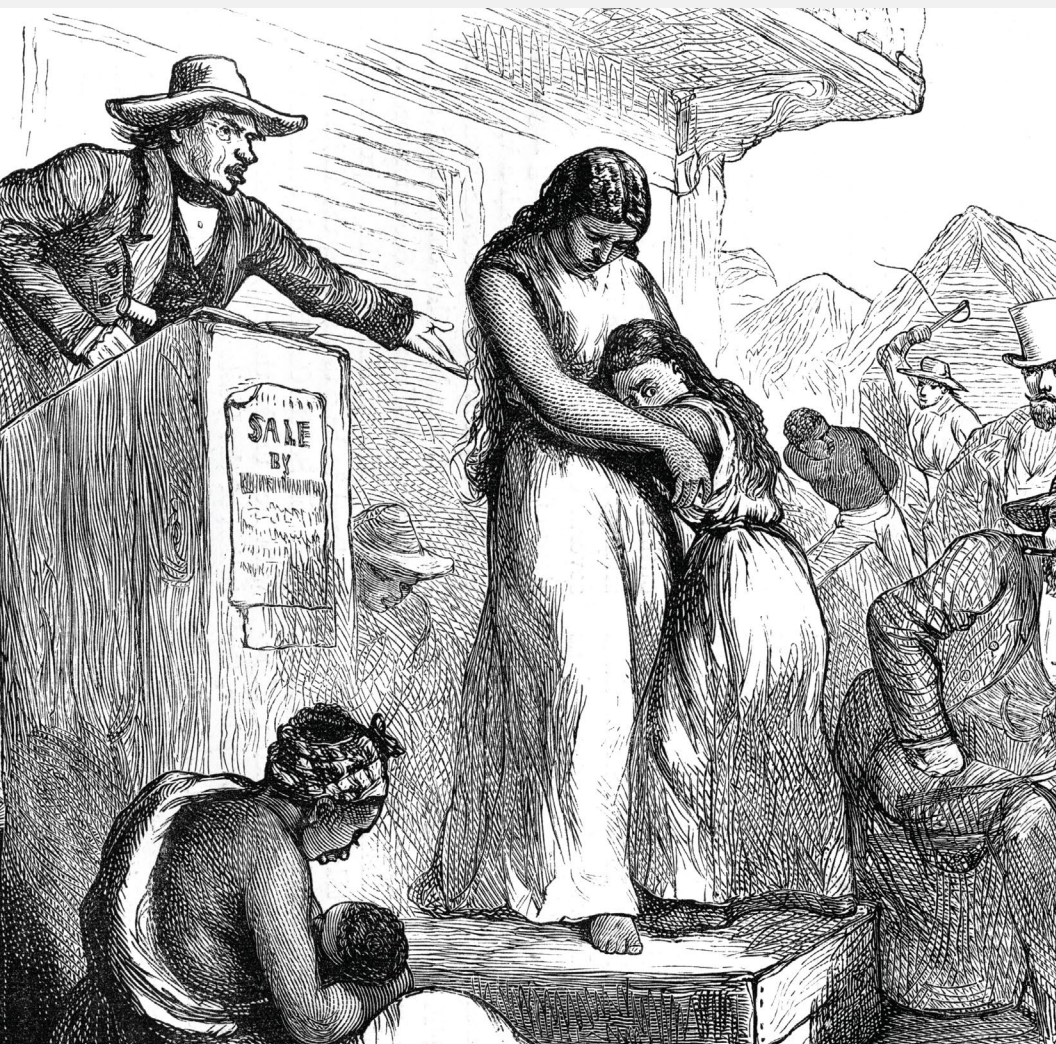


# ALPATA

*a journal of history*

Volume XVII · Spring 2021







Cover: Unknown Artist. "A Slave Auction," from *Slavery Images: A Visual Record of the African Slave Trade and Slave Life in the Early African Diaspora*.

*ALPATA* is named after the Seminole word for alligator.



# ALPATA

*a journal of history*

---

Volume XVII · Fall 2021

A publication of the University of Florida  
Phi Alpha Theta, gamma eta chapter

**Managing Editor**

Tamsyn Butler

**Book Review Editor**

Tyler Cline

**Secretary**

Shannon Scott

**Copyeditors**

Susannah Link, Andrew Shodell

**Faculty Advisor**

Dr. William A. Link

**Journal Designer**

Daniel Antonio Miguel

**Editorial Board**

Elena Abbott, Payton Capes-Davis, Aimee Clesi, Lillian Karins,  
Brian Marra, Madeline Menet, Ashley Patriquin, Jacob Ritter,  
Shannon Scott, Holly Smith, Corinne Talham



## Note from the Faculty Advisor

It's my great pleasure to see volume XVII of *Alpata* appear in print. Since it first appeared almost twenty years ago, *Alpata* has represented the best work that students have produced in History at the University of Florida, while the journal has also exhibited their creativity and accomplishments. This year's issue is no different, and it represents their very best work.

*Alpata* is a student-run journal, and the publication of this fine volume shows the careful work of many students who recruited contributors, reviewed and critiqued articles for publication, organized them thematically, arduously read and reread for errors, and provided an attractive and engaging design. Particularly important in leading and coordinating our effort was editor-in-chief Tamsyn Butler; book review editor Tyler Cline; *Alpata's* board of editors; and the creativity and skill of designer Daniel Miguel.

The topics in this issue show a diversity of interests and topics, from the United States to Latin America, though they are united by themes of race and identity. Throughout, the high editorial standards of *Alpata* are also reflected in this work. I am very proud to be associated with the final product.

William A. Link

Faculty Advisor, *Alpata*

## Table of Contents

### Editorial

A Tribute to Chaos

*Tamsyn Butler* ..... 1

### Special Feature

Responses to and Failures of Security Measures Implemented by the  
Federal Aviation Administration in Response to the Cuban Airplane  
Hijackings from 1968-1972

*Tessa Ferrante* ..... 10

### Contemporary Issues

A Masterclass in Manipulation: Stephen Miller's Use of the Trump  
Presidency to Wage War on Immigrants

*William Duryea* ..... 28

Modern-Day Slavery: The University of Florida's Exploitation of  
Prison Labor

*Aysia Gilbert* ..... 48

Returning to the Party of Lincoln: The Black Conservatism of  
Candace Owens

*Payton Capes-Davis* ..... 62

How *Poole v. State* Poses Constitutional Uncertainty: Jury Unanimity  
and the Supreme Court

*Aimee Clesi* ..... 80

### Race and Identity

Teaching to Toil: Plantation Labor as a Moral Obligation in Post-  
Emancipation Antigua

*Arturo S. Gonzalez* ..... 108



“The Jewish Danger”: An Exploration of Medieval Antisemitism in Der Stürmer’s Children’s Books	
<i>Shannon Scott</i> . . . . .	124

Tracing the Development of Racial Thought: The Marginalization of the Newly Freed Slave and the Prioritization of the Planter Elite in Brazil’s Old Republic	
<i>Hallie Young</i> . . . . .	148

**Book Reviews**

<i>Islanders and Empire: Smuggling and Political Defiance in Hispaniola, 1580– 1690.</i> By Juan José Ponce Vázquez. Cambridge: Cambridge University Press, 2020.	
<i>Marianne P. Quijano</i> . . . . .	168

<i>A Sacred Space Is Never Empty: A History of Soviet Atheism.</i> By Victoria Smolkin. Princeton, NJ: Princeton University Press, 2018.	
<i>Mark M. Chatfield</i> . . . . .	172

<i>How the South Won the Civil War: Oligarchy, Democracy, and the Continuing Fight for America.</i> By Heather Cox Richardson. New York: Oxford University Press, 2020.	
<i>Joseph Angelillo</i> . . . . .	178

<b>Submission Guidelines</b> . . . . .	184
--	-----



EDITORIAL



# A Tribute to Chaos

*Tamsyn Butler*

“Life changes in the instant. The ordinary instant.”

Joan Didion, *The Year of Magical Thinking*

*November 30th, 1994*

200 miles off the coast of Somalia, a fire broke out in the engine room of an Italian cruise liner, the *Achille Lauro*. It was midnight, and my parents had just finished performing their magic act. Shortly after the show, they met with some fellow entertainers for a few drinks at the bar. When they arrived, the ship’s captain reported an emergency and summoned everyone to the lido deck immediately. Following orders, hundreds of the ship’s passengers and staff hurried to the top deck as smoke billowed from below.

\* \* \*

Oftentimes, the accident of events is omitted from historical narratives; but in the history of the *Achille Lauro*, unforeseen circumstances determined the ship’s fate from the onset. Every one of its stories formed out of a pattern of unpredictability. It began as a Dutch-owned ship buried in the sand for most of World War II and was initially launched under the name of *Willem Ruys* in 1946. In the 1950s, it was

bought by the Italians and became the infamous *Achille Lauro*—decorated by Benito Mussolini and named after the Mayor of Naples. In the decades that followed, the *Achille Lauro* endured a series of misfortunes: collisions, fires, bankruptcy, and a Palestinian hijacking that spawned continued conflict between Palestine, Israel, and the United States.

My parents, Julian and Jennifer, had stumbled upon these misfortunes when they first signed their contracts to work as a magician and a dancer onboard. They had no idea that nine days into the ship's departure from Genoa, the *Achille Lauro* would levy its final affliction.

\*       \*       \*

By 12:30 am, the engine had shut off and passengers had congregated on the lido deck, waiting for information. My parents would later find out that one passenger, while running back to his cabin, had passed out from the smoke and later died once the flames reached him. Not long after, another passenger died of a heart attack. By 5:45 am, the staff sent out an SOS. One hundred crew members and several firefighters stayed back to tame the electrical fire, but they quickly realized that they did not have enough supplies to fully extinguish it.

The next 12 hours would be the hardest. The crew loaded the ship's 979 passengers onto the lifeboats and began releasing them into the ocean. As the staff lifted one up and

threw it over, another lifeboat full of passengers drifted backward instead of forward. My mother noticed its direction just as it hit one of the passengers, Mr. Morris. His head cracked open, but he did not die immediately. A few hours later, their lifeboat approached the rescue ship, the *Hawaiian King*. His wife, seated next to him, insisted that he go with her onto the rescue ship, but he refused. Hours later, a US Navy ship found him dead in the lifeboat and lifted him out of the water in a body bag. He eventually was taken to Kenya, and then to South Africa, where his funeral was held.

My parents and the rest of the crew, all floating in life rafts, watched the fire slowly devour the ship from afar. For four to five hours, they waited for the *Hawaiian King* in what they later learned were shark-infested waters. As they awaited rescue, my father told my mother, “If we make it out of this alive, I want you to marry me.” They would be engaged three months later.

The next few days were a haze. While on the *Hawaiian King*, the short-staffed crew of the *Achille Lauro* had rationed and distributed food and blankets from the US Navy to all the evacuees. A few days later, the passengers and crew were separated into two different ships: one headed north to Djibouti, and the other south to Kenya. My parents boarded the latter, a US oil tanker called the *Chevron Perth*.

They arrived in Kenya on December 5th and gave their account of the tragedy to the South African Department of

Transportation. That same day, they flew to Johannesburg. Over the following few weeks, my parents did interviews with various news stations—retelling the story until they could make sense of it all. They calculated a personal loss of \$44,000 dollars in performance equipment and belongings destroyed by the fire. With their \$33,000-dollar reimbursement, my father quickly flew to London to see his family and to find new equipment for their next season. And within 21 days of the *Achille Lauro*'s sinking, my parents were on a new ship, the *Symphony*, ready to perform again.

\*            \*            \*

While the sinking of the *Achille Lauro* has little importance within any grand historical narrative, its unfolding of events holds increasing relevance to the era we are living through now. The Covid-19 pandemic has familiarized us to a type of chaos that we seemingly cannot resolve. Students, politicians, and artists alike have attempted to make sense of the pandemic, only to be afflicted by yet another lockdown, strain, or setback.

As clichéd as it sounds, our nation is enduring its shipwreck. In times like these, human agency seems to escape us, and chaos fills its void. But it is one of my deepest convictions that chaos exists so that we can establish order. And is that not one of the principal purposes of a historian—

assigning order and significance to events that originally held no greater meaning?

In retrospect, the sinking of the *Achille Lauro* became an integral event within my parents' love story. Their shared tragedy accustomed them to chaos and reminded them of its natural role in human existence. Using it as a catalyst for change, they rebuilt their lives together, formed an unbreakable bond, and let luck handle the rest. And after nearly a decade of traveling and performing together, they married, settled down in South Florida, and had two children. The sinking of the *Achille Lauro* became the beginning of a new story, and it is one that continues to be written today.

## Romance for ship hero

THE SCARBOROUGH magician who escaped the blaze on the Achille Lauro cruise liner is to marry his stage assistant.

Julian Russell, 32, entertainment director on the ship when it sank in November, was engaged to choreographer Jennifer Small on St Valentine's Day.

Julian popped the question to Texas-born Jennifer, 23, while they were entertainers on The Symphony liner in South Africa.

His parents Christine and Russell Butler, of Seamer, are thrilled with the news. Their son returns home in April.

The couple have known each

other for three years and met while they were entertaining passengers on another ship, the Costa Classica, in the Caribbean.

Miss Small joined his magic act and romance blossomed.

They are about to clinch a deal to perform shows in a South African resort.

Julian was hailed a hero rescuing passengers from the Achille Lauro but lost most of his costumes and stage equipment in the blaze. In 1991, he was applauded for his heroic efforts in rescuing passengers from the pleasure line Oceanos which sank off the South African coast.



Julian Russell and Jennifer Small

This is the second issue of *Alpata* to be published during the pandemic. While our editors and authors this year have had to labor through the pandemic's many uncertainties—a new virtual world, political disorder, and human loss—the process of historical writing has only become



more thrilling and necessary. Because of the pandemic, our authors have grown a visceral attachment to the unraveling of history, and it shows in the quality of their writing.

We may not have all the answers as to where this pandemic will take us historically, but we do have the means to make sense of each ordinary instance as it unfolds. And hopefully, with a little redirection, retrospection, and luck, this era will not become some regrettable semblance of the past, but rather an inextricable component of our future.

Special Feature

---



Responses to and Failures of Security Measures Implemented  
by the Federal Aviation Administration in Response to the  
Cuban Airplane Hijackings from 1968-1972

---

*Tessa Ferrante*



The Daily Telegraph, 1968.

## Abstract

This article explores the Cuban plane hijacking phenomenon from 1968-1972 by looking at failed security policy attempts by the Federal Aviation Administration (FAA) and resulting discussions between Cuba and the United States to put an end to the issue. Understanding the Cuban plane hijackings and the failure of the United States to stop them brings to light the shortcomings of a country attempting to defend its pride and superiority of its governing system. However, analysis of why policies failed and their repercussions shows that in the grand scheme of the Cold War, the hijackings actually contributed to a thaw in relations between two countries whose relationship was ruined because of the revolution in Cuba and a difference in ideologies. In this way, this article works to provide a clearer understanding of US-Cuban relations through the unique lens of US government aviation policies.

*Lock passengers into their seats. Force passengers to strip down and wear overalls for the duration of the flight. Pump sleeping gas into the cabin. Install a trap door outside the cockpit.* During the Cuban airplane hijacking phenomenon from 1968-1972, these were the ideas proposed by the general public regarding aviation security. Beginning in the 1960s and continuing through the 1970s, a person wishing to return to Cuba would hijack a plane by forcibly holding the pilot, crew, and passengers hostage until

the aircraft landed at the hijackers' chosen destination, usually José Martí International Airport in Havana, Cuba.<sup>1</sup>

Airplane hijackings to Cuba occurred for several reasons. Beginning in the 1960s, a wave of skyjackings began when people who had emigrated from Cuba when Fidel Castro took over decided to return to Cuba from the United States. One of their only options to return surprisingly included hijacking an airplane. This seemingly absurd idea became a reality for many because in the 1960s there were no direct flights from the United States to Cuba and the lack of airport security made hijacking an airplane feasible. By bringing a weapon on an airplane, anyone possessed the power to easily determine the course of the flight.<sup>2</sup> Hijackings became so simple, frequent, and well known during this time that jokes on the topic grew in popularity: "a man enters the cockpit of a plane with a gun and orders the pilot to fly to Miami. The captain protests, 'but this plane is going to Miami.' The hijacker responds, 'Don't kid me. I've taken this flight three times in the past month and all three times we ended up in Cuba. This time we are going to Miami!'"<sup>3</sup> The ease with which people talked about the skyjackings because of their frequency undermined

---

<sup>1</sup> "Coffee, Tea, or Rum?" *Wall Street Journal*, December 9, 1968.

<sup>2</sup> Frank E. Loy, "Some International Approaches to Dealing with Hijacking of Aircraft," *International Lawyer* 4 (1970): 445-46.

<sup>3</sup> Peter St. John, *Air Piracy, Airport Security, and International Terrorism: Winning the War against Hijackers* (New York: Quorum Books, 1991), 12.

the terrifying events that people on board hijacked planes endured.

After the revolution in 1959 when Castro came to power, Cuba's relationship with the world changed, especially in regard to their relationship with the United States. The failed Bay of Pigs Invasion of 1961, the Cuban Missile Crisis of 1962, and the overarching Cold War ruined these two countries' diplomatic relations. The plane hijackings of the 1960s, however, provided new opportunities for these two countries at odds to work together. Castro initially believed that the airplane hijackings worked in Cuba's favor as they made the US appear weak. Cuba was also able to profit from the hijackings themselves. This was done by charging every hijacked plane a landing fee and ransom.<sup>4</sup> Due to the positive aspects of hijacking that Castro observed, Cuba was unwilling to enter into an agreement with the US to stop the hijacking issue until 1973. So, from 1968-1972 the US attempted to enact policies to keep their people safe. Eventually, in 1973, hijackings became a security threat rather than a source of revenue for Cuba, prompting Castro to sign an extradition agreement with the US. This agreement was known as the Memorandum of Understanding on Hijacking of Aircraft and Vessels and Other Offenses, but the in-between period of unregulated hijackings proved to be problematic for US security.

---

<sup>4</sup> St. John, *Winning the War*, 12.

In this article, I will focus on actions taken by the Federal Aviation Administration (FAA) regarding security measures to limit the Cuban airplane hijackings. While the FAA attempted to make the airways safer, a series of poor decisions and weak enforcement disabled them from successfully accomplishing their goal. This affected overall foreign relations between the US and Cuba in a positive way by bringing two opposed countries together.

### **Lack of Enforcement and the Big Stick Approach**

One hundred forty-two airplane hijackings occurred between 1961 and 1969, which escalated the need for US intervention and security measures.<sup>5</sup> The FAA attempted to limit hijackings by enacting a series of security policies with the hope that they would deter would-be hijackers. Many of these policies seemed useful from an outsider's view, but a close look at their effects in practice readily reveals that they lacked enforcement mechanisms. In an early attempt to stop hijackings in 1969, the FAA created metal detection instruments similar to those used in prisons to detect concealed weapons with the intention that these sensors would be mounted at passenger boarding gates. When these devices became available, the FAA stated that they “had offered to

---

<sup>5</sup> Flight Safety Foundation, “Aviation Safety Network > Statistics,” *Aviation Security Network*, Accessed November 10, 2020, <https://aviation-safety.net/statistics/period/stats.php?cat=A1>.



make the system available to airlines, and now it's up to them to accept.”<sup>6</sup> As hindsight displays, metal sensing devices and metal detectors are the most practical solution for preventing people from bringing weapons on airplanes, which subsequently affirms that the FAA created a quality plan. However, this policy acted as more of a suggestion than an enforced policy due to its voluntary nature, so as a result many financially struggling airlines did not implement them.

Following this FAA failure in 1969, hijackings continued to increase causing the FAA to “take a big stick approach” beginning in 1972 that required airlines to develop a comprehensive anti-hijacking security program.<sup>7</sup> The outline for this anti-hijacking security program is found in Parts 107 and 121 of the Federal Aviation Regulations.<sup>8</sup> Created to secure airports, these parts required air carriers to develop security plans for their whole operation, including locked gates, badge systems, and more security throughout the entire airport.<sup>9</sup> These security-enhancing suggestions were practical and viable solutions. In fact, they remain the primary security measures checked by the FAA in airports today.<sup>10</sup> Initially, however, the lack of enforcement rendered these policies almost useless. The

---

<sup>6</sup> “F.A.A. Offers Detection System to Catch Potential Hijackers,” *New York Times*, October 16, 1969.

<sup>7</sup> St. John, 19.

<sup>8</sup> Kenneth Moore, *Airport, Aircraft, and Airline Security*, 10.

<sup>9</sup> R.S. Maurer, “Skyjacking and Airport Security,” *Journal of Air Law and Commerce* 39, no. 3 (1973).

<sup>10</sup> Since 2010, there have been fewer than four hijackings per year.

FAA only urged for “at least some [of these policies] to be instituted immediately,” which once again left open the opportunity for airlines that were financially struggling to ignore these requests.<sup>11</sup> In order to make Parts 107 and 121 effective, the FAA needed to help airlines carry out the recommendations and then enforce them.

This specific failure from the FAA forced the US and Cuba into a series of conversations. This was significant as the two countries had not engaged in formal diplomatic relations since 1961. By 1972, the number of hijackings remained steady, and a shift in Cuba’s attitude about them occurred; hijackings were now more harmful than beneficial. For example, the lack of implementation of Parts 107 and 121 allowed three men to hijack a Southern Airways flight on November 11, 1972, and this specific hijacking prompted the shift in Cuba’s thinking. Castro now believed that the financial rewards did not outweigh the risk of hijackers landing on Cuban soil. This particular hijacking also included a hostile interaction with Cuban authorities once the plane had landed at José Martí airport in Havana because the hijackers extorted fuel and other supplies from Cuba. Cuba finally agreed with the US that hijackings were a threat and informed the United States that the hijackers would be put on trial before a Cuban court

---

<sup>11</sup> Department of Transportation, Federal Aviation Administration, *Aviation Security: Airports*, United States Federal Aviation Administration, TD 4.8/5:107-1, Washington, D.C., 1972.

charged with “threatening the life of the pilot, threatening to blow up” the aircraft, and “extorting fuel and other supplies from Cuban authorities.”<sup>12</sup> This hijacking finally brought the two warring countries to agree that the hijackings needed to end. Also, this event initiated the communication necessary to create a joint effort in resolving the hijacking crises, marking it as the first time since the revolution that Cuba and the US came to an agreement. The communication allowed for an important thaw in relations that would not have occurred without the failure of the FAA policies.<sup>13</sup>

Another policy created by the FAA in 1972 included passenger and baggage screening. In February of that year, the FAA ordered the nation’s airlines to “put in use... an approved passenger and baggage screening” program.<sup>14</sup> The FAA described this as an emergency action, believing that the benefits of screening outweighed the costs, but actually did not enforce the policy, once again leaving it up to the airports and airlines themselves. Had the FAA been serious about deterring hijackings, they would have made the passenger and baggage screening a requirement and would have helped in the implementation, rather than only ordering airlines to institute screening with no enforcement or support.

---

<sup>12</sup> Bernard Gwertzman, “Cuba Will Try 3 Hijackers; Accepts Proposal on Talks,” *New York Times*, November 21, 1972.

<sup>13</sup> Gwertzman, “3 Hijackers.”

<sup>14</sup> Richard Within, “Hijacking Screen Widened by F.A.A.,” *New York Times*, February 1, 1972.

On November 19, 1972, after this policy was implemented, two rape suspects seized Southern Airways flight 49 and landed thirteen times at eleven different airports, constituting a dangerous threat for the United States and Cuban national security.<sup>15</sup> This landmark hijacking occurred after the FAA enacted 100% passenger and baggage screening and “proved the absolute failure of methods developed to screen possible hijackers.”<sup>16</sup> Had the policy been enforced correctly, this hijacking likely would not have occurred, but the open communication between Cuba and the US that resulted from the event also would not have happened. This specific hijacking “so annoyed Cuba’s Premier Fidel Castro for having to put up American hijackers that it raised...the possibility of direct negotiation between the two countries.”<sup>17</sup> The US and Cuba would enter a series of negotiations starting from this event that would lead to the extradition agreement in 1973. Even after the extradition agreement, however, pilots and flight attendants were critical of the FAA in their attempts to halt the Cuban plane hijackings.

---

<sup>15</sup> “Chronology of a Hijacking,” *New York Times*, November 13, 1972.

<sup>16</sup> Frank Starr and Edward Rohrbach, “Southern Flight 49 to Cuba: Landmark Hijack?” *Chicago Tribune*, November 19, 1972.

<sup>17</sup> Starr and Rohrbach, “Southern Flight 49.”

## **The View from the Sky: Pilots' and Flight Attendants' Perspectives**

Retired pilots and flight attendants generally agree that the security measures implemented by the FAA were untimely and unenforced. One retired pilot specifically stated that “FAA security measures and regulations seem to be after the fact,” and this trend can be seen over multiple decades.<sup>18</sup> The FAA was not only lacking in anticipating threats against civil aviation, but if it had placed more emphasis on enforcing its security policy recommendations, fewer hijackings overall would have occurred, and fewer people would have been injured or killed in these airplane hijackings. Another retired airline employee criticizes the FAA for being “slow to implement security measures and regulations” and describes the “effectiveness [as] debatable because it was really just for the look of regulations.”<sup>19</sup> Federal Aviation Regulations Parts 107 and 121, as previously discussed, have specifically been criticized as being created just to appease the public. Before Parts 107 and 121 were implemented it seemed to be a comprehensive security system to keep airlines safe, but, because of the lack of enforcement, the regulations actually accomplished nothing. It was unclear why the FAA did not enforce its security policies, but the agency should have

---

<sup>18</sup> Chris Bromfield, Email message to author, October 6, 2020.

<sup>19</sup> Liz McLoone, Email message to author, October 13, 2020.

emphasized a firm commitment to keeping American passengers and crews safe by preventing hijackings in light of the frequency and the urgency of the situation. The views from airline pilots and flight attendants from the time display the shortcomings of the FAA's ability to implement policies successfully in order to end the hijackings.

### **Punishment vs. Prevention**

Another issue with the security policies enacted by the FAA from 1968-1972 relates to the intended outcome of hijackings. The main goal for many hijackers was to arrive in Cuba and never again have to see the United States. Despite this goal, the FAA spent time developing and enacting a punishment for hijackers returned to the United States from Cuba, an event that rarely happened and would not happen on a regular basis until the extradition agreement with Cuba in 1973. The FAA claimed that by creating punishments for hijackers and making them severe, it would deter potential hijackers from even attempting to take control of an aircraft. Based on this theory, the FAA enacted a policy including a minimum punishment of a 20-year imprisonment and a maximum punishment of the death penalty for any person who hijacked an airplane. The FAA said the purpose of this severe punishment would be to “discourage would-be hijackers by

prescribing the severest sentences possible.”<sup>20</sup> Severe punishment for hijackers would in theory be a practical solution, but it fails to consider their motives. Potential hijackers were not concerned with being sent back to the US since previous hijackers who made their way to Cuba would rarely return. While these hijackers were likely “not accorded hero status” in Cuba, they usually did not have to face consequences from the US.<sup>21</sup> Based on this, the FAA did not have the authority to claim that this punishment would deter hijackings. This policy also proves that the FAA neglected to focus on the most important issues because they focused their efforts on the creation of punishments for the crime rather than ways to prevent it altogether.

### **Arming Pilots, Locking Doors, Random Cops, and Other Impractical Solutions**

The FAA also failed to curb hijackings because their security measures were impractical in application. One failed policy idea proposed in 1968 suggested arming pilots and crewmembers. The Air Line Pilots Association (ALPA) staunchly opposed this idea because they feared that by arming pilots and crews a gun battle on an airplane would be more

---

<sup>20</sup> Arnold Briddon, Ellmore Champie, and Peter Marraine, *FAA Historical Factbook: A Chronology, 1926-1971*.

