, <https://profiles.nlm.nih.gov/ps/access/TLBBJX.pdf>.

⁷⁰ Davis, 204.

⁷¹ “Letter from Sidney Farber to Mary Lasker,” *The Mary Lasker Papers*, accessed June 17, 2016, <https://profiles.nlm.nih.gov/ps/retrieve/ResourceMetadata/TLBBHF>.

⁷² *Mary Lasker to J.R. Heller*, October 13, 1948, National Library of Medicine, accessed June 17, 2016, <https://profiles.nlm.nih.gov/ps/access/TLBBJW.pdf>.

⁷³ “The Mary Lasker Papers,” U.S. National Library of Medicine.

⁷⁴ Patterson, 16, 22.

⁷⁵ *Sidney Farber to Mary Lasker*, August 19, 1955, National Library of Medicine, accessed June 18, 2016, <https://profiles.nlm.nih.gov/ps/access/TLBBHF.pdf>.

⁷⁶ Mukherjee, 116.

⁷⁷ *Ibid.*, 117.

⁷⁸ DeVita and DeVita-Raeburn, 128.

⁷⁹ Cavallo, “A Leading Light in Cancer.”

⁸⁰ Claire Pomeroy, “About the Foundation,” video file.

⁸¹ Throughout her husband’s sickness and subsequent death, Lasker was “impenetrable, dense, and impossibly lonely.” Mukherjee, 117.

⁸² Shapin, “Cancer World.” Her husband’s death from cancer “then transformed passion into obsession” for Lasker. Olson, *Making Cancer History*, 129.

⁸³ Mukherjee, 114.

⁸⁴ Cavallo, “A Leading Light in Cancer.”

⁸⁵ Shapin, “Cancer World.”

⁸⁶ Mukherjee, 115.

⁸⁷ “Mary Lasker and the Growth of the National Institutes of Health,” *The Mary Lasker Papers*, accessed June 19, 2016, <https://profiles.nlm.nih.gov/ps/retrieve/Narrative/TL/p-nid/200>.

⁸⁸ *James A. Shannon, M.D. to Mary Lasker*, June 26, 1964, National Library of Medicine, accessed June 19, 2016, <https://profiles.nlm.nih.gov/ps/retrieve/ResourceMetadata/TLBBJK>.

⁸⁹ Cristine Russell, “The Politics of Cancer,” *The Washington Post* (Washington, DC), November 28, 1971, accessed June 19, 2016, <https://profiles.nlm.nih.gov/ps/access/TLBBBT.pdf>.

⁹⁰ Russell, “The Politics of Cancer.”

⁹¹ Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office.

⁹² Christopher Brody, “About the Foundation,” video file.

⁹³ *The Mary Lasker Papers*, U.S. National Library of Medicine.

⁹⁴ In her oral history, Lady Bird said that Lasker’s “determination to have a flag of brilliant color on Park Avenue in New York City” struck a “spark” in her heart. Michael L. Gillette, *Lady Bird Johnson: An Oral History* (New York, NY: Oxford University Press, 2012), 358.

⁹⁵ Gillette, 311. In 1962, as the wife of the then Vice President, Lady Bird Johnson presented the Albert Lasker Medical Research Awards. Rettig, 23.

⁹⁶ Rettig, 23.

⁹⁷ Gillette, 311.

⁹⁸ Mukherjee, 115.

⁹⁹ “Mary Lasker and the Growth,” *The Mary Lasker Papers*. Lasker’s “disarming smile and frozen bouffant were as recognizable in the political circles of Washington as in the salons of New York.” Mukherjee, 108.

¹⁰⁰ *The Mary Lasker Papers*, U.S. National Library of Medicine.

¹⁰¹ Rettig, 18. Lasker and her allies were also called the “cancer mafia.”

¹⁰² “The Lasker Syndicate Roots of the Conspiracy Against Tobacco,” last modified February 14, 2015, accessed June 25, 2016, <http://www.smokershistory.com/laskersy.htm>. Around this time, Journalist Elizabeth Drew stated that “Mrs. Lasker’s network is probably unparalleled in the influence that a small group of private citizens has had over such a major area of national policy.”

¹⁰³ Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office.

¹⁰⁴ Garb, *Cure for Cancer: A National*, 2.

¹⁰⁵ *Ibid.*, 3.

¹⁰⁶ *Ibid.*, 8-9.

¹⁰⁷ James S. Olson, *Making Cancer History* (Baltimore, MD: Johns Hopkins University Press, 2009), 129-130.

¹⁰⁸ Rettig, 78.

¹⁰⁹ Mukherjee, 177.

¹¹⁰ Olson, 130. Rettig, 78.

¹¹¹ In the preface of *A Cure for Cancer: A National Goal*, Garb asserted that “we need to shift gears—in our attitude toward cancer research, in our organization of the research and our support of it.” Solomon Garb, *Cure for Cancer: A National Goal* (New York, NY: Springer Publishing Company, 1968), v.

¹¹² Olson, 130. “July 20, 1969: One Giant Leap for Mankind,” NASA, last modified July 14, 2014, accessed June 23, 2016, https://www.nasa.gov/mission_pages/apollo/apollo11.html.

¹¹³ Mukherjee, 179.

¹¹⁴ Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office.

¹¹⁵ Letter by Mary Lasker, “Need for a Commission on the Conquest of Cancer as a National Goal by 1976,” 1969,

National Library of Medicine, accessed June 19, 2016, <https://profiles.nlm.nih.gov/ps/access/TLBBKJ.pdf>.

¹¹⁶ Mukherjee, 179; Letter by Lasker, "Need for a Commission."

¹¹⁷ "The Lasker Legacy," Albert and Mary Lasker Foundation, accessed June 23, 2016, <http://www.laskerfoundation.org/about/lasker-legacy/>.

¹¹⁸ Christopher Brody, "About the Foundation," video file.

¹¹⁹ Citizens Committee for the Conquest of Cancer, "Mr. Nixon: You can cure," advertisement. While it purported to spring from the American citizens, the Committee's address was the same as that of the Lasker Foundation.

¹²⁰ F. B. Dunn, "Thirty Years Ago, Efforts to Remove NCI from NIH Failed," *Journal of the National Cancer Institute*, 2002, accessed June 23, 2016, doi:10.1093/jnci/94.1.9.

¹²¹ "The Mary Lasker Papers: Cancer Wars," U.S. National Library of Medicine.

¹²² Rettig, 79. A strategy "revamp" was made "from backstage political maneuvering to front-stage public mobilization." Mukherjee, 179.

¹²³ Citizens Committee for the Conquest of Cancer, "Mr. Nixon: You can cure cancer," advertisement, *The New York Times* (New York, NY), December 9, 1969.

¹²⁴ Ibid., This phrase became an immediate hallmark of the cancer-research initiative, and has continued decades later in appeals and debates about fighting the disease. In 1998, President Clinton stated "ours will be the generation that finally wins the war against cancer." Jenna Adamson, "Obama's new, new!, new!., new!!!, new!!!! war on cancer: Column," *USA Today*, January 14, 2016, accessed June 25, 2016, <http://www.usatoday.com/story/opinion/2016/01/14/obama-state-union-address-biden-cure-cancer-column/78753580/>.

¹²⁵ Citizens Committee for the Conquest of Cancer, «Mr. Nixon: You can cure,» advertisement.

¹²⁶ Citizens Committee for the Conquest of Cancer, "Mr. Nixon: You can cure," advertisement. The bottom right corner of the advertisement contained a short message that readers could cut out from the newspaper and mail to President Nixon. When recalling the aftermath of the ad, Lasker said she "heard the White House got between 6,000 and 8,000 letters." Lasker, "Oral History," interview, Columbia University Libraries Oral History Research Office.

¹²⁷ Mukherjee, 181.

¹²⁸ Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office.

¹²⁹ *Mary Lasker to Robert H. Finch*, October 14, 1969, National Library of Medicine, accessed June 24, 2016, <https://profiles.nlm.nih.gov/ps/access/TLBBKH.pdf>.

¹³⁰ Memo by Mary Lasker, “Need for a Commission on the Conquest of Cancer as a National Goal by 1976,” 1969, *National Library of Medicine*, accessed June 19, 2016, <https://profiles.nlm.nih.gov/ps/access/TLBBKJ.pdf>.

¹³¹ *Ibid.* Lasker asserted that this “cost” would “save 300,000 lives each year—ten times more than [# of Americans who] have died in the entire Vietnamese effort in eight years.”

¹³² Memo by Lasker, “Need for a Commission.”

¹³³ *Ibid.* Additionally, Lasker included some of her favorite doctors, Farber and Garb, as well as other influential people such as the president of the American Broadcasting Company in her list of suggested committee members.

¹³⁴ Melvin Laird to Mary Lasker, December 30, 1969, Columbia University Rare Books and Manuscripts Library, New York, NY.

¹³⁵ Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office.

¹³⁶ DeVita and DeVita-Raeburn, 124.

¹³⁷ *Ibid.*, 124. “Even when she was eyeing herself in her compact mirror, which she did frequently, she was clearly listening.”

¹³⁸ Rettig, 80. Yarborough was an influential liberal voice in the Senate, voting for the Civil Rights of 1964 and sponsoring the National Defense Education Act of 1958. Yarborough rode in the second car of the Dallas motorcade in which President Kennedy was killed on November 22, 1963. Stephen Labaton, “Ralph Yarborough Dies at 92; Cast Historic Civil Rights Vote,” *The New York Times* (New York, NY), January 28, 1996, accessed June 25, 2016, <http://www.nytimes.com/1996/01/28/us/ralph-yarborough-dies-at-92-cast-historic-civil-rights-vote.html>.

¹³⁹ “Yarborough, Ralph Webster,” Texas State Historical Association, accessed June 25, 2016, <https://tshaonline.org/handbook/online/articles/fyags>. “Smilin’ Ralph” was one of three senators from the South to vote for the Voting Rights Act of 1965.

¹⁴⁰ Rettig, *Cancer Crusade: The Story*, 80. At this time, Lasker noted that Yarborough was “running [for re-election to the Senate] in Texas with very little money... and an important

Republican, George H.W. Bush, with plenty of money, to oppose him, and he's very worried." Lasker, "Oral History," interview, Columbia University Libraries Oral History Research Office. Yarborough was defeated by Lloyd Bentsen, a more conservative Democrat, in the Democratic primary.

¹⁴¹ Adam Wishart, *One in Three: A Son's Journey into the History and Science of Cancer* (New York, NY: Grove Press, 2007), 109.

¹⁴² Rettig, 80.

¹⁴³ Mathilde Krim was married to Arthur Krim, the former chair of the Democratic National Financial Committee. Wishart, 109.

¹⁴⁴ Rettig, 81.

¹⁴⁵ Ibid., 81-82.

¹⁴⁶ Devita, "A Perspective on the War on Cancer," 352.

¹⁴⁷ Rettig, 83-88.

¹⁴⁸ *Ralph Yarborough to Mary Lasker*, June 7, 1970, National Library of Medicine, accessed June 25, 2016, <https://profiles.nlm.nih.gov/ps/access/TLBBJZ.pdf>.

¹⁴⁹ "National Cancer Act," The Center on Congress at Indiana University, accessed June 25, 2016, <http://centeroncongress.org/national-cancer-act>.

¹⁵⁰ Joselin Linder, "We could win the War on Cancer—if only the government would let us," *New York Post* (New York, NY), November 8, 2015, accessed June 25, 2016, <http://nypost.com/2015/11/08/only-government-stands-in-the-way-of-the-death-of-cancer/>.

