

**Selected
Annual Proceedings
of the**



**Florida
Conference
of
Historians**

Annual Meeting

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**Florida
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of
Historians**

Editors of:

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of the
Florida Conference of Historians*

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Letter From the Editors

It is with great delight that the Florida Conference of Historians (FCH) offers the fifth volume of our *Selected Annual Proceedings*.

In the second year of our endeavors as editors we found the process simultaneously easier and more difficult. Having already established the templates and with a year's worth of experience it was far simpler to "produce" the *Proceedings*. The more difficult part was in obtaining submissions for publication. This is not a new problem. The 1996 dual edition, vols. 3/4, was necessitated by a dearth of contributors. We literally had to combine the 1995 and 1996 conferences to obtain enough entries to justify publication.

Given the outstanding success of J. Clarke's 1997 conference hosted by Jacksonville University and the presentation of over 60 papers, we thought, as editors, that we would be inundated with submissions. Not so. Only nine papers were submitted. All were quality works and comprise the 1997 *Proceedings*.

Both Kyle and I now find ourselves in the incredulous position (for college professors) of requesting more work. It is something we do willingly. We believe and support the FCH. We hope you feel the same. Please help to increase the number of contributors from the 1998 conference.

As is usual we are responsible for all editing errors contained within and will gladly blame each other for any you may encounter.

Will Benedicks
Kyle Eidahl

Tallahassee, Florida
December 1997

Florida Conference of Historians 1997 Annual Program

HOSTED BY

J. CLARKE

**JACKSONVILLE UNIVERSITY
JACKSONVILLE, FLORIDA**

THURSDAY—February 27

7:00-9:00 p.m.
Reception

FRIDAY—February 28

7:30 a.m.-6:00 p.m.
Registration
Lobby, Davis Building

8:30-10:00 a.m.
Session 1a: Political Turmoil in Florida

Chair: **Jay Grife**, Jacksonville University

“The Election of 1948 in Florida”

Julian M. Pleasants, University of Florida

“Rutledge Pearson: A Man in a Hurry”

Abel Bartley, University of Akron

“Anti-War Protest at the University of South Florida, 1969-1970”

Jack Moore, University of South Florida

Discussant: **Stephen Baker**, Jacksonville University

Session 1b: Central Florida and Georgia

Chair: TBA

"Nothing New under the Sun: Smuggling in Florida During the First Spanish Period."

R. Thomas Dye, Florida State University

"The Florida Gamble: Protestant Aggression on the Spanish Sea Lanes"

Stephen A. Bourque, Georgia State University

"Whose Slaves? The 'African Business' in Georgia, 1817-1821"

Robert Draughn Page, Georgia State University

Discussant: Dave Tegeder, Santa Fe Community College

Session 1c: The Age of Revolution and Color

Chair: **Charles R. Gallagher**, Marquette University and the Catholic Diocese of St. Augustine

"The Consequences of Ambiguity: British Perceptions of the *Petites Nations* in West Florida"

Daniel S. Murphree, Florida State University

"The World of Samuel Dunnaway: Race and Class on Virginia's Northern Neck in the Age of the Revolution"

Albert Tillson, Jr., University of Tampa

Discussant: **Charles R. Gallagher**, Marquette University and the Catholic Diocese of St. Augustine

Session 1d: Systematic Murder and History

Chair: **David Courtwright**, University of North Florida

"The Stasi Experience and German History"

David A. Meir, Dickinson State University

"Wiryamu: The Anatomy of A Massacre"

Mustafa Dhada, Clark University

"Eyewitnesses to Genocide: Famine in Ukraine, 1932-1933"

Chris Shrimp, Jacksonville University and U.S. Marines

Discussant: **David Courtwright**, University of North Florida

10:15-11:45 a.m.

Session 2a: Social and Political Reform in Florida

Chair: Christopher Linsin, Independent Scholar

"The Courses Are Too Crowded: The Growing Demand for and Diversity of Golf Clubs in Early Palm Beach County, 1897-1927"

Larry Youngs, Georgia State University

"The Good Roads Movement in Central Florida, 1890-1929"

Bradley Keeler, University of Central Florida, Orlando

"Jacksonville/Duval County Consolidation: A Quarter Century of Change"

Jeffrey Clements, Jacksonville, City Council Research Division

Discussant: **Joan Carver**, Jacksonville University

Session 2b: Living History Exhibition

**Session 2c: Church, Constitution and Commonwealth
in Medieval and Early Modern England**

Chair: **David Mock**, Tallahassee Community College

"Henry I's Favorites: Executive Action and Monastic Patronage, 1100-1135"

Kevin L. Shirley, Florida State University

"Reginald Pecock, The Rational Repressor"

Carol Miller, Tallahassee Community College

"The Instrument of Government: The First Written English Constitution, 1653"

Stanley D. M. Carpenter, Florida State University

Discussant: **David Mock**, Tallahassee Community College

**Session 2d: Lost Musical Gems of the Temperance Movement
Jon O. Carlson, Jacksonville University / the Jacksonville University Singers**

Session 2e: Mass Media History, Ideology and Technology

Chair: **Mark Charisse**

"Marx, McLuhan, and Microsoft: Technological Determinism and Communication History"

Mark Charisse, Jacksonville University

"Contradictions in Social Relations and the Deconstruction of News Production: Implications for Communications Technologies, News Genealogies and Genres, Ideologies and Regimes"

John Pauly, Jacksonville University

Discussant: The panel and audience

12:00-1:15 p.m.

Luncheon

Speaker, **Dr. Andrei Safirov**, Russian Academy of Sciences / Carroll College
 "What's Going on in Russia?"

1:30-3:00 p.m.

Session 3a: Florida and the Civil War: Olustee Roundtable Discussion

Walker Blanton, Jacksonville University
Bill Nulty, USMC, Ret. And Orange Park High School, Ret.
Dick Ferry
David Coles, Reference Unit, Florida State Archives

Session 3b: The Ancient and Medieval World

Chair: **David A. Meier**, Dickinson State University

"Electric Democracy: Modern Problems and Ancient Solutions"

Eric W. Robinson, University of North Florida

"The Topography of the Roman Empire and the Res Gestae Divi Augusti"

Lee L. Brice, University of North Carolina

"The Medieval City of Nicaea"

Paul Edson, Embry-Riddle Aeronautical University

Discussant: **David A. Meier**, Dickinson State University

Session 3c: Small States Among the Great Powers

Chair, **Will Benedicks**, Tallahassee Community College

"Broken Promises: The Washington Naval Treaties and British Naval Arms Sales to Finland"

Donald J. Stoker, Jr., Florida State University

"Inside Knowledge: AP1-AP1 and the Netherlands' Mobilization in 1914"

Hubert van Tuyl, Augusta State University

"Moldova's Prospects for Independence: In the Light of Her History"

Thomas J. Hegarty, University of Tampa

Discussant: **John Sullivan**, Jacksonville University

Session 3d: Three Pigs in a Poke

Chair: **Tom Rusk Vickery**, Jacksonville University

“Writing Historical Fiction”

Bill Leyden, Jacksonville University

“The State-Science Relationship: The Making of the Atomic Bomb as an Example of Convergence”

Paul Buckingham, Bowling Green State University

“Junior High School and Middle School: A Distinction Without a Difference”

Tom Rusk Vickery, Jacksonville University

Discussant: The panel and audience

3:15-4:45 p.m.

Session 4a: Race and America After World War II

Chair: **Kari Frederickson**, *Florida Historical Quarterly*, University of Central Florida

“The ‘Slowest State,’ the ‘Most Backward Community’: Racial Violence in South Carolina and Federal Civil Rights Legislation, 1946-1948”

Kari Frederickson, University of Central Florida

“The Crucifix and the Colorbar: The Catholic Church and Racial Changes in Florida, 1945-1964”

Charles R. Gallagher, Marquette University and the Catholic Diocese of St. Augustine

“Can a Jap Change His Spots?: American Images of the Japanese After the Second World War”

Blaine T. Browne, Broward Community College

Discussant: **Lemuel Molovinsky**, Broward Community College

Session 4b: Living History Exhibition

Session 4c: What is History?

Chair: **Marco Rimanelli**, Saint Leo College

“By No Means the Only Sinner: John Fiske and the Science of History”

Frank M. Baglione, Tallahassee Community College

“Philosophers’ Quarrels With History”

Mark Yount, Jacksonville University

“Modernism, Postmodernism, and the Assault on History”

Robert Waxman, Jacksonville University

Discussant: the panel and audience

Session 4d: Virtue and Early American Republic

Chair: **Amy E. Hendricks**, Brevard Community College, Melbourne Campus

“Jefferson’s Quest for a Virtuous Republic: The Political Economics of Indian Removal”

Michael S. Roberts, San Jose City College

“‘Tropical Temptress’ to Republican Mother: Gender, Virtue, and Haitian Independence”

John Garrigus, Jacksonville University

“Republican Education in Antebellum America: The Management of Character and Virtue”

John Baugess, Ohio State University/Columbus State Community College

Discussant: **Amy E. Hendricks**, Brevard Community College, Melbourne Campus

Session 4e: Civic Policy and Urban Minorities

Chair, **Mark Goldman**, Tallahassee Community College

“Anti-Semitism in the 1930s: The Role of Nazi Germany as Seen in the La Guardia-Goebbels Clash”

Neil Betten, Florida State University

“Policing the Urban Subculture: Police Raids on Gay Bars in Ft. Lauderdale, FL, 1958-1970”

Robert Cassanello, Florida State University

“‘Just Like Deerfield’: Community Empowerment And the Aged”

Christopher E. Linsin, Independent Scholar

Discussant: panel and audience

5:30-6:00 p.m.

Reception

6:00-8:00 p.m.

Banquet

Speaker, Dr. **Emory Thomas**, University of Georgia
 “In Search of Robert E. Lee: The Challenge of Biography”

SATURDAY— March 1

7:30-10:00 a.m.

Registration

Lobby, Davis Building

8:30-10:00 a.m.

Session 5a: Florida Before and During the Civil War

Chair: **Eric Thomas**, Jacksonville University

“Colonel Henry Theodore Titus: A Florida Filibuster in Cuba, Kansas, and Nicaragua”

Antonio Rafael De La Cova, Jacksonville University

“Florida’s First Booster: David Levy Yulee in Washington”

Jason M. Tetzloff, Purdue University

“The Union Sailor— Confederate Deserter Alliance in Florida”

George E. Buker, Professor Emeritus, Jacksonville University

Discussant: **Eric Thomas**, Jacksonville University

Session 5b: Living History Exhibition

Session 5c: The Kingsley Plantation

Chair: **Daniel L. Schafer**, University of North Florida

“The Life and Writings of Zephaniah Kingsley, Jr. and Current Public Presentations of His Life”

Daniel L. Schafer, University of North Florida

“The Kingsley Plantation”

Brian Peters, Superintendent of the Kingsley Plantation

“Zephaniah Kingsley’s Antiracist Defense of Slavery in Territorial Florida”

Daniel W. Stowell, University of Florida

Discussant: **Carolyn Williams**, University of North Florida

Session 5d: Creating Identity in Latin and South America

Chair: **Mustafa Dhada**, Clark University, Atlanta

“Argentina’s Negative Colonial Economic Legacies: Themes of Foreign Economic Dependence”

David Trevino, Bowling Green State University

“Managing Identity: Issues in the Narrative of Mexican Mythopoeia”

Douglas Hazzard, Jacksonville University

“The Japanese Experience in Brazil: The Early Decades”

Lemuel Molovinsky, Broward Community College

Discussant: **Mustafa Dhada**, Clark University, Atlanta

**Session 5e: Informal Discussion on the Soviet Experience
in Afghanistan, Vietnam, and Other Military/Foreign Policy Issues**

Andrei Safirov, Russian Academy of Sciences

Bill Stubbs, U.S. Foreign Service, Ret.

Sam Hart, U.S. Ambassador, Ret.

10:15-11:45 a.m.

Session 6a: Disasters at Sea: The *Titanic* in Law and as Icon

Chair/Discussant: **Craig Buettinger**, Jacksonville University

"Video: *Titanic* Expedition, 1996"

Owen E. Farley, Jr., Pensacola Junior College

"Admiralty Law, Salvage, and the *Titanic*"

The Honorable J. Calvitt Clarke Jr., Federal District Judge, Norfolk Virginia

Session 6b: The War Between the States

Chair/Discussant: **Michael S. Roberts**, San Jose City College

"My Heart Will Break Like Thunder: Women in Florida During the Civil War"

Tracy J. Revels, Wofford College

"Ecstasy Agony...Oblivion: Lincoln's Norfolk Campaign and the Drewry's Bluff
Repulse, May 8-15, 1862"

Rob Joynt, Broward Community College

"Historical and Archaeological Investigations at the Fort Myers Military Cemetery"

Roy Adlai Jackson, Environmental Management Office, State of Florida, Department of Transportation

Session 6c:

**Boylan Haven: Educational and African-American Women in Jacksonville
A Roundtable Discussion and Oral History**

Chair: **Carolyn Williams**, University of North Florida

Session 6d: Potpourri of Changing Images

Chair/Discussant: **John Pauly**, Jacksonville University

"American Newsmagazines and Yassir Arafat, 1988-96: A Changing
Image"

John J. McTague, St. Leo College

"Demetrios is now Jimmy: Greek Immigrants in Atlanta, Georgia and Jacksonville,
Florida"

Larry Odzak, University of Florida

12:00-1:30 p.m.

Session 7a: Public History and Historians - A Roundtable

Michelle M. Alexander, Curator of Education, Orange County Historical Society
Claire E. O'Conner, Lake Mary Historical Commission
Karen Woodward, President, Ocoee Historical Commission
Serena Parks Fisher, Seminole County Public Schools
Mary Lee Welch, Chair, Education Committee, Apopka Historical Society

Session 7b: Teaching History: A Demonstration and A Paper

Chair/Discussant: **Tom Rusk Vickery**, Jacksonville University

"Using Literature in the History Classroom"

David Gehler, Oak Hall School

"Using Literature in the History Classroom"

Chris Beckmann, Oak Hall School

Session 7c: Diplomatic Issues

Chair: **Owen E. Farley, Jr.**, Pensacola Junior College

"Search for Ares of Cooperation, Italian Precursors to the Nazi-Soviet Pact of 1939:
Preliminary Comments"

J. Clarke, Jacksonville University

"Italy's Diplomacy and the West from World War II to the Cold War and NATO,
1940s-1950s"

Marco Rimanelli, St. Leo College

"Other and Untried Paths: The Origins of Foreign Policy Debate in
Modern Presidential Politics"

Eric L. Gross, Florida State University

Discussant: **Hubert van Tuyll**, Augusta State University

Session 7d: Race and the South

Chair/Discussant: **Patricia Kenney**, University of North Florida

"A Lynching in LaBelle: A Case Study of Changing Attitudes Toward Racial Violence in the 1920s"

Caroline Emmons, Florida State University

"The American Missionary Association and the Dorchester Cooperative Center"

Dawn Herd, Florida State University

1:45-3:00 p.m.

Business Lunch

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Policing the Urban Subculture: Police Raids on Gay Bars in Fort Lauderdale, Florida, 1958–1970

*Robert Cassanello
Florida State University*

Open police repression was a common experience to many gays and lesbians throughout the 1950s and 1960s and even the 1970s. An end to police harassment was a priority to many gay rights organizations throughout this period. Ft. Lauderdale had a growing gay community throughout the 1960s and 1970s. While Ft. Lauderdale was not the gay Meccas of New York and San Francisco, it did experience the same harassment that gays and lesbians experienced throughout the country.

In order to understand the oppression the gay community experienced in Ft. Lauderdale, one must understand the images South Floridians had of gays and lesbians. In 1966, a South Florida television station presented a local documentary about “homosexuality.”¹ The program was suppose to educate the audience about the “homosexual affliction”, instead it did little more than reinforce the false notions of the Gay and Lesbian lifestyle. Miami Detective John Sorinson was one of the “experts” featured on the program. His claim was that “homosexuality” was a learned lifestyle. Sorinson portrayed gay men as vampires who preyed on young boys. He further contended that the majority of “homosexuals” desired adolescent boys. He then concluded that one in every three boys exposed to a “homosexual” environment would turn “homosexual” as a result. While Sorinson focused very little on lesbians, he tacitly implied they posed less of a

¹This was not the first attempt to educate the public about “homosexuality.” The McCarthy style Johns Committee of the Florida legislature distributed a pamphlet titled “Homosexuality and Citizenship in Florida” otherwise known as the lavender pamphlet because of its color. It was released in 1964 and contained the same messages as the *FYI* program. It did not reach the wide audience as the broadcast did. Its circulation was limited; consult: Guy Strait “Florida Demagoguery,” *Citizens News*, DO 2.642 2, 2, 5.

threat to the greater community and young children than gays did.²

All the "experts" featured on the program had the same view of "homosexuality." But they had different solutions to the "problem." The program featured a psychologist who agreed that gay life was a conscious choice, but further concluded that acceptance of the lifestyle was the best form of therapy. This was also the advice adopted by help columns such as Ann Landers. She often concluded that "homosexuals" preyed on young boys, but were harmless otherwise. She concluded that a gay man would be discouraged by a stern no from an adolescent, and were not aggressive as Sorinson believed. Although she concluded that gay men could never live "normal" lives, she insisted that the best help for gay men was therapy to overcome their self hatred. Again like Sorinson she reserved no text to a discussion of the "female homosexual affliction." The so called scientific "experts" held the same notions of gay men as the police did.³

One South Florida gay leader during this period also perpetuated the stereotypes of gay men. Richard Inman, featured on the program, was the president of the Florida Mattachine society. The Mattachine Society was a homophile organization established in the 1950s to promote same sex affection and stop police harassment of gays. Their aim was to remove laws banning gays and lesbians from meeting and developing same sex relationships. He reaffirmed the stereotypical notions of gay life by stating that he was gay at one time, but because of harassment he was no longer gay. This led the viewers to conclude that the gay life style was indeed a conscious choice, since a gay man himself confirmed it. Inman claimed that the only way to combat "homosexuals" approaching children was to legalize same sex relations. Inman concluded that gay men approached teenagers; because they feared adults were potentially undercover police officers posing as gay men. Inman then suggested that if the repressive laws were removed Gay men would no longer target adolescents. While Inman's aim was to help the community, he did little more than to reaffirm the fears suggested in the program. He reinforced the notion of the vampire image of gay men and suggested to the viewers that the gay lifestyle was a conscious

²WTVJ, *FYI The Homosexual* directed by Martin Saxon, 25 min., 1966 videocassette; the program focused primarily on Gay men and only mentioned that lesbians were a minor problem since they made up significantly less of the "homosexual population. To the "experts" featured on the program Gay men were the dangerous threat.

³WTVJ, *FYI*; Ann Landers, "Try to Understand Abnormalities," *The Miami Herald*, 19 January 1964, 1G, 5G; Ann Landers, "Homosexual Should Attempt Therapy," *The Miami Herald*, 4 January 1966, 4B; Although many historians like D'Emilio suggested that Gays and Lesbians had a negative self image during this period, due to propaganda like those cited, a Gay man did write Ann Landers in 1966 informing her that Gay life was normal and confessed that her advice was wrong. He concluded that a Gay man could have a positive self image during this period with out the help of therapy. One should not conclude that all scientist espoused these notions. A group of social scientist who worked out of New York in 1965 published a report which suggested that Gay men did not prey on children or teenagers but sought relationships with people of their own age; consult: *Newsweek*, "The Sex Offender," 2 August 1965, 42.

choice.⁴

The local police were in charge of uncovering gay spots and arresting "homosexuals." The police did this for several reasons. One was to uncover closeted gay men. Detective Sorinson concluded that closeted gay men posed the greatest threat to society. These would be men who did not appear openly "feminine." Sorinson suggested that these men tended to be people of high authority. He claimed that he personally arrested judges, lawyers, policemen, and teachers for same sex crimes. He concluded that these men were the most dangerous "homosexuals", because they commanded authority and could easily seduce an adolescent. Police raided gay bars and recorded a continuing list of known "homosexual." They would then inform employers of their employees "persuasion." In turn the police would help remove gay men from positions of authority. Sorinson and others like him were probably less concerned with children's safety and more concerned with removing gay politicians and coworkers.⁵

Another reason the police conducted bar raids was to give people the impression they were cracking down on crime. Gay folk history concludes that raids happened during election time. This may have had some truth to it. Three weeks before the May 1966 elections in Broward County, a state attorney and the Broward County PTA urged a grand jury investigation into morals violations in Fort Lauderdale. A week later the Fort Lauderdale police, fearful of an investigation of their operations, raided a gay bar in the city. Val's Caterer's Inc. was a gay bar which attracted gay men from Dade and Palm Beach as well as Broward county. The police took license plate numbers and brought the local television stations to report the event. The names of the more prominent people appeared in the paper the next day. The police used this event to inform the grand jury and the PTA that they were cracking down on "moral deviants" and there was no need for a grand jury investigation.⁶

Some Gays and lesbians did not act as deferential victims, they fought against police raids in their bars during this period. The police conducted these raids under the guise of closing a known "homosexual" establishment. If the police raided a bar frequently then the bar would eventually close for good. Patrons resisted raids. Some people would throw their drinks or start fights with the reporters present. Other owners would warn patrons of a raid by flashing red lights. When patrons would notice the lights flashing, they would then leave

⁴WTVJ, *FYI*; Richard Inman to Citizens News, 12 March 1965, in Correspondence File for the Mattachine Society of Florida, Inc., Special Collection of The Stone Wall Gay and Lesbian Library and Archive, Fort Lauderdale, Florida.

⁵WTVJ, *FYI*.

⁶Tom Vinciguerra, "Grand Jury Meets, Starts Morals Probe," *Fort Lauderdale News*, 8 April 1966, 12A; *Fort Lauderdale News*, "PTA Meet to Declare Morals 'War'," 14 April 1966, 2B; *Fort Lauderdale News*, "4 Nabbed in Raid at Club," 18 April 1966, 1B.

quickly out a back door. Since most bars during this period enjoyed both gay and lesbian patrons, if there was a warning of a raid patrons would stop dancing with a same sex partner and begin dancing with an opposite sex partner. This was one of the most effective steps to stop harassment, because the police could not prove the bar was a gay or lesbian establishment. If owners knew well in advance of a bar raid they would then let a few regular patrons know. These regular patrons would then inform others by word of mouth that a raid was expected.⁷

Fort Lauderdale itself had the reputation of being less repressive than Miami Beach. Some gay and lesbian residents of Miami Beach traveled to Fort Lauderdale, because the police crackdowns were worse in Miami. Other residents picked up on this information through word of mouth and visited the Fort Lauderdale bars more frequently.⁸

The year 1966 marked a turning point in Fort Lauderdale history. By 1965 the direction of the Civil Rights Movement changed. Urban African-Americans became disillusioned by the Civil Rights Movement. Cities, like Watts, experienced uprisings. This caused panic with civil officials in many urban areas with a substantial African-American population.⁹ This situation was similar in Fort Lauderdale. The city government feared a "race riot." They created a community relations division within the local police department. This division consisted of one white officer and one African-American officer. They then appointed Robert Johnston to police chief in March of 1967. He was appointed with specific instructions to change the image of the Fort Lauderdale police.¹⁰

The police eventually became more community orientated. About a year after Johnston's appointment, many bar patrons noticed harassment of the gay bars dropped significantly, although Johnston's motives were not to end harass-

⁷WTVJ, "Red Carpet Raid," 1958; *Fort Lauderdale News*, "4 Nabbed," 1b; *Don LeFever of Fort Lauderdale, interview by author, 6 November 1994, tape recording; *Sandy of Plantation, interviewed by author, 16 November 1994, tape recording; WTVJ, "Gay and Gray," from *Montage*, 1986; Stonewall Gay and Lesbian Library and Archives, *Heritage of Pride Festival 24 May 1986*, video recording; Stonewall Gay and Lesbian Library and Archives, *Heritage of Pride IX 24 May 1994*, video recording; (* denotes pseudonym).

⁸Don Le Fever, interviewed by author; Jerry Mitchell, interviewed by author.

⁹Dewey W. Grantham, *Recent America The United States Since 1945* (Arlington Heights, IL: Harlan Davidson, Inc., 1987) 169-171; Richard Polenberg, *One Nation Divisible Class, Race and Ethnicity in the United States Since 1938* (New York: Penguin Books, 1980), 191-193.

¹⁰Maureen Collins, "Bi-Racial Board Advises 5 Steps," *Fort Lauderdale News*, 2 September 1966, 1C; Ray Linders, "When Violence Wins Surrender, What Lies Ahead," *The Miami Herald*, 4 September 1966, 2BR; *Fort Lauderdale News*, "Police Chief Job Goes to Johnston," 10 March 1967, 1B; Dorothea Lofsteat, "Fort Lauderdale Police," ed. Florence C. Hardy and Joan H. Vicinus, *New River News*, 8 (31 July 1969), 11; Lt. Harold Brewster, "Cop," *Fort Lauderdale*, 9 (November 1972), 24-32; Welcome Watson of Fort Lauderdale, interview by author, 16 November 1994, tape recording; Trever Jensen, "Robert Johnston, 68, Former Fort Lauderdale Police Chief," *Fort Lauderdale News*, 21 March 1991, 8B.

ment of the gay community. Harassment was no longer a major problem.¹¹

To coincide with the lessening of police harassment more gays came to Ft. Lauderdale. More gay bars opened and a gay business class emerged. In turn more bars and organizations could be supported, than before 1967. By the beginning of the 1970s the gay and lesbian community was larger and more open. The community supported a few openly Gay institutions like the MCC church and several bars which remained less open.

By the beginning of the 1970s, Fort Lauderdale's heterosexual society became disillusioned with the new image of the police. At the end of 1970, Fort Lauderdale's downtown business community complained that "hippies" were driving their patrons away. The business owners claimed that the police were not tough enough on the "hippie" loiterers. They believed that the police should drive the "hippies" and other "undesirables" away. Downtown Fort Lauderdale was not content with the police departments new community relations image.¹²

Chief Johnston retired in 1973, because crime statistics were high and many residents believed he was too soft on crime. Leo Callahan was appointed new police chief during the summer of 1973. One of his first priorities was to change the image of the police department. After he assumed power his police officers began harassing the collage student who annually came down for spring holiday. They also harassed young Ft. Lauderdale residents who they called "hippies", because Ft. Lauderdale's business owners complained about a few years earlier. One year after Callahan became chief, the African-American community submitted a complaint to the city commission. Their complaint suggested the police no longer patrolled their neighborhood as they did during Johnston's tenure. The department stated that increased tension in the African-American community might cause a race riot with the police. In order to stop a riot the police stopped patrolling the African-American community. Slowly the police moved away from the community relations image Johnston initiated, and back to a conservative law and order image which was sweeping the country.¹³

According to the *Ft. Lauderdale News*, on New Year's Eve 1973, "hippies" engaged in a minor uprising against police harassment. The previous New Year's Eve the police reported a minor beach disturbance, so and in anticipation of a greater disturbance the police assigned more officers to patrol the beach and restricted access to the beach during the 1973 New Years Eve celebrations. A crowd of angry youths resisted police harassment during the course of the evening. The police then fired tear gas into the crowd and began making arrests.

¹¹Jerry Mitchell, interview by author; *Joe Bell of Fort Lauderdale, interviewed by author, 4 November 1994, tape recording.

¹²*The Miami Herald*, "Hippies Hurting Our Business," 22 November 1970, 1BR; *The Miami Herald*, "Hippies Forsake Hangouts for Police Protest," 2 February 1971, 1BR, 5BR.

¹³*The Miami Herald*, "Lauderdale Picks Callahan as Permanent Police Chief," 1 June 1973, 1BR; City of Fort Lauderdale, Florida, *Minutes of the City Commission* 19 March 1974, 21.

They reported only fifteen arrests and \$4,000 in property damage. The next day the local papers called the event a "hippie riot." Local residents believed that the "hippie" problem was uncontrolled.¹⁴

By February of 1974, the police and the city commission wanted to solve the "hippie" problem in the city. They planned to harass both the "hippies" and the college students. They believed they could bring a more family image to Fort Lauderdale by removing both groups. The police and the city commission believed that both the "hippies" and the college students were tied in some symbiotic relationship with the gay community. They believed all the groups used drugs. They also believed the college students and "hippies" would sell their bodies to gay men in order to earn extra money. The police and city government's image of gay men changed little since the 1960s. Their plan after 1974 was to harass the "hippies", college students, and the gay community in an attempt for all of them to leave Fort Lauderdale. They believed if the "hippies" and college students stopped visiting Fort Lauderdale, then drugs and male prostitution would end. As a result gay men would have no reason to stay in Fort Lauderdale. The same vampire images used to describe Gay men before 1967 were used to describe Gay men in the early 1970s.¹⁵

Harassment of gay bars increased by 1974. The style of the police raids changed during this period. Before 1967, the police could raid a gay bar simply because it was a gay bar. There were civil ordinances through out this period which prohibited the sale of alcohol to known "homosexuals." Police could easily raid a gay bar to uncover "homosexuals." After 1967, gay groups through out the country began receiving support from socialist organizations and the American Civil Liberties Union to fight discrimination and police harassment. Also, heterosexual society during this time believed that the police would waste valuable resources by merely closing gay bars. After 1974, the police no longer tried to close the gay bar, because they feared the ACLU activities. They just harassed the customers.¹⁶

Police would individually enter a bar. They no longer brought television reporters. They would check the ages of the patrons. They would also look for drugs. When they could find nothing incriminating they would ask a patron to step outside and then arrest him for public intoxication. They would leave the owners and employees of the establishment alone, unless they found a minor in

¹⁴Bob Bellinger, "Police Quell Beach Melee; 15 Are Hurt," *Fort Lauderdale News*, 1 January 1974, 1A; The City of Fort Lauderdale, Florida, "New Year's Eve Beach Disturbance," *Commission Conference*, 2 January 1974, 4.