<sup>21</sup> Loy, “International Approaches,” 446.

likely.<sup>22</sup> A bullet hole in the cabin of an airplane could depressurize the cabin, forcing the pilot to nosedive until the airplane reached an acceptable altitude, a dangerous and nerve-racking situation that pilots attempted to avoid if possible.<sup>23</sup> Since ALPA prioritized the safety of all the people on the aircraft, they were against the arming of crewmembers, and this idea was never widely implemented. Another failed idea included installing bulletproof cockpit doors on all airplanes.<sup>24</sup> Airlines and employees deemed it completely impractical because hijackings did not arise from a hijacker shooting their way into the cockpit, but by holding a flight attendant or a passenger hostage until the pilot unlocked the door. The idea to lock the cockpit door failed for the same reasons.<sup>25</sup> The FAA did, however, enact the policy of locking cockpit doors, but no system of enforcement existed, rendering it useless to deter hijackings because many airlines simply did not implement the rule. Moreover, in practice, this policy proved to be ineffective because a hijacker would hold the flight attendant hostage until the pilot unlocked the door to the cockpit.

---

<sup>22</sup> John Sibley, "Airline and F.A.A. Officials Seek Means to Counter Hijackers," *New York Times*, July 18, 1968.

<sup>23</sup> Frank Ferrante, Email message to author, October 25, 2020.

<sup>24</sup> Sibley, "Airline and F.A.A. Officials."

<sup>25</sup> Correspondence between Senator Smathers and James F. Rudolph the Director of the Flight Standards Service 1968, George A. Smathers Papers, Special and Area Studies Collections, George A. Smathers Libraries, University of Florida.



An alternative failed policy attempt was the Federal Air Marshal Service (FAMS), which employed armed men on randomized flights throughout the country in plain clothes, only flying to stop a hijacker should the situation arise. While potentially a good idea, a problem arose because the number of sky marshals was so sparse compared to the number of flights overall. Florida Senator George A. Smathers specifically criticized the FAMS program. He observed how rare it was for an air marshal to be on a hijacked flight and noted that one time when an air marshal was on a hijacked flight, the hijacking still occurred.<sup>26</sup> In October 1971, an American Airlines jet stationed with three air marshals and an FBI agent was hijacked. The hijacker held a gun to the flight attendant's head and diverted the plane to Cuba, with seemingly no intervention from the sky marshals or FBI agent. Clearly, since the air marshals could not stop a flight they were on from being hijacked, the FAMS was a failure. All of these policies failed to deter hijackings and, in turn, led the United States and Cuba into negotiations about the issue.

---

<sup>26</sup> The Hijacking of Airplanes, FAA System Ineffective July 2, 1968, George A. Smathers Papers, Special and Area Studies Collections, George A. Smathers Libraries, University of Florida.

## A Thaw in the Cold War: The Memorandum of Understanding

Throughout the struggles of the Cuban plane hijackings, people correctly believed that the only solution to end them would be an agreement between the US and Cuba. The Memorandum of Understanding on the Hijacking of Aircraft and Vessels (MoU) represented the first time since the Cuban revolution that the two countries came together to solve a problem despite their differences. The MoU and agreement on behalf of both countries represents a thaw in relations because the two countries were now more willing to solve problems through conversations rather than acts of war.<sup>27</sup>

The terms agreed to in the MoU required both the US and Cuba to extradite people who had committed hijackings or to try them in the country where they landed. It also included clauses that would protect passengers who were on board, ensure travel to their final destination, and return property and funds obtained illegally.<sup>28</sup> The completion of the MoU in 1973 halted Cuba-US plane hijackings, the only attempt that successfully accomplished this goal. The MoU not only successfully deterred plane hijackings from the US to Cuba, but also allowed the two countries to work together despite differences to find a solution. The MoU represents the first

---

<sup>27</sup> Bernard Gwertzman, "Rogers Says US Is Firm on Cuba," *New York Times*, February 16, 1974.

<sup>28</sup> Gwertzman, "Firm on Cuba."

thaw in relations between the US and Cuba and created an environment of hope that future discussions with Cuba could be resolved diplomatically rather than through acts of war. Without the failures of the FAA to end hijackings, these necessary conversations and the reduction in tensions would not have occurred.

## Contemporary Issues

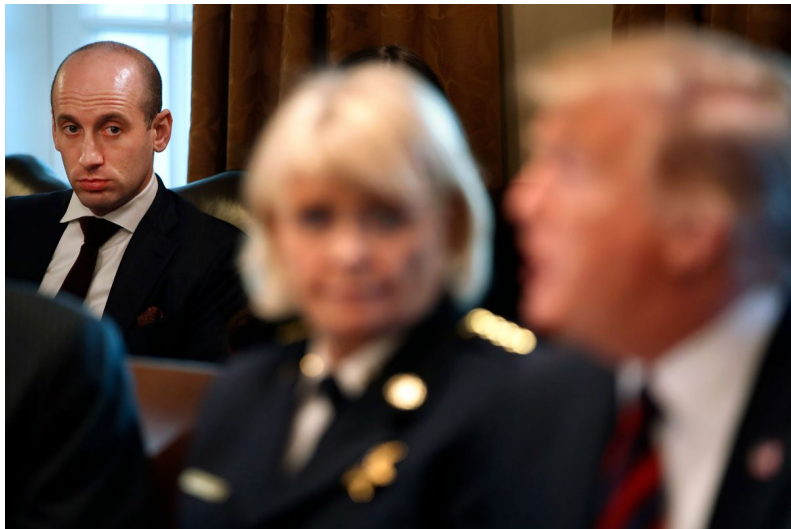
---



## A Masterclass in Manipulation: Stephen Miller's Use of the Trump Presidency to Wage War on Immigrants

---

*William Duryea*



Photographer: Jacquelyn Martin/AP

## Abstract

Stephen Miller's role as Senior Advisor to the Trump administration and his singular focus on immigration reform and restriction. Miller's Muslim travel ban, his attempts to repeal the Deferred Action for Childhood Arrivals program, and his orchestration of child separation at the southern border are three critical events that demonstrate the ways in which he works through and around President Trump to further his anti-immigrant agenda. A lifelong proponent of xenophobic immigration policy, Miller found favor among alt-right media personalities and officials within the Trump camp who tasked him with spearheading Donald Trump's immigration promises and proposals during the 2016 election. This paper argues that Miller has both exploited the president's inability to fully comprehend his own immigration platform and taken advantage of a chaotic and dysfunctional White House staff. This allowed him to implement his own anti-immigration agenda and block legislative efforts to compromise on immigration policies.

Donald Trump seized the Oval Office in 2016 after running his campaign almost exclusively on the basis of immigration crackdown and restriction. He led chants in arenas around the country to "build the wall," and he relentlessly demonized Mexicans, Muslims, and foreigners, galvanizing the Republican electorate in an unprecedented fashion.<sup>29</sup> His

---

<sup>29</sup> Jenna Johnson, "Chants, cheers, boos and the man at the center of it all," *The Washington Post*, June 22, 2018,

nationalist messaging was so effective that he won the votes of over eight million Americans who voted for Democratic president, Barack Obama, in 2012.<sup>30</sup> While Trump deserves credit for his overwhelming success as a fearmonger, another man worked behind the scenes from the earliest days of the campaign to pull off this historic presidential win. With his finger on the pulse of the far-right movement, he penned Trump's vitriolic campaign speeches and cultivated his anti-immigrant agenda. When the time came for Trump to take office, he was made a senior advisor and rapidly implemented three of the most notorious immigration policies in the nation's history. Stephen Miller masterminded the ban on Muslims entering the US, waged war with the Justice Department over the Delayed Action for Childhood Arrivals program (DACA), and ordered the separation of migrant children from their parents at the southern border.

Though this paper examines Miller's role in these three events individually, the reader should keep in mind that they occurred simultaneously. The travel ban targeting Muslims entering the US was enacted via executive order in January

---

<https://www.washingtonpost.com/graphics/2018/politics/trump-crowd-sound/>.

<sup>30</sup> Geoffrey Skelley, "Just How Many Obama 2012-Trump 2016 Voters Were There," *UVA Center for Politics*, June 1, 2017, <https://centerforpolitics.org/crystalball/articles/just-how-many-obama-2012-trump-2016-voters-were-there/>.



2017; however, it was litigated well into January 2018. All the while, Miller waged a separate battle on DACA beginning in June 2017 and extending into June 2020. Chronologically, Miller's decision to separate children from their families at the border occurred last, yet the enactment of the policy in April 2018 overlapped with the court battles and congressional decisions surrounding DACA. Treating these events individually shows the different ways Miller used power inside the White House. In the context of the travel ban, Miller tested the power of his position as a senior advisor to the president by hastily issuing a discriminatory executive order. His battle with DACA ended in a political stalemate, but his unwillingness to let the president cede ground to moderate Republicans and bipartisan agreements is a testament to his role as an ideological chaperone for Trump. Finally, Miller's evasion of blame in the wake of the child separation scandal demonstrates his canny ability to exploit back channels of communication within government agencies to effect change while shirking accountability. Consumed with his vision of shuttered US borders, Stephen Miller dominated Trump's pillar issue of immigration, inserting his own agenda into the president's policy proposals and leveraging his authority to bring changes throughout government agencies, all while avoiding culpability and congressional oversight.

A political writer and routine commentator on conservative talk radio since high school, Miller's career in Washington took off under the guidance of then Alabama senator Jeff Sessions. As Sessions' communications director, Miller was introduced to conservative think tanks like NumbersUSA and the Center for Immigration Studies (CIS).<sup>31</sup> The Southern Poverty Law Center (SPLC), a civil rights organization dedicated to combating racial and social injustice, has flagged both of these organizations as "hate groups."<sup>32</sup> As a Republican Senate staffer, Miller was invited to weekly meetings at the Heritage Foundation, a conservative policy institute. His fellow attendees recall his penchant for nuanced questions on obscure immigration statutes and policies. Many Republican Senate staffers at the time reported that he would routinely flood their email inboxes with links to immigration articles from fringe right-wing websites.<sup>33</sup>

Miller's fixation on immigration policy caught the attention of Steve Bannon, then the head of Breitbart News. Bannon compared the work done by Sessions and Miller to

---

<sup>31</sup> Jonathan Blitzer, "How Stephen Miller Manipulates Donald Trump to Further His Immigration Obsession," *New Yorker*, February 21, 2020, <https://www.newyorker.com/magazine/2020/03/02/how-stephen-miller-manipulates-donald-trump-to-further-his-immigration-obsession>.

<sup>32</sup> Jean Guerrero, *Hatemonger: Stephen Miller, Donald Trump, and the White Nationalist Agenda* (HarperCollins Publishers, 2020), 129.

<sup>33</sup> Blitzer, "How Stephen Miller."

“the civil-rights movement in the nineteen-sixties.”<sup>34</sup> Miller regularly pushed Bannon to emphasize immigration on the website, and quickly found a mentor and advocate in Bannon.<sup>35</sup> After hearing Donald Trump’s demands for a border wall and a ban on Muslims entering the country, Miller began telling his friends, including Bannon, that he needed to get involved with Trump’s campaign.<sup>36</sup> Bannon ultimately persuaded Corey Lewandowski, Trump’s campaign director, to hire Miller on the campaign.<sup>37</sup> Miller joined in January 2016, often serving as a warm-up act at Trump’s rallies. His duties for the campaign evolved into speechwriting. Miller’s speeches for Trump routinely drew on the same controversial and discredited information that his Senate colleagues marked as spam. Now that information was being magnified on a daily basis by one of the leading Republican presidential candidates.<sup>38</sup> With emphasis on the alleged threat of “radical Islam” and the murderous habits of the Salvadoran street gang MS-13, Miller used Trump to broadcast anti-immigration sentiment to white Americans everywhere, helping to catapult Trump from an unlikely

---

<sup>34</sup> Blitzer, “How Stephen Miller.”

<sup>35</sup> Blitzer, “How Stephen Miller.”

<sup>36</sup> Jason Deparle, “How Stephen Miller Seized the Moment to Battle Immigration,” *The New York Times*, August 17, 2019, <https://www.nytimes.com/2019/08/17/us/politics/stephen-miller-immigration-trump.html>.

<sup>37</sup> Blitzer, “How Stephen Miller.”

<sup>38</sup> Guerrero, “Hatemonger,” 126.

contender for the Republican Party's nomination to, ultimately, the presidency.<sup>39</sup>

Trump wasted no time naming Miller as one of his three senior advisors, alongside his daughter, Ivanka, and his son-in-law, Jared Kushner. (Unlike cabinet positions, these senior advisors are not confirmed by the Senate, and therefore lie outside of Congress's oversight.) Determined to deliver on Trump's campaign promise of "a total and complete shutdown of Muslims entering the United States," Miller quietly crafted an executive order targeting immigrants and travelers from Islamic countries.<sup>40</sup> On January 27, 2017, just one week after delivering the inaugural speech that Miller had written, Trump issued an executive order, officially titled, "Protecting the Nation from Foreign Terrorist Entry into the United States." In drafting the order, Miller had not consulted officials at US Customs and Border Protection (CBP). This was especially problematic as CBP was the agency tasked with enforcing it. Reports indicate that Joseph Maher, the Department of Homeland Security (DHS) general counsel, saw the order only an hour before it was signed.<sup>41</sup> Frantic email exchanges among

---

<sup>39</sup> Guerrero, 151.

<sup>40</sup> Guerrero, 186.

<sup>41</sup> Guerrero, 187.

many agency officials demonstrate the mass confusion surrounding the order and its implications.<sup>42</sup>

In the days and weeks following the order, independent judges and judiciary panels from around the country ruled to halt the so-called “Muslim ban” and Trump and his administration spent the remainder of 2017 revising the order to meet legal criteria and obscure its racist intent. Many officials categorized Miller’s handling of the order as a failure and a testament to his inexperience with court challenges.<sup>43</sup> Furthermore, he faced ridicule from seasoned Homeland Security officials who claimed that an executive order was unnecessary and the same effect could be achieved through slight changes in CBP threat assessment protocols, avoiding the public scrutiny.<sup>44</sup> Despite these critiques and court battles, this was a massive win for Miller. While the execution of the order was sloppy and lacked the subtlety needed for widespread support, it nevertheless was immensely popular with Trump’s base. Miller learned just how strong the powers of the executive branch could be, and how freely he could wield them. Emboldened by this realization, he took to cable news to declare that all opponents of Trump would soon see

---

<sup>42</sup> Guerrero, 187.

<sup>43</sup> Guerrero, 188.

<sup>44</sup> Guerrero, 188.

“that the powers of the president to protect our country are very substantial and will not be questioned.”<sup>45</sup>

Miller further leveraged his advisor position to take aim at the Obama-era policy known as the Deferred Action for Childhood Arrival program, also known as "DACA." This act, first implemented in 2012, allowed foreign-born individuals who arrived in the US as children to avoid deportation so they could obtain work permits, stay in school, and secure driver's licenses. By late 2017, the program protected approximately 689,800 recipients from the threat of deportation.<sup>46</sup> Miller, who wanted to decrease immigration in the US altogether, hated DACA because he could not tolerate a policy he viewed as “mass backdoor amnesty.”<sup>47</sup> In emails to a Breitbart editor, Miller discussed his theory that DACA expanded the “foreign-born share” of the US workforce, pushing “existing demographics” out of jobs and other opportunities.<sup>48</sup> Miller derided DACA on the grounds that it was a rogue executive action that violated the will of the people.<sup>49</sup> This position was

---

<sup>45</sup> Guerrero, 188.

<sup>46</sup> Nicole Logan, “Don't Tip the Melting Pot: A Case Study of the U.S., U.K., and Denmark's Use of Anti-Immigration Laws to Shift Blame for Real Social and Economic Problems to Immigrants and the Economic and Legal Impacts of Their Use,” *San Diego International Law Journal* 21, no. 1 (2019): 331-64, 345.

<sup>47</sup> Guerrero, 125.

<sup>48</sup> Blitzer, “How Stephen Miller.”

<sup>49</sup> Guerrero, 125.

ironic as Miller himself relied often upon executive authority to implement his agenda, most notably the travel ban.

Miller had two similar, but somewhat competing, goals in his role as speechwriter and trusted senior advisor to the president. He needed to deliver on Trump's campaign promises to build a border wall to curb the flow of illegal immigrants. Additionally, he wanted to kill DACA as a means of reducing legal immigration. In September 2017, Miller presented Trump with a memo to sign, terminating the DACA program.<sup>50</sup> Trump signed it, even though he had major reservations. While Trump was opposed to DACA, he understood how popular the program was among Americans and placed most of his priority on the construction of the southern border wall.<sup>51</sup> As a businessman, Trump also valued cheap labor in spite of his larger anti-immigrant agenda, a tendency that angered some restrictionist leaders.<sup>52</sup> Trump set a six-month deadline for Congress to find a legislative solution for the DACA beneficiaries that also included funding for a border wall.

Republican party leaders within Congress understood what their role was. They needed to ensure that no amnesty was granted to illegal immigrants unless Republicans could get

---

<sup>50</sup> Guerrero, 202.

<sup>51</sup> Blitzer, "How Stephen Miller."

<sup>52</sup> Deparle, "Seized the Moment."

something in return, namely funding for Trump's wall. However, Trump's inconsistent stance on DACA and Miller's demands for legal immigration restriction muddled the messaging coming from the White House. Ultimately, top Republicans within Congress could not pin down what the president wanted from the negotiations. In January 2018, Senator Dick Durbin (D-Ill) and Senator Lindsey Graham (R-SC) presented Trump with their bipartisan immigration deal. They offered the president over two billion dollars in border security improvement and an end to the visa lottery in exchange for a permanent DACA program. The senators also promised to limit "chain migration," or family-based migration, stemming from those who qualify for the program.<sup>53</sup> President Trump promised Senators Durbin and Graham that he would back their plan. While the elimination of the visa lottery was a welcome change for Miller, the thought of conceding defeat on DACA was intolerable. Intent on sabotaging the deal, Miller alerted two hardline senators, Tom Cotton and David Perdue, that he knew would oppose a permanent DACA deal and brought them to the White House to persuade Trump to retract his promise. In the time it took Senators Graham and Durbin to make their way to the Oval Office for a signature,

---

<sup>53</sup> Tal Kopan, "Graham, Durbin Introduce Bipartisan Immigration Bill despite Setbacks," *CNN*, January 18, 2018, <https://www.cnn.com/2018/01/17/politics/dreamers-bill-immigration-graham-durbin-congress/index.html>.



Trump had already backed out of the deal.<sup>54</sup> White House officials have said, “Whoever has access to the president last—that’s what sticks.”<sup>55</sup> In this case, Stephen Miller made sure he was that person.

Throughout his tenure as a senior advisor, Miller publicly downplayed his role, saying that he was a mere vessel of Trump’s will. “I thank God,” he said, “for having the privilege to come and work here for this president . . . My sole motivation is to serve this president and this country, and there is no other.”<sup>56</sup> The fact of the matter is that Miller manipulated Trump through constant contact and relentless lobbying, stoking Trump’s fear and hatred of immigrants and foreigners. DACA remains in effect through the will of the Justice Department, but Miller kept it from being permanently enshrined. He killed a bipartisan measure that would have preserved one of his most hated government programs even though it cost Trump money for his wall and, controversially, prompted him to divert military funding to the project. Although Trump is viewed by many as a staunch immigration warrior, his administration’s goals were often compromised by his inattention to detail and lack of interest in negotiating with

---

<sup>54</sup> Blitzer, “How Stephen Miller.”

<sup>55</sup> Blitzer, “How Stephen Miller.”

<sup>56</sup> Guerrero, 189.

Congress. Seeing that failure, Miller was free to “define what victory looks like.”<sup>57</sup>

From the beginning of his time in the executive branch, Miller made moves to gain the maximum amount of access to the president while minimizing congressional oversight or scrutiny. Miller’s position as a senior advisor to the president allowed him to issue orders with the implicit support of President Trump. Furthermore, Miller used back channels to skirt the chain of command, limit his footprint, and impose his will directly upon lower-ranking officials. Then Secretary of State Rex Tillerson and National Security Advisor H. R. McMaster, who often opposed Miller, were no match for him when he used interagency channels to circumvent them. With too many other responsibilities, top officials like Tillerson and McMaster could not keep tabs on Miller. Miller also limited his paper trail, seldom using his email.<sup>58</sup> Sources report that he made more than a dozen calls a day, some to individuals as low ranking as Border Patrol supervisors.<sup>59</sup>

Miller’s ability to conceal himself, yet remain highly influential, is demonstrated best by his orchestration of the child separation policy at the southern border. In 2013, ICE officials offered child separation to the Obama administration

---

<sup>57</sup> Blitzer, “How Stephen Miller.”

<sup>58</sup> Blitzer, “How Stephen Miller.”

<sup>59</sup> Guerrero, 189.

as a potential deterrent for families illegally crossing the border. Obama dismissed the proposal as inhumane and did not implement it.<sup>60</sup> Miller was intent on revisiting this tactic. He fixated on the lack of consequences for illegal border crossings, fearing that those who break American laws do so with impunity.<sup>61</sup> Despite the fact that Obama deported more migrants than any other president, Miller felt that deterrents must be made more severe. In April 2018, then-Attorney General Jeff Sessions signed a presidential memorandum written by Miller that called for federal agencies to end the so-called “catch and release” and mandated that criminal charges be brought against any adults entering the country illegally.<sup>62</sup> The memorandum called for the DHS to “adopt immediately a zero-tolerance policy for all offenses referred for prosecution under section 1325(a).”<sup>63</sup> Section 1325(a) is an important, yet sparsely enforced, portion of the US Code that states that “any alien who enters or attempts to enter the United States at any time or place other than as designated by immigration officers shall be...imprisoned not more than 6 months.”<sup>64</sup> This statute is often unenforced because it drains government resources and inhibits the investigation and prosecution of

---

<sup>60</sup> Blitzer, “How Stephen Miller.”

<sup>61</sup> Blitzer, “How Stephen Miller.”

<sup>62</sup> Blitzer, “How Stephen Miller.”

<sup>63</sup> Guerrero, 232.

<sup>64</sup> “8 U.S. Code § 1325 - Improper Entry by Alien,” Cornell Law School Legal Information Institute, accessed November 25, 2020, <https://www.law.cornell.edu/uscode/text/8/1325>.

more serious trafficking and money-laundering offenses. Miller was not solely focused on the prosecution of illegal immigrants but also the unaccompanied minor status that children received once their parent or guardian was detained and charged. Previously, DHS only separated minors from their guardians at the border if the child's safety was threatened. By charging the parents criminally and holding them in custody, it forced their separation from their children.

On June 18, 2018, an audio recording of children crying for their parents at a Texas detention center was leaked to *ProPublica*, sparking massive public outcry. Within minutes of the leak, DHS secretary Kirstjen Nielsen took the podium in the White House Press Briefing room to defend the child separation policy. Nielsen insisted that the government was separating only “alien children” whose parents entered illegally.<sup>65</sup> This was, in fact, a false claim as the ACLU uncovered that even children seeking asylum at legal ports of entry were broken apart from their families as their guardians faced criminal charges.<sup>66</sup> Miller, the most prominent proponent of the child separation policy, was not at this briefing. Aside from a *New York Times* interview in which he defended child

---

<sup>65</sup> “DHS Secretary Nielsen's Remarks on the Illegal Immigration Crisis,” U.S. Department of Homeland Security, accessed March 3, 2021, <https://www.dhs.gov/news/2018/06/18/dhs-secretary-nielsens-remarks-illegal-immigration-crisis>.

<sup>66</sup> Guerrero, 241.

separation, stating “that voters would support the White House 90-10,” Miller allowed agency officials to take the brunt of the criticism.<sup>67</sup> The crying children and broken families dominated the news cycle for days. Ivanka and Melania Trump tried to persuade the president to reverse the policy.<sup>68</sup> Two days later, Trump completely halted child separation and heaped the blame exclusively on Nielsen, whom he had long criticized for being weak on border enforcement.<sup>69</sup> This scapegoating benefitted Miller enormously. An astonished White House official told reporters, “I have no idea how Miller managed to escape this one...He knows just how and when to disappear.”<sup>70</sup> Nielsen ultimately resigned as DHS secretary in April 2019.

Miller enjoyed a unique freedom as a senior advisor to President Trump. He was not tethered to any government agency and therefore experienced little oversight, answering to no one but the president. Because his name was on very few documents, he had virtually no culpability in the event of a crisis. By never publicly criticizing the president, Miller was able to maintain his powerful position inside the administration

---

<sup>67</sup> Blitzer, “How Stephen Miller.”

<sup>68</sup> Blitzer, “How Stephen Miller.”

<sup>69</sup> Ed Pilkington, “Kirstjen Nielsen resigns as Trump homeland security secretary,” *The Guardian*, April 7, 2019, <https://www.theguardian.com/us-news/2019/apr/07/kirstjen-nielsen-resigns-trump-homeland-security-secretary>.

<sup>70</sup> Ed Pilkington, “Kirstjen Nielsen resigns as Trump homeland security secretary.”

for all four years of Trump's tenure. This gave him the freedom to explore the extremes of deterrence and punitive measures for immigrants.

This paper is not the first analysis of Stephen Miller's role in American politics. Major publications such as the *New Yorker*, the *Washington Post*, and *Politico* have produced long-form journalistic pieces examining Miller's upbringing, early political career, and, most importantly, his role within the White House. However, while the coverage of Miller largely focuses on his singular obsession with immigration and his shadowy presence in Trump's inner circle, many writers categorize Miller as an overly ambitious amateur. They try to quantify Miller's success with traditional metrics-- whether his executive actions, such as the travel ban or DACA repeal, hold up in court. To these writers, a binary analysis of whether Miller's schemes succeed or fail is all that is needed to assess his impact. This oversimplified approach gives a reader the impression that Miller is little more than a power-hungry bureaucrat whose inexperience in the political arena leads to one failure after another. Despite Miller's best efforts, Muslims still enter the country, DACA recipients retain their rights, and migrant children are being reunited with their families at the southern border.

Miller was fighting a completely different political battle from any conducted by a White House official in recent

decades. Indeed, he was working to rearrange the United States government as a single executive authority with unchecked power. Miller sought to strip immigrants of due process of law, subject children to abuse and neglect within government detention centers, and declare the entire Muslim world a terrorist threat—all without any input from Congress, much less the American electorate. When Miller's critics relish his drawn-out court battles in the wake of his heavy-handed executive orders, they are sorely mistaken about what constitutes a loss.

Miller did not lose when his executive order was deemed unconstitutional. Miller did not lose when he was called a racist, and he did not lose when the White House came under fire for human rights abuses. Constantly on the offensive, Miller only lost when he gave up ground, which was a rarity. Miller did not shy away from the chaos and the backlash his actions brought. He found ultimate fulfillment when waging war against what he considered to be a corrupt judicial system and a radical Democratic Party.

At this time, Miller faces a massive predicament. With Trump's inability to secure a second term in the White House, he no longer has the access to the Oval Office that he depended on for the past four years. Despite this, he seeks to defend Trump's immigration agenda during the Biden presidency. One of Biden's first executive actions rolled back a

number of Trump and Miller's immigration initiatives, namely the construction of the border wall.<sup>71</sup> In response, Miller fired a tweet at Biden saying, "It's unclear how all Americans are served by opening travel from terror hot spots, proposing a giant amnesty, or halting the installation of security barriers along the southwest border."<sup>72</sup> In the aftermath of a Trump administration that averaged 55 executive orders a year, the most of any president since Jimmy Carter, Biden has an enormous task ahead of him in trying to unravel his predecessor's initiatives. Biden might or might not succeed in reforming the immigration policy of the US, but, regardless, the body of work left by Miller and Trump leaves a nearly insurmountable legacy of xenophobia and nationalism that Miller will seek to preserve for years to come.