¹⁵¹ Ralph Yarborough, "The Conquest of Cancer," December 10, 1970, Rare Books and Manuscripts Library, Columbia University, New York, NY. Anna D. Barker and Hamilton Jordan, "Legislative History of the National Cancer Program," in *Holland-Frei Cancer Medicine*, 6th ed. (BC Decker, 2003), accessed June 26, 2016, <http://www.ncbi.nlm.nih.gov/books/NBK13873/>.

¹⁵² Schmidt, a successful venture capitalist and a Republican, later became chairman of Memorial Sloan Kettering. Richard A. Oppel, Jr., "Benno C. Schmidt, Financier, Is Dead at 86," *The New York Times* (New York, NY), October 22, 1999, accessed June 26, 2016, <http://www.nytimes.com/1999/10/22/business/benno-c-schmidt-financier-is-dead-at-86.html>.

¹⁵³ "Mamdouha Bobst Obituary," *The New York Times* (New York, NY), September 20, 2015, accessed June 26, 2016, <http://www.legacy.com/obituaries/nytimes/obituary.aspx?pid=175881519>. Mr. Bobst described himself as Mr.

Nixon's "honorary father" and was called "Uncle Elmer" by the Nixons' two daughters. Linda Charlton, "A Friend of Nixon Linked to Offer," *The New York Times* (New York, NY), June 6, 1974.

¹⁵⁴ Wishart, 110. Once Nixon took an interest in the cancer-research initiative, Kennedy's health subcommittee staff, displaying one-upmanship, remarked, "You can forget Nixon. Nixon was a latecomer to the issue." Interview with Leroy Goldman, Edward M. Kennedy Institute for the United States Senate, last modified 2016, accessed June 26, 2016, <https://www.emkinstitute.org/resources/leroy-goldman>.

¹⁵⁵ Wishart, 115.

¹⁵⁶ Even Kennedy's own staffer on the Senate health subcommittee, Leroy Goldman, acknowledged the senator's awareness of that perceived threat by Nixon: "One of the demons that I believe haunted President Nixon was the fear that Ted Kennedy would run for President against him in 1972." Interview with Leroy Goldman, Edward M. Kennedy Institute for the United States Senate.; see also Wishart, 115.

¹⁵⁷ "Nixon's war policies," including the establishment of the draft lottery and a US invasion of Cambodia, "divided the nation." "Vietnam War Protests," *History.com*, last modified 2010, accessed June 26, 2016, <http://www.history.com/topics/vietnam-war/vietnam-war-protests>.

¹⁵⁸ Richard M. Nixon, *State of the Union Address*, January 22, 1971, The American Presidency Project, <http://www.presidency.ucsb.edu/ws/?pid=3110> (accessed June 25, 2016).

¹⁵⁹ *Ibid.*, 1971.

¹⁶⁰ "Viewpoint: Did Richard Nixon change the way people describe cancer?," BBC, last modified November 19, 2013, accessed June 26, 2016, <http://www.bbc.com/news/magazine-24985184>. "Nixon didn't defeat cancer of course, but he did transform the rhetoric we use to talk about it." Unlike prior times when cancer had been "a shameful secret"—with such people as actor John Wayne avoiding naming the disease by coining the phrase "the Big C"—cancer went mainstream in the 1970s after Nixon's *State of the Union Address*.

¹⁶¹ Richard M. Nixon, January 22, 1971.

¹⁶² In his address, Nixon asked Congress for \$100 million to be appropriated for cancer research.

¹⁶³ In the aftermath of Nixon's presidency, his declaration of war against the nation's second-deadliest disease has garnered mixed opinions. With a positive perspective, one commentator

reassessing the legacy of the “disgraced president” 100 years after his birth credited Nixon with the starting of the “federally funded war on cancer” as a domestic success. Jonathan Aitken, “Richard Nixon’s dark side has obscured his greatness,” *The Telegraph*, last modified January 4, 2013, accessed June 26, 2016, <http://www.telegraph.co.uk/news/worldnews/us-politics/9780832/Richard-Nixons-dark-side-has-obscured-his-greatness.html>. To the contrary, a more cynical view is offered about the advent of the cancer war: “The ‘war on cancer’ arose from a toxic combination. A socialite with powerful friends and a misguided belief that cancer could be ‘conquered’ within 7 years recruited a flawed U.S. President to lead an “all-out assault [against] one of mankind’s deadliest and most elusive enemies.” Michel P. Coleman, “War on cancer and the influence of the medical-industrial complex,” *Journal of Cancer Policy* 1, nos. 3-4 (Fall 2013): accessed June 26, 2016, doi:10.1016/j.jcpo.2013.06.004.

¹⁶⁴ Lasker’s hard-charging determination “to speed laboratory discoveries” against slower-paced research methodology focused on general biology instead of specific diseases “put her increasingly at odds with scientists” who “resented her intrusion into their territory with her lobbying efforts.” Cavallo.

¹⁶⁵ Claudia Levy, “Philanthropist Mary Lasker Dies at 93: [FINAL Edition],” *The Washington Post* (Washington, DC), February 23, 1994, sec. A, accessed December 7, 2015, <http://search.proquest.com/docview/307722334?accountid=13856>.

¹⁶⁶ Robert J. Bazell, “Cancer Research Proposals: New Money, Old Conflicts,” *Science*, March 5, 1971, 878, accessed December 7, 2015, <http://www.jstor.org/stable/1731344>.

¹⁶⁷ Devita.

¹⁶⁸ Martin Morse Wooster of the Capital Research Center claimed that Lasker “did not understand that science advances by small steps and not giant leaps.” Letters to the Editor, *Philanthropy Roundtable*, last modified 2010, accessed June 26, 2016, http://www.philanthropyroundtable.org/topic/excellence_in_philanthropy/letters_to_the_editor8.

¹⁶⁹ Bazell, “Cancer Research Proposals: New Money,” 878. Other critics questioned Lasker’s decision to promote research on curing cancer, rather than preventing the disease. They also questioned the average citizen’s actual benefit from increased funding for medical research. “Mary Lasker and the Growth,” *The Mary Lasker Papers*.

¹⁷⁰ To gain bipartisan support, Kennedy, a Democrat, named Republican Senator Jacob Javits as the bill's co-sponsor. Cynthia McCormick, "Determined Kennedy remains resolute in his quest for health care reform," *South Coast Today*, last modified May 17, 2009, accessed July 2, 2016, <http://www.southcoasttoday.com/article/20090517/NEWS/905170357>.

¹⁷¹ McCormick, *South Coast Today*.

¹⁷² Olivia Katrandjian, "Retro Report: What Happened to Nixon's War on Cancer?," *Huffington Post*, last modified January 23, 2014, accessed June 26, 2016, http://www.huffingtonpost.com/olivia-katrandjian/retro-report-nixon-cancer_b_4182302.html.

¹⁷³ Ibid.

¹⁷⁴ "The Promise of the Cancer Moonshot," Albert and Mary Lasker Foundation, last modified April 28, 2016, accessed June 28, 2016, <http://www.laskerfoundation.org/new-noteworthy/articles/promise-cancer-moonshot/>.

¹⁷⁵ Henry C. Pitot, *Fundamentals of Oncology*, fourth ed. (New York, NY: Marcel Dekker, 2002), 2, accessed June 26, 2016, <https://www.scribd.com/doc/44673053/Fundamentals-of-Oncology>.

¹⁷⁶ Neen Hunt, "Mary Woodard Lasker: First Lady of Medical Research," National Library of Medicine, last modified December 13, 2007, accessed June 26, 2016, <https://profiles.nlm.nih.gov/ps/retrieve/ResourceMetadata/TLBBMP>.

¹⁷⁷ Patterson, 249.

¹⁷⁸ Claire Pomeroy, "About the Foundation," video file.

¹⁷⁹ Mukherjee, 185. Through regular correspondence and thoughtful gestures, Lasker displayed her social charm and strategic talent. In a letter, Lederer complimented Lasker both on the flowers she had sent her in Paris and on their joint efforts in the cancer crusade. *Eppie Lederer to Mary Lasker*, May 13, 1971, Rare Books and Manuscript Library, Columbia University, New York, NY.

¹⁸⁰ Lederer once remarked that she "would rather have my column on a thousand refrigerator doors than win a Pulitzer." Margalit Fox, "Ann Landers, Advice Giver to Millions, Is Dead at 83," *The New York Times* (New York, NY), June 23, 2002, accessed June 26, 2016, <http://www.nytimes.com/2002/06/23/us/ann-landers-advice-giver-to-the-millions-is-dead-at-83.html?pagewanted=all>.

¹⁸¹ Ann Landers, "If you want to be part of an effort that might save millions of lives—maybe your own—please stay with me.," *Chicago Sun-Times* (Chicago, IL), April 20, 1971.

¹⁸² Ibid.

¹⁸³ Fox, "Ann Landers, Advice Giver,".

¹⁸⁴ Landers, "If you want to be part.," Lasker and her allies worried that "unless we had a massive letter writing campaign directed to the Senators...we wouldn't get the bill out of committee." Lasker, "Oral History," interview, Columbia University Libraries Oral History Research Office.

¹⁸⁵ Linder, "We could win the War on Cancer-,".

¹⁸⁶ *Eppie Lederer to Mary Lasker*, April 28, 1971, Rare Books and Manuscripts Library, Columbia University, New York, NY.

¹⁸⁷ Rettig, 195.

¹⁸⁸ Lasker, "Oral History," interview, Columbia University Libraries Oral History Research Office.

¹⁸⁹ Lasker, interview. "National Cancer Act of 1971," National Cancer Institute, accessed June 26, 2016, <http://www.cancer.gov/about-nci/legislative/history/national-cancer-act-1971>

¹⁹⁰ "Cancer Research: \$1.59-Billion for Three-Year Program," *CQ Almanac*, last modified 1971, accessed June 26, 2016, <https://library.cqpress.com/cqalmanac/document.php?id=cqal71-1253828>

¹⁹¹ The conservative Democrat, dubbed "Mr. Health" by his colleagues, later died of lung cancer. Dennis Hevesi, "Paul G. Rogers, 'Mr. Health' in Congress, Is Dead at 87," *The New York Times* (New York, NY), October 15, 2008, accessed June 27, 2016, http://www.nytimes.com/2008/10/15/us/15rogers.html?_r=0.

¹⁹² "Cancer Research: \$1.59 Billion for Three-Year," *CQ Almanac*. Rogers worried that NCI "as an independent [organization] would be disruptive, that other disease groups would start asking for their own special institutes," he later explained. Dunn.

¹⁹³ Dunn.

¹⁹⁴ Ibid.

¹⁹⁵ "Nixon Signing the National Cancer Act of 1971," video file, 05:11, YouTube, posted by National Cancer Institute, November 8, 2009, accessed December 7, 2015, <https://www.youtube.com/watch?v=E2dzEDnGqHY&index=29&list=PLYK4VbXNln6DL1deM-YldARm4kO4ltAN>.

¹⁹⁶ Lasker, "Oral History," interview, Columbia University Libraries Oral History Research Office.

¹⁹⁷ John Crewdson, “Richard Nixon’s 30-year War—and Still Counting,” *Chicago Tribune* (Chicago, IL), February 27, 2000, accessed June 29, 2016, http://articles.chicagotribune.com/2000-02-27/news/0002270157_1_cancer-research-mary-lasker-cure-cancer.

