

# *Recounting the Past*

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# Recounting the Past

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## Note from the Editor

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# When a Woman Ruled the Romans: Empress Irene and the Practice and Presentation of Power in New Rome

*By Logan Janicki*

For 800 years, no woman outright challenged the right of men to rule the Romans until Irene of Athens pushed aside her inept son Constantine VI and reigned alone for five years.<sup>1</sup> This is not to say that women had not held power as wives of the emperor. However, while they frequently operated behind the scenes, rarely did they serve as regents. Irene's regency for Constantine VI was nearly unprecedented. Only one woman, the Empress Martina, a century prior, had ever held the throne as regent. The wife of the famous Emperor Heraclius, Martina had attempted a regency for her young son Heraclonas but was quickly overthrown in favor of her deceased husband's minor grandson from a previous marriage. That regency thus stood as a far-from-promising precedent for Irene's reign.<sup>2</sup> And Irene's situation was perhaps even worse than Martina's. Rather than the minor relatives of Heraclius who challenged Martina's regency, the adult half-brothers of Irene's husband opposed her regency.<sup>3</sup>

The best primary source for details of Irene's reign, Theophanes's *The Chronicle of Theophanes Confessor*, emphasized how unlikely her ascent to the height of imperial power was to show that she clearly enjoyed God's favor.<sup>4</sup> Theophanes, a monk and Irene's contemporary, began writing his *Chronicle* around 810 AD, continuing the work of his friend George Synkellos, who had already compiled the research and written a history of the world from creation

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<sup>1</sup> Warren T. Treadgold, *A History of the Byzantine State and Society* (Stanford: Stanford University Press, 1997), 422-424.

<sup>2</sup> Treadgold, *A History of the Byzantine State and Society*, 310, 417.

<sup>3</sup> Treadgold, *A History*, 417.

<sup>4</sup> *The Chronicle of Theophanes Confessor: Byzantine and Near East History, AD 284-813*, ed. Cyril A. Mango, Roger Scott, and Geoffrey Greatrex (Oxford: Clarendon Press, 1997), 626.

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to Diocletian's accession as emperor in 284 AD.<sup>5</sup> Writing his *Chronicle*, Theophanes covered events from Diocletian's reign to his own time and ending in 813 AD, about a decade after Irene's deposition. His account notably favored Iconophiles like Irene. During this time in Byzantium, the Church wrestled with a dispute over whether icons violated the commandment against the worship of idols. Monks like Theophanes were among the most staunch supporters of icons' continued acceptance by the Church.<sup>6</sup>

According to Theophanes's narrative, Irene began her unlikely rise to power through her marriage to Leo IV, the heir-apparent of the stringently Iconoclast emperor Constantine V, in 769 AD.<sup>7</sup> Theophanes provided no reason as to why she was selected to marry Leo IV, making her eventual seizure of power all the more perplexing. When Constantine V died in 775 AD, Leo IV and Irene became the reigning monarchs.<sup>8</sup> Leo IV approached the issue of icons more moderately at the start of his reign, according to Theophanes, but died only a few years after his accession in 780 AD, leaving his young son Constantine VI as nominal emperor and Irene exercising most of the imperial powers as his regent.<sup>9</sup> Meanwhile, Leo IV's adult half-brothers loomed, an ever-present threat to Irene's regency.

Despite the innovation her rule represented, and the challenge of Leo IV's half-brothers, Irene managed to stay on or around the throne for twenty years after the death of her husband. While she was eventually deposed, she escaped the bodily mutilation normally used to disqualify imperial claimants and died peacefully, albeit in exile, less than a year later. Thus, despite the blackening of her character in some popular histories, such as Norwich's *A Short History of Byzantium* and the podcast *The History of Byzantium*, she must be viewed as a successful ruler. Irene ruled for a significant time, during which she achieved major policy goals. Moreover, the empire did not collapse during or as a result of her reign, and she died peacefully in her bed at an advanced age.<sup>10</sup>

How Irene achieved these successes, however, remains a significant historiographical question. Among recent English language scholarship, three scholars address this question more or less directly, with all three claiming that

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<sup>5</sup> Patricia Varona and Óscar Prieto, "Three Clergymen Against Nikephoros I: Remarks on Theophanes' Chronicle (AM 6295-6303)," *Byzantion* 84 (2014): 498, <https://www.jstor.org/stable/44173412>.

<sup>6</sup> Treadgold, *A History*, 552.

<sup>7</sup> Theophanes, *Chronicle*, 613.

<sup>8</sup> Theophanes, *Chronicle*, 619.

<sup>9</sup> Theophanes, *Chronicle*, 626.

<sup>10</sup> John Julius Norwich, *A Short History of Byzantium* (New York: Vintage Books, 1999), 115; Robin Pierson, "Episode: 79: A Mother's Love," August 14, 2015, in *The History of Byzantium*, produced by thehistoryofbyzantium.com, podcast, <https://thehistoryofbyzantium.com/2015/08/14/episode-79-a-mothers-love/>.

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Irene's rule did, in fact, have significant precedents making her success as a ruler much less unexpected.<sup>11</sup> However, the focus on the precedents for Irene's reign draws attention away from the constraints placed on her exercise of imperial power, which was derived from Byzantine expectations for women, leading to a flawed understanding of Irene's rule.

One historian, Bronwen Neil, plainly states that his goal is "to focus on the question of whether [Irene] was regarded as a 'real emperor' in Roman, Frankish, and Byzantine sources," as well as to examine modern scholarship reflecting on her reign and why she fell from power.<sup>12</sup> Neil characterizes Irene's rule as part of a natural progression in which ambitious imperial women gradually took on more visible and powerful roles leading to Martina, who briefly attempted a regency, and then Irene, who successfully managed one. This chronology provides important context to Irene's success in managing to appear legitimate in taking power but does little to explain how she managed to navigate a position whose responsibilities grew out of the assumption that it would be exclusively occupied by men. As such, Neil's analysis of the Byzantine sources, such as why Irene was able to execute the unofficial imperial position of chief priest, raises questions the author simply leaves unanswered.<sup>13</sup> Neil likewise unconvincingly makes the case that the Franks did not regard Irene as a legitimate ruler due to her gender. His chief support for this claim comes from the *Ancient Annals of the Franks*, which, with a "variant reading at the crucial point of the text" indicated that Irene's usurpation, not her gender, made her illegitimate to the Franks.<sup>14</sup> Neil attempts to buttress this view with the *Life of St Willehad*, an account written later, as well as the correspondence between Charlemagne and Pope Hadrian I.<sup>15</sup> However, the quote cited from *Life of St Willehad*, "with *men* of the royal family lacking and with the state being administered by a *woman's* authority," implied that Irene, despite marrying into the royal family, could not have legitimately ruled due to her gender.<sup>16</sup> Likewise, even granting Neil's "variant reading" in *Ancient Annales of the Franks*, the text likened Irene to another female usurper, the Biblical queen Athaliah, implying gender played a role in Irene's illegitimacy. Overall, Neil's argument that Irene's gender did not much affect whether she was considered a "real emperor" is thus unconvincing.

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<sup>11</sup> "Recent" here should be taken to mean "published between 1995 and 2019."

<sup>12</sup> Bronwen Neil, "Regarding Women on the Throne: Representations of Empress Eirene," in *Questions of Gender in Byzantine Society*, ed. Bronwen Neil and Lynda Garland (Burlington, VT: Ashgate, 2013), 115.

<sup>13</sup> Neil, "Regarding Women on the Throne," 116.

<sup>14</sup> Neil, "Regarding Women on the Throne," 125-126.

<sup>15</sup> Neil, "Regarding Women on the Throne," 126-127.

<sup>16</sup> Neil, "Regarding Women on the Throne," 127; emphasis mine.

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Contrarily, Judith Herrin much more fully examines the possible sources of images and ideas of female authority than Neil. Unlike Neil, she devoted an entire chapter to Irene, providing her more room to do so.<sup>17</sup> However, Herrin's argument in "Political Power and Christian Faith in Byzantium," sidelines the ideas considered in "The Imperial Feminine" to argue that Irene ruled functionally the same as any man did. This makes her argument rather similar to that of Neil, with both unconvincingly making the case that Irene's gender did not affect how she wielded power during her rule.<sup>18</sup>

To make the argument that Irene ruled the same as any man did, Herrin denies that the prominence of eunuchs in Irene's administration was significant. Herrin argues that eunuchs merely represented the most visible example of her adjusting her rule to accommodate her gender.<sup>19</sup> Thus, Herrin acknowledges the special reliance empresses had on eunuchs in "The Imperial Feminine," for they comprised a staff that the empress independently controlled. She, however, dismisses any correlation between a woman's rule and an increase in the prominence of eunuchs in "Political Power and Christian Faith in Byzantium," drawing on the example of Leo VI's elevation of eunuchs to high levels of authority.<sup>20</sup> However, as eunuchs formed a significant part of an empress's personal staff, Irene, or any woman who ruled the empire, would naturally favor eunuchs from this staff in filling positions in her administration; having already worked with them, Irene would have known who could be trusted with positions of authority.<sup>21</sup> Additionally, imperial administrations assumed, rightly or wrongly, that eunuchs were more trustworthy on account of their inability to procreate.<sup>22</sup> Whether this in reality limited the potential for senior administration officials to scheme, it was nevertheless "common sense" in Byzantium that eunuchs were more trustworthy, justifying their place in a regime concerned about the possibility of a coup, such as Irene's.<sup>23</sup> Thus, Irene's decision to employ eunuchs so prominently appears related to the implications her gender had on her rule and therefore calls Herrin's argument into question.

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<sup>17</sup> Judith Herrin, "The Imperial Feminine," in *Unrivalled Influence: Women and Empire in Byzantium* (Princeton: Princeton University Press, 2013), 161-193.

<sup>18</sup> Judith Herrin, "Political Power and Christian Faith in Byzantium: The Case of Irene (Regent 780-790, Emperor 797-802)," in *Unrivalled Influence: Women and Empire in Byzantium* (Princeton: Princeton University Press, 2013), 204.

<sup>19</sup> Herrin, "Political Power and Christian Faith," 196, 199, 200, 203.

<sup>20</sup> Herrin, "The Imperial Feminine," 177; Herrin, "Political Power and Christian Faith," 196.

<sup>21</sup> Herrin, "The Imperial Feminine," 177.

<sup>22</sup> Herrin, "Political Power and Christian Faith," 196.

<sup>23</sup> Theophanes, *Chronicle*, 654. For example, Aëtios, one of the two most important eunuchs in Irene's administration during her sole rule, was supposed to have been plotting against Irene to put his brother on the throne.



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Emphasizing her role as a mother enabling her to rule while her son was a minor, Mark Whittow applies practically the opposite approach from Herrin in understanding Irene's regency.<sup>24</sup> As such, her regency was not the aberration, but her sole rule was. Overall, Whittow's argument is fairly convincing, but, by arguing Irene's claim to power came entirely from her motherhood, Whittow cannot fit Irene's five-year sole reign into his model and leaves it as little more than a footnote. Whittow's formulation places Irene on the sidelines of the very coup that brought her to power, with Irene only a placeholder as court factions decided on a "real" emperor.

However, evidence shows Irene desired to be recognized as a genuine executor of imperial power. For example, she signed Nicaea II's declaration of Iconoclasm's heresy before Constantine VI, and she insisted that the army swear an oath commemorating her before her son, but Whittow's analysis disregarded these events.<sup>25</sup> Additionally, though Constantine VI exiled her after he came of age, Irene's supporters at court arranged shortly after for her return to the palace. These points all strongly suggest that Irene desired and succeeded in creating legitimacy and a power base for herself independent of her role as a mother. If Whittow's formulation were correct, then certainly the coup against Constantine VI would not have ended in his blinding and death, as that removed the pretext that allowed Irene legitimately to exercise power. Whittow's argument is commendable in comparison to Neil's and Herrin's for acknowledging that Irene's gendered role as a mother influenced her rule and for rejecting the idea that Irene became ruler because the imperial institutions would put aside gender if need be to fill the imperial office.<sup>26</sup> However, he follows this acknowledgement to an extreme; he considered only one avenue for women to exercise power: as a mother. But Herrin shows in "The Imperial Feminine" that imperial women had plenty of models to draw on in exercising and communicating power.<sup>27</sup>

To date, scholarly approaches to the study of Irene fall short of achieving a full understanding of her reign. Both models emphasizing continuity between her and other, male emperors, as well as Whittow's model, which explains Irene's reign through a narrow aspect of femininity, fail to address adequately all the peculiarities of her reign. Only by acknowledging Irene's gender and

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<sup>24</sup> Mark Whittow, "Motherhood and Power in Early Medieval Europe, West and East: The Strange Case of Empress Irene," in *Motherhood, Religion, and Society in Medieval Europe: Essays Presented to Henrietta Leyser*, ed. Henrietta Leyser (Burlington, VT: Ashgate, 2011), 81.

<sup>25</sup> Lynda Garland, "Irene (769-802)," in *Byzantine Empresses: Women and Power in Byzantium AD 527-1204* (New York: Routledge, 1999), 80-82.

<sup>26</sup> Whittow, "Motherhood and Power in Early Medieval Europe," 78-79.

<sup>27</sup> Herrin, "The Imperial Feminine," 161-193; Whittow, "Motherhood and Power in Early Medieval Europe," 81.

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recognizing that she operated not just as a mother but as a *woman* can all the specific actions and decisions that she took during her reign be properly understood. This paper, in contrast to these scholars, starts from the assumption that Irene's rule was in fact unusual instead typical. As Carolyn Connor notes in *Women of Byzantium*, "[g]ender, and what happens when gender roles are bent, will play an important part in the work of writing women back into the histories of Byzantium." This paper, by examining a key case of the Byzantine idea of femininity being challenged and negotiated, also seeks to contribute to that topic.<sup>28</sup>

In approaching the specific details of Irene's rule, this paper makes a distinction between the practice and presentation of Irene's power as a ruler. The practice of power can broadly be defined as the actual wielding of imperial power. What policy goals were priorities and how Irene accomplished them, who she staffed her administration with, when and why she made peace or war, which groups within the empire she allied with and which she did not—all these would fall under the term "practice of power" in this paper. The presentation of power refers to how Irene propagandized her reign. What messages she conveyed, to which groups she communicated different messages, the imagery she used on coins, what, where, and for whom she built, and which titles she used are all ways she presented imperial power to the public, and how she represented herself were as important to her successful rule as what she did.

Obviously, there is some overlap between these two categories. For example, her favoring of Iconophiles acted both to create a specific public image and to help find loyal allies for her administration. However, for the most part, when analyzing specific incidents, this overlap disappears. Irene represented herself and Constantine VI as the new Helena and Constantine in the wake of Nicaea II.<sup>29</sup> This had no practical use other than as propaganda, even if her broad policy of favoring Iconophiles involved both the practice and presentation of her power. As such, separating the analysis into these two broad categories serves as a worthwhile and effective analytical tool.

### **The Practice of Power: War, Diplomacy, and Administration**

When Irene of Athens arrived in the capital of the empire on November 1, 769 to marry Leo IV, she, accompanied by a fleet draped in silk, immediately was introduced to the prominent families of the capital, who were eager to meet the future empress.<sup>30</sup> Theophanes was certain that the entrance befitted a future

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<sup>28</sup> Carolyn Connor, *Women of Byzantium* (New Haven, CT: Yale University Press, 2004), xii.

<sup>29</sup> Garland, "Irene," 80.

<sup>30</sup> Theophanes, *Chronicle*, 613.

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ruler.<sup>31</sup> Although it cannot be verified, it is likely that her family was influential in central Greece, for Irene was to marry the designated heir of Constantine V.<sup>32</sup> By this time, the empire was no longer in immediate mortal danger from the Caliphate, as the costly failure of the 717 AD siege of Constantinople appeared to have dissuaded further attempts at outright conquest of the Byzantine state.<sup>33</sup> Around the time of the 717 AD siege, the Emperor Leo III introduced the religious doctrine of Iconoclasm, which remained state policy when Irene took power as regent in 780. As regent, Irene would reverse this doctrine with the Second Council of Nicaea; and her quarrels with her son Constantine VI over the subject as he came of age would lead her to blind him, evidently quite brutally, as he died shortly afterwards.<sup>34</sup> Irene managed to stay in her unusual position as the first woman to rule the Roman state alone for another five years, despite constant scheming around her to remove her or otherwise expedite her succession.<sup>35</sup>

Irene seems to have believed that it would be unacceptable for her to lead an army as a result of her gender, as soldiering and martial prowess were significantly masculine-coded in Byzantine culture. An illustration of the eunuch general Theodore Krateros in the *Madrid Skylitzes*, an illuminated copy of John Skylitzes' *Synopsis of Histories*, produced in Sicily in twelfth century and now kept in Spain's national library in Madrid, exemplifies this point.<sup>36</sup> Krateros, having defeated and captured an Arab, was depicted with a beard, a key signifier of masculinity in Byzantium, despite eunuchs usually being depicted without them.<sup>37</sup> This imagery suggests that the masculine connotations of soldiering were strong in Byzantium, as evidently the artist concluded that Krateros could not be a good soldier without being a "full" man.

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<sup>31</sup> Garland, "Irene," 73; Theophanes, *Chronicle*, 613.

<sup>32</sup> Garland, "Irene," 73.

<sup>33</sup> Treadgold, *A History*, 349; Ralph-Johannes Lillie, "The Byzantine-Arab Borderland from the Seventh to Ninth Century," in *Borders, Barriers, and Ethnogenesis: Frontiers in Late Antiquity and the Middle Ages*, ed. Florin Curta (Turnhout, Belgium: Brepols, 2005), 19.

<sup>34</sup> Garland, "Irene," 80-81, 86-87.

<sup>35</sup> Theophanes records six serious attempts by high palace officials to depose Irene or set their favored candidate as her successor during her five years of sole rule; see Theophanes, *Chronicle*, 650-657.

<sup>36</sup> Michael Grübart, "The Man in the Street: Some Problems of Gender and Identity in Byzantine Material Culture," in *Material Culture and Well-Being in Byzantium (400-1453): Proceedings of the International Conference (Cambridge, 8-10 September 2001)*, ed. Michael Grübart, Ewald Kislinger, Anna Muthesius, and Dionysios Ch. Stathakopoulos (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 2007), 52.