---

<sup>71</sup> Meredith Conroy, "Why Revoking Trump's Executive Orders Isn't Enough to Undo Their Effects," *FiveThirtyEight*, February 11, 2021, <https://fivethirtyeight.com/features/why-revoking-trumps-executive-orders-isnt-enough-to-undo-their-effects/>.

<sup>72</sup> Stephen Miller, Twitter Post, January 20, 2021, 3:28 PM, <https://twitter.com/StephenM/status/1351990081763028994>.





## Modern-Day Slavery: The University of Florida's Exploitation of Prison Labor

---

*Aysia Gilbert*

## Abstract

This research addresses the University of Florida's historical connection to the exploitation of cheap labor and its continued participation in this exploitation as a result of the contracting of prisoners through the Florida Department of Corrections Work Squad Agreement. Dating back to the establishment of its forerunner institution in 1853, East Florida Seminary, researchers believe that this school was most likely built by slaves since its board members were slave owners. Now, unlike in the cases of Harvard University and the University of Virginia, the direct connections to slavery have not been discernable, but the university's present-day connections to prison labor are. The Institute of Food and Agricultural Sciences has used thousands of hours of prison labor to plant and harvest crops in fields and greenhouses, work with livestock, and operate machinery. Since UF uses prison labor, it joins the list of organizations and institutions that profit from mass incarceration in the United States by exploiting prisoners who perform strenuous work with no compensation.

In order to contextualize this issue, this paper examines slavery and convict leasing of the late 19<sup>th</sup> century and early 20<sup>th</sup> century, which are correlated with the Florida penal system that exists today. Potentially acting as an extension of slavery, the Florida prison system was created after the Civil War as a means to disfranchise, oppress, and re-enslave thousands of African Americans. The state used harsh laws like the "Black Codes" to target and criminalize Black people, normally to send them back to the very plantations from which they were freed. This resulted in the state's current penal system that mirrors the one used over a century ago to oppress an entire race of people -- one in which UF is actively choosing to participate. The University of Florida's decision to use prison

labor is not only an exploitation of prisoners, since they work without compensation, but also a direct reflection of the deep-rooted history of racism in Florida's penal system.

On May 7, 2019, graduating students from the University of Florida walked across the Stephen C. O'Connell Center's jumbotron with a white banner that read "UF Uses Slave Labor" in bold black letters.<sup>1</sup> After learning that their university used prison labor, UF students protested at their graduation calling for the school to cut its ties with correctional facilities. As a top-ranked public research university, the University of Florida promises in its code of ethics to "ensure that all fundraising and related business operations and activities on behalf of the University of Florida by UFF [United Faculty of Florida], Advancement, and any other UF-affiliated organizations are conducted in accordance with the highest standards of ethical conduct," yet it exploits prisoners for cheap labor.<sup>2</sup> Private prisons only operate when large organizations like UF enter into long-term contracts with them, forcing states to fill prison beds, even if there is a decrease in

---

<sup>1</sup>Josephine Fuller, "Graduates Protest Prison Labor at UF Commencement Ceremonies," *The Alligator*, last modified May 7, 2019.

[https://www.alligator.org/news/graduates-protest-prison-labor-at-uf-commencement ceremonies/article\\_360d7348-7122-11e9-a0e5-93c3812387cd.html](https://www.alligator.org/news/graduates-protest-prison-labor-at-uf-commencement-ceremonies/article_360d7348-7122-11e9-a0e5-93c3812387cd.html).

<sup>2</sup>University of Florida, "University of Florida Foundation, Inc." <https://www.uff.ufl.edu/docview/?docid=1979>.

criminal offending.<sup>3</sup> Historically, those who are targeted for this indentured servitude have been Black and Brown people. This confirms that the University of Florida's decision to use prison labor is not only an exploitation of prisoners, but also a direct reflection of a deep-rooted history of racism in the Florida penal system.

The University of Florida, much like other institutions, has a legacy of dependence on cheap and free labor that dates back to the pre-emancipation era. UF's forerunner institution, East Florida Seminary, which was founded in 1853, was most likely built by slaves.<sup>4</sup> Institutions in the United States, especially those located in the South, depend on the exploitation of prisoners and have never known a system without it.

---

<sup>3</sup> Sean Bryant, "The Business Model of Private Prisons," *Investopedia*, last modified February 22, 2020.

<sup>4</sup> Kevin Brockway, "UF Students Examine School Ties to Slavery," *The Gainesville Sun*, last modified March 14, 2019.  
<https://www.gainesville.com/news/20190313/uf-students-examine-school-ties-to-slavery>.



Figure 1.1 East Florida Seminary

Today, the University of Florida uses more prison labor than any other college in the state of Florida through its Institute of Food and Agricultural Sciences program, also known as IFAS.<sup>5</sup> According to *The Florida Times Union*, the university has used at least 156,684 hours of state prison labor since 2015. The university states that “workers get valuable on-the-job experience that could be translated to post-incarcerated employment” as spokesperson, Steve Orlando, explained.<sup>6</sup> However, IFAS uses about 100 prisoners a day to do what is described by the prisoners as “grunt work” on agricultural sites

---

<sup>5</sup> Ben Conarck, “Work Forced: A century later, unpaid prison labor continues to power Florida,” *The Florida Times-Union*, last modified May 25, 2019.

<sup>6</sup> Conarck, “Work Forced,” 2019.

all over the state.<sup>7</sup> It is reported that, on average, prisoners only make around \$.25 to \$.50 an hour and often work 8-10 hours a day. After an entire day's work they have earned only about \$2.00- \$4.00, which is less than half the current hourly minimum wage. In many cases, IFAS prison workers do not get any financial compensation.<sup>8</sup>



Figure 1.2 State prisoners working for the University of Florida

The habitual cycle of slavery is fundamental to the oppression of people of color in this nation. From mass enslavement to mass incarceration, the United States and institutions like the University of Florida, have remained dependent on free labor. Not only were African Americans targeted to be the first inmates in the American prison system,

---

<sup>7</sup> Juan Zapata, "End UF's Involvement in Modern Slavery," last modified May 29, 2019.

<sup>8</sup> Vincent McDonald, "A Seedy Operation," *The Fine Print*, last modified July 19, 2017.

they still account for a large portion of prison populations with 20 percent of Black men going to prison in their lifetime. In Florida, African Americans constitute 17 percent of the state population, yet they account for 47 percent of prisoners.<sup>9</sup> Despite the university claiming that they are giving workers valuable experience for their future jobs outside of prison, recidivism rates in Florida are more than 50 percent after three years of being released.<sup>10</sup> Thus, UF's IFAS program will continually receive free labor from newly imprisoned and reincarcerated individuals. Regardless of what university officials say, the program was built to benefit the institution, not the prisoners.

In order to understand the historical significance of the university's exploitation of prisoners, analyzing the unique relationship between race and labor in the United States is essential. Although the enslavement of persons became formally illegal in 1865, the Thirteenth Amendment states that "neither slavery nor involuntary servitude, *except* as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their

---

<sup>9</sup> Vera Institute of Justice, "Incarceration Trends in Florida," *Vera Institute of Justice*, accessed on February 5, 2021.  
<https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-florida.pdf>.

<sup>10</sup> Gary Blackenship, "Gain Time Reform Passes Out of Senate Criminal Justice Committee," last modified March 4, 2021.  
<https://www.floridabar.org/the-florida-bar-news/gain-time-reform-passes-out-of-senate-criminal-justice-committee/>.



jurisdiction.”<sup>11</sup> With this loophole, slavery has continued ever since. By 1870, post-Civil War neo-slavery was born, and thousands of African Americans were deliberately intimidated, imprisoned, and exploited by the use of legal loopholes and federal policies.<sup>12</sup> In fact, in 1865 the state of Florida passed the “Black Codes,” which were a package of laws that penalized Black people with charges that were easy to pin like “malicious mischief” or disobedience and “vagrancy.”<sup>13</sup>



Figure 1.3 Historical Propaganda

<sup>11</sup> U.S. Constitution. Amendment XIII (1865).

<sup>12</sup> Douglas A. Blackmon, *Slavery by Another Name: The Re-enslavement of Black Americans from the Civil War to World War II* (New York: Anchor Books, 2009).

<sup>13</sup> Blackmon, *Slavery by Another Name*, 105.

By the 1870s, the convict leasing system was introduced, whereby white industrialists and planters “lease” prisoners to work for them. Today, private prisons mirror this practice by allowing states and private businesses to profit from prison labor.<sup>14</sup> Additionally, forced labor camps that were operated by large corporations, county governments, provincial farmers, and small-time entrepreneurs came into existence throughout the South, all working to oppress African American ambition. These forced labor camps were plantations where Black people were forced to work as prisoners years after the Civil War.<sup>15</sup> Laws such as the Black Codes and policies such as the convict leasing system targeted more Black people to be sent to prison than ever before, contributing to the prison boom of the 19<sup>th</sup> century.

---

<sup>14</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2020), 193-96.

<sup>15</sup> The Chicago Prison Industrial Complex Teaching Collective, “Introduction to the Prison Industrial Complex Workshop,” last modified 2011.



Figure 1.2 Convict Leasing System

At the turn of the 20<sup>th</sup> century, the judicial system in the South had the central purpose of coercing African Americans into abiding by the labor demands of white people. The brutality used against enslaved people was identical to the punishment prisoners received in 1910.<sup>16</sup> In 1913, the first Florida correctional facility was created and is known as the State Prison Farm, or Raiford State Prison. By 1917, Florida lawmakers created the State Road Department and the State Convict Road Force known as “chain gangs,” which was the practice of chaining prisoners together while they worked. In 1919, the Florida Legislature passed the State Convict Law, which supplied more inmates to the road camps rather than the

---

<sup>16</sup> Blackmon, *Slavery by Another Name*, 95.

prison farm.<sup>17</sup> Through this system, prisoners built the infrastructure for the Florida transportation system for free.



Figure 2.1 Highway Chain Gangs

In May of 1923, a joint committee hearing was held by the Florida Legislature regarding the death of a white man named Martin Talbert.<sup>18</sup> Although Black people accounted for 90% of leasing convicts and many had died before Talbert, it was not until a white person died that this issue became acknowledged. The hearings received widespread media attention, which provoked a national outcry that pressured state lawmakers to abolish the convict leasing system. By the

---

<sup>17</sup> J.E. Pennybacker, H.S. Fairbank, and Dr. W.F. Draper, "Convict Labor for Road Work," *Washington Government Printing Office*.  
<https://azmemory.azlibrary.gov/digital/collection/fedddocs/id/2095/>.

<sup>18</sup> Jerrell H. Shofner, "Postscript to the Martin Talbert Case: Peonage as Usual in the Florida Turpentine Camps," *The Florida Historical Quarterly* 60, no. 2 (1981): 161-73.

1930s, chain gangs almost entirely replaced convict leasing and became a representation of one of the first definitive forms of prison labor.<sup>19</sup> Many men who were in chain gangs complained of the brutal and barbaric conditions such as high heat, lack of food, and little rest. Despite these conditions, prisoners were forced to work even if they did not feel well, similar to prisoners' reports today. In response to these prisoners' complaints, chain gangs were finally phased out in the 1950s, but by November 1995, they were reintroduced in Florida.<sup>20</sup> Although prisoners were not shackled together, they still wore ankle chains.

---

<sup>19</sup> Tessa M. Gorman, "Back on the Chain Gang: Why the Eighth Amendment and the History of Slavery Proscribe the Resurgence of Chain Gangs," *California Law Review*: 85, no. 2.

<sup>20</sup> Yale Glazer, "The Chains May Be Heavy, But They Are Not Cruel and Unusual: Examining the Constitutionality of the Reintroduced Chain Gang," *Hofstra Law Review*: 24, no. 4.



Figure 2.2 Florida's Sheriff Reintroduction to Chain Gangs

In the 21<sup>st</sup> century, there is a new wave of slavery being used by large universities, yet most students and workers are not even aware of its existence. These events reveal numerous issues with diversity and inclusion among university affiliates. In refusing to pair actions with words, UF perpetuates the cycle of racist notions, which leaves Black students to suffer at its hands. As of May 2021, UF has not ended its prison labor contracts even though it announced it would do so in the summer of 2020.<sup>21</sup> Until the university acknowledges *why* they continue to use Black bodies for cheap labor, they will continue to perpetuate a false sense of social awareness and

---

<sup>21</sup> Nicole Rodriguez, "UF to Continue Prison Labor until 2021 at the Latest," *The Alligator*, last modified July 5, 2020. <https://www.alligator.org/article/2020/07/uf-to-continue-prison-labor-until-2021-at-the-latest>.

involvement from campus officials. Using marginalized groups for one's own gain is something many institutions know all too well, as some of the most prestigious universities such as Harvard, Georgetown, and Yale have acknowledged their insidious history with slavery and prisons and made steps toward reconciliation.<sup>22</sup> Now it is time for UF to deliver on its promise and begin making amends for its past. Without doing so, the University of Florida is fashioning a paradigm that deliberately seeks to undermine the advancement of underrepresented communities.

---

<sup>22</sup> Leslie M. Harris, "Higher Education's Reckoning with Slavery: Two Decades of Activism and Scholarship Have Led to Critical Self-Examination," *American Association of University Professors*, last modified 2020. <https://www.aaup.org/article/higher-education%E2%80%99s-reckoning-slavery#.YCChf5NKjeo>.

Returning to the Party of Lincoln: The Black Conservatism of  
Candace Owens

---

*Payton Capes-Davis*



## Abstract

This paper places Candace Owens' writings and rhetoric in the context of a century-long tradition of Black conservatism, dating back to the political debates of the 1930s. Owens first appeared on the national political stage in 2017, with a YouTube channel that offered political commentary on the Black Lives Matter movement, feminism, and President Donald Trump's policies. Since then, she has published her writings in her book, *Blackout: How Black America Can Make Its Second Escape from the Democrat Plantation* (2020) and began her own movement, BLEXIT, to recruit Black voters away from the Democratic Party. Currently, only 4% of registered Black voters are affiliated with the Republican Party, a statistic Owens is intent on increasing. Through her speeches, writings, and interviews, Owens draws from Black conservative tradition to convince her fellow Black Americans that their allegiance to the Democratic Party is futile and counterproductive to racial advancement.

The tradition of the Black Democrat is well documented and understood to be the most logical political leaning, given the party's championship of civil rights. On the other end, the Black conservative often experiences scrutiny and is explained away as a manifestation of internalized racism and “House Negro” mentality.<sup>1</sup> This explanation fails to acknowledge the tradition of Black conservatism and its power

---

<sup>1</sup> Molefi Kete Asante and Ronald E. Hall, *Rooming in the Master's House: Power and Privilege in the Rise of Black Conservatism* (New York: Routledge, 2015), 15.

to unite Black Americans in the political and social arenas.<sup>2</sup> Candace Owens, a rising political pundit and Black conservative, has overcome the label of a political pariah and convincingly offers legitimacy to Black conservative thought. Owens' movement, "BLEXIT," aims for Black Americans to exit the Democratic Party.<sup>3</sup> In her speeches, writings, and interviews, Owens attempts to convince Black Americans that their allegiance to the Democratic Party is futile and argues that Blacks should realize that their "true" interests and values align with the Republican Party.

Owens draws from a diverse legacy of Black conservative thought and adopts these thinkers' rhetorical and analytical frameworks to conclude the best policies and initiatives for racial progress in the social and economic arena. A variety of intellectuals contest the origins of Black conservatism. Many trace Black conservative thought to its pre-Civil War roots of slavery.<sup>4</sup> No matter the sociological explanation for Black conservatism, its foundational tenets rely upon a deep commitment to Western institutions, as well as an American culture centered around individual responsibility and meritocracy. Accordingly, Black conservatives place deep faith

---

<sup>2</sup> Christopher Bracey, *Saviors or Sellouts: The Promise and Perils of Black Conservatism from Booker T. Washington to Condoleezza Rice* (Boston, MA: Beacon Press, 2008), 7.

<sup>3</sup> News19WLTX, "Candice [sic] Owens Speaks at 2020 CPAC: Full Video," YouTube (YouTube, February 28, 2020), <https://www.youtube.com/watch?v=m8Nudmm7ha4>.

<sup>4</sup> Asante and Hall, *Rooming in the Master's House*, 10.

in systems, such as education and capitalism, that uphold the weight of these cultural tenets and often infer that these systems provide equal opportunity to all when accessible. Hard work and character drive the success of individuals within the systems, garnering them acclaim and success. Black conservatives are often quick to reject the idea that racism prevails within a system in which it inherently should not, such as capitalism. Broadly, Black conservatism follows five tenets: racism does not present a prevailing obstacle in the lives of Black Americans, civil rights policies do more harm than good, government policy will not help race relations, and, most importantly, Black society is plagued by poor values and irresponsibility, leaving self-help as the most crucial strategy for racial progress.<sup>5</sup>

### **Sowing the Seeds of Conservatism**

Before her shift to the Right, Owens experienced formative personal experiences that initially drove her to align with the Democratic Party. Born in Stamford, Connecticut, in 1990, Owens described her younger life as the “typical Black experience.”<sup>6</sup> She grew up in a broken family within public housing and frequently visited her incarcerated family

---

<sup>5</sup> David Toler, “Black Conservative: Part One,” *The Public Eye Newsletter*, no. 7 (1993), 7.

<sup>6</sup> News19WLTX, “Candice [sic] Owens Speaks at 2020 CPAC: Full Video,” YouTube (YouTube, February 28, 2020), <https://www.youtube.com/watch?v=m8Nudmm7ha4>.

members.<sup>7</sup> Owens presumed the conditions of her family's small, rickety apartment were normal until she started school and made friends with a white, upper-middle-class girl who lived in a towering, Victorian house in the suburbs. As the girl's mother drove her home from a playdate one day, she realized that, as she got closer to her neighborhood, the houses shrank in size and quality.<sup>8</sup> At a young age, Owens became a frequent user of her library card and read beyond her age group.<sup>8</sup> Education proved crucial for Owens, as she found it a means to display her hard-working attitude.

Owens has stated that race never played a central role in her life growing up and that she naively felt this way until she felt racial tensions at school in her senior year.<sup>9</sup> One night she received a call that threatened to “unload a bullet in her head” just because she was Black. Later, Owens would find that one of the boys involved in the group that left the message was the sitting governor Dannel Malloy's son. The media frenzy that ensued made race one of the defining aspects of Owens' life. The publicity associated with the nature of the claims and those involved spurred the involvement of the NAACP. From her personal experience with racism, Owens stated that she fell into the victim mentality, a symptom of

---

<sup>7</sup> Richard West, *Candace Owens: An Unauthorized Biography of the Conservative Thinker and Founder of Blexit* (New York: David Brown, 2020).

<sup>8</sup> *Ibid.*, 35.

liberal ideology that permeates Black culture and consciousness.<sup>10</sup>

Shortly after her conversion to conservatism in 2017, Owens started a YouTube channel, RedPillBlack. Her first video was a skit about “coming out” as conservative to her Democratic parents.<sup>9</sup> When she posted content on the political commentary of mainstream political topics, such as Black Lives Matter and Feminism, she garnered widespread reactions—both negative and positive. From a social standpoint, many wrote her off as reactionary while others applauded her for her lack of political correctness. What they failed to acknowledge was that she captured an audience, which offered her a platform and legitimacy. After receiving acclaim from powerful social figures such as Kanye West and President Donald J. Trump, Owens became the director of communications at the conservative non-profit Turning Point U.S.A. (TPUSA).<sup>10</sup> Her work at TPUSA jumpstarted her ascent to political fame; she began to travel across the country to college campuses to engage in debates with students and give speeches about the dwindling protection of free speech. During her free time, she gave speeches at conservative conferences and interviews on Fox News. In her departure from TPUSA, she announced the

---

<sup>9</sup> *The Incident That Made Candace Owens a Conservative*, 2018, <https://www.youtube.com/watch?v=A4A39npjWDA>.

<sup>10</sup> Donald J. Trump, Twitter Post, May 9, 2018, 7:48AM. <https://twitter.com/realDonaldTrump/status/994182263960162304>.

start of her own movement, “BLEXIT,” and her book, *Blackout: How Black America Can Make Its Second Escape from the Democrat Plantation*.<sup>11</sup>

### **A Shift to Conservatism: A Politics of Necessity**

Owens’ ideological foundation stems from the early formative experiences of her life that she deems initially drove her to the Left, but eventually caused her to align with the Right as she found her voice outside of “liberal” influences.<sup>12</sup> Relying on selective historical analysis and the conservatism of her predecessors like Booker T. Washington and Thomas Sowell, Owens glamorizes racial progress, preaches anti-government policy, and emphasizes individualism in the path for Black social and economic progress in the United States. Owens points to the lack of these pervasive elements as a means to tell the story of Democratic manipulation that stunts the Black community. Owens features conservative policy and ideology as the heroes of the narrative; she presents her audience with the conservative solution to various problems such as low Black achievement rates, single-parent households, Black poverty, and the devolution of Black culture. Ultimately, she asserts that conservatism is Black Americans’ last option

---

<sup>11</sup> Candace Owens, *Blackout: How Black America Can Make Its Second Escape from the Democrat Plantation* (Threshold Editions: NY, 2020).

<sup>12</sup> *The Incident That Made Candace Owens a Conservative*, 2018, <https://www.youtube.com/watch?v=A4A39njpWDA>.

for *actual* racial progress, which she claims lies at the forefront of Black political engagement. Owens pleads with Black America, stating, "My challenge to every American is simple: reject the Left's victim narrative and do it yourself. Because we will never realize the true potential that this incredible country has to offer—in the land of the free and the home of the brave—if we continue to be shackled by the great myth of government deliverance."<sup>13</sup>

### **Work Harder, Not Smarter**

Like prominent Black conservative Booker T. Washington, Owens' ideology and opinions show a deep attempt to weave Black Americans into a broader narrative of American exceptionalism. In her writings and speeches, Owens tries to reveal to Black and white Americans alike that Blacks are included, no matter how historically excluded, in America's current culture, institutions, and successes. In doing so, she adopts Washington's cultural and political critiques of the Black community using the rhetorical crux of pragmatic optimism and reverence for Western civilizations. Booker T. Washington's beliefs were practical and anti-utopian, as seen in his policies for racial advancement that focused primarily on self-help, education, and morality.<sup>14</sup> In particular, Washington's

---

<sup>13</sup> Candace Owens, *Blackout*, 28.

<sup>14</sup> Owens, 159.

weariness with the ability of legal action and federal policies to expedite the racial advancement of Black Americans highlights his belief that policy does not equate to a change in the social surrounding, culture does.

Owens similarly contends that Black embrace of liberal, “egalitarian” policies such as Affirmative Action comes from a broader cultural shift toward a sense of entitlement within the Black community. Owens reveres Western civilization’s understanding of hard work and meritocracy, saying that “it is a shame that our education system refuses to apply the same method of hard work—the only method that has ever produced Black greatness,” and the waning focus on these ideals lies at the forefront of her critiques of the education system and its inability to facilitate meaningful progress.<sup>15</sup> The absence of these ideals, Owens professes, has produced an education system devoid of the authentic American values of hard work and the pursuit of excellence. In her section, “Education,” she writes, “And so, because instead of learning about free markets, capitalism, and entrepreneurship, today’s curriculum overemphasizes the role that others play in our success. Students are systematically disempowered, trained to resent the success of others,” and Owens suggests that the education system and the policies that are adopted for “equality” stunt Black youths’ ability to capitalize on the

---

<sup>15</sup> Ibid., 163.



meritocratic values that propel excellence in American schools.<sup>16</sup>

Owens' views of the current climate of racial injustice resemble Washington's critiques of the post-Reconstruction era but differ in the solutions offered to further Black social and economic advancement. Washington saw the task of overcoming prejudice as one that could be solved through Black Americans exemplifying a refined and sophisticated character, proving their ability to integrate into broader American narratives of citizenship. However, Washington rejected that a gray area could exist between hatred and acceptance; working from a place of practicality, Washington argued that segregation and Black-only institutions offered the best means for Black Americans' cultural and social advancement.<sup>17</sup> Washington wholeheartedly promoted the use of Black-only institutions and facilities to empower and elevate Black Americans. Owens, on the other hand, would forcefully push back on this notion, saying, "Today, some black people are choosing their segregation, as a token of their self-empowerment. Suffice to say that not even in the wildest dreams of the darkest nightmares of our ancestors could this predicament have been imagined...." Owens suggests that segregated Black institutions or even specifically Black

---

<sup>16</sup> Bracey, 18.

<sup>17</sup> Owens, 109.

community spaces on college campuses promote an echo-chamber for attitudes of victimhood.<sup>18</sup>

## **Mentality and Morality**

Acting as an extension of prominent Black neo-conservative Thomas Sowell, Owens' arguments of racial progress are rooted in the minimization of race as a contributing factor to the current economic achievement disparities. Instead, like Sowell, Owens asserts that the economic disparities witnessed by Black Americans today are a result of a cultural problem that can be traced as a by-product of government policy that has curtailed an incentive for self-reliance and productivity. Famously, Thomas Sowell asserted that Black people are handicapped by an “anti-work ethic,” pointing to the social welfare net as the greatest disservice done to Black Americans.<sup>19</sup>

While providing witness testimony at a House Oversight Joint Subcommittee regarding a rise in white supremacy, Owens highlights that fear of white supremacy is not even in the “top-100” of most important issues in the Black community. Instead, she states, “I would like to say that white supremacy is indeed real...it represents a fringe occurrence within America...and racism is real, but neither of

---

<sup>18</sup> Bracey, 130.

<sup>19</sup> Bracey, 130.

these ideologies are real in this room," focusing instead on "absent fathers, Black education, and Black abortion rates" as the most "real" and "pressing" issues within the Black community.<sup>20</sup> Owens similarly drives home the point of individualism and responsibility in taking control of these issues within the community when she says, "Being freed was enough for black America. The year 1964 should have represented a new beginning when we began assuming full responsibility for our own lives," and she argues that the use of race-politics has produced a culture of reliant, demoralized Black communities that value their government benefits more than morals.<sup>21</sup> Twitter has increasingly become Owens' battleground against members of the Black community, both Democrat and conservative alike, who oppose her rhetoric, specifically Diante Johnson and Shermichael Singleton.<sup>22</sup>

Owens adopts Sowell's analysis that Blacks are handicapped by an "anti-work" ethic and contends that Black Americans are still plagued by laziness.<sup>22</sup> Owens understands this is primarily the fault of Democratic-supported welfare

---

<sup>20</sup> Candace Owens, "House Oversight Joint Subcommittee Hearing on Confronting White Supremacy," Testimony, Washington, D.C., September 20, 2019.

<sup>21</sup> Owens, 151.