¹⁹⁸ Ultimately, the landmark act provided \$1.59 billion over three years for cancer research and control, in addition to increasing the authority of the NCI’s director and the establishment of an 18-member National Cancer Advisory Board. “The promise of the Cancer,” Albert and Mary Lasker Foundation.

¹⁹⁹ “Nixon Signing the National Cancer Act of 1971,” video file, 05:11, YouTube, posted by National Cancer Institute, November 8, 2009, accessed December 7, 2015, <https://www.youtube.com/watch?v=E2dzEDnGqHY&index=29&list=PLYKy4VbxNln6DL1deM-Y1dARm4kO4ltAN>. Despite this bit of hyperbole, the National Cancer Act is not included in the White House Historical Association’s overview of the successes of his presidency. Instead, it described his work involving the Strategic Arms Limitation Talks and the opening of China. “Richard M. Nixon,” The White House Historical Association, accessed June 25, 2016, <https://www.whitehousehistory.org/bios/richard-nixon>. Afterwards, Lasker, who arguably had done more than any other individual inside or outside the White House to make this day possible, observed the crowd, which included “many of whom had done their utmost to defeat the bill in one way or another, all taking a lot of credit and drinking coffee and talking to each other.” “Lasker has been ‘widely credited for steering more public dollars into health-related research than any other individual in U.S. history.’” Pomeroy, “‘Empress of All Maladies,’” The Hill. Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office.

²⁰⁰ *Richard Nixon to Mary Lasker*, January 11, 1972, accessed June 29, 2016, <http://www.laskerfoundation.org/new-noteworthy/articles/promise-cancer-moonshot/>.

²⁰¹ Graham, “Mary Lasker—The Fairy.”

²⁰² Lasker, “Oral History,” interview, Columbia University Libraries Oral History Research Office.

²⁰³ *The Mary Lasker Papers: Cancer Wars*, U.S. National Library of Medicine, accessed February 7, 2016, <https://profiles.nlm.nih.gov/ps/retrieve/Narrative/TL/p-nid/201>.

²⁰⁴ Wishart, 119.

²⁰⁵ Gina Kolata and Gardiner Harris, "'Moonshot' to Cure Cancer, to Be Led by Biden, Relies on Outmoded View of Disease," *The New York Times* (New York, NY), January 13, 2016, accessed January 16, 2016, http://www.nytimes.com/2016/01/14/health/moonshot-to-cure-cancer-to-be-led-by-biden-relies-on-outmoded-view-of-disease.html?contentCollection=weekendreads&action=click&pgtype=Homepage&clickSource=story-heading&module=c-column-middle-span-region®ion=c-column-middle-span-region&WT.nav=c-column-middle-span-region&_r=1.

²⁰⁶ "The promise of the Cancer," Albert and Mary Lasker Foundation. Lasker was appropriately named "the fairy godmother of medical research." Barbara J. Culliton, "Congress, NIH Dedicate Center to Mary Lasker," *Science*, October 12, 1984, 151, accessed December 7, 2015, <http://www.jstor.org/stable/1693449>.

²⁰⁷ "About the Foundation," Albert and Mary Lasker Foundation, accessed July 1, 2016, <http://www.laskerfoundation.org/about/>.

²⁰⁸ "The Mary Lasker Papers," U.S. National Library of Medicine. Salk developed the polio vaccine in 1955, and received the Albert Lasker Clinical Medical Research Award from the Lasker Foundation in 1956. "Jonas Salk Biography," Biography.com, accessed June 27, 2016, <http://www.biography.com/people/jonas-salk-9470147#personal-life>. "Salk polio vaccine," Albert and Mary Lasker Foundation, accessed June 27, 2016, <http://www.laskerfoundation.org/awards/show/salk-polio-vaccine/>.

²⁰⁹ Brozan, "Woman in the News,".

²¹⁰ Brozan, "Woman in the News,". Asked at 85 years old "to look over her life, Mrs. Lasker sat in her striking white apartment overlooking the East River and talked singlemindedly about medicine. 'Today, a lot of people take my views for granted,' she said. 'They don't think I'm saying anything revolutionary.'" Lasker's message: research is crucial in solving medical problems and the government has a duty to fund it.

²¹¹ "By the time she had run her course badgering corporate potentates, members of Congress, and U.S. presidents," the products of her efforts "have the potential to touch every life on the planet." J. Michael Bishop, "Mary Lasker and Her Prizes: An Appreciation," *The Journal of the American Medical*

Association 294, no. 11 (September 21, 2005):1418-1419, accessed June 29, 2016, doi:10.1001/jama.294.11.1418.

²¹² The cancer death rate has declined upwards of 18% since 1991, largely due to successful research ventures. Otis Brawley, “The 40-year war on cancer,” CNN, last modified December 23, 2011, accessed June 29, 2016, <http://www.cnn.com/2011/12/23/health/forty-year-war/>.

²¹³ On June 29, 2016, the White House coordinated a “giant national ‘moonshot’ pep rally.” With more than 270 events across the U.S., Biden, at his event in Washington, D.C., stated: “I believe we can do in the next five years what would ordinarily take 10,” adding, “Time matters. Days matter. Minutes matter.” Maggie Fox, “Cancer ‘Moonshot’ Plan Aims to Share Information to Speed Fight for Cure,” NBC News, last modified June 29, 2016, accessed June 29, 2016, <http://www.nbcnews.com/health/cancer/cancer-moonshot-plan-aims-share-information-speed-fight-cure-n601231>.

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develop cures for cancer, S. Res. 39-249, 91st Cong., 2D. § J (1970).

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With regard to the first section of this book, it is essential to state that from October 25, 1911, to May 28, 1915, I was, in the words of the Royal Letters Patent and Orders in Council, ‘responsible to Crown and Parliament for all the business of the Admiralty.’ This period comprised the final stage in the preparation against a war with Germany; the mobilization and concentration of the Fleet before the outbreak; the organization of the Blockade; the gathering in 1914 of the Imperial forces from all over the world; the clearance from the oceans of all the German cruisers and commerce destroyers; the reinforcement of the Fleet by new construction in 1914 and 1915; the frustration and defeat of the first German submarine attack upon merchant shipping in 1915; and the initiation of the enterprise against the Dardanelles. It was marked before the war by a complete revision of British naval war plans; by the building of a fast division of battleships armed with 15-inch guns and driven by oil fuel; by the proposals, rejected by Germany, for a naval holiday; and by the largest supplies till then ever voted by Parliament for the British Fleet. It was distinguished during the war for the victories of the Heligoland Bight, of the Falkland Islands, and the Dogger Bank; and for the attempt to succour Antwerp. It was memorable for the disaster to the three cruisers off the Dutch Coast; the loss of Admiral Cradock’s squadron at Coronel; and the failure of the Navy to force the Dardanelles.

Eight years had passed since I quitted the Admiralty, and I felt it both my right and my duty to set forth the manner in which I endeavoured to discharge my share in these hazardous responsibilities. In doing so I adhered to certain strict rules. I made no important statement of fact relating to naval operations or Admiralty business, on which I did not possess unimpeachable documentary proof. I made or implied no criticism of any decision or action taken or neglected by others, unless I could prove that I had expressed the same opinion in writing *before the event*.

Winston S. Churchill, *The World Crisis*, Volume 1 Preface
(Winston S. Churchill’s *World Crisis* Collection)
(Kindle Locations 54-69). RosettaBooks. Kindle Edition.

JOHN ADAMS AND THE HOBBSIAN VIEW OF HUMAN NATURE

Yeorin An

Introduction

John Adams played a critical role in the making of the American Constitution. He proposed the method of employing specially elected conventions and submitting it to voters. He also applied the well-known principles of separation of powers and checks and balances to the Massachusetts Constitution. Through that Constitution, his political influence reaches as far as the federal Constitution of the United States.

Despite his contribution, modern scholars of the American Revolution have not been generous to John Adams. Adams has not received the academic attention he deserves, compared to other Founding Fathers. Among the central figures of the American Revolution, such as Thomas Jefferson, James Madison, Benjamin Franklin, and Adams himself, John Adams is the least studied. C. Bradley Thompson, one of the most well-known experts on Adams, once pointed out although some excellent biographies on Adams do exist, academics had largely ignored Adams.¹ Also,

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Adams has been largely misread as an ardent advocate of aristocracy and social inequality.

Scholarly attention is even scarcer when it comes to the connection between John Adams and Thomas Hobbes. Most notable among the small pool of books and articles are ones by Paul Downes, John Paynter, and C. Bradley Thompson. In *Hobbes, Sovereignty, and Early American Literature*, Downes casts doubt on the legitimacy of accusations against Hobbes in early American academia by illustrating how Adams, like many other thinkers of the era, rejected *Leviathan*.² He makes no comparison between the political thoughts of Adams and Hobbes. Paynter, on the other hand, directly addresses the matter in “John Adams’ ‘Hobbism.’”³ He raises three fundamental questions: What role does morality play in politics? Out of what psychological materials can men form a political community according to such moral norms? What form of government should be built upon such a community?⁴ However, Paynter mainly emphasises the difference between Adams’ and Hobbes’ philosophies. Only Thompson claims in *John Adams and the Spirit of Liberty* that Adams developed his political philosophies based on Hobbes’ teachings, but only through assimilating Locke’s view on human nature with that of Hobbes.⁵

This research paper provides an account of how John Adams derived his view on human nature from Hobbes’ *Leviathan*. Although Adams and Hobbes provided largely contrary structures of government due to the difference in their historical and social backgrounds, Adams basically founded his political theories on a Hobbesian view of human nature.

Adams’ Political Philosophy

One important factor that should be taken into consideration while analysing John Adams’ political philosophy is his stance on democracy. While he believed in preventing the concentration of authority into a single institution, he did not support democracy. In fact, he rather disapproved of the term ‘democracy.’ When comparing aristocracy, monarchy, and democracy, Adams wrote that “simple aristocracy is half-way between simple monarchy, which

is the least evil of the simple forms, and democracy, which is the most evil.”⁶ As he—one of the leaders of the American Revolution—was not an advocate of monarchy, this writing shows how little he thought of democracy.

The reason that Adams was not supportive of democracy is partly that during the 18th century, the definition of democracy was largely different from that of today. At the federal convention, delegates employed the term both vaguely and variously. “The amazing violence and turbulence of the democratic spirit” was an attitude of mind, “the democratic branch” was the lower house of the legislature, and “the democracy” served as a rough synonym for the body of electors.⁷ Democracy was often referred to as the political system of ancient Athens. It was small-scale, based on frequent meetings of popular assemblies, and referred to as ‘pure democracy’ by many of the Founding Fathers.⁸ Neither was the term democracy as positively value-laden during the 18th century as it is in present society.

However, the historical context of the term was not the sole reason that Adams rejected democracy. Even in the 18th century, democracy had its own supporters. Thomas Paine, though he lived in the same era as Adams, was one of them. Paine once wrote “It is on this system that American government is founded... representation ingrafted upon democracy.”⁹

What actually led Adams to dismiss democracy was his disapproval of the rule of the people. While Adams believed that a government “should be in miniature an exact portrait of the people at large. It should think, feel, reason and act like them,” he was afraid that the uneducated, ignorant people might exercise a tyranny of the majority.¹⁰ Thus, he supported a mixed form—republicanism with some democratic features such as popular voting for representatives—of government rather than simple democracy so that governments would not be driven by ignorant people. Moreover, he distrusted not only the public but also the elected officials. He thought they were incapable of ruling selflessly. After all, the representatives elected in order to prevent the problems of direct democracy were human beings too. Adams

doubted that they could be entirely trusted with the great power of writing constitutions.