<sup>37</sup> Grübart, "The Man in the Street," 56. Specific to the place of beards and their masculine connotations, see Shaun Tougher, "Bearding Byzantium: Masculinity, Eunuchs, and the Byzantine Life Course," in *Questions of Gender in Byzantine Society*, ed. Bronwen Neil and Lynda Garland (Burlington, VT: Ashgate, 2013), 153-166.

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The earlier scholar Procopius's need to justify the success of eunuch generals with prophecy in one of his histories further suggests military service was normally exclusive to non-eunuch men throughout Byzantine history.<sup>38</sup> If she wanted contemporary proof of soldiery as a male-only occupation, Irene needed only to look at the mutiny that her eunuch general Staurakios suffered in 782 AD. In command of the force tasked with responding to Harun al-Rashid's raid, Staurakios was turned over to the enemy by his own officers.<sup>39</sup> If a eunuch was problematic as a commander, a woman certainly would have been as well.

The suspicious loyalties of the army's generals compounded Irene's perceived inability to lead an army. According to Theophanes, Michael Lachanodrakon, a talented commander whose career began during the reign of Constantine V, twice conducted persecutions of Iconophiles, and, as Irene came to align herself with the Iconophile cause, holdovers like Lachanodrakon from earlier Iconoclast regimes in the military appeared untrustworthy to serve as commanders going forward.<sup>40</sup> Even assuming that Theophanes's accusations against Lachanodrakon were entirely later fabrications to justify his removal by Irene, the mere existence of officers who were not totally loyal and dependent on Irene for their position presented a problem, as she could not lead an army to defend herself in a potential civil war against a particularly ambitious general. Putting aside the officers, the failure of the church council of 786 AD in Constantinople on account of a mutiny of soldiers within the city showed that even the lower ranks of the soldiery were invested in Iconoclasm.<sup>41</sup> This meant that the army as a whole was unreliable for Irene, and, unable to campaign herself and perhaps win the soldiers' loyalty away from the memory of Constantine V, she was forced to seek other methods of resolving her conflicts with the neighboring powers.

Unable to make war, Irene instead chose to make peace. In 782 AD, she concluded a peace treaty with the Caliphate to end al-Rashid's raid and return Staurakios. While she had to pay costly tribute to maintain the treaty—particularly, given the risks associated with even attempting a martial response to Arab incursions—Irene likely saw the treaty as well worth the cost. To some degree, this course of action may have also increased her popularity on the

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<sup>38</sup> Tougher, "Bearding Byzantium," 163.

<sup>39</sup> Treadgold, *A History*, 418.

<sup>40</sup> Theophanes, *Chronicle*, 614-615.

<sup>41</sup> Theophanes, *Chronicle*, 635-636.

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empire's periphery, as the area's inhabitants seemed to harbor no great love for the empire and would likely have been quite pleased that Arab raids had been ended without having to supply an imperial counter-attack.<sup>42</sup>

The prevailing peace between the two powers likely could have continued, had not Constantine VI and Nikephoros I been so keen to prove themselves men and competent rulers through military action. However, when Harun al-Rashid wrote to Constantine VI attempting to deescalate mounting tensions between Abbasids and the Byzantines during Constantine VI's attempt at sole rule, Nikephoros I issued a bold demand for repayment of the tribute given during Irene's reign to justify restarting hostilities with the Abbasids.<sup>43</sup> Notably, Nikephoros's demand for the tribute to be repaid cites "the frailty and foolishness of women" as the root of the tribute arrangement, further suggesting Irene made peace with the Abbasids since leading an army was not an option for her.<sup>44</sup>

Similarly, because the Franks were encroaching on Italy and the Papacy during her reign, Irene's arrangement for Constantine VI to be married to Charlemagne's daughter Rotrud (Erythro) should be viewed as an attempt to broker peace between the two powers and avoid a war. The Byzantine strategic situation in Italy was, at the time, in a poor state.<sup>45</sup> Notably, in Theophanes's narrative, the betrothal was arranged just as an army was sent to pacify Sicily and was not broken off until after Nicaea II had concluded its proceedings.<sup>46</sup> While Charlemagne's reluctance to part with his daughters is generally well known, the timing of the betrothal and its end suggest that Irene deliberately chose to make the match to buy time to shore up the Byzantine position in Italy. The betrothal largely precluded any moves that Charlemagne may have been considering making against the Byzantine sphere of influence while it was in effect. By the time Irene decided to end the match, the revolt in Sicily had been quelled, the empire was once again fully in communion with the church (while the Franks were still suspicious of icons), and a Byzantine expedition was in the works to conquer parts of Lombardy from the Franks and place them under the control of a client king.<sup>47</sup> The Byzantine position was undeniably stronger in Italy by the end of the betrothal as compared to its start, and this coincidence seems too favorable for the empire to have been

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<sup>42</sup> Ralph-Johannes Lillie, "The Byzantine-Arab Borderland," in *Borders, Barriers, and Ethnogenesis*, 19.

<sup>43</sup> Nadia Maria El Cheikh, *Byzantium Viewed by the Arabs* (Cambridge, MA: Harvard University Press, 2004), 92, 96.

<sup>44</sup> El-Cheikh, *Byzantium Viewed*, 96.

<sup>45</sup> Theophanes, *Chronicle*, 627-628.

<sup>46</sup> Theophanes, *Chronicle*,

<sup>47</sup> Theophanes, *Chronicle*, 627-638; Neil, "Regarding Women on the Throne," 127.

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entirely accidental. Thus, in both East and West, because of her limitations militarily, Irene opted for clever diplomacy to advance both the empire's and her own interests.

Simply avoiding conflict with troublesome actors within and outside the state was not Irene's only response to the difficulties of ruling the Roman state as a woman. Like Martina before her, Irene could not trust the army, and other possible emperors existed, making reliable allies an absolute necessity to prevent a coup or civil war.<sup>48</sup> Eunuchs were one group from which Irene was to draw as she began placing allies in positions of power and bending the state to her will. With eunuchs being a significant part of empresses' palace staff, Irene had been in the palace and leading this eunuch staff for six years at the time of Leo IV's death.<sup>49</sup> By that point, she certainly would have known whom she could trust to look after her interests and who was competent. Eunuchs were given greater trust as a result of their inability to father children as they themselves could not promise a clear succession plan that would protect the interests of backers into the future, thus making them highly unlikely to be able to find support for a coup. Although this did not necessarily prevent eunuchs from plotting against their imperial employers, there nevertheless remained a cultural "common sense" in Byzantium that eunuchs were trustworthy. Moreover, eunuchs were also associated with angels, who obviously could not lie.<sup>50</sup> Thus, it is not surprising that eunuchs appeared prominently as generals and bureaucrats in Irene's reign, given that a pool of them had already been vetted by their service to Irene while she was Leo IV's empress, and the cultural stigmas attached to them, which would have made them attractive to Irene given her tenuous rule.

Plausibly, similar reasoning motivated Irene's appointment of family members into important positions within the imperial administration. Following Irene's arrival in Constantinople as Leo IV's wife and continuing even after her deposition, others bearing her surname, Sarantapechos, appear in a number of places: a cousin was married to the Bulgar khan, a relative married the future emperor Staurakios, her uncle Constantine was perhaps *strategos* (commander) of the Helladics during Irene's reign, and his son Theophylact was a *spatharios* at that time as well. A reason for this may have been that, similar to Irene's eunuch staff, she would naturally have been familiar with her family members and from there be able to pick out those competent and trustworthy enough to trust with authority. Additionally, her family was perhaps even less likely to plot against her than eunuchs were. Especially after Constantine VI's death,

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<sup>48</sup> Treadgold, *A History*, 309-310, 417.

<sup>49</sup> Herrin, "The Imperial Feminine," 177

<sup>50</sup> Herrin, "Political Power and Christian Faith," 196; Tougher, "Bearding Byzantium," 164.

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it would have been in the interest of the Sarantapechos family to keep Irene on the throne until her death, thereby hopefully providing family members with a dynastic claim to rule.

Obviously, the dynastic connection was not infallible. Dynastic claims were not sacrosanct in Byzantium, and only one family member could ultimately make good on such a claim, so it would have doubtlessly crossed the minds of highly placed Sarantapechoses to hasten Irene along and place themselves on the throne.<sup>51</sup> But, taking the risk of an actual coup attempt, especially given Irene's talent for ferreting them out, would certainly have been harder to justify to oneself when simply waiting out the clock seemed a viable option. Even if imperial ambitions were not to be found among the Sarantapechoses, the family members whom Irene empowered, at the very least, would have feared the loss of the family's prominence in a new administration, especially as Irene came to associate herself and her supporters with Iconophilism and her opponents with Iconoclasm, which would have helped ensure their continued loyalty.<sup>52</sup>

Irene's decision to reverse Iconoclasm was perhaps the most significant in assuring her continued reign, despite the risks in such a move. The army revolt that ended the first attempt at a church council in 786 AD evinces this point.<sup>53</sup> As Whittow keenly observes, by ending Iconoclasm, Irene implicitly associated opponents of her rule with Iconoclasm and supporters of her rule with Orthodoxy.<sup>54</sup> While this had significant propaganda benefits, it also served almost totally to break the state to her will. To her enemies, now essentially forced to champion the Iconoclast cause by challenging the "New Helena," anyone whom Irene promoted in her administration was seen as an Iconophile who could not be trusted to support a new Iconoclast administration, if and when she was overthrown. The men whom she promoted surely were aware of this too. If Iconoclasts—that is to say, enemies of Irene—were to take power, their careers would almost certainly have been over. Thus, all that Irene had to do to guarantee the continued loyalty of much of the state apparatus was to ensure that she was the only viable alternative to a potential Iconoclast administration.

For this reason, Irene tolerated the rivalry between Aëtios and Staurakios during her sole reign. Essentially, as long as the palace officials failed to coalesce around another Iconophile-friendly candidate, they had to stick with Irene or risk their infighting allowing an Iconoclast to assume power and end

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<sup>51</sup> Leonora Neville, *Byzantine Gender* (Leeds, UK: ARC Humanities Press, 2019), 84.

<sup>52</sup> Whittow, "Motherhood and Power in Early Medieval Europe, West and East," 81.

<sup>53</sup> Theophanes, *Chronicle*, 635.

<sup>54</sup> Whittow, "Motherhood and Power in Early Medieval Europe, West and East," 81.

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their careers. Even when Aëtios brought to Irene credible accusations of Staurakios's plot against her in 799 AD and 800 AD, she simply reprimanded Staurakios and forbade officials from approaching him. This punishment seems weak coming from a woman who had found no issues in humiliating, flogging, and blinding anyone who threatened her position in the past. However, when considered in the context of her strategic goal in ending Iconoclasm, this break in her character is not evidence, as Treadgold hypothesized, of a loss of nerve, but rather of a continuation of the strategy that she had been using to ensure ultimate loyalty to her already.<sup>55</sup> As Whittow points out, it was only a short two years after Staurakios's death that Irene was deposed; by meting out such mild punishments for Staurakios, Irene showed an awareness of Staurakios's value as a counterbalance to Aëtios, attempting to preserve a crucial part of that palace dynamic.<sup>56</sup> With her position tenuous enough to allow the ordained and mutilated half-brothers of Leo IV to be seriously considered as viable alternatives, such measures were necessary to protect Irene's position.<sup>57</sup>

### **The Presentation of Power: Legitimacy Through Faith and Works**

Given the precariousness of Irene's position, ensuring the loyalty of imperial officials would not have been sufficient on its own to prevent her deposition. Irene also needed to maintain the loyalty of the general populace. To do this, she needed to find ways to balance her position as ruler of the empire with the expectations of what a woman in Byzantium was supposed to look and act like. Her reign thus had more than a few examples of clear imperial propagandizing; miracles such as a coffin with an inscription predicting her regency being found and the return of a relic thrown into the ocean by Constantine V are clear fabrications straight from Irene's exceptional use of propaganda. Moreover, the strategic goal of the "campaign" of Irene and Constantine VI into Thrace seems to have been to combat the populace's ignorance of the reigning emperors, rather than any foreign enemy.<sup>58</sup> Irene seems to have been keenly aware of the need to present the power that she wielded as regent and later, as sole sovereign, in a way that did not disrupt too dramatically Byzantine sensibilities about female behavior.

One of the most important ways that Irene presented herself was as the restorer of Orthodoxy. This was a role that she could take on without necessarily appearing to step out of place for how a woman "ought" to act. If anything, that such "lowly" people reversed Iconoclasm may have been proof

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<sup>55</sup> Treadgold, *A History*, 422.

<sup>56</sup> Whittow, "Motherhood and Power in Early Medieval Europe," 84.

<sup>57</sup> Theophanes, *Chronicle*, 650-651.

<sup>58</sup> Theophanes, *Chronicle*, 607, 627, 631.



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to contemporary witnesses of her divine favor, as the praise that Theophanes sings of her and her son at the start of his account suggests.<sup>59</sup> Irene's patronage of the Iconophile cause and acclamation alongside Constantine VI as a new Helena and Constantine are evidence enough of the key role that returning religious peace to the empire played in her official propaganda.

However, her cultivation of such an image did not begin with that acclamation nor with her attempts to call a church council. From nearly her first day as regent, she contrasted her pious rule with the irreverent and un-Orthodox behavior of the other Isaurian dynasts, as exemplified by the Christmas mass in 781 AD. At this mass, the half-brothers of Leo IV—newly ordained as punishment for the attempt of the eldest, Nikephoros, to seize power—were made to administer the communion as priests, while Irene and Constantine VI arrived in imperial procession to “return” the crown that Leo IV had allegedly stolen just before his death.<sup>60</sup> Reducing the sons of an emperor to literal servants of the faithful, given their roles in the mass, was undoubtedly a humiliation and the attempt of Irene and her administration to project their power to the notables in Constantinople.

The mass's intended message for anyone who could have opposed Irene seems to have been as follows: “Even members of the Isaurian dynasty are not so prestigious as to prevent Irene from stripping them of office, title, and status.” Along with this, such a public showing of the half-brothers' new status served not only as a warning but as a clear announcement that no other legitimate dynastic contenders to the throne remained. Because simply ordaining the half-brothers and quietly exiling them to a monastery could have left room for doubt and rumors that perhaps someone with a legitimate dynastic claim was still available, to show the half-brothers' new status as clergymen made sure that no one in Constantinople could claim ignorance of the fact that Constantine VI was the only remaining member of the Isaurian dynasty who could legitimately be emperor. This increased the chances that the population of Constantinople would see any future coup attempts or rebellions against the regency government as naked power grabs, whatever reason the theoretical traitors cited.

However, the image that Irene crafted for herself at this moment can only fully be understood within the context of her role in the mass: the returner of the “stolen” crown.<sup>61</sup> That Leo IV stole the crown and died as a result seems to have been more propaganda, but it was evocative propaganda, which harkened back to the supposed hatred of holy relics that Leo IV's father, Constantine V,

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<sup>59</sup> Theophanes, *Chronicle*, 626.

<sup>60</sup> Theophanes, *Chronicle*, 626-627.

<sup>61</sup> Theophanes, *Chronicle*, 625, 627.

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had harbored.<sup>62</sup> While not necessarily the same vice as Constantine V's hatred of relics, portraying Leo IV as having coveted the Church's crown was meant to show that the previous two Isaurian emperors were both fundamentally unable to respect the church and its property, no matter how important.

The full function of Leo IV's half-brothers administering the communion now starts to come into view. The Isaurian line, this entire event implies, was incapable on its own of respecting the Church. The disrespectful treatment of its relics by both previous Isaurian emperors exemplified this. With God himself having punished Leo IV, it then fell to Irene, as God's chosen ruler, to correct the Isaurians' wrongs and ensure that Constantine VI was raised to be a pious ruler. Irene thus arranged for the "stolen" crown to be "returned," now adorned with even more jewels, which also returned the "proper" order of things: the Roman state was defended, and the Church was enriched.<sup>63</sup>

Likewise, Leo IV's half-brothers' ordination and administration of communion at this mass served to "correct" the Isaurian dynasty itself, by forcing its remaining members to respect the Church by making them servants of it and its congregation.

However, this example is not necessarily a case in which Irene's gender truly stood as an impediment. While the fact that she was running a regency government, with dubious legitimacy, likely fed into the decision, any emperor could have propagandized themselves in a similar way. Theophanes wrote that, in 799 AD, in celebration of Easter Monday, Irene set out in the usual procession from the church of the Holy Apostles, albeit with an important change; rather than ride a horse, she was drawn in a large golden chariot with four men aboard as well.<sup>64</sup> Irene's understanding of gender and its communication likely informed this, for the act of riding a horse had strong masculine and martial connotations in Byzantium. As shown in the *Madrid Skylitzes*, the act of successfully riding a horse and defeating a captured Arab was enough to justify depicting the eunuch Theodore Krateros as a bearded man.<sup>65</sup> Even in *Digenis Akrites*, the Byzantine epic poem about a Byzantine soldier on the borderlands with the Caliphate, the hero raped a woman for her

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<sup>62</sup> Regarding the credibility of accusations of Leo III and Constantine V's targeting relics in addition to their Iconoclasm, see John Wortley, "Iconoclasm and Leipsanoclasm: Leo III, Constantine V, and the Relics," in *Studies on the Cult of Relics in Byzantium up to 1204* (Burlington, VT: Ashgate, 2009), 253-279.

<sup>63</sup> Theophanes, *Chronicle*, 627.

<sup>64</sup> Theophanes, *Chronicle*, 651.

<sup>65</sup> Grūbart, "The Man in the Street", 56.

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“immodesty” because she disguised herself and fought as a man.<sup>66</sup> For both reasons, it simply would not do for Irene to appear mounted on a horse and as a soldier in such a public event.

Instead, she found a way to make the best of a difficult situation. A large chariot provided three benefits for Irene to ingratiate herself to the people of Constantinople. One benefit was that the four-horse chariot, even packed as it was with five passengers, could carry far more coinage to distribute to the assembled spectators than could a single horse and rider. Indeed, Theophanes commented, “[Irene] distributed largess in abundance” during this procession.<sup>67</sup> Unsurprisingly, the masses were likely to see a generous emperor as a good emperor. By opting for a mode of transportation which was better able to accommodate her strategic generosity, Irene exhibited an obvious grasp of this concept.