<sup>22</sup> See Diante Johnson, Twitter.com, May 18, 2020, at 4:36pm, <https://twitter.com/BCFPresident/status/1259220757047062528?s=20> and Shermichael Singleton, Twitter.com, May 9, 2020, at 4:00pm, [https://twitter.com/Shermichael\\_/status/1259204727071522820?s=20](https://twitter.com/Shermichael_/status/1259204727071522820?s=20).

programs. Like Sowell, Owens believes that government intervention results in a particular culture that continues to plague Black communities. Owens readily applies this framework to discuss Affirmative Action as well. In her argument against Affirmative Action, she again deems the program assembled to aid Black Americans as detrimental to their growth within the United States' culture of meritocracy, and she argues, "I believe that the reason Blacks continue to lag behind whites in terms of educational achievement is due to a culturally widespread belief that we should not be made to put in the same effort because of our earlier oppressive circumstances."<sup>23</sup>

Owens draws upon Neo-Conservative beliefs in her emphasis on self-determination and individual accountability. In doing so, she seeks to squash the “Leftist” narrative of systemic, systematic, or color-blind racism.<sup>24</sup> In discussing what she calls the most pressing issues in the Black community, Owens pinpoints Lyndon B. Johnson's administration for the decomposition of the Black family unit. To prove this point, Owens begins her argument by characterizing Johnson as a racist, pulling her conclusions from an uncited source, but states he used racist language (“his common use of the word ‘nigger,’ not in singular use, but frequently and repeatedly”) and concludes that his policies and most Democratic policies are

effectively a demonstration of the party's racism.<sup>23</sup> Specifically, Owens states, "LBJ's Great Society initiatives were a deliberate attack on the Black family unit, levied through the empowerment of the poor Black woman and the emasculation—and ultimate obviation—of the Black man... Black women were instead encouraged, by their government, to raise children alone," underlining the negative impacts of government intervention on Black communities.<sup>24</sup>

### **Black Culture's "Devolution"**

Many of Owens' critiques of Black culture echo those of Black conservatives during the Harlem Renaissance of the 1930s who condemned Black artists, like Langston Hughes, for their portrayal of Black life and for their art's perpetuation of stereotypical caricatures of Black Americans.<sup>25</sup> Conservatives understood the artists of the Harlem Renaissance as running against their own interpretation of what the "New Negro" would and should look and act like.<sup>26</sup> For artists of the Harlem Renaissance, the idea of the "New Negro" represented Black Americans who refused to "hide" their Blackness or their real experience of low income and being socially outcast in order to fit into American propriety. Conservative critics contended that

---

<sup>23</sup> Owens, 68.

<sup>24</sup> *Ibid.*, 24.

<sup>25</sup> Bracey, 46.

<sup>26</sup> *Ibid.*, 48.

Harlem Renaissance art demoralized the image of the hardworking, middle-class, and morally uplifted Black American that many had worked so hard to achieve. This belief is central to modern day conservatives' views on the reclamation of Blackness that is at the forefront of movements for racial empowerment.

Owens expresses nostalgia toward the culture of her grandfather's time; she speaks about the polished, elegant suits that singers would perform in, signaling their attention to detail and their commitment to portraying themselves in a positive light. She remarks, "His favorite group was the Temptations, composed of five Black men out of Detroit, who always wore suits when they performed... Our culture today is much about achieving a status of 'coolness' through the slow decay of morality: less clothing, more profanity, less education," lamenting the death of dignity and morals that has produced Black American music and culture today.<sup>27</sup> Her particular emphasis on the clothes and content of music of her grandfather's time indicates Owens' main critique of current Black culture is that it tarnishes the image of what Black culture once was. Owens even goes so far as to state, "Should we be upset with Biden and Clinton for an apparent lack of respect? I think the better question is, Do we conduct ourselves in a

---

<sup>27</sup> Owens, 243.

manner that commands respect,” hinting that the current state of Black culture justifies critical views of Black culture.<sup>28</sup>

## Concluding Thoughts

Candace Owens emerges out of a long-standing tradition of Black conservatism. As is seen through the various branches of the ideologic tree, Black conservatism is dynamic, and any strict definition will certainly fall short of categorizing an individual. Key continuities do exist among Black conservatives. Owens and the conservative thinkers before her were highly concerned with the image of Black Americans; particularly, they saw the public image of Black Americans as a means to offer racial progress and acceptance into broader American culture of exceptionalism. In these concerns lies an intrinsic commitment to Western institutions and the values that govern them. Specifically, Owens promises the prosperity of self-help and self-reliance over the “culture of poverty” that she argues pervades Black communities all over the country. Owens differs from her predecessors in her rejection of segregated institutions and spaces for the development of Black thought and culture. Owens' form of conservatism may stray from these thinkers as her ideology may reflect her proximity to the white conservative think tanks she works for rather than the close-knit Black community that produced

---

<sup>28</sup> Ibid.

earlier thinkers' ideological stances. As a historical figure, Owens differs mainly from previous Black conservatives in her upbringing, rise to political notoriety, and social influences. Individual experience and social context define Black conservative thought.

The 2008 election most prominently demonstrated the legacy of the historic Black shift to the Democratic Party, with a record high turnout of Black voters, over 65% of them registered as Democrats. However, research shows a gradual trend in the number of Blacks that view conservative policy and arguments favorably.<sup>29</sup> Similar to the Black voices in the 1930s that urged voters to take a chance on the Democratic Party, once again Black Americans are hearing arguments against their "blind commitment" to the Democratic Party through Candace Owens' movement, "BLEXIT." The social conditions of recent years have provided a ripe opportunity for Black conservatives like Owens to capitalize on the polarized political climate that is infused with racial undertones. Owens' arguments and analysis fall in line with previous Black conservatives; however, she fails to fall into a precise category in terms of her stance on social issues such as abortion and gay rights; instead, she picks and chooses from her predecessors'

---

<sup>29</sup> Pew Research Center, "Party Affiliation among Voters," Pew Research Center - U.S. Politics & Policy (Pew Research Center, September 12, 2016), [https://www.pewresearch.org/politics/2016/09/13/2-party-affiliation-among-voters-1992-2016/2\\_1-5/](https://www.pewresearch.org/politics/2016/09/13/2-party-affiliation-among-voters-1992-2016/2_1-5/).



rhetoric and arguments and emerges as a limb of the Black conservative tree.

How *Poole v. State* Poses Constitutional Uncertainty: Jury  
Unanimity and the Supreme Court

---

*Aimee Clesi*

## Abstract

This paper assesses the Florida capital sentencing process, first by briefly describing the guilt and penalty phases of the criminal justice system and distinguishing between capital crimes and life felonies and, second, by investigating the requirement of unanimity in jury recommendations for convictions and death sentencing. Centered on the Supreme Court of Florida's 2020 decision in *Poole v. State*, this essay analyzes the majority, concurring, and dissenting opinions of the Court to discover how closely it adhered to legal precedent. Louisiana and Oregon are discussed to the extent that they contextualize Florida and put in perspective the legally permissible non-unanimous jury verdicts in criminal cases. Louisiana has a record history of discrimination against black defendants and its jury trials are tainted by a remnant of the Jim Crow era: an 1898 law designed purposely to exclude the voices of black jurors by permitting split-jury verdicts. Moreover, Oregon and its 1934 non-unanimous jury law, still in practice today, is rooted in anti-Semitism, evidenced by the government publications of the past. Overall, the startling history of non-unanimous jury decisions reveals the consequences of non-unanimity in the state court system and provides an excellent foundation to begin assessing the potential for universal unanimity in the second half of this paper, which addresses *Ramos v. Louisiana*. I argue that *Ramos*, if decided favorably, will challenge *Poole* and prompt voters in Florida and Alabama to establish a unanimous jury requirement. This requirement, founded in the Sixth Amendment, would apply to the selection decisions that determine whether a defendant eligible for the death penalty will in fact receive that sentence.

## Introduction

*Poole v. State*, a case argued in the Supreme Court of Florida and later decided on January 23, 2020, is particularly revealing about the condition of jury unanimity in capital cases in Florida.<sup>1</sup> *Poole* overturns the unanimous jury requirement in recommending death for a defendant, leaving Florida an outlier in sentencing procedure among the 27 states that still have the death penalty.<sup>2</sup> The 4-1 opinion rendered in *Poole* rejected key tenets of a previous landmark ruling, *Hurst v. State*, issued by the Court only four years earlier in 2016. Whereas the earlier *Hurst* case amended the Florida capital sentencing scheme and required a unanimous jury to recommend a death sentence, the *Poole* case recedes from this decision “except to the extent it requires a jury unanimously to find the existence of a statutory aggravating circumstance beyond a reasonable doubt.”<sup>3</sup> Thus, the *Poole* decision permits a non-unanimous jury to sentence a defendant to death as long as its members are unanimous in finding at least one aggravating circumstance. Many contend that non-unanimous jury convictions promote discrimination against racial minorities, drive up incarceration rates, and

---

<sup>1</sup> *Poole v. State*, No. SC18-245 (Fla. 2020), 55; Rosemary O’Hara et al. “Florida Supreme Court’s Ghastly Ruling on the Death Penalty,” *South Florida Sun Sentinel*, January 26, 2020. <https://www.sun-sentinel.com/opinion/editorials/fl-op-edit-florida-supreme-court-death-penalty-20200126-q6lteg7lynb4cl7ahb5fk3qpq-story.html>.

<sup>2</sup> Death Penalty Information Center, “State by State,” *DPIC*, 2021. <https://deathpenaltyinfo.org/state-and-federal-info/state-by-state>.

<sup>3</sup> *Poole v. State*, No. SC18-245 (Fla. 2020), 39.

increase the number of wrongful imprisonments.<sup>4</sup> In this paper, I argue that *Ramos v. Louisiana*, a case currently in front of the Supreme Court of the United States and awaiting a ruling, jeopardizes the outcome of *Poole*. Moreover, I assert that the *Poole* decision reflects the troubling decisions of leaders in a bygone era, who were fixated on establishing laws to punish religious and racial minorities, and how these laws might be changed. This paper addresses the following questions: (1) What events led to the ruling in *Poole* and make its outcome intelligible? and (2) What impact might *Ramos* have on *Poole* and universal unanimity (in all criminal cases, not just non-capital cases)?

---

<sup>4</sup> Valerie P. Hans et al, "Death Penalty: Should the Judge or the Jury Decide Who Dies?" *Journal of Empirical Legal Studies* 12, no. 1 (2015): 78-80. <https://heinonline.org/HOL/P?h=hein.journals/emplest12&i=74>; Aliza B. Kaplan and Amy Saack, "Overturning *Apodaca v. Oregon* Should Be Easy: Non-Unanimous Jury Verdicts in Criminal Cases Undermine the Credibility of Our Justice System," *Oregon Law Review* 95, no. 1 (2016): 36-43, <https://heinonline.org/HOL/P?h=hein.journals/orglr95&i=5>; Emily Maw and Jee Park, "Do Non-Unanimous Verdicts Discriminate? Louisiana Needs to Know," *The New Orleans Advocate*, October 5, 2017. [https://www.nola.com/opinions/article\\_a48bd5c9-757f-508d-9c43-92031b5a5d6b.html](https://www.nola.com/opinions/article_a48bd5c9-757f-508d-9c43-92031b5a5d6b.html); Jeff Adelson, Gordon Russell, and John Simerman, "How an Abnormal Louisiana Law Deprives, Discriminates and Drives Incarceration: Tilting the Scales," *The Advocate*, April 1, 2018. [https://www.theadvocate.com/baton\\_rouge/news/courts/article\\_16fd0ec-e-32b1-11e8-8770-33eca2a325de.html](https://www.theadvocate.com/baton_rouge/news/courts/article_16fd0ec-e-32b1-11e8-8770-33eca2a325de.html); Robert Brett Dunham, "DPIC Analysis: Exoneration Data Suggests Non-Unanimous Death-Sentencing Statutes Heighten Risk of Wrongful Convictions," *DPIC*, March 13, 2020. <https://deathpenaltyinfo.org/news/dpic-analysis-exoneration-data-suggests-non-unanimous-death-sentencing-statutes-heighten-risk-of-wrongful-convictions>.

## Analysis of Capital Felony Cases: Distinguishing between Capital and Life Felonies, the Guilt Phase, and the Penalty Phase

Sentencing a defendant to death is a complicated process, and the severity of a crime often determines whether the death penalty is warranted in the first place. A capital felony is distinguished from a life felony in terms of the seriousness of the crime and its punishment.<sup>5</sup> While a capital felony always constitutes first degree murder (except in cases involving high treason), a life felony may or may not involve murder and is also reserved for other serious crimes, including sexual battery, human trafficking, and severe child abuse.<sup>6</sup> Whereas the maximum punishment for a life felony is life without parole, a capital felony is punishable by death.<sup>7</sup> Given these facts, capital felonies tend to be treated with a higher level of scrutiny than life felonies.

---

<sup>5</sup> Fla. Stat. § 775.081 (2019). [*Note:* Classifies Life and Capital Felonies.]

<sup>6</sup> See Carlton F.W. Larson, “Five Myths about Treason,” *The Washington Post*, February 17, 2017. [https://www.washingtonpost.com/opinions/five-myths-about-treason/2017/02/17/8b9eb3a8-f460-11e6-a9b0-ecce7ce475fc\\_story.html](https://www.washingtonpost.com/opinions/five-myths-about-treason/2017/02/17/8b9eb3a8-f460-11e6-a9b0-ecce7ce475fc_story.html). At least fourteen people have been charged with treason against various states; at least six were convicted, five of whom were executed. Only one person has ever been executed for treason against the federal government: William Bruce Mumford, who was convicted of treason and hanged in 1862 for tearing down a United States flag during the American Civil War. However, this was under martial law, not Article Three of the United States Constitution.

<sup>7</sup> Fla. Stat. § 775.082 (2019). [*Note:* Outlines Penalties for Life and Capital Felonies.]

The guilt phase of a capital felony case involves standard court procedure and includes the first trial. If the jury finds a defendant guilty and the prosecution has sought the death penalty, the capital felony case will proceed to a unique stage: the penalty phase. The penalty phase is a separate sentencing proceeding conducted by the court to determine whether the defendant will receive a life or death sentence for the capital crime of which they were found guilty by the jury.<sup>8</sup> During the penalty phase, jurors weigh aggravating and mitigating factors to determine whether the defendant is eligible for the death penalty.<sup>9</sup> At this stage, the jury must vote whether to impose death, and in some states (Alabama and Florida), the jury's decision can be non-unanimous. While the Florida judicial system has assumed many safeguards to combat

---

<sup>8</sup> Fla. Stat. § 921.141 (2019). [*Note:* Describes Further Proceedings for Capital Felonies.]

<sup>9</sup> Fla. Stat. § 921.141(6) (2019). [*Note:* Describes Aggravating Factors.] Aggravating factors include robbery; sexual battery; aggravated child abuse; abuse of an elderly person or disabled adult resulting in great bodily harm, permanent disability, or permanent disfigurement; arson; burglary; kidnapping; aircraft piracy; or unlawful throwing, placing, or discharging of a destructive device or bomb. Fla. Stat. § 782.04(1)(b) (2019). [*Note:* Describes Mitigating Circumstances.] If an aggravating factor is especially heinous, atrocious, and cruel or was committed in a seriously depraved manner, it has the potential to outweigh several mitigating factors. Mitigating factors work in the defendant's favor and include the age of the defendant at the time of the crime; lack of significant history of prior criminal activity in the defendant's record; whether the defendant committed the capital felony while under the influence of extreme mental or emotional disturbance; and whether the defendant was an accomplice in the capital felony committed by another person and his or her participation was relatively minor.

the incorrect imposition of a death sentence, many argue that the non-unanimous decision-making capability of its juries is the system's biggest shortcoming and that the judicial system in Florida must do more to protect defendants. Many, including an assessment team comprised of law and psychology professors, former judges, prosecutors, and defense lawyers of the American Bar Association, assert that the permissibility of non-unanimity in the capital felony framework in Florida has promoted discrimination in capital sentencing.<sup>10</sup>

## Historical Context

Perhaps Louisiana and Oregon are the best examples of states with blatant records of discriminatory court proceedings and practices that explain the potential danger of non-unanimous jury decisions. Prior to 1898, Louisiana law demanded complete juror consensus on a verdict for conviction or acquittal. But in 1898, nearly 30 years after the ratification of the 15<sup>th</sup> Amendment that granted black men the right to vote, the drafters of the new Louisiana state constitution developed a plan to “perpetuate the supremacy of

---

<sup>10</sup> American Bar Association, *Evaluating Fairness and Accuracy in State Death Penalty Systems: The Florida Death Penalty Assessment Report: An Analysis of Florida's Death Penalty Laws, Procedures, and Practices* (Washington, D.C.: ABA Death Penalty Moratorium Implementation Project, 2006), vi-viii.  
<http://www.worldcat.org/lp.hscl.ufl.edu/oclc/184987000>.



the Anglo-Saxon race in Louisiana,”<sup>11</sup> largely by excluding the voices of black citizens from Louisiana juries. To achieve this goal, the drafters of the state constitution required nine out of twelve jurors to agree to impose a conviction; this way, if “one, two or even three black people made it onto a jury, their votes wouldn’t matter.”<sup>12</sup> The 1898 law, “a remnant of the Jim Crow era,”<sup>13</sup> was amended in 1974, when the juror requirement was upped from nine to ten.<sup>14</sup>

Oregon, for reasons similar to Louisiana, enacted a non-unanimous jury law in 1934.<sup>15</sup> The law was passed following a flurry in the media over immigration policies, pronounced anti-Semitism, and the case of a man named Jacob Silverman, “a Jewish hotel owner ... charged with the murder of two white Protestants in a gangland-style execution.”<sup>16</sup> The

---

<sup>11</sup> State of Louisiana, *Official Journal of the Proceedings of the Constitutional Convention of the State of Louisiana. And Calendar* (New Orleans, LA: H. J. Hearsey, 1898; Princeton University, 2017), 381.  
<https://hdl.handle.net/2027/njp.32101065310607>.

<sup>12</sup> Adelson, Russell, and Simerman, “How an Abnormal Louisiana Law.”

<sup>13</sup> Anthony Izaguirre, “Louisiana Takes Aim at Jim Crow-Era Jury Law,” *Associated Press*, April 14, 2018.

<https://apnews.com/dea3f20fd2a144aebf5089be65765ba8>.

<sup>14</sup> John Simerman and Gordon Russell, “Louisiana Voters Scrap Jim Crow-Era Split Jury Law; Unanimous Verdicts to be Required,” *The Advocate*, November 6, 2018.

[https://www.theadvocate.com/baton\\_rouge/news/politics/elections/article\\_194bd5ca-e1d9-11e8-996b-eb8937ebf6b7.html](https://www.theadvocate.com/baton_rouge/news/politics/elections/article_194bd5ca-e1d9-11e8-996b-eb8937ebf6b7.html).

<sup>15</sup> Henry Weinstein, “Opinion: Real Justice Requires Unanimous Juries for Criminal Convictions,” *The Los Angeles Times*, October 7, 2019.

<https://www.latimes.com/opinion/story/2019-10-07/supreme-court-unanimous-jury-louisiana-oregon-laws>.

<sup>16</sup> Tess Riski, “The New York Times Issues a Scathing Assessment of Oregon’s Non-Unanimous Jury Verdicts,” *Willamette Week*, January 19,

jury found Silverman guilty of a lesser charge—manslaughter—when it could not unanimously determine whether Silverman was culpable of murder.<sup>17</sup> An editorial published in *The Morning Oregonian* on November 25, 1933, asserted that “the vast immigration into America from southern and eastern Europe, of people untrained in the jury system” had made “the [unanimous] jury of twelve increasingly unwieldy and unsatisfactory.”<sup>18</sup> The newspaper article is only one instance of the then-prevalent community fervor for a constitutional amendment, and, in 1934, Oregonians got their wish: they amended their state constitution to require “ten circuit court jurors” to convict a defendant “except in capital cases,”<sup>19</sup> which made Oregon unlike most other states (see fig. 1).

---

2020. <https://www.wweek.com/news/2020/01/19/the-new-york-times-issues-a-scathing-assessment-of-oregons-non-unanimous-jury-verdicts/>.

<sup>17</sup> Weinstein, “Opinion: Real Justice.”

<sup>18</sup> Shane Dixon Kavanaugh, “Inside the Gangland Murder That Gave Oregon Its Unusual Jury System.” *The Oregonian*, September 21, 2017. [https://www.oregonlive.com/pacific-northwest-news/2017/09/inside\\_the\\_1933\\_murder\\_trial\\_t.html](https://www.oregonlive.com/pacific-northwest-news/2017/09/inside_the_1933_murder_trial_t.html).

<sup>19</sup> P. J. Stadelman, *Oregon Voters' Pamphlet, Special Election, May 18, 1934* (Salem, OR: Secretary of State, 1934; State Library of Oregon, 2009), 6. [http://library.state.or.us/repository/2009/200912301518203/sp1934\\_6\\_18.pdf](http://library.state.or.us/repository/2009/200912301518203/sp1934_6_18.pdf).

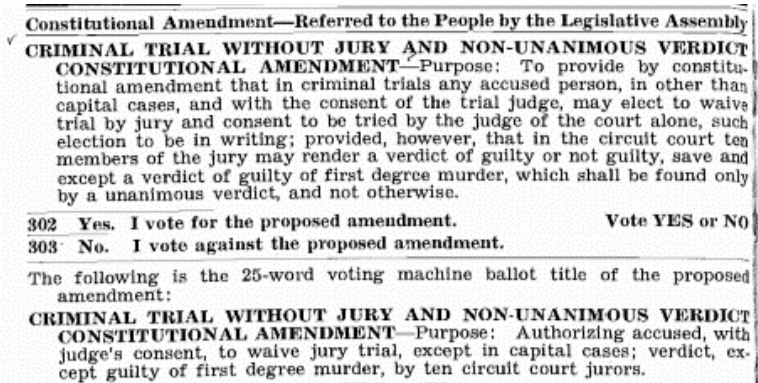


Figure 1. Excerpt noting a proposed state constitutional amendment in Oregon that would require “ten circuit court jurors” to convict a defendant in “criminal trials ... in other than capital cases.”

Like Louisiana, the state had succeeded in introducing legal clauses inspired by racial thinking into the state constitution. Yet, today, Oregon alone generates such a law.

## The Cost of Non-Unanimous Jury Decisions

Those who defend split-jury verdicts (non-unanimity) claim the Louisiana law is efficient since it limits hung juries and dispels the possibility of countless retrials. Pete Adams, the executive director of the Louisiana District Attorneys Association, explains: “[G]etting 80 percent of people in any group to agree on any topic is a phenomenal task. Everyone’s in their corner. More so than ever, people take their agendas into the courtroom. You’re inviting jury nullification [with a

unanimous jury requirement].”<sup>20</sup> On the other hand, advocates against non-unanimous juries claim that the Louisiana law is discriminatory and racist since it sends more black than white defendants to prison.<sup>21</sup> A 2018 study by *The Advocate* found that “40 percent of trial convictions ... came over the objections of one or two holdouts” and “[w]hen the defendant was black, the proportion went up to 43 percent, versus 33 percent for white defendants.”<sup>22</sup> Moreover, proponents of a unanimous jury, like Ed Tarpley, the former district attorney of Grant Parish, Louisiana, argue that the right to be convicted by a unanimous jury falls under the Sixth Amendment of the United States Constitution. Tarpley asks, “How can you say a person has been convicted and found guilty beyond a reasonable doubt when one or two of the jurors says, ‘No, I have reasonable doubt.’?”<sup>23</sup> Overall, Adams’ and Tarpley’s arguments make two points: 1) non-unanimous jury decisions are highly contested and 2) many Louisianans feel something

---

<sup>20</sup> Gordon Russell, “Senate Committee Approves Bill That Would Let Voters Junk Louisiana’s Non-Unanimous-Jury Law,” *The Advocate*, March 20, 2018.

[https://www.theadvocate.com/baton\\_rouge/news/politics/legislature/article\\_676aea00-2c87-11e8-9f59-6b8c519f6a6f.html](https://www.theadvocate.com/baton_rouge/news/politics/legislature/article_676aea00-2c87-11e8-9f59-6b8c519f6a6f.html).

<sup>21</sup> American Bar Association, *Evaluating Fairness and Accuracy in State Death Penalty Systems: The Florida Death Penalty Assessment Report: An Analysis of Florida’s Death Penalty Laws, Procedures, and Practices* (Washington, D.C.: ABA Death Penalty Moratorium Implementation Project, 2006), 345-68. <http://www.worldcat.org/lp.hscl.ufl.edu/oclc/184987000>.

<sup>22</sup> Adelson, Russell, and Simerman, “How an Abnormal Louisiana Law.”

<sup>23</sup> Russell, “Senate Committee Approves Bill.”

should be done about the permissibility of non-unanimous jury convictions in their state.

## Amending Louisiana Law

Aware of the bias tendered by non-unanimous jury decisions, Louisiana voters decided to amend their state constitution in 2018. The Unanimous Jury Coalition, which supported the implementation of unanimous jury convictions, led the campaign in support of Amendment 2, which appeared on the statewide ballot in November 2018.<sup>24</sup> When election time came for Louisiana voters, 64.35% of voters (938,182 votes) cast a “yes” vote for Amendment 2 and 35.65% of voters (519,731 votes) voted against the measure.<sup>25</sup> The success of Amendment 2 put an end to the century-old practice of allowing non-unanimous juries to convict defendants in Louisiana, which was disconcerting for having allowed Anglo-Saxons to reassert their dominance over African Americans in the post-Reconstruction period.

For those who still oppose unanimous jury convictions, it is worth noting how the previously mentioned survey of nearly 1,000 court cases in Louisiana revealed, contrary to opponents’ time- and money-saving arguments against

---

<sup>24</sup> Will Harrell, “Vote Yes On 2!” *Unanimous Jury Coalition*, n.d. <https://www.unanimousjury.org/yes-on-2/>.

<sup>25</sup> Louisiana Secretary of State, “Results for Election Date: 11/6/2018,” *Voter Portal*, November 6, 2018. <https://voterportal.sos.la.gov/static/2018-11-06/resultsRace/Statewide>.

unanimous jury decisions, that “unanimous verdicts tend to arrive more quickly [than non-unanimous verdicts]” and “[w]hen a jury is sure of guilt, unanimity often comes easily.”<sup>26</sup> The study proved that, with most split verdicts, “it’s a struggle to get to 10 votes.”<sup>27</sup> This speaks to the benefit of adopting a unanimous jury decision policy, as Louisianans did using their constitutional amendment process. Now, Oregon is the sole author of non-unanimous jury convictions.<sup>28</sup> However, depending on the outcome of *Ramos v. Louisiana*, a case currently being decided by the Supreme Court of the United States, this may not last.

## Florida on Death Row

When thinking about the non-unanimous jury decisions that still exist in Oregon, it is important to note that they are of a kind: they are the decisions made to convict defendants for noncapital felonies. Louisiana and Oregon, unlike Florida, require unanimous jury convictions in capital felony cases.<sup>29</sup>

---

<sup>26</sup> Adelson, Russell, and Simerman, “How an Abnormal Louisiana Law.”

<sup>27</sup> Ibid.

<sup>28</sup> Amy Howe, “Argument Analysis: Justices Weigh Constitutionality of Non-Unanimous Jury Rule,” *SCOTUSblog*, October 7, 2019. <https://www.scotusblog.com/2019/10/argument-analysis-justices-weigh-constitutionality-of-non-unanimous-jury-rule/>.

<sup>29</sup> Howe, “Argument Preview: Court to Consider Whether Right to Unanimous Jury Verdict Applies to State Criminal Trials,” *SCOTUSblog*, September 30, 2019. <https://www.scotusblog.com/2019/09/argument-preview-court-to-consider-whether-right-to-unanimous-jury-verdict-applies->

Florida and Alabama are the only states that permit the second kind of non-unanimous jury decision, which exists in death penalty cases.<sup>30</sup> Whether the U.S. Constitution permits the states to have non-unanimous jury sentencing in capital cases is important in determining whether the *Poole* case is threatened by *Ramos v. Louisiana*. We recall that the *Poole* case revived Florida's non-unanimous jury conviction system for capital cases.<sup>31</sup> Were the U.S. Supreme Court to rule in favor of Evangelisto Ramos, defendant and petitioner in *Ramos v. Louisiana*, it is unclear whether the logic of the case (Ramos was convicted of murder in a noncapital case) would apply to jury decisions in state capital (death penalty) cases (as it would in state noncapital cases). However, this logic should apply to state capital (death) *and* noncapital (life) cases, given the discriminatory past of non-unanimous jury decisions. If the U.S. Supreme Court were to rule in favor of *Ramos*, then the majority decision in *Poole* might have a difficult time standing.