It was such scepticism that led the drafting process of the Massachusetts Constitution to differ from that of other states. After the victorious independence war against the British, all states except Connecticut and Rhode Island ratified their own constitutions prior to the establishment of the federal Constitution in 1787. The process of ratification was universal for all states other than Massachusetts: they let their legislatures draft and ratify the new constitution.

Massachusetts' exceptional choice was largely due to Adams. During the summer of 1775, Adams suggested to his fellow congressmen that state constitutions must be drafted by a specially elected convention, rather than the state legislature, and then be submitted to the people for a popular vote.¹¹

Adams' proposal for this revolutionary method of ratification was at first partially dismissed. The legislative body of Massachusetts decided that the constitution would be submitted to a popular vote, but they would write it. They wrote a constitution that included neither the Declaration of Rights nor the concept of separation of powers.¹² When the voters rejected the proposed constitution, however, they finally accepted Adams' suggestion.¹³ Therefore, in 1779, a special convention consisting of representatives, directly elected by male citizens for the sole purpose of drafting a new state constitution, convened in Cambridge.¹⁴ The constitution written by the convention was then submitted to the voters. This new method of ratification was later widely adopted by other states and the federal government.

Adams supported this particular method of ratification because he believed that authority must not be concentrated in a single source—in this case, the legislature. His logic was that if the legislative branch is left in charge of the writing and ratifying process of constitutions, then it could change them whenever and however it wanted to. Although the particular legislature he was addressing was the one elected through popular vote, he believed that even such a government cannot be trusted with power.

To Adams, entrusting power to a single source was equal to promoting corruption and tyranny. At the same time, however, he favoured a strong, republican federal government structured by delegating power from the many to a few of “the most wise and good” rather than direct democracy.¹⁵ His answer to this dilemma was possibly derived from the French Enlightenment philosopher Montesquieu. At the same time, this answer was the very idea based on which he, as a member of the specially elected convention, wrote the Massachusetts Constitution and which all governments of the United States were founded upon thereafter: the principle of checks and balances. Any institution in possession of authority needed to be checked by another institution with parallel power, ultimately leading to a balance between the institutions’ powers. It was in his 1776 work *Thoughts on Government* that Adams presented a government structure with multiple checks and balances, which can be best represented by: 1) separation of powers and 2) bicameralism.

Adams argued that a government ought to be divided into three distinct branches: the legislative, executive, and judicial. He made himself clear by stating that “a people cannot be long free, nor ever happy, whose government is in one Assembly.”¹⁶ A single assembly possessed of all the powers of government would write, execute, and interpret all laws arbitrarily in its own favour, would most likely grow too ambitious and establish itself perpetually, would eventually exempt itself from responsibilities bestowed by constituents, and so would need a distinct balancing power to overcome its shortcomings and correct its errors. Authorities of government were to be divided into three branches which would check each other and thus create a balance of powers.

However, separation of powers into three branches alone did not fulfil Adams’ ideal of the principle of checks and balances. Reflecting on the Roman and British examples of the past, he wrote that a legislative branch with a single house would start as an aristocracy, transform into an oligarchy, and divide into many parties which would fight until a victorious general granted himself unparalleled, despotic power; if the assembly remains united,

Adams stated, it would make its powers hereditary and share them only among a few families, excluding the constituents from politics completely during the process.¹⁷ He thus believed that having a legislative branch consisting of only a single representative house was too dangerous, as it would easily become too self-interested.

Therefore, he presented another proposal to solve the issue in *Thoughts on Government*: dividing the legislative branch into two. He suggested that “the rich, the well-born and the able” must be separated from other persons and be gathered into another body, so that the elite could be prevented from dominating the entire legislative branch.¹⁸

Adams’ View on Human Nature

John Adams’ political philosophy can be summarised by the term skepticism. He developed mechanisms to prevent the danger of concentration of power and a tyranny of the majority because he was sceptical of the people, aristocratic or plebeian. He believed that humans are essentially selfish. The conclusion that employing the principles of checks and balances was necessary was derived from his experience of humanity.

For Adams, the examination of human nature, or of the “Constitution of our Minds and Bodies” as he put it, was a pivotal step in studying politics.¹⁹ He believed that a constitution-maker must answer the most important question: “what kind of beings men are?”²⁰ As Adams too was a constitution-maker, he was concerned with the question himself. His purpose was not to provide a full account of the nature of men but to study the passions that are directly relevant to constitution making.

Adams started his examination of the subject by taking men as they might have been in a state of nature. As a result, he ultimately identified two fundamental laws of nature: the law of self-preservation and the law of respecting “the rights of others as much as his own.”²¹ Concerning the former, he wrote that “self-love is the strongest principle in our breasts, and self-preservation

not only our inalienable right, but our clearest duty, by the law of nature."²² He stated that nature rewarded selfish activities.

At the same time, however, he acknowledged that the vast majority of men cannot live in accordance to this law. To him, passions were so 'unlimited' and could "certainly increase too, by exercise, like the body" that one could conclude that the laws of nature were insufficient to check them.²³ In other words, humans were neither inherently sinful nor wicked, but were weak and vulnerable, in the sense that unlimited ambition controlled them.²⁴ Thus, doctrines of natural rights, consent, and the social contract were developed. Men were born with equal rights to preserve themselves and their properties. However, as each individual's desires were unlimited and insatiable so that others' rights might be harmed, conflict was inevitable. Thus, people needed to mutually relinquish some of their rights and respect others' rights under consent. This act was, according to Adams, impossible in the state of nature. He thereby implied the need of an authority to enforce the act.

While Adams acknowledged the existence of benevolence, he did not emphasise it much. He wrote that it was simply not enough to balance the unlimited "selfish affections."²⁵ Such affections led to the passion for distinction among others. Adams called this passion *spectemur agendo*, which meant that to observe and be observed drove men to endeavour for obvious distinction.²⁶ Ironically, this particular type of passion, while also undoubtedly selfish, could possibly either lessen or worsen the impact of men's selfishness. While *spectemur agendo* might lead to "the most heroic actions in war, the sublimest virtues in peace, and the most useful industry in agriculture, arts, manufactures, and commerce," at the same time it might promote "jealousies, envy, enmity, hatred, revenge, quarrels, factions, seditions, and wars."²⁷ Adams wrote that this passion for distinction existed even within the most beloved and esteemed patriots and saints:

The passion, although refined by the purest moral sentiments, and intended to be governed by the best principles, is a passion still; and

therefore, like all other human desires, unlimited and insatiable. No man was ever contented with any given share of this human adoration.²⁸

For Adams, the science of politics or constitution-making meant devising institutional arrangement in order to regulate this passion. The principal end of government was to balance its dangerous and beneficial tendencies. Thus, Adams concluded that men, born with equal rights and duties, need to be regulated by an authority, as they are possessed with an insatiable desire of self-preservation, and thus the vast majority are incapable of abiding by the second law of nature. In deciding the type and structure of the authority, he took into consideration the *spectemur agendo*. The beneficial tendency of *spectemur agendo*, that a man might engage in actions profitable to the society for the good of his own reputation and distinction, could be intensified in a republican state rather than in a fully democratic state. In a constitutional republican state with representatives elected directly by people, such ‘desire to be seen’ would increase the possibility of the representatives speaking and acting for the good of their constituents. To minimise the impact when the representatives are actually driven by selfish passions, Adams advocated that not the legislative branches but specially elected conventions write constitutions, that a government be separated into three distinct branches which check and balance one another, and that the legislature be divided into two.

As Adams’ view on human nature led him to support the principle of separation of powers, draft the influential Massachusetts Constitution, and advocate for a mixed-form of representative and aristocratic government rather than a democratic state, it is pivotal to find by which source he was influenced. One possibility is religion. As Christianity is deeply rooted in the Western culture, he might have been affected primarily by the Christian view on human nature. Coincidentally, mainstream Christianity had the doctrine of ‘original sin’ regarding the inherent nature of mankind. It stated that nothing in human nature was untouched by sin. As the United States was undoubtedly Christian in the 18th century, the possibility that Adams’ view on human nature was largely influenced by Christianity cannot be ignored.

However, Adams was not a believer in mainstream Christianity. He was neither a Puritan nor a Catholic. He was a devout Unitarian, a non-Trinitarian Protestant Christian denomination. Interestingly, Unitarian doctrines reject the notion of original sin. Instead, they claim that human beings inherently possess the potential to be good, and that human beings have not fallen from grace and are not dependent on God for salvation.²⁹ Had Unitarian beliefs been the fundamental source on which Adams founded upon his theory of human nature, he would not have developed a rather negative view.

There still exists the possibility that Adams, while living in a fundamentally Christian nation, still was culturally influenced by the mainstream Christian doctrines. While the point is legitimate, as Adams was fully aware of the idea of original sin, he emphasised reason, not religion. He explicitly opposed the notion that Adam's sin was enough to subject the whole human race to damnation from the moment of birth, when no actual crimes were committed by any of them.³⁰ It can be clearly inferred that religion was not the primary source Adams founded his view on human nature upon.

Rather than religion, Adams searched into the works of early modern British and Continental philosophers. Among the many writers whose works he investigated were Bacon, Newton, Descartes, Locke, Montesquieu, and, above all, Hobbes. Although Adams was disdainful of Hobbes' preference for an absolute monarchy, his theory of human nature bears striking similarities with that of Hobbes.

John Adams and Thomas Hobbes

Hobbes' view on human nature is best described in his famous—or, rather infamous in Adams' times—*Leviathan*. In order to investigate the inherent nature of mankind, Hobbes first imagined men as they naturally might have been in a state uncorrupted by social convention, a method also employed later by Adams. Like Adams, Hobbes also claimed that all men are born equal with certain natural rights, including the right for self-preservation. These men were generally inclined to possess “a perpetual and

restless desire of power after power, that ceaseth only in death.”³¹ This desire was insatiable and a state of complete satisfaction never could be reached, for a man “cannot assure the power and means to live well, which he hath present, without acquisition of more.”³² At the same time, however, men having selfish natures did not necessarily mean that they were cruel or evil by nature, just as Adams asserted. Men attacked each other in a state of nature not because they were cruel but because they had a right to preserve themselves and their properties.

Furthermore, Hobbes wrote three rules of reason which bear notable similarities to the fundamental laws of nature Adams stated. The first rule of reason stated that men should seek peace and defend themselves from others. The second rule of reason commanded that men give up their rights to things on the condition that all others do the same. The third rule dictated that men should perform whatever covenants that they made. However, just as Adams later claimed, Hobbes thought that a vast majority of human beings were not sufficiently guided by reason. Thus, these rules of reason could not be followed in the state of nature, and an authority was needed to enforce these rules upon men. Men had to give up their rights and liberties to a certain extent and give the sovereignty to a government under consent. This idea of a social contract, too, can be found in Adams’ view on human nature.