Moreover, from her position on the chariot, she enhanced the performance of her gender to the crowd. Above the crowd on a horse, the rider naturally appears prominently, drawing attention to themselves in a way that was believed to be unfitting of a good Byzantine woman.<sup>68</sup> Caught between her duty as the sovereign to conduct this procession and the expectations of a woman, Irene opted for a mode of transportation that allowed her to still act as a woman as best she could. Not only did a chariot lower her visibility by keeping her closer to the ground, but it made her less visible behind the four men guiding the horses pulling the chariot. This position relative to the crowd had another benefit as well. Since most women were assumed to be unable to control their emotions, much of being a good woman in Byzantium was through ostentatious attempts to do so.<sup>69</sup> Her position closer to the crowd made it easier for her to show the crowd how hard she was trying to control her emotions in response to their adulations and to allow better for strategic breaks in that control, which would naturally involve her generously rewarding the populace with the coinage onboard the chariot. The use of a chariot, therefore, was not simply a concession to the patriarchal order but also one designed to manipulate that order and its assumptions to increase her legitimacy among the average Constantinopolitan.

Finally, by employing the use of a large chariot for this procession, Irene gained a chance to confer a unique and incredibly prestigious honor on the men she chose to accompany her upon it. Undoubtedly then, choosing who to accompany her was a political move, aimed to reward and ensure future

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<sup>66</sup> Neville, *Byzantine Gender*, 49.

<sup>67</sup> Theophanes, *Chronicle*, 651.

<sup>68</sup> Neville, *Byzantine Gender*, 38.

<sup>69</sup> Neville, *Byzantine Gender*, 38-39.

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support among key members of the empire's elite. One man on whom she bestowed this honor, Constantine Boilas, is perhaps the least important and the hardest to explain of those on her chariot, being mentioned only in Theophanes' narrative.<sup>70</sup> If anything, Boilas's presence suggests more about Saint Ioannikios. By including a member of Ioannikios' family, Irene showed his family to have been far more influential than his hagiography lets on.<sup>71</sup>

The brothers Sisinnios, *strategos* of Thrace, and Niketas, domestic of the Schools, also accompanied Irene. That two members of this same family appeared in the procession immediately speaks to the family's influence. Given Niketas's importance to Aëtios's move against Staurakios later that year, Irene may have been aiming with this gesture to keep the family loyal to her personally, rather than to a court faction. Alternatively, their presence on the chariot and Niketas' later alliance with Aëtios shows the influence that Aëtios's faction already had in the court, and their presence here was a symbolic concession to appease it. In either case, although this move evidently failed to stop Niketas from contributing to palace intrigues, it shows Irene's awareness that she had to use any means possible to curry favor with the elites who could depose her and actively experimented with new ways of earning their loyalty.

This experiment was not entirely a failure. Bardanes Tourkos, *strategos* of the Thrakesians, and later of the Anatolics, also accompanied her on this procession. According to Theophanes's account, Tourkos made no trouble for Irene during the remainder of her reign.<sup>72</sup> This honor seems to have been so effective in gaining Tourkos's loyalty that he later revolted against Nikephoros I in support of Irene's restoration to the throne.<sup>73</sup> Although Tourkos's revolt was likely as much to advance his own career as to salvage Irene's, it nevertheless attests to the success that this gesture had in securing the continued loyalty of an important commander in the East.

Irene's agency as a ruler was somewhat limited by her gender. She did not simply "rule as a man," but she also showed signs of being aware of these limitations, actively crafting policy and cultivating an image that worked within these limitations. The result was that she was able to rule as a woman while appearing as one. She made no effort to hide that she was a woman; in fact, excepting her novels in which she titled herself *basileus*, she used female titles

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<sup>70</sup> Theophanes, *Chronicle*, 651.

<sup>71</sup> Theophanes, *Chronicle*, 651-652; "Venerable Joannicus the Great," *Orthodox Church in America, Lives of the Saints*, accessed March 6, 2020, <https://www.oca.org/saints/lives/2019/11/04/103171-venerable-joannicus-the-great>.

<sup>72</sup> Theophanes, *Chronicle*, 651-654.

<sup>73</sup> Theophanes, *Chronicle*, 659.

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and appeared prominently on coinage throughout her regency and reign.<sup>74</sup> The imperial system did not dispassionately allow a woman to take the reins of power when it became necessary. In fact, to many at the time, namely, the supporters of Leo IV's half-brothers, it must have seemed entirely *unnecessary* for a woman to lead the empire.

Irene's success has implications for understanding the later course of Byzantine imperial politics and women's place within it. Without doubt, one of the most important factors in Irene's success was that she took advantage of the ongoing controversy over Iconoclasm to find loyal allies for her administration. In asking why later imperial women could or could not take outright power, this key factor must be considered. While Irene's boldness certainly led her to realize that antagonizing the Iconoclast controversy was the correct move to ensure her continued rule, the existence of this controversy was largely out of her control. This confluence of a bold, shrewd woman with a reasonable claim on power and a divisive issue that allowed her to create a party of loyalists seems to have been what finally allowed a woman to challenge the assumption since the Roman state's inception that a woman could not rule. After all, not long after Irene and amid a renewal of Iconoclasm as official state policy, Empress Theodora would come to power and again declare it heresy, in that case for good.

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<sup>74</sup> Garland, "Irene," 87.

# “Cursed Be the Villain that Molest Their Graves”:

## Lyda Burton Conley and NAGPRA

*By Erin Jessup*

Throughout US history, Native American rights have not been held to the same standard as those of other Americans. Whether during their lives or after their deaths, the US government and its citizens have infringed on Native American rights. Even their final resting place has not been safe. Native Americans have often needed to find ways to advocate for themselves and their people, and they have learned to fight back. One example of this is seen in the case of Lyda Burton Conley, a Wyandot woman, who fought to protect her family’s graves in Kansas City, Kansas. In fighting for the right to her ancestors’ graves, Lyda Burton Conley followed in the footsteps of her tribe’s ancestors to pave the way for other activist Native American women and for the future implementation of the Native American Graves Protection Repatriation Act (NAGPRA).

### **A Brief History of the Wyandot**

To understand the context in which Lyda Conley protected her ancestors’ graves, it is necessary to be familiar with her tribe: the Wyandots.<sup>1</sup> Once part of the Huron Confederacy, which also consisted of the Wendats, the Petun, and the Neutrals, the Wyandots were one of many groups that were scattered across the Northwest Territories and parts of Canada in the early nineteenth century as disease and warfare decreased the population size of the confederacy from 20,000 to 2,000. After treaties with the British and US governments, the Wyandots were removed from their vast homelands and relocated to a reserve

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<sup>1</sup> According to Kim Dayton’s article, “‘Trespassers, Beware!’,” the spelling of Wyandot is an anglicized form of their aboriginal name, “Wendat.” In 1867, when the tribe split into factions in Oklahoma and in Kansas, the spellings split, and “Wyandottes” became those who reformed their nation in Oklahoma. For simplicity and to avoid incorrectly labeling one of the factions of the tribe, I will use the spelling “Wyandot” for the tribe in general, with the exception of when I am specifically referring to the Wyandotte Nation of Oklahoma. “‘Trespassers, Beware!’: Lyda Burton Conley and the Battle for Huron Place Cemetery,” *Yale Journal of Law and Feminism* 8, no. 1 (1996): 1, <https://digitalcommons.law.yale.edu/yjlf/vol18/iss1/2/>.

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near Detroit, Michigan, and an area near the Sandusky River in what is now Ohio.<sup>2</sup> Approximately seven hundred members of the tribe lived on what was called the Grand Reserve in Upper Sandusky, where the Wyandot word “Sandusky,” meaning “water within pools of water,” was used to refer to the adoptive home of the Wyandot people.<sup>3</sup>

The Wyandots largely followed the US government’s efforts in the early- to mid-nineteenth century to “civilize” the Native Americans. “Civilization” meant altering most aspects of Native American culture, including their gender roles, subsistence patterns, and even their appearance. Native Americans also were supposed to adopt literacy, learn to speak English, and convert to Christianity. Generally, compared to other tribes in Ohio, the Wyandots followed the guidelines more than other tribes. Known to have some of the best land in the state, many Wyandots became successful farmers.<sup>4</sup> Still others were abolitionists, lawyers, suffragists, and businessmen. The Wyandot people—even prior to removal—had been well educated and politically minded. The population was a mix of different backgrounds, as the vast majority of Wyandots were of mixed white and Wyandot heritage. The tribe had also assimilated members of other tribes, many whites, and African Americans through either marriage or adoption. It is believed that the last full-blooded Wyandot passed away in the beginning of the nineteenth century. The majority of the population adopted Episcopal Methodism while still retaining their language (Wendat) and culture.<sup>5</sup>

Having followed the program of “civilization,” many of the Wyandots knew how to combat their forced removal. When Colonel James Gardiner arrived at the Grand Reserve in 1831 intending to negotiate a treaty with the Wyandots for their removal west of the Mississippi, he had already negotiated the treaties for the Shawnee, Ottawa, and Seneca. Only the Wyandots remained in Ohio without a removal treaty. Gardiner understood the importance of a removal treaty with the Wyandots because the land that they possessed was among the best quality for farming in the state. To secure a deal with the tribe would surely reflect positively upon Gardiner and earn the government approximately \$113,000 (at 70 cents per acre with 162,000 acres).<sup>6</sup>

Although the Wyandots were simply the last tribe on his list, their resistance to removal would have otherwise caused delay. Due to their education, the Wyandots advocated for themselves in the face of impending

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<sup>2</sup> Dayton, ““Trespassers, Beware!,”” 7.

<sup>3</sup> Mary Stockwell, *The Other Trail of Tears: The Removal of the Ohio Indians* (Yardley, PA: Westholme, 2014), 283 and 284.

<sup>4</sup> Stockwell, *The Other Trail of Tears*, 283.

<sup>5</sup> Dayton, ““Trespassers, Beware!,”” 5.

<sup>6</sup> Stockwell, *The Other Trail of Tears*, 288.

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removal from Ohio. Gardiner recognized this and called them “crafty,” wise, and intelligent. Before they started any discussion about removal, the Wyandots demanded that a delegation of some of their leaders travel west to their potential new land to see the value of it for themselves.<sup>7</sup> A group of five men went with Gardiner to Kansas. The Wyandots were not impressed. While the land itself was fertile, it contained deep treeless ravines, comparatively small amounts of wildlife, and lacked sugar maples. Their primary concern came from their would-be neighbors to the east. The white men of Missouri called Native Americans a “nuisance” and a “curse to the state.”<sup>8</sup> William Walker Jr., one of the prominent Wyandot leaders who participated in this expedition, argued that the only goods that these poor whites from the South could trade with them was whiskey, which would invite a host of problems for the tribe. That these men owned slaves further concerned Walker. He considered slaveholders to be the principal drivers behind the policy of Indian Removal. This would also cause more problems for the tribe. In the new home that they would be given, the Wyandots foresaw the potential for conflict, which might again force them to move.<sup>9</sup>

Given Wyandot misgivings about the land offered to them, and upon learning that Walker intended formally to oppose a removal treaty, Gardiner became extremely frustrated. He wrote falsified letters to the War Department stating that the Wyandots never viewed the land because they were too busy hunting bears in western Missouri, which prevented his accurate reporting of the visit.<sup>10</sup> What he was missing in his attempts to negotiate a treaty was the fact that the Wyandots, unlike the other tribes in the area, had followed the government’s policy of “civilization” and had frequently intermarried with whites. Because of the quality of their land and their adherence to changing their lifestyle to one of farming, many Wyandots were among the wealthiest people in Ohio.<sup>11</sup> They understood the value of their land and would not give it up without a fight.

Gardiner had to resort to alternative methods to reach his goal. He identified that the Christian mixed-bloods generally opposed removal. He decided that he would have to convince the full-bloods of the supposed benefits of negotiating a removal treaty.<sup>12</sup> Gardiner’s principal argument was that, with the surrounding white population, the full-bloods could never be truly happy in Ohio and that they thus needed to preserve their morals. Gardiner was ultimately successful, and, in 1832, he signed a treaty with the full-bloods

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<sup>7</sup> Stockwell, *The Other Trail of Tears*, 288.

<sup>8</sup> Stockwell, *The Other Trail of Tears*, 289.

<sup>9</sup> Stockwell, *The Other Trail of Tears*, 290.

<sup>10</sup> Stockwell, *The Other Trail of Tears*, 291.

<sup>11</sup> Stockwell, *The Other Trail of Tears*, 292.

<sup>12</sup> Stockwell, *The Other Trail of Tears*, 292.



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living on a small tract of land just north of the Grand Reserve called Big Spring.<sup>13</sup> This caused confusion among the other Wyandot leaders, as those who signed the treaty did not formally represent the whole tribe.<sup>14</sup> Despite this confusion, some of the Wyandots who chose to negotiate this treaty ended up moving from Big Spring, which now belonged to the US government, to the Grand Reserve in present-day Ohio.<sup>15</sup>

Many more treaties were attempted, but the Wyandots had learned that they could delay or even prevent removal through the negotiation process.<sup>16</sup> It was not until 1843, twelve years after Gardiner started the process of negotiating removal treaties, that the rest of the Wyandots began to be removed.<sup>17</sup> Between 700 and 750 Wyandots were removed to what is now Kansas, specifically Kansas City, with approximately 100 Wyandots dying from disease and exposure on their steamer voyage on the passage from their homelands to their new territory.<sup>18</sup>

After their terrible journey, they needed a resting place when they arrived in Kansas. However, the land that the United States promised the Wyandots was not to be found. This forced the newly relocated tribe members to camp in a swampy area on the eastern side of the Missouri River. Fortunately, the Delawares, an ally of the Wyandots, owned the land across the river.<sup>19</sup> The two tribes formed a treaty through which the Wyandots purchased thirty-nine sections of land from the Delawares. In acknowledgment of the tribes’ friendship, the Delawares decided to give three additional sections as a gift. Despite the US government’s promise of 148,000 acres in their 1842 removal treaty, the Wyandots had to purchase their own land. Lying between two rivers, this land became their home. On the highest point, according to their custom, in unmarked graves, wrapped in blankets, they buried their loved ones in what became Huron Place Cemetery.<sup>20</sup>

Although they had settled in their new land, the federal government’s betrayal continued. In 1850, a treaty with the US government recognized that the Wyandot had not received the lands that they had been promised. As recompense, the US government pledged the tribe \$185,000, provided that the tribe relinquish its claims to the previously promised land. Nevertheless, the government again failed to deliver on its promise. Always conscious of the

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<sup>13</sup> Stockwell, *The Other Trail of Tears*, 293.

<sup>14</sup> Stockwell, *The Other Trail of Tears*, 294.

<sup>15</sup> Stockwell, *The Other Trail of Tears*, 293.

<sup>16</sup> Stockwell, *The Other Trail of Tears*, 294.

<sup>17</sup> Stockwell, *The Other Trail of Tears*, 311.

<sup>18</sup> Dayton, “‘Trespassers, Beware!’,” 4 and 6.

<sup>19</sup> John W. Ragsdale Jr., “Sacred in the City: The Huron Indian Cemetery and the Preservation Laws,” *Urban Lawyer* 48, no. 1 (Winter 2016): 77, <https://www.jstor.org/stable/44647937>.

<sup>20</sup> Dayton, “‘Trespassers, Beware!’,” 3, and Ragsdale, “Sacred in the City,” 78.

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ideal way to benefit their people, Wyandot leaders sought to find a way to overcome the federal government’s failure to honor past treaties. In 1855, as an attempt to gain political and economic advantage, a small progressive faction of the Wyandot nation (approximately thirty men) violated their own constitution to sign a deal with the United States. Deciding for their entire tribe, these thirty men signed a treaty that dissolved the tribe, halted federal funding, and granted citizenship to those who were “competent” and chose to become citizens. The Commissioner of Indian Affairs, a representative of the federal government, had ultimate approval of the classifications, with incompetency being determined by age, mental capacity, or orphan status.<sup>21</sup> Many “incompetent” and “competent” Wyandots who rejected citizenship status moved to the Seneca Reserve in the Indian Territory, now Oklahoma. Although many eventually returned to Kansas during the Civil War, it was not until 1867 that the Wyandotte Nation was granted tribal status and permission to purchase Seneca land in Indian Territory. Those who were considered competent and did not wish to become citizens could apply for temporary federal funding and protection.<sup>22</sup>

A traditionalist faction of approximately sixty “competent” Wyandots decided not to obtain citizenship in favor of safeguarding their traditional lifestyle. Hannah Zane, Lyda Conley’s grandmother, was a member of this faction.<sup>23</sup> She made her determination of citizenship when Lyda Conley’s mother, Eliza Burton Zane Conley, was a minor. In 1867, the Indian agent living with the Wyandots in Kansas asked them if they wished to retain their citizen status or relinquish it to instead earn tribal status. During this time, Lyda’s mother stated that she wished to be put on the “Indian list.” However, on the final list submitted to the Bureau of Indian Affairs in 1871, none of the Conleys were on the roll of Wyandot tribal members. In 1896, the Conley sisters were placed on the Olive roll—named after the special Indian agent Joel T. Olive who compiled the census—as “absentee or citizen Wyandottes.”<sup>24</sup> Although the Conleys did not obtain the status that they desired—even though they should have had the choice to receive the designation that they requested—this would later provide Conley with the opportunity to fight a legal battle for the Huron Place Cemetery.

Although the 1855 treaty dissolved the tribe and they no longer had collective claim to their land, the treaty did provide that the cemetery could continue to be “permanently reserved and appropriated for that purpose.” The land would not belong to the tribe anymore, as the tribe no longer formally

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<sup>21</sup> Ragsdale, “Sacred in the City,” 81.

<sup>22</sup> Ragsdale, “Sacred in the City,” 82.

<sup>23</sup> Ragsdale, “Sacred in the City,” 82.

<sup>24</sup> Dayton, ““Trespassers, Beware!”” 12.

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existed. Therefore, the land would be placed in a trust. It is not explicitly stated in the treaty who would hold the land in trust, but it assumes that the United States would.<sup>25</sup> This addition to the treaty would also later become important to Conley’s argument in aiming to protect the cemetery.