¹⁵Mary Copeland, "Beach Study Had Ghost Writer In Report on Problem Youth," *The Miami Herald*, 9 February 1974, 1BR; City of Fort Lauderdale, Florida, "Greater Fort Lauderdale Chamber of Commerce-Summer '74 Call Me Campaign," *Commission Conference* 2 April 1974, 10-12.

¹⁶*The Advocate*, "Orange ACLU Shoves at Angeleno Inertia on Gays," 70(13 October 1971), 2; *The Advocate*, "Police Priorities-II," 63(7-20 July 1971), 24; Jerry Mitchell, interview by author.

the bar. Raids changed significantly since the 1960s.¹⁷

Since the style of the raids changed, so did the tactics to combat them. Gay and lesbian patrons again relied on oral networks. Usually the police would sweep all the gay bars in one night. After the police left the first gay bar of the sweep, the owner or employees would call the rest of the bars and warn them of the raid. The other bar owners would then ask their customers to leave because of the impending harassment. The patrons would then go to the bars which had been already raided, knowing the police would not come back. As a result, the police would only catch one gay bar with many customers during their sweep.¹⁸

A more successful tactic to combat the police sweeps was to fight the conviction. Before 1967, gays and lesbians who were arrested in bar raids usually pleaded guilty or no contest to the charges. After the gay liberation movement began, fewer gay or lesbian suspects pleaded guilty. Usually they could find a gay sympathetic attorney through word of mouth or through the MCC church. *The Advocate* also recommended fighting the cases in court because it tied up the courts and slowed the legal process of important criminal cases. This was the most effective way to decrease police harassment during this period.¹⁹

Because the tactics to fight police raids and harassment was so effective, police sweeps of the bars became infrequent again. However, police harassment did not stop. It was just less of a problem. An editorial in one South Florida Gay magazine in 1975 suggested that current police harassment stemmed from individual officers and was no longer police policy, although the police department probably condoned such acts.²⁰

* * *

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¹⁷Jerry Mitchell, interview by author; Mark Silber, interview by author.

¹⁸Jerry Mitchell, interview by author.

¹⁹Ibid.

²⁰Jesse Monteagudo, "Machismo! In Uniform," *Where the Action Is*, 1(11-25 July 1975), 6, 10.

Search for Areas of Cooperation: Italian Precursors to the Nazi Soviet Pact of 1939: Preliminary Comments

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Adolf Hitler's arrival to power in Germany in 1933 upset the diplomatic system established by the peace treaties ending the First World War. Fearing that the Führer might actually mean his anticommunist and anti-Slavic rhetoric, in the following years the Soviet Union attempted to construct a policy of collective security designed to deal with Nazi Germany.¹ Moscow hoped that collective security would make Hitler see the value of Germany's old, Rapallo relationship with Russia, and, presumably, anytime that Hitler sincerely returned to that cooperation, Stalin would cuckold his collective security partners. If, however, Hitler did not come to reason, then collective security would give the USSR the diplomatic and military clout to contain Germany.

Italy had a crucial role to play in collective security. By approaching Mussolini's fascist state, the Kremlin sought to reassure Nazi Germany that ideology need not get in the way of good, pragmatic relations.² If Germany failed to be seduced, however, Italy was the one power with proven ability to oppose Anschluss in Austria, the necessary first step in Germany's expansion. To strengthen collective security, in 1934 and 1935 Moscow encouraged cooperation between Paris and Rome. Such teamwork would permit Italy's allies, Austria and Hungary, to work with France's Little Entente allies, Czechoslovakia, Romania, and Yugoslavia.³

¹In recent years, the work of Geoffrey Roberts has been particularly valuable in helping to understand the nature of collective security. See his *The Unholy Alliance: Stalin's Pact with Hitler* (Bloomington, 1989) and *The Soviet Union and the Origins of the Second World War: Russo-German Relations and the Road to War, 1933-1941* (New York, 1995). See also Teddy J. Uldricks, "Soviet Security Policy in the 1930s," in Gabriel Gorodetsky, ed., *Soviet Foreign Policy, 1917-1991* (London, 1994), 65-74.

²See J. Calvitt Clarke III, *Russia and Italy Against Hitler: The Bolshevik-Fascist Rapprochement of the 1930s* (Westport, CT, esp. 77-98).

³*Ibid.*, 163-78.

Soviet plans began to crumble with the Italo-Ethiopian War of 1935 and 1936. For the sake of collective security, Moscow had been willing to suffer the indignity of supporting imperialist predations against a colonial people. Not until Britain forced Moscow's hand, therefore, did the Kremlin in September 1935 join the League's efforts to thwart Italy's plans in Ethiopia. Moscow, however, often reassured the fascist government that it wanted good relations restored once the war was over.⁴

International intervention exacerbated the Spanish Civil War and dashed Moscow's hopes. Violent press attacks mutually disturbed the two governments,⁵ and by late 1938 both were lamenting the collapse of negotiations to restore the commercial relations so mutually beneficial in the first half of the decade. Also stalled were the related discussions concerning the supply of marine diesel to the Royal Navy and the sequestering of a naval vessel purchased by the Soviets and built in Italian yards.⁶ The purges took their toll with the arrest and detention of Italians working and living in the USSR,⁷ and Italy's representatives found normal diplomatic courtesies strained.⁸ "Pirate" Italian submarines were even sinking Russian merchantmen plying the Mediterranean.⁹ Worse, under the cover of the civil war Italy acquiesced to Austria's Anschluss, and Germany obtained direct access to Danubian and Balkan Europe. Collective security as originally envisaged was no longer possible.

By late 1938, with the fate of Republican Spain no longer in doubt and after the debacle of the Munich Conference, the Kremlin had to find a new diplomatic balance. Of obvious concern was the growing tripartite cooperation among Italy, Germany, and Japan, which threatened the socialist homeland ideologically, economically, diplomatically, and militarily. Although the Kremlin had

⁴J. Calvitt Clarke III, "Soviet Appeasement and the Italo-Ethiopian War, 1935-36," *Selected Annual Proceedings of the Florida Conference of Historians* 3/4 (Dec. 1996): 115-32.

⁵Shtein to Ciano, 12/12/38, with attachment: *Il Popolo di Roma*, "L'affare Miller", Dec. 10, 1938; Ministero degli Affari Esteri, Direzione Generale degli Affari Politici, URSS (Rome) [hereafter cited as MAE (Rome) AP URSS] AP URSS b(usta) 29 f(oglio) 19.

⁶One of the Soviet technicians attached to the local mission at Livorno, declared that the negotiations about the consignment of an *esploratore*, constructed at Livorno, would not be concluded because of the new state of tension between the two states. MAE AG 4 to Dir. Gen AEM, 1/27/39: *ibid.*, b34 ff.

⁷For a few of the many reports of Italians arrested in the USSR, see Ciano to Rosso, 5/25/38: MAE (Rome) AP URSS b29 (1938) f13; Vatican Embassy to Mussolini, 11/18/35, with attachment, Note, 11/14/35: *ibid.*, b17 f8; Scarpa to Rosso, 11/15/36; Rosso to MAE, 11/18/36, 11/20/36, 11/26/36; and Scarpa to MAE, 12/22/36: *ibid.*, b21 f5; Rosso to Ciano, 10/29/38: *ibid.* For Germans arrested in the USSR, see Rosso to MAE, 11/23/36: MAE (Rome) AP URSS b19 f2.

⁸For example, the Kremlin established new norms for the concession of immunities regarding customs visas of diplomats residing in the USSR. One immediate result was the holdup at customs of the furniture belonging to the new Military Attache, Lt. Col. Valfrè di Bonzo. His predecessor, Lt. Col. Bonfatti, had already departed to sparse courtesy by customs authorities. Potemkin apologized after vibrant Italian protests. Rosso to Ciano, 1/10/39; see also Rosso to Ciano, 12/12/38: *ibid.*, b34 ff.5.

⁹John Foy Coverdale, *Italian Intervention in the Spanish Civil War* (Princeton, NJ, 1975), 179-80.

some reason to believe that Italy's contribution against Soviet Russia was limited,¹⁰ publicly, Foreign Commissar Maxim Litvinov railed against any tripartite arrangement.¹¹

Amid these problems, before the world war Italo-Soviet relations reached their depths with the mutual closing of consulates in early 1939.¹²

On November 26, 1938, a group of demonstrators invaded the Soviet consulate in Milan. On December 15, Vladimir Potemkin, deputy foreign commissar, consequently told Augusto Rosso, Italy's ambassador, that Moscow had decided to close that office and to concentrate its consular and commercial services at its embassy in Rome. Moscow asked that Italy reciprocally suppress the Royal Consulate General at Odessa.¹³

Rome agreed and set January 10, 1939 for the simultaneous closing of the Italian and Soviet offices.¹⁴ But liquidation so quickly was not so easy. Italian officials had to transport or destroy sensitive documents, and they had to sell or move furniture to Moscow.¹⁵ Potemkin consequently agreed to allow the Consul General to remain at Odessa until January 31. The deputy commissar only asked that after January 10 he stop using code for his telegraphic communications.¹⁶ Meanwhile, the Soviets closed their consulate general at Milan on

¹⁰The *Journal de Moscou*, e.g., on Nov. 15, 1938 editorialized that the tripartite powers were contemplating joint measures by converting the Anti-Comintern Pact into a military alliance directed more against Great Britain than the Soviet Union.

¹¹Jane Tabrisky Degras, *Soviet Documents on Foreign Policy*, 3 vols. (London, 1951-53), 3: 267.

¹²In the name of parity, the Soviets throughout much of 1937 and all of 1938 had worked to close various foreign consulates on its soil, including those of Afghanistan, Iran, Turkey, Britain, Denmark, Estonia, Germany, and Japan. See Rosso to MAE, 1/12/38, 1/16/38, 2/3/38, 2/16/38, 3/2/38, 3/3/38, 3/10/38: MAE (Rome) AP URSS b29 f10. Rosso had reported significant interference with the smooth operation of the Odessa consulate. See Rosso promemorial, 1/26/38; Rosso to Foreign Commissariat, 1/26/38; Rosso to MAE, 1/26/38, 1/26/38: MAE (Rome) AP URSS b29 f10; Scarpa to MAE, 1/4/38, 1/17/38; Ciano to Rosso, 1/5/38, 1/22/38, 3/17/38; Rosso to MAE, 1/6/38, 1/22/38, 3/17/38, 3/23/38, 4/7/38; Rosso to Scarpa, 1/17/38; Scarpa to Rosso, 3/9/38, 3/21/38: *ibid.*, b29 f12. In truth, in the face of Soviet provocations, Rosso had already suggested for "reasons of dignity" that the consulates in Odessa and Milan be closed. Rosso to MAE, 3/12/38: *ibid.*, b29 f12.

¹³Stein to Ciano, 12/10/38; Sergueev to Marzano, 12/10/38; Marzano to Carmine Senise, 12/11/38; Ciano to Carmine Senise, 12/12/38; Carmine Senise to Ciano, 12/14/38, 12/18/38, 12/21/38; Bastianini to Carmine Senise, 12/21/38: *ibid.*, b 29 f9; Rosso to Ciano, 12/16/38: *ibid.*, b34 f6. Ambassador Boris Shtein in Rome repeated this message in Rome and began to press for a date when Italy would close the consulate in Odessa. Shtein to Ciano, 12/16/38: *ibid.*, b34 f6. See Rosso to MAE, 12/27/38 and Stefani to MAE, 12/27/38: *ibid.*, b29 f10. Also see Ministerstvo Inostannykh Del, *Dokumenty vnesheinei politiki SSSR*, Vol. 21: *Ianvaria-31 dekabria 1938 g.* (Moscow, 1977): nos. 483, 489.

¹⁴Bastianini to Rosso, 12/19/38: MAE (Rome) AP URSS b34 f6.

¹⁵Rosso proposed to Rome that he should go to the foreign commissariat with the following solution: the Consulate General would cease functioning regarding public matters on January 10, but the Consul General and personnel would remain longer for liquidating the office by the 31st. The ambassador asked for Rome's approval of his plans. Rosso to Ciano, 12/21/38: *ibid.*, b34 f6.

¹⁶Rosso to Ciano, 12/26/38: *ibid.*, b3 4 f6; Stefani telegram 4115RS/153, 12/27/38: MAE (Rome) AP URSS b29 f10.

January 1.¹⁷

In these very depths of relations, ironically, Italy and Russia found ample means for rapprochement, and at this time the two powers began building new bases of cooperation.¹⁸ As early as January 13, 1939, Rosso informed Rome of changing Soviet attitudes toward the Axis.¹⁹

The Soviets first sought to improve their trade relations with Italy which had collapsed after 1936.²⁰ On January 23, Potemkin brought Rosso's attention to Galeazzo Ciano's recent statement to Ambassador Boris Shtein, in which the Italian foreign minister expressed "the hope for an amelioration of relations between the two countries, at least in the economic field."²¹ The vice commissar also suggested the "generic" possibility that the Kremlin would enter commercial negotiations with Germany, a possibility which Germany's embassy in Moscow confirmed. Rosso, as well as foreign ministry officials in Rome, recognized the inherent possibilities for a Soviet-German political and military cooperation flowing out of such economic rapprochement.²²

By linking the notion of economic cooperation with both Italy and Germany, perhaps Soviet leaders were floating a trial balloon to Germany, and surely the Kremlin thought that flowering relations between Moscow and Rome would pressure Berlin in the same direction; perhaps the Soviets were attempting to split the Axis by bolstering Italy.²³

In any case, on February 7 Rome and Moscow concluded a series of detailed

¹⁷The Soviets transferred part of the archives of the Consulate General to Rome and part to Moscow. Del Balzo to Ciano, 1/11/39; *ibid.*, b34 f6. See also Carmine Senise to Ciano, 1/19/38; *ibid.*, b34 f6 and Rosso to Ciano, 1/19/39; *ibid.*, b34 f1. For British reports stressing the difficult commercial position the Soviets had put themselves in with the closure of the Milan consulate see Charles to Collier, 2/3/39, reel 6: 23690/639/639/198 and 2/3/39, reel 6: 23690/639/639/199-201 in British Foreign Office, *Russia Correspondence, 1781-1945, 1930-1940*, Microfilm 60300.

¹⁸For example, on March 4, TASS announced the Kremlin's decision to withdraw from the Nonintervention Committee, because it had "no more reason for existence." Rosso to Ciano, 3/5/39: MAE (Rome) AP URSS b32 f3.

¹⁹Toscano, *Designs*, 51.

²⁰For some of the contentious negotiations, especially on the price of marine diesel for the Royal Navy, see Ciano to Rosso, 1/3/39, 1/7/39; Rosso to Ciano, 1/7/39, 1/9/39; MAE (Rome) AP URSS b34 f15. Because the international price of marine diesel had gone up, Moscow wanted to raise the prices already agreed upon. There were threats to break off the economic negotiations. For a printed text of the proposed accord of 1/23/39, see *ibid.*, b34 f15.

²¹Rosso to Ciano, telegram 381R/129; Del Balzo circular, 1/31/39; *ibid.*, b35 f3. See Mario Toscano, *Designs in Diplomacy: Pages from European Diplomatic History in the Twentieth Century*, trans. and ed. George A. Carbone (Baltimore, 1970), 54.

²²Rosso and Bernardo Attolico, Italy's ambassador in Berlin, attempted to keep Rome abreast of the commercial negotiations, begun on Dec. 19, between Moscow and Berlin and their implications. See, e.g., Rosso to Ciano, 1/26/39, 1/31/39, 2/4/39, 2/5/39; Attolico to Ciano, 2/4/39; Grandi to Ciano, 1/31/39; MAE circular, telexpress 204072: MAE (Rome) AP URSS b35 f3; and Dopo l'esame dei testi dell'accordo il governo sovietico propone le seguenti correzioni, Feb. 1939: *ibid.*, b34 f15.

²³The Soviets understood that there were tensions between Italy and Germany. One example concerned Upper Adige. See Conrad Franchot Latour, "Germany, Italy and South Tyrol, 1938-45," *Historical Journal* 8 (1965): 96.

economic protocols.²⁴ The agreements provided for exchanging the funds mutually impounded the year before and gave the Soviets possession of their previously ordered naval vessel.²⁵ Valid until year's end, both governments, as of March 7, agreed to renew payments transfers through a clearing system.²⁶ These agreements erected an artificial and unstable economic structure,²⁷ but politics were the important thing.²⁸

The two governments found other areas of cooperation. On the morning of January 27, Potemkin reminded Rosso that their two governments had earlier discussed an exchange of Italian citizens arrested in the USSR for Soviet citizens interned in Nationalist Spain.²⁹ The Kremlin was now proposing a "gentleman's agreement": the Italian government would approach Francisco Franco to obtain the liberty of the crews of three Soviet steamships interned at Palma di Majorca plus seven crew members of the *Komsomol* interned at Puerto di Santa Maria near Cadiz. For its part, the Soviet government was ready to obligate itself to liberate immediately some Italian citizens arrested in the USSR—Potemkin mentioned nine—and Moscow would benevolently examine other demands for liberation that Italy might make. Not wishing to commit his government, Rosso only commented that he would immediately send Potemkin's proposal to his

²⁴See Dmitrii Dmitriyevich Mishustin, ed., *Vneshniaia torgovlia SSSR: Kratkoe uchebnoe posobie*, 3rd ed. rev. (Moscow, 1941), 28.

²⁵MAE AG4 to AEM, 1/27/39; MAE (Rome) AP URSS b34 f6; Anfuso to Rosso, 4/21/39: *ibid.*, b34 f15.

²⁶Printed copies of the agreements can be found in *ibid.*, b34 f15 and b32 f3. See Ciano to Rosso, 2/3/39; Ciano to Rosso, 2/7/39: *ibid.*, b34 f34; Rosso to Ciano, 2/23/39; Chargé in Warsaw to Ciano, 2/10/39; Budapest to Ciano, 2/14/39: *ibid.*, b34 f15. See Earl of Perth to London, 2/8/39, reel 6: 23690/206-07; 2/14/39, reel 6: 23690/208-11; Lorraine to London, 7/20/39, reel 6: 23690/212-13; and Italian Annual Report on the U.S.S.R. (Oct. 1938-Oct. 1939), 8/27/40, Cover letter by Maclean, reel 12: no. 6401/71/38: *Russia Correspondence*. See also Lazar Isaevich Frei, *Valiutnye ogranicheniia i kliringi* (Moscow, 1940), 278-80.

²⁷Charles Bohlen of America's Moscow embassy, e.g., was able to purchase a ticket from Moscow to New York for \$15.00 as one of its direct results. His embassy obtained its rubles on the black market at a rate of 60-70 to the dollar, while the ticket was written in lire at the artificial official rate of 1.15 rubles per dollar. This ticket provided not only first class rail accommodations from Moscow to Genoa, but also first class passage on the luxury liner, *Conti di Savoia*, to New York. Charles Eustis Bohlen, *Witness to History, 1929-1969*, Editorial Assistance by Robert H. Phelps (New York, 1973), 99.

²⁸See *Pravda*, Feb. 8, 1940 for Foreign Commissar Viacheslav Molotov's later comments that this trade agreement had symbolized the possibility of coming to a full political understanding with Italy.

²⁹Rosso assumed that Potemkin was referring to the conversations of 1937 for the exchange of the crews of the *Komsomol* and *Smidovich* imprisoned in Spain. Toward the end of 1936, the Nationalists had taken the *Komsomol*. Between June and October 1937, negotiations followed a similar Soviet proposal responding to an offer from Spain. Nicolas Franco had offered the exchange of the crew of the *Komsomol* for Italians and Germans imprisoned in the USSR. In the end, only Germany had profited, when all but seven of the ship's complement were exchanged in 1937 for civil German prisoners in the USSR and German aviators held in Red Spain. Why the seven remained detained was unknown. AEM Off. 1, note, 1/28/39; MAE note, 5/3/39: MAE (Rome) AP URSS b34 f6.

government.³⁰

Rosso explained the situation to Rome. The Soviets had arrested some twenty-eight Italians in late 1938 and early 1939 for spying; internment seemed imminent for three more; in late 1937 and 1938 they had arrested eleven whom Moscow claimed to be Soviet citizens. Most of these, he assured Rome, were "absolutely" innocent and had been caught in a fit of political persecution and anti-foreign phobia. Some, Rosso acknowledged, had broken Soviet regulations, but he maintained that their punishment had gone beyond the crime.³¹ For some, Rosso was unable to establish the reason for their arrests, but he presumed that they had been under the notorious Article 58. Finally, there were special cases, for example, seaman Bruno Stanzini had been arrested for killing another Italian seaman.³² Rosso refused to vouch that all of the people on Potemkin's list of

³⁰Rosso to Ciano, 1/27/39, 1/27/39: *ibid.*, b34 f6. Included in this list was Senora Lavrova-Rocchi, the wife of Engineer Rocchi of Odero Terni Orlando, who was not in prison but was being prevented from joining her husband in Italy because she was a Soviet citizen.

³¹Three technicians of Ditta Scaini and Cali of Milan, Baldo Della Balda, Guido Garziera, and Cansi, had been arrested for having imported a small number of gifts. These three particularly concerned Rome's embassy in Moscow. Garziera had gone to Leningrad in Aug. 1936 as a technician to help build accumulators for submarines. He had finished his work on Nov. 12, 1937 and was to return to Italy on the 25th but was arrested for contraband. The secretary of the Moscow embassy managed to visit the three in Dec. 1938. Rosso to Ciano, 12/14/38, 3/4/39, 3/15/39; Ciano to Prefect of Milan, 3/28/39; MAE AG 4 to Rosso, 10/7/39; MAE (Rome) AP URSS b34 f7; Del Balzo to Caffarelli, 12/12/37: *ibid.*, b29 f13.

³²On Mar. 7, the Italian ambassador sent a long report on the protection of Italian nationals in the Soviet Union. He noted that the purges had been affecting all foreigners for two years, because they gave Soviet citizens an opportunity to find out about life outside of the USSR. Political immigrants were particularly suspect and received especially brutal treatment. With no way to exert sufficient pressure, Rosso lacked the means to protect Italian citizens. He noted the special problems concerning Soviet wives and children of Italian nationals. Rosso to Ciano, 3/7/39: *ibid.*, b34 f15.

To help in the difficult job of protecting Italian citizens and interests in the Soviet Union, a week later he strongly urged a policy of reciprocity in things such as exit visas, just as the Germans had done. This, he suggested, would help control the movement of Soviet citizens and would insure the right of Italian citizens to leave Soviet territory freely. AEM, Uff 1 to Ciano, 3/16/39: *ibid.*, b24 f13.

The number of Italians repatriated in 1938 had not kept up with the number of new arrests. But at least, he rejoiced, the number of Italians resident in the USSR had been reduced to a minimum. He added that it was difficult to say how many there were, but there were at most only a few more than one hundred. Further, Lavrenty Beria's arrival to power had marked an improvement: no more new arrests of Italians and more were receiving exit visas. Rosso to Ciano, 3/7/39: *ibid.*, b34 f15. To this document, Rosso added the following data about the Italian community in the USSR.

Conationals repatriated during 1938	
from Moscow	212
from Odessa	324
Demands for release of Soviet citizens	
presented at Moscow	16
in course at Moscow on Jan. 1, 1938	06
presented at Odessa	35
Releases consigned in 1938	
at Moscow for wives of conationals	14
at Moscow for children under 16 years of age	11
at Odessa	49
Conationals arrested as of Jan. 1, 1938	14
Conationals arrested during 1938	14

nine were the most worthy of repatriation.³³

Rosso recognized that Rome could object that in exchange for its intervention with Franco, Potemkin was offering to liberate innocent Italians. He, however, doubted that this would result in anything practical, rightly predicting that the Soviets would respond that they had arrested the Italians for serious violations of Soviet law, while the Soviet ships and crews had been interned in violation of international law. Any discussion of "ethics... would not be conducive to any result," he said.³⁴

Rosso pointed out that Rome could profit from the Soviet proposal by resolving the largest possible number of cases—this was the only way of getting these Italians out of their desperate strait. Italy could also liquidate the property abandoned in the USSR by those Italians who had been thrown out of the country and could regulate some questions of visas and clearances for citizenship. Rosso asked if he could raise these issues, and he wanted to know whether he should ask for the release of the most meritorious Italians or for all. Finally, he asked about the possibility of Franco's liberating the ships and their crews.³⁵

Ciano asked his embassy in Spain to tell Franco that he was interested in resolving the distressing situation of Italians trapped in the USSR. He hoped that the Nationalist leader would collaborate, because he wanted to authorize Rosso to begin negotiations.³⁶

Complex negotiations dragged on into May, with Italy trying to further its own interests while also mediating between an eager Russia and a more reluctant Spain. The imbalance in the numbers to be exchanged and the release of the

Conationals remaining at liberty during 1938	09
Conationals expelled from the USSR	08
Exit visas obtained for Soviet citizens who were children of Italians	03
Exiled Italians arrested as of 1938	41

³³Rosso to Ciano, telexpress 444/179, 1/27/39; telegram 341R/4, 1/27/39: MAE (Rome) AP URSS b34 ff. He suggested that Engineer Andreoletti merited special help. For a list of 100 Italians, most had been arrested in the second half of 1937 and 1938, see "Elenco degli Italiani detenuti nelle prigioni sovietiche," nn, nd; Rosso to Ciano, telexpress 2546/1011, 6/16/38: MAE (Rome) AP URSS b34 ff. By April, Rosso had now determined that the number of Italians imprisoned in the USSR numbered forty plus some additional cases involving dual citizenship. They, Rosso again insisted, were being held for political reasons. Rosso to Ciano, telegram 5479R/40, 4/5/39: MAE (Rome) AP URSS b34 ff.

³⁴Rosso to Ciano, 1/27/39, 1/27/39: *ibid.*, b34 ff. In mid-March, Potemkin again spoke with Rosso about the exchange of Italian prisoners in the USSR and Soviet merchantmen interned in Spain. As Rosso had predicted, the deputy commissar claimed that there were differences in their situations. One group had been condemned according to Soviet law while the Soviet seamen had been detained in Spain "for accidental reasons." Potemkin eagerly solicited Rosso to approach Ciano to press Franco on the issue. Rosso to Ciano, 3/16/39: *ibid.*, b34 ff.

³⁵Rosso to Ciano, 1/27/39, 1/27/39: *ibid.*, b34 ff.

³⁶Ciano to Viola, 2/1/39, Viola to Ciano, 2/16/39: *ibid.*, b34 ff.

seven from the *Komsomol* proved to be the most contentious stumbling blocks.³⁷ Rosso, often without sufficient information from Rome, was left to tutor Ciano's foreign ministry about the fundamentals in dealing with Stalin's government, for example, the need to establish strict reciprocity.³⁸ Meanwhile, the fascist government had told Italian manufacturers that it had no objection to their supplying military materials to Russia.³⁹

By mid-May, 1939, the counselor to the Soviet embassy had told Ciano that Moscow was ready for an immediate exchange and would return its Italian prisoners with the same solicitude with which imprisoned Soviets were repatriated.⁴⁰ Encouraged by this promise, Ciano then naïvely instructed that Italy would immediately repatriate the ninety-six Soviet prisoners.⁴¹

By the third week in May, the ninety-six put at Italy's disposal by the Spanish government began their repatriational journey from Palma di Majorca via Genoa and Istanbul to Odessa. The seven seamen of the *Komsomol*, however, remained in Spain, because Franco had promised their use in exchanges for Germans held in the USSR.⁴²

Meanwhile, the Soviets delayed the reciprocal return of the Italians.⁴³ Blaming local authorities and police for the slow progress on getting the Italians out, Rosso sought from Molotov a formal statement of the "personal and moral" obligation assumed by Potemkin.⁴⁴

³⁷Viola to Ciano, 2/16/39, 4/4/39; Gel'fand to Buti, 4/25/39; Rosso to Ciano, 2/22/39, 3/20/39, 4/19/39, 4/5/39, 5/15/39; Roncalli to Ciano, 3/29/39; Bastianini circular, nd; AEM note, 4/15/39; Ciano to Viola, 3/22/39, 5/9/39; Viola to Bastianini, 5/10/39: *ibid.*, b34 f6.

³⁸AEM, Uff 1 to Ciano, 3/16/38: *ibid.*, b24 f13.

³⁹Bastianini to Gruppo Italiano Armamonti, 4/4/39, 4/13/39; Bastianini circular, 4/15/39: *ibid.*, b35 f9.

⁴⁰Ciano to Rosso, 5/16/39: *ibid.*, b34 f6.

⁴¹Buti to Carmine Senise, 5/16/39: *ibid.*, b34 f6.