---

to-state-criminal-trials/. [Note: Recall that Oregon is the only state left that does not require unanimous jury decisions in noncapital cases.]

<sup>30</sup> C.J. Ciaramella, "Condemned to Death by a Split Jury in Florida," *Reason Magazine*, May 2020.

<http://search.ebscohost.com.lp.hscl.ufl.edu/login.aspx?direct=true&AuthTtype=ip,uid&db=edsgao&AN=edsgcl.619631718&site=eds-live>.

<sup>31</sup> *Poole v. State*, No. SC18-245 (Fla. 2020), 35. [Note 1: "[O]ur Court in *Hurst v. State* got it wrong."]

## *Apodaca v. Oregon and Ramos v. Louisiana*

The Supreme Court of the United States’ 1972 decision in *Apodaca v. Oregon* provides the necessary context for *Ramos* and its potential effect on *Poole*. In *Apodaca*, the Court ruled that “the Sixth Amendment guarantees a right to a unanimous jury, but that such a right does not extend to defendants in state trials [only federal trials].”<sup>32</sup> Jay Schweikert of the Cato Institute sums up the *Ramos* argument succinctly when he states, “*Ramos*’ main argument is that the unanimous jury requirement is a core component of the Sixth Amendment, and it ought to apply equally against the States as it does against the Federal Government. And therefore, his conviction that was not unanimous was unconstitutional and needs to be reversed.”<sup>33</sup> Essentially, the *Ramos* case calls for the *Apodaca* rules (that already govern federal cases) to apply to state jury proceedings.

During oral arguments for *Ramos v. Louisiana* on October 7, 2019, the justices speculated on the implications of ruling in favor of *Ramos* (see fig. 2). Justice Samuel Alito asserted, “Louisiana and Oregon have tried thousands of cases, in reliance on *Apodaca*,”<sup>34</sup> alluding to the consequences for

---

<sup>32</sup> Howe, “Argument Preview: Court to Consider.”

<sup>33</sup> The Federalist Society, “*Ramos v. Louisiana* [SCOTUSbrief],” *YouTube*, October 6, 2019, video, 4:06.  
[https://www.youtube.com/watch?v=VIH26MeGz\\_M](https://www.youtube.com/watch?v=VIH26MeGz_M).

<sup>34</sup> “*Ramos v. Louisiana*,” *Oyez*, October 7, 2019.  
<https://www.oyez.org/cases/2019/18-5924>.



the Court were it to overrule *Apodaca* and how thousands of cases would be reversed and require retrial.



Figure 2. Jeffrey L. Fisher, co-director of the Stanford Law School Supreme Court Litigation Clinic, argues on behalf of the petitioner, Ramos, in the U.S. Supreme Court. Drawing by Arthur Lien, the Courtartist, on October 7, 2019.

Justice Neil Gorsuch also asked, in the same vein of curiosity, “What do we do with those 14 cases throughout Supreme Court history that seem to treat unanimity as part of the Sixth Amendment?” (see fig. 3) and Justice Kavanaugh assessed what practical reasons might exist for the Court to overrule *Apodaca*: “There are defendants who have been convicted and sentenced to life, 10-2 or 11-1, who otherwise would have not been convicted.”<sup>35</sup>

<sup>35</sup> “*Ramos v. Louisiana*,” *Oyez*. [Note: *Oral Argument Audio*.]

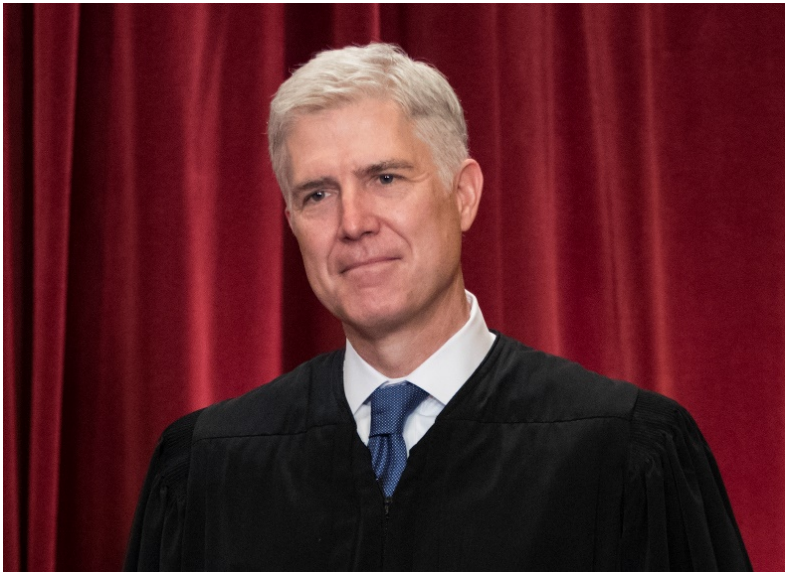


Figure 3. Justice Neil Gorsuch, who asked about the Sixth Amendment and the incorporation of unanimity during the *Ramos* oral arguments, poses for an official portrait at the U.S. Supreme Court (courtesy of J. Scott Applewhite, Associated Press).

Justice Kavanaugh also reiterated that “the non-unanimity rule is rooted in racism and a desire to diminish the voices of black jurors” and asked Louisiana’s solicitor general, Elizabeth Murrill, “[w]hy ... aren’t those two things enough [to overrule *Apodaca*]?” (see fig. 4).<sup>36</sup>

---

<sup>36</sup> Howe, “Argument Analysis: Justices Weigh Constitutionality.”



Figure 4. Elizabeth Murrill, the Solicitor General of Louisiana, argues against non-unanimous jury verdicts in the U.S. Supreme Court. Justices Elena Kagan and Brett Kavanaugh are also pictured. Drawing by Arthur Lien, the Courtartist, on October 7, 2019.

On the other hand, Justice Samuel Alito commented on the precedent (*stare decisis*) that exists in favor of non-unanimous jury verdicts and asked Thomas Fisher, counsel for *Ramos*, “But if another state were to enact the same statute that Louisiana has tomorrow and did it for all of the legitimate policy reasons ... all of which allow non-unanimous juries ... if that was enacted for that reason, that might be constitutional, but this statute is not constitutional and the Oregon statute is not constitutional because of the origin that you attribute to them?”<sup>37</sup> “No,” Fisher responded, asserting that “part of the

<sup>37</sup> Justice Alito is right to argue this. According to the ABA, “the ABA’s Criminal Justice Standards permitted non-unanimous jury verdicts [before 1976].” See ABA, *Standards for Criminal Justice, Trial by Jury*, Standard 1.1 (Approved Draft 1968); *Johnson v. Louisiana*, 406 U.S. 366, 377 & n.12 (1972) (Powell, J.). Since that time, ABA has comprehensively revisited the

design [of non-unanimous jury verdicts] was to leave a part of that cross-section [of the community], perhaps, out of deliberations.”<sup>38</sup> Fisher then argued that, since precedent is in favor of *Ramos*, the justices should rule in a way that guarantees unanimity in jury deliberations. In fact, Fisher claimed, the framers drafted the Sixth Amendment with the idea in mind that its jury-trial clause required a unanimous verdict.<sup>39</sup> The second major point Fisher stressed is that the 14<sup>th</sup> Amendment necessitates that the unanimous jury requirement apply to the states, in addition to the federal government.<sup>40</sup> Considering Fisher’s argument, *Ramos* presents the opportunity to put an end to the states’ back-and-forth over precedent, something state courts cannot achieve alone. But most importantly, Fisher’s argument brings the disturbing history surrounding non-unanimity to the forefront and asks whether it is ethical to continue the practice of allowing non-unanimous verdicts, since scholarship clearly reveals how discrimination (racial, religious, and otherwise) too often plays a hand in jury proceedings.

---

question and has surveyed extensive social science and historical research, leading it to conclude that non-unanimous verdicts are inconsistent with a fundamentally fair criminal justice system.” See Brief for the ABA as Amicus Curiae, *Ramos v. Louisiana*, \_\_\_ U. S. \_\_\_ (2020), 3. [Note: *Filed June 18, 2019.*]; “*Ramos v. Louisiana*,” *Oyez*. [Note: *Oral Argument Audio.*]

<sup>38</sup> “*Ramos v. Louisiana*,” *Oyez*. [Note: *Oral Argument Audio.*]

<sup>39</sup> Howe, “Argument Preview: Court to Consider.”

<sup>40</sup> “*Ramos v. Louisiana*,” *Oyez*. [Note: *Oral Argument Audio*]; Brief for the ABA as Amicus Curiae, *Ramos v. Louisiana*, \_\_\_ U. S. \_\_\_ (2020), 4-10. [Note: *Filed June 18, 2019.*]

## The *Poole* Distinction and Adherence to Precedent

The majority opinion in *Poole* asserted that non-unanimous jury recommendations were permissible in capital cases since they are not what determine the defendant's eligibility for the death penalty.<sup>41</sup> In 2005, Mark Anthony Poole, the Florida death-row inmate at the center of *Poole*, was found guilty of first-degree murder for the 2001 slaying of Noah Scott, as well as the attempted first-degree murder and sexual battery of Loretta White, armed burglary, and armed robbery. Poole received a death sentence but sought a new sentencing hearing since his jury did not unanimously recommend his death sentence. On June 29, 2011, following a new penalty phase, the jury (again) recommended death, by a (non-unanimous) vote of 11 to 1.<sup>42</sup>

Concerning unanimous jury decisions, the justices in *Poole* “addressed two different aspects of the capital decision-making process: the eligibility decision and the selection decision.”<sup>43</sup> Trying a defendant for first degree murder and assessing a guilty verdict is what they referred to as eligibility.<sup>44</sup>

---

<sup>41</sup> Fla. Stat. § 775.082(1) (2010). A defendant's eligibility for death is determined by “*findings by the court* that such person shall be punished by death.”; *Poole v. State*, No. SC18-245 (Fla. 2020), 26. [Note: It is the court—the jurors—that try a defendant and determine whether they are guilty.]

<sup>42</sup> *Poole v. State*, No. SC18-245 (Fla. 2020), 6.

<sup>43</sup> *Poole v. State*, No. SC18-245 (Fla. 2020), 24.

<sup>44</sup> *Ibid.* [Note: As to the eligibility decision, the Court has required that the death penalty be reserved for only a subset of those who commit murder. “To render a defendant eligible for the death penalty in a homicide case, [the Supreme Court has] indicated that the trier of fact must convict the

This means that everyone who commits murder is potentially eligible for the death sentence.<sup>45</sup> By contrast, the selection process, the Court asserted, “involves determining whether a defendant eligible for the death penalty should in fact receive that sentence,”<sup>46</sup> and necessitates that the jury weigh aggravating factors and mitigating circumstances against one another. How can a non-unanimous jury recommendation be discriminatory, the Court reasoned, when jurors are the ones who determine the defendant’s eligibility for the death penalty by assessing whether they are guilty and, secondly, when the defendant is safeguarded against unnecessary capital punishment since the Court requires a unanimous assessment of aggravating and mitigating circumstances?<sup>47</sup> In defense of non-unanimous jury recommendations for death, the Court asserted:

As we have explained, the [U.S.] Supreme Court in *Spaziano* upheld the constitutionality under the Sixth

---

defendant of murder and find one ‘aggravating circumstance’ (or its equivalent) at either the guilt or penalty phase.”]; see comparison of “sufficiency” and “existence” of one or more statutory aggravating circumstances. *Poole v. State*, No. SC18-245 (Fla. 2020), 27.

<sup>45</sup> Distinguishing between the eligibility and selection decisions, U.S. Supreme Court Justice Antonin Scalia wrote, “Whereas the former exposes a defendant to a maximum penalty of life imprisonment, the latter increases the maximum permissible sentence to death.” [See *Sattazahn v. Pennsylvania*, 537 U.S. 101, 111 (2003).]

<sup>46</sup> *Ibid.*

<sup>47</sup> “As we have explained, under longstanding Florida law, it is the finding of an aggravating circumstance that exposes the defendant to a death sentence.” [See *Poole v. State*, No. SC18-245 (Fla. 2020), 29-30.]

Amendment of a Florida judge imposing a death sentence even in the face of a jury recommendation of life—a jury override. It necessarily follows that the Sixth Amendment, as interpreted in *Spaziano*, does not require any jury recommendation of death, much less a unanimous one.<sup>48</sup>

The fact that a judge alone has the power to overrule a jury’s recommendation and sentence a defendant to life or death is what the Court used to partially recede from the *Hurst* decision and reinstate non-unanimous jury recommendations for death in capital cases. As Justice Jorge Labarga points out in his dissent, “The majority gives the green light to return to a practice that is not only inconsistent with laws of all but one of the twenty-nine states that retain the death penalty, but inconsistent with the law governing the federal death penalty.”<sup>49</sup> Moreover, when the U.S. Supreme Court decided *Hurst v. Florida* in 2016, it did not explain whether the jury

---

<sup>48</sup> *Poole v. State*, No. SC18-245 (Fla. 2020), 31.

<sup>49</sup> *Poole v. State*, No. SC18-245 (Fla. 2020), 51; Justice Labarga is right to point out that Alabama and Florida are outliers in permitting non-unanimity. There is precedent supporting unanimity. Consider Justice Labarga’s comments: “The historical treatment of unanimity in Florida underscores our conclusion in *Hurst v. State* that Florida’s right to trial by jury, contained in article I, section 22, of the Florida Constitution, requires that a jury unanimously recommend a sentence of death.” [See *Poole v. State*, No. SC18-245 (Fla. 2020), 53.] Additionally, think of U.S. Supreme Court Justice Ruth Bader Ginsburg’s comments in the oral arguments for *Ramos*: “Everybody understood a jury trial meant unanimous agreement. So, he [Alexander Hamilton] took it out because we didn’t want to clutter up the Constitution with unnecessary statements. The words ‘jury trial’ themselves mean unanimous verdict.” [See “*Ramos v. Louisiana*,” *Oyez*.] [Note: *Oral Argument Audio*.]

recommendation for punishment needed to be decided unanimously, or whether there needed to be a recommendation at all, which supports the findings of the majority in *Poole*. In his concurrence, Justice Alan Lawson seemingly refutes Justice Labarga’s argument for unanimous jury verdicts when he writes:

Prior to this Court’s decision in *Hurst v. State*, this Court had repeatedly and consistently held that Florida’s constitution was not violated by the imposition of a death sentence without unanimous jury determinations during the sentencing proceeding. ... This was the “settled [Florida] law” on the issue until *Hurst v. State*.<sup>50</sup>

Although established law in Florida permitted non-unanimous jury verdicts prior to *Hurst*, as Justice Lawson describes, Justice Labarga’s argument is not without merit. In fact, while the precedent adhered to by the Court in the *Poole* case was appropriate, its historical accuracy makes a future challenge in the U.S. Supreme Court likely.<sup>51</sup> Recall that Justice Labarga, in a section of his dissent, argued that the majority delivered an opinion that situates the state of Florida opposite the federal

---

<sup>50</sup> *Poole v. State*, No. SC18-245 (Fla. 2020), 44–45.

<sup>51</sup> In his dissent, Justice Labarga stated, “Given Florida’s long history of requiring unanimous jury verdicts, it defies reason to require unanimous juries for the conviction of a capital offense but to then reduce the jury’s collective obligation when determining whether the defendant’s life should be taken as punishment for that offense.” See *Poole v. State*, No. SC18-245 (Fla. 2020), 54.



government.<sup>52</sup> If *Ramos* becomes deciding precedent, there will likely be implications for *Poole*, which held that the 6<sup>th</sup> Amendment only requires eligibility decisions, and not selection decisions, to be made unanimously by a jury.<sup>53</sup>

## Conclusion

Louisiana and Oregon paint a picture that clearly demonstrates the irreconcilable problems and consequences of non-unanimous jury decisions: namely, discrimination in sentencing, but also wrongful convictions. The benefits of non-unanimity (saving time and money, for instance) are far outweighed by the distressing history of non-unanimous jury laws (many of which were established to punish religious and racial minorities, like Jacob Silverman, a Jewish man, and African Americans post-Reconstruction). In his dissent, Justice Labarga noted that Florida (in permitting non-unanimity in selection decisions by juries in capital cases) remains the state with the highest number of death row exonerations.<sup>54</sup> It is an inescapable fact that twenty-nine Florida death row prisoners

---

<sup>52</sup> The federal government requires unanimous jury verdicts in death penalty cases.

<sup>53</sup> “We are bound by Supreme Court precedents that construe the United States Constitution.” [See *Poole v. State*, No. SC18-245 (Fla. 2020), 32]; American Bar Association. “Florida Supreme Court ‘Recedes’ from Major Death Penalty Decision Creating Uncertainty About Status of Dozens of Cases,” *Death Penalty Representation Project*, March 11, 2020, [https://www.americanbar.org/groups/committees/death\\_penalty\\_representation/project\\_press/2020/spring/florida-supreme-court-state-v-poole/](https://www.americanbar.org/groups/committees/death_penalty_representation/project_press/2020/spring/florida-supreme-court-state-v-poole/).

<sup>54</sup> *Poole v. State*, No. SC18-245 (Fla. 2020), 44–45.

have been exonerated, or approximately one for every three prisoners executed in the state post-*Gregg*.<sup>55</sup> While the judicial majority in *Poole* argued that “there is no constitutional imperative that a jury have the responsibility of deciding whether the death penalty should be imposed,”<sup>56</sup> the American Bar Association “has long recognized that a requirement of jury unanimity in criminal cases is fundamental to the right to jury trial secured by the Sixth Amendment and is essential to maintaining public confidence in the criminal justice system.”<sup>57</sup> Therefore, voters in Alabama and Florida must take steps to ensure unanimity in the selection decisions, or recommendations, of jurors in capital cases by amending their state constitutions and statutes.<sup>58</sup> If *Ramos* is decided favorably, it will require unanimity in criminal cases, potentially challenge *Poole* (or the non-unanimous “selection” decision), and serve as a basis for voters to strike out the Florida and Alabama laws that permit non-unanimity in capital cases. Although it is a monumental task to require unanimity of jurors (it demands an entire state-led campaign, as evidenced by Amendment 2 in

---

<sup>55</sup> The U.S. Supreme Court’s landmark decision in *Gregg v. Georgia* (1976) lifted the nationwide moratorium on the death penalty. American Bar Association, “Florida Supreme Court ‘Recedes’ from Major Death Penalty Decision.”

<sup>56</sup> *Poole v. State*, No. SC18-245 (Fla. 2020), 13.

<sup>57</sup> Brief for the ABA as Amicus Curiae, *Ramos v. Louisiana*, \_\_\_ U. S. \_\_\_ (2020), 2. [Note: Filed June 18, 2019.]

<sup>58</sup> Neil Skene, *The Supreme Court of Florida: A Journey toward Justice, 1972-1987* (Gainesville, FL: University Press of Florida, 2017), 339-59.

Louisiana), voters would be taking a step in the right direction by rubbing out discriminatory structures of the past and establishing new laws, or precedents, for judicial interpretation.

## Race and Identity

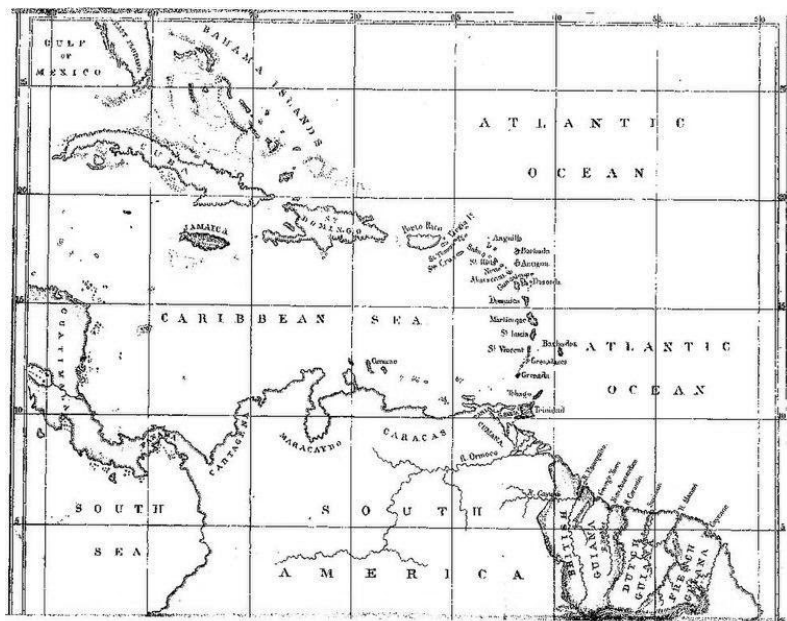
---



## Teaching to Toil: Plantation Labor as a Moral Obligation in Post-Emancipation Antigua

---

*Arturo S. Gonzalez*



John Davy, *The West Indies Before and Since Slave Emancipation* (London: W. & F. G. Cash, 5, Bishopsgate Without, 1854).

## **Abstract**

After the abolition of slavery in 1834, the ruling class of Antigua implemented novel schemes to maintain control over Black Antiguan's labor. Based on evidence from travel diaries, this paper argues that the educational system on the island utilized coded language to make participation in the plantation economy a matter of moral obligation. Specifically, calls for religious instruction that emphasized the virtues of "industry" and "obedience" were attempts to convince children to sell their labor to sugar plantations and accept a legal system which codified their subjugation. This research explores how this method of social control worked in tandem with legal restrictions, the economic power of planters, and the moral authority of missionaries to limit the scope of Black Antiguan's freedom.

On August 1, 1834, the Slave Emancipation Act went into effect, and slavery was legally abolished throughout the British West Indies. However, most of the Black population under British rule did not gain full freedom on that day. The act replaced slavery with a new system; all slaves over the age of six became "apprentices" of their former master, who ostensibly would prepare them for full emancipation during a six-year transitional period. During that time, the apprentices owed their masters free labor, and the masters owed their

apprentices food, clothing, and lodging.<sup>1</sup> This compromise solution satisfied none and angered all. R. Jarritt, a manager of the Codrington plantation on Antigua, purportedly heard from his slaves “that [we] would be worse off as apprentices than [we] are now” and that “if we are to be freed at the end of seven years, let us remain as we are till then.”<sup>2</sup> Jarritt was most likely expressing his own opinion through the voice of a slave to give it more credibility because when slaves in Trinidad protested the scheme, it was to advocate for immediate and full emancipation. On the day the act went into effect, a crowd gathered at the governor’s house in Port of Spain and chanted “Pas de six ans!” (No six years!).<sup>3</sup>

On the island of Antigua, however, planters devised a novel solution to the apprenticeship system. In order to bypass the hated compromise, the colonial assembly passed its own abolition bill. On August 1, 1834, the slaves of Antigua were fully emancipated and became wage laborers. Antigua was the only British, sugar-producing colony to move immediately from slavery to full emancipation. Though they no longer had outright legal ownership of their workforce’s labor, the

---

<sup>1</sup> Natasha Lightfoot, *Troubling Freedom: Antigua and the Aftermath of British Emancipation* (Durham: Duke University Press, 2015), 87.

<sup>2</sup> R. Jarritt to Christopher Codrington, Antigua, 2 October 1833, in *The Codrington Correspondence 1743-1851*, ed. Robson Lowe (London: Robson Lowe LTD., 1951), 73.

<sup>3</sup> Anthony de Verteuil, *Seven Slaves & Slavery: Trinidad 1777-1838* (Port of Spain: 1992), 371.



Antiguan planters implemented less overt methods of social control.<sup>4</sup>

The moral education of Black children in missionary-run schools was a controversial way of influencing the young generation of Black Antiguan. In 1837, James A. Thome and Joseph H. Kimball, two American abolitionists who had traveled to Antigua in order to report on conditions there noted that “[the planters] first insisted that the abolition of the slave-trade would ruin the colonies — next the abolition of slavery was the certain destruction of the islands — and now the education of children is fraught with disastrous consequences.”<sup>5</sup> However, planters and missionaries agreed on the need to maintain the socio-economic status quo and disagreed only about whether education could be used for that purpose.

Even though planters resisted the education of former slaves, the education provided by the missionaries aligned with their goal of subjugating Black Antiguan. Their focus on religious and moral instruction had a particular emphasis on “industry” and “obedience,” coded terms that made the sale of labor to sugar plantations morally obligatory and mandated acceptance of laws that severely limited Black Antiguan’s

---

<sup>4</sup> Lightfoot, *Troubling Freedom*, 85.

<sup>5</sup> James A. Thome and Joseph H. Kimball, *Emancipation in the West Indies: a six months' tour in Antigua, Barbadoes, and Jamaica, in the year 1837* (New York: The American Anti-Slavery Society, 1838), 57.

freedom. Using travel diaries from foreign abolitionists who visited the island only a few years after emancipation, this research analyzes the testimony of Black Antiguan, missionaries, planters, and imperial bureaucrats with a critical post-colonial lens previously adopted by other academics of education in the Caribbean. In doing so, it was found that Carl C. Campbell's argument that schools in colonial Jamaica were ineffective because "it was clear that colour and class discrimination and the meager fare of the schools prevented black children from using their skills in literacy as levers of upward mobility in [society]" applies easily to the Antiguan case, and, as William Green said of the West Indies more generally, "religious instruction was deemed a noble device for uplifting the human spirit, controlling passion, and preserving the prevailing social order."<sup>6</sup> The work of Natasha Lightfoot, who details the major legal limitations imposed on Black Antiguan after emancipation for the purpose of maintaining the plantation economy, was also a major influence on this article.<sup>7</sup> After reviewing the origins of education during the slavery period, the post-abolition educational system of Antigua is contextualized within other methods of social

---

<sup>6</sup> Carl C. Campbell, *Social and Economic Obstacles to the Development of Popular Education in Post-Emancipation Jamaica* (Mona: University of the West Indies, Dept. of History, 1980); William Green, *British Slave Emancipation: The Sugar Colonies and the Great Experiment 1830-1865* (Oxford: Clarendon Press, 1976), 329.

<sup>7</sup> Lightfoot, *Troubling Freedom*.

control Lightfoot describes. Finally, it is explained how the missionaries' dual promotion of industry and obedience complemented the new restrictive laws and directly supported the planters' agricultural regime.

\*            \*            \*

Before the abolition of slavery, formal education was nearly unobtainable for the Black population of Antigua because planters saw slaves as investments that existed only to generate wealth for the estate. When Thome and Kimball interviewed the oldest Moravian missionary on Antigua, Mr. Newby, he recalled that many years before abolition “it was impossible to teach the slaves, excepting by night, secretly.”<sup>8</sup> Eventually, public opinion in England turned against the planters, forcing slave-owners to begrudgingly tolerate the education of Black Antiguan. Even then, children were only allowed to attend day schools until the age of six. A Moravian missionary, Charles Thwaites, told Thome and Kimball that, during this period, older children and adults who wanted to attend school had to do so at night after working in the fields. Thwaites argued that the priority of plantation profitability over education completely undermined the effectiveness of

---

<sup>8</sup> Thome and Kimball, *Emancipation in the West Indies*, 126-27.

their teaching mission.<sup>9</sup> Therefore, even when slaves found access to education, planters had the legal authority to limit their exposure, or make agricultural work a precondition for instruction. Those who overcame the substantial barriers to education were taught exclusively by Christian missionaries. If the curriculum in Antigua was similar to that in nearby Barbuda, lessons would have focused entirely on religious and moral instruction. Slaves would have been taught the catechism and essential prayers, along with basic literacy for the purpose of Bible study.<sup>10</sup>

By the early nineteenth century, planters were less vehement, or in any case less effective, in their fight against schools and the education of slaves. According to Thome and Kimball, “When the public opinion of England began to be awakened against slavery, the planters were induced, for peace sake, to *tolerate* education to some extent.”<sup>11</sup> This change in educational policy was not then a result of planters’ change in attitudes toward the education of slaves, but a change in political circumstances. The effect on profit margins remained the foremost consideration when designing schools. This

---

<sup>9</sup> Thome and Kimball, *Emancipation in the West Indies*, 63-64, 127; Joseph Sturge and Thomas Harvey, *The West Indies in 1837* (London: Hamilton, Adams, & Co., 1838), 36.