### **Lyda Conley’s Battle**

Eliza (Lyda) Burton Conley was born between 1865 and 1869 to Wyandot mother Eliza Burton Zane Conley and white Englishman father Andrew Conley.<sup>26</sup> She was the youngest of four sisters, all descendants of Chief Tarhe, a prominent Wyandot leader.<sup>27</sup> Wyandot women were known for their refusal to accept Christian ideals of submissiveness and inferiority. Their society was traditionally matrilineal and matriarchal. The role of women in Wyandot society was always important, and, during this period, they were still influential.<sup>28</sup> Lyda likely recognized the power that she could exercise if she decided to use it. She aimed to do so by practicing law to benefit her people.<sup>29</sup> She and her sister Helena (Lena) attended Park College across the river in Missouri. Each day, they rowed a boat across the Missouri River so that they could receive their education.<sup>30</sup> Lyda later attended the Kansas City School of Law.<sup>31</sup> In 1902, she was admitted to the Missouri State Bar and found success—both financially and in notoriety—in her legal practice. She was one of very few female lawyers during this time period and was likely the only female Native American lawyer as well.<sup>32</sup> As a pioneer, both to her sex and race, she saw little trouble in further challenging the status quo when it came to defending something that she cared about.

That is exactly what happened in 1906 when Congress passed a bill that authorized the Secretary of the Interior to start the process of removing the bodies of the Huron Place Cemetery so that they could sell the property. The origins of the bill lie in the advocacy of historian William Elsey Connelly,

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<sup>25</sup> Ragsdale, “Sacred in the City,” 82.

<sup>26</sup> Dayton, ““Trespassers, Beware!,”” 13.

<sup>27</sup> Robert C. Downs, Brooke Grant, and Elizabeth Sterling, “From Petticoats to Briefs: A History of Women at the University of Missouri-Kansas City School of Law,” *University of Missouri – Kansas City Law Review* 72, no. 4 (Summer 2004): 1016.  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1326954](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1326954).

<sup>28</sup> Dayton, ““Trespassers, Beware!,”” 15.

<sup>29</sup> Downs, Grant, and Sterling, “From Petticoats to Briefs,” 1016.

<sup>30</sup> Dayton, ““Trespassers, Beware!,”” 15.

<sup>31</sup> Downs, Grant, and Sterling, “From Petticoats to Briefs,” 1016.

<sup>32</sup> Stacy L. Leeds and Elizabeth Mashie Gunsaulis, “Resistance, Resilience, and Reconciliation: Reflections on Native American Women and the Law,” *Thomas Jefferson Law Review* 34, no. 2 (Spring 2012): 309.  
<http://libproxy.lib.ilstu.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=asn&AN=78021840&site=ehost-live&scope=site>.

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whose scheme revolved around profit. Nearly a decade prior, in 1898, Connelly proposed to the Oklahoma Wyandotte Tribe the repatriation of the remains and the sale of the land, as long as he would receive fifteen percent of the profit as commission. Unable to convince the Wyandot to participate in the plan, he then pushed for Congress’s bill. The brainchild of Connelly, the historian-turned-businessman who had once specialized in Wyandot history, the bill that resulted threatened the core of Wyandot culture.<sup>33</sup>

Connelly may have thought that he had found a way to make money, but he likely did not anticipate the reaction of the Conley sisters. Many of the Conleys’ ancestors were buried in this cemetery, including their parents, grandparents, cousins, a sister, and Chief Tarhe.<sup>34</sup> Lyda and sister Lena decided to take a stand. They padlocked the gate of the cemetery and attached a sign with a clear warning: “Trespass at Your Peril.” They then built a small wooden shack on the property that they nicknamed “Fort Conley,” on which, in bold, bright letters, they wrote the word “Danger.”<sup>35</sup> Arming themselves with shotguns to fight off any trespassers, especially police and workmen, the sisters aimed to protect the graves at all costs.<sup>36</sup> Lena reportedly frequently cursed those whom she saw as a threat.<sup>37</sup> The sisters declared that “the first man to turn a sod over one of those graves would either turn over another for the Conley sisters or have some other person bury him.”<sup>38</sup>

The Conleys’ willingness to die to protect their people’s dead is evident in the skirmishes at the fort. In one incident, while the sisters tried to fight off the police, Lyda was captured and dragged away “kicking and screaming,” yelling to her sister to “shoot them.” Although Lena did not shoot them, she was adamant that she would if they would not go away. Despite their protestations, both sisters were arrested, and the fort was destroyed.<sup>39</sup> This did not stop the sisters, however. They continued to occupy the cemetery, although not continuously, for the rest of their lives.<sup>40</sup>

A physical battle was far from the only approach that the sisters attempted to protect their ancestors’ graves. Given Lyda’s legal background, she decided

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<sup>33</sup> Ragsdale, “Sacred in the City,” 90.

<sup>34</sup> Ragsdale, “Sacred in the City,” 91.

<sup>35</sup> “The Huron Cemetery,” *Wyandotte Chief* (Kansas City, KS), September 5, 1912, <https://www.newspapers.com/image/488498958/?terms=The%2BHuron%2BCemetery>.

<sup>36</sup> “Conley Girls Real Scrappers Fighting Cops,” *Buffalo (NY) Times*, June 9, 1918, <https://www.newspapers.com/image/441603225/?terms=Conley%2BGirls%2BReal%2BScrapper%2BFighting%2BCops>.

<sup>37</sup> Shirley Christian, “Fort Conley: A Victory for Indians,” *Courier-Journal* (Louisville, KY), September 10, 1972, <https://www.newspapers.com/image/110076176/?terms=Fort%2BConley%3A%2BA%2Bvictory%2Bfor%2BIndians>.

<sup>38</sup> Downs, Grant, and Sterling, “From Petticoats to Briefs,” 1016.

<sup>39</sup> “Conley Girls Real Scrappers,” *Buffalo Times*.

<sup>40</sup> Christian, “Fort Conley.”

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to pursue legal routes as well. The lawsuit that she filed eventually made its way to the Supreme Court in 1910 in the case of *Conley v. Ballinger*. Although Lyda became the first Native American woman attorney to argue before the Supreme Court,<sup>41</sup> she was not admitted to practice before the Supreme Court as an attorney because she could not find someone to vouch for her “character and moral fitness.” As the plaintiff in the lawsuit, she instead argued *pro se*, representing herself, although not officially as an attorney.<sup>42</sup> Nevertheless, in her oral argument, Lyda fundamentally contended that Native American graves were sacred. Emphasizing the sanctity of Native American graves, Lyda held that this belief was not based on superstition any more than those of white Americans, such as the grave of George Washington at Mount Vernon. In the first case brought before the Supreme Court that addressed sacred Native American burials, Lyda used a moral argument, and she evoked Christian ideals.<sup>43</sup> As a Christian herself (specifically Methodist Episcopal), like many of her fellow Wyandots, she formed her argument with an understanding of her audience and knowing what would appeal to them.<sup>44</sup>

Another of Lyda’s main points related to the Treaty of 1855. As the treaty provided that the cemetery would be kept intact, Lyda argued that she was a “third party beneficiary” under the treaty and that she had an individual claim to the land due to the location of her ancestors’ graves on the property.<sup>45</sup> Along with this, she claimed that the congressional act that authorized the sale of the cemetery was unconstitutional because it violated the Fifth Amendment in that it permitted the seizure of land without due process. Furthermore, it violated Article VI of the Constitution because it attempted to override a ratified treaty.<sup>46</sup> Thus, the very treaty that dissolved her tribe proved to be the treaty on which she relied to save the cemetery. Significantly, it had granted her US citizenship, and regardless of whether it was voluntary, without her citizen status, she would not have been able to introduce the lawsuit because Native Americans could not sue in federal court.<sup>47</sup>

Despite Lyda’s best efforts, the Supreme Court did not rule in her favor. The official statement indicated that only honor, rather than law, bound the US government to “[maintain] and [protect] Indian use of land and its occupation

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<sup>41</sup> It is often argued that Arlinda Locklear was the first Native American woman attorney to argue before the Supreme Court. While Locklear was the first Native American woman attorney admitted to the Supreme Court bar to argue before the Supreme Court, Conley did in fact argue before the Supreme Court before her. Leeds and Gunsaulis, “Resistance, Resilience, and Reconciliation,” 310.

<sup>42</sup> Leeds and Gunsaulis, “Resistance, Resilience, and Reconciliation,” 310.

<sup>43</sup> Ragsdale, “Sacred in the City,” 87.

<sup>44</sup> Dayton, “‘Trespassers, Beware!’,” 15.

<sup>45</sup> Ragsdale, “Sacred in the City,” 93.

<sup>46</sup> Dayton, “‘Trespassers, Beware!’,” 22.

<sup>47</sup> Dayton, “‘Trespassers, Beware!’,” 23.

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against others.” It therefore had full jurisdiction to alter the use of the land in any way desired. The Court also ruled that a descendant of those buried in the cemetery did not have claim to the property and that the treaty provided for tribal rights, not individual rights. Moreover, because the treaty dissolved the tribe, Lyda could not claim beneficiary status in the eyes of the government for the official collective tribe that the treaty affected no longer formally existed.<sup>48</sup>

While the Conleys lost the legal battle, the fight was far from over. Lyda reached out to Kansas Senator Charles Curtis, who was of Kaw descent. He introduced a bill to Congress to start the process of turning the cemetery into a national monument, thereby prohibiting the sale and demolition of the cemetery. The bill passed, and the Conley sisters were finally victorious. When, in 1946, Lyda Conley passed away, she was buried among her ancestors at Huron Place Cemetery, the place that she had fought so hard to protect and that she viewed with such reverence.<sup>49</sup> More than a decade later, in 1958, Lena passed away and was also buried at Huron Place Cemetery. On her grave marker is inscribed both her Indian name, “Floating Voice,” and a final warning: “Cursed be the villain [*sic*] that molest their graves.”<sup>50</sup> The cemetery was later placed on the National Register of Historic Places in 1971, further protecting it from state or federal legislation changes.<sup>51</sup>

### **From the Conleys to NAGPRA**

The Conleys’ battle was not the only one that Native Americans fought to gain rights to their ancestors’ graves, and it would definitely not be the last. This had been a problem since the arrival of the Pilgrims of the Mayflower, when they removed “the prettiest things” from a grave before they “covered up the corpse again.”<sup>52</sup> Native American graves had been the subject of looting for generations. The systematic collection of Native American body parts escalated from an anthropological interest to official federal policy with the Surgeon General’s Order of 1868, which requested Native American crania and other body parts for study at the Army Medical Museum.<sup>53</sup> Much of the other grave-robbing continued with the goal of building up museum collections. Franz Boas, largely considered the “Father of American Anthropology,” was quoted as stating, “it is most unpleasant work to steal bones from graves, but what is

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<sup>48</sup> Conley v. Ballinger, 216 U.S. 84 (1909).

<sup>49</sup> Downs, Grant, and Sterling, “From Petticoats to Briefs,” 1017.

<sup>50</sup> Dayton, “‘Trespassers, Beware!’,” 28. The word “villain” is in fact misspelled on her headstone.

<sup>51</sup> Dayton, “‘Trespassers, Beware!’,” 28-30.

<sup>52</sup> Tamara L. Bray, ed., *The Future of the Past: Archaeologists, Native Americans, and Repatriation* (New York: Garland Publishing, 2014), 11.

<sup>53</sup> Bray, ed., *The Future of the Past: Archaeologists, Native Americans, and Repatriation*, 11.

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the use, someone has to do it.”<sup>54</sup> Both bodies and sacred ceremonial grave goods have been stolen for the sake of research or collections.<sup>55</sup>

Perhaps one of the most notorious museums for housing Native American corpses is the Smithsonian. In 1986, Northern Cheyenne leaders discovered that almost 18,500 human remains were stored at the Smithsonian Institution.<sup>56</sup> Many Native American tribes worked to have Congress pass legislation to return these bodies and grave goods. Congress worked on this issue from 1986 to 1990, and, after many failed attempts, on November 28, 1989, the National Museum of the American Indian (NMAI) Act was enacted, creating the NMAI. The NMAI was to work in consultation with traditional native religious leaders to inventory human remains that it had in its collection and to identify the tribal origins of the remains.<sup>57</sup>

While the NMAI Act specifically targeted the Smithsonian, it was not the only culprit in infringing upon Native American burial rights. One year later, on November 16, 1990, the Native American Graves Protection and Repatriation Act (NAGPRA) was signed into law. NAGPRA created legal means for Native Americans both to protect burial sites from non-native trespassers and to repatriate stolen bodies and grave goods. Although this was a great victory for Native American grave protections, there is still much work to be done. Over twenty-seven thousand sets of human remains have been repatriated, yet there are still tens of thousands sitting on museums’ collections shelves due to a lack of official cultural affiliation. This removes these bodies from their culture and perpetuates the idea that old or disappeared people groups are not related to present-day Native Americans.<sup>58</sup> There are still those who oppose this law, primarily archaeologists who wish to use the human remains for scientific study, completely ignoring any relation that these bodies have to living relatives.<sup>59</sup>

NAGPRA has forever changed the way that Native American remains were viewed in American society. A 2010 report by Pemina Yellow Bird, an advocate for repatriation of Native American remains, found that the frequency of the appropriation of Native American burials had significantly decreased, if not nearly stopped.<sup>60</sup> However, despite improvements, Yellow Bird critiqued

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<sup>54</sup> Bray, *The Future of the Past: Archaeologists, Native Americans, and Repatriation*, 12.

<sup>55</sup> Bray, *The Future of the Past: Archaeologists, Native Americans, and Repatriation*, 13.

<sup>56</sup> Bray, *The Future of the Past: Archaeologists, Native Americans, and Repatriation*, 19.

<sup>57</sup> Bray, *The Future of the Past: Archaeologists, Native Americans, and Repatriation*, 20.

<sup>58</sup> James Riding In, “Decolonizing NAGPRA,” in *For Indigenous Eyes Only: A Decolonization Handbook*, ed. Waziyatawin Angela Wilson and Michael Yellow Bird (Santa Fe, NM: School of American Research Press, 2005), 54.

<sup>59</sup> Riding In, “Decolonizing NAGPRA,” 60.

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that there was still work to be done. Compliance with NAGPRA is seldom complete, as the law is not strictly enforced. Yellow Bird stated that there is no specific entity to ensure that institutions comply, and in the meantime parts of remains are still destroyed in order to collect DNA samples. Furthermore, problems with determination of cultural affiliation are still pervasive. Decisions about the identified tribe are pre-determined before tribal representatives arrive. Although the tribal representatives may advocate for joint claims, the decisions are at the mercy of the NAGPRA Review Committee. If the committee does not side with the tribes, they may not have the opportunity to take their relatives home with them.<sup>61</sup>

Despite these critiques, Yellow Bird does affirm that NAGPRA has granted Native Americans many positive results. She states that this is largely because of Native people consistently fighting and advocating “to protect our dead and to restore them the self-evident, human right to rest in peace.” Some other non-Natives in positions of power have also advocated for protection and repatriation of Native remains and cultural goods. However, Yellow Bird still asserts that this support is not coming from NAGPRA. To remediate questions of tribal identity for some remains that were discovered in shared territory, expensive lawyers are often necessary. This is a resource that many tribes do not have the luxury to afford, especially when there are so many disputed remains.<sup>62</sup> Overall, Yellow Bird’s principal critique is that NAGPRA does not provide enough support to tribes, either in oversight or in enforcement.<sup>63</sup>

Yellow Bird’s efforts—for decades—are very similar to those of Conley. Almost a century later, it is clear that there is much work left to be done and Native women are still advocating for the graves of their ancestors. Although the sanctity of the dead is largely respected in other cultures, the sanctity of Native American graves has been completely disregarded for centuries.<sup>64</sup> This was not simply a mistake made by early archaeologists and government officials, evidenced by the necessity for legislation in the 1990s. If this were only a problem of the distant past, action would not still be needed.

Nevertheless, some progress has been made. Prior to the implementation of NAGPRA, this problem had seldom been formally addressed. Although imperfect, this legislation has proven to be an instrumental step in the direction

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<sup>60</sup> Pemina Yellow Bird, “NAGPRA at Twenty: A Report Card,” *Arizona State Law Journal* 44, no. 2 (Summer 2012): 922.

<http://libproxy.lib.ilstu.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=asn&AN=97057626&site=ehost-live&scope=site>.

<sup>61</sup> Yellow Bird, “NAGPRA at Twenty,” 923.

<sup>62</sup> Yellow Bird, “NAGPRA at Twenty,” 925.

<sup>63</sup> Yellow Bird, “NAGPRA at Twenty,” 924.

<sup>64</sup> Bray, ed., *The Future of the Past: Archaeologists, Native Americans, and Repatriation*, 10.



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of granting Native Americans rights that they have been denied since the arrival of Europeans in their homelands. NAGPRA has provided Native Americans with agency in deciding where they and their ancestors should be buried. It has also provided a structure to ensure that Native American graves can be protected and that the remains may be repatriated.

Eighty years before the creation of NAGPRA, Lyda Conley established before the Supreme Court the idea that Native American graves are sacred, too. This idea was not widely recognized at this time. Without Conley’s contribution, the precedent for the sanctity of Native American graves would not have been established. This precedent provided NAGPRA with more stability, as the morality of the legislation is based upon the sanctity of Native American graves. Conley’s battle, both legal and less-than-legal, was instrumental in establishing the burial and repatriation rights of Native Americans far beyond her lifetime. Although she won the war for Huron Place Cemetery, it was simply a battle in the long war ahead.

# Sterilized But Never Silenced: Chicanas, Compulsory Sterilization, and Community Organization in the 1970s

*By Jennifer West*

In describing the outcome of *Madrigal v. Quilligan*, a 1978 case based on the forced and coerced sterilization of ten Mexican-American women, Antonia Hernandez stated: “we might have lost the battle, but we certainly won the war.”<sup>1</sup> Hernandez, the young Chicana attorney at the center of this case, played a critical role in advocating for the rights of women of Mexican origin who, like other women of color, were often subject to inadequate, unethical, and exploitative healthcare practices. While Hernandez’s diligence in *Madrigal* drew national attention to the issue, legal measures represent only a fraction of the efforts that Chicanas initiated to eradicate compulsory sterilization. These women developed educational programs, organized protests, distributed pamphlets, planned fundraisers, spoke at national conventions, and collaborated with other women of color to demand reproductive justice. Though *Madrigal v. Quilligan* was undoubtedly influential, the commitment of Chicanas to community-based action was essential to providing both immediate and sustained protection for America’s most vulnerable women.