⁴²At 9:00 pm on the 22nd, they embarked rapidly, in good order, and without publicity on the *Franca Fassio*, which arrived in Genoa on the afternoon of the 24th. The prisoners disembarked under the care of the Soviet ambassador. The Italians provided them with personal papers and kept a close eye on them, but did everything to facilitate their expeditious departure. On the 28th they left on the *Città di Bari* for Istanbul and then Odessa. Bastianini to Royal Consul at Palma, 5/20/39; Ramondino to Ciano, 5/22/39; Eur. Med III, Appunto per gli atti, 5/22/39; Bastianini to Ministero dell'Interno, 5/24/39; Ciano to Rosso, 5/26/39; Ciano to Ramondino, 5/22/39; Ramondino to Ciano, 5/23/39: *ibid.*, b34 f6.

⁴³Only at the end of May, did Rosso see the deputy commissar, who told him that the problem with freeing the Italians was merely an administrative one. Rosso to Ciano, 5/27/39; Ciano to Rosso, 5/28/39: *ibid.*, b34 f6.

⁴⁴Rosso also asked that all the freed Italians be transferred to Moscow where the Italian embassy could provide the necessary visas, passports, and places of repatriation. He also noted for Rome that the Soviets had made concessions on citizenship for four wives of Italian citizens already repatriated. In the meanwhile, the Soviet papers had announced the arrival in Odessa of ninety-five members of the crews interned in Spain. The French got involved in a minor way with mediating for the prisoner exchanges, but Italy's embassy in San Sebastiano declared that help to have been completely worthless. Roncalli to Ciano, 6/5/39; Ministero degli Affari Esteri. Commissione per la Pubblicazione dei Documenti Diplomatici. *I documenti diplomatici italiano* [hereafter cited as *DDI*], 8th Series: 1935-1939, 12 (May 23-Aug. 11, 1939) (Rome, 1952): no. 123; Viola to Ciano, 7/3/39; Rosso to Ciano, nd;

Rosso, at the end of the first week in June, at last spoke directly with Molotov on the prisoner exchange issue. In their hour-long colloquy, Rosso suggested Soviet ill-will—Potemkin, after all, had said that the thirty Italians in question would be released without delay. He demanded that the Kremlin keep its obligations.⁴⁵ The foreign commissariat did give Rosso a list of Italians who would be freed in due course.⁴⁶ Molotov and Potemkin assured Rosso that Moscow would favorably look at the rest of the thirty.⁴⁷

By the end of the second week of June, various Italians detained in the USSR were being liberated. Ciano passed on his thanks to Spain for having put the ninety-six Soviet seamen detained at Palma di Majorca at his disposal. Without that “generous” decision, the Italians would not be getting out of the Soviet Union.⁴⁸ At the beginning of July, Rosso announced that fourteen Italian

6/5/39: *ibid.*, b34 ff.

⁴⁵Rosso handed Molotov a promemorial detailing his negotiations with Potemkin and stressing Italy's goodwill. Without Italy's intervention with Franco, the Soviet seamen would still be in Spain. He then shifted the conversation to the thirty Italians in the USSR. Molotov made the standard distinction between the position of the seamen illegally held in Spain and the legal condemnation by Soviet tribunals of the Italians. Rosso objected that this was not a question for him to discuss; it was a matter between Spain and the Soviet Union. He continued that the Soviets had initiated the proposal for an exchange and that Italy had performed the service requested. Molotov, Rosso reported, was not insistent, but the foreign commissar did maintain that the original proposal had contemplated the exchange of one hundred Soviet seamen for eleven Italians. He observed that this represented simply the initiation of negotiations that had lasted three months. They had been concluded on April 19, when Potemkin formally obligated himself to liberate thirty Italians.

Rosso tried to explain Moscow's position to Rome. He believed that in April Potemkin has assumed the obligation to liberate the thirty Italians without being assured of the formal consent of his government. The police and local authorities, he thought, had raised difficulties. In May, when the Soviet seamen were repatriated, Potemkin had avoided seeing the Italian ambassador under the pretext of being obligated by the work of the Supreme Council of the USSR. When Rosso finally saw him, Potemkin justified the delay in liberating the entire group of thirty by alleging the necessity to examine accurately every case and by claiming that he had not assumed a “definite obligation in the name of the Government.” Rosso to Ciano, 6/9/39: *ibid.*, b34 f15.

⁴⁶On this list were Baldo Della Balda, technician of Ditta Scaini, condemned by the Leningrad Tribunal for contraband; Guido Garziera, technician of Ditta Scaini, condemned by the Leningrad Tribunal for contraband; Bruno Stanzini, seaman condemned by the Batum Tribunal for homicide; Edoardo Mariani, condemned to prison for two years for drunkenness; Olga Pezzella, condemned to three years by the Batum Tribunal for contraband; Edoardo Andreoletti, architect, already in the custody of the ex-consulate at Tiflis, condemned to ten years for spying; Filimena De Blasi, condemned for spying; Alessandro Giacomelli, condemned for spying; Michele Mumuco, condemned for spying and counter-revolution; and Giovanni Munter, condemned for spying. For the last five, the foreign commissariat already had transmitted the passports. *Ibid.*, b34 f15.

⁴⁷He asked that all the liberated conationals be permitted to go to Moscow so that the embassy could give them travel tickets and means of subsistence while getting back to Italy. The Soviet authorities said that this was difficult for practical reasons—many of the Italians were located much closer to the Turkish and Estonian borders. Not wishing to delay the repatriation, Rosso did not insist that they come to Moscow. Instead, he decided to warn the Royal Embassy in Turkey and the Royal Legation in Riga of their imminent arrival and asked them to provide for these repatees. Five Soviet women married to Italians would be allowed to leave (one already had). See also Rosso to Ciano, 6/11/39: *ibid.*, b34 ff.

⁴⁸Ciano to Garcia Conde, 6/12/39: *ibid.*, b34 ff.

citizens were to be repatriated.⁴⁹

One corollary to the exchange negotiations concerned the Soviet demand that Lev Soloviev, captain of another Soviet merchantman, be released under the same conditions as the other ninety-six Soviet seamen. He had been condemned by a military tribunal to twelve years and a day in prison for transporting contraband war materials to the Reds. This demand, however, required Berlin's consent, because he was a bargaining chip in getting Germans out of Russia.⁵⁰ The Soviets insisted that Captain Soloviev be included among the crew of the *Komsomol* for a total of eight in the exchange process.⁵¹ He did embark on the *Franca Fassio* with the other Soviet prisoners. Consigned, however, by the Spanish government to the Soviets under special conditions, he was not to leave Italy with the others.⁵² Berlin did not want him consigned to Russia yet for fear of losing Germany's only guarantee for equivalent concessions and negotiated with a dilatory Soviet government about his exchange. If Italy did not want to keep him, the Germans said, they would take him. The Soviet representative in Rome hoped that Soloviev would be allowed to go on to Moscow.⁵³ Whatever the solution, Rome wanted him out of the country.⁵⁴ By June, to help Axis-Soviet relations, Ambassador Boris Shtein was pressuring Ciano to release him, and the Italian foreign minister was lamenting that it would have been better if Soloviev had remained in Spain.⁵⁵ Meanwhile, Berlin was demanding that he not be freed until the approximately fifty German citizens in the Soviet Union were returned.⁵⁶

In the days after the signing of the Nazi-Soviet Pact, the Italians worked out a way to get the seven Soviet seamen from the *Komsomol* from Barcelona to Genoa and then on to their homeland. Put in the care of a representative of the Soviet embassy which paid for their transportation, they went to Rome before continuing their trip home.⁵⁷

Stalin's March 10 speech before the 19th Party Congress, in many ways a watershed in the diplomatic history cascading toward the Second World War,

⁴⁹Rosso to Ciano, 7/4/39, 7/4/39, 8/17/39, 9/2/39: *ibid.*, b34 ff; Ragni to Ciano, 8/29/39: *ibid.*, b34 ff.

⁵⁰Ciano to Rosso, 5/17/39; Ciano to Roncalli, nd; Ramondino to Ciano, 5/23/39: *ibid.*, b34 ff. The Germans were also finding success in freeing their people. Roncalli to Ciano, 5/19/39: *ibid.*, b34 ff.

⁵¹Eur. Med III, Appunto per gli atti, 5/22/39, 5/23/39: *ibid.*, b34 ff.

⁵²Ciano to Ramondino, 5/22/39; Bastianini to Ministero dell'Interno, 5/24/39: *ibid.*, b34 ff.

⁵³Attolico to Ciano, 5/30/39; Bastianini to Ciano, 5/25/39; Ciano to Rosso, 5/26/39, 5/27/39: *ibid.*, b34 ff.

⁵⁴Bastianini to Attolico, 5/30/39; AEM Uff. 1 to DGAG, 6/1/39; Attolico to Ciano, 6/1/39: *ibid.*, b34 ff.

⁵⁵Ciano to Attolico, 6/8/39: *ibid.*, b34 ff.

⁵⁶Attolico to Ciano, 6/13/39, 6/17/39, 6/19/39: *ibid.*, b34 ff.

⁵⁷Ciano to Minister of the Interior, 8/25/39; Roncalli to Ciano, 8/28/39; Bastianini to San Sebastiano, 8/30/39: *ibid.*, b34 ff.

seemed to confirm Rosso's earlier observations about Moscow's desire for rapprochement.⁵⁸ All-in-all, as Rosso reported, moderation marked Stalin's statement on international affairs. Not directly attacking Italy, Germany, or Japan, Stalin in fact treated the totalitarian powers more courteously than he had the democratic states. The *vozhd'* repeatedly reaffirmed Soviet desires for peace and improved commercial relations with everyone. Putting aside all references to world revolution, he swore that the USSR would not be drawn into an international conflict by others—a pointed condemnation of British machinations.⁵⁹

Amid this progress toward cooperation in March and April, Moscow complimented Mussolini on his January talks with Prime Minister Neville Chamberlain, when, at least according to the Kremlin's understanding, the British statesman had implied that he supported German aspirations in the Ukraine. The Duce supposedly cut short this conversation.⁶⁰

Rome and Moscow found another arena of collaboration. In a mid-April conversation with Potemkin about the prisoner exchange, Rosso asked the vice commissar about repatriating the 3,000 children sent to the USSR early during the Civil War. Potemkin replied that his government was willing to return those children claimed by their families and was prepared to discuss the question.⁶¹

In mid-May, Potemkin assured Rosso that the Kremlin wanted to facilitate the repatriation of those children "reclaimed by their respective families." The Soviets, however, insisted that the requests ought to come from the families themselves. Rosso asked that Rome instruct him so that he could make the

⁵⁸*New World Review* 18 (Apr. 1939): 7–11.

⁵⁹Rosso to Ciano, 3/12/39, 3/12/39: *ibid.*, b32 f3; Rosso to Ciano, 3/23/39: *ibid.*, b36 f1; MAE circular, 3/29/39: *ibid.*, b32 f3.

⁶⁰Rosso to Ciano, 3/12/39: *ibid.*, b32 f39. On April 5, Rosso spoke with Potemkin and reported to Rome the next day:

On this point Potemkin repeated, in tones of absolute certainty, that Chamberlain, during his visit to Rome, had sought to engage the Duce in a discussion on the Ukraine as a natural area for German expansion, but that he abandoned the approach after the Duce refused to discuss the matter....

In conclusion, it is my impression that in the depths of their souls these gentlemen continue to believe that England is continually working "to channel the German torrent toward the east."

Tosciano, *Designs*, 56; also see 55–61; Rosso to Ciano, 4/6/39: MAE (Rome) AP URSS b34 f6.

Tosciano argues that the Soviets must have received incomplete or garbled information via Lev Gel'fand from the British ambassador's safe, because they would not have maintained this version to Rosso who could check its accuracy—and it was inaccurate in that Chamberlain had clearly referred to German expansion into the Ukraine as a hypothetical contingency. Toscano, *Designs*, 57, 409–10.

This explanation ignores other possibilities. Assuming an accurate transmission of the British minutes to the Soviets, a paranoid reading could easily suggest that Chamberlain had hinted at intentions to direct German dynamism eastward. On the other hand, the Soviets may well have realized that the version confirmed to Rosso was exaggerated but used it, as Rosso himself suggested, to emphasize to the Italians their deep suspicions of the West and that they would no less likely come to an agreement with the Axis than with the democracies. See *ibid.*, 58–59 n.22; Galeazzo Ciano, *L'Europa verso la catastrofe* (Milan, 1947), 400–01; Rosso to Ciano, 1/12/39, 1/26/39; 2/2/39: MAE (Rome) AP URSS b36 f1. Also see *New York Times*, Jan. 1, 2, 3, 7, 8, 9, 10, 11, 12, 13 1939.

⁶¹Rosso to Ciano, 4/19/39; Ciano to San Sebastiano, 5/9/39: *ibid.*, b34 f6.

necessary passes to do as the Spanish government wanted.⁶² Even while thanking the Royal Government and Rosso, the Nationalist government immediately noted the difficulty in getting the required requests from families in the confused wreckage left over from the Civil War. To further the Soviet request, the Spanish asked Rome to ask the Soviet government for a list of the children, their places of origin, and names of parents.⁶³

At the end of the first week of August, Rosso spoke with Potemkin about the Spanish request for a list of the children in the USSR with the information necessary to let the interested families know that their children were there.⁶⁴ Potemkin observed that the Spanish government could easily solve the problem by publishing announcements that families interested in the return of their children ought to let the Spanish authorities know. Rosso replied that the Spaniards had already tried this, but to little result. Rosso thought that the Kremlin opposed furnishing the desired list, because it suspected that those who had sent their children to the USSR would face repression.

In mid-September, after the new world war had begun, the Spanish gave the names of four children sent to Soviet Russia by Aviazione Rossa. Two were in Moscow and two in Pushkin.⁶⁵ The Nationalists also approached Germany, now blessed with close ties to the Soviet Union, for help in repatriating the children.⁶⁶ Although Potemkin in mid-October told Rosso that he was interested in the repatriation of the four Spanish children, by mid-December the Soviet authorities had rejected their repatriation.⁶⁷

The Soviets left no door unknocked in their intense campaign of low level approaches to the Axis powers in the summer of 1939. At the end of July, for example, Ambassador Bernardo Attolico, Italy's ambassador in Berlin, reported that the Soviet chargé had asked the Germans if they would send a technician to an agricultural conference in the USSR. A significant sign of the possibility of improved political relations, Berlin responded encouragingly.⁶⁸ Not to be left out, when the Soviet representative in Rome unofficially proposed that two Italian agricultural technicians visit the Soviet Union for the agricultural conference, Ciano quickly agreed.⁶⁹ They had arrived in Moscow by the third week of

⁶²Rosso to Ciano, 5/17/39: *ibid.*, b34 f11.

⁶³Viola to Ciano, 5/30/39, 7/4/39: *ibid.*, b34 f11.

⁶⁴Rosso to Ciano, 8/9/39: *ibid.*, b34 f11.

⁶⁵Bastianini to Rosso, 9/14/39: *ibid.*, b34 f11.

⁶⁶Bastianini to Attolico, 9/30/39: *ibid.*, b34 f11.

⁶⁷Rosso to Ciano, 10/17/39, 12/16/39: *ibid.*, b34 f11.

⁶⁸Attolico to Ciano, 7/27/39: *ibid.*, b34 f12.

⁶⁹He proposed sending Professor Gioacchino Dallari, representing the Conferazione Fascista de Lavoratori dell'Agricoltura and Raffaele Festa-Campanile, Ispettore Superiore of the Ministero per l'Agricoltura e le Foreste. They departed for Moscow in mid-August. Anfusio to Gel'fand, 8/6/39; Ciano to Rosso, 8/9/39: *ibid.*, b34 f12.

August.⁷⁰

In conclusion, obviously the course of Italo-Soviet dealings does not match the significance of Soviet-German relations in the months leading to the Second World War. Yet, these contacts are worth discussing, because Moscow saw in Mussolini a way to signal Hitler and in Italy a potential ally with common interests directed against an overly-powerful Germany, especially in Southeast Europe. The Kremlin had pursued this policy since 1933, and in the first months of 1939, Moscow's approaches to Italy helped guide the way first to its economic deal with Germany and ultimately to the Nazi-Soviet Pact of August 23, 1939.

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⁷⁰The President of VOKS and the director of the exposition courteously and attentively received them. They visited the agricultural exposition, a sovkhos and a kolkhoz in the Moscow region, and industrial establishments and various science and cultural institutions. Rosso praised the two Italians' abilities. Rosso to Ciano, 8/24/39: *ibid.*, b34 f12. Rosso's praise was well deserved. See their report attached to this document. *DDI*, 8th, 12: nos 685, 704, 719, 761, 791.

Nothing New Under the Sun: Smuggling in Florida During the Spanish Period

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Florida's proximity to the Caribbean and Central America, warm weather and white sandy beaches have made the state a tourist Mecca. America's retirees come to Florida for its temperate climate and low tax base. Latin Americans come to Florida escaping political oppression, recreating their native communities in places like Miami's "Little Havana." Florida's 1,350-mile coastline with thousands of inlets, coves, islands, and rivers has also made it the perfect landing point for slave smugglers, rumrunners, and today - narcotic traffickers. For over five hundred years smuggling played an important role in the state's economic and social structure.

In 1981, the Drug Enforcement Administration (DEA) officials estimated Florida's drug smuggling industry as having anywhere from a seven to \$12 billion dollars annual impact on the state's economy.¹ That same year 70% of all illegal narcotics entered the United States through Florida.² When the FBI issued its annual list of the most crime ridden cities in 1981, three were in South Florida. Miami had the nation's highest murder rate. West Palm Beach, with a population of only 63,000 was fifth, and Fort Lauderdale, population 153,000 was eighth.

Smuggling in Florida was an established institution long before the illegal drug industry overwhelmed the state in the later part of the twentieth century. During the Spanish and British territorial periods and throughout Florida's history smuggling flourished. These illegal operations contributed to the survival and growth of Florida. Smuggling played a role in the U.S. acquisition of

¹U.S. House of Representatives, *Hearings Before the Select Committee on Narcotics Abuse and Control*, "Cocaine and Marihuana Trafficking in Southeastern United States." 95th cong., 2 sess. (June 9-10), 1978, Washington D.C.: (GPO), 1978., p. 16; Testimony was given estimating an outflow of perhaps \$7 billion per year from Florida, more than the exchange from the state's tourist industry.

²The 70% figure is cited in; Mark Starr, Elaine Shamon, Vincent Coppola, "Reagan's War on Drugs," *Newsweek*, (Aug. 9, 1982) p. 4; and Melinda Beck, Elaine Shannon, "A New Attack on Drugs," *Newsweek*, (July 20, 1981) p.31.

Florida. In the Prohibition Era, smuggling contributed to Florida's transition and development into the nation's most popular tourist destination and these activities were conducted with support from local communities.

During the first Spanish period Florida's colonists depended on smuggling to for their very existence. Spain never succeeded in controlling smuggling in its new world empire. Some Spanish governors knowingly participated in, and encouraged this trade in direct violation of Spain's royal decrees. When Spain was at peace, trade laws were virtually ignored, and British merchants traded in Spanish Florida with little interference from authorities. When Spain was at war with other European nations, (including England,) smuggling continued unabated under the guise of numerous deceptive smuggling techniques.

Despite its strategic value as a military outpost Spanish-Florida, remained a poor possession dependant upon an annual *situado* (subsidy) for its existence.³ Spain often neglected Florida. Supplies sent to Florida were of poor quality and subsidy ships were often times delayed. The colonists in Florida received wet gunpowder, rusty arms, moldy bread, wormy flour and substandard trade goods. Therefore, the residents of Saint Augustine and the other small Spanish missions scattered throughout Florida found it necessary to circumvent Spanish trade laws. English merchants provided less expensive goods of higher quality.

In the seventeenth century Spain subjected its New World colonies to stringent trade restrictions. The Spanish empire based its economy on the mercantilist system and as the Spanish crown created monopolies in slaves, sugar, tobacco, and other products, it wasn't long before foreigner interlopers, as well as Spanish smugglers, engaged in illegal traffic to bypass the trade restrictions.

In 1670, the British obtained an agreement whereby they could land at any Spanish-American port when in distress and in order to make repairs.⁴ The British frequently used this agreement as a pretense to enter Spanish ports to trade illegally. The Treaty of Utrecht in 1713 granted further privileges to the British. Under terms of this agreement the British South Seas company obtained an *asiento* (contract) awarding the exclusive right to sell slaves to the Spanish colonies, however *asiento* was not as lucrative as the British had hoped.⁵ The contract required the South Seas Company to land all slaves at designated port facilities and to supply slaves of specific quality. Slave smugglers, on the other hand, could choose the place and time for selling slaves, at the best prices, and they enjoyed complete flexibility in regards to the quality of the slaves they

³ Spanish efforts to make Florida prosper by developing a cochineal industry, raising indigo, farming, citrus production, fishing, and silk production all failed to provide a economic base necessary to make Florida self-sufficient. see: Charlton W. Tebeau, *A History of Florida*, p. 38 John Jay TePaske, *The Governorship of Spanish Florida 1700-1763*. p. 5-7.

⁴Frances Gardiner Davenport, ed., *European Treaties Bearing on the History of the United States and its Dependencies, II*, Washington, D.C.: 1929, 188-89.

⁵John Hope Franklin and Alfred A. Moss, *From Slavery to Freedom*, seventh edition, New York: (McGraw-Hill) 1994, pp 34 35, 49

purchased in Africa.

The Spanish government hoped that granting the *asiento* would reduce the volume of smuggling, but the arrangement produced the opposite effect. The agents of the South Seas Company used the opportunity of landing slaves in Spanish ports to trade additional contraband products.⁶ In addition, Dutch, Portuguese and competing British merchant companies all entered into the slave trade in violation of the *asiento*. Most of the illegal trade in slaves occurred in the West Indies and South America, however it is likely that slave smugglers delivered Africans to Florida as well.⁷

International agreements between Spain and other European nations gave diplomatic assurances that attempted to curb smuggling, but no real effort was ever made to restrain merchants. The French government required ship owners to post bonds that were to be forfeited if they were caught smuggling, but enforcement was lax. The Dutch government placed no restrictions on merchants and they emerged as the most prolific smugglers in the new world. Spanish ships of war considered Dutch vessels as smugglers on sight and they attempted to interdict all Dutch ships usually with positive results. English smugglers were more difficult to identify because they disguised illegal operations under legal trade agreements they had with the Spanish.⁸

Blatant smuggling occurred in Florida with English ships regularly arriving in Saint Augustine. Not only did the Saint Augustine authorities accept British imported goods, they also allowed local merchants to illegally export colonial goods, primarily oranges.⁹ By 1730, Florida oranges were readily available for sale in Boston and throughout the English colonies when in season.¹⁰ The Spanish crown remained unaware of most of these indiscretions, but when officials in Madrid learned of these illegal activities they took aggressive action. For example; Florida's Governor Joseph Zuniga y Cerda (1699-1706) faced some of the most difficult times of any Spanish administration. He defended Saint Augustine against English and Indian invaders during the early years of Queen Anne's war and his contemporaries regarded him as a competent military officer and civil administrator, staving off war, starvation and disease.

In recognition of his accomplishments the King of Spain appointed him governor of Cartagena, considered a better assignment with a substantial pay

⁶J.H. Parry, *The Spanish Seaborne Empire*, New York: (Alfred A. Knopf), 1966, pp. 293-296.

⁷Florida also served as a source for slaves. The Indian population was frequently raided and slaves captured for resale in the West Indies. This may account for the hostility of the Florida Indians, described by the Spanish as the most fierce they encountered in the new World. For references on the disposition of the Florida Indians see: Charlton W. Tebeau, *A History of Florida*, p. 19, 24, 49.

⁸J.H. Parry, *The Spanish Seaborne Empire*, p. 296

⁹*Collections of the Georgia Historical Society*, Vol VII pt. 1 Savannah: 1909, No 20, Letter Manuel de Montiano to Juan Francisco de Guemes y Horcasitas, July 28, 1740.

¹⁰Ralph T. Robinson, "Some Aspects of the History of Citrus in Florida," *Quarterly Journal of the Florida Academy of Sciences*, VIII (March, 1945) p 59.

increase. In 1703, Spanish commissioners arrived in Saint Augustine to audit the treasury and inventory the fort in preparation Zuniga's replacement to assume the post. The commissioners conducted a standard outgoing judicial review of Zuniga's administration. In the proceedings, witnesses described the governor as a considerate and compassionate leader. He attended to widows and orphans, strengthened the walls of the fort and treated the clergy with "benevolence." However, the commissioners could not overlook testimonies from malcontents detailing several of Zuniga's sexual affairs, furthermore the commissioner discovered that Zuniga had sold wood allocated for the defenses of the city, and engaged in illegal trade during a siege.

The governor's supporters contended that supply ships had been delayed for over eighteen months and the governor relied on British sources only to keep the colony from perishing. Nevertheless, Zuniga was found guilty.¹¹

Similar incidents occurred in other administrations. During Governor Antonio de Benavides administration (1718-1734) Spanish officials in Cuba reprimanded the governor, for allowing "a schooner in a time of scarcity" to land in Saint Augustine.¹² In 1735, Governor Benavides successor, Francisco del Moral Sanchez failed to enforce Spanish trade laws. An infantry officer, Lamberto Benedict Horruitiner, accused Governor Moral of trading with the British, local priests reported that Moral allowed English traders to spread Protestant heresies, and English goods were available in local shops. The case against Moral also charged the governor with directly participating in this activity by storing contraband goods in his home and selling them for personal profit. In his trial, Moral argued that he obtained supplies from the British, but that it was absolutely essential to prevent starvation in the colony and furthermore he contended that it was the non-arrival of the subsidy ship that forced him to import illegal food-stuffs. He was acquitted of all charges after several years of legal proceedings in Spain.¹³

In the 1980's Pablo Escobar, a Medellin cartel drug lord and member of the House of Representatives in Bogota smuggling tons of cocaine into Florida. In 1712, Florida's greatest smuggler may have been a distant relative of Pablo Escobar, Juan de Escobar. Escobar, a Spanish sergeant major stationed in Saint Augustine, smuggled in tons of food and supplies obtained from neighboring British colonies. At the time of Escobar's activities the colony faced severe food shortages because the English seized the Florida's *situado* ship that year.

¹¹ Fortunately for the governor his legal paperwork was lost in transit to Madrid and his career was not seriously blemished. John Jay TePaske, *The Governorship of Spanish Florida 1700-1763*, p. 43-44.

¹² Joyce Elizabeth Harman, *Trade and Privateering In Spanish Florida 1732-1763*, St. Augustine: (The St. Augustine Historical Society), 1969, p. 13.

¹³ John Jay TePaske, "Economic Problems of Florida Governors," *Florida Historical Quarterly*, Vol. XXXVI, (Sept. 1958), p. 49. John Jay TePaske, *The Governorship of Spanish Florida 1700-1763*, pps 46-56.

Spanish soldiers and residents of Saint Augustine were reduced to eating their horses when Escobar opened a market filled with illegal commodities. Soldiers and clergy openly patronized the store, and Escobar earned a considerable profits selling meat at more than ten times the Havana rate. For a time, Governor Francisco de Corcoles y Martinez ignored the illegal market, but eventually he ordered his guards to shut down Escobar's operation. When the governor arrested Escobar's market employee the entire colony protested and threatened to mutiny. Carefully reconsidering his position, the Governor dropped all charges against Escobar. The local community considered Escobar a benefactor and not a criminal. His market reopened and continued to operate for several years after his aborted arrest.¹⁴

In a reaction to these trade violations Spain increased the number of her *guardacostas* (coast guard vessels) with orders to search and seize any ships engaged in smuggling operations. *Guardacostas* were fitted out by local ports and they operated with commissions from the Spanish governors. The government highly motivated the *guardacostas* captains by compensating them with profits from the sale of the prizes and cargos they confiscated. The governor's of the Spanish colonies also received a percentage of the profits.¹⁵

With the opportunity for a financial gain with each conviction, the Spanish courts in Florida accepted the presence of any Spanish colonial produce such as indigo, cocoa, logwood, or Spanish coins as evidence of unlawful trade. This evidence was not always fair or reasonable in that the British produced these products in Jamaica and Spanish coins constituted a common means of exchange throughout specie deprived British North America.¹⁶ The Spanish also seized ships blown off course into Spanish waters by bad weather. Even without evidence Spanish authorities regarded these vessels as smugglers. If officials did not find contraband cargo they simply assumed that they caught smugglers before they had the opportunity to engage in illegal trade.¹⁷

These seizures outraged British merchants. The British press sensationalized the activities of the *guardcoastas* describing them as indiscriminate captures of British merchantmen operating in legal trade between England and its colonial possessions in the West Indies.¹⁸

As a result of continued smuggling and interference with British shipping, Spain and England went to war in 1739. The War of Jenkins' Ear began as a

¹⁴John Jay TePaske, *The Governorship of Spanish Florida 1700-1763*, p. 83-84.

¹⁵Joyce Elizabeth Harman, *Trade and Privateering In Spanish Florida 1732-1763*, p. 8.

¹⁶The United states and Florida would create similar laws in the early 1980's, known as RICO's that allowed law enforcement agencies to share in the proceeds of confiscated assets connected with drug trafficking. These laws are discussed in chapter 8.

¹⁷J.H. Parry, *The Spanish Seaborne Empire*, p. 299

¹⁸*Boston News-Letter*, April 16, 1730. *Pennsylvania Gazette* March 16, July 10, October 26, 1733.