Despite the striking similarities, however, Adams is rarely considered in connection to Hobbes. One evident cause is Adams’ outright disapproval of the philosopher’s preference for absolute power. In 1777, Adams wrote to his son John Quincy that there is “a great deal of mischievous philosophy” in the works of Thomas Hobbes.³³ Such criticism is not unexpected, as John Adams was not the first or last philosopher to denounce Hobbes for preaching “passive obedience to an established government whatever character it may be.”³⁴ In the Western society that Adams lived in, Hobbes was not a figure that a sane mind would openly support. *Leviathan* was burned in Britain. In New England, Hobbes’s name had a negative connotation related to atheism for as long as his work had been known. American historian Perry Miller

once noted that Puritan leaders were always concerned that their exploration into “new science” would lead them to the “atheism and materialism” of “the Hobbesians,” the “dreadful possibilities to be associated with the names of Epicurus, Hobbes, or Spinoza.”³⁵

Many of the charges against Hobbes were invalid. Hobbes was frequently associated with Filmer, an ardent supporter of monarchic absolutism. Adams, too, engaged in this common misreading of Hobbes’ philosophy. He aligned all the principal figures in their conventional positions: tyranny of Charles and George along with Roman Catholicism and the absolutist philosophy of ‘Filmer and Hobbes.’³⁶ Considering the uneasy truth that Hobbes was most repeatedly denounced by the Roman Catholic Church and severely criticised by Filmer and his fellow monarchists in Britain, such alignment was mistaken. Neither did Hobbes advocate complete passive obedience to whatever type of established government there was, as Adams blamed him to be. Hobbes assumed that the right of self-preservation is absolute to the point that subjects have a right of self-defence even against monarchies. If a government fails to give protection, the subjects had full rights to disobey or even overthrow it.

There may be the possibility that Adams denounced Hobbes purposefully, due to the cultural and social hostility towards Hobbes, but that is unlikely. Adams did, however, acknowledge that Hobbes was an intelligent man. He wrote that Hobbes is “a man, however unhappy in his temper, or detestable for his principles, equal in genius and learning to any of his contemporaries.”³⁷ He also possessed a complete collection of Hobbes’ works.³⁸ What Adams condemned was Hobbes’ approval of absolute monarchy, not his view on human nature. At the end of *Defence*, Adams even stated the very idea of Hobbesian human nature. He wrote:

In the state of nature, when savage, brutal man ranged the forests with all his fellow-creatures, this mighty contest was decided with nails and teeth, fists, stones, and clubs, in single combats, between all that dared to pretend. Amidst all the refinements of humanity, and all the improvements of civil life, the same nature remains, and war, with more serious and dreadful preparations, and re-encounters of greater numbers, must prevail, until the decision takes place.³⁹

In fact, Adams explicitly indicated that he read Hobbes and other philosophers before he turned his thoughts to research and produced his major works, such as *Thoughts on Government*, the Massachusetts Constitution, *Defence of the Constitution of the United States*, and the *Discourses on Davila*. This shows that Adams accessed Hobbes' view on human nature before he fully developed his own, chronologically strengthening the case for Adams' adoption of a Hobbesian view on human nature.

While Hobbes' view of human nature bears significant similarities with that of Adams, John Locke, another Enlightenment philosopher who is widely thought to have influenced Adams, has a rather different view. In his *Second Treatise of Government*, Locke illustrates a much rosier state of nature than that of Adams and Hobbes. First, Locke states that state of nature does not mean a state of war.⁴⁰ In other words, he says that even without a government—anarchy, that is—it would be possible to live an acceptable life. Second, although Locke does have his own set of Laws of Nature, he takes into account something that neither Adams nor Hobbes considered pivotal: morality. Third, Locke explains this morality in the state of nature through claiming that human beings, as creatures of God, have one inherently superior being in Heaven. As neither Adams nor Hobbes employs theology as a key tool to strengthen their views on the state of nature, the contrast becomes even starker. Last of all, Locke argues that even without a superior authority, people would be motivated to act according to the Laws of Nature, because of what he calls the “Executive Power of the Law of Nature.”⁴¹ He states that even in a state of nature, once an offense is made, the law-bound people would and could come together with or without the victim and punish the criminal. Locke obviously had a much more positive idea about human nature than both Hobbes and Adams.

While John Locke is credited to have influenced Adams' view on human nature for their similar proposals for government, his idea of human nature differs significantly from that of Adams. Thus, it is reasonable to deduce that Adams would have adopted a Hobbesian, rather than a Lockean view on human nature while

he made a fundamental departure from Hobbes in his proposal of the most suitable type of government based on his human nature.

Adams' answer to the question of which type of authority should be established by the social contract was a constitutional republic. However, Hobbes' solution was the opposite. While Hobbes' arguments are equally applicable to all forms of government except anarchy—the only political state Hobbes rejected—he preferred an absolute monarchy. How could the two thinkers, having such similar views on human nature, come up with conclusions so distinct from each others?

The historical backgrounds of their philosophies must be considered. While Hobbes lived in 17th century England, Adams lived in 18th century America. Their most notable works were written around the English Revolution for the former and the American Revolution for the latter.

Thomas Hobbes lived in a nation under the absolute monarchy of Charles I until the Puritan Revolution or English Civil War, occurred. The sudden change in British politics caused confusion and disorder. Hobbes was shocked when the Long Parliament sent his acquaintances Earl of Strafford and Archbishop Laud to the Tower for execution.⁴² Terrified, he fled to France. In Paris he heard the shocking news of Charles I's execution. Never before had a regicide occurred in English history.

It was only in 1651, after publishing *Leviathan*, that he returned to Britain, for the Catholic authorities in France became hostile to him because of the seemingly atheist theories mentioned in the book. Back in England, Hobbes witnessed how the end of Oliver Cromwell's rule caused chaos. When Cromwell died, he was originally to be succeeded as Lord Protector by his son, Richard Cromwell. Due to the sudden death of the charismatic leader who led the Civil War, England found itself in the midst of financial and political chaos. Arguments between the military and administration did not seem to cease and Parliament was dissolved. Shortly afterwards, Richard Cromwell was overthrown. George Monck, an army officer, realised that the monarchy must be restored to end the political chaos, and he invited Charles II

to England. Thus, the King ended a long period of exile and was officially restored to the English throne.

In Hobbes' point of view, the political disorders that occurred during the Civil War and after the death of Oliver Cromwell were addressed by a common resolution: concentration of power into a single authority. It was Cromwell's rise to become the Lord Protector that ended the political confusion in the case of the Civil War. For in the aftermath of Cromwell's death, the solution was restoration of the monarchy. It is no coincidence that Hobbes developed a political theory that the form of government created by a social contract should be an absolutist monarchy in order to prevent a state of chaos and confusion most effectively.

On the other hand, John Adams lived in a period completely different from Hobbes'. As the victory in the Seven Years' War had been costly, George III and the Whigs abandoned their earlier policy of salutary neglect and adopted more forceful policies. Adams directly opposed and criticised such policies. He agreed that there was to be no taxation without representation and described the Stamp Act of 1765, in which the British levied a tax on most printed papers in the colonies, as 'very burthensome, and, in our opinion, unconstitutional.'⁴³ Disappointed by the British imposition of high taxes and tariffs that were against the best interests of the colonies, Adams began challenging Great Britain's authority.

To Adams, the British rule was a tyranny. After the British abandoned the policy of salutary neglect, colonial citizens were robbed of the pivotal authority to approve taxes. The power to levy taxes and tariffs was abused by the British parliament. While British citizens had their representatives in the parliament, colonists were given no such privilege. Thus, for Adams, British rule seemed to be an absolute monarchy rather than the mixed form of government it actually was. Adams was an opponent of what seemed to be absolute monarchy and a supporter of the right to representation. He no doubt rejected the belief that the most suitable form of government given the nature of men was absolute

monarchy, and instead advocated a republican government with elected representatives.

Although Hobbes and Adams shared similar views on human nature, the solutions that they presented differed because of the different social and historical backgrounds they lived in. Hobbes witnessed the fall of absolute authority only to be followed by chaos, which was in turn solved by the rise of another absolute authority. Adams was in the position of defending the rights of representation of the colonists, and witnessed how the seemingly absolute monarchy could be tyrannical without representation. That clear divergence led to different conclusions.

Conclusion

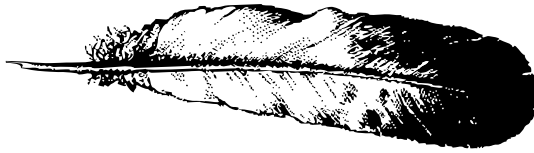
Thomas Hobbes and John Adams seem to be unrelated at first glance. However, a close investigation into their views on human nature shows the striking similarities between their philosophies. They both agreed that humans were driven by unlimited desires, were born equal by nature, and possess the right to self-preservation. Each of them developed rules of reason or laws of nature that could not be followed by a vast majority of human beings due to their incapability to act reasonably. Thus, they conceded the necessity of an authority which would enforce the rules of reason or laws of nature with powers delegated from men.

Their proposal of type of government for the authority pointed in nearly opposite directions though. Such divergence was due to the difference in their historical and cultural backgrounds. While Hobbes witnessed a political chaos, caused by people, being ended through the emergence of an absolute leader, Adams participated in a massive cultural, social movement that was against a government without representation. This difference led Adams to depart from Hobbes' conclusion on the structure of government despite his Hobbesian view on human nature.

Although the proposal of the structure of government Adams presented differed from that of Hobbes, it was the Hobbesian view on human nature that Adams founded his political theories

upon. Those political theories were realised as forms of separation of power and the principle of checks and balances in the Massachusetts Constitution. This constitution became largely influential and served as a model for the federal Constitution of 1787 and other state constitutions of the United States.

The Massachusetts Constitution and those written based on it, including the federal Constitution, are still used in contemporary America. They are often brought up in debates, and their true meanings as the Founding Fathers intended when they wrote them are discussed among scholars and politicians. Through examination of John Adams' political philosophy and Hobbes' influence, one can develop a much clearer understanding of what Adams really intended when he participated—directly for the Massachusetts Constitution, and indirectly for the federal Constitution—in the constitution-writing process.



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² Paul Downes, *Hobbes, Sovereignty, and Early American Literature* (New York: Cambridge University Press, 2015), 69-87, 113-115.

³ John Paynter, "John Adams' 'Hobbism,'" in *The American Founding and the Social Compact*, ed. Ronald J. Pestritto, Thomas G. West (Maryland: Lexington Books, 2003), 231-254.

⁴ *Ibid.*, 231.

⁵ Bradley C. Thompson, 148-154.

⁶ George A. Peek, *Introduction to The Political Writings of John Adams: Representative Selections*, ed. George A. Peek (Indianapolis: Hackett Publishing Company, 2003), xviii.

⁷ Anthony King, "The Exaltation of the People," in *The Founding Fathers vs. the People: Paradoxes of American Democracy* (Cambridge: Harvard University Press, 2012), 69.

⁸ *Ibid.*

⁹ Thomas Paine, *The Writings of Thomas Paine*, ed. Moncure Daniel Conway, vol. 2 (New York: G.P. Putnam's Sons, 1894). Online Library of Liberty, accessed June 2, 2016, <http://oll.libertyfund.org/titles/344>.

¹⁰ John Adams, *The Works of John Adams, Second President of the United States: with a Life of the Author*, ed. Charles Francis Adams, vol. 4 (Boston: Little, Brown and Co., 1856), Online Library of Liberty, accessed March 1, 2016, <http://oll.libertyfund.org/titles/2102>. 4:193.

¹¹ John Adams, *Autobiography*, part 1, sheet 28 of 53 (June 2, 1775–November 25, 1775), *Adams Family Papers: An Electronic Archive*, Massachusetts Historical Society, accessed April 1, 2016. <http://www.masshit.org/digitaladams/>

¹² Bryan-Paul Frost and Jeffrey Sikkenga, eds., *History of American Political Thought* (Maryland: Lexington Books, 2003), 120; Francis D. Cogliano, *Revolutionary America, 1763-1815: A Political History* (New York: Routledge, 2009), 86.