By 1978, sterilization had transformed the family planning industry and was the most popular form of contraception worldwide, with more than 80 million individuals opting for the procedure.<sup>2</sup> For female patients, sterilization was available via two methods: hysterectomy or tubal ligation. While both procedures require irreversible surgery, tubal ligation, commonly referred to as having one’s “tubes tied,” involves a mutation of the fallopian tubes, whereas hysterectomies remove the uterus and sometimes both ovaries. Widely praised

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<sup>1</sup> Antonia Hernandez, “Oral History Interview,” by Louise LaMothe, *American History TV*, filmed October 22, 2007, <https://www.c-span.org/video/?294199-1/antonia-herandez-oral-history-interview>.

<sup>2</sup> United Press International, “Sterilization Leading Form of Contraception,” *Chicago Tribune*, April 17, 1978, <http://libproxy.lib.ilstu.edu/login?url=https://search.proquest.com/docview/171610684?accountid=11578>.

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for their increasing ease and effectiveness, these procedures rose in popularity, particularly as long-term birth control solutions for married women who had already given birth.

Unfortunately, by the mid-1970s, it had also become apparent that instances of forced and coerced sterilization were on the rise. Despite data indicating its positive perception, sterilization was frequently scrutinized by reproductive rights activists who recognized its disproportionate use on minority women.<sup>3</sup> While working-class women of all ethnicities were subject to these violations, Latinas possessed additional vulnerabilities related to language and citizenship. Regarded by many as being genocidal in nature, sterilization abuse often took place immediately after giving birth and was made possible through the use of direct threats and intimidation, incessant pressuring, deliberate misinformation, and without the patient's knowledge.<sup>4</sup> As a result, many women remained unaware of their permanent infertility until they sought to have the surgeries reversed or were notified by a third-party organization.

In recent years, historians have focused research regarding reproductive rights on issues affecting women of color, acknowledging the widespread exclusion of these women from mainstream feminist narratives. In doing so, many have detailed the ways in which these women have organized to address the reproductive needs of their own communities.<sup>5</sup> While Latinas have been lauded for their campaign against involuntary sterilization, historians have largely focused their attention on the efforts of Puerto Rican women. With the exception of Elena R. Guitérrez, historians have overlooked the contributions of Chicanas in preventing further instances of abuse. Thus, more research is necessary to address the specific accomplishments of Mexican-origin activists within the larger history of involuntary sterilization. Additionally, the available scholarship on this movement overwhelmingly emphasizes the legal measures taken in *Madrigal v. Quilligan*. Although central to their efforts, the focus on this case subsequently negates the bottom-up approaches used by Chicana activists to end forced sterilization.<sup>6</sup>

In examining the efforts of Latina activists, it is important to first provide an overview of the language that guides this paper. In general, "Latina" will be

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<sup>3</sup> Alexandra Minna Stern, "Sterilized in the Name of Public Health: Race, Immigration, and Reproductive Control in Modern California," *American Journal of Public Health* 95, no. 7 (July 2005): 1128-1130, <https://doi.org/10.2105/AJPH.2004.041608>.

<sup>4</sup> Stern, "Sterilized in the Name of Public Health," 1128-1130.

<sup>5</sup> Jael Silliman et al., *Undivided Rights: Women of Color Organize for Reproductive Justice* (South End Press: Cambridge, Massachusetts, 2005); Jennifer Nelson, *More than Medicine: A History of the Feminist Women's Health Movement* (New York: New York University Press, 2015).

<sup>6</sup> For more information on Chicana reproductive rights activism, see Elena R. Guitérrez, *Fertile Matters: The Politics of Mexican-Origin Women's Reproduction* (Austin: University of Texas Press, 2008).

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used to describe any woman who identifies as being of Latin American descent. Because involuntary sterilization has affected women from all realms of Latin America, particularly those from Puerto Rico and Mexico, “Latina” is used as an umbrella term to categorize these women through a shared ethnic experience. While only a small portion of this work, it must be understood that “Puerto Rican” will be used to describe women who have familial ties in Puerto Rico but who now live in the United States. Similarly, “Mexican-origin” will refer to women who have immigrated to the United States from Mexico, as well as those of Mexican heritage born in the United States. While “Mexican-American” may appropriately characterize some of these women, “Mexican-origin” encompasses all people of Mexican descent without regard for their legal status in the United States. Finally, “Chicana” will be used to categorize Mexican-origin women who simultaneously identify as activists. Having developed as a byproduct of the Chicano Rights Movement, the term “Chicana” acknowledges the intersection between gender and ethnicity among Mexican-American women.

This paper uses an array of sources including interviews, congressional records, manifestos, and speeches. Particularly important is the use of newspapers and culturally specific organizational publications, which work to illuminate common sentiments across the United States. While there are occasionally references to national papers, such as the *New York Times*, this paper focuses on more culturally specific papers like *La Raza*. Spanish for “the race,” the term “*la Raza*” emerged during the Chicano Rights Movement in reference to the unique ethnic identity shared by Latinos. Between 1967-1977, *La Raza* offered a platform for Chicano activists to report widespread injustices against Latinos. Its culturally specific content highlights issues that Mexican-American activists valued, and its intended audience of fellow Chicanos and Latinos allowed for a discourse centered on enacting social change. Likewise, this paper also utilizes seasonal publications from groups such as the Committee to End Sterilization Abuse and *Women* to highlight issues related to gender. Thus, whether national, regional, or cultural, newspapers provide insight into the attitudes surrounding sterilization during the 1970s. Additionally, because of a lack of access to key materials, such as the Madrigal Papers, this paper depends on secondary sources for information surrounding sterilization abuse. For example, it often incorporates *No Más Bebés*, a documentary on *Madrigal v. Quilligan*, when referencing key documents and testimonies. Due to the confidential nature of sterilization, many documents remain unavailable to the public.

To understand fully the efforts of Chicanas to end forced sterilization, it is important first to recognize the societal conditions that allowed for these injustices to flourish. Beginning with a brief overview of eugenics law, this

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paper acknowledges 1970s sterilization abuse as an extension of the American Eugenics Movement, amplified by fears of overpopulation and increased Mexican immigration. It then focuses on how the exclusion of Mexican-American women from two mainstream movements, the Chicano Rights Movement and the Women's Liberation Movement, led to the development of a feminist discourse that sought to resolve the multifaceted discrimination against Chicanas. In doing this, it addresses the participation of Chicanas in both national and local organizations committed to ending involuntary sterilization, as well as describes the lasting accomplishments of their work. Using *Madrigal v. Quilligan* as the focal point of anti-sterilization Chicana activism, this paper identifies specific examples of abuse at the Los Angeles County USC Medical Center (LAC + USC), followed by a detailed analysis of the grassroots measures used to publicize the suit and promote reproductive freedom. Finally, this paper considers the overall success of Chicanas in eradicating compulsory sterilization, with particular attention to the cultural and psychological consequences of forced infertility. In its entirety, the purpose of this work is to examine the bottom-up approaches used by Chicana activists in supporting individual victims of involuntary sterilization as well as disabling the system which regularly allowed for the medical exploitation of minority women.

Rooted in the eugenics movement of the late nineteenth century, compulsory sterilization has been historically used to control the United States' most marginalized communities. By 1930, more than twenty-eight states had enacted legislation favoring the eugenics-based sterilization of "socially inadequate" individuals, justifying the involuntary procedure on grounds of the collective good.<sup>7</sup> While the American Eugenics Movement remained popular until the onset of World War II, sterilization laws did not go unchallenged. Brought to the Supreme Court in 1927, *Buck v. Bell* offers the most pronounced condemnation of these laws. After eighteen-year-old Carrie Buck was admitted to the Virginia State Colony for Epileptics and Feeble-minded, doctors petitioned to have her sterilized on account of her limited mental ability and presumed promiscuous behavior.<sup>8</sup> Although her family fought to stop the action, the Supreme Court ruled in favor of Bell, solidifying doctors' ability to

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<sup>7</sup> Harry H. Laughlin, *Eugenical Sterilization in the United States: A Report of the Psychopathic Laboratory of the Municipal Court of Chicago* (Chicago: Psychopathic Laboratory of the Municipal Court of Chicago, 1922), 99-102, <https://repository.library.georgetown.edu/bitstream/handle/10822/556984/EugenicalSterilizationInTheUS.pdf>. PDF.

<sup>8</sup> Mark A. Largent, *Breeding Contempt: The History of Coerced Sterilization in the United States* (New Brunswick, NJ: Rutgers University Press, 2007), 96-113.

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sterilize “unfit” women as they saw necessary. In addition to the legitimized power of medical professionals over their patients’ bodily autonomy, the linguistic ambiguity embedded in reproductive “fitness” paved the way for American neo-eugenicists to conduct more than 60,000 non-consensual sterilization procedures throughout the twentieth century.<sup>9</sup>

Coupled with the subjectivity of reproductive “fitness” was an attempt by the federal government to promote family planning. With fears of “overpopulation” on the rise throughout the 1950s and 1960s, US officials began implementing policies aimed at curbing population growth.<sup>10</sup> These efforts came to fruition in 1970 via President Nixon’s Public Law 91-572, an act that served to “promote public health and welfare by expanding, improving, and better coordinating family planning services and population research activities.”<sup>11</sup> With stagnant population growth as their goal, the US Department of Health, Education, and Welfare allotted over \$250 million to the cause, strategically targeting low-income communities in an attempt to decrease reliance on welfare.

However, it is important to recognize that American fears of overpopulation existed in conjunction with significant waves of Mexican immigration. With the termination of the Bracero Program in 1964, millions of Mexican laborers who had previously lived in the United States as guest workers began establishing permanent residency in the country.<sup>12</sup> It has been estimated that between 1964 and 1985, almost 3 million Mexican immigrants, both documented and undocumented, settled in the United States.<sup>13</sup> Thus, concerns surrounding overpopulation were exacerbated by the ever-expanding presence of Mexican-Americans.

It is within these two contexts that non-Latino Americans began to adopt accusatory language that placed the fertility of Mexican-origin women at the center of American social issues. Out of this rhetoric emerged the image of the “pregnant pilgrim,” a pregnant Latina who traveled to the United States to birth an “anchor baby” and capitalize on federal assistance. By characterizing these

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<sup>9</sup> Stern, “Sterilized in the Name of Public Health,” 1.

<sup>10</sup> Guitérrez, *Fertile Matters*, 44.

<sup>11</sup> Family Planning Services and Population Research Act of 1970, Pub. L. No. 91-572, 84 Stat. 1504 (1970), <https://uscode.house.gov/statutes/pl/91/572.pdf>.

<sup>12</sup> The Bracero Program, which consisted of a series of diplomatic agreements between the United States and Mexico, temporarily allowed for Mexican laborers to enter the United States as guest workers. Established in 1942 in response to the agricultural labor shortage caused by World War II, the program guaranteed participants adequate living conditions and a thirty-cent per hour minimum wage on their work for American farmers.

<sup>13</sup> Jorge Durand, Douglas S. Massey, and Rene M. Zenteno, “Mexican Immigration to the United States: Continuities and Changes,” *Latin American Research Review* 36, no. 1 (2001): 111, <http://libproxy.lib.ilstu.edu/login?url=https://search.ebscohost.com/login.aspx?direct=true&db=asn&AN=4197309&site=ehost-live&scope=site>.

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immigrants as being both particularly fertile and financially burdensome to American society, their reproductive rights were subject to increased criticism. As indicated in a 1971 edition of *Women*, male bureaucrats were becoming increasingly concerned with “which women should have children, how many, and when” as they considered “population, poverty, pollution, and other problems.” Thus, male politicians ignored women’s right to voluntary motherhood by measuring their reproductive freedom in terms of cost-benefit analysis.<sup>14</sup> This combination of anxieties related to overpopulation and immigration eventually cultivated what Elena R. Gutiérrez has described as the “perfect storm.”<sup>15</sup> As she has written, “for pregnant Mexican immigrant women in California during the 1970s, the issue of welfare and overpopulation were immutably tied to larger questions of citizenship and of who was rightfully deserving of social benefits such as medical care.”<sup>16</sup>

It is equally important to acknowledge that the efforts of female Mexican-origin activists to eradicate involuntary sterilization took place at the crossroads of two mainstream civil rights movements: the Chicano Rights Movement and the Women’s Liberation Movement of the 1960s and 1970s. Although Mexican-origin women represent the intersection of these two crusades, their activism fermented in response to mutually exclusive behavior from both groups. As Chicano activists sought to draw attention to *El Movimiento*, their hyperfocus on labor reform, voting rights, and accessible education tended to ignore gender-specific issues such as sterilization.<sup>17</sup> This consensus among male leaders acknowledges the sentiment that women’s issues were viewed as being secondary to the “real” goals of the movement.<sup>18</sup> At the same time, second-wave feminists often excluded minority women on the basis of race and class. Regarding sterilization, the creation of submovements, such as the Women’s Health Movement and the Reproductive Rights Movement, increased tensions between white women and women of color. Although both groups

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<sup>14</sup> Barbara R. Bradshaw, “Sexism and Family Planning,” *Women: A Journal of Liberation* 3, no. 1 (October 1971): 48, <https://www.jstor.org/stable/10.2307/community.28046898>.

<sup>15</sup> Gutiérrez, *Fertile Matters*, 40-66.

<sup>16</sup> Elena R. Gutiérrez, “Policing Pregnant Pilgrims: Situating the Sterilization Abuse of Mexican-Origin Women in Los Angeles County,” in *Women, Heath, and Nation: Canada and the United States Since 1945*, ed. Georgina Feldberg, Molly Ladd-Taylor, Alison Li, and Kathryn McPherson (Montreal: McGill-Queen’s University Press, 2003), 1.

<sup>17</sup> *El Movimiento*, known in English as “the movement,” simply refers to the Mexican-American civil rights movement and was the preferred term among Chicano activists in the 1960s and 1970s.

<sup>18</sup> Margarita B. Mellville, *Twice a Minority: Mexican-American Women* (St. Louis: Mosby, 1980), 20-22.

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advocated for full bodily autonomy, white feminists perceived the demand for increased procedural regulation as a direct threat to their fight for accessible birth control.<sup>19</sup>

Across the United States, women of color united under the shared goal of ending forced and coerced sterilization. With groups such as the Committee to End Sterilization Abuse (CESA) and the Committee for Abortion Rights and Sterilization Abuse (CARASA) developing a national presence, women from an array of ethnic backgrounds made collective demands to end compulsory sterilization. While each organization had a diverse composition, it should be noted that both CESA and CARASA had Latina founders. Although not of Mexican descent, the visibility of Latinas at the head of this crusade paved the way for Chicana activists to follow. This representation aided the understanding that involuntary sterilization posed a threat to all women of color, regardless of their location in the United States or particular cultural affiliation. With this in mind, CESA sought to impose stricter sterilization guidelines by demanding age restrictions, strengthening informed consent procedures, and instituting mandatory waiting periods. As detailed in their purpose statement, the organization aimed to “educate and publicize the issues raised by sterilization abuse, namely the purposes that population control programs serve, and to denounce the implementation of racism, sexism and the oppression of working people within the healthcare system.”<sup>20</sup> While not specifically related to the experiences of Mexican-origin women, CESA and CARASA were successful in galvanizing national support for reproductive rights.

Community organizations, however, took on greater responsibility in the direct handling of these concerns. The Mexican American Legal Defense and Education Fund (MALDEF), a civil rights organization offering Latinos little to no cost legal assistance, played a significant role in supporting the plaintiffs in *Madrigal v. Quilligan*. Specifically, the Chicana Rights Project (CRP), a branch of MALDEF devoted entirely to women’s issues, provided victims of forced sterilization with both immediate and long-term assistance. In addition to covering some of the initial costs in *Madrigal*, members of the CRP produced a monograph series outlining the significance of involuntary sterilization and informed consent, as well as testimony on later proposed federal regulations to prohibit sterilization abuse.<sup>21</sup>

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<sup>19</sup> Annelise Orleck, *Rethinking American Women’s Activism* (New York: Routledge, 2014), 208.

<sup>20</sup> Committee to End Sterilization Abuse, “Statement of Purpose,” *Chicago Women’s Liberation Union*, 1975, <https://www.cwluherstory.org/health/cesa-statement-of-purpose>.

<sup>21</sup> Mexican Legal Defense and Education Fund, *MALDEF: Diez Años*, 1978 (San Francisco: MALDEF, 1978), 9. [https://maldef.org/assets/pdf/maldef\\_diez\\_anos.pdf](https://maldef.org/assets/pdf/maldef_diez_anos.pdf).



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Likewise, in the wake of *Madrigal v. Quilligan*, members of both the CRP and the Comisión Femenil Mexicana Nacional (CFMN) recognized an urgent need for counseling services that could address the psychological demands specific to Mexican-origin women. Within a year, each group began developing informal pamphlets that centered upon the physical and mental wellbeing of Chicanas. The CRP, as well as the CFMN, “served as a resource and liaison for Hispanic women's organizations in the United States,” by simultaneously supporting the individual needs of Mexican-origin women and appealing to federal agencies for legislative change.<sup>22</sup> Working closely with one another, these organizations “focused on obtaining legal redress for those forcibly sterilized and establishing regulations to ensure that similar coercions would never happen again.”<sup>23</sup> Although studies on Chicanas’ efforts to minimize sterilization abuse has been largely confined to California, the widespread distribution of sterilization-related materials from CRP offices in San Antonio and Chicago suggests that the issue was prevalent across the United States.

Because sterilization abuse regularly transcends lines of race and class, it is also important to recognize the contributions of the Chicana Welfare Rights Organization (CWRO) in helping to mobilize working-class women in the fight against sterilization abuse. The shared socioeconomic status of Mexican-origin mothers living in 1970s East Los Angeles meant that these women frequently networked with one another when seeking financial assistance for their families. While the CWRO was created with the intent of familiarizing Chicanas with any available economic resources, their office soon became an informal environment where women of similar backgrounds felt safe to share private matters. Alicia Escalante, founder of the East Los Angeles CWRO, has acknowledged that meetings frequently exposed the issue of involuntary sterilization. Escalante recalled one such instance:

She was a member and supported the activities that we did in the organization. And in discussion she said, “Look, I had a baby and now I don’t take care of myself (use birth control), but I don’t get pregnant anymore. No more children come. Before (my husband) just had to look at me and I would get pregnant.”<sup>24</sup>

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<sup>22</sup> Cynthia E. Orozco, “Chicana Rights Project,” *Handbook of Texas Online*, updated September 25, 2019, <http://www.tshaonline.org/handbook/online/articles/ppc02>.

<sup>23</sup> Gutiérrez, *Fertile Matters*, 145.