British protest over a smuggler who had his ear cut by a Spanish captain off the coast of Florida. In 1731, a Spanish *guardacosta* stopped and apprehended Captain Robert Jenkins in Florida waters. In a search of the vessel, Spanish Captain Don Juan de Leon Fandino found Spanish gold, fresh provisions and he considered Jenkins too far off course to be an innocent merchant ship. Captain Fandino confiscated the ships cargo then sliced off Jenkins' ear, bidding him to "carry it to his Majesty King George."¹⁹ The war later merged with the War of Austrian Succession and the Spain allied with the France against Britain.²⁰

During the war British ships blocked all traffic to Saint Augustine, and the colony soon found itself in a desperate situation regarding supplies. By early 1740 Saint Augustine residents were suffering and they complained to Governor Manuel de Montiano of the lack of food. In July of that same year, Governor Montiano wrote to Spanish officials in Cuba that the "greatest concern is for supplies, and if we get none, there is no doubt we shall die of hunger."²¹ Ironically, the war that began as a protest over smuggling further depleted supplies prompting even more illegal trade, privateering, and pirating.²² For a time, the colony relied on the exploits of Spanish Captain Don de Leon Fandino (the man who cut of Jenkins' ear.) Fandino provided much needed relief to the residents of Saint Augustine taking thirty-eight British ships laden with provisions before he was captured by Captain Thomas Frankland of the British ship *Rose* in 1742.²³ With the loss of Fandino, and the capture of other Spanish privateers operating out of Saint Augustine, the colony became dependent on smuggling to survive.

To obtain needed supplies Spanish ships entered North American ports under flags of truce to exchange prisoners. During these gestures of goodwill contraband products were smuggled. In October of 1743, the South Carolina house of assembly formed a committee to investigate possible smuggling rela-

¹⁹Charlton W. Tebeau, *A History of Florida*, p., 68. A more detailed account of the Jenkins' Ear Incident and the war can be found in: John Tate Lanning, *The Diplomatic History of Georgia; A Study of the Epoch of Jenkins' Ear*, Chapel Hill: (The University of North Carolina Press), 1936, pps 176-235.

²⁰Charlton w. Tebeau, *A History of Florida*, p. 68-70.

²¹*Collections of the Georgia Historical Society*, Vol. VII pt. I, Savannah: "Letters of Montiano, Siege of Saint Augustine," No. 203. Letter, Manuel de Montiano to Juan Francisco de Guemes y Horcasitas, July 6, 1740.

²²Pirates and privateers differed considerably. Privateers, unlike pirates, operated with letters of marque from sponsoring governments and they abided by regulations reporting their activities and maintaining records on ships seized and cargos taken. Privateers were, in most cases, established companies. They settled all claims in admiralty courts (institutions that no self-respecting pirate would deal with.) Privateers divided the profits with the sponsoring government and company shareholders. While the distinction between pirates and privateers can thus be made, the lines blur between that of a smuggler, a privateer, or pirate. But it would be fare to conclude that pirates and privateers engaged in smuggling, as did vessels of the British and Spanish navies.

²³After his capture, Fandino's fate remained unknown and he was never heard from again. Joyce Elizabeth Harman, *Trade and Privateering In Spanish Florida, 1732-1763*, p. 38.

tionships between local citizens and Floridians. A witness before the committee, William Coomer, testified that he saw calves, sheep, hogs and other livestock loaded on a Spanish ship in Charleston harbor under a flag of truce. Other testimonies told of British ships sailing to Saint Augustine loaded with cargos of hogs and turkeys.²⁴ The colonists in Charleston complained that the authorities allowed Spanish prisoners complete freedom in town to stroll through the streets conducting business in a "publick manner."²⁵ Committee members resolved that in the future, Spanish ships would be inspected and British ships returning prisoners of war would be supplied with only a minimum of provisions.

British law considered smuggling a major crime. Nevertheless, British smugglers received only minor fines or merely warnings from admiralty courts. In 1746 the South Carolina *Gazette* reported: "we have never heard that any of the offenders have been brought to justice for those crimes [smuggling].. why those who supply the enemy with provisions in a time of war (and probably with something else) should escape with impunity, we must leave to our betters to say."²⁶

The war demonstrated just how dependant Floridians had been on smuggling activities to maintain their economy. After the war, illegal trade between Florida and the British colonies in Georgia and South Carolina continued. With a tenuous peace agreed upon, the Spanish crown attempted to avoid provoking further hostilities with Britain strictly forbidding any actions that might lead to the any more English ears being loped off. Madrid sent orders to colonial governors directing *guardacostas* not to take any actions that might create "any just cause for complaint."²⁷ Furthermore, in 1751 King Ferdinand VI of Spain issued a decree calling for the death penalty for his own subjects engaged in trade with the British.²⁸ In 1760 Spain issued more orders to all governors in Spanish America to "employ their utmost attention," to prevent all illegal trade, yet regardless of the risks involved smuggling continued.²⁹

Realizing the improbability of fully eliminating smuggling, Spain implemented a more reasonable public policy. The Spanish Havana Company was contracted to supply Florida. The contract required the company's officers to obtain needed supplies in Cuba, however when sufficient supplies or quantities were not available from Spanish merchants the Havana company had permission to obtain them from English merchants.³⁰ The new policy succeeded in reducing

²⁴J.H. Easterby, ed., *The Colonial Records of South Carolina*, Journal of the Commons House of Assembly, September 10, 174–June 13, 1747 Columbia., 9 vols., 1955, p. 189.

²⁵*South-Carolina Gazette*, (Charleston), April 15, 1745.

²⁶*South-Carolina Gazette*, (Charleston) September 29, 1746.

²⁷*South-Carolina Gazette* (Charleston) February 2 and February 11, 1751.

²⁸*South-Carolina Gazette* (Charleston), March 23, 1751.

²⁹*South-Carolina Gazette* April 26 and May 3, 1760.

³⁰Joyce Elizabeth Harman, *Trade and Privateering in Spanish Florida*, p 53.

illegal trade and complaints from Florida governors decreased after 1750. Florida colonies receiving a fairly regular supply of merchandise at reasonable prices.³¹

During the French and Indian Wars, once again, British trade to Florida was limited. Fearing that Spain would ally with France the American colonies restricted trade with Florida to basic food stuffs. The Georgian assembly passed a law in 1757 forbidding further cattle drives to Florida, but its likely that the trade continued through Creek and Choctaw Indians who acted as middlemen. Georgia lawmakers did not intend to end all trade with Florida, but "to restrain any more being sent there than may be necessary for the subsistence of the Spaniards themselves," and to prevent the resupplying of French privateers.³²

In 1762 Spain formally declared war against Britain. Once again, Florida suffered severe shortages and again became dependent on smuggling to survive. The techniques included, as before, ships entering enemy harbors under flags of truce to supposedly exchange prisoners and Indian tribes facilitating illegal overland trade. Sailing under another nation's colors constituted another popular smuggling technique. Dutch ships flew French colors, Spanish ships flew British, and British ships flew Spanish. Warships found its difficult to determine the true nationality of a vessel without committing to a long and possibly futile chase. Sometimes smugglers falsely displaying black flags signaling disease on board thereby deterring boardings and searches for contraband.

The Spanish at Pensacola also engaged in illegal trade and smuggling in order to survive the early days of Florida's settlement. In spite of the adversarial relationship between the French and Spanish governments, the residents of Mobile and Pensacola traded regularly for the first two decades of their existence.³³ The French in Mobile assisted Pensacola against Indian attacks and supplied the Spanish with foodstuffs when the supply ships from Cuba were delayed or lost at sea.

In spite of flagrant violations of existing laws regarding trading with the enemy, smuggling continued. The colonists in Florida's formative years smuggled out of dire necessity to survive. The War of Jenkin's Ear and continued problems between Britain and Spain were much owed to the economic incentives that Spanish *guardacoastas* received when they made a apprehensions. The *guardacoastas* often times were over zealous in their arrests and interdictions and eventually it resulted in confrontations with Britain.

In the more recent War on Drugs, similar policies allowing law enforcement to directly benefit from property seizures were introduced into the United States

³¹TePaske, *Governorship of Spanish Florida*, pp 90-91.

³²*South-Carolina Gazette*, (Charleston) December 15-22 1758.

³³Charlton W. Tebeau, *A History of Florida*, pp. 61-63.

in 1970. That year, Congress passed the Organized Crime Control Act, (also referred to as the Racketeer Influenced and Corrupt organization Act; hereafter referred to as "RICO.") RICO statues allowed the government to seize property gained through criminal activities. The RICO laws passed in the 1970's lay dormant for several years, but later constituted a severe threat to constitutional liberties when they were reawakened in the Reagan Administration's War on Drugs. State governments, including Florida, passed "mini-RICOs" allowing local law enforcement and county governments to share in the proceeds gained from drug proceeds.³⁴ Under RICO laws the government can seize the assets of indicted drug offenders before convictions are made, and the assets can be held regardless of the outcome of the defendant's trial.³⁵

Just as the Spanish *guardacostas* received a percentage of their seizures from Spanish maritime courts, the laws of the United States created a strong incentive for law enforcement agencies to go after the assets of crime and to concentrate on cases that would likely result in forfeiture of those assets,— primarily drug cases.

Heavy penalties by the Spanish crown, including the threat of death, did little to control smuggling in the sixteenth century. On May 31, 1996, Florida became the first and only state to authorize the death penalty for drug traffickers who import massive quantities of illegal drugs, but it is unlikely that the new law will serve as a deterrent.³⁶ The Spanish government had more success at controlling smuggling when they adopted a more reasonable public policy by allowing the Havana Company to conduct a degree of legal trade between the British colonies and Florida.

There are several general characteristics indigenous to smuggling regardless of the era or product. These general characteristics apply to modern drug traffickers just as they applied to the Spanish period smuggling, nineteenth century slave smugglers, Civil War blockade runners and the rum-runners of the Prohibition Era.

In the first instance, smugglers have the advantage over law enforcement of choosing the time and place of their activities. For law enforcement smugglers present a special challenge in that to build a case against smugglers, they must be caught in the actual act of conducting their activities. After smugglers commit their crime by successfully delivering their contraband to the consumer, (who wants the product) there is no crime scene and no complaint. In many cases, smugglers had faster ships, better communications, and larger organiza-

³⁴ The impact of RICO statues are discussed in more detail in: Steven Wisotsky, *Beyond the War on Drugs*, Buffalo: (Prometheus Books), 1990, pp.68-100.

³⁵ The impact of RICO statues are discussed in more detail in: Steven Wisotsky, *Beyond the War on Drugs*, Buffalo: (Prometheus Books), 1990, pp.68-100.

³⁶ Charlie Crist, "Commentary; Death for Drug Smugglers-Making Punishment Fit the Crime," *Tallahassee Democrat*, June 19, 1996

tions that outclassed enforcement machinery.

Smuggling requires a fair degree of business management and organization skills. Unlike other criminal activities, such as, bank robbery, burglary, or auto theft, smugglers require up-front working capital. They need prearranged places to land their cargos and trusted organizations of people to assist in off-loading, security, storing, marketing and selling their contraband.

Most importantly, smugglers need to operate in environments where the public does not oppose their illegal activities (or are at least willing to overlook these violations.) Without some level of social acceptance they could expect to be reported to the authorities, their ships and cargos immediately confiscated.

In conclusion, government institutions create the emergence of illegal markets. Strong enforcement policies only serve to raise the cost of transactions. Increases in potential risks are offset by an increases in potential profits. Smugglers behave like rational business corporations, they try to minimize risk, increase profits. The laws of economics prevail in that as long as there is a high demand for an illegal product, smuggling will thrive.³⁷

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³⁷For a detailed economic model of smuggling see: Jonathan A. K. Cave and Peter Reuter, "The Interdictor's Lot: A Dynamic Model of the Market for Drug Smuggling Services," *RAND*, (Prepared for the Office of the Under Secretary of Defense for Policy) N-2632-USPD, February, 1988. and David W. Rasmussen and Bruce L. Benson, *The Economic Anatomy of a Drug War*, Lanham, MD.: (Rowman and Littlefield Publishers, Inc.), 1994.

Archaeological and Historical Research at the Ft. Myers Military Cemetery

Roy Adlai Jackson
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In the winter of 1993, the Florida Department of Transportation (DOT) undertook an archaeological excavation of a portion of the Fort Myers Military Cemetery alongside Fowler Street in Fort Myers, Florida.¹ This effort resulted from the proposed widening of Fowler Street, part of the Edison Bridge Replacement Project, and required historical as well as archaeological research. Though all transportation projects include some form of cultural resources studies, rarely do these studies involve the removal of human remains. The late stage of project development in which the Department discovered the presence of unmarked burials made this study even more unique. The DOT needed to complete the investigation quickly in order to retrieve the archaeological data before the road construction activities, which had commenced on other portions of the roadway already, reached the vicinity of the cemetery site. This combined historic and archaeological study provides an example of how researchers melded two types of investigation, archaeological and documentary, in an emergency mitigation effort involving the recovery of human remains. This particular project also afforded the researchers a chance to study a late nineteenth century burial removal as most of the graves uncovered in this 1993 excavation had been

¹This paper contains only the information presented at the 1997 meeting of the Florida Conference of Historians. It contains only a portion of the information gathered as a result of the archaeological and historical research undertaken for the project. Consequently, a more detailed analysis of the data and information presented here can be found in the research report prepared by Archaeological Consultants, Incorporated for the Florida Department of Transportation in 1994. For a full discussion of the methodology and findings of this effort see Florida Department of Transportation (FDOT), *Excavation of 8LL1758 U.S. Military Cemetery at Fort Myers, Lee County, Florida* (Tallahassee, Florida: Florida Department of Transportation, 1994). Also see Joan Deming, et al "A Century of Burial Removals at the U.S. Military Cemetery at Fort Myers (8LL1758): Historical and Archaeological Perspectives," *The Florida Anthropologist* 49, No. 4 (Tampa, Florida: Florida Anthropological Society, Inc., 1996), 275-287.

exhumed previously, in 1888².

Whenever a public agency utilizing state or federal money must remove human remains from a burial site, the law requires that agency to provide an appropriate reinterment for those remains³. In order to accomplish this, the agency must gather as much information concerning the burials as possible. Such graves must be treated as archaeological sites. This is especially true when the site in question has been deemed historically significant. For the Fort Myers Military Cemetery, significance meant that the site met the criteria for listing on the National Register of Historic Places. Normally, the National Register considers archaeological sites significant when they contain information that can contribute to our knowledge of history or prehistory. Some archeological sites, however, are also important as surviving testaments to a particular historical trend or event. The State and federal agencies charged with judging the value of historic sites determined this cemetery significant for both reasons.⁴ Therefore, the DOT needed to mitigate the impacts to the site in two ways. First, the Department had to ensure recovery of the information that the site contained and second, it needed to preserve the human remains through relocation. Because the site was a cemetery, this relocation effort involved the reinterment of the skeletal remains in a suitable manner and at an appropriate site. Three particular laws guided these decisions: the National Historic Preservation Act of 1966, the Florida Historic Resources Act, and Offences Concerning Dead Bodies and Graves.⁵

The Department completed an archaeological survey early in the environmental impact study for the Edison Bridge Replacement Project, but the existing pavement, sidewalks, and parking lots in the project impact zone made archeo-

²Pete Myers, Florida Department of Transportation, Bartow to Roy Jackson, Florida Department of Transportation (Tallahassee, January 11, 1993). *Ft. Myers Press* (March 22, 1888), 3. FDOT, *Excavation of 8LL1758*: 16-18.

³Chapter 872, F.S. "Offences Concerning Dead Bodies and Graves," Division of Statutory Revision, *Official Florida Statutes* (Tallahassee, Florida: State of Florida, 1995), 1776-1778.

⁴Laura Kammerer, Historic Preservation Supervisor, Florida Division of Historical Resources to J.R. Skinner, Division of Administrator, Federal Highway Administration (March 25, 1997), letter on file at FDOT Central Environmental Management Office, Tallahassee, Florida.

⁵Specifically, Section 106 of the National Historic Preservation Act of 1966 requires that federal agencies take into account and mitigate any effects to significant archaeological and historic sites which any federal undertaking may involve. For this bridge project the competent federal agency was the Federal Highway Administration. Chapter 267, Florida Statutes contains similar language to that found in the National Historic Preservation Act but only covers State and State assisted undertakings. In this case the responsible State agency was the Florida Department of Transportation. Under both laws, the agency responsible for reviewing the actions, that is, the agency which had to be given an opportunity to comment on the project, was the Division of Historical Resources of the Florida Department of State. Under the federal law, comments were needed specifically from the State Historic Preservation Officer who, in Florida, is also the Director of the Division of Historical Resources. In addition, Chapter 872, F.S. required the State Archaeologist's input concerning the disposition of the human remains. For the implementing regulations of the National Historic Preservation Act, see 36 CFR (Code of Federal Regulations) part 800.

logical testing impossible.⁶ As a consequence, the DOT continued the development of the project completely unaware of the cemetery lying in the construction zone. When the DOT Right-of-Way Office began to examine the land being purchased, however, they discovered that a portion of it, specifically the property on the eastern side of Fowler Street, north of the Fowler and Second Street intersection, had once been used as a cemetery. The Right-of-Way Office also learned that the burials possessed an association with the military occupations of Forts Harvie and Myers, two Seminole War period forts, and that the City of Fort Myers had relocated the burials sometime in the late nineteenth century to another cemetery in Fort Myers.⁷ Since nineteenth century burial removal methods were somewhat less efficient than current methods, no one with the DOT possessed a great deal of confidence that the upcoming road construction activities would not unearth additional human remains. Such an eventuality would not only halt construction and entail costly delays, but would damage the site permanently. As the DOT had begun construction on the other road segments already, the Department needed, as soon as possible, to determine if any graves still remained.

The DOT, therefore, immediately assigned a backhoe to remove the parking lot pavement near the intersection of Fowler and Second Streets.⁸ Then the Department contracted a cultural resources consulting firm to monitor the asphalt removal and see if any archaeological features, particularly burial features, appeared underneath the pavement. This firm, Archaeological Consultants, Incorporated (ACI), in turn, hired historians to initiate background research in order to determine the likelihood of human burials and to suggest what else the site may encompass. As the backhoe removed the paving, several oblong features, clearly discernable as grave stains, emerged. Subsequent work with shovels and trowels revealed the outlines of six grave features.⁹ At this point Chapter 872 of Florida Statutes, Offences Concerning Dead Bodies and Graves, became operative. As required by this law, the on-site archaeologists contacted Florida's State Archaeologist to apprise him of the situation while the Department informed the local medical examiner.¹⁰

Meanwhile, after some preliminary research, the historian determined that the site had been used as a cemetery during the military occupations of the area. Using this information, and the physical evidence at the site, the Fort Myers law

⁶William Browning, "Archaeological Resources Assessment Survey for the Edison Bridge Replacement Project," (February, 1984), on file with the Florida Master Site File, Florida Department of State, Tallahassee, Florida.

⁷Myers to Jackson (January 11, 1993).

⁸Myers to Jackson (February 17, 1994), note on file with the FDOT Central Environmental Management Office, Tallahassee, Florida.

⁹FDOT, *Excavation*, 2-3.

¹⁰Myers to Jackson (March 1993), notes on file with the FDOT Central Environmental Management Office, Tallahassee, Florida.

enforcement officials felt that the burials uncovered certainly predated the 75-year age limit for criminal investigations.¹¹ Then, with the State Archeologist's and the State Historic Preservation Officer's concurrence, the Department chose to arrange for an excavation of the portion of the site situated within the impact zone for the Fowler Street widening.¹² Under law, this choice entailed the removal of the burials and a complete archaeological excavation culminating in a site report and a skeletal analysis of any human remains discovered. Once the Florida Department of State accepted the report a committee designated by the State Archeologist would make a decision regarding the disposition of the human remains. In order to protect the site while the time consuming task of making arrangements for a full excavation moved forward, the DOT recovered the area which had just been uncovered.¹³ When the DOT completed these preparations, ACI returned to the site with a full complement of archaeologists and a physical anthropologist. In order to ascertain the extent of the site in its right-of-way, the DOT once again employed the backhoe, this time to strip the remaining pavement alongside Fowler between First and Second Streets.¹⁴ This operation continued concurrently with the historic research for the project so that the documents could inform the archaeological investigation. Since historic archaeology frequently involves the testing and supplementation of the documentary record similar to the hypothesis and experimentation relationship in the scientific method, we shall turn to the results of the historical research first.

At the outset of the study, the only information the historians possessed concerning the cemetery included its location in the northeast quarter of the Fowler and Second Streets intersection, that it supposedly dated to the period of the Seminole Wars, and that the individuals interred there had been reportedly relocated to another cemetery in Fort Myers.¹⁵ The initial research and archeological monitoring quickly proved the first supposition true, but verification of the other two remained. Although, historic research indicated that a relocation of the human remains had been completed late in the nineteenth century, the site of that relocation remained in doubt. The historian contracted to complete this study by ACI, Janet Matthews, focused her research on three specific issues: 1) the location and size of the cemetery, 2) the number, identification, and ethnic

¹¹Chapter 872, F.S. establishes 75 years as the upward limit for requiring a legal investigation of the human remains.

¹²Myers to Jackson (March 1993). FDOT *Excavation*, 4.

¹³Florida Department of Transportation, "Report on the Excavation of 8LL1758 as Contained within the Proposed Right-of-Way on Fowler Street Between First and Second Streets in the City of Fort Myers, Lee County, Florida," 1993 (Manuscript on File with the Florida Master Site Files, R.A. Grey Building Tallahassee, Florida), 1.

¹⁴Myers to Jackson (March 1993).

¹⁵This information had initially come from a historic marker placed near the site and had also been discovered by the Right-of-Way investigation. See FDOT *Excavation*, 13 and Floyd E. Boone, *Florida Historical Markers & Sites* (Gulf Publishing Company, 1989), 185.

diversity of the buried individuals, and 3) the burial removal efforts previously undertaken at the cemetery.¹⁶

The military occupation of the Fort Myers area began towards the end of the Second Seminole War. Established in November of 1841, Fort Harvie, as the United States designated it at the time, represented the Army's principal depot for military operations in Southwest Florida. The Army named the post Fort Harvie for Lieutenant John H. Harvie of the 8th Infantry who had died of malaria two months earlier. The army occupied the post for only four months before abandoning it.¹⁷ In 1850 the Army reactivated the post under the new name Fort Myers, for Colonel Abraham C. Myers, the chief quartermaster of the Department of Florida and future son-in-law of General David Twiggs, the Fort Brooke commander responsible for naming the fort.¹⁸ Fort Myers continued in operation during the Third Seminole War (1855–1858) and through the Civil War during which it served as a Union base and asylum for Union sympathizers.¹⁹

The U.S. Surveyor General's office surveyed the general area of Fort Myers in 1859, 1871, 1872, and 1873, but none of these early surveys showed the cemetery. In addition, the 1873 survey log stated that no trace of the Seminole War period U.S. Military Fort remained.²⁰ An 1886 plat of the Fort Myers settlement, however, included an 1851 U.S. Military Cemetery on the north side of Second Street.²¹ An October 24, 1885 *Fort Myers Press* article concerning the construction of Fowler Street also associated the cemetery with the military fort. The report stated that Francis A. Hendry, a local cattleman and prominent regional figure, laid out Fowler Street "...through an old cemetery where were buried a large number of U.S. soldiers, who died there during the war with the Seminoles."²² Interestingly, Hendry named the road for Captain W.H. Fowler of the 1st U.S. Artillery who had been buried in the cemetery in 1851.²³ Historical research uncovered another important piece of information regarding the physical attributes of Fowler's grave. The grave was walled up with stones and capped with a slab of local stone. Research also suggested that the cemetery may have extended over a larger area than previously thought. But, the sources studied gave no information on the number of individuals interred. Additional

¹⁶FDOT, *Excavation*, 7.

¹⁷Karl H. Grismer, *The Story of Fort Myers*, (Fort Myers Beach, Florida: The Island Press Publishers: 1982), 56.

¹⁸Grismer, 60–63.

¹⁹Grismer, 80–82.

²⁰State of Florida, Department of Natural Resources Division of State Lands, Land Records and Title Section, *U.S. Field Notes* 218:47, 34–46. See FDOT, *Excavation*, 7–9.

²¹FDOT, *Excavation*, 9, 11–12.

²²Cited in FDOT, *Excavation*, 9–10.

²³Grismer, 71. FDOT, *Excavation*, 10.

confusion rose from references concerning a later cemetery located behind the Methodist Church, near the intersection of Fowler and First Streets.²⁴ So, while research indicated that the graves uncovered probably represented part of the military cemetery, the exact size of the cemetery and numbers of persons interred there remained questionable. Further, several resources consulted indicated that the cemetery contained not only Seminole and Civil War soldiers but their dependents and other civilians.²⁵

Regarding the identification and ethnic diversity of the individuals buried in the cemetery, the historical record did not contain enough information to make identification of the individuals interred in the graves the DOT needed to excavate possible. Historians examined the Harvie and Myers Post Returns to obtain lists of those who died while at the forts. These Post Returns, along with a Civil War report filed from Fort Myers, indicated that dependents, refugees, and other civilians had been buried in the cemetery in addition to soldiers. These burials included American Indians, European Americans, and African Americans. Consequently, the historical record could indicate only the potential for a wide range of ages and ethnic associations for any human remains which may have survived the 1888 removal.²⁶

The examination of the records associated with the 1888 relocation confirmed these findings and supplied only slightly more detail concerning specific graves. The evidence concerning the 1888 undertaking also revealed that not every individual interred in the military cemetery had been removed in 1888 and that, therefore, the presence of human remains in the uncovered burials was possible. Shortly after the publication of the article in the *Fort Myers Press* concerning the construction of Fowler Street, the City of Fort Myers advertised for proposals to relocate the burials in the U.S. Military Cemetery to Barrancas National Cemetery.²⁷ A month later, the City awarded the contract for this undertaking to a Pensacola firm.²⁸ In the course of this 1888 burial removal, the contractor removed a number of individuals interred in the cemetery. Importantly, the *Fort Myers Press* reported that the excavators had removed the skeletons of four children and one Indian woman. The article specifically mentioned only two military graves, Captain Fowler's and one unidentified officer's. However, the article included a comparison of the officers' bones with those of the men, who the writer either assumed to be, or knew to be, soldiers. The Fort Myers articles concerning the burial removal gave the impression that many of the graves possessed either no marker, a blank marker, or a worn

²⁴FDOT, *Excavation*, 10-11.

²⁵FDOT, *Excavation*, 14-16.

²⁶FDOT, *Excavation*, 14-16.

²⁷*Fort Myers Press* (February 2, 1888).

²⁸*Fort Myers Press* (March 15, 1888), 3.

marker. Apparently, only Fowler's headstone remained legible by the 1880s or all the other legible ones carried the same year of death, 1851. Clearly, if not all the graves possessed markers in 1888, locating all of them might have proved difficult. Because of the association of the graves with the Seminole Wars, the contractor relocated the remains to the military cemetery at Fort Barrancas in Pensacola.²⁹ The records at Fort Barrancas and data obtained by U.S. Army researchers provided a good deal more information on the military personnel relocated to Barrancas. This data, when compared to the Post Returns and the Civil War reports made it obvious that the 1888 effort failed to locate and remove all the graves at the cemetery. The contractor transported a total of 52 individuals to Barrancas while the total reported just for military personnel during the Seminole War period amounted to 60.³⁰ So, even without including Civil War and civilian deaths, the figure for burials relocated falls eight short of the reported deaths.

Several different sources also indicated different places of reinterment. Some sources specified Barrancas National Cemetery, others suggested a variety of National Cemeteries, while still others identified a cemetery in Fort Myers located on Michigan Avenue. This last point remains particularly interesting because the land for that cemetery was not deeded until early 1889. Such a conflict might indicate that other relocation efforts occurred either prior to, or following the 1888 removal.³¹ Further evidence that the Pensacola firm did not remove all the burials centers on the periodic discoveries of human bones and headstones in the succeeding years, up to the present day. In 1901, workers constructing a ditch in the area unearthed two skeletons in the vicinity of the old fort site. Other workers uncovered headstones in 1913 in the vicinity of First and Fowler Streets.³² In fact, reports of the discovery of human bone and funerary artifacts in the area of the cemetery have occurred up through the 1980s. Consequently, the historians concluded that not all the graves associated with the military cemetery had been removed in 1888.³³

Although the historical research did not deliver all the information hoped for, it did provide some useful details. Most important, the research showed that the graves located alongside Fowler Street represented a component of the military cemetery and that both military and non-military individuals had been interred there. In addition, the historical investigation revealed that the Army had used the site as a cemetery through the Civil War, that removals and discoveries of human remains and funerary objects had occurred at the site upon more than one

²⁹*Fort Myers Press* (March 22, 1888), 3. FDOT, *Excavation*, 16-17.

³⁰FDOT, *Excavation*, 19-20.

³¹FDOT, *Excavation*, 20.

³²Cited in FDOT, *Excavation*, 21.

³³FDOT, *Excavation*, 24.

occasion, and that not all the individuals buried in the cemetery had been exhumed yet. Finally, due to the research undertaken, the archaeologists could expect both age and ethnic diversity among any human skeletons still present. It remained, however, for the archaeologists to obtain specific information on the individual graves present in the Department right-of-way.