¹³ *Ibid.*, 86

¹⁴ Francis D. Cogliano, *Revolutionary America, 1763-1815*, 87.

¹⁵ John Adams, *The Works of John Adams*, 4:194

¹⁶ *Ibid.*, 195.

¹⁷ *Ibid.*, 195.

¹⁸ *Ibid.*, 290.

¹⁹ *Ibid.*, 2:30.

- ²⁰ Ibid., 4:406.
- ²¹ Ibid., 6:234.
- ²² Ibid., 2:530.
- ²³ Ibid., 4:406.
- ²⁴ Ibid., 4:406.
- ²⁵ Ibid., 6:234.
- ²⁶ Ibid., 6:234.
- ²⁷ Ibid., 245.
- ²⁸ Ibid., 248.
- ²⁹ “Implications of Unity,” British Broadcasting Corporation, accessed June 1, 2016, <http://www.bbc.co.uk/religion/religions/unitarianism>
- ³⁰ John Adams, *The Works of John Adams*, 2:30.
- ³¹ Thomas Hobbes, *Leviathan* (New York: Oxford University Press, 2008), 66.
- ³² Ibid., 66.
- ³³ Paul Downes, *Hobbes, Sovereignty, and Early American Literature* (New York: Cambridge University Press, 2015), 82.
- ³⁴ Ibid., 113.
- ³⁵ Perry Miller, *The New England Mind: The Seventeenth Century* (Cambridge: Harvard University Press, 1983), 225.
- ³⁶ Ibid., 114.
- ³⁷ Adams, *The Works* 10:5.
- ³⁸ Paul Downes, 82.
- ³⁹ Peter Shaw, *The Character of John Adams* (Williamsburg: University of North Carolina Press, 1976), 222.
- ⁴⁰ John Locke, *Second Treatise of Government* (Middletown: Maestro Publishing Group, 2015), 9.
- ⁴¹ Ibid., 5.
- ⁴² Bertrand Russell, *The History of Western Philosophy* (New York: Simon & Schuster, 1972), 547.
- ⁴³ John Adams, 3:465.

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PULLMAN: THE MAN, THE TOWN, THE STRIKE

Benjamin Henly Wittenbrink

What is the role of the U.S. government in labor strikes? Should the federal government protect workers' rights and allow—and perhaps even promote—unionization, as was advocated for by labor activists and progressives? Or, as industrialists and the American elite of the 19th century had hoped, should the government support corporate interests in quashing labor strife? Or, alternatively as free-market conservatives and capitalists would wish, should the government remain wholly neutral in disputes, intervening only when absolutely necessary? Is the latter even possible? American public policy prior to 1894 and George M. Pullman would certainly dictate that the government support corporate and commercial interests. Yet, the American Railway Union (ARU), formed in 1893 and championed by Eugene V. Debs vowed to push for labor reform.

One of the first paternalistic company towns in the United States—Pullman, Illinois—was founded in 1881 and constructed by George Pullman to house the employees of his railroad car company, the Pullman Palace Car Company (PPCC). The Panic of 1893 resulted in a decreased demand for railroad cars and

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continental travel, and so Pullman cut worker wages, choosing to pay his shareholders instead. In response, the ARU initiated the Pullman Strike of 1894. Originally limited to the city of Pullman, the strike capitalized on the widespread dissatisfaction that laborers felt toward their employers, spreading throughout the country. Although an immediate failure for the workers residing in Pullman, the strike ultimately advanced the position of labor in the United States. The strike led to the demise of “government by injunction,” thereby restricting federal intervention in dismantling labor strikes and disputes, and brought forth widespread labor reform, including the establishment and the strengthening of labor unions.

A man of humble beginnings, George Mortimer Pullman was born in Brockton, New York on March 3, 1831 to Emily Caroline and James L. Pullman, a farmer turned carpenter.¹ In 1845, George stayed behind when his parents moved to Albion, New York. At the age of fourteen, Pullman dropped out of school and began to work with Emily’s uncle, John H. Minton, and Edwin Buck at the Minton & Buck General Store in Brockton.² Three years later in 1848, Pullman joined his parents in Albion. He worked as a carpenter alongside his father until his father’s death, after which Pullman managed the family’s cabinetmaking business. Shortly thereafter, Pullman contracted with the State of New York to relocate twenty buildings, mostly warehouses, during the first enlargement of the Erie Canal. Pullman learned the method of shifting buildings to newly-built foundations, which proved valuable a few years after his arrival in Chicago when he answered an advertisement to help control flooding and construct a modern sewer system.³

Chicago was a “boom town,” its population expanding rapidly—according to the Censuses, in each decade, there were 29,963 people in 1850 (a 570% increase from the 4,470 people in 1840) and 112,172 people in 1860 (a 274% increase from 1850)—forcing the hasty construction of buildings and housing. However, this rapid construction proved problematic, as the low-lying bog beneath the city required that all of the buildings

in central Chicago be moved to a higher grade to maintain an effective sewer system.⁴ Pullman's development of an elaborate set of jacks allowed him to raise the buildings and construct their new foundations. In 1861, Ely, Smith, & Pullman, the partnership Pullman formed while in Chicago, raised the Tremont House Hotel, a six-story brick house, while its guests remained inside.⁵

This marked the beginning of Pullman's prospering career as an engineer and industrialist. As legend has it, after an uncomfortable overnight train ride from Buffalo to Westfield, New York, Pullman had an epiphany. Given the rapid expansion of the American railroad system, Pullman recognized the vast market potential for comfortable cars and efficient passenger services.⁶ In 1857, before moving to Chicago, Pullman had initiated a partnership with former New York State Senator Benjamin C. Field to create several sleeper cars. Securing a contract from the Chicago, Alton, and St. Louis Railroads, Pullman and Field began to revolutionize railroad travel. In 1859, the luxurious sleeper cars received reviews calling them the most extravagant way to travel.⁷

The Civil War (1861-1865) proved an obstacle for Pullman's business enterprise. Nonetheless, like many wealthy men of the time, Pullman hired a replacement to fulfill his military service and continued his work. Upon his arrival in Chicago, Pullman and Field financed and constructed two additional sleeper cars, the *Springfield* and the *Pioneer*. Completed in 1865, the *Pioneer* cost roughly \$20,000 and garnered national attention, featuring folding upper berths, seat cushions capable of expanding to reveal a lower berth, red carpeting, hand-finished woodwork, and silver-trimmed coal lamps.⁸

The *Pioneer's* luxuries came at a cost. The *Pioneer* was cumbersome and impractical, as the immense height and width necessary for the plush car prohibited its use on existing tracks. Moreover, the railroad companies remained skeptical as to whether the public was willing to pay the high cost of such luxury transportation. Skepticism faded, however, with the assassination of Abraham Lincoln on April 15, 1865. The "Lonesome Train" transported Lincoln's body to Springfield for his burial. The

chairman of the Republican State Central Committee, Colonel James H. Bowen, chose the *Pioneer* to accompany the funeral cortège and accommodate the Lincoln family. Pullman's inclusion of the *Pioneer* in the cortège marked an immeasurable publicity boom for the company.⁹ Pullman's sleepers became popular, and within months, the railways adjusted their lines to accommodate the larger Pullman cars.¹⁰

As Pullman continued to produce his signature sleeper cars, his renown and personal wealth grew. Pullman acquired prominent investors, including industrialist Andrew Carnegie. In January of 1867, Benjamin Field relinquished his ownership and dissolved the partnership, focusing instead on his political ambitions. The company became known as the Pullman Palace Car Company (PPCC), and was approved by the Illinois Legislature on February 22, 1867. The Board of Directors of the company elected Pullman as President and General Manager. Pullman's brother, Albert Benton, managed the manufacturing of the cars, while he concentrated on the marketing of the sleeper car services.¹¹

The following years marked the construction of the *President* (1867) and the *Delmonico* (1868). While Pullman had always manufactured lavish sleeper cars, the *President* and the *Delmonico* offered an innovative means of transportation. The *President* was, in essence, a hotel on wheels; it incorporated an attached kitchen and a dining car into the already extravagant two-story sleeper cars. The subsequent sleeper car, the *Delmonico*, contained a restaurant serving fine cuisine, and it hired recently freed and displaced former slaves to serve as porters, waiters, chambermaids, entertainers, and valets.¹²

By 1870, with the PPCC's continuous growth, Pullman bought the Detroit Car and Manufacturing Company (DCMC), originally established in 1853 by Dr. George B. Russel.¹³ Pullman used the industrial hub of Detroit to consolidate all of his manufacturing operations into one facility, including the construction of his five car makes: hotel cars, parlor cars, reclining room cars, sleepers, and diners. Pullman was able to maintain such elegant and opulent cars and his own high standards for quality and

cleanliness because of his business model. Rather than selling his cars, Pullman leased his cars to the railroads, retaining ownership and operating the sleeping cars himself.¹⁴

Yet, the DCMC facility proved too small. Pullman's cars and services had become so popular that he was forced to expand and diversify his manufacturing plant again. Pullman's groundbreaking solution to accommodate the production demands while still maintaining a close watch over all aspects of his business was to establish one of the first company towns in the United States alongside the new factory, purchasing 4,000 acres of land twelve miles south of Chicago for \$800,000 in 1880.¹⁵ Although the land and its surroundings were mostly marsh and difficult to access, Pullman's eponymous town was situated near Lake Calumet and on the Illinois Central Railroad, connecting it to Chicago. Hiring Solon Spencer Beman to design the town and factory, Pullman sought to establish housing, shopping areas, churches, theaters, parks, a hotel, and a library.¹⁶

Pullman's motivation to establish his company town was largely a consequence of the upheaval caused by the 1877 railroad strikes, and was inspired by a novel he had read on a transatlantic voyage, *Put Yourself in His Place* by Charles Reade. In Reade's novel, an inventor applies scientific thought to his factories, increasing profits while bettering working conditions and hours—two factors often believed to be mutually exclusive at the time. The notion that humane reforms and efficient business principles could act in tandem appealed to Pullman.¹⁷ Historian Stanley Buder writes, "Seeing nothing wrong in a society oriented toward the profit motive, his intention was only to apply principles of business efficiency to meet the needs of his own workers...Pullman wanted to perfect, not alter, free enterprise."¹⁸ Thus, the quality of life in Pullman for its workers was uncommonly good, as Pullman believed a "healthy and loyal work force would ultimately be more productive, less likely to unionize, and less likely to complain if wages were lower than those paid by its competitors' factories."¹⁹

Additionally, the Model Tenement Movement, widespread during the Gilded Age and championed by Alfred T. White, had

piqued Pullman's interest. White was convinced that the liberation of urban workers from predatory landlords would alleviate many of the social hardships rampant in poverty and afflicting the workers. Clean and affordable housing would, according to White, stabilize the lives of workers and instill virtues like thrift, diminish their capacity to riot against their employers, and protect the interests of industrialists.²⁰ In essence, Pullman envisioned a model community that improved the social standing and behavior of its workers while simultaneously furthering the capitalist, industrialist system.²¹

On January 1, 1881, the first permanent residents of Pullman's paternalistic utopia, the Benson family, arrived. By April, all of the Pullman car shops were operating, and by May, the town's population reached 350. The town was finally completed in 1884, with a population of 9,000. Although housing in Pullman was more expensive than in other parts of Chicago, with the monthly rent for a three-room apartment averaging about eight dollars, housing quality was far superior to that available to workers elsewhere, including indoor toilet facilities, running water, effective heating, private yards, and daily garbage collection—advantages unheard of in most working-class neighborhoods. In addition to the three-room apartments, more spacious housing was offered, including five-room houses with a basement, bathroom, and water faucets; and even larger housing for company officers.²²