<sup>24</sup> Virginia Espino, “Woman Sterilized As Gives Birth: Forced Sterilization and Chicana Resistance in the 1970s,” in *Las Obras: Chicana Politics of Work and Family*, ed. Vicki Ruíz, Aztlán anthology series, vol. 1 (Los Angeles: UCLA Chicano Studies Research Center Publications, an imprint of the University of California Press, 2000), 73.

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While Escalante never intended to become involved with the fight against sterilization abuse, her constant proximity to working-class women forced her to confront the unethical treatment of Mexican-origin women at the Los Angeles County Medical Center. Because the low economic status of these women left them almost entirely dependent on whatever subsidized or public health care was made available to them, they were likely to receive inadequate treatment.<sup>25</sup> Thus, the CWRO became a central actor in both *Madrigal v. Quilligan* and the larger battle for reproductive freedom.

As efforts to end sterilization abuse began to surface across the United States throughout the 1970s, two separate cases regarding the forced sterilization of Mexican-origin women at the Los Angeles County USC Medical Center, drew the attention of local Chicano activists. In 1973, Richard Cruz, a Catholic Chicano lawyer and activist, filed *Andrade et al. v. Los Angeles County-USC Medical Center*, seeking \$2 million compensation for the trauma that three Mexican-origin women faced as a result of forced sterilization. Although this case, for unknown reasons, never went to trial, *Andrade* drew a fundamental connection between LAC + USC and an attack on the Chicano community. Thus, when more evidence emerged, *Andrade* was able to provide a framework for the evidence presented in *Madrigal v. Quilligan*.<sup>26</sup>

Around the same time that women brought their information to Cruz, Dr. Bernard Rosenfeld, a resident at LAC + USC, began questioning the hospital's ethics surrounding sterilization. Rosenfeld, who would later be identified as the whistleblower in *Madrigal*, witnessed flagrant disregard for patients' rights via methods of persistent questioning and intimidation. In a 1973 study co-authored by Rosenfeld, he asserted that "staff doctors would often congratulate residents on the number of postpartum tubal ligations accomplished within a week's time." He continued that hospital staff "frequently encouraged interns to press women into agreeing to a sterilization procedure."<sup>27</sup> Rosenfeld's claims would later be corroborated by other resident doctors who revealed similar experiences. In one case, a former intern recalled a situation where, after a patient had refused a resident's solicitations for sterilization, the resident's supervisor remarked, "Talk her into it. You can always talk her into it."<sup>28</sup> During this time, Rosenfeld also estimated that 20-30% of physicians at LAC + USC actively pushed sterilization "on women who either did not understand

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<sup>25</sup> Espino, "Woman Sterilized," 73.

<sup>26</sup> Gutiérrez, *Fertile Matters*, 62.

<sup>27</sup> Gutiérrez, *Fertile Matters*, 62.

<sup>28</sup> Gutiérrez, *Fertile Matters*, 78.

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what was happening to them or who had not been given all the facts regarding their options.”<sup>29</sup> Additionally, beyond publicizing the pressure placed on young doctors to “sell sterilization,” Rosenfeld’s study also explicitly charged that young women of color faced an increased risk of being sterilized against their will.<sup>30</sup>

However, Rosenfeld’s efforts did not cease after publishing these abhorrent findings. Upon becoming aware of the gross reproductive injustices occurring at LAC + USC, he began independently copying hundreds of records that confirmed the extent of unethical sterilization practices and their disproportionate use on women with Spanish surnames. While evidence of forced and coerced sterilization became clear through a variety of mediums, the most prevalent indicators of abuse came in the form of staff notes. As acknowledged by Rosenfeld, these notes reiterated the issue of incessant pressuring, as some revealed that women were asked to be sterilized as many as three times before ultimately conceding.<sup>31</sup> Throughout 1973, Rosenfeld returned home from work each night only to spend hours writing to influential politicians, organizations, and media outlets including the Congress of Racial Equality, NAACP, Jesse Jackson, the National Urban Council, the Office of Family Planning, and *Cosmopolitan Magazine* in the hope of holding doctors at the Los Angeles County Medical Center accountable.

Although initially unsuccessful, Rosenfeld’s diligence paid off after reaching out to Model Cities Center for Law and Justice. There, following Rosenfeld’s lead, Antonia Hernandez and her colleagues began sorting through hundreds of medical documents with heightened attention. With the understanding that they had a responsibility to seek justice for those who had been involuntarily sterilized, the attorneys at Model Cities worked closely with Rosenfeld to develop a case against LAC + USC.

As a young Chicana lawyer, Hernandez quickly developed a personal attachment to this case. With Rosenfeld’s information in her possession, she took it upon herself to connect with victims of compulsory sterilization. Traveling throughout East Los Angeles, Hernandez became the bearer of bad news as she knocked on doors and explained to women that their fertility had been permanently compromised. Despite having few names and addresses

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<sup>29</sup> Gutiérrez, *Fertile Matters*, 80.

<sup>30</sup> Richard D. Lyons, “Doctors Scored on Sterilization: Nader Group Asserts Some Do Not Explain Hazards,” *New York Times*, October 31, 1973, <http://libproxy.lib.ilstu.edu/login?url=https://search-proquest-com.libproxy.lib.ilstu.edu/docview/119775039?accountid=11578>.

<sup>31</sup> Renee Tajima-Peña, dir., *No Más Bebés* (2015; Los Angeles: Independent Lens, 2015), Blu-Ray Disc.

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available to her, Hernandez spent months engaged in door-to-door activism.<sup>32</sup> When looking at the efforts of Chicanas to end forced and coerced sterilization, it is vital that Antonia Hernandez be credited for her early involvement in the *Madrigal* case. Her identity as both a Mexican-origin woman and a native to East Los Angeles allowed women who had been violated at the Los Angeles County Medical Center to feel safe confiding in her.<sup>33</sup> At a time when the lives of Mexican-origin women were under increased scrutiny, the advocacy of Chicanas for one another proved critical.

While the statute of limitations had already expired for many of the women with whom Hernandez consulted, she ultimately gathered enough support to move forward with the case. By the summer of 1975, Hernandez and her colleagues at Model Cities, in conjunction with Comisión Femenil, were able to proceed with a class action lawsuit against the US Department of Health, Education, and Welfare, the California State Department of Health, and individual doctors at Los Angeles County Medical Center including lead obstetrician Edward J. Quilligan.<sup>34</sup> This case would subsequently become known as *Madrigal v. Quilligan*.

With the testimonies of ten Mexican-origin women who had been coercively sterilized, the case went to court. Charging that their constitutional right to bear children had been violated by LAC + USC staff, the plaintiffs shared similar accounts of being “persistently solicited for the operation,” despite expressing no interest in the procedure and receiving little information about its lasting consequences.<sup>35</sup> The women, known as the “Madrigal Ten,” included the following: Guadalupe Acosta, Estella Benavides, Maria Figueroa, Rebecca Figueroa, Consuela Hermosillo, Georgina Hernandez, Maria Hurtado, Dolores Madrigal, Helena Orozco, and Jovita Rivera. Of the ten plaintiffs, not one could readily understand English, and each underwent a tubal ligation following childbirth by cesarean section.<sup>36</sup> Similarly, most were approached for sterilization surgery while drugged, confined, and under the duress of labor.<sup>37</sup> At their core, the testimonies of these ten women emphasized a common trend

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<sup>32</sup> Vicki L. Ruiz and Virginia Sanchez Korrol, eds., *Latinas in the United States*, Set: A Historical Encyclopedia (Bloomington: Indiana University Press, 2006), 417.

<sup>33</sup> Ruiz and Sanchez Korrol, *Latinas in the United States*, 416.

<sup>34</sup> While this case was ultimately denied class certification, it proceeded with damage claims for the named plaintiffs.

<sup>35</sup> Antonia Hernandez, “Chicanas and the Issue of Involuntary Sterilization: Reforms Needed to Protect Informed Consent,” *Chicana/o Latina/o Law Review* 3, no. 3 (1976): 9, <https://escholarship.org/uc/item/35v8r48h>.

<sup>36</sup> Maya Manian, “The Story of *Madrigal v. Quilligan*: Coerced Sterilization of Mexican-American Women,” in *Reproductive Rights and Justice Stories*, ed. Melissa Murray, Kate Shaw, and Reva Siegel (St. Paul: Foundation Press, forthcoming), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3134892###](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3134892###).

<sup>37</sup> Hernandez, “Chicanas and the Issue of Involuntary Sterilization,” 9.

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by which staff members at LAC + USC manipulated working-class women of color: exploiting their linguistic limitations and intentionally providing misinformation while the patient was in physical distress. Perhaps the most obvious illustration of these violations can be found in Georgina Hernandez's story as told by Antonia Hernandez:

Spanish was the primary language of Georgina Hernandez when she was admitted to the Medical Center on April 6, 1972. She was prepared for childbirth and taken to the area of the maternity ward commonly referred to as the labor room. A doctor informed her that her child would be delivered by caesarean section because it would be too dangerous to deliver naturally. She signed a consent form which was written in English for what she believed to be her permission for the caesarean surgery. At 1:00 a.m., on April 7, as she painfully tried to rest in the labor room, two doctors asked her if she wanted to have her tubes tied. After being informed that the operation would result in permanent sterilization, she refused to consent. The doctors persisted in attempting to obtain her consent by emphasizing that her Mexican birth and poverty would make the proper care and education of any additional children unlikely. Four hours later she was anesthetized and taken to the delivery room where she gave birth to a son. When she returned to the Medical Center on April 26, she was informed for the first time that a tubal ligation had been performed on her.<sup>38</sup>

While Georgina Hernandez's testimony offers a more extreme example of compulsory sterilization, it shows the extent to which doctors at LAC + USC were motivated by prejudice. As indicated throughout *Madrigal*, Mexican-origin women receiving treatment at LAC + USC reported "openly hostile" behavior from doctors and nurses "because of their ethnicity or poverty status."<sup>39</sup> Although most staff members actively denied these claims, Karen Benker, a former obstetric technician at the hospital, testified in *Madrigal v. Quilligan*, exposing her coworkers' attitudes toward sterilization and minority women. In her affidavit, Benker pointed to the way in which physicians made racist and dehumanizing remarks about their patients, such as regularly referring to Latinas as "beans."<sup>40</sup> Similarly, one physician was even recorded instructing his staff to "ask every one of the girls if they want their tubes tied,"

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<sup>38</sup> Hernandez, "Chicanas and the Issue of Involuntary Sterilization," 7.

<sup>39</sup> Hernandez, "Chicanas and the Issue of Involuntary Sterilization," 9.

<sup>40</sup> Alexander Gelfand, "No Más," *Pomona College Magazine* (Summer 2016): 1, <https://magazine.pomona.edu/2016/summer/no-mas/>.

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regardless of their age, because “every one you get to get her tubes tied means less work for some poor son of a bitch next year.”<sup>41</sup>

In light of *Madrigal*, Chicanas around the country began organizing in solidarity with those who had been affected by involuntary sterilization. Because class action lawsuits require vast economic resources, philanthropy became an integral component of Chicana activists’ support for the *Madrigal* Ten. Likewise, Chicana organizations also raised money in defense of Rosenfeld, whom LAC + USC charged for his role in publicizing patients’ medical records. One example occurred in the fall of 1976, when the National Coalition Against Sterilization Abuse (NCASA), held a benefit fundraiser for his defense, hosting an array of celebrities and ultimately raising several thousand dollars. This particular event also reiterated the importance of individuals such as Antonia Hernandez, who further used her platform to advocate for the continued resistance of Chicanas against sterilization abuse.<sup>42</sup>

Another way in which Chicanas used grassroots activism to eradicate compulsory sterilization was by regularly picketing throughout Los Angeles in an attempt to raise public consciousness. Armed with signs that called for increased reproductive freedom and listed notorious tactics of coercion, Mexican-origin activists rallied together to condemn publicly the genocidal practices used to control their bodies.<sup>43</sup> As *Madrigal v. Quilligan* began making national headlines, Chicana activists organized demonstrations outside both the courthouse and LAC + USC. One of the most notable demonstrations occurred in 1975, when dozens of women gathered at a park located across the street from LAC + USC and called for Quilligan’s resignation. As reported by one of the demonstration’s attendees, protests outside of the hospital became so widespread that they were met with helicopter surveillance.<sup>44</sup>

Likewise, Chicanas also gained support for the anti-sterilization abuse movement by attending conferences and speaking out about the systematic targeting of minority women. In addition to using these conferences as a means of publicizing their demands, Chicana activists also attended Latina-specific meetings to network with others and communicate a shared vision for the future. At the Conference on the Educational and Occupational Needs of Hispanic Women, Chicana activists, recognizing the threat that sterilization posed to all women of color, vocalized their desire to help women become informed about the lasting consequences of sterilization. Beyond this, they urged continued community involvement, as an absence of organization would

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<sup>41</sup> Quoted in Vicki Ruíz, ed., *Las Obras*, 167.

<sup>42</sup> Gutiérrez, *Fertile Matters*, 154.

<sup>43</sup> Gutiérrez, *Fertile Matters*, 154.

<sup>44</sup> Tajima-Peña, dir., *No Más Bebés*.

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most certainly lead to future instances of abuse. As stated by one speaker at the conference, “the Chicana’s position in this society almost demands that she become an agent of change—a revolutionary.”<sup>45</sup>

Equally important in the fight to end compulsory sterilization was the use of local media by Chicana activists. As previously stated, organizations such as the Chicana Rights Project and Comisión Femenil developed magazines and informational pamphlets, introducing readers to the facts of sterilization. The circulation of these publications allowed for activists to debunk myths surrounding the procedure, as well as to inform women of their rights. Namely, these pieces emphasized that one’s ability to receive welfare, obtain a cesarean section, and maintain custody of their previous children would not be dependent on her consent to sterilization. Additionally, unlike the information published by non-Chicana activists, these pieces were generally offered in both English and Spanish, thus making them accessible to the women who were previously most vulnerable.

A similar assertion can also be made about newspapers such as *La Raza*. Named after the movement created by young Chicano activists, the paper offered “personal portraits of daily Chicano life in Los Angeles.”<sup>46</sup> In their 1977 Spring quarterly, *La Raza* included a five-page spread, written by a Chicana journalist, detailing in length the abuses suffered by Latinas at LAC + USC.<sup>47</sup> As opposed to other news articles that simply raised awareness about forced and coerced sterilization, *La Raza* provided valuable accounts and encouraged its readers to become directly involved in the crusade against sterilization.<sup>48</sup>

Whether Chicanas were successful in putting an end to compulsory sterilization must now be considered. Examining their accomplishments solely through the lens of *Madrigal v. Quilligan*, it would be easy for one to say that their efforts fell short. In his final ruling, Judge Jesse Curtis found in favor of Quilligan and LAC + USC, stating that “this case is essentially the result of a breakdown in communications between the patients and the doctors,” due to

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<sup>45</sup> Theresa Aragón Shepro, “Impediments to Hispanic Women Organizing,” in *Conference on the Educational and Occupational Needs of Hispanic Women: June 28-30, 1976; December 10-12, 1976*, 124 (Washington, DC: US Department of Education, 1980), <https://play.google.com/store/books/details?id=fNr2OV5chCAC&rdid=book-fNr2OV5chCAC&rdot=1>. Google Play Books.

<sup>46</sup> Caribbean Fragoza, “*La Raza*: The Community Newspaper that Became a Political Platform,” *KCET*, April 4, 2018, <https://www.kcet.org/shows/artbound/la-raza-the-community-that-became-a-political-platform>.

<sup>47</sup> Georgina Torres-Rizk, “Sterilization Abuses Against Chicanas in Los Angeles,” *La Raza*, Spring 1977, 11.

<sup>48</sup> “Stop Forced Sterilization Now!,” *La Raza*, January 1975, 12.

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the language barrier separating LAC + USC staff and the Madrigal Ten.<sup>49</sup> This devastating decision was made even more unbearable by the fact that it was directly derived from Carlos Velez-Ibanez's argument that motherhood is an inseparable facet of every Mexican woman's identity. Velez-Ibanez, an anthropologist from the University of California Los Angeles and an expert witness in the case, testified that the plaintiffs' cultural upbringing made their experiences with sterilization particularly difficult. To this, Judge Curtis claimed that "their emotional distress was caused by the cultural belief that a woman's worth is tied to her ability to raise a large family" and was therefore not caused by Dr. Quilligan or any other staff member at LAC + USC.<sup>50</sup>

As indicated by Velez-Ibanez, the cultural and psychological implications of compulsory sterilization have extended far beyond *Madrigal v. Quilligan*. In reflecting on their lives following the procedure, several of the Madrigal Ten identified immense personal hardships. As she became aware of her inability to have more children, Maria Figueroa's personal dreams of caring for a large family diminished, and she began regularly to contemplate suicide.<sup>51</sup> Similarly, Dolores Madrigal, after whom the case was named, noted the strain that infertility placed on her marriage. After learning of her operation, Madrigal recalled her husband's accusations of infidelity, as well as his assertion that she was a "woman of the streets," who knowingly consented to sterilization with promiscuous intent. As a result, her husband became increasingly abusive.<sup>52</sup> Although over forty years have passed since victims learned of their operations, psychological and cultural burdens continue to weigh deeply on these women. As expressed by Consuelo Hermosillo, "when you bury somebody....you're always going to carry it in your head."<sup>53</sup>

Despite the undesirable outcome of *Madrigal v. Quilligan*, the efforts of Chicanas to end compulsory sterilization were not in vain. In the years following Judge Curtis's decision, the Department of Health, Education, and Welfare revised their guidelines to afford greater protections to women from unwanted sterilization procedures. In addition to instituting a mandatory 30-day

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<sup>49</sup> Marcela Valdes, "When Doctors Took Family Planning into Their Own Hands," *New York Times Magazine*, February 1, 2016, <https://www.nytimes.com/2016/02/01/magazine/when-doctors-took-family-planning-into-their-own-hands.html>.

<sup>50</sup> Valdes, "When Doctors Took Family Planning."

<sup>51</sup> Valdes, "When Doctors Took Family Planning."

<sup>52</sup> Valdes, "When Doctors Took Family Planning."

<sup>53</sup> David Montgomery, "Sterilized Against Their Will in a Los Angeles Hospital: Latinas Tell the Story in a New Film," *Washington Post*, January 10, 2016, <https://www.washingtonpost.com/news/arts-and-entertainment/wp/2016/01/10/sterilized-against-their-will-in-a-los-angeles-hospital-latinas-tell-the-story-in-a-new-film/>.