After the discovery of the initial six burial features, continued paving removal resulted in the location of fourteen more grave stains. These fourteen additional graves occurred in the same quadrant of the intersection as the original six. No other features appeared after clearing the surface and so the researchers assumed that the site represented a cemetery only. Of the twenty features excavated, sixteen contained at least partial remains of individuals. The four remaining proved to be disturbed grave fill with associated coffin hardware, that is, nails. Only two of the graves contained almost complete skeletons. This finding suggested that this section of the cemetery probably represented a portion exhumed in 1888. The fragmentary nature of the skeletal remains resulted from the earlier recovery effort coupled with the poor preservation of the bones due to soil acidity.³⁴ Because of this and the relatively low quantity of artifacts recovered, identification of the interred individuals proved impossible. However, the data obtained by the archaeologists, when reviewed along with those of the historian, did allow for some findings regarding the cemetery.

When first uncovered by the archaeologists, the burials appeared as rectangular stains of mottled gray colored sand. Within several of these grave pits the outer edges of the decayed, wooden coffins became visible. Throughout, the coffin fill remained darker than the grave pit fill. In several of the features, dark soil intrusions provided physical evidence of the 1888 exhumations. Interestingly, the removal of the first layer of fine sand revealed a level of large limestone slabs in all areas except in the location of the burials. In that vicinity the sand continued downward and became mixed with large limestone rocks. This may account for the selection of the site as a cemetery. Excavation through the tabular stone would have been extremely difficult without the use of more modern machinery than available to the tenants of the forts. The distribution of graves indicated that the residents of the forts had laid the burials in parallel rows and that the presence of the large limestones in the soil had affected the orientation of the graves.³⁵

Not all of the grave features contained enough information to determine coffin type or size, but in eight of the graves remnants of wooden coffin outlines existed and in three other burials the pattern of the nails found in the fill marked the coffin outlines. Nine of these eleven coffin shapes were hexagonal and two

³⁴"Osteological Analysis of the Human Remains from the U.S. Military Cemetery at Fort Myers (8LL1758), Lee County, Florida," in FDOT, *Excavation*, np.

³⁵FDOT, *Excavation*, 29.

were rectangular. The closeness of dimensions among six of the adult, hexagonal coffins indicated that the makers of the coffins utilized a standard pattern in coffin construction.³⁶ Only two features contained even moderate representations of the individual interred. One of these, Feature Eight, contained the remains of an adult male of indeterminate age. Though relatively complete, the skeleton suffered from poor preservation due to the soil acidity. Additionally, the archaeologists felt that some land altering activity must have disturbed this particular burial because of the thinness of the grave fill and the simultaneous appearance of the bone fragments and the grave stain.³⁷ Feature Nineteen also appeared to have been missed in 1888. This grave contained a male of 35 or more years in age. Once again, however, the remains had been damaged by the soil acidity.³⁸ One other grave, Feature Six, contained a small fragment of a child's cranium along with portions of an adult skeleton. Whether or not this find came from one of the two children's burials uncovered remains in doubt. Due to the extent of the disturbance to this feature, however, it appeared that this had resulted from an earlier removal effort and did not represent a multiple burial.³⁹

Although the small sampling of skeletal remains recovered in these graves posed serious restrictions on the osteological analysis, the physical anthropologist, David Dickel, did ascertain certain facts. Of the sixteen individuals, fourteen were adults and two were children. The physical anthropologist could identify the gender of only three of the skeletons, all adult, and he identified these as males. Age at death presented another problem. He could only assign ages more specific than "adult" to two of the adult graves, one being twenty and the other being the 35 or plus individual discussed above. For the non-adults, the remains in Feature One came from a two to three year old and the remains in Feature Four from a nine to ten year old.⁴⁰

The artifact analysis suffered from limited data too. Only seven of the burials contained artifacts other than coffin nails. In all, the archaeologists removed 21 buttons, two percussion caps, four lead shot, one metal hook and eye closure, and two broken limestone grave markers. Only one of the buttons was unquestionably a military button. This artifact, a brass button bearing an eagle with a shield and the letter A has been found in archaeological contexts ranging from 1837 to 1865. In addition, the Fort Pierce collection, also from the Seminole War period, includes a button identical to this one.⁴¹ The remainder of

³⁶FDOT, *Excavation*, 31.

³⁷FDOT, *Excavation*, 44-45.

³⁸FDOT, *Excavation*, 55-56.

³⁹FDOT, *Excavation*, 42-43.

⁴⁰FDOT, *Excavation*, 36.

⁴¹FDOT, *Excavation*, 33 and Carl J. Clausen "The Fort Pierce Collection," in *Bulletin 1* (Tallahassee, Florida: Florida Department of State, Bureau of Historic Sites and Properties, 1970), 6.

the buttons consisted of two types, whitemetal or pewter and porcelain. The thirteen whitemetal buttons have the same date range as the military button. These were also the most common buttons found at two other Seminole War period sites, the Fort Brooke Site in Tampa and the Fort Pierce Site. Such buttons were used on both military and civilian trousers. The seven porcelain buttons did not come into use until the 1840s but, like the whitemetal buttons, were used on both civilian and military clothing.⁴²

The size and type of the two percussion caps suggested an association with military muskets using the percussion ignition system. Such weapons did not come into use until 1842.⁴³ The lead shot was of various sizes. Only two of these, a musket ball and a small lead ball, had a direct association with any of the features. Both of these showed signs of damage and the archaeologists found them at the bottom of Feature Ten. The size of the smaller ball, about ten millimeters (mm) in diameter, indicated that it was either from a personal pistol or a small caliber, late model Kentucky type rifle. The other three lead shot found ranged from fourteen mm in diameter to sixteen and one-half mm. Manufacturers produced lead shot of this general size for the .69 caliber U.S. models 1816 and 1835 flintlock muskets, the most common firearms of the Second Seminole War.⁴⁴

The archaeologists removed the single hook and eye closure from Feature One, the infant burial. Interestingly, the oxidation of this artifact's metal served to preserve the only coffin wood found in this feature. This feature also contained one of the porcelain buttons. Both the hook and eye closure and the button were found in the infant's chest region and probably represent remnants of the apparel in which the infant was buried.⁴⁵ Due to their locations within the grave pits, the archaeologists surmised that the two gravestone remnants, like the cranium fragment in Feature Six, resulted from the 1888 relocation effort. The 1888 removal crew probably pushed the broken stones into the excavated grave pits once they had determined the removals complete. Neither remnant carried much of the original inscriptions. The one found in Feature Nine retained only the partial inscription "JO". The second one, from Feature Fifteen, bore only "DIE" and directly below that the number "18".⁴⁶ Importantly, both of these gravestone remnants support the findings of the historical research concerning the use of local materials for the markers. That data, joined to the headstone descriptions and the lists showing the number of headstones transported to Barrancas in 1888 kept by the U.S. Army, lends credence to the theory that not

⁴²FDOT, *Excavation*, 33-34.

⁴³Clausen, 14 and FDOT, *Excavation*, 34.

⁴⁴Clausen, 16 and FDOT, *Excavation*, 34.

⁴⁵FDOT, *Excavation*, 32, 37.

⁴⁶FDOT, *Excavation*, 35.

every grave possessed a headstone.

Viewed in isolation, neither the historical nor the archaeological research provided much concrete information concerning the human remains excavated from this site. When combined, however, these efforts produced enough convincing evidence to decide that the cemetery represented a surviving element of the mid-nineteenth century military occupations of the area. Although only Feature Two contained an item which could be classified only as a military artifact (the brass button), others contained some which, given the findings of the historical research, probably represent military artifacts (the whitemetal buttons, the percussion caps, and the lead shot). In addition, the historical record showed that the residents of the site interred more than just military personnel in this cemetery. The presence of the two non-adult burials, coupled with the accounts of American Indian and civilian interments, clearly supported this theory. The artifacts recovered provided a date range encompassing the Second and Third Seminole Wars as well as the Civil War. This finding agreed with the historic record too. Taken together, therefore, these research efforts implied that the reinternment of these individuals needed to take place at a military cemetery. Because the researchers could only establish one of the sites of relocation beyond any doubt, that being Fort Barrancas, the review committee established by the State Archaeologist determined Barrancas as the best place for the reinternment.⁴⁷ Consequently, the DOT arranged for the interment of the excavated remains at Fort Barrancas. Due to the probable military affiliation of most of the remains exhumed, they were provided a military ceremony, replete with an honor guard and a 21-gun salute.

The 1888 removal of the burials also became a subject of the 1993 investigation. Although one study of a late nineteenth century burial removal project cannot provide general observations concerning similar efforts of the time period, it can if compared to any future investigations of contemporary reburial efforts. Both the archaeological and historical investigations provided evidence of the 1888 relocation effort and how complete that excavation had been. The presence of two burials apparently not located in 1888 during the excavation and the continuing reports of human skeletal remains being found in the area signified that not all the graves had been located during the 1888 removal. This was expected. The historical research showed that by the 1880s, nothing remained to mark many of the graves in the cemetery. Contemporary newspaper accounts even expressed doubts as to the possibility of locating all the graves. Clearly, unless the workers excavated the entire lot, some graves would escape detection.

⁴⁷Jim Miller, State Archaeologist, Division of Historical Resources to George Ballo, Archaeologist, FDOT Central Environmental Management Office, Tallahassee, Florida (August 7, 1995), letter on file with the FDOT Central Environmental Management Office.

As evidenced by the partial remains left in fourteen of the eighteen previously excavated graves, the skeleton removals in 1888 were not always complete either. However, most of the bones left behind by the 1888 effort consisted of hand, foot, or other bones which could break off easily during any removal of a skeleton from a burial.⁴⁸ Today's methodology avoids this through the application of bonding and preservation mixtures to the bones. In addition, the time range for this cemetery and the poor preservation qualities of the soil may have made the older interments more difficult to retrieve than the more recent interments, even in 1888. The newspaper accounts at the time of the removal comment on the varying states of bone preservation between the burials, explaining that many of the bones disintegrated when touched.⁴⁹ It was, therefore, not surprising to find some remnant bones.

The investigation of the Fort Myers military cemetery provided an opportunity for the integration of historical and archaeological research, both in the study of the cemetery site and in the investigation of the 1888 relocation project. Though this is not our traditional view of historical research, without this interaction, each field's findings would have been incomplete.

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⁴⁸Dickel, "Osteological Report," n.p.

⁴⁹*Fort Myers Press* (March 22, 1888), 3 and FDOT, *Excavation*, 17.

Reginald Pecock: The Rational Repressor

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Reginald Pecock is the first and only bishop in English history to be removed from his see because he was convicted of heresy. That is a certainty. Once past that, though, modern discussions of Pecock become kaleidoscopic in their vision of his significance, his value, even his exact heresy.¹ Here, as in much else, Pecock's life is simply another example of the complexity and ambiguity of the mid-fifteenth century.

Born in Wales, Pecock came to Oxford as a teenager in 1409, a momentous year for the university. In the previous decades, John Wyclif had been cited and discussed in the Oxford schools even though he had taught the primacy of Scripture, even though he had said that transubstantiation was philosophically impossible, even though he had attacked the religious orders and had named the Pope Antichrist. To Thomas Arundel, the Archbishop of Canterbury, this was intolerable, and in the very year of Pecock's arrival he took decisive action to extirpate Wyclifism from the school. He issued a number of constitutions; chief were those which required that, henceforth, all Oxford students were to be regularly examined for their orthodoxy, all books of Wyclif's time and since were to be examined by twelve doctors and licensed as orthodox, and no translation of the Bible could be made without the approval of the bishop.² Pecock thus began his academic career at Oxford as the university left an era of academic

¹There is not much contemporary work being done on Pecock. These are the most valuable works: Emmet Hammick, *Reginald Pecock*, a 1922 thesis from Catholic University; Ernest Jacob, "Reynold Pecock, Bishop of Chichester," *Proceedings of the British Academy* 37 (1951): 121-154; Charles W. Brockwell, *Bishop Reginald Pecock and the Lancastrian Church: Securing the Foundations of Cultural Authority* (Lewiston, N.Y., 1985); Joseph F. Patrouch, *Reginald Pecock* (New York, 1970). Not consulted but valuable for the work done on Pecock's texts is Thomas Kelly, *Reginald Pecock: A Contribution to His Biography*, a University of Manchester dissertation of 1945. Most of Pecock's extant works are available through the Early English Text Society: the *Donet*, 156 (1921); the *Folewer to the Donet*, 164 (1924); and *The Reule of Chrysten Religioun*, 171 (1927). *The Repressor of Overmuch Blaming of the Clergy* was ed. by Churchill Babington in 1860 as part of the Rolls Series, and *The Book of Faith* has been ed. by J. L. Morison (Glasgow, 1909).

²The constitutions are summarized in Anne Hudson, *Lollards and Their Books* (London, 1985), 146-149.

autonomy for an era of greater control from Canterbury.

In his fifteen years at the University Pecock received his Masters and became a priest. He left Oxford in 1424; after a few years' interval, he became master of Whittington College in London. In 1444 he became Bishop of St. Asaph, and six years later, after its previous bishop was murdered, he took over the See of Chichester, over which he would preside for seven years.

In these years of his maturity, Pecock's energies were directed toward one end: the defense of the established Church and its practices. He was no philosopher, no politician, and certainly no mystic or poet. He was the rational champion of the Church, and to Pecock "Church" meant the clergy. He was too intent on providing a rationalization for every clerical practice to see that his explanations at times misfired, giving publicity to some frankly irrational abuses in the medieval Church. A good example is the sermon he gave in 1447 at Paul's Cross. Bishops were being criticized at this time for their failure to preach or to reside in their own diocese. Far from taking an apologetic tone about all this, Pecock asserted five possible reasons for a bishop's non-preaching; then, to clinch it, he remarked that it might in fact be sinful even for bishops to stay in their dioceses (they had better things to do). Pecock was rather pleased with his reasoning. Others were not: he angered not only those who were criticizing bishops, but many members of the hierarchy itself.

It would be easy to give other examples of Pecock's insensitivity, his political stupidity, and his self-complacency. He wins sympathy, nonetheless, for Pecock was supremely a teacher, with a teacher's virtues to balance his faults. He worked diligently at his self-imposed task of reorganizing what he saw as the haphazard and incomplete approach of traditional religious education into something organized, comprehensive, and yet elementary.³ The cumbersome catechism he produced strikes one now as laughable.⁴ Pecock was so confident in the invincible rightness of his position, though, that he welcomed debate with those who disputed the authority of the clerical Church. Reasonable discourse, he is sure, will convince all heretics, all Jews, all pagans of the virtue of hierarchical Christianity; persuasion has failed in the past only because it was not rational enough.

There were few Jews and pagans for Pecock to argue with in fifteenth

³A brief description of his *Donet* will suffice to give the flavor of Pecock's catechesis. Like Donatus' grammar, the *Donet* was meant to be a basic introduction to its topic, in this case the requirements of Christianity. Typical of a scholastic production, it is organized in descending ramifications. There are four things needful to the Christian; the first of these is knowledge. Knowledge is divided into Seven Matters, on God's attributes and man's needs. The fourth of these Matters is God's law, which is then divided into Four Tables. The first table discusses meenal virtues (means to an end); the remaining three discuss endal virtues. The Four Tables were thus intended to be more comprehensive than the Ten Commandments themselves (Jacob, 149). The wonder is that one modern author has suggested, seriously, that Pecock's catechism is worth trying out (Brockman, 152).

⁴Ernest Jacob's comment: "he had at least the courage to be tedious." *Pecock*, 135.

century England, and so he had to content himself with heretics, whom he usually simply denominates "the lay party." Today, Pecock's heretical opponents are most often labeled "Lollard."⁵ Like Chaucer's Host, you can smell a Lollard when someone denounces non-Scriptural religious practices, such as pilgrimages and religious orders, or when someone insists on scripturally based preaching. These objections to medieval Catholicism are most pervasive among those laity who are either literate themselves, or who have access to the literate world of the written Word of God.

The essence of Lollardy, then, is its reliance on the authority of the Scripture book at the expense of non-Scriptural customs; to answer these lay critics, Pecock will exert himself to liberate Scripture from overwrought, exaggerated, private interpretation by people who, in his opinion, suffer from an excess of the melancholy humor.⁶ Scripture, according to Pecock, is not a well of the fantastic; it is in fact basically reasonable, and God has kept what our reason cannot comprehend to a minimum. Clergy, trained as they are in philosophy and the rules of logic, are therefore best suited to make a final judgment on the meaning of Scripture. To leave such interpretation to untrained lay people, no matter how well meaning, is to invite error and brawling. The Lollards who abandon clerical leadership will end like dogs who tear at each other in a market place fight.⁷

Pecock, then, was the spokesman of the clergy against those laity who tried to usurp the clergy's place as interpreters of Scripture. Yet he ended on trial for heresy himself. Why? Two specific counts are sometimes suggested: that he used the vernacular, and that he asserted the superiority of reason to Scripture. It is certainly true that he used the vernacular, the better to teach his lay audience. He is the first (after the Norman Conquest) to try to use the English language for scholarly arguments. Being first, he had to do a bit of trail blazing, and if there is any place on this earth where Pecock's ghost yet may linger, it is in the pages of the *Oxford English Dictionary*. *Lovableness*, *inconceivable*, *corruption*, and *sensitive* are examples of his creations.⁸ In summarizing the

⁵Some have objected that true Lollards were almost as rare as Jews in 1450. Patrouch, 73–82, points out that Pecock used the term "Lollard" only three times; Patrouch would shift the emphasis to general lay discontent rather than a specific Lollard position. Susan Powell, "Lollards and Lombards: Late Medieval Bogeymen?" *Medium Aevum* 59 (1990): 133–139 would agree. Most contemporary scholars, though, would assume that, while certainly not monolithic, there is an identifiable religious position at that time which can ultimately be identified with Wyclif's thought. Christina van Nolcken, "An Unremarked Group of Wycliffite Sermons in Latin," *Modern Philology* 83 (1985–86): 234, argues for a continuing impact of Lollardy, based in part upon the assumption that Pecock himself was arguing against Lollards.

⁶Reginald Pecock, *Reule of Crysten Religioun*, 444.

⁷Churchill Babington, ed., *The Repressor of Overmuch Blaming of the Clergy*, Rolls Series 19 (London, 1860), 85–86.

⁸Susie Tucker, "Reginald Pecock: Additions to the Dictionary," *Notes and Queries* 203 (1958): 477–79, gives a partial listing of words Pecock created for which he is not given credit in the OED.

case against him, Popes Calixtus and Pius both found Pecock's use of the vernacular worthy of comment.

Perhaps it is ingenuous to remark that while Pecock's use of the vernacular was considered notable in the papal letters, there is no tinge of censure in their comments, at least on this point. True, Archbishop Arundel had forbidden the use of vernacular Scripture in 1409, and there is evidence from both before and after Pecock's time that any religious discussion in the vernacular was in itself grounds for suspicion. Gascoigne, the garrulous fifteenth century chancellor of Oxford, had complained that Pecock discussed high matters in English, thus misleading the laity. There is no evidence, though, that Pecock's use of the vernacular was an issue at his trial, and it is easy to exaggerate the heart burnings of the hierarchy on this point.⁹

The statement that Pecock was tried because he valued reason over Scripture is closer to the truth, but it cries out for a careful appraisal. One scholar can say that Pecock smiled in approval as the island of faith was undermined by the sea of reason surrounding it; Pecock did say that "all the faith being positively left to man, which Scripture grounds or teaches, is not so worthy in itself, neither so necessary and profitable to man ... as is the said doom [judgment] of reason being moral law of kind."¹⁰ And yet a second scholar believes that in fact what Pecock was trying to do was to protect the sovereignty of Scripture from the inroads of reason.¹¹ As Pecock himself said, even if it should seem to contradict reason, everything in the body of revelation must be true, because God cannot lie.¹²

Pecock would probably respond that any difficulty in reconciling his statements is purely imaginary. Reason is one source of authority; revelation another.¹³ Of the two, reason must be expected to carry the brunt of the burden in determining the intention and validity of an alleged revelation, but once verified, revelation takes precedence. Where is the problem?

The problem is that in the fourteenth century, Wyclif and Echium both had left a lasting mark on any future discussion of the relationship of "reason" to "faith." First, "faith," especially in Wyclif's realism, becomes identified with the crystalline pronouncements of Scripture. One of Wyclif's first polemical disputations had been on the literal truth of every word of Scripture, freed of the burden of human interpretation. In that sense, faith is Scripture alone, and it becomes liberated from "tradition." Tradition then becomes not Church teaching on the meaning of Scripture, but simply practice, rooted in history, cer-

⁹Anne Hudson, *Lollards and Their Books* 159-60.

¹⁰Reginald Pecock, *The Repressor*, 83.

¹¹Everett Emerson, "Reginald Pecock: Christian Rationalist," *Speculum* 31 (1956): 242, on the importance of reason; Brockwell, 120, on the primacy of revelation.

¹²Reginald Pecock, *Reule of Crysten Religioun*, 427; J. L. Morison, ed., *Book of Faith*, 133-137.

¹³Reginald Pecock, *Folewer to the Donet*, 11.

tainly, but not necessarily rooted in God's word. This historicism would be encouraged by an Ockhamist view of time as the inchoate succession of moments, without any cumulative truth.

When Pecock spoke of reason and faith, then, he must actually consider three possible sources of authority. There is Scripture, which, Pecock says, is to be read literally and which is recognized as the fruit of apostolic tradition. There is reason, operating in the syllogism: the angels in heaven cannot refute a valid syllogism whose premises are certain. Lastly, there is Church tradition. Tradition is the pronouncement of the post-apostolic hierarchy, which has inherited the authority of the Apostles even if it hasn't received their miracle-working abilities. If the hierarchy defines something as an article of faith, then it must be accepted as such, even if an individual should be sure that the hierarchy is wrong. It is better to do that than to remove oneself from the Church.

The Church, therefore, is defined as an institution joined at any one moment in time by its acceptance of the authority of the clergy of that time. Here is the problem: the authority of past teachers need not be accepted, if modern reason can refute their conclusions.¹⁴ As an institution rooted in history, the Church may change its teaching to suit historical change. Other scholars of the fourteenth and fifteenth century had talked of the Church changing practices to suit different times; even Bernard of Clairvaux had done so. To talk of changing practices is one thing; the inference his contemporaries drew, however, is that Pecock made no distinction between practices and the cumulative body of truth. If it is indeed correct that Pecock did not see doctrinal tradition as cumulative, and that he saw no trans-temporal anchor for that church except the authority of the clergy in each age as based upon the judgment of natural reason, then Pecock could emerge as the Morning Star of Anglicanism.¹⁵

Those who suspected that Pecock was abandoning tradition found confirmation of their fears in Pecock's remarks about the Fathers. According to Pecock, citing Augustine or Jerome in support did not make an unreasonable statement correct.¹⁶ Authority is a great friend, he commented, but a greater friend is truth.¹⁷ Not just the Fathers—he belittled the universities which are the storehouses of tradition. In spite of his praise for philosophers and his recommendation to others to depend on their conclusions, Pecock himself said some very scornful things about the universities. The doctor's cap, he argued, had nothing

¹⁴ This is Charles W. Brockwell's conclusion on Pecock's idea of Church: *Foundations of Cultural Authority*, 32.

¹⁵ Reginald Pecock, *Repressor*, 18; Ernest Jacob, *Pecock*, 124. In 1688, Henry Wharton published extracts from the *Book of Faith as A Treatise Proving Scripture to be the Rule of Faith*. Wharton argues in his preface that the medieval Church itself did not recognize tradition, in the sense of accumulated doctrine, as authoritative, and he is publishing Pecock to prove his point.

¹⁶ Gascoigne makes this comment: Ernst Jacob, *Pecock*, 143, 145.

¹⁷ Reginald Pecock, *Folewer to the Donet*, 152.

to do with what was in the head beneath.¹⁸

Pecock's fatal failing has perhaps become evident: he could make up words like *eendal* and "biginniga", but such words as "tact" and "discretion" were a mystery to him. He insisted on telling everyone, not just Lollards, what their failings were. Neither university scholars, lords, nor bishops appreciated his letters, comments and corrections. Complaints were made about him throughout his public career; these reached a head in 1457. At the beginning of that year, King Henry received a vague but agitated letter from a Lancastrian lord, John, First Viscount Beaumont. This is notable, for if Pecock was anything he was an adherent of the Lancastrians. At any rate, this letter asks that the king have scholars examine the grounds of Pecock's works. Pecock, it is said, is relying on his own wit rather than on the Church.¹⁹ Gascoigne says that at this time the Lords refused to do business if Pecock continued in the House.²⁰ At the end of that year, Pecock, who had written to demolish the arguments of heretics, found himself being examined for heresy at the request of the King's Council.

Twenty-four assessors studied Pecock's work, primarily his *Book of Faith*, for specific instances of heresy. They found six.²¹ All six have to do with his attitude toward the authority of tradition, but only the first can offer a specific instance where this led him into possible heresy. Pecock concluded that its textual history showed that the clause in the Apostles' Creed which says that Jesus descended into hell after his death was a later interpolation. Since it did not date back to the Apostles, no Christian was required to believe this as an article of faith.

The other five charges are more general statements that Pecock had said that it is not necessary to believe in the Holy Spirit or the communion of saints for salvation, or to accept the teachings of the Catholic Church or of Church councils as authoritative. The doctors who assessed Pecock's work have done a poor job here of expressing one of Pecock's distinctions. What Pecock had said was that, while the Creed taught that there was such a thing as the one, holy, Catholic Church, the Creed said nothing about having to accept Church teachings as authoritative. It was the difference between believing, and believing in. The charge is a distortion of what Pecock had meant, but once again the evident fear behind it is that Pecock refuses to accept the authority of tradition.

The trial did not begin well. Pecock asked for a jury of his peers—not

¹⁸Pecock incidentally never received more than an honorary doctorate. His university opponents pointed out that he had never been tested by a doctoral disputation. Emmet Hammick, *Reginald Pecock*, 90.

¹⁹Joseph F. Patrouch, *Reginald Pecock*, 27.

²⁰*Ibid.*, 11.

²¹A seventh is sometimes mentioned, that Pecock taught a literal interpretation of Scripture. What he said was that where Scripture teaches truths beyond faith, it is to be taken literally, without undue interpretation. Emmet Hammick, *Reginald Pecock*, 15; Ernest Jacob, *Pecock*, 145.

bishops, understand, but his intellectual peers. He got bishops. The trial did not end well, either. Pecock was given the choice of recanting or of abiding the consequences. Pecock recanted, for he had long since written that one's own personal opinion must give way before the verdict of the hierarchy. In the circumstances, what could he do? He recanted, and threw some of his own books on the fire. He had erred, he admitted, "presuming of mine natural wit and preferring mine judgement and natural reason before the New and the Old Testament and the auctorite and determinacioun of our Mudder Holie Church."²² The story is that the people would have liked to have thrown him on the fire, too.²³ Pecock was not ready to end his career though, and appealed to the Pope for confirmation that he was in fact Bishop of Chichester. This provided his enemies with a new accusation, that of flouting the king's authority by appealing to the Pope. Before any new action, though, Pecock died, perhaps around 1460, still confined at Thorney Abbey in the Fens.

Margery Kempe and *Piers Plowman* are today probably the best known representatives of late medieval English piety. It would be well to remember that there were members of the Church in the fifteenth century who did not fall into rigid ecstasies and bawl out their tears, whose visions (if they had visions at all) were of philosophy. These champions of reason were rooted in Oxford, and their target was frequently the individualistic relationship with Scripture toward which Wyclif tended. Pecock is of their number. And he, the repressor of overmuch blaming, was later coupled with Wyclif as one of the two teachers whom scholars at both King's and Queen's College must swear never to follow.²⁴

* * *

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²²Quoted in Ernest Jacob, *Pecock*, 138. When I presented this paper, I was asked whether Pecock was in fact a heretic. I responded that he wasn't; on further thought, I'm not so sure. The descent among the dead is taught in the current Catholic catechism, and Pecock does seem to damn by faint praise when dealing with past authorities (Pecock, *Folewer*, 11). Fortunately, it is not an issue which I have to judge.

²³Joseph F. Patrouch, *Reginald Pecock*, 42.

²⁴*Ibid.*, 29.