Pullman ruled and managed the town with a rigid and extreme paternalism. Pullman's brand of paternalism entailed keeping close watch over the town's affairs, dominating all municipal functions, controlling town officials, and restricting the behavior of renters—Pullman never sold his houses, instead choosing to lease them to retain complete control, another aspect of his authoritarian approach. A conservative and firm supporter of the Republican Party, Pullman's control extended to the political sphere, frequently coercing employees to vote for candidates approved by the company, exemplified by the overwhelming vote of the town against annexation to Chicago in 1889. Pullman's vehement opposition to annexation to the Democrat-controlled

Chicago, and to the sale of land, stemmed from his ideological conservatism and his need for complete domination.²³

The basis of the Pullman town was inherently commercial, with substantial profits coming from the sale of utilities. Although gas was sold for \$1.25 per thousand cubic feet in Chicago, Pullman sold gas for \$2.25, with the average cost of production estimated at only 33 cents. Additionally, the company sold water at over twice the market price, and rent in Pullman was 25% more than a similarly-sized accommodation in Chicago, although these city lodgings did not include such aesthetic and sanitary features as were standard in Pullman. A library membership in Pullman cost residents three dollars.²⁴

For a decade, the town of Pullman was quite successful. The town attracted over 10,000 tourists during the World's Columbian Exposition in May of 1893, peaking at 12,500 residents in early 1893; however, the Panic of 1893 severely obstructed production at the factory. Financial optimism and irrational exuberance were largely the causes of the Panic: railroad overbuilding and precarious railroad financing ignited a series of bank failures, which in turn unleashed the serious economic depression lasting from May to November. The Panic of 1893 would remain the worst depression the United States had ever experienced until the Great Depression (1929-1939).²⁵

The Panic and the consequent collapse of the market for railroad cars and services caused the PPCC to suffer. As a result, by the late summer of 1893, Pullman and his company laid off more than three thousand workers. In the spring of 1894, the company managed to reemploy two thousand of those laid off workers, albeit at lower pay. Wage reductions averaged between 25 and 33 percent, and in the most extreme cases 50 percent, with pay falling from \$3 to \$1.50 for carpet-cutters, \$2.25 to \$1.40 for mattress-makers, and \$1.25 to \$0.79 for seat-makers.²⁶ Yet the decline in wages was less significant to the impending strike than was Pullman's aversion to charity, as he maintained that the workers continue to pay the competitive housing rent despite their lowered

wages. The workers were simply unable to afford this rent, for it was not nearly proportionate to their earnings.

Pullman had always deducted the cost of heating, water, and other utilities from the workers' wages. During the economic downturn, he continued to do so, reducing their paychecks to pennies.²⁷ Pullman's staunch conservatism and firm belief in labor as a commodity—and thus that the conditions of the labor market must govern the wage scale—led to his continuous fight against labor unions and his slashing of wages in response to the poor economy, even as his company's earnings remained strong. Although Pullman certainly maintained an interest in the wellbeing of his workers, he set aside his humanitarian worries in order to protect his commercial enterprise and economic fortunes. In essence, Pullman used his ideological viewpoints as a basis to justify the further exploitation of his workers for his personal and corporate economic and commercial gain.

Pullman's obstinacy in maintaining his position was best exemplified in 1893 when the company possessed assets worth \$62,000,000, half of which were undivided profits. After the dividends to the stockholders were paid, a surplus of \$4,000,000 remained, and even in 1894, the company earned enough to compensate its shareholders and maintain the profit from the previous year. Nevertheless, Pullman refused to use the company surplus to maintain wages at their original values and alleviate the suffering of his employees.²⁸ Reports that the company remained lucrative, and that Pullman and his top executives maintained their salaries while workers wages were slashed, agitated workers and fueled their dissent. In an effort to maintain his authoritarian control, Pullman hired spies to keep him abreast of residents' activities and foremen to ensure the rules were obeyed. Disgruntled workers, prevented from meeting inside the town limits by Pullman's spies, began to meet outside the town to discuss their predicament.²⁹

On May 7, 1894, the Pullman workers organized a meeting with PPCC Vice President Thomas H. Wickes, who subsequently requested that they submit their grievances in writing and return in two days' time to attend a meeting with Pullman. Pullman ex-

plained that wages had been cut due to the lack of car orders, and that the company was attempting to manage the amount of work to limit layoffs, agreeing to several low-bid work contracts. In fact, Pullman even offered to let workers inspect the company's financial records, and promised that workers would not be punished for their written grievances. Coincidentally—or at least there is no record of the Pullman Company specifically targeting these individuals³⁰—three of the men who had shared their complaints with Pullman and Wickes were let go the following day. Regardless of the intent behind the three dismissals, it circulated around the Pullman town that they had been discharged for speaking up, and that Pullman had gone back on his word. Two days later on May 11, the Pullman workers, “fed up with the sleeping car magnate’s greed, obstinacy, and apparent double-dealing, set their tools down,” and went on strike.³¹

On June 12, 1894, a month after the strike began, the American Railway Union’s (ARU) first annual convention at Chicago’s Uhlich’s Hall was held, where Pullman workers congregated to request the union’s help.³² Eugene Debs had formed the ARU in response to the Panic of 1893 the previous year. Prior to its establishment, railroad unions were small, local organizations with minimal power. The ARU was organized in order to consolidate these unions and establish a united front of workers, free of the petty jealousies that plagued the efficiency of the previous unions. Due to the growth and concentration of the railroads, within a year the ARU had incorporated 465 local chapters and 150,000 members.³³ The ARU had championed the cause of railroad workers against the Great Northern Railroad in 1893, negotiating with James T. Hill, the owner of the Great Northern Railroad, until he agreed to arbitration, eventually leading to the victory of the workers.

Upon hearing the Pullman workers’ complaints, Debs left the convention to tour the Pullman village. Debs was distraught with the state of affairs in Pullman: “The paternalism of Pullman is the same as the self-interest of a slaveholder in his human chattels. You are striking to avert slavery and degradation.”³⁴ The ARU appealed to Pullman, requesting that he submit the company’s

issues with the employees to arbitration. Pullman and his company refused. Historian Philip Dray writes, “the nation’s railroad men were spoiling for a fight with the ‘management’ of America; unlike 1877, now they were not only angry but organized, and in Eugene Debs they saw their crusader.”³⁵

On June 21, the ARU voted to support the Pullman strike, simply a “practical exhibition of sympathy, Christian brotherhood, and republican mutualism” in the eloquent words of Debs.³⁶ The ARU refused to have any of its switchmen handle Pullman cars unless Pullman or his company agreed to arbitration. Pullman’s refusal marked the beginning of the Pullman Strike of 1894, with the sides preparing themselves for a serious confrontation. The big railroads and industry aligned themselves with Pullman while the ARU garnered support from rail brotherhoods and sympathetic unions of carpenters, mechanics, and warehousemen.³⁷ James Sovereign, the leader of the Knights of Labor, one of the most significant labor organizations of the late 19th century, urged the unions to come together: “The sons of toil must stand together, shoulder to shoulder.”³⁸

Philip Dray, describing the great significance of the strike for business, writes, “The ARU boycott of Pullman’s railcars and, by extension, America’s railroads, was, in the eyes of commerce, a far more reprehensible act than a run-of the mill trade union strike.” Dray argues that because the Pullman Strike of 1894 engaged diverse groups of workers and transcended occupational boundaries, it represented a potential for a full-fledged rebellion, and had the potential to harm the economy as a whole.³⁹

Indeed, because of the centralized leadership and organized nature of the strike, the rebellious fervor swept across the nation, capitalizing on the universal feeling of discontent among the working public. Within the next few days, 100,000 rail workers in 27 states and U.S. territories joined the strike and voluntarily stopped working. Both freight and passenger trains in and out of Chicago were at a standstill.⁴⁰

The press and moneyed interests vehemently attacked Debs and his union, with one newspaper condemning Debs as

“an enemy of the human race” while the *Chicago Tribune* ran the headline “Mob Is in Control, Law Is Trampled On, Strike Is Now War.”⁴¹ Similarly, Pullman and the railroads did not back down, assembling the General Managers Association (GMA), which was founded in 1886 and consisted of all 26 railroads that served Chicago. The consortium of railroads settled on a strategy to destroy the ARU, deciding to bring in the U.S. federal government, as Washington had expressed its outrage with the strikers in Chicago.⁴²

U.S. Attorney General Richard Olney was determined not to let the transgression of the ARU against the nation slide. Olney believed it necessary for the government to take a stand in Chicago, in order to crush the “ragged edge of anarchy” and ensure the labor strike “a failure everywhere else.”⁴³ Intent on squashing the strike, Olney, a veteran railroad lawyer, appointed a former colleague, Chicago attorney Edwin Walker, to the position of special federal attorney in Chicago.

Olney’s strategy hinged on the policy of “government by injunction,” the principle vehicle of judicial intervention during the Gilded Age and “America’s distinctive contribution in the application of law to industrial strife.”⁴⁴ The rise of this practice can be attributed to the new era of union-led strikes in the United States. Where previously strikes had been local in nature, strikes now often mobilized national organizations like the ARU or entire working-class communities against a single employer. This transformation, according to historian William E. Forbath, “rubbed more abrasively against judges’ individualism.”⁴⁵ In addition, labor movements presented a greater threat to the courts’ definition of law and order, as labor leaders believed that they stood for a higher, truer legal order, and thus challenged the courts’ and states’ normative authority. The first court injunction against strikers occurred during the 1877 railroad strikes, and set a precedent for the administrative capacity of the judiciary to regulate labor conflicts. By the onset of the Pullman Strike after 16 years of experience, the federal judicial role was already in place: the tendency of “enjoining strikes on non-receivership lines; of collaborating with railroad management and attorneys;

of mobilizing troops without regard to the will of state authorities; and of holding summary hearings in lieu of jury trials.”⁴⁶ By the eve of the Pullman Strike, the federal courtroom had turned into “a kind of police court,” Judge Taft claimed.⁴⁷

Thus, using the method of “government by injunction,” Walker was to seek a court injunction against the ARU for their interference with the U.S. mail and their supposed violation of the Sherman Antitrust Act of 1890, a statute intended to prevent potential corporate monopolies. The purported transgression against the Sherman Act offered the government an argument for federal military involvement. It was also a convenient tactic to get around the requirements of due process, as the government was able to hold individuals in contempt without having to prove more significant or specific criminal acts. President Grover Cleveland vowed to end the strike, saying, “If it takes every dollar in the Treasury and every soldier in the United States Army to deliver a postal card in Chicago, that postal card shall be delivered.”⁴⁸

Understanding the potential implications of Walker’s court injunction, Debs instructed the ARU not to disrupt or interfere with the U.S. mail. In addition, the ARU received support from John P. Altgeld, Governor of Illinois. Altgeld reminded President Cleveland that federal troops could only be sent upon the request of the state, and reproached Olney’s miscarriage of justice through the use of government by injunction, transforming, Altgeld said, a “federal judge [into]...a legislator, court, and executioner.”⁴⁹