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waiting period and prohibiting the sterilization of minors, laws regarding informed consent were also strengthened by requiring that both written and oral explanations be provided in the patient's primary language.<sup>54</sup>

It must be recognized that the framework upholding *Madrigal v. Quilligan* centers upon the continuous efforts of Chicanas to advocate for one another. Institutional change occurred, not as a product of litigation, but through the mobilization of Mexican-American women who saw sterilization as being an outright attack on both their bodily autonomy and their community. The development of organizations such as the Chicana Rights Project, Comisión Femenil, and the Chicana Welfare Rights Organization allowed for women of similar backgrounds to network with one another, share their most personal stories, and seek immediate change. By hosting fundraisers, creating and distributing informational pamphlets, carrying out public demonstrations, and speaking at national women's conferences, Chicana activists raised public awareness of the injustices facing the Latinx community. Thus, when *Madrigal v. Quilligan* failed to provide comprehensive results, it was the bottom-up approaches used by Chicana activists that ultimately led to the prohibition of involuntary sterilization.

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<sup>54</sup> Jessica Gonzalez-Rojas and Taja Lindley, "Latinas and Sterilization in the United States," *Women's Health Activist Newspaper*, May/June 2008, <https://web.archive.org/web/20100729003008/http://nwhn.org/latinas-and-sterilization-united-states>.

**Fear the Summer:  
Environment, Crime, and Civil Unrest as Connected  
by American Newspapers  
in the 1960s and '70s**

*By Daniel Hixson*

Weather, temperature, and seasonality are environmental factors that scholars have struggled to study in connection with conflict and violence. In history, these factors have been examined through a lens of starting and affecting conflicts, wars, and rebellions, typically in periods ranging from the 1800s and earlier. Other scholarly works have examined how climate change could affect crime and conflicts and how certain weather conditions and temperatures affect behavior, particularly aggression and violence. Despite this scholarly uncertainty on the actual cause-and-effect relationship of environmental factors, modern news media connects and uses them in a factual manner. The work of one journalist, David Wallace-Wells, in particular claims that heat universally causes a variety of violent behaviors to manifest- from simple aggression to rape, assault, and murder. Moreover, he notes that the evidence of this connection from the past is “inarguable.” Rather than examining environmental influence on conflict and violence as other works have done, my paper focuses on how news media has perceived these factors, why they used them, and some of the repercussions of their reporting in the recent past.<sup>1</sup>

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<sup>1</sup> Some examples of these news articles and scholarly works are: Sonali Kohli, “Teachers, Undeterred by More Rain, Flood Picket Lines for Day 2 of the LAUSD Strike,” *Los Angeles Times*, January 15, 2019; Dagomar Degroot, “Climate Change and Conflict,” In *The Palgrave Handbook of Climate History*, ed. by Sam White, Christian Pfister, and Franz Mauelshagen (London: Palgrave Macmillan, 2018), 367-382; Jan Selby, Omar S. Dahi, Christiane Fröhlich, and Mike Hulme, “Climate Change and the Syrian Civil War Revisited,” *Political Geography* 60 (September 2017): 232–44, <https://doi.org/10.1016/j.polgeo.2017.05.007>; Craig A. Anderson, “Heat and Violence,” *Current Directions in Psychological Science* 10, no. 1 (February 2001): 33-38, <https://doi.org/10.1111/1467-8721.00109>; Louis Sahagun, “Climate Change Brings More Crime,” *Los Angeles Times*, February 19, 2014, <https://www.latimes.com/science/sciencenow/la-sci-sn-climate-change-crime-20140219-story.html>; Jon White, “Crime Rates Could Rise as Climate Change Bites,” *New Scientist*,

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Did American news media in the twentieth century draw a connection between weather and violence? And if so, how? By examining newspapers from the 1960s and '70s—a rather tumultuous time in American history—a relationship of weather, temperature, and seasonality as they affected crime and civil unrest starts to become apparent. As such, this paper argues that news media in this period perceived these factors to be heavily involved in crime and civil unrest, causing them to fear certain seasons and types of weather, particularly summer and heat, and even to racialize heat's effects on violence.<sup>2</sup> Although some newspapers treated summer with optimism, and other seasons had their relations to crime summer became the most feared season due to its perceived effects on crime rates and race riots. Furthermore, insofar as riots were concerned, discussion of the environment's role in these events was split in the press along racial lines. Whereas the white press largely racialized heat and violence by presenting them as deeply linked to black Americans rioting in cities, the black press pointed to societal issues faced by black urbanites as causes of the riots, framing heat as problematic but not causal. Nevertheless, with an emphasis on violent crimes and civil disturbances rising with the heat,

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February 28, 2014, <https://www.newscientist.com/article/dn25145-crime-rates-could-rise-as-climate-change-bites/#.UybFiIXSDTo>;

Matthew Ranson, "Crime, Weather, and Climate Change," *Journal of Environmental Economics and Management* 67, no. 3 (2014): 274-302, <https://doi.org/10.1016/j.jeem.2013.11.008>; David Wallace-Wells, *The Uninhabitable Earth: Life After Warming* (New York: Tim Duggan Books, 2019).

<sup>2</sup> In the interest of transparency, when reading this paper one should keep in mind that it is not a full and accurate representation of every single American newspaper. Given the lack of scholarly research on this topic, I aimed to see what—if anything—would show up. I did so by searching through a combination of ProQuest databases (for the *New York Times*, *Chicago Tribune*, and *Chicago Defender*), Readex's African American Newspaper database (for various black American newspapers), and *elephind.com* (which links to local, state, national, and even international newspaper databases, providing local, college, military, and regional papers). Search results numbered well over 150, with around 100 articles containing relevant information, eighty-five of which I thoroughly examined, and sixty of which are cited in this paper. I used a variety of search terms, and many variations of each term—as well as combinations of several terms—and attempted to keep them as broad as possible in order to avoid bias in information. I did my best to keep the information in the body of this paper limited to patterns found throughout multiple newspapers—with additional specific information in footnotes for sake of context—and to mention when something was unique to an article. Both the section on crime and the section on riots could be turned into their own papers, at the very least, and further research in this area would likely do much to improve or to reinforce the interpretations and conclusions that I have made in this project. White newspapers used in this project are: *Bastrop (TX) Advertiser*, *Canadian (TX) Record*, *Chicago Tribune*, *Columbia Daily Spectator* (New York), *Columbia Missourian*, *Fort Hood Sentinel* (Temple, TX), *New York Times*, *San Bernardino (CA) Sun*, *The Campus Chat* (Denton, TX), *The Stanford Daily* (Palo Alto, CA), and *The Wylie (TX) News*. Black newspapers used in this project are: *Chicago Defender*, *Chicago Metro News*, *Greater Milwaukee Star*, *Los Angeles Sentinel*, *Milwaukee Star*, *Mississippi Free Press* (Jackson, MS), *Soul City Times* (Milwaukee), *Milwaukee Star Times*, and *Wichita (KS) Times*.

news media in the '60s and '70s largely came to fear the coming summer almost as much as the issues that accompanied it.

### **Modern Science, Government, and Moral Panics**

Taking advantage of modern technology and GPS tracking, researchers have recently been examining how certain weather patterns affect human behavior.<sup>3</sup> This research has found heat to act as a passive aggressor in its effect on the human brain—in particular, with what people do, where they go, and how they travel. In other words, while heat by itself does not cause people to become violent or aggressive, it exacerbates human action in already annoying or anger-inducing situations.<sup>4</sup> Moreover, when in high temperatures, people are prone to perceive non-aggressive accidents as containing malicious intent. This exposure to heat is not normally a problem; most people do not suddenly start assaulting each other on hotter days. But, in cases where a person is not able to escape from the heat, violent interactions become unfortunately common.<sup>5</sup>

Far from a modern topic, weather and temperature's effects on crime have been the subject of study by the US government and various researchers for decades. As early as 1980, a national crime survey entitled "Crime and Seasonality" showed that all crimes, except for robbery, increased in the summer months and decreased in the winter months between 1973 and 1977.<sup>6</sup> This report suggests numerous possible reasons for the increased summer crime rate, such as people often being out of the house or leaving their windows open. Further research on temperature and seasonality's effects on crime has shown

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<sup>3</sup> Teerayut Horanont et al., "Weather Effects on the Patterns of People's Everyday Activities: A Study Using GPS Traces of Mobile Phone Users," *PLoS ONE* 8, no. 12 (December 2013): 7-13, <https://doi.org/10.1371/journal.pone.0081153>. To summarize their findings, days that were colder showed people staying inside and using public transportation more, days with heavy rain also caused people to use public transportation more and take shelter inside, comfortably warm days showed many people spending time outside, and uncomfortably hot days made people take shelter similar to cold and rainy days.

<sup>4</sup> Anderson, "Heat and Violence," 36. Called "Heat Effects," higher temperatures are found to raise tempers, but not directly cause violence.

<sup>5</sup> Anderson, "Heat and Violence," 36; Richard P. Larrick et al., "Temper, Temperature, and Temptation: Heat-Related Retaliation in Baseball," *Psychological Science* 22, no. 4 (April 2011): 425, <https://doi.org/10.1177/0956797611399292>. An example given for the perception of malicious intent, was how a bump in a crowded bar could turn into a fist fight and, eventually, escalate into a gun fight.

<sup>6</sup> Richard W. Dodge, *Crime and Seasonality* (Washington, DC: Department of Justice, 1980), 5-29. Crimes that followed a general trend of rising in the summer and falling in the winter were: household larceny, personal larceny, burglary, motor vehicle theft, and assault.

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that assault was the only crime that heat significantly affected.<sup>7</sup> These results show a clear correlation between seasonality and most crimes, although there is still uncertainty as to the role of environmental factors. More importantly, however, this survey showcases an active interest from the government in understanding how environment affects crime rates.

Prior to these studies, the news media was responsible for explaining the pattern of crime rates to the general public. For the sake of this project, I am operating under the assumption that these news sources were at least attempting to be earnest in their reporting and that they were not intentionally spreading misinformation. However, any form of media thrives on what is known as a moral panic. Media tends to focus on a specific contemporary issue and then frame it in such a way that makes it appear larger or more significant than it may actually be.<sup>8</sup> Put another way, the popular phrase “if it bleeds it leads” is an accurate description of how news media attempts to spice up a story to suit their needs. The media’s use of moral panics to sell papers nevertheless played a considerable role in the portrayal of a fear of summer in the ‘60s and ‘70s.

Examining what reports on crime were moved to different times of the year to make room for the juicier stories that were taking place in the summer shows the media’s use of moral panics. Despite the statistics from the 1980 crime report showing that almost all crimes go up in the summer, newspapers in the ‘60s and ‘70s portrayed trends of their own. Two of these trends were a focus on burglary and house larceny in the winter and anxiety about youths becoming violent in the fall. As for stealing in the winter, this was credited to the holiday season. Anxiety about theft stemmed from the idea that families would leave their homes during the holidays, thereby allowing burglars the opportunity to break into their homes and steal all the valuables that had been purchased. As a major in the Columbia, Missouri, Police Department claimed, “The Christmas season has one of the highest crime rates of any time of the year in Columbia.” Former Texas governor Preston Smith even started a program to educate people on Christmastime crime, using the slogan “Let’s take the crime out of Christmas...”<sup>9</sup>

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<sup>7</sup> Dodge, *Crime and Seasonality*, 31; Craig A. Anderson et al., “Hot Years and Serious and Deadly Assault: Empirical Tests of the Heat Hypothesis,” *Journal of Personality & Social Psychology* 73, no. 6 (December 1997): 1220-1221, <https://doi.org/10.1037/0022-3514.73.6.1213>.

<sup>8</sup> Erich Goode and Nachman Ben-Yehuda, *Moral Panics: The Social Construction of Deviance* (Chichester, UK: Wiley-Blackwell, 2009), 90, 103-106. News outlets that are extra prestigious, such as the *New York Times* or the *Washington Post*, are typically better about keeping their stories grounded in reality; however, even they get swept up in larger panics at times.

<sup>9</sup> “Police Tell How to Foil Those Holiday Thieves,” *Columbia Missourian*, December 24, 1971; Tracy Chalmers, “Governor Urges ‘Take Crime out of Christmas,’” *Bastrop (TX) Advertiser*, November 25, 1971. Both Major Smith and Governor Smith gave their personal advice for how

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Although anxieties about winter revolved around concrete instances of crime, the anxieties surrounding the fall season centered on a relatively abstract and much more debated issue: the corrupting influence of violence in TV programs. As TV's fall season began, and even when the shows scheduled for the fall season were announced, articles circulated on how concerned citizens were becoming anxious about the corrupting potential of violent shows. Using professional psychologists, sociologists, and a committee that was created for the prevention of violence, these articles attempted to demonstrate TV's adverse effects on children. In one article a Stanford psychologist made a case that children watched TV, saw violent acts being performed without consequences, and subsequently became increasingly aggressive and violent themselves.<sup>10</sup> Another article detailed the discussion between TV stations and a public body, called the National Commission on the Causes and Prevention of Violence, which claimed that television had remained too violent despite TV networks' cutbacks on violent programming.<sup>11</sup>

Both the focus on burglary in the winter and TV's violent influence on children in the fall were reported on in numerous papers, despite what crime statistics later showed. Of course, there might be alternate explanations that could answer why they were being reported when they were. Perhaps burglary around Christmastime in Columbia, Missouri, did rise in comparison to the surrounding months, and it is possible that some children appeared to be acting violently after watching certain TV shows. However, statistics show a different story, revealing that cases of both burglary and simple assault in warmer months vastly outnumbered numbers in the winter and fall.<sup>12</sup> It appears that newspapers tried to deal with the dip in violent crimes during the rest of the

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to prevent Christmas crimes, but neither article contained any statistics or data on crime rates beyond what the Major and Governor said.

<sup>10</sup> George Dobbins, "TV & Violence," *The Stanford Daily* (Palo Alto, CA), April 27, 1972.

<sup>11</sup> "Calls for Reforms: Committee Says Television Violence Encourages Emulation in Real Life," *San Bernardino (CA) Sun*, September 25, 1969. Three attitudes towards TV violence's adverse effects on children are presented in the article: that it has adverse effects; that it does not affect children at all; and that it actually provides a release for children's aggression. But the committee wholly sided with the perspective that TV violence was harmful and corrupting to children.

<sup>12</sup> Dodge, *Crime and Seasonality*, 5-9, 17-21, 25-29. According to the crimes reported, house larceny was higher by over 300,000 cases in the summer months than in the winter months, and burglary in summer months was higher by over 200,000 cases compared to winter months. Interestingly, while aggravated assaults similarly followed the pattern of being higher in warmer months and lower in cooler months, simple assault (less serious cases of assault) typically peaked in the spring, with minor rises in the summer and early fall.

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year by focusing on otherwise less newsworthy, crimes, effectively ignoring crime statistics and simultaneously making room for reports on spikes in violent crimes during the summer.<sup>13</sup>

### **Environment and Crime, 1960 – 1979**

Despite these efforts to locate other seasonal crime waves, newspapers in the 1960s and 1970s focused the majority of their reporting on seasonal crime on the summer and identified one major culprit: heat. Examples of this phenomenon ranged from claims that hotter months allow for more people to go outside (thus being exposed to the possibility of violence) to studies on how weather affected the human body and mind (thereby presenting scientific evidence that heat causes violence). Some newspapers even went so far as to report that a mixture of heat and humidity caused instances of race riots.<sup>14</sup> There were two main reasons for the increased fear of summer and heat: one was the surge in the amount of police reports and crime data being released, and the other was a rash of urban riots that took place all across the country in the mid to late '60s.<sup>15</sup> Importantly, although these urban riots did take place, some historians have argued that the crime rates being reported in the '60s and '70s were inaccurately inflated. This would mean that news outlets used these crime statistics in their stories without the knowledge of their inaccuracy. Regardless, this skewed the general public's perception of how much crime was actually occurring in the United States.<sup>16</sup>

Moreover, the use of these crime statistics—especially in the '60s—was deeply intertwined with a dependency on unofficial police information to address weather's influence on summer increases in crime and violence. In the 1960s, reporters relied heavily on colloquial police speculation to explain the relationship between environmental factors and crime, interpret both crime data

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<sup>13</sup> Crimes such as burglary, theft, and carjacking also get included in the anxieties about summer crime spikes, but violent crimes such as assault and rape make more headlines and usually lead the discussion on crime in the summer.

<sup>14</sup> Lois Prager, "Crime in Heights Area Rises 5%," *Columbia Daily Spectator* (New York), July 6, 1967; Ronald Kotulak, "You Can Get High or Low on Weather," *Chicago Tribune*, September 15, 1976; "High Temperatures Steamed Up Cities Rocked by Violence," *New York Times*, July 26, 1967.

<sup>15</sup> A couple examples of these trends are: "Local Crimes Decline 27.8%," *Chicago Defender*, February 17, 1965; Carleton W. Sterling, "Response to Injustice: Dangerous Trend," *Columbia Daily Spectator* (New York), May 7, 1964.

<sup>16</sup> Elizabeth Kai Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, MA: Harvard University Press, 2016), 6, 24. In her book, Elizabeth Hinton touches on the subject of faulty crime statistics given by the FBI. She discusses the fact that recording crime statistics was a new technology in the 1960s; and, while they recorded the arrests for various crimes, these figures did not account for the people who were actually convicted in court, hence they were wildly overstating the true rate of crimes committed in the United States.

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and crime patterns, and explain why certain events happened in relation to weather and seasonality. Interviews with police additionally show that they did not just see heat as being the only weather condition that affected crime. There were frequent reports from police that claimed rain, cold weather, and snow prevented criminal activity—based on the belief that criminals did not want to be out in the cold.<sup>17</sup> Likewise, articles that mentioned heat as a facilitator of crime often said that crimes and violence were started because “warmer weather ... normally sends more victims and more criminals into the streets, raising the crime rate.”<sup>18</sup> With the belief that an increase in people going outside naturally equalled spikes in crime, there was paranoia that crime would strike the moment an opportunity presented itself.

During the 1960s, no one exhibited this sense of impending crime better than Chicago’s police superintendent Orlando W. Wilson. Between 1962 and 1966, Wilson continuously blamed weather and seasonality for both rising and falling crime rates. Whenever crime rose, he claimed that it was due to heat or the longer days of summer; and, when crime rates dropped, he argued that cold weather reduced the occurrences of crime.