The Consequences of Ambiguity: British Perceptions of the Petites Nations in West Florida, 1763–1783

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In 1763, Spain and France relinquished control of their North American possessions east of the Mississippi River to Great Britain. Combining the western portions of former Spanish Florida with the eastern regions of newly acquired French Louisiana, George III's ministry created the British colony of West Florida. Among the dispersed pockets of Europeans inhabiting the region lived a vast array of Indian communities. Initially lacking substantial information on these peoples, officials of the British Indian Department quickly ascertained a rudimentary knowledge of the most sizeable groupings. Immigrants to the new province soon formed diplomatic and economic relationships with the Choctaws and Creeks, the two most populous Indian societies located in West Florida. By the outbreak of the American Revolution, British colonists had developed informed perceptions of these Indians, if not harmonious relationships.¹

Other Indians besides the Choctaws and Creeks also resided in West Florida, however. In the far southwestern reaches of the province, an amalgam of smaller communities functioned with varying degrees of independence. Not as populous as their eastern neighbors, each of these groups exhibited characteristics and subsistence patterns quite distinct from the Choctaw and Creek cultures. Regardless of their many differences, these Indians became collectively known

¹Detailed studies of British relationships with the Choctaws and Creeks in the years prior to the American Revolution can be found in John R. Alden, *John Stuart and the Southern Colonial Frontier: A Study of Indian Relations, War, Trade and Land Problems in the Southern Wilderness, 1754–1775* (Ann Arbor: University of Michigan Press, 1944; reprint, New York: Gordian Press, 1966); Richard White, *The Roots of Dependency: Subsistence, Environment, and Social Change among the Choctaws, Pawnees, and Navajos* (Lincoln: University of Nebraska Press, 1983); and Kathryn E. Holland Braund, *Deerskins and Duffels: Creek Indian Trade with Anglo-America, 1685–1815* (Lincoln: University of Nebraska Press, 1993).

to British immigrants as the small tribes, or *petites nations*.²

A variety of Indian groups fell under this ambiguous heading. In 1775, the British adventurer Bernard Romans traveled through West Florida and encountered communities, that is his opinion, possessed different characteristics than the Choctaws or Creeks. Identifying them as the "remains" of larger tribes, Romans labeled the Indians as "Tonicas, Chitimachas, Yasoos [Yazoos], Hoomas [Houmas], Mobilians, Pasca-Oocoolos [Pascagoulas], Hattakappas [Atakapas], Taensas, Biloxis, Ybitoopas [Ibitoupa], Aquelon-Pissas, or Colla-Pissas [Acoloapissas], Tiaoux [Sioux], Oaktashippas and many others."³ More recent accounts substantiate the presence of most of these communities. Early twentieth century ethnologist, John R. Swanton, recorded that during the seventeenth and eighteenth centuries the region between the Pascagoula and Apalachicola Rivers encompassed Indians labeled as Mobile, Tohome, Naniaba, Pensacola, Chatot, Tawasa "and some [other] small bands."⁴ Other accounts indicate the presence of Alabamouns, Apalachees, Mougoulachas and Pacanas.⁵

The smallness of these tribes resulted from the steady reduction of their populations during the eighteenth century. In 1720, more than seventeen hundred Indians lived in scattered villages between the Pearl and Mobile Rivers.⁶ By 1763, disease and slave raiding had decimated each of the individual tribes.⁷ Together, the *petites nations* probably numbered less than a thousand people during the British occupation of West Florida. According to Anglo-American observers, by the outbreak of the American Revolution, no more than 250 warriors could be counted among all of the small communities.⁸

Few of these groups lived along the West Florida coast until the years just prior to British acquisition. A variety of events led to steady Indian migration into the area during the middle decades of the eighteenth century. Following Sir

²In Daniel H. Usner, Jr., *Indians, Settlers, & Slaves in a Frontier Exchange Economy: the Lower Mississippi Valley Before 1783* (Chapel Hill: University of North Carolina Press, 1992) the term *petites nations* is used extensively to identify assorted smaller Indian communities residing throughout the present day state of Louisiana. For the purposes of this paper, the term only indicates those communities maintaining an extensive presence east of the Mississippi River.

³Bernard Romans, *A Concise Natural History of East and West Florida* Facsimile Reproduction of the 1775 edition. Florida Facsimile and Reprint Series. (Gainesville: University of Florida Press, 1962), 101-102. Contemporary spellings follow the originals in brackets.

⁴John R. Swanton, *Indian Tribes of the Lower Mississippi Valley and Adjacent Coast of the Gulf of Mexico* Bureau of American Ethnology Bulletin no. 43, pp. 1-364 (Washington D.C.: Government Printing Office, 1911), 8.

⁵Albert S. Gatschet, *A Migration Legend of the Creek Indians, with a Linguistic, Historic and Ethnographic Introduction* (Philadelphia: D.G. Brinton, 1884; reprint, New York: Kraus Reprint Co., 1969), 109; Usner, 130.

⁶Usner, 60.

⁷White, *Roots*, 4-5.

⁸Robert R. Rea, "Redcoats and Redskins on the Lower Mississippi, 1763-1776: The Career of Lt. John Thomas," *Louisiana History* 11 (1970), 13-14; Journal of Captain H. Gordon, 8 May, 1766, Clarence W. Alvord and Clarence E. Carter, eds. *The New Regime, 1765-1767* (Springfield: Illinois State Historical Society, 1916), 305. Hereafter cited as *The New Regime*.

James Moore's destruction of the Spanish mission system between St. Augustine and the Apalachicola River in 1704, around 1000 Apalachees migrated northwestward into the area between Pensacola and Mobile.⁹ Chatots and Tawasas in northern Florida also journeyed to the region following similar raids by English colonists from the Carolinas. The Taensa, Houma and Tonica emigrated southeast after France began colonizing Louisiana a decade later. Only the Tohome, Mobile, Pensacola, Pascagoula and Biloxi lived in the area during the first years of extensive European contact at the turn of the seventeenth century.¹⁰

Prior to the French and Indian War, the British had only limited contact with Indians along the gulf coast or lower Mississippi River. In contrast, traders from the Carolinas frequently dealt with the geographically closer Choctaws and Creeks during the first half of the eighteenth century and increasingly developed compatible modes of interaction. British traders lived in Creek communities and intermarried with Choctaws. Though friction with the groups remained, the British enjoyed better access to information regarding these Indians and therefore knew better how to resolve conflicts.¹¹

A quite different situation existed concerning the *petites nations*. Upon obtaining control of the region in 1763, the British possessed little knowledge regarding the composition or attitudes of these small communities. Geographically, the various groups remained virtually isolated from British imperial officials. Before the transfer of West Florida, most *petites nations*' communities lived in close proximity to Mobile in French Louisiana or Pensacola in Spanish Florida. Though British trade goods might reach these locations, few Anglo-American traders or diplomats enjoyed direct access to the Indians.

In addition, those Indian groups that recently migrated to West Florida, rarely had contact with the British in their previous locations. Chatots, Tawasas and Apalachees resided in Spanish Florida before migrating north and only knew the British as invaders who had burned villages and enslaved Indians.¹² No British missionaries or diplomats ventured into their communities. At the same time, the Choctaws and Creeks served as a human barrier between those *petites nations* formerly living west of the Mississippi River and English colonies on the Atlantic coast. British merchants rarely encountered Taensas or Houmas in their dealings and could provide little information to colonial authorities. Due to the nature of early European colonization, almost all of the *petites nations* lived under the direct influence of Spain or France between the time of initial contact

⁹John Ham, *Apalachee: the Land Between the Rivers* (Gainesville: University Presses of Florida, 1988), 289-291, 305-317.

¹⁰Usner, 60.

¹¹Patricia Galloway, *Choctaw Genesis, 1500-1700* (Lincoln: University of Nebraska Press, 1995), 313-315; Braund, 57-58.

¹²Extract of Col Moore's Letter to the Lords Proprietors, 16 April, 1704, cited in Ham, 386-387.

and 1763.

Having limited access to the small tribes, the British enjoyed little reliable information on which to base their policies. Throughout Great Britain's twenty year rule of West Florida, British perceptions of the *petites nations* and their role in the province constantly changed. Military officials, government ministers and Indian Department representatives all envisioned these groups in different ways. In lieu of credible evidence, Anglo-American settlers formed opinions toward the *petites nations* based on rumor and speculation. West Florida officials enacted measures directly based on misconceptions of the small communities. These misconceptions remained long after the British acquired the province. Despite two decades of close interaction, Anglo-American officials never reached a consensus regarding the status of the small tribes.

Judging the *petites nations* primarily on their numbers, many British colonists viewed the Indians as insignificant obstacles to expansion. The opinions of the Chevalier De Kerlerec, the French Indian official charged with exchanging possession of Louisiana to the British and Spanish, enhanced this impression. In 1758, De Kerlerec wrote, "The Houmas were formerly very numerous, but they are, like the Tonicas, very much reduced on account of the amount of liquor that has been sold to them... It [the tribe] is very lazy and debased by drink... it is easy to reduce when we demand satisfaction."¹³ Early British accounts supported this portrayal. While surveying the Indians of West Florida for colonial administrators, Major Robert Farmar noted that the small nations on the east bank of the Mississippi River offered negligible opposition and were "of little Note."¹⁴

Other British immigrants believed that the Indians had been "civilized" by previous European inhabitants and disregarded the *petites nations* as a threat. French officials in Louisiana reported that "For a long time all the tribes have expected their [the British] arrival and await them with eagerness."¹⁵ Romans described these Indians as being "dispersed among the plantations, where they serve as hunters, and for some other laborious uses, something similar to the subdued tribes of New England."¹⁶ Many settlers believed these communities offered little threat because some Indians had been converted to Christianity by the French and Spanish. Deputy Indian Superintendent Charles Stuart noted in 1773 that "several small Parties" separated from the main group of *petites nations* and had become "entirely Civilized & have Built themselves a

¹³Rapport de Chevalier De Kerlerec in *Compte Rendu de Congress International des Americanistes*, 15th session, I, 75, quoted in Swanton, 290.

¹⁴Farmar to Secretary of War, 24 January, 1764, Dunbar Rowland, ed. *Mississippi Provincial Archives, English Dominion 1763-1765: Letters and Enclosures to the Secretary of State from Major Robert Farmar and Governor George Johnstone* Vol. 1 (Nashville: Brandon, 1911), 13-14.

¹⁵Aubry to the Minister, 27 January, 1766, *The New Regime*, 145.

¹⁶Romans, 102.

Church.”¹⁷ In addition, members of the small communities frequently interacted with white immigrants and participated in the colonial economy. At Pensacola and Mobile, Indian women sold food stuffs and baskets to Europeans while the men served as messengers, ferry men and transporters of trade goods.¹⁸ Relying on these accounts, British authorities viewed the *petites nations*’ willingness to interact with Europeans as a sign of their compliance and harmlessness.

Despite these impressions, not all authorities in the region perceived the Indians as benign neighbors. Numerous accounts portrayed the small communities in a more sinister light. Equally important, the lack of validated evidence caused many British settlers in the region to be skeptical of the Indians’ motives. As the colony grew, and violence occurred more frequently between the British, Choctaws and Creeks, provincial officials began to regard the *petites nations* as hostile adversaries. Consequently, colonists and government representatives altered imperial policy to deal with the perceived threat of the small tribes. Though war between settlers and Indians did not occur, circumstances continued to worsen and British officials diverted resources from other matters.

Certain accounts led to significant apprehension among West Florida’s white population. Louisiana officials reported that following the Treaty of Paris (1763), Indians in some areas refused “to let the English take possession of the land.”¹⁹ Though contradictory to other comments, Chevalier de Kerlerec inspired some of the uneasiness. Writing in 1758, he noted that the Houma villages functioned as “an advance post and barrier against the incursions which enemies might wish and be able to make upon our [French Louisiana] establishments; in consequence of this they are treated with much consideration.”²⁰ West Florida officials feared the effects these establishments might have on the security of the British province. Lieutenant Governor Elias Durnford expressed concern to Charles Stuart because many of the Indians routinely planted corn and hunted near white settlements.²¹

Though little armed conflict ensued, the potential threat inspired policy changes. British authorities suspected that the *petites nations* might form an alliance with the Spanish in New Orleans. Peter Chester, governor of West Florida from 1770 to 1781, wrote to Secretary of the Colonies Hillsborough that the small tribes should be respected, “for they alone in time of war might annoy

¹⁷List of the Several Tribes Inhabiting the Banks of the Mississippi between New Orleans & Riviere Range with their number of Gunmen, and Places of Residence, 8 April, 1773, Great Britain, Public Records Office, *Colonial Office, American and West Indies, Indian Affairs Class 5*, Vols. 65–82. Microfilm reproductions of original correspondence, vol. 74, reel 6, 0801–0802. Hereafter cited as *CO5*.

¹⁸Usner, 60–61.

¹⁹Aubry to the Minister, 12 March, 1766, *The New Regime*, 181.

²⁰Rapport du Chevalier De Kerlerec in *Compte Rendu du Congres International des Americanistes*, 15th session, I, 75, quoted in Swanton, 290.

²¹Durnford to Charles Stuart, 2 December 1772, *CO5*, vol. 74, reel 6, 0793–0799.

us much on the Mississippi if disaffected to us, and on the contrary if attached be of great service in disturbing the Spaniards."²² Regarding the *petites nations* as a potential threat, General Thomas Gage, commander of all British military forces in North America, cautioned soldiers in the colony not to offend the small communities or insight the Choctaws or Creeks to interfere with them.²³ Tension levels among colonists in West Florida escalated. In 1771, Lieutenant Governor Durnford wrote to Chester that "a sudden rupture with the savages... will be equally terrible to our few settlers."²⁴

Already nervous due to rumor and speculation, West Florida settlers became frantic when conflict did occur. In early 1764, a British expedition to the Illinois country met resistance from Tonicas and other small tribes on the lower Mississippi River. Though the Indians killed four soldiers and wounded six, hostilities soon subsided and no additional warfare took place.²⁵ Nevertheless, news of the incident traveled quickly and worsened an already tense situation. The next year, Major Farmar noted that while traveling among the Tonicas the journey proceeded "without the least opposition from the Indians." Unlike his earlier opinion, however, he now believed the Houmas, Alabamouns and Tonicas were fully capable of destroying British settlements in West Florida.²⁶ In light of these events, local colonists strenuously protested when General Gage attempted to remove troops from the province. Complaining to officials in London, Pensacola merchants contended that if the soldiers departed, British settlements in the region would be defenseless to Indian attacks and face ruin.²⁷

Members of the British Indian Department shared these sentiments and took greater action. Fearing repeated violence and greater association between the *petites nations* and the Spanish in Louisiana, colonial officials made efforts to solidify their military presence among the Indians. In 1765, soldiers erected Fort Bute at the junction of the Iberville and Mississippi Rivers, an area populated by small tribe communities. From 1766 to 1768, British troops fortified the garrison and attempted to oversee the actions of the Indians.²⁸

John Stuart, Superintendent of Indians Affairs for the Southern District, also attempted to improve diplomatic relations with the *petites nations*. Despite the tight budget maintained by the Indian department, Stuart called for a "Congress" in which the British would meet with Choctaw and small tribe representatives

²²Chester to Hillsborough, 28 September 1771, K.G. Davies, *Documents of the American Revolution, 1770-1783* (Shannon: Irish University Press, 1972-1981), 3: 198.

²³Alden, 195.

²⁴Durnford to Chester, 23 June, 1771, Davies, 3: 125.

²⁵Alden, 196.

²⁶Farmar to John Stuart, 16 December, 1765, *The New Regime*, 127-128.

²⁷Rea, 9-10.

²⁸Alden, 236.

and attempt to ensure their loyalty to the King.²⁹ Hoping to gain trade advantages and reassure settlers in West Florida, leaders of the *petites nations* exchanged "talks" with Indian Department officials. Latanash, Great-Medal Chief of the Tonicas expressed his concerns over British settlers increasingly moving into lands between the Iberville and Yazoo Rivers. He advised Charles Stuart to "Keep away the Enemy and...not give away any more of our Lands."³⁰ Other Indians tried to reassure the British of the small communities' peaceful intentions. Tonica chief Mingo Tallaya informed the Deputy Superintendent, "I want to live in peace and Friendship with all white people who are good & hope your Heart is not cross with me."³¹

By this point, however, face to face assurances and the reality of the situation no longer affected British perceptions. Several years of misinformation along with exaggerated accounts of isolated incidents caused many white residents in West Florida to assume a siege mentality in regard to their Indian neighbors. John Stuart and other imperial officials responded to settler discontent and attempted to strengthen their influence among the *petites nations*. Once again straining his limited budget, in 1770 the Indian Superintendent appointed a commissary to live amongst the Indians surrounding Fort Bute. The man Stuart selected, John Thomas, hoped to pacify hostile members of the tribes by regulating any unfair trade practices of local frontier merchants.³²

Holding conferences and diverting personnel to oversee the small tribes was significant due to West Florida's precarious situation during these years. Located on the far periphery of the North American empire, the province had access to few funds or soldiers. Despite his extensive authority over people and policy, John Stuart had little control over the Department's financial resources. Requisitions for money and supplies had to be channeled through the military commander in North America, General Gage, and then evaluated by the Board of Trade in London.³³ Both the Department and Stuart incurred massive debts prior to the American Revolution. Money was needed for Indian presents, transportation of goods, Anglo-Indian congresses and day-to-day expenses. From January 1764 to October 1766, the Southern Indian Department amassed a debt of more than 26,000 pounds sterling.³⁴ Stuart's diversion of funds for purposes of appeasing the *petites nations* only further drained funds from

²⁹*Ibid.*, 234-235.

³⁰Louis De Vorsey, *The Indian Boundary in the Southern Colonies, 1763-1775* (Chapel Hill: University of North Carolina Press), 217; Talk to the Indians, 14 October, 1772, CO5, vol. 74, reel 6, 0804-0805.

³¹Talk to the Indians, 14 October, 1772, CO5, vol. 74, reel 6, 0806.

³²J. Russell Snapp, *John Stuart and the Struggle for Empire on the Southern Frontier* (Baton Rouge: Louisiana State University Press, 1996), 99.

³³Alden, 145-146.

³⁴Abstract of Expenses incurred by Services in West Florida from 5 January 1762 to 6 October 1766, CO5, vol. 68, reel 4, 0895-0897.

limited reserves.

Disputes over funds resulted in poor management of Indian affairs throughout the entire province. Disagreements between the Indian Department and military led to the overall breakdown of policy. By 1770, inter-department relations had worsened and each branch attempted to work as independently of the others as possible.³⁵ Jurisdictional conflicts between the two branches distracted administrators from fully addressing the problems existing between Indians and colonists. Concerned primarily with expenses, the home government halfheartedly attempted to promote better coordination between the military and Indian department, but succeeded in only antagonizing relations. Secretary of State Hillsborough summed up the situation in a letter to General Gage, writing, "Indian Affairs in general in that quarter seem to be in much confusion."³⁶

Considering these events, British interaction with the *petites nations* represents a microcosm of overall Anglo-Indian relationships in West Florida. New immigrants to the area after 1763 were unaccustomed to traditional modes of interaction and possessed little information with which to determine Indian expectations. Upon reaching the province, most British immigrants knew little about the region except that Britain had acquired it without considerable effort. Consequently, they envisioned the Indians as a massive group of easily subdued savages, all possessing the same characteristics and ideas.

Only after hearing rumors of Indian depredations did colonists suspect that the British empire in this part of the world was not totally secure from outside aggression. Isolated from other North American colonies and possessing little military support, settlers and officials drew on images of the savage Indian to justify a defensive attitude.³⁷ Though Stuart and his subordinates attempted to open mutually beneficial diplomatic channels with the Indians, most immigrants preferred to widen the barrier between themselves and the native inhabitants. In 1772, Deputy Superintendent Charles Stuart admitted that any trouble that arose between the Indians and whites probably resulted from settler instigation.³⁸ Unlike earlier European inhabitants, Anglo-American colonists in West Florida after 1763 made little effort to establish amicable relationships or promote mutual accommodation.

In reality, the *petites nations* never presented colonists in Mobile or Pensacola with any serious threat. The few groups that remained on the east side of the Mississippi River after British acquisition of West Florida led a precarious existence. Not as integrated into Anglo-American society as the settlement

³⁵Some Thoughts on the Indian Trade by Lieut.-Governor Elias Durnford, 18 February, 1770, Davies, 2: 44-45; Charles Stuart to John Stuart, 26 December, 1770, *CO5*, vol. 72, reel 6, 0068.

³⁶Hillsborough to Gage, 28 September, 1770, *The New Regime*, 2: 116-117.

³⁷Gary B. Nash, *Red, White, and Black: the Peoples of Early North America* (Englewood Cliffs, NJ: Prentice Hall, 1974), 37-38.

³⁸Rea, 28.

Indians of New England, the small communities did become dependent on their more populous neighbors. Both the Choctaws and Creeks, as well as the Europeans, attempted to subvert the *petites nations*' economic and cultural identity. Some groups, such as the Mobilians, were absorbed by larger communities.³⁹ Others, however, retained a limited degree of cultural autonomy despite the efforts of their neighbors. The Taensa preserved a distinct language, unlike any of the dialects spoken by the surrounding Indian groups. Migrating continuously over the Mississippi River, the Tonicas maintained their cohesion and independence through the British period and into the nineteenth century.⁴⁰

Much like the other native groups, the *petites nations* had mixed feelings about British preeminence in the Old Southwest. With memories of English depredations still fresh in their minds, many departed West Florida in 1763 and acquiesced to Spanish political control in Louisiana.⁴¹ Several, however, saw the advantages of British rule. The trade goods which the British could offer were far superior to those of the Spanish in quality and quantity. Perhaps even more significant, Louisiana officials still allowed Indian slavery while it was virtually nonexistent east of the Mississippi River.⁴² Unlike their new British neighbors, members of the *petites nations* welcomed a relationship based on close contact and accommodation.

In the end, neither group maintained a permanent foothold in West Florida. The small tribes either migrated to distant regions or assimilated into other populations. The British never realized significant economic benefit from the province and eventually lost the region to Spanish invaders during the American Revolution.⁴³ Both groups failed to leave an enduring cultural legacy along the gulf coast. Despite the apprehension with which each regarded the other, outside forces proved to be much more of a threat to their mutual existence.

Regardless of the legacies, British relations with the *petites nations* proved significant in that they vividly portrayed differences between Indians, Britons, Frenchmen and Spaniards. The various relationships that existed before and after 1763 exhibited the different attitudes of each group toward New World colonization.⁴⁴ Relations between Indians and white West Floridians mirrored the overall methods of coexistence throughout North America. More important, British confusion and misunderstanding in regards to the *petites nations* fore-

³⁹Swanton, 159.

⁴⁰Gatschet, 40.

⁴¹Usner, 107.

⁴²*Ibid.*, 130-136.

⁴³The most comprehensive military accounts of the Anglo-Spanish conflict for West Florida during this period are J. Barton Starr, *Tories, Dons, and Rebels: the American Revolution in West Florida* (Gainesville: University Presses of Florida) and Robert V. Haynes, *The Natchez District and the American Revolution* (Jackson: University of Mississippi Press, 1976).

⁴⁴Neil Salisbury, "The Indians' Old World: Native Americans and the Coming of Europeans," *William and Mary Quarterly*, 3d Ser., 53 (1996), 457-458.

shadowed the nature of Anglo-American relationships with Native Americans throughout the nineteenth century.

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Whose Slaves? The "African Business" in Georgia, 1817–1821

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On June 29, 1817, a small band of adventurers styling themselves as South American revolutionaries seized Amelia Island from the Spanish garrison at Fernandina without bloodshed. The Spanish government at St. Augustine subsequently failed to recapture the island. For the next six months, the Republic of Floridas¹ centered at Fernandina served as a base of operations for privateering against Spanish shipping and disposal of prize goods brought into the port, including slaves. The United States government, wary of a potential smuggling operation so close to its southern border, sent a warship, the *Saranac*, to patrol the mouth of the St. Mary's River, which flowed into the channel between Amelia Island and Cumberland Island, Georgia. Within a short period, accounts of slave smuggling from Amelia into Georgia emerged, coming from varied sources such as newspapers, personal accounts, and reports from the Captain of the *Saranac*, John Elton.²

The privateers particularly raided the Spanish trade between Havana and West Africa, and fears of widespread violation of the 1808 law forbidding the importation of slaves into the United States increased sentiment for action to be taken against the operation. While many people in the United States were favorable to the South American patriot cause, the events at Amelia cast doubt in the minds of numerous Americans concerning the legality of the privateers. When reports of violations both imagined and real reached a crescendo, the

¹The "patriots" soon set up a government which they officially referred to as the "Republic of Floridas." See: Interrogatory of Captain Austin, 19 November 1817, Tentativa Folder 1, Case File F3, Mixed Cases, U.S. Circuit Court, Savannah Georgia, Federal Records Center, East Point Georgia. (Hereafter cited as FRC).

²Jane Beasley Waldrop Brown, "The United States Invasion of Amelia Island, 1817." Unpublished Master's Thesis, Georgia State University, 1971, 18. U.S. Congress, *State Papers and Publick Documents of the United States from the Accession of George Washington to the Presidency, Exhibiting A Complete View of Our Foreign Relations Since that Time*. (Boston: T.B. Wait and Sons, 1819), XI, 381.

President finally ordered United States military forces to seize the Island from the privateers. Once again, the island changed hands without bloodshed, and the fate of numerous African victims of the slave trade soon fell into the hands of the U. S. Circuit Court at Savannah.³

Numerous cases related to the Amelia Island affair came before the court in the next few years, and of particular interest are those cases involving slaves. These proceedings involved a complicated mix of international diplomacy, federal law, and local Georgia interests. The commodification of the Africans was virtually undisputed; they were referred to as slaves throughout the proceedings, and it became clear that the primary question at hand concerned who would ultimately possess these unfortunate people. The cases primarily associated with the slave trade involved the ships *Tentativa*, *Syrena*, *Poletina*, and *Isabelita*. The slaves of the *Isabelita* actually appear in three different cases, including the prosecution of the Indian Agent for Georgia for misconduct in office. While some scholarly work has been done on individual cases, no attempt has been made to look at the story in its entirety. This paper is a first step in that direction.⁴

Limited space prevents a full treatment in this paper of all of the cases involving slaves, but an overview of common and significant factors reveals some of the complexity of the cases, as well as the major questions involved in dealing with illegal slave importations. While some have pointed to the Amelia incident as confirmation of the ease and frequency of illegal importations of slaves into the country in the period between 1808 and 1860, the evidence from these cases indicates otherwise.⁵ Amelia and its aftermath represented a classic case of seized opportunity. Only one case that appeared before the court involved a blatant attempt to smuggle slaves into the United States, and that plot immediately fell apart as a result of enforcement of the law against such importations.⁶ Other reports of slave smuggling remain unsubstantiated. One has to believe that some slaves were indeed smuggled across the border, but the response of officials to the case indicates that such activities could not have been large scale or systematic.

³Brown, "Amelia Island", 18-25, Chapter 2. See also: *Tentativa, Syrena, Politena, and Miguel De Castro* Files, F2-F7. FRC, and Admiralty Minute Book, 1819-1833, United States District Court, Savannah. FRC. (Hereafter cited as AMB).

⁴The case of the *Tentativa* and the Mitchell affair both received brief attention in Brown, "Amelia Island," 19-23, 28-29. A full examination of the Mitchell affair is found in Gordon Royce Shingleton, "David Brydie Mitchell and the African Importation Case of 1820," *Journal of Negro History*, 58 (July 1973): 327-340. A brief treatment of the affair can also be found in: Daniel Littlefield, *Africans and Creeks: From the Colonial Period to the Civil War*, (Westport, CN: Greenwood Press, 1979), 90-95.

⁵Two examples of scholars who have advocated that a large number of slaves were smuggled into Georgia from Amelia are: Brown, "Amelia Island", 32; and Frances J. Stafford, "Illegal Importations: Enforcement of the Slave Trade Laws Along the Florida Coast, 1810-1828," *Florida Historical Quarterly*, 46(1967): 126-127.

⁶Shingleton, "David Brydie Mitchell", 329-330.

Various factors come into play when dealing with these cases. First, each case had multiple claimants at odds with each other over possession of the seized ships and slaves. Second, the disposition and care of the slaves during the proceedings occupied the time of both the court and numerous Georgia citizens. Third, the question of whether the events at Amelia amounted to a violation of the federal law of 1808 forbidding the importation of slaves into the United States provided a common thread for all of these cases, and yet only one would prove to fit the criteria of the law. Finally, the commodification of the Africans was the one unquestioned element of the entire affair. Virtually no one looked at these people as anything other than property under dispute. This point highlights the interesting paradox that arose when everyone scrambled for possession of the slaves, all the while depicting the international trade in human flesh as an abominable and illegal act.⁷

In the course of the cases, the *Tentativa*, *Syrena*, and *Politena* had proceedings brought forward by the captain of the capturing U.S. warship, soon followed by a libel on behalf of the United States.⁸ The motivation for this was found in the law of 1808 forbidding the importation of slaves into the country. The statutes stated that: "the proceeds of all ships and vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which shall be so seized, prosecuted and condemned, shall be divided equally between the United States and the officers and men who shall make such seizure, take, or bring the same into port for condemnation".⁹

Therefore, the captains and crews of the capturing ship had much more at stake than patriotic duty, and they vigorously pursued the prosecution of the case. The potential gain from the condemnation of the prizes explains the approach taken by both the United States and the individual captains. In each instance they based their case on violation of the 1808 law. The government's and captain's tactic also explains their lack of success. Little evidence existed supporting the idea that the intent of the privateers was to import the slaves into the United States. For example, the seizure of the *Tentativa* was based on Captain Elton's claim that the ship was in United States' jurisdiction when it

⁷A good example of these countervailing ideas comes from the correspondence of John McPherson Berrien to Governor William Rabun where he discusses the chances of Georgia gaining possession of the slaves in the Mitchell affair. He referred to the trade as "this disgraceful business." John McPherson Berrien to Governor William Rabun, 15 July 1819. D.B. Mitchell Papers, John McPherson Berrien file, Georgia Department of Archives and History, Atlanta, Georgia. (Hereafter cited as GDAH). On the opposition to the international slave trade in the South, see: Barton J. Bernstein, "Southern Politics and Attempts to Reopen the Slave Trade," *Journal of Negro History*, 51(January 1966): 16-35.