Nonetheless, in order to incite a violation, the government and the GMA had begun attaching Pullman sleepers to mail cars. On July 2, federal District Court Judge Peter J. Grosscup issued an injunction banning the ARU from interfering with the mail or interstate commerce. The injunction was written so broadly that it disallowed the ARU to maintain or organize the boycotts.⁵⁰ Shortly thereafter on July 3, 2,000 federal soldiers arrived from Fort Sheridan. These soldiers, according to Detroit mayor Hazen S. Pingree, intended “not so much to quell a riot as to crush labor unions.”⁵¹

Violence erupted. Yet it was not, as many popular accounts of the strike would assert, the ARU or the railroad workers who sparked the violence but hostile citizens who catcalled, cursed, and hurled bricks and stones. In fact, substantive evidence proving the involvement of workers in the violence does not exist.⁵² These hostile citizens commandeered the strike from a rightful dissatisfaction with the inhuman exploitation of the poverty-stricken laborers to an aimless anarchy, promoting indiscriminate violence, and therein inhibited the optimistic yet possible success of the strike. In response to the pointless violence, federal marshals hired 2,000 special deputies, described not as officers of the law but as “thugs and thieves” by Chicago Police Chief John R. Brennan.⁵³ Shortly after the arrival of the deputies, a mob estimated at ten thousand set railroad cars afire and destroyed property. The battle between the two sides raged. Buildings were razed and protestors shot.⁵⁴

As the violence continued, national labor leaders were called to attend an emergency conference at the Briggs House Hotel in Chicago to direct the protest. In consultation with Samuel Gompers, a major labor leader, Debs and Altgeld recognized that events had gotten out of hand, and informed the American Federation of Labor (AFL) that a national general strike was not recommended. Subsequently, Debs and three of his aides were arrested on a charge of interference with U.S. mail. Shortly thereafter, they were released on bail and quickly rearrested, this time on a charge of contempt of court for disregarding Judge Grosscup’s verdict. The arrest of Debs coupled with the introduction of federal troops to disrupt the crowds destroyed the Pullman Strike and the ARU boycott, as it stripped the rebellion of its leadership.⁵⁵

The following May in the case *In re Debs*, the United States Supreme Court unanimously upheld the injunctions issued against the Pullman Strike, and the contempt conviction of Debs. Justice Brewer credited the decrees with the immediate establishment of peaceable acquiescence on behalf of the strikers, and cessation of the strikers’ lawless anarchy.⁵⁶ The Pullman Strike was quashed, and Pullman, who had stayed out of the public view for much of the strike, finally reemerged and continued to operate the PPCC.

Thus, in one sense, this labor action was unsuccessful. However, it had a tremendous impact on the company and on the labor environment in the United States. The Illinois State Supreme Court asserted that Pullman's town existed in opposition to good public policy, and ruled that the company relinquish all ownership over town.⁵⁷ In addition, the strike exposed the basic grievances of the citizenry under paternalistic rule, including political domination and the lack of democracy; unrelenting control over the tenants; and the excessive rates for gas, water, and housing. Therefore, the strike led to the demise of a true paternalistic company-town model, as it dissuaded planners of such communities from holding unconditional power over its residents. Historian Almont Lindsey argues that it "destroyed whatever revolutionary effect the experiment was believed to have upon industrialism."⁵⁸

The most noteworthy consequences of the strike arguably stem from a commission of inquiry, ironically convened by President Cleveland.⁵⁹ While the inquiry questioned the wisdom of the ARU for allowing the Pullman factory employees to assemble into a railroad union, it also condemned Pullman for his actions as an employer and landlord and for his refusal to submit the workers' demands to arbitration. Furthermore, the inquiry denounced the GMA for scheming to disband the ARU on the grounds that it was an illegitimate labor combination, as the GMA was itself a combination, albeit of business.⁶⁰

In the *Report on the Chicago Strike of June-July, 1894*, the Commission concluded that the country must "admit [labor unions'] necessity as labor guides and protectors, conserve their usefulness, increase their responsibility, and prevent their follies and aggressions by conferring upon them the privileges enjoyed by corporations." The Report continued that we have "heretofore encouraged the one [corporations] and comparatively neglected the other [labor unions]" and that wisdom demands "that each be encouraged to prosper legitimately and to grow into harmonious relations of equal standing and responsibility before the law."⁶¹

Moreover, the Commission recommended that a permanent three-member United States strike commission be established,

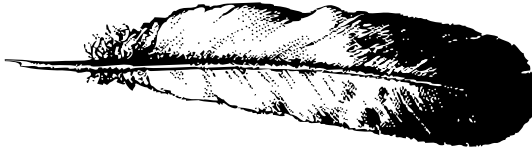
tasked with investigating disputes between railroads and their employees; that courts be granted the power to compel railroads to obey decisions made by the aforementioned commission; and that labor contracts requiring men to agree not to join a labor organization or union as a condition of employment (also known as yellow-dog contracts) be made illegal. On top of that, the Commission firmly urged corporations to recognize and even cooperate with labor unions.⁶²

The inquiry held the government responsible for its failure to control corporations and protect the rights of labor. It provoked the question: What should the proper role for the U.S. government be in labor disputes? This debate initiated a shift in public opinion, as many argued that the government's obligation is to pass legislation and establish enforcement agencies to protect workers' rights, improve working conditions and amend labor abuses, rather than aid corporate interests as it had done in Pullman.⁶³ The government's persisting policy of following the criminal conspiracy approach, essentially treating unions as unlawful organizations scheming to cause harm, finally came to an end.⁶⁴

With his vision of order secured, even the stalwart U.S. Attorney General Olney acknowledged elements of the revised liberalism. Olney wrote, "it must now be regarded as substantially settled that the mass of wage-earners can no longer be dealt with by capital as so many isolated units."⁶⁵ Olney, at the suggestion of the strike commission, sponsored the Erdman Act passed by Congress in 1898, criminalizing yellow-dog contracts, and recognizing railroad brotherhoods and collective bargaining, the process of negotiation between a group of employees, e.g. a union, and their employers. At the behest of Congress and President William McKinley, a temporary government body (1898-1902) was established to investigate the relations of labor and capital. In its final report, the Industrial Commission concluded with a ringing endorsement of collective bargaining to redress the power imbalance between "the buyers and sellers of the labor in the market."⁶⁶

The Pullman Strike of 1894 substantively advanced the cause of labor in the United States, later to be furthered by

President Franklin Delano Roosevelt's New Deal policies to a compulsory unionism approach, i.e. where the government plays an active part in encouraging unionization.⁶⁷ The strike awakened the country and working classes to the power they held from their numerical majority. Even though laborers were often impoverished and held little voice individually, the strike demonstrated the substantial strength that workers had in solidarity. While the strike was unsuccessful in the short term, the rebellious workers managed to completely disrupt the American economy. "They might as well try to stop Niagara with a feather as to crush the spirit of organization in this country," Eugene Debs said after the boycott. "It may not come up in the form of the American Railway Union, but this spirit of resistance to wrong is there, it is growing stronger constantly."⁶⁸



Endnotes

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⁴⁷ *Letter from William H. Taft to Helen H. Taft* (July 1894) *The Life & Times of William Howard Taft*, quoted in Forbath, 1161.

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Letter from Jesse Esch, Edmonton, Alberta
University of Alberta Class of 2001
Author of an essay on Operation Jubilee (Summer 1997)

August 20, 1997

Dear Mr. Fitzhugh,

I am writing to thank you for publishing my International Baccalaureate essay (“An Assessment of the Handling of Operation Jubilee”) in this summer’s issue of *The Concord Review*. I was very excited when I first heard that this essay was being considered for publication, and I can happily say that all my expectations have been met and surpassed. I am very pleased with the final result, and am very proud to be in the company of the other fine authors (and historians!) published by the *Review*.

Although I am now studying mathematics at the University of Alberta, I am still grateful for my experiences with *The Concord Review*, and with the study of history in general. The opportunity you offer young historians is essential because it provides a goal for them to strive for; moreover, achieving this goal gives them greater confidence in their ability to contribute something to our understanding of the past (and perhaps of our future). Further, I think it is important that people such as yourself continue to support the study of history, which is sometimes looked down upon as not being very “useful.” I firmly believe that an understanding of the past, by providing a framework into which knowledge may be placed, enhances the study of any subject—no matter how far removed it may seem to be from history.

Finally, I would be remiss if I did not thank you, on behalf of all students who have been called upon to attempt the seemingly insurmountable task of writing an in-depth history paper, for providing us with plentiful examples of good writing and good history. Your publication has helped us to see a way through the jungle.

Again, many thanks. I wish you all the best!

Sincerely,
(signed)
Jesse Esch
Edmonton, Alberta, Canada





[“It is assumed students will learn how to write in college.”]

Letter from Ginger Gentile
Valedictorian, East Hampton High School Class of 1998
Author of an essay on the Women’s Christian Temperance Union

September 7, 1997

Dear Mr. Fitzhugh,

I want to thank you for publishing my essay in the Fall edition of *The Concord Review*. Before beginning the seven-month odyssey of researching and writing on my topic, the Women’s Christian Temperance Union, I considered myself a lover of history but a possessor of second-rate writing skills. Part of the reason for my lack of confidence is that I attend a school where students are given few opportunities to develop their talents in this field (it is assumed students will learn how to write in college). With publication in your journal as my goal, and with the help of my teacher, Mr. Timothy Rood, I began the process of learning how to use the English language to prove my thesis. The results were not only vastly improved skills but also, due to the nature of my topic, the questioning of my own feminist beliefs.

The back copies you sent me were a great help. I want to thank the other students who have been published in *The Concord Review*, the quality of their articles was what I aspired to. In the future I will use their techniques, such as using more original sources, to enhance my writing.

As a public high school student, I want to urge other students in similar situations to consider independently studying a historical topic and experiencing the thrill of becoming an author. For myself, being published has opened doors not only in the academic world, but in my own mind as well.

Sincerely,
(signed)

East Hampton, New York
[Columbia University, Class of 2002]



Jae Hyung (Fred) Kim, [From Eton College in the UK]: I was published in *The Concord Review's* Summer 2013 Issue. I wrote the essay on the Boxer Rebellion. I wanted to tell you that I got accepted to Yale College (Early Action) [and Trinity College, Cambridge]. I think being published in *The Concord Review* was a significant factor in my acceptance, so I wanted to thank you once again for publishing my essay. I hope the publication continues to be a success, as it brings out the most talented of [student] historians from around the world and celebrates their achievements. I look forward to supporting it in the future. Once again, thank you very much.



Danielle Heims-Waldron: I have read *The Concord Review* for the past two years and have been inspired by the effort and ideas of the talented students who have been published in it. I am so happy and grateful to be part of that group now. Thank you for making this all possible for us, I cannot tell you how much it means.



Candace Choi: I attend a public high school with teachers who rarely, if ever, assign any paper that exceeds two thousand words, much less a research paper. Therefore, I am writing my paper as independent research...I thank you for this great opportunity you are providing for high schoolers all around the globe. It is indeed rare to have a publication that showcases works of secondary students.



Emma Curran Donnelly Hulse: As I began to research the Ladies' Land League, I looked to *The Concord Review* for guidance on how to approach my task. At first, I did check out every relevant book from the library, running up some impressive fines in the process, but I learned to skim bibliographies and academic databases to find more interesting texts. I read about women's history, agrarian activism and Irish nationalism, considering the ideas of feminist and radical historians alongside contemporary accounts...Writing about the Ladies' Land League, I finally understood and appreciated the beautiful complexity of history...In short, I would like to thank you not only for publishing my essay, but for motivating me to develop a deeper understanding of history. I hope that *The Concord Review* will continue to fascinate, challenge and inspire young historians for years to come.