<sup>10</sup> Matthew Blake Strickland, “Civilizing Slavery: Imperialism, Anglicanism, and African Slavery in Barbados” (PhD diss., University of Florida, 2019), 61-66.

<sup>11</sup> Thome and Kimball, *Emancipation in the West Indies*, 127. Emphasis in original.

profit-over-pedagogy attitude on the part of the planters carried over into the post-abolition period, and continued to influence the colonial education system even as it greatly expanded during the mid-nineteenth century.

When missionaries expanded existing operations after the abolition of slavery, the curriculums of the new schools were still primarily focused on the religious and moral instruction of the Black population.<sup>12</sup> When they taught skills such as literacy and numeracy, the goal was not to facilitate the socioeconomic advancement of students by, for example, helping workers better negotiate contracts, navigate the legal system, or independently organize; nor was the goal to allow for participation in the economy as independent farmers or as middle-class professionals. The teaching of literacy was limited to its religious purpose, aiming only to allow independent study of the Bible. The missionaries were applying to Antigua the elite, British belief that education for the poor existed to prepare them for poverty.<sup>13</sup> This was a view most clearly articulated by Parliament member Robert Lowe, who said, “We do not profess to give these children [of the labouring poor] an

---

<sup>12</sup> Shirley C. Gordon, “The Negro Education Grant 1835-1845: Its Application in Jamaica,” *British Journal of Educational Studies* 6, no. 2 (May 1958): 140; Frances Lanaghan, *Antigua and Antiguan: a full account of the colony and its inhabitants* (London: Saunders and Otley, 1844), 46. “We ought now look for brighter days . . . schools have been erected in all parts of the island.”

<sup>13</sup> Charles Birchenough, *History of Education in England and Wales from 1800 to the Present Day* (London: W.B. Clive, University Tutorial Press, 1920), 10.

education that will raise them above their station and business in life—that is not our object—but to give them an education that may fit them for that business.”<sup>14</sup> The goal of the colonial education system in Antigua was to maintain the socioeconomic status quo.

Regardless of the missionaries’ limited goals, the planters of Antigua were strongly opposed to expanded efforts to educate the Black population. However, the planters’ diminished authority over Black Antiguan lessened their ability to gate-keep education, as it was more difficult to force children out of school. An unnamed Black Antiguan shared with Joseph Sturge and Thomas Harvey, British abolitionists who were visiting the island, that “he had just received thirty days notice to quit, because he refused to allow one of his children[,] whom he wished to put to a trade, to go to the field.”<sup>15</sup> In the employer’s opinion, access to education ought to have remained secondary to the need for agricultural labor, but he no longer owned the labor of his employee or his employee’s son, so he could not order them to abandon education for work. Such overt methods of control were no longer effective after abolition because Black Antiguan had legal autonomy and the freedom to leave employers they

---

<sup>14</sup> Cross Commission, *Final Report of the Commissioners Appointed to Inquire into the Elementary Education Acts, England and Wales*, by Sir Richard Assheton Cross et al., London, 1888.

<sup>15</sup> Sturge and Harvey, *The West Indies in 1837*, 29.

disagreed with, as evidenced by the fact that the planter failed to prevent the son from receiving an education. Nevertheless, the planter retaliated by firing the worker. Legally, Black Antiguan could use their newfound freedom to resist commands, though the planters still wielded enough economic and social power to ensure that resistance came with a price. Most planters recognized this, and opted for more subtle ways of controlling the activities of the Black Antiguan.

The Antiguan colonial assembly passed several laws meant to limit the scope of Black Antiguan's autonomy. According to the Contract Act of 1834, workers had to sign year-long contracts in order to work on plantations.<sup>16</sup> This created a long-term commitment that limited Black workers' ability to negotiate wages. The Vagrancy Act of 1834 criminalized unemployment, which was punishable by imprisonment and hard labor.<sup>17</sup> When a large number of Black Antiguan tried to avoid agricultural work by serving as porters, the licensing fees for that and similar occupations were increased.<sup>18</sup> Some Black Antiguan attempted to leave the island altogether rather than work on a plantation, so the assembly responded by criminalizing unsanctioned travel.<sup>19</sup> These laws were passed with the stated goal of eliminating the

---

<sup>16</sup> Lightfoot, *Troubling Freedom*, 86.

<sup>17</sup> Lightfoot, *Troubling Freedom*, 99.

<sup>18</sup> Lightfoot, *Troubling Freedom*, 99.

<sup>19</sup> Lightfoot, *Troubling Freedom*, 111.

idleness of the Black population and promoting industry – a virtue that was narrowly defined. Black Antiguan could only be industrious if they sold their labor to a member of the planter class. In May 1836, Richard Wickham, Antigua’s chief of police, remarked that “the labourers on most properties are exceedingly reluctant to work on Saturday, many not working on that day for the whole year, a fact which must greatly diminish their industry, as well as their wages, and in many instances, lead to habits of idleness and immorality.”<sup>20</sup> Colonial officials like Wickham were so obsessed with agricultural output that any day Black workers did not spend generating wealth for their employers was considered a day wasted. Informed by that mindset, officials worked to delegitimize any other activity that could occupy the workers’ time by declaring such activities immoral and, in turn, making them illegal through legislation. Through these restrictive laws, the Antiguan colonial government eliminated all alternative forms of employment or relief until the Black Antiguan had no choice but to work on the sugar plantations.

Antiguan planters believed that schools for the Black population undermined their new system of control and threatened the sugar economy because educated children would not want to work in agriculture when they grew up. According to Dr. Nicholas Nugent, planter and speaker of the

---

<sup>20</sup> Quoted in Lightfoot, *Troubling Freedom*, 94.



colonial assembly, “every child was being educated . . . the next generation would be too much of gentlemen and ladies to work in the fields.”<sup>21</sup> However, the planters and the colonial assembly lacked the necessary political capital within the British Empire to ban the schools outright. Instead, the planters influenced the curriculum of the schools to suit their interests. Samuel Barnard, a member of the planter-class, told Thome and Kimball that “the education of the emancipated negroes should combine industry with study even in childhood, so as not to disqualify the taught [from] cultivating the ground.”<sup>22</sup> In other words, the desire to use schools as a means for encouraging students to sell labor to plantations was presented publicly as a desire to promote “industry” in general. It is also possible that Barnard used the word “industry” to mean the mechanical processes of agricultural production rather than the moral virtue, in which case he was still advocating for lessons to be used as a way to prepare Black students for life in the fields rather than as a way to encourage self-improvement or social mobility.

Despite the planters’ concerns over the potential effects of education, the schooling that the missionaries provided served much more as a tool for preserving the social and economic order of Antigua than as a tool for Black

---

<sup>21</sup> Sturge and Harvey, *The West Indies in 1837*, 54; Thome and Kimball, *Emancipation in the West Indies*, 53, 88.

<sup>22</sup> Thome and Kimball, *Emancipation in the West Indies*, 46.

liberation. The moral instruction of the Black students heavily emphasized the importance of remaining agricultural workers. In February 1837, the Wesleyan missionaries of Antigua gathered for an official meeting and unanimously passed several resolutions pertaining to the results of abolition. The first resolution declared that “the emancipation of the slaves of the West Indies . . . has operated most favorably in furthering the triumphs of the gospel . . . and in its operation as a stimulus to proprietors and other influential gentlemen, to encourage religious education, and the wide dissemination of the Scriptures, as an incentive to industry and good order.”<sup>23</sup> As with the planters, the missionaries’ promotion of industry had a coded meaning, especially when coupled with the maintenance of “good order.” The “order” of Antigua was a labor-intensive sugar economy, which required “industrious” workers willing to sell their labor at a low cost. For the Wesleyan missionaries, preserving the sugar economy by encouraging Black students to become workers on sugar plantations was a matter of official policy. Other religious sects on the island appear to have had similar attitudes about the purpose of schooling. At an infant school operated by the Brethren church (a sect of Anabaptists), the children cultivated gardens in their spare time so that “they [were] thus brought up to associate pleasurable

---

<sup>23</sup> Thome and Kimball, *Emancipation in the West Indies*, 90.

instead of painful ideas with agricultural employments.”<sup>24</sup> The missionaries were indoctrinating children into the sugar economy and preparing them for a lifetime of service as agricultural workers on plantations.

The situation in Antigua seems to have been typical of the region, as other colonies in the British West Indies implemented similar policies after the end of the apprenticeship system. The Mico Trust Charity was an organization dedicated to building and operating nondenominational schools for Black students after abolition.<sup>25</sup> Rev. John M’Cammon Trew – head of the charity’s operations in the West Indies – wrote to the Board of Trustees that “if you speak of work to the little people the reply is ‘me free Massa.’ Now to meet this case it appears most highly important that all educational plans . . . [should] be . . . intimately associated with schools of Industry.”<sup>26</sup> Throughout the British West Indies, the goal of education was to teach Black students to willingly toil in the fields, and any resistance to the status quo or any hope Black Antiguan had of using their newly acquired freedom to improve their lives was quashed by the

---

<sup>24</sup> Sturge and Harvey, *The West Indies in 1837*, 34-35.

<sup>25</sup> Frank J. Klingberg, “The Lady Mico Charity Schools in the British West Indies,” *The Journal of Negro History* 24, no. 3 (1939): 297-98.

<sup>26</sup> John M’Cammon Trew to Trustees, Kingston, 23 January 1836, quoted in Klingberg, “The Lady Mico Charity Schools in the British West Indies,” 301.

very educational institutions that claimed to be helping the Black population.

In schools, the missionary and planter classes specifically targeted the Black population with messages about “obedience,” the twin “virtue” of industry. The Wesleyan missionaries of Antigua adopted an official catechism in which “fifteen pages . . . [were] devoted to the inculcation of subordination, and other duties of the lower classes, and one page only to the duties of the upper classes.”<sup>27</sup> Through this fifteen-to-one imbalance, the missionaries revealed that obedience was the duty of the Black population, not the planters. To be obedient, and therefore moral, meant not challenging the current social order, which was beneficial only to those with wealth, power, and influence. During instruction, the message of divinely mandated subservience was emphasized through the reading of specific Bible passages “which insulate obedience to law.”<sup>28</sup> By advocating for obedience to laws that were designed to eliminate all possible options for Black workers outside of agricultural work, the missionaries legitimized the system of white planter supremacy on which those laws were founded and by which they were supported.

---

<sup>27</sup> Sturge and Harvey, *The West Indies in 1837*, 22.

<sup>28</sup> Thome and Kimball, *Emancipation in the West Indies*, 128.

Ultimately, “the education of children” was not “fraught with disastrous consequences” as planters had feared. The education of Black children served the interests of the planters by encouraging participation in the sugar economy and the subjugation of Black Antiguan to the planters and the colonial government. The planters’ concerns that schooling would eliminate the next generation of agricultural workers was unfounded. Education as practiced, like the early abolition of slavery, benefited the planters and supported their regime. The schools might have taught some practical skills such as literacy and numeracy, but the curriculum heavily emphasized moral instruction – specifically the promotion of industry and obedience. The former meant participating in the sugar economy. The latter meant not challenging the laws which restricted the Black population’s freedom. By promoting those twin “virtues,” the missionaries directly and purposefully legitimized the planter-dominated social order. Children who stayed in school would be indoctrinated with the importance of maintaining the social order. Children who left school had little alternative but to work, and the only available work was as laborers on sugar plantations. Thus, despite the planters’ resistance to education, the missionaries in charge of schools on Antigua did as much to support the racial status quo after the abolition of slavery as the planters themselves.

“The Jewish Danger”: An Exploration of Medieval  
Antisemitism in Der Stürmer’s Children’s Books

---

*Shannon Scott*

## Abstract

In pursuit of their goal to control future generations, the Nazi regime attempted to insert its rhetoric and values within various aspects of young Germans' lives. One notorious Nazi newspaper, *Der Stürmer*, contributed significantly to this effort with the publication of three children's books from 1936 to 1940. Not only were these books written to instill in children what the Nazis considered positive values, such as loyalty to the regime, but they also went to extreme lengths to dehumanize Jewish people and cast them as existential threats both to the nation and to young Germans. But these antisemitic tropes and concepts did not develop in a vacuum, and so to understand them, this paper focuses on the history of the books' antisemitic rhetoric and how it persisted from the medieval era to the modern one. The extensive body of antisemitic ideas that so influenced the way that Nazis sought to ideologically control their youth can also serve as a lesson for people in the modern day.

## Introduction

The body of stereotypes and falsehoods from which Nazi propagandists borrowed was heavily influenced by medieval thought. Accusations about the Jewish work ethic, filthiness, connections to the devil, and disloyalty pervaded medieval literature, art, political treatises, and so on. Nazis were well aware of this fact, as evidenced by the Nazi newspaper *Der Stürmer*. So taken was founder Julius Streicher with this assortment of medieval bigotry that his paper's motto, "The

Jews Are Our Misfortune," was derived from Martin Luther's expression centuries prior.<sup>1</sup>

Between 1936 and 1940, *Der Stürmer* published three books for children to present the dangers of Jews both to people and to nations. The first, *Trau keinem Fuchs auf grüner Heid und keinem Jud auf seinem Eid* [Trust No Fox On His Green Heath and No Jew on His Oath], is a book written by eighteen-year-old Elvira Bauer with accompanying illustrations drawn by *Der Stürmer* cartoonist Philipp Rupprecht. *Der Giftpilz* [The Poisonous Mushroom] followed in 1938, and it, alongside *Der Pudelmopsdackelpinscher* [The Poodle-Pug-Dachshund-Pinscher], was written by Ernst Hiemer and illustrated again by Rupprecht in the case of the former.<sup>2</sup> Though *Der Stürmer* had children in its audience, who often mailed in positive responses to the articles, these three books were approachable even to children who were too young to fully comprehend the paper.

---

<sup>1</sup> The exact phrase used by *Der Stürmer* comes from 19<sup>th</sup>-century anti-Semite Heinrich von Treitschke, who echoed Luther's sentiment from 1543: "For they are a heavy burden, a plague, a pestilence, a sheer misfortune for our country." For more information, see Brooks Schramm and Kirsi Stjerna, *Martin Luther, the Bible, and the Jewish People: A Reader* (Minneapolis: Fortress Press, 2012), 174; Randall Bytwerk, *Julius Streicher: Nazi Editor of the Notorious Anti-Semitic Newspaper Der Sturmer* (New York: Cooper Square Press, 2001), 65, 68; Robert Michael, *Holy Hatred: Christianity, Antisemitism, and the Holocaust* (New York: Palgrave Macmillan, 2006), 114-15, 142; and Walter Laqueur, *The Changing Face of Anti-Semitism: From Ancient Times to the Present Day* (Oxford: Oxford University Press, 2006), 64.

<sup>2</sup> To help ensure that my translation from German to English is as accurate as it can be, I have used Randall Bytwerk's translations of the books when available alongside the English-to-German dictionary dict.cc to guide me. My translations will differ from Bytwerk's in some areas since I have gone for a word-for-word translation.



To do this, authors used techniques such as simplified stories, rhyming poems, and colorful drawings.<sup>3</sup> The books were fairly popular; 100,000 copies of *Trau keinem Fuchs* were printed, and the book became part of many schools' lessons.<sup>4</sup> These books serve as a microcosm for societal antisemitic biases developed from concepts in the Middle Ages and demonstrate the ways in which bigoted propaganda can be directed at a young audience, providing an interesting intersection to explore.

### Finances and Labor

In his 1526 commentary on Psalm 109, Martin Luther characterized Jews as "notorious usurers" who "bleed everyone white."<sup>5</sup> The stigma surrounding Jews and money lending predated Luther and continued throughout history, alongside myriad other condemnations surrounding finances and labor. While some early modern thinkers attributed Jews' perceived greed and economic wrongdoings to their material conditions, the Nazis were not nearly as charitable. As a child, Julius Streicher heard his mother saying it was "just like a Jew" to sell her inferior products,<sup>6</sup> and these sorts of messages became prevalent in the three children's books. In *Der Pudelmopsdackelpinscher*, Ernst Hiemer referred to Jews as

---

<sup>3</sup> Bytwerk, *Julius Streicher*, 172–73.

<sup>4</sup> Randall Bytwerk, "Trust No Fox...", accessed January 3, 2021, <https://research.calvin.edu/german-propaganda-archive/fuchs.htm>.

<sup>5</sup> Schramm and Stjerna, *Martin Luther, the Bible, and the Jewish People*, 111.

<sup>6</sup> Bytwerk, *Julius Streicher*, 3.

"crooks and liars... usurers and bloodsuckers,"<sup>7</sup> a quartet of descriptors that would present themselves across the books.

At the root of many of these accusations was the idea of Jews' supposed desire for wealth. In 1190, once anti-Jewish violence expanded beyond London, Crusaders at Stamford slaughtered Jews out of envy, as the Jewish community "possess[ed] so much when [Crusaders] had not enough."<sup>8</sup> The outrage at the Jews' thirst for possessions survived well into the 1900s. "The Jewish Lawyer," a story in *Trau keinem Fuchs*, includes the lawyer cheating a farmer out of his food and money. *Der Giftpilz* phrases the sentiment explicitly, saying that "the God of the Jews is money" and "the desire of the Jews of the world is money, money, money, only money."<sup>9</sup> The contemporary sentiment may be more absolute, but its medieval predecessor is clear, particularly when examining antisemitic labor stereotypes.

Returning to Luther, in "On the Jews and Their Lies," he contrasted industrious Gentiles with Jews who "idle[d] away their time behind the stove, feasting and farting" and engaged in usury.<sup>10</sup> Usury was considered exploitative and illegitimate; it was also tied so tightly to Jews in the Middle Ages that

---

<sup>7</sup> Ernst Hiemer, *Der Pudelmopsdackelpinscher und andere besinnliche Erzählungen* (Nürnberg: Der Stürmer-Buchverlag, 1940), 41.

<sup>8</sup> Michael, *Holy Hatred*, 76.

<sup>9</sup> Ernst Hiemer, *Der Giftpilz* (Nürnberg: Stürmer-Verlag, 1938), <http://archive.org/details/Hiemer-Ernst-Der-Giftpilz-Text>.

<sup>10</sup> Michael, *Holy Hatred*, 114.

Christian usurers were insulted in terms related to Jews.<sup>11</sup> This vitriol had not faded by the 1900s, as evidenced by the various criticisms of Jewish usury and laziness found in *Der Stürmer's* children's books. *Trau keinem Fuchs* describes the Sabbath as a day in which Jews do nothing while Gentiles perform all of the work, a weekly example of a race that had not participated in labor from the beginning. *Der Pudelmopsdackelpinscher* states that Jews "carry out no work that is useful to the *Volke*" in its story "The Sparrows,"<sup>12</sup> and *Der Giftpilz's* "What is in the Talmud?" claims a number of things about Jewish labor, including that the Talmud says that work is "poison and not to be done."<sup>13</sup> In regard to usury, the same story in *Der Giftpilz* also links it to the Talmud, and *Der Pudelmopsdackelpinscher* contains the aforementioned quotation using "usurers" pejoratively.

The concept of Jewish swindlers also spans centuries, such as in a medieval anecdote regarding the sale of an amulet. A Jewish peddler offered an amulet that would defend against martial attacks to a count, who then required him to wear it while running him through with a sword.<sup>14</sup> Similarly, the peasant woman in *Der Giftpilz's* "How Jewish Traders Cheat" refuses offers she knows to be fraudulent. "What is in the

---

<sup>11</sup> Joshua Trachtenberg and Marc Saperstein, *The Devil and the Jews: The Medieval Conception of the Jew and Its Relation to Modern Anti-Semitism* (Skokie, IL: Varda Books, 2001), 190.

<sup>12</sup> Hiemer, *Der Pudelmopsdackelpinscher*, 55.

<sup>13</sup> Hiemer, *Der Giftpilz*.

<sup>14</sup> Trachtenberg and Saperstein, *The Devil and the Jews*, 75.

Talmud?" frames such deception as ethically permissible when done by Jews to Gentiles. German children, then, learned from a young age how to avoid any offers from Jews, who were seemingly allowed and inclined to cheat their customers. The other two books enforce this teaching, particularly with *Der Pudelmopsdackelpinscher* repeating the same claims about the Talmud and emphasizing that Jews do not work; instead, they con German citizens into buying or selling at unfair prices.<sup>15</sup> The depiction of Jews as lazy swindlers who simply benefit from the labor of others is pervasive in all three books, so much so that a few listed examples cannot cover the extent of these stereotypes.

Even in legitimate professions, Jews were shown in the same way. The lawyer in *Trau keinem Fuchs* is mirrored with a pair of lawyers in *Der Giftpilz*, who go to court only to make money at the expense of their clients. Where the medieval thought shines through the most is with these books' butcher and doctor characters. Medieval legislation prohibiting Christians from buying food from Jews stemmed from suspicion of poisoning or other treatment rendering food unsafe, such as cursing it or urinating on it.<sup>16</sup> The butcher in *Trau keinem Fuchs* fills his store with cigar smoke, leaves a pig's corpse to bleed onto the counter, allows a cat to play with

---

<sup>15</sup> Hiemer, *Der Pudelmopsdackelpinscher*, 12–13.

<sup>16</sup> Trachtenberg and Saperstein, *The Devil and the Jews*, 100.

meat, and keeps tools on the floor. Similar restrictions and fears existed for Christians visiting Jewish doctors. In 1246, a French provincial council determined that Jewish physicians desired to murder Christians and that Christians who went to them would be excommunicated.<sup>17</sup> The idea of Jews as deliberate medical threats extended to blaming Jews for collectively poisoning wells and spreading illnesses. One case in Chillon included Jews collaborating to distribute a poison made of human flesh, various animals, and communion wafers into the wells.<sup>18</sup> Jewish professionals and collaborators were still feared in the twentieth century. *Der Giftpilz* opens with a story that lists "poisonous Jews" such as Jewish doctors and butchers,<sup>19</sup> while *Trau keinem Fuchs* plays on these suspicions, having one character cure a sick Jew by testing medicine on various Gentiles until it was no longer dangerous. Again assuring that its youthful audience understood that this was a systemic issue rather than a casuistic one, the story "quotes" the Talmud, calling Christians dogs that Jews are allowed to kill.<sup>20</sup>

---

<sup>17</sup> Michael, *Holy Hatred*, 92.

<sup>18</sup> Trachtenberg and Saperstein, *The Devil and the Jews*, 104.

<sup>19</sup> Hiemer, *Der Giftpilz*.

<sup>20</sup> Elvira Bauer, *Trau keinem Fuchs Auf Gruener Heid Und keinem Jud Bei seinem Eid* (n.p., 1936), <http://archive.org/details/Bauer-Elvira-Trau-keinem-Fuchs-auf-gruener-Heid>.

## Physical and Behavioral Distinctions

Aside from a distinction in work ethic, Jews in medieval and contemporary thought were also depicted as physically different. Luther's 1537 "Lecture on Genesis" describes Jews as living in filth, which *Der Stürmer* "confirmed" in reports on Jews in its own era, including one in which a Jewish home had a floor covered in "[p]apers, bottles, boxes, bedsteads, rats, and rubbish."<sup>21</sup> In addition to the messy butcher's shop, *Trau keinem Fuchs* also has a Jewish character who barely cleans himself and leaves the rest of the dirt for later. Both eras noted a particular Jewish stench that medieval people considered a mark of demonic association so prevalent that it had a name— *foetor judaicus*. Both *Der Pudelmopsdackelpinscher* and *Der Giftpilz* used this as an identifier for keen German children to recognize. The stereotypical appearance is rooted in medieval works, with Christian art using full lips and a big nose to emphasize Jewishness, among other markers.<sup>22</sup> All three of *Der Stürmer's* children's books use those stereotypes and others in drawings of Jews. Although *Der Pudelmopsdackelpinscher* primarily contains stories of stereotypically Jewish-coded animals, any time it switches to discussing the malignant Jews that exist among humans, there is an accompanying drawing of a big-nosed, thick-lipped Jew.

---

<sup>21</sup> Bytwerk, *Julius Streicher*, 107.

<sup>22</sup> Schramm and Stjerna, *Martin Luther, the Bible, and the Jewish People*, 18.

*Trau keinem Fuchs* and *Der Giftpilz* make no exception, with the latter having an entire story describing stereotypical traits to teach children how to spot Jews.

In terms of behavior, the sexual conduct of Jews, as with many minorities, became a fixation among their oppressors. One medieval tale deriving from Caesar von Heisterbach's original portrays a relationship between a Christian man and a Jewish woman in which the man compounds his sin by also having sex with her on Good Friday.<sup>23</sup> While the story is resolved with both joining the Cistercian order, the endings in the children's books are not so neat.<sup>24</sup> Julius Streicher paid particular attention to miscegenation, with *Der Stürmer* reporting that mixed marriages had led to "people's death" [*Volksstod*] in France and Streicher personally holding a virulently antisemitic concept of telegony.<sup>25</sup> *Der Pudelmopsdackelpinscher's* eponymous dog serves as an analogous figure to the undesirable "mixed-breed" Jews, and *Trau keinem Fuchs* has a father warn his self-absorbed daughter to avoid her Jewish partner to maintain blood purity.

---

<sup>23</sup> Joan Young Gregg, *Devils, Women and Jews: Reflections of the Other in Medieval Sermon Stories* (Albany: State University of New York Press, 1997), 220–21.

<sup>24</sup> Another excellent source is Walter Laqueur's *The Changing Face of Anti-Semitism*, which goes into the history of antisemitism ranging from Church Fathers to contemporary events. Related to this section of my paper, Laqueur's book discusses bans on miscegenation from societies in late antiquity and political thought surrounding miscegenation in Nazi Germany.

<sup>25</sup> Bytwerk, *Julius Streicher*, 136, 143.

A good German girl was to keep her distance, but a cunning Jew would still try to find workarounds. Streicher's telegraphic argument utilizes the ever-threatening Jewish doctor, who would drug, rape, and therefore ruin German girls and women.<sup>26</sup> *Der Giftpilz* expresses the same fear, with the German girl Inge believing that visiting a Jewish doctor would bring only "sickness and shame," which is confirmed when the doctor preys on another girl and then attempts to harm Inge as well.<sup>27</sup> The streets were no safer, with *Der Giftpilz* framing Jews as child predators attempting to lure German girls with sweets and *Trau keinem Fuchs* depicting a Jewish man grasping a German woman while a Jewish boy looks on. The latter story clarifies that the Jewish man prefers to chase German women rather than sticking with his own "Kalle," which can translate to "sweetheart" or "whore."<sup>28</sup> The threat presented in the Middle Ages, solvable at least in literature with religious conversion and a pious life from then on, was amplified by the time of *Der Stürmer* to constitute a permanent risk to the purity of German women and the lifeblood of the German people.

---

<sup>26</sup> Bytwerk, *Julius Streicher*, 145.

<sup>27</sup> Hiemer, *Der Giftpilz*, <http://archive.org/details/Hiemer-Ernst-Der-Giftpilz-Text>.

<sup>28</sup> Bauer, *Trau keinem Fuchs*, <http://archive.org/details/Bauer-Elvira-Trau-keinem-Fuchs-auf-gruener-Heid>.; "Kalle - English translation in English - Langenscheidt dictionary German-English," accessed January 4, 2021, <https://en.langenscheidt.com/german-english/kalle>.