⁸"Libel" was the technical term for a claim brought forth by a plaintiff in the Admiralty Court. For an example of a typical libel brought forth by a ship's captain and the claim of the U.S., see: *John Elton v. Tentativa & Slaves*, 27 November 1817. *Tentativa* Folder 2, F3. FRC.

⁹Richard Peters, ed. *United States Statutes at Large*. v1. (Boston: Charles C. Little and James Brown, 1845), 428.

arrived at the mouth of the St. Mary's River headed for the port of Fernandina. The court ruled that the overzealous Captain attempted to take the ship despite the fact that it was on the Spanish side of the channel.¹⁰ Based on rulings such as this one, the court dismissed all the of the claims of the United States and the ships' captains.¹¹

Interestingly, while the United States was willing to prosecute its cases against the ships and slaves in question, it chose not to prosecute the commanders of the privateers for violation of the 1808 law. The statute called for:

every such ship or vessel, together with her tackle, apparel, and furniture, and the goods or effects which shall be found on board the same, shall be forfeited to the use of the United States, and may be seized, prosecuted, and condemned in any Court of the United States having jurisdiction thereof...- and the captain, master, or commander of every such ship or vessel, so found and seized as aforesaid, shall be deemed guilty of a high misdemeanor, and...being therefore convicted, shall be fined not exceeding ten thousand dollars, and be imprisoned not less than two years, and not exceeding four years.¹²

No good reason presents itself for this paradox. Not only did the United States fail to prosecute the captains of the privateers, but the privateers entered claims for what they asserted was their illegally seized property in court.¹³

The privateers based their claims on the legitimacy of the existence of a state of war between the revolutionary South American governments and Spain. The patriots, however, found little sympathy from the American court. While these men were unsuccessful in retrieving their prizes, the case involving the *Syrena* did provide a twist to the proceedings. In the cases of the *Tentativa* and the *Politena*, only the prize ship was seized by the U.S. However, in the *Syrena* case, the privateer, the *Commodore Champlin*, had been seized along with the *Syrena* by the *Enterprise*, under the command of J.D. Henley. The court condemned the *Commodore Champlin* and ordered it sold. Benjamin Stark, the captain of the *Commodore Champlin*, put forward a claim for restitution of the proceeds from the sale of the ship, which the court granted to him.¹⁴

The strongest position from the plaintiffs' standpoint rested with Spanish claimants to both the ships and slaves that they claimed were illegally seized on the high seas. The "government" erected at Fernandina by the privateers had no

¹⁰*Tentativa* Decree, 3 July 1817, AMB.

¹¹See the decrees of the court in the cases of the *Syrena*, *Politena*, and *Miguel de Castro*, AMB.

¹²Peters, *United States Statutes*, 428.

¹³See: Protest against the Master and Commander of the United States Brig called the *Saranac*, 1 December 1817. *Tentativa* Folder 1, F3; *United States v. Commodore Champlin*, Claim, 22 April 1818. *Commodore Champlin* Folder, F5; Libel for Restitution, Benito Lies of the Republica, 5 August 1818. *Poletina* Folder 1, F2. FRC.

¹⁴Court Decree, *Commodore Champlin*, 8 June 1819. AMB.

clear connection to an existing legitimate nation. In many cases, the privateers were operating under a commission signed by Luis Aury, who claimed to represent the revolutionary government of Mexico as governor of the province of Texas.¹⁵ The court would prove to be less than sympathetic to the existence of such an entity. In addition, the Spanish, with their prolific bureaucratic system, were able to provide numerous documents that substantiated ownership of the ships and slaves. Most of these documents would originate from the Spanish government in Havana.¹⁶

Another party expressed an interest in the proceedings, and in fact laid claim to the slaves. The state of Georgia passed a law in 1817, presumably in response to the events on *Amelia*, stating that the wording of the federal law of 1808 deferred power upon the states to dispose of the illegally imported slaves.¹⁷ Armed with this interpretation of the law, Georgia vigorously asserted its claim to the Africans, sending an agent for the state, Charles Williamson, to state Georgia's case in the District Court. In all cases, however, Williamson was unsuccessful in his efforts, with the exception of the slaves smuggled into Georgia originating from the *Isabelita*.¹⁸

One of the most confusing and complicated aspects of these trials concerned custody of the Africans while their cases were in adjudication. In late 1817 and early 1818, when the prize ships began to arrive in Savannah, the court literally had to feel its way through the process. At first, the slaves remained on the ship, but that was an obviously short-term and unworkable arrangement. The individual who then took primary responsibility for the Africans was the Marshall of the District, but the number of slaves (over 300) that came into Savannah apparently were too much for him to handle.¹⁹

Forced to seek a more workable solution, the court then decided to parcel out the slaves to individuals on bond, who would take advantage of the Africans' labor in return for their housing and maintenance. Numerous individuals took advantage of the situation, keeping the slaves on their plantations, or in some cases keeping single slaves, presumably as personal servants.²⁰ The confusing array of persons holding bonds for the Africans clearly became a problem as more time passed. Lawyers, merchants, planters, the Marshall, the court clerk, and even the Mayor of Savannah, seized the opportunity. Further complicating matters, some individuals had possession of Africans from more

¹⁵For example, see: Privateer's Commission, *Tentativa* Folder 2, F3. FRC.

¹⁶For example, see: Spanish Documents and translations, *Tentativa* Folder 2, F3. FRC.

¹⁷Oliver H. Prince, comp., *A Digest of the Laws of the State of Georgia*. (Milledgeville: Grantlaw & Orme, 1822), 817.

¹⁸See: Shingleton, "David Brydie Mitchell", 330; Brown, "Amelia Island", 24.

¹⁹See: Folders for *Tentativa*, *Syrena*, *Poletina*, *Miguel de Castro*, F2-F7. FRC. See also entries for the same cases, AMB.

²⁰See: *Tentativa* Folders 1-3, F3. FRC.

than one case.²¹

The District Court would not hand down its final decisions until the summer of 1819, leaving the slaves in the custody of the various parties in some cases for over two years. When the court did finally call for the return of the Africans, the situation had become so tangled that the efforts to retrieve the wards of the court took another one to two years.²² When the court ruled in favor of the Spanish claimants, it called for the Africans to be returned to the Marshall, who would then remit the slaves to their Spanish owners. It soon became apparent, however, that the bondholders would not be rushing their charges back to the court. Numerous entries in the court's minute book show the judge ordering the individuals holding the slaves to "shew cause" why they should not be returned to the court. The rule to show cause then escalated into warnings of contempt of court and the issuing of "attachments" against offenders and the slaves in their charge, authorizing the Marshall to compel the parties to appear before the judge.²³ In a number of cases, even this threat failed to bring immediate compliance. In one case the bond had changed hands from one individual to another, and the latter, in possession of eleven Africans, told the sheriff he believed he had purchased the slaves and refused to surrender them or himself.²⁴

Ultimately, the weight of the judge's orders did bring some measure of compliance, and the Africans began trickling back into the possession of the Marshall. In many cases their numbers were depleted from the original bond, the discrepancies supported by sworn statements affirming the death of various slaves due to natural causes such as fevers and other maladies.²⁵

The Spanish claimants, represented by agents throughout the entire proceedings, changed their representatives on a number of occasions. By 1820 and 1821, these agents were being authorized by the court to remove the Africans beyond the borders of the United States on bond of \$700 per slave. This situation created an interesting ritual with the slaves taken into north Florida, where residents would attest to the fact that they had been delivered into the area.²⁶ The court accepted this arrangement despite the fact that the treaty negotiations had already been worked out with Spain for the transfer of Florida to the United

²¹See: Folders for *Tentativa*, *Syrena*, *Poletina*, *Miguel de Castro*, F2-F7. FRC. See also entries for same cases, AMB.

²²*Syrena*, *Poletina*, *Tentativa* entries, 24 February 1820, 27 April 1820, 20 May 1820, 16 June, 1820, 8 August 1820, 15 November, 1820, 17 November 1820, 28 December 1820, 13 February 1821, 21 February 1821. AMB.

²³For example, see *Syrena* entry, 27 April 1820. AMB.

²⁴See documents related to John D. Walker, *Syrena* Folder 1, F4. FRC.

²⁵For examples of a typical death notice, see: Affidavit of G.W. Denton, 12 June 1821, *Syrena* Folder 3, F7; Affidavit of James W. Barry, 10 December 1819. *Syrena* Folder 3, F7; John W. Stirk's Affidavit, 23 May 1820. *Poletina* Folder, F5. FRC.

²⁶For an example of a bond, see: Bond for Peter Mitchel and John Carnochan & Charles Mulvey, 8 January 1821. *Syrena* Folder 3, F7. For an example of proof of removal, see: Affidavit, 16 June 1820, *Syrena* Folder 1, F4. FRC.

States in 1821.²⁷

One case, or actually, series of cases, varied significantly from the rest of the litigation involving slaves connected to Amelia Island. Variouslly known as *Juan Madroso v. Ninety-five African Slaves*, *Miguel de Castro v. Ninety-five slaves*, *United States v. Isabelita*, or the Mitchell case, this incident was different from the rest of the cases for a couple of key reasons. First, it was the only case that involved a blatant attempt to smuggle slaves into Georgia that was discovered by the authorities. Second, due to the importation, the State of Georgia gained control of the slaves and subsequently sold them at auctions. Finally, the case grew into a prosecution of the Indian Agent in Georgia, who was also the former Governor of the state, David Brydie Mitchell.

William Bowen, a merchant from Milledgeville, contracted with merchants in Augusta and Savannah to go to Amelia and purchase coffee and sugar which he claimed he had heard were available at good prices. When he arrived at Amelia, he claimed to discover that the prices were not that good after all, and by chance he heard of a prize ship coming into port with one-hundred and ten slaves aboard, which he contracted to purchase for \$25,000.²⁸ Ultimately, Bowen purchased ninety-five Africans, and then moved them in two groups up to the Creek Indian Agency in western Georgia. The collector of the Port of Darien, McQueen McIntosh, caught wind of the illegal importation, and led a band of armed men to the agency to take possession of the slaves. He arrived at the agency shortly after Bowen arrived with the second parcel. After chasing down and returning with a group of the slaves that were being taken to Alabama by one of the men Bowen had originally contracted with, McIntosh took eighty-eight Africans with him to Milledgeville, the capital of Georgia. Not long afterward, the Governor ordered an auction for the sale of thirty-five of the slaves.²⁹

In short order, the events in Milledgeville and the District Court in Savannah converged. Both a Portuguese and Spanish claimant came forward, each claiming ownership of the slaves. In the final ruling, the judge dismissed the Portuguese claim as unfounded, and in striking contrast to the other rulings involving Amelia Island, the judge dismissed the Spanish claim, despite conceding that the slaves were originally likely his.³⁰ Instead, the court upheld the claim of the State of Georgia, which subsequently sold the remainder of the slaves. Interestingly, as in the cases involving privateers, Bowen stepped forward to claim the slaves, and was twice refused. No proceedings were carried

²⁷Brown, "Amelia Island", 83.

²⁸Shingleton, "David Brydie Mitchell", 327-328; *American State Papers: Documents, Legislative and Executive, of the Congress of the United States, Selected and Edited Under the Authority of Congress. Miscellaneous.* v2. (Washington, D.C.: Gales and Seaton, 1832-61), 961.

²⁹Shingleton, "David Brydie Mitchell", 330.

³⁰See: *Isabelita* entry, 5 April 1822. AMB.

out against Bowen for violation of the 1808 act.

A prosecution was initiated, however, against former governor Mitchell. The statute of limitations had expired for the 1808 law, and the 1817 law passed by the State of Georgia was not applicable because it was passed after the violation had occurred. Nonetheless, the Governor, John Clark, continued to seek sanctions against Mitchell, and campaigned to have him removed from his appointment as Indian Agent on the grounds of misconduct in office. Clark's prosecution was ultimately successful.³¹

All the while, at the center of the proceedings and yet largely nameless and seemingly faceless were the hapless Africans who lived in a state of legal limbo while the court sorted out the various claims to their ownership. Very little information is available concerning these people. At best, we have lists of names, some reports of medical care, and certificates of death. While they were in fact the center of attention, the frustrating aspect of the evidence, and perhaps most telling as well, is that very little of the human dimension of these slaves comes to the surface. They were, indeed, in the minds of all concerned, property.

The events that had their genesis at Amelia Island ended up touching numerous lives. Georgians of various walks of life ended up having a connection to the case, from those who transported and provided food and medical care to the Africans, to the many lawyers, clerks, customs officers and others who had a connection to the case. The political ramifications of the cases extended to the governor's office in Georgia, and ultimately to the President of the United States. The reach of these cases was indeed international, involving particularly Spanish claimants to lost property and Latin American revolutionaries comprised of a multinational cast. The affair may have also significantly affected American foreign relations: one scholar has asserted that the seizure of Amelia played an important role in forcing the transfer of Florida to the United States in the 1819 Adams-Onis Treaty.³²

The study also leaves open a number of questions. How extensive and effective was slave smuggling in the antebellum period? The evidence from these cases is certainly not conclusive, but it does tend to point to the idea that it was much more difficult to smuggle slaves into the United States than some have proposed. Why did the United States fail to prosecute the slavers under the full extent of the 1808 law forbidding the importation of slaves into the country? The United States certainly did not hesitate to make a claim for both the slaves and the ships under the law. What was the fate of the slaves? Many had arrived in Georgia in poor physical condition, and a number of affidavits confirm death

³¹One of the most detailed and lucid accounts of the facts in the case come from the investigation and findings of Attorney General William Wirt in: *American State Papers*, 957-975; Shingleton, "David Brydie Mitchell", 339.

³²Brown, "Amelia Island," Chapter 4.

due to various causes. Some, particularly those sold by the state, remained in Georgia as legally acquired slaves. At best, we know a number of the Africans were taken into northeast Florida under bond to "remove them beyond the boundaries of the United States." Perhaps not so coincidentally, if this was indeed their final destination, they very soon fell back under the jurisdiction of the United States as legally held slaves.

All told, the "African business," as the Governor of Georgia and his agent Charles Williamson referred to it,³³ opens a window on Georgia society in the early republic. The court system, modes of interaction among individuals, and the nature of Georgia politics all come under the spotlight in the various aspects of the cases. Many individuals sought to take advantage of the situation for personal gain, while the contending parties struggled for possession of the Africans. A cast of lawyers, public officials, planters and everyday citizens all played a role in answering the question of "whose slaves" these people would be.

* * *

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³³Charles Williamson to John Clark, 10 November 1819. African Case, Documents File. GDAH.

Broken Promises: The Washington Naval Treaties and British Naval Arms Sales to Finland

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On 12 November 1921, the Washington Naval Conference convened and the former Entente powers, Great Britain, France, Italy, Japan, and the United States, assembled to discuss the limitation of naval armaments. The talks produced a ten-year moratorium on the construction of battleships and limits regarding the construction and sale of other types of vessels. In the end, the Conference fulfilled its primary purpose: limiting competition among the Great Powers in the construction of the largest classes of warships¹ but, unbeknownst to the signatories, the agreements concluded in Washington D.C. had unintended effects for new nations desiring to assemble defensive naval forces. The new states that arose in Eastern Europe after World War I had to look abroad for much of their armaments, especially complex technical items such as warships. The results of the Washington Conference often hindered or even quashed the efforts of small nations to purchase the ships they deemed necessary for their defense. One of these new nations was Finland.

In early November 1922, the Finns made inquiries to the British government about purchasing a number of warships and asked for terms of payment. Among the ships that interested the Finns destroyers placed prominently, a position they held because the vessels played a dominant role in the plans that Finland had for organizing its coastal defense.²

¹Ernest Andrade, Jr., "Great Britain, the Submarine, and Naval Limitations." In *New Interpretations in Naval History. Selected Papers from the Ninth Naval History Symposium Held at the United States Naval Academy, 18-20 October 1989*, ed. by William R. Roberts and Jack Sweetman (Annapolis, 1991), 68; id., "Arms Limitation Agreements and the Evolution of Weaponry: The Case of the 'Treaty Cruiser'." In *Naval History. The Sixth Symposium of the U.S. Naval Academy*, ed. by Daniel M. Masterson (Wilmington, DE, 1984), 179. There are many works on the Washington Conference and Treaties. Among them are: Raymond Leslie Buell, *The Washington Conference* (New York and London, 1922); Harlow A. Hyde, *Scraps of Paper. The Disarmament Treaties Between the World Wars* (Lincoln, Nebraska, 1988); Ichihashi Yamato, *The Washington Conference and After. A Historical Survey* (Stanford, 1928).

²Donner (London) to FO, 8 Nov. 1920, Public Record Office, Kew, London, Foreign Office (henceforth cited as FO) 371/5389 N2224/2224/56.

Finland's efforts to acquire a destroyer force became a complex and time consuming procedure for both parties involved. It was not until 23 March 1921, nearly five months after the Finns initial request, that Finland received a reply from the Admiralty. The Admiralty did not object to the sale of former Royal Navy vessels to the new nation, except for submarines, provided that Finland gave guarantees that the strength of their navy would not exceed the limits set out by the League of Nations. As for payment, the Admiralty asked for an initial advance that would cover the scrap value of the ships, payable at the time of their transfer. If the Treasury agreed, the Admiralty professed its willingness to allow the balance of the price to be paid in installments. Unfortunately for the Finns, the Treasury disliked the Admiralty's plans. Problems with the British Treasury caused nearly a four month delay in the dispatch of the prices of the available vessels. It also resulted in a change of payment conditions. The British offered flotilla leaders of the *Marksman* class for £8,000 each and destroyers of the *M* and earlier classes at £4,000. They demanded payment in cash, the Treasury refusing to grant any terms.³

The events that followed produced a comedy of errors in which British foot-dragging and inefficiency robbed Finland of a chance to expand its naval defense at bargain prices.

After informing the Finns of what vessels they had for sale, Admiral W. W. Fisher at the Admiralty informed the Foreign Office that the Navy was now reluctant to authorize the deal, at least for the moment, because of the talks being pursued in Washington. The Admiralty promised to send a letter outlining their views on the matter as soon as possible.⁴

During this time, negotiations for the vessels had continued, albeit slowly. In late August, the British agreed to sell Finland two *M* class destroyers. At this point, the response of the Finns took some time. But, the Finns continued to express an interest in the British ships and notified the British on 19 October 1921, of their desire to purchase six *M* class destroyers. The Finns asked for more details on the vessels and the conditions of sale. Two months later, on 19 December, the Admiralty replied. At first glance their answer appeared to present no difficulties in the arrangement of an agreement with the Finns, but only at first glance. The Admiralty responded that it had six destroyers of the *M* class for sale and invited the Finnish representatives to come and inspect the vessels. The Admiralty gave the names of the ships as follows: *Llewellyn*,

³Admiralty to FO, 23 March 1921, FO 371/6766 N3810/363/56; Admiralty to FO, 8 Aug. 1921, FO 371/6766 N9189/363/56; Ashwood, FO minute, 24 Nov. 1921, *ibid*.

⁴Ashwood, FO minute, 19 Sept. 1921, FO 371/6766 N11752/363/56.

*Lurcher, Lysander, Lark, Lawford, and Lookout.*⁵

The Admiralty error did not go unnoticed. Three days later, a Foreign Office official commented that the destroyers which had been offered for sale were apparently of the *L* class because the names of the ships all began with the letter 'L.' He stated that the Finns had been "deceived" and went on to record that the Admiralty had unofficially admitted that while one department was adding up the value of the *M* class ships, their guns, and fittings, another department had sold the vessels for scrap. A Foreign Office official commented that the response of the Admiralty had been "unbusinesslike" and recorded that the Admiralty answered none of the Finns' questions regarding the vessels, nor did they mention whether or not the original price was the same for this second group of ships. The Foreign Office decided that the Finns should be informed that the Admiralty had only the *L* class vessels available and that these should be inspected as formerly proposed.⁶

The Finns, eager to conclude the sale, had been awaiting the invitation to inspect the destroyers. They accepted the offer of the *L* class craft and asked if they could carry out immediate inspections in order to facilitate the transaction. In January 1922, the Finnish government dispatched the head of the Finnish Navy, Commodore G. T. J. von Schoultz, accompanied by a civil engineer, to inspect the vessels.⁷

At this point, it appeared that the sale would go through and the Finns would be able to significantly increase their naval forces. While the Finnish inspection team made its way from Helsinki to London, the progress of the Washington Naval talks halted the sale. The Washington Treaties allowed signatories to construct new ships for foreign powers, but forbade the sale of existing vessels. Sir Ernest Rennie, the British representative in Finland, described this dichotomy as "absurd." He also complained that the Admiralty should have notified the Helsinki legation that the Washington Naval discussions made the sale to Fin-

⁵Admiralty to FO, 19 Dec. 1921, FO 371/6766 N13953/363/56; Ovey, FO minute, 3 Mar. 1922, FO 371/8097 N2492/631/56.

The *L* class, or *Laforey* class destroyers were built between 1913–1915, including those built during the war as "repeat" *Laforey* class vessels. They displaced from 965 to 1,050 tons, depending upon the builder and would make twenty-nine knots. Armament included three four-inch guns and four twenty-one inch torpedo tubes.

The *M* class destroyers were improved *L* class designs. Several yards built units of this class and their respective tonnage varied. Built in 1914, their displacements ranged from 850 to 1,055 tons. They would make thirty-four to thirty-five knots, depending upon the builder and were armed with three four-inch guns and four twenty-one inch torpedo tubes. There were also a group of vessels known as "Repeat 'M' class destroyers." They were built in 1915–16 and differed from their predecessors in only minor ways. For more on both classes see the following: *Conway's, 1906–1921* (London, 1985), 76–78; *Jane's Fighting Ships of World War I* (London, Reprint, 1990), 72–73.

⁶*Ibid.*; Ovey, FO minute, 22 Dec. 1921, *ibid.*; Gregory (FO) to Donner (London) 23 Dec. 1921, *ibid.*; Roberts, FO minute, 21 Dec. 1921, *ibid.* It would be more accurate to refer to the destroyers as *Laforey* class vessels, *Conway's 1906–21*, 76.

⁷Ovey, FO minute, 3 Mar. 1922, FO 371/8097 N2492/631/56; Donner (London) to Lord Curzon (FO), 18 Jan. 1922, FO 371/8097 N631/631/56.

land less than certain. This would have allowed Rennie to prevent the Finns sending their representatives to Great Britain. The British government, though anxious to sell the ships, believed the negotiations for the Washington accords too far advanced to allow the purchase. For the British, it became a point of honor to cancel the sale. The Finns were not the only disappointed buyers. Great Britain also broke off agreements with three other nations, Argentina, Brazil, and Venezuela.⁸

Undaunted by the sudden collapse of the deal, the Finns began looking for ways around the Treaty. Commodore von Schoultz asked if it would be possible for the Finnish government to acquire the machinery of some of the aforementioned destroyers before the ratification of the Washington accords. Barring this, Schoultz asked:⁹ 1) Whether the Admiralty would be prepared to sell some of those destroyers with a guarantee of breaking them up in Finland; 2) in case such a sale is not possible, whether the Admiralty would be prepared to sell some of the above mentioned destroyers with a guarantee to break them up in this country [Britain]; 3) Whether the cost of destroyers sold with a guarantee of breaking them up in Finland or in this country would be same as has been originally suggested by the British Government i.e. £4,000 p. each vessel.¹⁰

The Admiralty agreed to consider the offer to sell the destroyers for breaking up as long as the actual work was done in Great Britain by British labor. They cited as their reasons Britain's unemployment problems and the fact that the destroyers were ideally suited for being broken up in native yards. Neither the Admiralty, nor the Foreign Office believed that the Washington Treaties precluded the sale of machinery from vessels being dismantled and therefore these items could certainly be sold.¹¹

Finnish interest in purchasing only the machinery quickly subsided. By the end of March 1922, they had mounted another effort to bring about the sale of the once promised destroyers. The Chief of the Finnish General Staff, at the request of the Finnish President, called upon Rennie and asked him whether or not the sale could go through. The Finnish representative pointed out that the Finnish government had first approached the British in 1920 and that the sale had been agreed to in principle in August 1921. This had been confirmed in December 1921, by a statement made to the Finnish minister in London. The Finns also pointed out that the increase in the Finnish Navy was not contrary to any League of Nations accords and that since the vessels had been offered to

⁸Rennie (Helsingfors) to FO, 23 Jan. 1922, FO 371/8097 N702/631/56; Ovey (London) for Gregory to Donner (London), 3 Mar. 1922, FO 371/8097 N2492/631/56. For another view similar to Rennie's, see Balfour (Washington) to FO, 26 Jan. 1922, FO 371/8097 N903/631/56.

⁹Schoultz (Helsingfors) to Admiralty (London), 3 Mar. 1922, FO 371/8097 N3124/631/56.

¹⁰Ibid.

¹¹Flint (Admiralty) to FO, 4 Apr. 1922, *ibid.*; Admiralty to FO, 1 Apr. 1922, FO 371/8097 N3124/631/56; Shearman, FO minute, *ibid.*; Malkin, FO minute, *ibid.*; Ovey (FO) to Admiralty, 10 Apr. 1922, *ibid.*

Finland prior to the Washington Conference, and this offer confirmed while the Conference still sat, the sale should go through. He went on to inform the British of Finland's dire need for the ships and mentioned that the current vessels of the Finnish Navy had "no military value," an assessment not far from the truth. Finally, he affirmed Finland's intention to enlarge its navy and stated that if the proposed sale did not occur, the Finns would be forced to purchase vessels elsewhere "at far greater cost." The British remained unmoved by the Finnish plea and replied that they were unable to accede to the Finns' request because of the provisions of the Washington Naval Treaties.¹²

The Finns still refused to be turned away. Rennie, under pressure from Dr. Rudolf Holsti and other prominent Finnish officials, once again presented the Finnish case to the Foreign Office. Apparently, Rennie also attempted to shift the blame for the entire debacle to the Finns. He wrote that the Finns "should have pushed the matter more energetically in the autumn...but they let the opportunity slip."¹³ Rennie would have been more justified in leveling criticism at the Admiralty for their slothful responses.

Dr. Holsti proposed that the Finns approach the British and French governments and ask them as a special favor to Finland "to release His Majesty's Government from the Washington engagement not to sell any war vessels, if the engagement was unqualified and not limited by any pending negotiations at the time it was given." As an added incentive toward obtaining British cooperation, the Finnish Minister of War also informed Rennie that if the Finns could obtain the destroyers they also wanted British naval instructors. This appealed to Rennie. He believed he had been handed an excellent opportunity and saw the suggestion as a means of counterbalancing what the British saw as pro German feelings among "certain [Finnish] military circles." Rennie later expressed his fear that the failure of the sale would be utilized by pro German factions in Finland as a means of casting the British in an unfavorable light.¹⁴

The Finns soon launched their plan to get a naval dispensation from the self proclaimed papal overlords of naval armament. They not only approached the government of France, but also contacted the representatives of Italy, Japan, and the United States. All were asked to grant a special exception in the case of Finland for the sale of the destroyers. As they waited for the diplomatic responses, Donner, the Finnish Minister in London, asked Lord Curzon at the Foreign Office to use his influence with the Admiralty to convince them to postpone the breaking up of the destroyers.¹⁵

Meanwhile, as the Finns pursued their diplomatic requests, the Foreign

¹²Rennie (Helsingfors) to FO, 25 Mar. 1922, FO 371/8097 N2866/631/56; Ovey (FO) to Rennie (Helsingfors), 30 Mar. 1922, *ibid.*

¹³Rennie (Helsingfors) to Ovey (FO), 4 Apr. 1922, FO 371/8097 N3944/631/56.

¹⁴*Ibid.*; Rennie (Helsingfors) to Lord Curzon (FO), 19 Apr. 1922, FO 371/8099 N4177/1402/56.

¹⁵Donner (London) to Lord Curzon (FO), 27 Apr. 1922, FO 371/8097 N4047/631/56.

Office cabled their representatives in Paris, Washington, Rome, and Tokyo. They informed them that the exception being sought by the Finns was not an agreeable proposition to the British government. The British believed that one such allowance would lead to many others, the result proving injurious to British policy.¹⁶

The Finnish Minister to the United States, while pleading his nation's case, informed the American Secretary of State that Great Britain would sell the destroyers in question if the United States did not disagree. Obviously, this contradicted what the British had told the Finns about Great Britain's opinion on the matter. The reasons behind the Finnish action are unclear. It could have been a misunderstanding on their part. A more likely explanation is that they purposely misrepresented the British stance in the hope of winning American support for their dilemma. No matter the reason, it had no effect on the policy of the United States. The American Secretary of State informed the Finns that the United States believed that if the provisions of the naval agreement were relaxed it would become impossible to prevent similar future measures. This would result in the nullification of the Washington accords.¹⁷

The British government, not surprisingly, was unhappy with the Finns' activities in Washington. Three weeks later, Dr. Holsti approached Rennie in Helsinki and informed him that the United States had agreed to reopen negotiations on the matter if there were no objections from the French and Italian governments. Foreign Office officials speculated that Holsti's comment had been based on faulty information from Finland's officials in Washington. Donner, the Finnish Minister in London, remarked that the "Finnish Minister in Rome... has also been misunderstanding what was probably mere politeness on the fact of the Italians twarts [sic] us to tell Washington that the Italians will give way if we do." The Foreign Office informed Rennie about the matter.¹⁸

The Finns, despite their machinations, had no success in revising the policy of the former Entente powers enacted by the Washington agreements. They related the same story on British policy to the French that they had to the Americans, with the same lack of result. The Italians and the Japanese also agreed with the British view on exceptions to the Treaty. On 23 August 1922, Ovey at the Foreign Office informed the Finns that all of the Allies were in agreement on

¹⁶Ovey to Lord Hardings (Paris), Geddes (Washington), Graham (Rome), and Eliot (Tokio), 27 Apr. 1922, *ibid.*

¹⁷Geddes (Washington) to FO, 5 May 1922, FO 371/8097 N4318/631/56.