## Religious Antisemitism

One of the most prevalent forms of antisemitism comes in the form of religiously motivated bigotry. *Trau keinem Fuchs'* title was a phrase taken from Martin Luther, but it was hardly the only thing borrowed from the Middle Ages. *Foetor judaicus* was one example, but one that pales in comparison to charges of deicide and ritual murder. The linchpins of medieval and contemporary religious antisemitism included the beliefs that Jews were Christ-killers and that they were connected to the devil. Medieval people displayed a vivid imagination, concocting everything from an inverse, Jewish Trinity alongside the devil and the anti-Christ to art depicting Satan as stereotypically Jewish.<sup>29</sup> Not to be outdone, *Der Stürmer* tried to draw various connections, including accepting a reader's conclusion that he had seen a Jewish face in the smoke of the *Hindenburg* and labeling it "the Devil in human form."<sup>30</sup> The children's books were equally explicit. *Trau keinem Fuchs* opens with a section titled "The Father of the Jews Is the Devil" and later claims that Jews have "Satanic blood."<sup>31</sup> Many stories in *Der Giftpilz* link Jews to Satan, with "How One Recognizes a

---

<sup>29</sup> Michael, *Holy Hatred*, 46; Trachtenberg and Saperstein, *The Devil and the Jews*, 26.

<sup>30</sup> Bytwerk, *Julius Streicher*, 107.

<sup>31</sup> Bauer, *Trau Keinem Fuchs*.

Jew" outright stating that the youth must fight to free Germany from the "Jewish devil."<sup>32</sup>

Among the most blatant borrowing from medieval thought is the "Wandering Jew." Appearing in European literature by the 1200s, this figure had supposedly traversed the earth since Jesus, in response to his taunts, told him to "go on forever till I return."<sup>33</sup> He was also a mirror to the situation of Jews who lacked a stable homeland between expulsion and being made pariahs, a characterization that survived into the 1900s. The "Wandering Jew" appears under one of his medieval names, Ahasuerus, in *Trau keinem Fuchs* and is "hidden in every Jew."<sup>34</sup> Likewise, *Der Pudelmopsdackelpinscher* declares that Jews are cursed by God to "trek from country to country and stay forever homeless."<sup>35</sup> An additional alienating factor was the belief that Jews ignored a nation's law in favor of Talmudic standards. Medieval criticisms attempted to use the Talmud to connect Jews to the devil and viewed it as a threat to be burned.<sup>36</sup> While many references to the Talmud in the children's books are related to labor, *Der Giftpilz* offers one of the clearest links to religious antisemitism. "What Is in the Talmud?" contains a rabbi who has a "genuine devil's face" and speaks with a boy about permitted laziness, fraud, perjury,

---

<sup>32</sup> Hiemer, *Der Giftpilz*.

<sup>33</sup> Trachtenberg and Saperstein, *The Devil and the Jews*, 17.

<sup>34</sup> Bauer, *Trau Keinem Fuchs*.

<sup>35</sup> Hiemer, *Der Pudelmopsdackelpinscher*, 61.

<sup>36</sup> Trachtenberg and Saperstein, *The Devil and the Jews*, 42, 179.

and murder.<sup>37</sup> The story ends with the rabbi calling the Talmud the "word of the Jewish God."<sup>38</sup> Attaching such crimes to a religious setting commanded by a devilish authority drove home the theological aspect of antisemitism in the book.

The authors of these books also wished to impress upon children that these harms were not hypothetical. The portrayal of the Jews as Christ-killers and ritual murderers endured beyond the medieval era. Their hostility toward Christ was allegedly so strong that they replicated their ancestors' deicide by stabbing communion wafers. Tales of Jews torturing and killing Christian children in rituals can be traced back at least to the twelfth century case of William of Norwich, a boy whose death was blamed on English Jews.<sup>39</sup> Charges of murder continued throughout the Middle Ages and further, making headlines in a 1934 edition of *Der Stürmer*.<sup>40</sup> *Der Giftpilz* makes it clear that, not only was Christ not immune, but Jews killed those who "had the courage to tell the truth about them" and

---

<sup>37</sup> Hiemer, *Der Giftpilz*.

<sup>38</sup> Hiemer, *Der Giftpilz*.

<sup>39</sup> William of Norwich's death was one of the earliest blood libel cases, but there were other cases in England (such as Little Saint Hugh of Lincoln) and continental Europe (Blois, Trent). In the territory that would come to be part of 1920s-1930s Germany specifically, the cities of Fulda and Pforzheim among others had blood libel cases in the medieval era. These accusations were not limited to the medieval era even before the Nazis made use of them in media such as these children's books—the Beilis trial in Russia (1913) is an example.

<sup>40</sup> Bytwerk, *Julius Streicher*, 89.

targeted children.<sup>41</sup> Furthermore, the book includes a graphic picture of a cow's throat being cut as two boys secretly watch. To an audience of children, the prospect of being victimized in this way was undoubtedly frightening.

With this information in mind, spotting Jews presumably became pressing for affected children. In addition to physical traits, concern regarding false converts also featured in the books. The Middle Ages did have some literature that portrayed converts favorably, but the era contained many forced conversions, and these came with the insecurities that one would expect from people who did not know how genuine the converts were or suspected they knew precisely how ingenuine they were. The stance of several theological figures in that era was that those who only passively resisted their conversions would not be allowed to revert, ignoring the perils for active resisters.<sup>42</sup> In *Der Giftpilz*, however, "Why Jews Get Baptized" stresses that religion is as inescapable as race and that Jews are devils who intend to destroy the church. *Der Pudelmopsdackelpinscher* compares Jews to chameleons, able to outwardly perform as "Catholic" or "evangelical" while remaining Jews. And in *Trau keinem Fuchs*, some of the illustrations show crows or black-furred animals near Jewish characters, all of which were linked with demons in the

---

<sup>41</sup> Hiemer, *Der Giftpilz*.

<sup>42</sup> Michael, *Holy Hatred*, 95.

medieval era.<sup>43</sup> Furthermore, a character undergoes conversion only to violate his first Good Friday by eating meat. The story emphasizes his Jewishness by having him mock the priest about the meat he is eating actually being fish because he declared it so, thus keeping him from violating Good Friday, and by having him slip into Yiddishisms. The jokes about assimilated Jews sometimes letting their defenses down and using culturally Jewish language were prevalent enough for Sigmund Freud to have examined, including one that uses the same Yiddishism as *Trau keinem Fuchs*: a Jewish character finally switching from phrases in the language of the predominant culture to cry, "*Ei weih!*"<sup>44</sup> In this manner, *Trau keinem Fuchs* asserts that baptism cannot make Jews into Christians and that Jewish converts, like other assimilated Jews, are merely pretenders.

## Nationalism and the Other

From religious and hereditary standpoints, Jews were considered "Others" in a nation that was not theirs, and the former was largely the context for medieval thoughts on the matter. The idea of Jews as prospective traitors, ready to turn against their friends or homeland, became significant in the Middle Ages to the extent that the city of Mainz forbade Jews

---

<sup>43</sup> Gregg, *Devils, Women and Jews*, 33.

<sup>44</sup> Louis Kaplan, *At Wit's End: The Deadly Discourse on the Jewish Joke* (New York: Fordham University Press, 2020), 85.

from blowing the *shofar* to mark the new year, since local Christians thought it was a signal to revolt.<sup>45</sup> By the 1930s, when the *Protocols of the Elders of Zion* had been spread worldwide and Johann Fichte's concept of a Jewish "state within a state" had enjoyed over a century of thought, depicting Jews as a foreign nation with a foreign culture and foreign blood was altogether too easy. *Der Stürmer's* staff did not hesitate to take a nationalistic approach either. *Der Giftpilz* covers a fictional worker's political conversion from communism to National Socialism, done in part because the communist leaders, all Jews, fixated on Russia to the detriment of their German base. *Der Pudelmopsdackelpinscher* compared Jews to locusts, a ravenous swarm sweeping into the nation to strip it bare. By stating that Jews come from the "far-away south" and ought to return, *Trau keinem Fuchs* takes a similar tack.<sup>46</sup>

With threats of this caliber, it is unsurprising that some sought to remove Jews from a country. Expulsions across medieval Europe are well known, both from countries such as England and from individual cities or provinces such as Saxony. Similar plans existed for Germany's Jews in the 1930s, namely shipping them to Madagascar, which was scrapped, or to Lublin, which did occur. Either of those plans would have

---

<sup>45</sup> Michael, *Holy Hatred*, 182–83.

<sup>46</sup> Bauer, *Trau Keinem Fuchs*.

met or did meet criteria to qualify as genocide, making the comparable plans introduced to children especially horrifying. *Trau keinem Fuchs* speaks of removing Jewish children from German schools, denying Jews access to public spaces, and eventually expelling them from the country. *Der Giftpilz* shows a young boy declaring that he will never allow Jews in his home, and kick out any who try to enter, an easy parallel to treatment in one's homeland. Once again, *Der Pudelmopsdackelpinscher* is the harshest: in its story "The Drones," hard-working bees fight lazy, exploitative drones, all of which are "killed or driven out."<sup>47</sup> The text then states that there are also "drones among people" and that these are the Jews.<sup>48</sup> "The Cuckoo" asserts that Jews' plans for their "hosts" entail that "[Gentiles] must go down, they must die."<sup>49</sup> For German children raised on such rhetoric, what other response could there be to such a total threat?

## Naming and Labeling

A significant aspect of Othering includes negatively contrasting the target demographic in some fashion, such as with skin color, clothing, or name. The Fourth Lateran Council in 1215 mandated distinctive clothing for Jews and Muslims,

---

<sup>47</sup> Hiemer, *Der Pudelmopsdackelpinscher*, 11.

<sup>48</sup> Hiemer, *Der Pudelmopsdackelpinscher*, 11.

<sup>49</sup> Hiemer, *Der Pudelmopsdackelpinscher*, 19.

such as pointed hats, fabric circles of certain colors, bells, and other objects.<sup>50</sup> Forced distinction persisted throughout the medieval era to modern history, most famously when the Nazis used yellow Stars of David among other indicators to mark minorities and ideological opponents. Dehumanization went hand-in-hand with this tactic, commonly done with animal comparisons. Martin Luther likened Jews to "filthy swine,"<sup>51</sup> medieval art depicted Jews with goats' horns or as a sow's brood,<sup>52</sup> and one example of medieval literature considered Jews less capable of grasping the truth about Christ than a "beast without the power of reasoning."<sup>53</sup> In one case, sex with a Jewish woman was considered the same as having sex with a dog.<sup>54</sup>

Looking at modern history, particularly from the 1800s onward, names were commonly used to separate Jews from Gentiles in much the same way as medieval people used badges or hats. Names such as Isidor and Itzig, alongside surnames like Cohn, became antisemitic insults to the point where one man successfully brought sixteen cases against Goebbels and other Nazis for labeling him "Isidor"—even though the name is of Greek origin.<sup>55</sup> The detriment that these names had on

---

<sup>50</sup> Schramm and Stjerna, *Martin Luther, the Bible, and the Jewish People*, 31.

<sup>51</sup> Schramm and Stjerna, *Martin Luther, the Bible, and the Jewish People*, 157.

<sup>52</sup> Trachtenberg and Saperstein, *The Devil and the Jews*, 47.

<sup>53</sup> Gregg, *Devils, Women and Jews*, 225.

<sup>54</sup> Trachtenberg and Saperstein, *The Devil and the Jews*, 187.

<sup>55</sup> Bering, *The Stigma of Names*, 4–5.



Jewish lives was such that many requested name changes for simple aspects of life, including getting married or being promoted.<sup>56</sup> In this respect, the three children's books are vicious. *Trau keinem Fuchs* teaches children how to recognize common Jewish surnames and refers to its Jewish characters exclusively by identifiably Jewish names like "Aaron Kahn," "Isaak Blumenfeld," and so on. Two of the cruelest choices are "Isi," a diminutive for "Isidor," and "Itzig Ephraim," possibly a reference to Daniel Itzig and Veitel Heine Ephraim, two prominent Jews who had participated in coin fraud in the 1700s. Since Itzig Ephraim is a false convert, using a first and last name that relate to fraud may have been a deliberate choice. *Der Giftpilz* uses similarly identifiable names, and *Der Pudelmopsdackelpinscher*, by picking out name changes like "Cohn" to "Kühn," reflects historical attempts by German Jews to petition for slightly changed but non-Jewish names to better their lives.<sup>57</sup> Most ruthlessly, *Trau keinem Fuchs* uses constructed names to denigrate its Jewish characters. In contemporary history, names such as "Herr Neureich" [Mr. Newly Rich] and "Herr Kanalgeruch" [Mr. Sewerstench] were used in derogatory jokes,<sup>58</sup> while *Der Giftpilz* uses "Markus Ehrengreis" [Markus Honorably Aged] and "Doktor Wehdir" [Doctor Woe-Unto-You] for two of its Jewish characters. All

---

<sup>56</sup> Bering, *The Stigma of Names*, 215–19.

<sup>57</sup> Bering, *The Stigma of Names*, 215–16.

<sup>58</sup> Kaplan, *At Wit's End*, 97, 157.

of these names highlight characters' Jewish identities in the context of stories that demonize them, or in the case of constructed names, make negative traits or insincere compliments an integral part of their identities.

Dehumanizing comparisons feature in all three books. *Der Giftpilz* generally characterizes Jews as the devil, but "How the Jews Came to Us" has a boy list stereotypical traits and then ask, "And that's what people are supposed to be?"<sup>59</sup> In *Trau keinem Fuchs*, the Jewish children kicked out of school are called a "brood" and Jews in general "skulk about like a fox."<sup>60</sup> With *Der Pudelmopsdackelpinscher*, every story compares Jews to animals or bacteria. While Gentiles are also represented by animals in some stories, they do not retain animalistic traits when the book explains the stories' applications to real life. In contrast, "The Locusts" calls Jews "bloodsuckers," "The Tapeworm" calls them a "parasite" and a "Jewish tapeworm" in its explanation, and "The Venomous Serpent" advocates for the death of "the Jewish venomous serpent."<sup>61</sup> Since *Der Pudelmopsdackelpinscher* was published during the war, the latest of the three, it is the most openly genocidal with its dehumanization. Whether the analogous creature is a cruel hyena or a destructive bacterium, it presents an existential threat to combat. As said with the serpent, one must "grasp

---

<sup>59</sup> Hiemer, *Der Giftpilz*.

<sup>60</sup> Bauer, *Trau Keinem Fuchs*.

<sup>61</sup> Hiemer, *Der Pudelmopsdackelpinscher*, 41, 82, 74.

them pitilessly and exterminate them in every country of the world," and with the tapeworms and Jews, "only one thing helps: their extermination."<sup>62</sup>

## Conclusion

Ernst Hiemer's two books end with chilling messages to their audiences. *Der Giftpilz* says that, without an answer to the Jewish Question, mankind remains in peril. Despite its silly name, *Der Pudelmopsdackelpinscher* concludes with a sobering call to action for the world's youth. These boys and girls are called to join the battle for humanity's freedom from a group of people who were not ruthlessly exploiting those around them or murdering children, but rather were having their possessions ripped away and watching their own sons and daughters die. *Trau keinem Fuchs*, written in rhyming couplets complete with cheery phrases, exposes children to the fears of being sexually abused or poisoned by a foreign, devilish race. Not only did Nazis seek to impress these horrors upon the young to raise a hateful generation, but they did so with centuries of tropes, stereotypes, canards, and antisemitic rhetoric at their disposal as wisdom to draw upon and justification for their bigotry. With the collapse of civilizations, the murder of William of Norwich, the expulsion of nations' Jews, and countless tales of the supposed Jewish threat at their disposal, the Nazis had a

---

<sup>62</sup> Hiemer, *Der Pudelmopsdackelpinscher*, 69, 83.

corpus of "evidence" to back up their depiction of a timeless, omnipresent enemy that endangered individuals and peoples alike. But even with these excuses and lies exposed for what they are, the rhetoric has not disappeared. Various minorities are still depicted as lazy, as greedy and possessive, as sexually threatening, as pretenders to a culture that is not theirs, as the ruin of the nations that contain them. The generations after us will have our works and actions to examine, and looking through *Der Stürmer's* books, it is already devastatingly simple to instill fear and hatred in children.



Tracing the Development of Racial Thought: The  
Marginalization of the Newly Freed Slave and the Prioritization  
of the Planter Elite in Brazil's Old Republic

---

*Hallie Young*

## Abstract

Although slavery in Brazil was abolished in 1888, the legacy of this long-standing institution continued to affect the country's racial relations throughout the twentieth century. This phenomenon can be tied to the lack of accompanying measures of support for newly freed people in the years following abolition. Despite evidence of widespread desire for the implementation of further reform measures, the overthrowing of the monarchy and subsequent rise of the Old Republic allowed for the containment of "radical" reforms which could have benefitted not only the freedmen but also the masses in general. Additionally, Brazilian conceptions of race and class conjured a societal narrative of inclusivity – the likes of which would eliminate the need to support ex-slaves. Consequently, the newly freed slaves were cemented in the lower classes of society without opportunity for social advancement. The resulting marginalization of these people proves that the absence of explicit racism, such as segregationist practices and exclusions based on skin color, does not equate to equality for all.

The nineteenth century was a time of great transition for Brazil. The former Portuguese colony had not only separated from its European colonizer, but by the end of the century had also finally abolished slavery and transitioned to an economy based upon free labor. However, the unrest which had characterized Brazil for the better part of the nineteenth century did not cease with the implementation of these changes. The mounting tension between the archaic imperial

government and the increasingly positivist officer corps culminated in a decisive military coup in November of 1889, which deposed the emperor and led to the instatement of a federalist republic: the Old Republic.<sup>1</sup>

The rise of the new government, loosely based on that of the United States of America (US), allowed power to be concentrated in the hands of only a few Brazilian states, namely those involved in major agricultural exports, such as coffee.<sup>2</sup> Consequently, the planter elite were able to work toward the containment of “radical” reforms, such as rural land reform and legislation aimed at promoting the social and economic inclusion of newly freed people. This also allowed the elite to emphasize policies that supported their own continued political and economic domination of Brazilian society.

This paper argues that the rise of a republican form of government and the ensuing political and economic instability which characterized the first decades of its existence comprised the ideal conditions to move Brazilian society away from an abolitionist mindset. This contributed to the loss of support for reforms specifically targeting the newly freed slaves and

---

<sup>1</sup> For details on tension between military and government, see José Maria Bello, *A History of Modern Brazil: 1889-1964*, trans. James L. Taylor (Stanford: Stanford University Press, 1966), 56; and Robert Brent Toplin, *The Abolition of Slavery in Brazil* (New York: Atheneum, 1972), 256.

<sup>2</sup> For details on the power structure of the Old Republic, see Winston Fritsch, *External Constraints on Economic Policy in Brazil: 1889-1930* (Pittsburgh: University of Pittsburgh Press, 1988), 2-3.



reinforcing their marginalization. This cemented the freedmen into the lowest socioeconomic classes and contributed to the continuing conflation of racism and classism - the effects of which can still be felt in present times. It is vital that ideas such as these are addressed in order to further an understanding of how racial thought developed and was subsequently sealed into the Brazilian collective conscience. Additionally, this vein of research can provide deeper insight into the evolution of racial relations in highly diverse countries around the world and help to negate long-standing ideas that racism and race-related inequalities vanished with the enactment of abolition.

When considering the triumphs and setbacks of the Brazilian abolition movement, it is crucial to recognize how deeply intertwined the legacy of slavery is with the history of this country. In Brazil, slavery formed the basis of economic and social life for over three hundred years, since its earliest days as a Portuguese colony. The reluctance to abolish slavery can therefore be tied to the long-standing importance placed on the institution in daily life. Nonetheless, the rising tide of widespread abolitionist sentiment, both domestic and foreign, made it increasingly clear that, moving forward, the existence of slavery would not be tolerated. In light of this, many planters began to take steps toward a transition of labor, and, in hopes of maintaining previous slaves as salaried workers,

providing avenues of manumission for their slaves.<sup>3,4</sup> Paradoxically, the best chance these slaveholders held for preserving their way of life lay in their embrace of change; their acceptance of abolition would allow them to control the situation so as to ensure the most minimal degree of *de facto* change possible.<sup>5</sup>

As widespread support for abolitionism was a key factor which forced its acceptance, one might assume that this support would continue to be instrumental in passing further reforms, such as compulsory education for all and division of great land estates. However, this was not the case. There is much debate among historians about whether this phenomenon can be attributed to the overshadowing, or outright exclusion, of such reforms within the overarching goals of the abolition movement. Though, it is also possible

---

<sup>3</sup> For further discussion on the role of the British government in indirectly influencing the Brazilian abolition of slavery, see Leslie Bethell, *Brazil: Essays on History and Politics* (London: University of London Press, 2018), 70-71; for discussion on fears of domestic slave violence, see Lamonte Aidoo, *Slavery Unseen: Sex, Power, and Violence in Brazilian History* (Durham: Duke University Press, 2018), 116.

<sup>4</sup> For details on necessity of a slow process of transition, see Hastings Charles Dent, *A Year in Brazil: With Notes on the Abolition of Slavery, the Finances of the Empire, Religion, Meteorology, Natural History, etc.* (London: K. Paul Trench and Co., 1886), 288; for evidence on increase of owner manumissions, see Celso Thomas Castilho, *Slave Emancipation and Transformations in Brazilian Political Citizenship* (Pittsburgh: University of Pittsburgh Press, 2016), 170.

<sup>5</sup> Jeffrey D. Needell, *The Sacred Cause: The Abolitionist Movement, Afro-Brazilian Mobilization, and Imperial Politics in Rio de Janeiro* (Stanford: Stanford University Press, 2020), 233.

that these reforms simply lacked the same degree of widespread support as that of the abolition of slavery.

From the writings of prominent abolitionist leaders, it can be concluded that further reforms aimed at helping to raise the masses up from the lowest levels of society were a part of the abolitionists' goals.<sup>6</sup> Furthermore, widespread support of supplementary reforms can be assumed from the writings of newspapers, such as *Rio News*, which, in its May 15, 1888, announcement of the passing of the Golden Law, included its opinions on what should be done with the money raised previously for the liberation of slaves:

There can be no better use made of it [the money] now than its employments in objects tending to improve their condition as free men and citizens and to that end we would suggest its use in the creation of public schools in country districts.<sup>7</sup>

Additionally, examples from the June 5, 1888, publication portray support for a type of land reform that would support the immigrant or landless Brazilian in becoming a small farmer, which the writer maintains is most important, "for it is from his industry and enterprise that the country is to grow strong

---

<sup>6</sup> For examples of prominent abolitionists supporting further reform efforts, see Jeffrey D. Needell, "A Liberal Embraces Monarchy: Joaquim Nabuco and Conservative Historiography," *The Americas* 42, no. 2 (1991): 163 and Needell, *The Sacred Cause*, 241-52.

<sup>7</sup> *Rio News*, May 15, 1888, 2.

and rich.”<sup>8</sup> So, in light of these examples of support, why then were further reforms not instituted? It is possible that without the strong force of abolitionism as a unifying goal, the movement simply lost momentum. This explanation would certainly explain the quote attributed to an abolitionist leader, Joaquim Nabuco: “The abolitionist movement stopped on the day abolition was decreed and retreated the day after.”<sup>9</sup>

Following the rise of the Old Republic, there was a noted change in the atmosphere of Brazil. It seems that the transition from an archaic monarchy to that of a progressive republic provided some measure of hope “that everything was going to be wonderfully improved by the mere change, as if grievances, fancied or real, would automatically redress themselves.”<sup>10</sup> Especially in the minds of the younger generations of Brazilians, the change seemed to herald a new era for Brazil in which the positivist notions of “order and progress” would guide its development toward becoming the epitome of the Western ideal of civilization. This optimistic point of view might have hindered the growth of mass support for specific reforms targeting the freedmen, as it seemed that Brazil was on a path toward improvement and therefore did

---

<sup>8</sup> For quotation, see *Rio News*, June 5, 1888, 2; for discussion on policy of land tax, see C. C. Andrews, *Brazil: Its Conditions and Prospects* (New York: D. Appleton and Co., 1889), 40.

<sup>9</sup> Joaquim Nabuco, *Minha Formação* (New York: Hurst & Co., 1900), as quoted in Bethell, 44.

<sup>10</sup> Frank Bennett, *Forty Years in Brazil* (London: Mills and Boon, 1914), 118.

not necessitate an urgent movement. Moreover, as the political and economic situation of Brazil greatly destabilized in the decades following the instatement of the Old Republic, leaders of the country were far more concerned with implementing reforms, such as deflationary economic policies, that would ensure this lapse did not undercut Brazil's current route of advancement.<sup>11</sup>

Unfortunately for leaders of the Republic, Brazil's political difficulties continued throughout the first decade of its existence with multiple instances of internal revolts and potential breakouts of regional civil wars. The ongoing conflict between civilian and military leaders over political dominance within the country greatly challenged the stability of the newly instated government. These events not only shook the foundation of the Brazilian government but also inflamed its economic worries. The immense costs incurred in subduing these conflicts only added to the ever-growing government deficit.<sup>12</sup> Further, extreme fluctuations in exchange rates, market price, and foreign policy greatly preoccupied leaders of

---

<sup>11</sup> For overview of economic fluctuations, see Fritsch, *External Constraints on Economic Policy in Brazil*, 4-35.

<sup>12</sup> For review of expenses incurred during revolts, see Bureau of the American Republics, *United States of Brazil: A Geographical Sketch, with Special Reference to Economic Conditions and Prospects of Future Development* (Washington, D.C.: Government Printing Office, 1901), 155; for observations on conflicts continuing into the twentieth century, see Alured Gray Bell, *The Beautiful Rio de Janeiro* (London: William Heinemann, 1914), 131; for general overview of all conflicts, see June E. Hahner, *Civilian-Military Relations in Brazil: 1889-1898* (Columbia: University of South Carolina Press, 1969).

the First Republic. As a result of varying economic conditions around the world, Brazilian coffee exports varied in a boom-and-bust economy.<sup>13</sup> As the income from coffee exports comprised almost two-thirds of the national budget, Brazilian financial security was dependent on this cycle of increase and loss. Consequently, downward fluctuations in the coffee market greatly affected the entire nation.<sup>14</sup>

Even if the federal government was not preoccupied with the greater fate of the nation, the increased allotment of powers accorded to state governments would make the enforcement of any generalized reforms very difficult—meaning most reform efforts would have to be undertaken by either state governments or wealthy individuals.<sup>15</sup> Understandably, this resulted in a lack of uniformity in efforts of education, immigration, and land reforms. For instance, there were discrepancies in literacy rates and levels of education around the country; although some states chose to enforce compulsory education mandates, there was great disparity in the quality of that education. Unsurprisingly, these disparities

---

<sup>13</sup> For discussion on precariousness of economy, see Bello, *A History of Modern Brazil*, 100, 127.

<sup>14</sup> Pierre Denis, *Brazil*, trans. Bernard Miall (London: Adelphi Terrace, 1911), 242.

<sup>15</sup> For examples of reforms undertaken by states, see *Rio News*, October 24, 1888, 3; for example, of reforms undertaken by individuals, see Alice R. Humphrey, *A Summer Journey to Brazil* (London: 4 Trafalgar Square, 1900), 28; for general remarks on reform efforts, see Georges Clemenceau, *South America To-day* (London: Adelphi Terrace, 1911), 258; and Bennett, *Forty Years in Brazil*, 168.

mostly presented themselves between members of different socioeconomic classes.<sup>16</sup> So, while there were large numbers of Afro-Brazilians recorded in attendance at state-supported elementary schools, their numbers considerably decline as one looks to higher levels of education. In his study on the effects of race and level of education attained, Donald Pierson, previously a professor of sociology and anthropology in São Paulo, attributed the decrease in phenotypically Black pupils in higher levels of education to the ongoing legacy of slavery. These students were “handicapped” by the struggles which their parents and grandparents had to face as “property-less slaves of the white ruling class.” Though, had the “white ruling class,” along with their interests and concerns, not dominated Brazil’s central government, such handicaps could have perhaps been addressed.<sup>17</sup>

Although Afro-Brazilians were eventually able to benefit from the implementation of educational reforms, the most pressing reforms in the period immediately prior to and following the enactment of abolition were those dealing with immigration. Because of the importance of the planter elite to the state and central governments, there was a major emphasis

---

<sup>16</sup> For examples of educational disparity, see Humphrey, *A Summer Journey to Brazil*, 109; Bureau of the American Republics, 209; and Bell, *The Beautiful Rio de Janeiro*, 36.