¹⁸FO comment on policy, signature and date illegible, probably early Apr. 1922, FO 371/8097 N4318/631/56; Rennie (Helsingfors) to Lord Curzon, 19 May 1922, FO 371/8097 N5270/631/56; S(?), 2 June [1922], FO minute, *ibid.*; Gregory to Rennie, 10 June 1922, *ibid.*

the matter and that he regretted that he could pursue the matter no more.¹⁹

When the League of Nations enacted the Washington convention the Finnish government used the event to make known its opposition to the agreement. Their case revolved around three major points: 1) The convention above mentioned cannot be applied to Finland, the latter have not begun the organization of a navy for war, but envision a coastal defense force. 2) In general, the Washington convention does not give any guarantees to small states and does not present any interest for them as long as this convention imposes restrictions only upon ships of more than 10,000 tons and cannon up to 203mm, and leaves complete freedom for the construction of ships of less tonnage. 3) In the opinion of the Finnish Government, the restriction of naval armaments must be made in a more efficacious manner if the states connected by their geographical situation would be free to possibly conclude a convention for regulating the importance of their naval armaments.²⁰ The thesis presented by the Finns accorded with the complaints lodged against the Washington Treaties by Sweden at the Rome Conference.²¹

The early negotiations between Finland and Great Britain for naval arms sales only produced reams of documents and hurt feelings. British inefficiency and the negotiation of the Washington Naval Treaties combined to rob Finland of the opportunity to acquire warships vital and well suited to their defense at a very reasonable price. This loss could have been averted by more efficient action on the part of Great Britain, particularly the Admiralty, which took an inordinate amount of time to respond to the Finnish inquiries. If the Admiralty had acted promptly, an agreement on the destroyers would have been reached that would have produced nothing but benefits for the parties involved. Finland would have procured the vessels it needed, while Britain profited not only from the sale, but from the influence that such matters generally produce. Moreover, British officials should have looked with more interest upon Finnish suggestions that naval advisors might be needed for the ships. In the years to come, the British would labor diligently to place just such an individual in Finland. They missed an early opportunity to perhaps accomplish this goal. Britain can hardly be faulted for honorably sticking to the provisions of the Washington agreements once they had been concluded, and the activities of Finland in this matter left much to be desired, but, this entire situation could have been avoided if the Admiralty had acted in a timely manner.

¹⁹Lord Hardings (Paris) to FO, 23 May 1922, FO 371/8097 N5040/631/56; Graham (Rome) to Lord Curzon, 13 June 1922, FO 371/8097 N5918/631/56; Ovey to Donner, 24 June 1922, *ibid.*; Count Yasuya Uchida to Eliot (FO), 5 July 1922, FO 371/8097 N7795/631/56; Eliot (Tokyo) to Lord Balfour (FO), 11 July 1922, *ibid.*; Ovey to Donner, 23 Aug. 1922, *ibid.*

²⁰Vennin (Riga), Bulletin Information Militaire (henceforth cited as BIM) no. 9, art. 03, 15 Aug. 1924, Service Historique de Marine, Vincennes, Paris (henceforth cited as SHM), carton 1BB⁷ 129 Lettonie.

²¹*Ibid.*

Moreover, the failure of the British to approve the sale of the destroyers resulted in the collapse of support in the Finnish parliament for the passage of a naval bill based upon the naval program of March 1920. The main ships called for under this plan were the four destroyers that Finland attempted to purchase from Great Britain. Finland's inability to acquire the warships led the Finnish parliament to vote down the plan.²² This left Finland without a naval program. It also destroyed Finland's best hope for the passage of a naval bill. The next five years would see several failed attempts at obtaining parliamentary approval for a naval bill. All of this could have been avoided by timely and efficient action on the part of Admiralty.

In April 1922, Rennie had expressed his fear that failure of the sale would aid the cause of pro German factions in Finland by enabling them to cast Britain in a poor light.²³ The Foreign Office, as well as French officials, feared the growth of German influence in Finland throughout the inter war period. Yet, their actions and attitudes often seem to provide fertile ground for the growth of such influence, an influence that already existed in some measure because of geographical, cultural, and historical ties between Finland and Germany. Rennie's alarm proved premature, though his statement should have been heeded. The Finns would continue to maintain close relations with Great Britain, especially in the period immediately following the collapse of the destroyer deal. Rennie's fears proved to be just that. The Finns had to remain close to the British. No one else could act as a weight against possible Soviet aggression, always a fear in the Eastern Baltic, at least not yet. This balance of power would change in the 1930's. Moreover, Germany could not provide Finland with any military assistance because of the Treaty of Versailles, unless, of course, a way could be found around its restrictions. The 1930s would see this as well.

The Washington Naval Agreements did have their intended effect: they slowed the growth of naval forces. But, in addition to the expected stunting of naval expansion the treaties slowed naval growth in a manner that the signatories had not foreseen. Not only did the treaty prevent the construction of battleships and other large vessels by the major nations, therefore halting a race in the production of capital ships, it also hindered naval expansion in smaller states. After World War I, many of the "Great Powers" possessed surplus warships that they could have easily sold to small nations. The Washington accords hindered or even prevented this and these unsold vessels more often than not ended up as scrap or rusting in lay up rather than serving in their originally intended roles as active vessels of war. The major powers though, rushed to construct new vessels to replace aging light ships not covered under the Wash-

²²Erik Wihtol, "La Pensée Navale Finlandaise Après l'Accession à l'Indépendance de 1917. Les efforts d'un petit pays pour se constituer une force navale propre," in *l'Evolution de la Pensée Navale IV*, ed. by Hervé Couteau-Bégarie (Paris, 1994), 220-221.

²³Annual report for Finland for 1921, 14 Feb. 1922, FO 371/8100 N1673/1673/56.

ington Treaties.²⁴

The Washington accords also produced unforeseen economic benefits for some of the signatory powers. Since smaller nations could not purchase older naval vessels they usually had to conclude contracts with foreign powers for the construction of new ones. More often than not, in the interwar period these contracts would be made with French and British firms such as Vickers and Schneider, though Italian, American, Dutch, and corporations in many other nations built warships for small nations during this period as well. The necessity of purchasing new vessels prepared the ground for intense economic competition, particularly in the Eastern Baltic. The 1920s and early 1930s would see the major powers, especially Britain and France, expending enormous amounts of effort in the hope of obtaining the contracts for a small number of warships. These contracts would in turn provide jobs for ship yard workers who, considering the depressed economic conditions in many areas of Britain and France in the 1920s and 1930s, might otherwise have been idle. The competition did generate lower prices, as it almost always does, but the prices would have been lower still if the purchasing nations had been allowed to buy older, less modern vessels.

In the end, the Washington Naval Treaties forced small states such as Finland to spend larger sums for their naval armaments than would have otherwise been necessary. This was money that could have been better applied to other areas of their developing societies. In the end, the Finns would be forced to turn elsewhere for their naval armaments, a development that forced them to incur larger expenses, and might not have arisen if the Admiralty had been able to keep its promises.

* * *

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²⁴Donald S. Birn, "The Washington Naval Conference of 1921-22 in Anglo-French Relations," in *Naval History. The Sixth Symposium of the U.S. Naval Academy*, ed. by Daniel M. Masterson (Wilmington, DE, 1984), 167.

Modernism, Postmodernism, and the Assault on History

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In a recent essay titled "Who Killed History?" William Craig Rice blames what he terms the "prolonged, precipitous decline in knowledge of history among American students" on the academy's unwillingness to write general history and "history aimed at nonexpert readers."¹ But the problem he cites goes deeper than a lack of factual knowledge. Few undergraduates today seem to have a sense of the significance of history, or any understanding that such a sense might be needed in the modern world. The reasons for this are many and complex, including certain notable tendencies in the American polis. But high on anyone's list of intellectual culprits must also be certain ahistorical and anti-historical elements in late nineteenth- and twentieth-century culture.

For example, nineteenth-century Realism in literature and the visual arts largely turned its back on noble Romans, Virgin Marys, and historic battles in favor of workers, peasants, laundresses, urban slums, and bourgeois cafes—in short, the lives ordinary people were actually living in the here and now. French artist Gustave Courbet rejected historical "machines"—vast canvases filled with idealized figures from history, morally uplifting themes, inflated rhetoric of all kinds—declaring instead that "painting is an essentially concrete art and can only consist of the presentation of real and existing things"—not abstractions or the speculative reconstructions of history.² One nineteenth-century French critic is even clearer: "Realism forbids the historic in painting, in the novel, and in the theatre so that it will not find itself lying."³ Instead of fabricating the past, artists should deal with the history of their own day; as Courbet put it, "Historical art is by nature contemporary."⁴

¹William Craig Rice, "Who Killed History? An Academic Autopsy." *Virginia Quarterly Review* (Autumn 1995): 602, 606.

²Linda Nochlin, *Realism* (Baltimore: Penguin Books, 1973), 23.

³Roger Salomon, "Time and the Realists" in Cushing Strout, ed. *Intellectual History in America: From Darwin to Niebuhr* (New York: Harper & Row, 1968), II:48.

⁴Nochlin, *Realism*, 28.

But in focusing so intently upon the contemporary moment Realism, in the opinion of literary critic Roger Salomon, denied "the continuum of time as [a] meaningful dimension of experience"; past and present became "discontinuous."⁵ Similarly, art historian Linda Nochlin points out that the Realist's exclusive emphasis on the "now" helped to destroy the pre-nineteenth-century idea of temporal continuity in favor of "the disjointed temporal fragment." This helps to explain the disturbing nature of a painting like Edouard Manet's *The Execution of the Emperor Maximilian* (1867). With reportorial objectivity, it records the facts of an historical event, without generalization or "overt pictorial judgment"; the event's meaning, its place in the flow of history, we have to determine for ourselves.⁶

In the hands of the Impressionists, the contemporary narrows down to "instantaneity," a concentration on the fleeting image, the exact quality of light and color in an instant of time. Once again, temporal continuity is lost. The eighteenth century had stressed order, stability, connections with the past, things in their proper places. In contrast, Monet's paintings highlight fleeting moments, vibrations, and movement. His art is the product of the nineteenth century: mobile, urban and industrial, more concerned with the here and now than with the past. This is that shift in values—toward the incomplete world of William James and Werner Heisenberg's indeterminate universe, toward worlds of becoming rather than being—with which Western culture is still struggling.

If nineteenth-century Realism found history irrelevant to its needs, several twentieth-century movements have actively repudiated history, calling instead for creative anarchy, a new subjective sense of time, and the embracing of machine-values. For example, Dada participant and avant-garde film maker Hans Richter decried the destruction brought about by the First World War and called for a "new kind of human being [freed] from the tyranny of rationality, of banality, of generals, fatherlands, nations, art-dealers, microbes, residence permits, and the past."⁷

Through the use of fragments, juxtaposition, chance, and found objects, Dada took aim at, among other things, "the cut and dried herbariums of history,"⁸ particularly the tradition of Western humanism, one of whose chief icons, Leonardo da Vinci, was lampooned by Marcel Decamp at a Dada exhibition in 1920. When Richter goes on to assert that "Dada puts its trust only in the fleeting moment," we again encounter that theme of temporal discontinuity that underlay Realism and Impressionism in the late nineteenth century and that

⁵Salomon, "Time and the Realists", 48.

⁶Nochlin, *Realism*, 30, 32.

⁷Hans Richter, *Dada: Art and Anti-Art*. (New York: McGraw-Hill Book Company, 1965), 65.

⁸Richter, *Dada*, 58.

will be essential to postmodernism in the late twentieth.⁹

Richter's protest against the past is almost genial compared to that of Italian poet Felipe Tomas Marietta who on February 20, 1909 published the first Manifesto of Futurism. "We affirm that the world's magnificence has been enriched by a new beauty: the beauty of speed... a roaring car... is more beautiful than the Victory of Samothrace"—an attack on another Western cultural icon.¹⁰ Consider what this means. For the American historian Henry Adams the forty-foot dynamos at the Great Exhibition of 1900 seemed to usher in "a new universe which had no common scale of measurement with the old." Adams ruefully reflects that "history saw few lessons in the past that would be useful in the future."¹¹ Again we encounter discontinuity, in this case the gap between Adams' essentially eighteenth-century values and the new world of technology unfolding all around him.

But what for Adams is mechanistic anarchy, for Marietta is unbounded freedom, especially freedom from history. To this end he wants to deliver Italy, he declares, "from its smelly gangrene of professors, archaeologists, ciceroni and antiquarians."¹² He compares libraries and museums to cemeteries where we place flowers once a year in front of Leonardo's *Mona Lisa*. Interestingly, Henry Adams similarly refers to the art museums of his day as mere "storehouses,"¹³ not because art history stands in the way of the new, as Marietta would have it, but because the new has made the art of the past irrelevant to the present. As he warms to his subject, Marietta conjures up a cleansing *auto da fe* in which all previous history will be consumed: "Come on! set fire to the library shelves! Turn aside the canals to flood the museums!... Oh, the joy of seeing the glorious old canvasses bobbing adrift on those waters, discoloured and shredded!... Take up your pickaxes, your axes and hammers and wreck, wreck the venerable cities, pitilessly!"¹⁴

It is tempting to dismiss out of hand Marietta's over-wrought rhetoric (although his glorification of mechanistic war in the same essay chillingly foreshadows the European conflagration to come). We might, if we chose, turn to calmer heads like those of Wilhelm Dilthey and Henri Bergson for whom the present was inseparable from the past. But the dominant voice in this early-twentieth-century debate, and the figure who looms up behind Marietta, may be that of Friedrich Nietzsche. Writing some thirty-five years before Futurism, Nietzsche condemned what he called "the malady of history," a paralyzing

⁹Ibid, 92-93.

¹⁰Umbro Apollonio, ed., *Futurist Manifestos* (New York: The Viking Press, 1973), 21.

¹¹Henry Adams, *The Education of Henry Adams* (Boston: Houghton Mifflin Company, 1961), 381, 497.

¹²Apollonio, *Futurist Manifestos*, 22.

¹³Adams, *Henry Adams*, 379.

¹⁴Apollonio, *Futurist Manifestos*, 23.

concern for the past which, he claimed, has "attacked the plastic power of life that no more understands how to use the past as a means of strength and nourishment."¹⁵ It is in this vein that Marietta rejects "pensive immobility" and sleep for a life of "aggressive action" in a world of dynamic change.

In yet another Futurist manifesto, this time from 1914, architect Antonio Sant'Elia renounced architectural elements from the past—"seventeenth-century foliage, Gothic pointed arches, Egyptian pilasters, rococo scrolls, fifteenth-century cherubs"—in favor of dynamic lines and the materials of modern technology. For Sant'Elia "architecture cannot be subjected to any law of historical continuity. It must be new."¹⁶ This break with tradition set the stage for the famous Bauhaus school and the International Style, perhaps the twentieth-century's most successful attempt to divorce itself from history.

Like Sant'Elia the new architects rejected ornamentation; they emphasized open planes and spaces, weightlessness, the interpenetration of interior and exterior space, the use of man-made building materials as well as verticals and horizontals. What is missing here is any reference to, say, the classical orders or indeed to any previous historical style. As Sant'Elia had noted, we are no longer "men of the cathedrals, the palaces and the podiums."¹⁷ We are men and women of the twentieth century. As a result, architects like Le Corbusier will often take their inspiration, not from Gothic churches or Renaissance palazzi, but from automobiles, steamships, airplanes, turbines, and grain elevators. And this is their link to Futurism. When Le Corbusier remarks that a house should be "a machine for living in," he echoes Sant'Elia's statement that "the Futurist house must be like a gigantic machine."¹⁸

New York City's Seagram Building, designed by Mies van der Rohe and Philip Johnson in 1958, is an International-Style tower of bronze and amber glass that does more than meet Sant'Elia's prescription of some forty-five years earlier ("concrete, glass and steel, stripped of paintings and sculpture, rich only in the innate beauty of its lines and relief, extraordinarily 'ugly' in its mechanical simplicity").¹⁹ In its substantive divorce from earlier styles and architectural traditions, the Seagram Building proclaims nothing less than the end of history.

Not every modernist has rejected the past, of course. T.S. Eliot, for example, spoke for many twentieth-century figures when he wrote in praise of historical awareness, "a perception, not only of the pastness of the past, but of its presence." He goes on to champion a seeming paradox: the past, he asserts, is

¹⁵Friedrich Nietzsche, *The Use and Abuse of History* (Indianapolis: The Bobbs-Merrill Company, 1957), 69.

¹⁶Apollonio, *Futurist Manifestos*, 160, 169.

¹⁷*Ibid.*, 170.

¹⁸*Ibid.*

¹⁹*Ibid.*

"altered by the present as much as the present is directed by the past."²⁰ So James Joyce will alleviate the "nightmare" of history by placing the past within a larger mythic frame (Stephen Daedalus as Homeric hero; Leopold Bloom as Wandering Jew). Similarly, Eliot himself will gather historical and literary allusions to form structures of meaning. For him as for Joyce "history is a pattern/Of timeless moments."²¹

For postmodernists, however, such efforts are quixotic and doomed to failure. As one critic has defined it, postmodernism is "modernism that has suffered a loss of faith." With its emphasis on flux, fragmentation, discontinuity, irony, and the instability of language, postmodernism "reject[s] any truth in the patterns of history."²² In fact, it seems to challenge the very idea of history itself.

For example, when T.S. Eliot writes "These fragments I have shored against my ruins,"²³ his despair is tempered by the effort to build something out of the rubble of Western cultural history. But when postmodernist Donald Barthelme says that "fragments are the only forms I trust," he is being sadly ironic, voicing a skepticism about the validity of all intellectual systems.²⁴ Instead of constructs, Barthelme gives us collage: bits and pieces of history, a non-hierarchical flood of references drawn with a seeming lack of discrimination. For example, in his story "A Picture History of the War" (1964) Barthelme juxtaposes a good Beaujolais, an article by Paul Goodman, a book on the game of bridge, and references to various historical conflicts—from ancient Egypt and the Napoleonic era to the Civil War and World War II.²⁵ The result is verbal scattershot, with no attempt to sort out the significant from the trivial, the historical from the fictitious—a creative gloss on E.L. Doctorow's assertion that "history is a kind of fiction in which we live and hope to survive, and fiction is a kind of speculative history."²⁶

We see a similar strategy at work in the pictorial "appropriations" of contemporary painter David Salle. Salle's *Landscape with Two Nudes and Three Eyes* (1986), with its titillating female, imitation of a famous seventeenth-century Dutch landscape painting, and floating eyes, juxtaposes the past and the

²⁰Frank Kermode, ed., *Selected Prose of T.S. Eliot* (New York: Harcourt Brace Jovanovich, 1975), 38–39.

²¹T.S. Eliot, "Little Gidding," in *The Complete Poems and Plays* (New York: Harcourt, Brace & World, 1962), 144.

²²David Galef, "Shifts and Divides: The Modernist-Postmodernist Scale in Literature," *Studies in the Literary Imagination XXV*, No. 2 (Fall 1992): 85, 86.

²³Eliot, "The Waste Land" in *Complete Poems*, 50.

²⁴Donald Barthelme, "See the Moon," in *Unspeakable Practices, Unnatural Acts* (New York: Farrar, Straus and Giroux, 1968), 153.

²⁵*Ibid.*

²⁶E.L. Doctorow, *Jack London, Hemingway, and the Constitution* (New York: Harper Collins, 1993), 162.

present, high culture and low in ways that suggest sight without insight, vision without understanding. Cultural imagery, the painting seems to say, is merely one code or sign among many, ripped out of historical context, flattened of all historical resonance (indeed, the Dutch imitation is cartoonish and almost monochromatic), and now simply "part of the undifferentiated—and by implication ethically neutral—stuff of received experience."²⁷ We remember Nietzsche's characterization of modern man, saturated by streams of historical knowledge in which "strange incoherences come together."

One consequence, says Nietzsche, is people who have become "wandering encyclopedias," filled with historical data but with no real ties to or appreciation for the past.²⁸ For example, when postmodern architects defy their Bauhaus and International-Style predecessors by quoting structural and decorative elements from history—columns, cornices, moldings, arches, or, to take the most notorious example, the eighteenth-century Chippendale top on Phillip Johnson's AT&T building—they often seem to do so with a wink and a nod, as though to say, please do not take these historical allusions too seriously. If previous architects employed traditional elements out of a genuine if sometimes misguided reverence for the past, the postmodernist often uses the past to demonstrate its irrelevance to the present.

That the AT&T building's allusions to earlier architecture seem to be "at war with themselves"²⁹ reminds us of postmodernism's tropism for ironic discontinuity, "collage without cohesion,"³⁰ the use of multiple and often irreconcilable points of view. All of this offers a direct challenge to the traditional historical narrative whose roots go back to the humanism and the one-point perspective of the Renaissance. Like a perspective study from the fifteenth century, historical writing ever since the Renaissance has viewed time "as a neutral, homogeneous medium like the space of pictorial realism in painting; a time where mutually informative measurements can be made between past, present, and future, and where all relationships can be explained in terms of a common horizon."³¹ Further, history is traditionally written by a self-effacing omniscient narrator, the historian, who offers a consistent perspective on a verifiable and meaningful pattern of events. All of this is expressed in a stable and "transparent" language, a "neutral conduit" that does "not call attention to itself and distract us

²⁷Jonathan Fineberg, *Art Since 1940: Strategies of Being* (Englewood Cliffs, NJ: Prentice Hall, 1995), 455.

²⁸Nietzsche, *Use and Abuse of History*, 23–24.

²⁹O.B. Hardison, *Disappearing Through the Skylight: Culture and Technology in the Twentieth Century* (New York: Viking Penguin, 1989), 114.

³⁰Galef, "Shifts and Divides", 86.

³¹Elizabeth Deeds Ermarth, *Sequel to History: Postmodernism and the Crisis of Representational Time* (Princeton: Princeton University Press, 1992), 27.

from the real business" at hand.³²

It is this conventional view that Jorge Luis Borges challenges in his celebrated story "The Garden of Forking Paths" (1941).³³ Consisting of a purported historical essay which quotes extensively from the writing of a Chinese spy working for the Germans during World War I, the story's very form of frames-within-frames, its lacunae (the first two pages of the spy's manuscript are missing), its divergent interpretations of events ("a malicious and outlandish statement," writes the unnamed editor in a footnote to the text), and its mixture of history and fiction—all of these elements (including a deliberately-placed typo in the opening line) call our attention to the fragmentary, contradictory, and subjective nature of this and by implication every historical document.

The story's intellectual climax is Borges' revelation about time. Time, a character named Stephen Albert has discovered, is not "absolute and uniform" as Isaac Newton had asserted. (Significantly, before beginning his explanation Albert will sit with his back to "a large circular clock," symbol of the West's addiction to linear time and rational time-management.) Rather, time is "an infinite series of diverging, converging and parallel times. This web of time—the strands of which approach one another, bifurcate, intersect or ignore each other through the centuries—embraces every possibility."

It is this pluralistic view of history upon which postmodernism has seized (in fact, the writer Robert Coover will dramatize Borges' notion of coexisting historical alternatives in his brilliant, much-anthologized story "The Babysitter"). In doing so it has acquired an unlikely ally: contemporary computer technology in the form of the World Wide Web, itself the culmination of technological innovations—the locomotive, telegraph, telephone, automobile, airplane—that have conflated time and space and, in the process, altered our sense of the past. But where these earlier inventions underscored the dominant view of time (and history) as proceeding along a linear path (the road, the railway track, the telegraph line), the computer has directly replicated what Borges' speaker, some fifty years ago, perceived to be an endlessly proliferating web of circumstances and events.

Borges once said that "universal history is the history of a few metaphors."³⁴ It is astonishing how quickly the metaphor of the web has replaced the traditional linear or hierarchical model, not just in academic thinking but also in our daily lives. Today almost every telephone call to, e.g., a doctor's office or a corporate headquarters weaves its way through a chain of branching paths before reaching its destination, while we furiously push the buttons on our

³²Larry McCaffery, ed., *Postmodern Fiction: A Bio-Bibliographical Guide* (New York: Greenwood Press, 1986), 106–107.

³³Jorge Luis Borges, *Ficciones*. (New York: Grove Press, Inc., 1962).

³⁴Jorges Luis Borges, *Other Inquisitions* (Austin: University of Texas Press, 1964), 6.

touch-tone telephones.

The intellectual implications of the web are perhaps most readily apparent in hypertext documents, a form of “nonsequential writing ... a series of text chunks connected by links which offer the reader different pathways.”³⁵ A hypertext version of “The Declaration of Independence,” for example, might contain links to other relevant works by Jefferson, Madison, and Franklin; the prior writings of such eighteenth-century political scientists as Locke or Voltaire; definitions of key terms; documents placing the Declaration in the context of colonial history, biographical sketches of leading members of the Continental Congress, essays by contemporary Constitutional scholars, paintings and music of the day, etc.

As George Landow has pointed out, hypertext forces us to “abandon conceptual systems founded upon ideas of center, margin, hierarchy, and linearity”—ideas that have governed the writing of history—and replace them with ones of multilinearity, nodes, links, and networks.”³⁶ The implications are disconcerting, demanding as they seem to do the rejection of traditional historical narrative and its associated virtues of order, authorial control, and closure. With this view in mind, historian of technology James Burke suggests that we need to “train students to weave their way idiosyncratically through the web, imagining their way to solutions, rather than learning by rote lists of data that will be obsolete before they can use them.”³⁷

Given the temporal discontinuity inherent in Realism and Impressionism, the mockery of Dada, Futurism’s intemperate rejection of the past, and the skepticism of postmodernism, what is a teacher to do? Certainly we can argue the intellectual deficiency of these points of view; for example, how despite its repudiation of history, Futurism’s call for the new has clear historical roots in the romanticism of the past. We can remind our students that Friedrich Nietzsche, who wrote about an “excess of history” in our lives, also spoke of the great examples from the past that the study of history provides.

We can point out, as Baudelaire did, that the transient and momentary, upon which Impressionism fastens, is only one half of art and history, the other being the ageless and the durable. Finally, as a last resort, there is always George Santayana’s classic epigram, quoted by William L. Shirer in his study of Nazi Germany: “Those who cannot remember the past are condemned to repeat it.” But this does not get at the heart of the problem. A better strategy perhaps is offered by Gerald Graff who, when faced with a similar dilemma in the field of literary study, recommended that the professoriate bring the entire debate into

³⁵George P. Landow, *Hypertext: The Convergence of Contemporary Critical Theory and Technology* (Baltimore: The Johns Hopkins University Press, 1992), 4.

³⁶*Ibid.*, 2.

³⁷James Burke, *The Pimball Effect* (Boston: Little, Brown and Company, 1996), 6.

the classroom, in this case make the problem of history part of the subject matter of the history curriculum so that students can "learn from the debate, take part in it, and make their own informed choices."³⁸

In doing so we need not reject historical narrative—story-telling is one of the oldest pleasures of humankind; when done well, it can recreate "—imperfectly of course—the gripping moral dimensions and the sheer excitement of past events."³⁹ Nor need we accept what historian Gabrielle Spiegel calls post-modernism's "denial of a referential and material world, a material reality we once believed could be known and written about scientifically." Spiegel maintains that we still have the ability to recover "some sense of the material world of the past."⁴⁰ But if we are to be honest with our students, we must also confront those intellectual assumptions, those "imperfections" underscored by both modernism and postmodernism and offer students alternate ways of dealing with historical knowledge. These ways must recognize the self-reflexive nature of language and the social, economic, and cultural bias that colors every historical account; ways that emphasize "rhythms"⁴¹ or waves of events rather than lines, endlessly branching paths, unresolved contradictions, and what Dada reminds us is the role of chance in human affairs (James Burke calls it the "pinwheel of change").⁴²

How might we do this? Since American culture stresses personal experience, the "learn-by-doing" approach, then instead of giving students predigested history, let us encourage them to work as historians by throwing them into the thicket of historical evidence, something that hypertext and the World Wide Web make easier than ever before. Or, better, let us encourage them to ask: what does it *mean* to work as an historian in the waning years of the twentieth-century? Is there some middle ground between the comforting if naive certainties of the past and the disconcerting if bracing skepticism of the present? In the process our students may discover for themselves the discipline and frustration that the writing of history entails, the joy of playing with multiple possibilities, and, perhaps most important of all, what Elizabeth Ermarth calls "the margin of mystery surrounding every human explanation, even the most complete."⁴³

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³⁸Gerald Graff, *Beyond the Culture Wars* (New York: W. W. Norton & Company, 1992), 62.

³⁹Rice, "Who Killed History?", 611.

⁴⁰Gabrielle Spiegel, "History and Post-Modernism," *Past and Present* 135 (May 1992): 195, 203–204.

⁴¹Ermarth, *Sequel to History*, 455ff.

⁴²Burke, *Pimball Effect*, 286.

⁴³Ermarth, *Sequel to History*, 111.