<sup>17</sup> Donald Pierson, “The Educational Process and the Brazilian Negro,” *American Journal of Sociology* 48, no. 6 (1943): 696.

placed on reforms that could benefit them and only them; it seems that there continued to be great support for reform so long as the beneficiaries were the upper echelons of society. In the wealthier states of Brazil, specifically those involved in major agricultural exports, ex-slave owners took preemptive measures to guarantee the continuation of their economic influence in the period following abolition. Despite the implementation of subsidies and other abolitionist schemes to promote immigration, these measures ultimately forced the marginalization of the freedmen in some cases. For example, in São Paulo, arguably the state of most economic prominence during this era, planters had long been experimenting with colonization schemes and subsidized immigration programs to help fill the vacuum of labor stemming from the abolition of the slave trade. While there were instances of planters retaining newly freed slaves as wage laborers, many *Paulista* planters instead preferred to recruit the labor of white immigrants — a preference largely attributed to nationalist desires to promote the “whitening” of the Brazilian population.<sup>18</sup> The exclusion of ex-slaves from the *fazendas* of São Paulo contributed to their marginalization within the state economy, thus forcing their emigration to the other rural, poorer parts of the country. *Paulista* planters qualified their decision to recruit European

---

<sup>18</sup> For observations on immigrants working plantations, see Humphrey, *A Summer Journey to Brazil*, 94; and Bennett, *Forty Years in Brazil*, 95.



labor based upon harmful stereotypes of Afro-Brazilians as innately lazy and irresponsible. However, as elucidated by the similar productivity levels of European immigrants and ex-slaves, ideas about Black inferiority were clearly arbitrary assumptions stemming from the legacy of racism.<sup>19</sup>

Though there were certain instances in which the newly freed slaves were able to benefit from the implementation of certain reforms, such as specific examples of freedmen acquiring small plots for subsistence farming, the majority did not.<sup>20</sup> It seems that the desire for further reforms to benefit freedmen was greatly overshadowed by the instability of the economy and the political situation following the enactment of abolition.

There is also the possibility that foreign characterizations of Brazilian slavery as “mild” contributed to the idea that reparations for former slaves were unnecessary. Englishman Frank Bennett, for example, asserts that though there may have been some slaves who were poorly treated, the

---

<sup>19</sup> For discussion on *caipiras*, see Thomas H. Holloway, *Immigrants on the Land: Coffee and Society in São Paulo, 1886-1934* (Chapel Hill: University of North Carolina Press, 1980), 172; for discussion on stereotypes and evidence in refutation, see George Reid Andrews, “Black and White Workers: São Paulo, Brazil, 1888-1928,” *The Hispanic American Historical Review* 68, no. 3 (1988): 89, 103; for additional motivations behind immigration, see Dain Borges, “‘Puffy, Ugly, Slothful, and Inert’: Degeneration in Brazilian Social Thought, 1880-1940,” *Journal of Latin American Studies* 25, no. 2 (1993): 248.

<sup>20</sup> For examples of freedmen acquiring small plots, see Denis, *Brazil*, 322; and Holloway, *Immigrants on the Land*, 138.

vast majority seemed to be better off than some free-born people in England.<sup>21</sup> In another account, former Prime Minister of France, Georges Clemenceau, challenges his readers to determine where they have seen the “worst form of slavery, here among the newly emancipated Africans or at home under your own roofs?”<sup>22</sup> Additionally, as the general definition of racism was based on the US model, that of explicit segregation, it was widely believed that this prejudice simply did not exist in Brazilian society.<sup>23</sup> Even the leaders of the abolitionist movement did not see a need to seek reforms that would address racism in society even though some of them had experienced its effects firsthand.<sup>24</sup> The fluidity of racial thought allowed for the presumption that, as there were no concrete barriers to social mobility, Brazil did not suffer from the same issues experienced elsewhere. During this time period, Brazil was largely concerned with advancing its status in the eyes of the world, a significant factor which contributed to the overthrow of the monarchy. Therefore, it is reasonable to believe that, if the conditions of newly freed people were acceptable to Westerners, Brazilians would also find no fault in the matter.

---

<sup>21</sup> Bennett, *Forty Years in Brazil*, 10.

<sup>22</sup> Clemenceau, *South America To-day*, 292.

<sup>23</sup> For examples of differing conditions between US and Brazil, see Bennett, *Forty Years in Brazil*, 61.

<sup>24</sup> For an example of prominent abolitionists experiencing discrimination, see Needell, *The Sacred Cause*, 255.

Still, as demonstrated earlier, there was support for further reforms aimed at helping the general masses and easing the transition of the ex-slave into the wage labor economy as well. So, how is it then that Brazilians can recognize the need for addressing the injustices of slavery while simultaneously failing to notice the pervasive effects of its legacy? Here is where the conflation of classism and racism begins to unfold. To the Brazilian mind, the largest factor precluding newly freed slaves' opportunity for social mobility was the slaves' lack of resources, such as money, education, and land. It was not the color of their skin that was impeding their ability to better themselves but the socioeconomic class into which they were born. Consequently, the lack of reforms concerning newly freed slaves did not seem to be an insurmountable obstacle in the freedmen's integration into Brazilian society and therefore not a pressing issue worthy of the national agenda. However, there are key findings which point to the contrary. One of the most pressing of these is the association of "blackness" with low socioeconomic status and menial labor.<sup>25</sup> In Brazil, there is a saying that "money whitens," meaning that as one gains more wealth and, subsequently, a higher social status, their racial categorization lightens. No matter their physical traits, if an individual boasted a high enough status, they would be defined

---

<sup>25</sup> For observations on racial status of most of the servant class, see Bell, *The Beautiful Rio de Janeiro*, 39.

as racially “white.” These deep-seated connections of race and status prove that, although it may not be blatant, racism is inherent in the Brazilian social hierarchy. Even the fiercest advocates for abolition were sensitive to the negative connotations associated with racial distinctions of “mulatto” or “black.” Following the publication of a biographical article on his deceased friend, Machado de Assis, Joaquim Nabuco took it upon himself to correct the author, who had deemed Machado to be a mulatto. “I would have never called Machado mulatto,” writes Nabuco, “and I think that nothing would have hurt him more than your having concluded this.”<sup>26</sup> The emphasis placed on the hurt Machado would have experienced had he heard someone call him a mulatto is representative of Brazilian conceptions of race with status; it was literally offensive to call attention to someone’s African ancestry. Examples such as this demonstrate the superficiality of race as a social construct in Brazilian society.

Yet, while it is inarguably a good thing that skin color alone did not impede opportunity for social mobility, there were some drawbacks. The fluidity of racial categorizations may have proved to be an impediment to the emergence of a Black solidarity movement, thereby stalling efforts to address the implicit racism present in Brazilian society. The widespread reluctance to categorize oneself as “Black” only served to

---

<sup>26</sup> Aidoo, *Slavery Unseen*, 116.

reinforce the negative image this term evokes – slavery. This attitude even made itself known in a lack of support for abolitionist candidates; following his loss in a congressional election, Nabuco writes a letter lamenting the hypocrisy and “ignorance of social solidarity” among the Black electorate who “were not all faithful to our [the Abolitionist] cause and voted largely for the slavery flag.”<sup>27</sup> Rather than recognize the significance of abolishing the institution responsible for the enslavement of their ancestors, these free Black people pledged their allegiance to those of their present social class instead.

Though popular opinion may have been that there was no need for a racially charged movement, these views were mostly based on instances of Afro-Brazilians successfully raising themselves up within the hierarchical ranks, without any consideration given to the limitations of this progress. As evidenced by the high concentrations of phenotypically Black people in the lowest classes of society and, conversely, the high concentrations of phenotypically white people in the highest classes, the color of one’s skin clearly holds some significance – be it explicit or implicit.<sup>28</sup> This pattern proves that, while race alone does not determine opportunity for advancement, the

---

<sup>27</sup> Joaquim Nabuco to Charles Allen, January 23, 1886, *Joaquim Nabuco, British Abolitionists and the End of Slavery in Brazil: Correspondence 1880-1905*, eds. Leslie Bethell and José Murilo de Carvalho (London: University of London, 2009), 106.

<sup>28</sup> For observations on this phenomenon, see Clemenceau, *South America Today*, 238; and Pierson, “The Educational Process and the Brazilian Negro,” 696.

disadvantages stemming from the discriminatory legacy of slavery are still very real obstacles. When comparing the ease of mobility of mulatto versus Black people, it is shown that the opportunities, such as earlier access to education and the receipt of inheritances, presented to some mulatto slaves due to their intertwinement with white elites, greatly increased the likelihood of upward social mobility.<sup>29</sup> Therefore, one could reasonably assume that, had the internal turmoil associated with the rise of the First Republic not buried efforts to push for further reforms to benefit the newly freed slaves, their resulting marginalization may have been mitigated, and the pervasive effects of the legacy of slavery would have been greatly diminished.

It would not be until the latter half of the twentieth century that implicit racism would be addressed in Brazilian society. Coincidentally, it was an American who was the impetus for an anti-racism movement in Brazil beginning in the 1950s – a time when explicit segregation and racism was still the norm for American society.<sup>30</sup> The widespread realization of racist practices embedded in Brazilian society disproved the myth of Brazil as a racial democracy; it was clear that race-

---

<sup>29</sup> For observations on the advantages of mulatto heritage, see Aidoo, *Slavery Unseen*, 112.

<sup>30</sup> For an account of Katherine Dunham's incident and the ways in which it contributed to the passing of the Afonso Arinas Law in 1951, see George Reid Andrews, "Brazilian Racial Democracy, 1900-90: An American Counterpoint," *Journal of Contemporary History* 31, no. 3 (July 1996): 490-94.

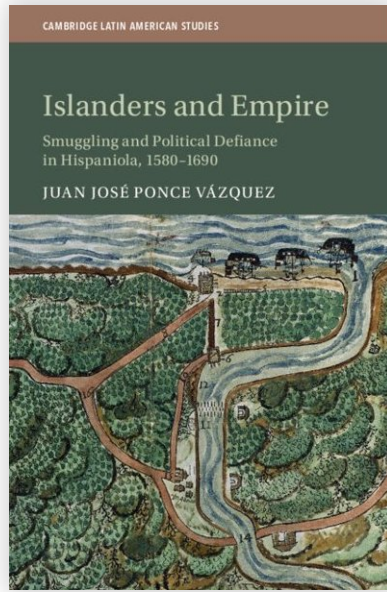
related inequalities had not disappeared with the outlawing of slavery. Unfortunately, the legacy of these beliefs continues to hinder movements focusing on anti-racism. The specific enactment of laws aimed at mitigating the effects of racial inequality would not occur until the 1990s with the enforcement of Affirmative Action-type statutes. No matter, the official recognition of implicit racism in Brazilian society is enough to prove that the absence of explicit racism and segregationist practices does not equate to equality for all.

## Book Reviews

---







**Juan José Ponce Vázquez**

*Islanders and Empire: Smuggling and Political Defiance in Hispaniola, 1580–1690.*

Cambridge: Cambridge University Press, 2020.

---

*Reviewed by Marianne P. Quijano*

Histories of smuggling and piracy have witnessed a recent resurgence within studies of the Spanish Atlantic. Juan José Ponce Vázquez's book *Islanders and Empire* makes a vital intervention in this field, highlighting the importance of providing a historical analysis of the Caribbean's local histories in the Spanish Empire. Studying Hispaniola during the

seventeenth century, Ponce Vásquez's book shows that its inhabitants were able to construct new imperial geographies through the practice of cross-imperial smuggling, with Hispaniola becoming its own imperial "center."

*Islanders and Empires* is divided into six chapters. The first chapter discusses the early transformations Hispaniola's sixteenth-century economy endured: its inception with extractive gold mining, the formation of an African and indigenous slave-labor force, and a shaky shift toward cattle-ranching and ginger cultivation. Chapter 2 then looks at the socioeconomic responses to Hispaniola's economic instability and exclusion from Spanish trade routes in the late sixteenth century. The rise of smuggling and bargaining with Northern European traders on the island led the Spanish monarchy to see Hispaniola as "a troubled society out of control." (96) The next chapter analyzes how the Spanish Crown sought to impose order on the island from 1604 to 1606 by depopulating its northern and western coasts through campaigns known as *devastaciones*, the regions that the Crown saw as most unruly and religiously contaminating. Organizers of the depopulation associated these areas with the presence of *moriscos* (Muslim converts to Catholicism) and heretical print materials from Northern Europeans.

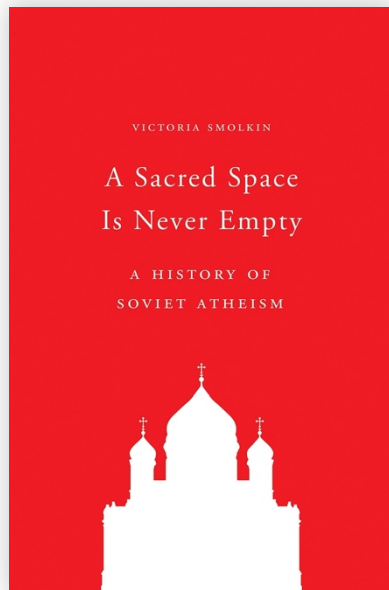
Subsequent chapters of the book examine how life in Hispaniola reassembled itself from the most local levels of power after the 1604–06 *devastaciones*. Local elites formed new

networks and strategies for demonstrating their colonial power. Chapter 4 explores how their use of enslaved labor and their purchase of Santo Domingo's *cabildo* (city council) seats were meant to fulfill this aim. Using as its backdrop Hispaniola's newly constructed center of Santo Domingo, Chapter 5 investigates the role of Rodrigo Pimental, a powerful local elite, in kindling Hispaniola's smuggling economy in the Caribbean and his own political capital. The final chapter looks at the rise of inter-imperial smuggling and, thus, economic prosperity for Hispaniola residents with the emergence of French Saint-Domingue on the island by the end of the seventeenth century. At the turn of the century, Hispaniola was still disrupting Spanish imperial policy with its inter-imperial entanglements.

In presenting these arguments, Ponce Vázquez subtly looks at the exercise of imperial governance over Hispaniola's populations through a Foucauldian understanding of power. That is, the strategy adopted by the Spanish Crown was to impose order through exhibitions of terror and violence to instill a fear that deterred black and indigenous rebellion. Fortunately, Ponce Vázquez's use of Foucauldian theory does not muffle the voices of his primary documents. Ponce Vázquez draws on letters of elites operating within various levels of imperial bureaucracy, proceedings from the Council of the Indies investigations, the Crown's royal decrees, as well as petitions and censuses. With these sources, Ponce Vázquez

is able to illustrate fully how contests for power pierced through all levels of the Spanish Empire.

Written with exceptional clarity, *Islanders and Empire* follows a pace of historical storytelling that both experts and novices in studies of the colonial Caribbean can appreciate. Because the Spanish Caribbean acted as a peripheral zone of the Spanish Empire, Ponce Vázquez shows how it best illuminates the porosity of an Atlantic empire's boundaries, the limitations of imperial infrastructures of governing, and the intricacies of political and economic life within a single imperial locale. *Islanders and Empire* will serve as an exemplary source of reference for graduate students and instructors attempting, in their curricula, to paint a fuller picture of Hispaniola's history in the Spanish Empire beyond 1492.



**Victoria Smolkin**

*A Sacred Space Is Never Empty: A History of Soviet Atheism.*

Princeton, NJ: Princeton University Press, 2018.

---

*Reviewed by Mark M. Chatfield*

Victoria Smolkin's book, *A Sacred Space Is Never Empty*, demonstrates the changing dynamics between the Soviet state, religion, and atheism. This history describes seventy years of changing attitudes and strategies as communist leaders slowly realized that Marxist-Leninist predictions about religion were questionable or wrong. As Soviet socialism developed, religious convictions persisted, rather than withering away. Atheism

failed to materialize as a natural effect of the party's progress and, until the late 1980s, was developed and promoted as a necessary prerequisite for building communism. As a result, atheism and atheist strategies transformed in response to the problems the church and religion posed to the communist vision. Smolkin organizes her work around the political, ideological, and spiritual problems that Soviet leaders struggled to resolve as they worked to counter the changing imagined threat of religion. Extensive direct quotations from primary sources provide a compelling account that helps to explain why the failures of atheism were so closely linked to the communist vision for the nation and the collapse of communist rule.

Soon after the 1917 revolution, Bolsheviks saw the Orthodox Church as a threat to their newly claimed political power. Communist party members portrayed themselves as vigilant atheists, but in the first decade of Soviet rule, the state focused its anti-religious attacks on the clergy and the seizure of church property. In Stalin's early years, administrative restrictions such as taxes and church closures continued, and during the years of intensive party purges, the perceived counterrevolutionary threat intensified. By the end of the 1930s, much of the clergy had been executed, more than 35,000 "servants of religious cults" had been arrested, and almost all of Russia's 50,000 Orthodox churches were destroyed. (47)

With the party's political power more secure, and as the nation prepared for WWII, Stalin reversed course. To enhance wartime patriotism and to curry favor with wartime allies, the state created government councils to promote and portray positive relations with religious groups. In the late-Stalinist years, the purpose and meaning of atheism shifted again to focus less on political messages and more on enlightening the masses about a godless, scientific universe. Smolkin argues that, after the war, the meaning and purpose of atheism changed under Khrushchev to facilitate ideological reform. In his repudiation of Stalin's authority, Khrushchev worked to rechart the course of communism, promoting scientific studies of religion that could be applied toward mass-scale atheist interventions.

With growing evidence that religion persisted or even spread in the face of state restrictions, Khrushchev's administrators created scientific academic departments to understand why people turned toward religion, hoping to develop effective ways to persuade citizens to convert to communism instead of the church. These atheist scientists discovered that religion persisted in part because believers were able to reconcile their faith with modern developments. For many Soviets, religious practice was a cultural and social expression attached to a range of beliefs and attitudes that were not necessarily linked to notions of divinity. Devout atheist party members believed that, in order to usher in the final



stages of communist statehood, each citizen must convert to Marxism-Leninism. The main obstacle was the indifference among believers, who saw no problem with being both religious and communist.

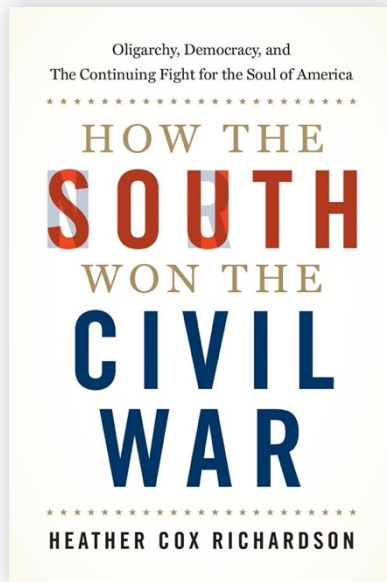
Millions of public lectures and a broad campaign for scientific atheism failed to produce genuine ideological conversion; it did, however, convince leaders that they needed to develop positive atheism. The most promising strategy was to provide emotionally satisfying socialist rituals that could replace the benefits of religious ritual celebrations. During the Khrushchev years, thousands of state-funded “Palaces of Happiness” were established to provide sites for socialist rituals. (186) Meant to replace events such as church baptisms, rites of passage, and marriages, leaders saw these rituals as the best way to provide spiritual fulfillment and to promote an atheist transformation in the Soviet way of life. During Brezhnev’s years in office, with increases in the standard of living, and with more Soviet youth attracted to Western culture, the state focused more intensely on the problem of indifferent youth. Academics, party leaders, and politicians struggled to convince young people that their spiritual fulfillment would come through building communism.

*A Sacred Space Is Never Empty* shows the resilience of religion and the Soviet state’s frustrated desire to replace the church. Smolkin argues that the Communist Party formally abandoned its crusade for atheism by 1988, the year of the

Russian Orthodox millennium. The 1,000-year anniversary of the church also marked the earliest steps toward a cohesive Russian nation, forcing Gorbachev to “either acknowledge the political continuity between Soviet Communism and Russia’s pre-revolutionary past, or reject the sacred origins of Russian statehood.” (230) When Gorbachev responded with a new party line that embraced the church and religion as the new normal, he effectively acknowledged the state’s failure to create an atheist polity. This concession marked the end of the party’s attempt to monopolize political, ideological, and spiritual authority over the state, society, and Russian individuals.

The nonspecialist might struggle to gauge how well Smolkin’s analysis distinguishes the differing problems religion posed to communism, and how the solutions and outcomes varied during each Soviet era. For example, the conceptual organization can be so fuzzy that it is hard to distinguish between the political threat of religion to the state during Stalin’s years and the threat to Khrushchev’s administration, when religion posed ideological and social problems. Although the author is writing for experts and specialists in Russian studies and the Cold War, this work is important for studies of totalitarianism, Marxist theory, and the relationship between religion and social change.





**Heather Cox Richardson**

*How the South Won the Civil War: Oligarchy, Democracy, and the Continuing Fight for America.*

New York: Oxford University Press, 2020.

---

*Reviewed by Joseph Angelillo*

Heather Cox Richardson has made a career studying the intersection of American political history, the politics of power, and the “image” of the United States, all within the scope of the Reconstruction Era and the Western United States. Her most recent contribution, *How the South Won the Civil War*, is no

different. Despite the book's provocative title, Richardson readily acknowledges that the North won the Civil War in the sense that it triumphed in the military conflict over the institution of chattel slavery. Yet when addressing the conflict as an ideological struggle between oligarchy and egalitarian democracy, the story changes. Seeking to explain how oligarchy outlived Appomattox, Richardson looks from the American Revolution to the present day, evaluating political and cultural history to argue that western settlement empowered the slaveholder ideology to survive and thrive.

Richardson opens with the genesis of the "American paradox," which holds that Enlightenment ideals of equality and egalitarian democracy apply only to a virtuous few. Therefore – given that preserving such noble leadership requires keeping non-elites out of power – she argues that "equality depends on inequality," a paradox enshrined by the elites who carved American independence (xv). The Civil War destabilized this paradox as it reversed the power of southern slave owners and created a government more suitable to egalitarian democracy. Yet oligarchy remained enshrined via western expansion, which benefited the slaveholder ideology in multiple ways. First, it spread white male supremacy by attacking indigenous peoples, Chinese immigrants, Mexican Americans, and women. For another, southerners seized on the fabricated image of the individualist western cowboy, which they contrasted with federal assistance toward freed people.

Thus, the West and South combined their political influence to exclude “special interests,” push Theodore Roosevelt’s progressivism, and block anti-lynching legislation.

Yet egalitarian democracy reemerged in the wake of the New Deal and World War II, with the fight against fascism creating a “liberal consensus.” Movement conservatism quickly coalesced and responded, with Joseph McCarthy and Barry Goldwater emphasizing “morality” and individualism to oppose integration and welfare. Behind individualist narratives – epitomized by Ronald Reagan’s cowboy image – Republicans moved wealth upward through tax cuts, shifted news coverage to the right with Fox News, and undermined non-white electoral power by pushing gerrymandering and narratives of “voter fraud.” Such an environment fostered Donald Trump, whose campaign attacked Mexican Americans and women while pushing the idea that only he could be trusted to lead the country. Thus, the American paradox lives on.

Given that this book overlaps so clearly with her prior research on political and cultural history, it comes as no surprise that Richardson cites herself throughout, relying on prior publications such as *The Greatest Nation of the Earth*, *The Death of Reconstruction*, *West from Appomattox*, and *To Make Men Free*.<sup>1</sup> Indeed, Richardson relies almost exclusively on

---

<sup>1</sup> Heather Cox Richardson, *The Greatest Nation of the Earth: Republican Economic Policies during the Civil War* (Cambridge: Harvard University Press,

secondary literature here, and this book should be regarded as an original reframing of work she has already done. However, she also frequently cites original works of popular culture, such as Claude Bowers' *The Tragic Era*, as well as films such as *Gone with the Wind* and *Red Dawn*, to illustrate the way images of individualism propelled oligarchy to the fore.<sup>2</sup>

Richardson provides much thought-provoking analysis, especially in the wake of the 2020 election and subsequent Capitol Insurrection. With oligarchic political movements at work in the United States to this day, the idea that only a “virtuous” wealthy few should govern – despite the votes of the many – makes this book especially prescient for modern America. Further, Richardson’s clear prose makes this book incredibly lively and accessible. Yet this accessibility, combined with the very broad narrative scope, results in some neglect for the tensions within American history. Such neglect can be seen in Richardson’s depiction of Abraham Lincoln as a full departure from the American paradox, especially visible when weighed against scholars such as Daniel Crofts, who displays

---

1997); *The Death of Reconstruction: Race, Labor, and Politics in the Post-Civil War North, 1865–1901* (Cambridge: Harvard University Press, 2004); *West from Appomattox: The Reconstruction of America after the Civil War* (New Haven: Yale University Press, 2007); and *To Make Men Free: A History of the Republican Party* (New York: Basic Books, 2014).

<sup>2</sup> Claude G. Bowers, *The Tragic Era: The Revolution after Lincoln* (Cambridge: Houghton Mifflin Company, 1929); *Gone with the Wind*, directed by Victor Fleming (1939; Hollywood, CA); and *Red Dawn*, directed by John Milius (1984; Beverly Hills, CA).

Lincoln's readiness to accept slavery so as to preserve the antebellum Union.<sup>3</sup> This is not to say that Lincoln did not become genuinely opposed to slavery and emerge as the most egalitarian president of his time. Yet a growing consensus agrees that he was forced into a conflict over slavery, rather than creating it. However, this does not detract from Richardson's ultimate argument that Reconstruction saw a brief advance toward a more egalitarian society, only for the forces of oligarchy to sweep it away.

Indeed, it is Richardson's framing of western expansion as the impetus for oligarchy's victory that makes this book an important contribution to the history of power in the United States. Richardson has made similar claims before, especially in her focus on western individualism as a force that undermined Reconstruction in *West from Appomattox*. Yet she makes a convincing case that oligarchy was woven into the American fabric and sustained by the western expansion of the United States, echoing the growing chorus of historians casting doubt on the democratic nature of the country.

---

<sup>3</sup> Daniel W. Crofts, *Lincoln and the Politics of Slavery: The Other Thirteenth Amendment and the Struggle to Save the Union* (Chapel Hill: University of North Carolina Press, 2016).





# Submission Guidelines

Become a published author in *Alpata*, the award-winning, student-run journal of Phi Alpha Theta History Honors Society's Gamma Eta chapter at the University of Florida. All University of Florida students are invited to submit. All submissions must follow the *Chicago Manual of Style* humanities documentation system.

*To ensure anonymity in the selection process, do not include your name or contact information anywhere within your submission other than on the contact page.*

## Recommended Submission Length

Undergraduate Papers:	2,500 – 4,000 words
Graduate Papers:	5,000 – 10,000 words
Book Reviews:	500 – 750 words

Papers may be submitted electronically to:  
[linkwa@ufl.edu](mailto:linkwa@ufl.edu)

or in hard copy to:

Department of History 025  
Keene - Flint Hall  
PO Box 117320  
Gainesville FL 32611