Wilson did not only blame hot or warm days in general—such as during summer; he even attributed unseasonably warm weather to be the culprit for a sudden spikes in crime. This was the case in January of 1964, when, as Wilson stated with certainty that “the unseasonably mild weather last month with nearly a total absence of snow was largely responsible for the increased crime.”<sup>19</sup> Similarly, in a 1962 interview, Wilson almost alluded to the behavioral effects of heat on the human brain, but, in the end, he blamed increases in crime on heat because it put more people on the streets.<sup>20</sup> By believing that weather affected crime due to its ability to keep people inside or move them outside, Wilson is a prime example of the colloquial type of knowledge that was used to connect environmental factors to crime. He also

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<sup>17</sup> “High Temperatures Steamed Up Cities Rocked by Violence,” *New York Times*, July 26, 1967; Arnold Rosenzweig, “Police Credit Jack Frost, Not Truce, for Gang Peace,” *Chicago Defender*, January 14, 1967; “Crime on CTA Buses, ‘L’ Dips on Snowy Day,” *Chicago Tribune*, December 2, 1968. Police typically cited cold weather and snow for preventing crime, whereas rain usually was attributed to preventing racial “tensions” and sometimes riots.

<sup>18</sup> “Major Crime Decreases in May,” *Chicago Tribune*, June 11, 1963. The quote is from Chicago Police Superintendent Orlando W. Wilson.

<sup>19</sup> “Crime Soars: Blame Weather; Wilson Cites Lack of Snow During Balmy January,” *Chicago Tribune*, February 14, 1964.

<sup>20</sup> “Wilson Blames Weather for Rising Crime,” *Chicago Tribune*, July 14, 1962. In an article from 1962, Wilson agrees with states that “rapes were up nearly 50 per cent and the high level can be expected to continue during hot summer weather ...” This phrasing is fairly ambiguous and could possibly show the police thinking about heat effects on the brain, but the article from 1963 (quoted earlier) clears up any ambiguity—as do later articles in which Wilson is interviewed.



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represents the sources from which many newspapers pulled to explain how crimes and weather were related in the 1960s as well as the paranoia that, given any opportunity, crime would strike. Although this trend remained strong throughout much of the early and mid-'60s, by the late '60s, and into the '70s, newspapers began to connect the environment and crime differently using new, scientific sourcing.<sup>21</sup>

Newspapers in the '70s did not change their perspective that weather and seasonality played a role in the occurrence of crimes. The factor that did change was their use of scientists and scientific information to look deeper into how the weather, especially heat, affected human behavior. An example of this is a 1976 article in which various types of weather and their effects on people's moods and tendencies were given. In this list, the article described how stormy weather caused mental patients to become aggressive, heat and humidity caused spikes in criminal violence, and even how the electromagnetic waves from thunderstorms caused additional auto accidents due to dulled reaction times in the brain.<sup>22</sup> Two other articles—from 1973 and 1978—connected crime and heat by citing scientific studies that showed violent outbursts, irritability, and social negativity to rise with the heat; however, both articles also mentioned that studies showed that, in extreme heat, lethargy set in and crime decreases.<sup>23</sup> And, as a final example, an article from 1979 represents the pinnacle of the 1970s' fascination with scientific attempts to justify the theory, using information from both sociologists and psychologists to explain that heat

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<sup>21</sup> There are numerous articles detailing what I have come to call "The Chronicles of Police Superintendent Orlando W. Wilson" and the ways in which he used weather and seasonality both as an explanation for crime and seemingly as a scapegoat for his lack of further explanations on crime spikes; however, these are the articles I am specifically referencing in this paper: "City Crimes Show Increase in November," *Chicago Tribune*, December 13, 1963; "Crime Rate Rises in February: Mild Weather is Possible Cause," *Chicago Tribune*, March 11, 1964; "Crimes Show 27.8 Decline for January," *Chicago Tribune*, February 13, 1965; "Crime Soars: Blame Weather," *Chicago Tribune*, February 14, 1964; "Major Crime Decreases in May," *Chicago Tribune*, June 11, 1963; "Rapes, Murders Up in 4 Weeks: Burglary Total is Lower; Weather Credited," *Chicago Tribune*, February 9, 1966; "Wilson Blames Weather for Rising Crime," *Chicago Tribune*, July 14, 1962.

<sup>22</sup> Ronald Kotulak, "You Can Get High or Low on Weather," *Chicago Tribune*, September 15, 1976. The article goes on to describe the study it is using and how the weather is atmospherically created

<sup>23</sup> "Heat Wave in St. Louis Puts Damper on Crime," *Chicago Tribune*, July 14, 1966; W. C. Gerald Frasier, "When Heat Rises, Crimes May Not: Criminologist, Psychologist Say High Readings May Stir Lethargy Instead," *New York Times*, September 1, 1973; Leslie Maitland, "Crime in the City Is a Seasonal Matter: Summer Is Its Peak," *New York Times*, August 5, 1978. Both of these articles included scientific explanations of weather's effects on behavior in addition to the typical police explanations that heat brought more people into the street, causing the likelihood for violence and crime to spike. The conclusion that too much heat prevented crime was also confirmed in an article from 1966, in which police commented that the weather "left people too limp to get into trouble."

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negatively affects people's moods especially when they cannot escape the heat. Although current research affirms this belief, the article went further to describe how winter negatively affects people's moods due to after-holiday depression and cabin fever.<sup>24</sup> These articles showcase a shift from primarily colloquial knowledge to scientific evidence likely caused by these newspapers taking advantage of a contemporary growth in the field of environmental science. Using new research in their reports, they then attempted to explain how these crime patterns related to environmental factors in a way that had not been repeatedly recycled over the previous decade.<sup>25</sup>

Beyond articles solely describing the behavioral effects of weather and temperature, stories about how governmental officials began exploring ways to control temperature and weather so as to minimize crime and civil unrest began to surface as well. In one report, a team of researchers returning from Vietnam revealed that cold weather had a "salubrious" effect on street crime and violence. This statement led President Lyndon B. Johnson to approve further research into controlling the weather, with the ultimate goal—for some—being the ability "to maintain American cities at a year-round temperature ..."<sup>26</sup> A different article, with a slightly more terrifying connotation, talked about the agreement between the Soviet Union and the United States to leave both weather and environmental warfare as untouched areas of research.<sup>27</sup> One of these articles expressed a desire to solve domestic issues by manipulating

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<sup>24</sup> Nan Ezzel, "Petticoat Patter," *Canadian (TX) Record*, January 11, 1979. This article did not directly relate heat-based aggression to crime but showcases how newspapers used scientific sourcing more prevalently.

<sup>25</sup> Paul Warde, Libby Robin, and Sverker Sörlin, *The Environment: A History of the Idea* (Baltimore: Johns Hopkins University Press, 2018), 108-109; William C. Wetsel, "Hyperthermic Effects on Behavior," *International Journal of Hyperthermia* 27, no. 4 (June 2011): 359, 371, <https://doi.org/10.3109/02656736.2010.550905>. Environmental science certainly existed before the 1960s and 1970s; however, it garnered more attention in the 1950s and 1960s with the advance of the Cold War, especially in the context of how the military could control the environment. Furthermore, research was not just being done on how to manipulate weather and temperature but was also being done on how conditions such as heat and humidity affected cognitive functioning, even as early as 1958.

<sup>26</sup> Russel Baker, "Observer: Let's Hear It for a Really Swell Policy," *New York Times*, August 8, 1967. The goal of temperature maintenance is not expressly credited to Johnson but is instead credited to some enthusiasts who wanted to keep cities "beneath 18 degrees Fahrenheit."

<sup>27</sup> "Weather Modification for Hostilities Opposed," *San Bernardino (CA) Sun*, February 18, 1976; Warde, Robin, and Sörlin, *The Environment*, 108-109. While this clipping did not mention the effects of weather or the environment on human behavior or crime, it detailed the new ways in which science was trying to grasp their utility, in this case in terms of warfare. As mentioned before, ways in which the military could manipulate the environment were of increasing interest during the Cold War in the 1950s and 1960s. Plans to blacken ice sheets in the Arctic and create tsunamis by propelling ice sheets into the ocean using nuclear arms were just a couple of ideas that the US government proposed. Obviously, as this article shows, by the mid-1970s the two superpowers decided that environmental warfare was too dangerous to pursue any further.

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climatic factors, while the other demonstrated an understanding of the destructive capacity of environmental warfare. Yet both show that, following the examples of these global powers, newspapers were no longer just attempting to explain how the environment affected crime patterns but were actively joining the discussion on ways in which violence and criminal activity could be controlled through the use of the environment.

Of course, the use of scientific evidence in the 1970s did not arrive with the year 1970. In fact, the first article on controlling the weather was written in 1967. Likewise, the colloquial knowledge of the '60s did not completely disappear during the '70s.<sup>28</sup> Instead of a complete shift in perspective on environmental factors and crime in the '70s, the greater availability of scientific evidence on the subject facilitated its use as a justification of previously existing explanations.

### **Racializing Heat and Violence: The Long, Hot Summer Riots**

Although crime rates and types were often seen as being dictated by weather and seasonality, so too was the race riot phenomenon that scared newspapers throughout much of the 1960s. Possibly holding greater influence than crime rates on why newspapers came to fear heat and summer, the urban race riots known as the long, hot summers exploded across America in the 1960s, leaving a reoccurring fear of their return every summer as well as a lasting memory of their destruction thereafter. Put bluntly, relations between police officers and the black population in the 1960s were hostile at best and deadly at worst. The tension between the two sides, made worse by their close proximity to each other in urban settings, was the result of the police force's flagrant abuses of power, as well as their neglect and cruel treatment of black urbanites.<sup>29</sup> As Elizabeth Hinton pointed out, a primary reason for these

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<sup>28</sup> Alex Sherman, "Morningside Heights Crime Rate Drops 20%," *Columbia Daily Spectator* (New York), February 13, 1978; Mitchell Locin, "Weather Gets Blame for Crime Increase," *Chicago Tribune*, October 18, 1979; "Prevention Plus," *Fort Hood Sentinel* (Temple, TX), May 25, 1978. When police, or military personnel, were cited in newspaper articles regarding weather and crime or civil unrest, the same ideas—that rain drives people away, cold weather and snow drop crime rates, and the paranoia that warm weather and summer equal the perfect time for crime and violence to strike—was relayed.

<sup>29</sup> In his book *Policing Los Angeles*, Max Felker-Kantor writes that, in Los Angeles, the police developed a mentality that criminalized specific races and ethnicities. This allowed them to justify the racist policing that they practiced in neighborhoods with primarily African American and Latin American residents. In addition, the police ignored claims of police brutality from non-white residents, and, in the years 1964 and 1965 alone, sixty-five Los Angeles citizens were killed by police "of which sixty-two were ruled justifiable. In twenty-seven of the cases, the victim was shot in the back; twenty-five of the suspects were unarmed; and four had committed no crime when shot." Max Felker-Kantor, *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD* (Chapel Hill: University of North Carolina Press, 2018), 11, 19-21.

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tensions was the Johnson Administration's belief that poverty bred crime, leading to increased police attention towards slums. Because black families were among the poorest people in cities, this belief led to an increase in black arrests.<sup>30</sup> The frequent refusal of police to acknowledge any wrongdoing on their part despite numerous claims of police brutality and murder only aggravated this hostile relationship.<sup>31</sup>

The back and forth of accusations and denials is illustrated by a 1964 *New York Times* article about Harlem, by Junius Griffin. Interviewing both Harlem residents and police officers, Griffin's article reveals starkly different realities. While the black residents of Harlem claimed that there were many instances of police brutality, the police denied any accusations brought against them. As one Harlem resident said, immediately after being arrested:

We went to the precinct and that's where they beat us, like 12 and 6 at a time would beat us and this went on practically all that day when we were in the station. Fortunately, when they threw us on the floor, I was fortunate enough to crawl under the bench so I wouldn't get whipped so bad. They beat me till I couldn't barely walk and my back was in pain. My friends they did the same till they bled ...<sup>32</sup>

Police denied that any beatings happened. In addition, one of the residents interviewed discussed the "sordidness" and "depression" of his daily life in the ghetto, and police commented that they were constantly on edge as even small things could cause a riot.<sup>33</sup> With tensions already bad, and only getting worse,

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<sup>30</sup> Hinton, *From the War on Poverty*, 20-21. Young black men specifically had the highest arrest rate.

<sup>31</sup> Hinton, *From the War on Poverty*, 190-191. This was the case for Rita Lloyd, a black woman from Brooklyn who was shot by police officers. Rita's friend was holding a gun when the two officers dressed in casual clothes approached with their weapons drawn. Unaware that they were police, Rita's friend aimed her gun at them, prompting the police to fire at the women, hitting Rita in the chest. She died an hour later from her wound, but the police refused to say that they did anything wrong, despite the fact that they never identified themselves as police officers.

<sup>32</sup> Junius Griffin, "Harlem: The Tension Underneath," *New York Times*, May 29, 1964. The quote is from Daniel Hamm (18), who recalled the events after he and his friends—fellow gang members Wallace Baker (19) and Robert Rice (17)—were arrested while stepping in front of a police officer "with his gun out, waving it in some young children's faces."

<sup>33</sup> Griffin, "Harlem: The Tension Underneath," *New York Times*, May 29, 1964. The article mainly follows a gang that was on the rise and how police responded to it. For Harlem residents, many felt that the police were unfair and cruel, and Griffin speculated that acts of violence by the gang could have been to protest against new police policies that local residents saw as targeting Harlem. As for the police, the mere act of casually walking through Harlem with a partner was used as a test of courage for young patrolmen as they would be ridiculed and threatened by everyone they passed whenever they went into the area.

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and Harlem's already subpar living conditions, it was not long before the long, hot summer phenomena became widespread.

The first long, hot summer riot occurred in Harlem, New York, on July 16, 1964. A white officer shot and killed black 15-year-old James Powell, prompting a massive uproar by fellow Harlem residents already harboring numerous grievances against the police. What began was a three-night-long urban riot.<sup>34</sup> The Harlem riot marked the start of a series of urban riots occurring in the summers—most notably the Watts, Newark, and Detroit riots—that continued throughout the '60s.<sup>35</sup> Newspapers, picking up on this pattern of rioting in primarily black urban centers during the summer, quickly began to look toward the season with feelings of apprehension. As a result, they began exploring what factors may have been involved in the making of these riots, including the influence of heat. Due to a lack of air conditioning, and with no escape from the heat in urban ghettos which rose to excruciating levels, black urbanites congregated outside to survive the weather.<sup>36</sup> Much like the connections made to heat and crime in the '60s, newspapers claimed that more black people on the streets meant that a riot or fight with police was likely to break out.

Unlike with crime, however, some newspapers in the '60s also alluded to a link between heat and increased levels of violence in human behavior when reporting on these events. An example of this connection is an article from 1965 detailing the events of the Watts riot. In this article, it is mentioned that a crowd of several hundred people was already gathered outside when police began citing a drunk driver, the act that ended up starting the riot. Later in the article, it was stated, "The weather was hot and throngs of men and women and youths seemed to pour out of multiple apartment buildings, and were immediately smote with the fever of violence."<sup>37</sup> Another article about the Watts riot, written a year after its occurrence, also alluded to a connection between rising heat and frayed tempers. Throughout the article, the writer used phrases like "a hot summer evening in a slum neighborhood," "in the hot, muggy dusk," and "Again, the weather was muggy [*sic*]," whenever they

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<sup>34</sup> Michael W. Flamm, *In the Heat of the Summer: The New York Riots of 1964 and the War on Crime* (Philadelphia: University of Pennsylvania Press, 2017), 8-9.

<sup>35</sup> Flamm, *In the Heat of the Summer*, 11. Riots born from frustrations over racial inequality continued almost every summer of the 1960s after 1964, but a massive increase in riots occurred after the assassination of Martin Luther King Jr. in 1968.

<sup>36</sup> Flamm, *In the Heat of the Summer*, 68.

<sup>37</sup> "Looting, Violence Cool Off with Weather," *Los Angeles Sentinel*, August 19, 1965. Even the title of the article suggested weather's involvement in controlling temperament. While the article never outright stated that weather affected the rioters' mental states, the wording used in the article clearly described the heat as causing irrationally violent behavior in the black Watts residents.

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mentioned the start of the riot, the events leading up to the riot, or when describing the transformation from a friendly crowd into one that was openly hostile.<sup>38</sup>

A variety of articles described the long, hot summers throughout the '60s and into the '70s, and the reasons that they presented for the riots' causes range from weather to politics and taxes. The one consistent aspect that they all acknowledged, however, was that these riots revolved around issues of race and that they quickly became violent. They also expressed the recurring fear that black urbanites were inevitably going to riot again every year with the coming of summer.<sup>39</sup>

Although these articles from the '60s were already ascribing factors to the riots—including heat—they would soon be forced to think on the long, hot summer riots more critically. By 1967, the long, hot summers were entering their fourth continuous year. Frustrated by this and recognizing that simply increasing the police presence in certain areas was not solving the problem, Lyndon B. Johnson created the Kerner Commission. Headed by Illinois governor Otto Kerner Jr., this group was charged with determining the exact reasons for the urban riots and how to prevent them from becoming a recurring issue. Following more than seven months researching the urban riots, Kerner

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<sup>38</sup> William Coleman, "Watts Agony, Example of Negro Unrest," *Chicago Defender*, August 6, 1966. This article also never expressly claimed that heat caused raised tempers, but, instead, it used these phrases consistently as a narrative device to illustrate the conditions in which the Watts riot was started as well as explain why a crowd formed so easily: people were already outside on their porches and came to see the commotion surrounding the arrest.

<sup>39</sup> Two interesting points presented themselves in my research on the long, hot summers. The first an article titled, "Response to Injustice: Dangerous Trend," written in May 1964 before the first long, hot summer riot. Yet, in the article, the author mentioned that "the summer is approaching and that is the season when racial tensions rise with the thermometer." Clearly, there was some form of connection to race, heat, and summer prior to the long, hot summers that plagued the 1960s. The second interesting note is that, while I argue that each of the newspaper articles recognized the racial nature of the long, hot summers, one article, "A Long, Hot Summer," never mentioned race in connection with the riots. The article discussed that heat made people do things that they normally would not do, but it neither connected heat nor the urban riots themselves to any racial problems. Furthermore, next to the article is a cartoon of a white middle-aged man standing under the sun and sweating profusely, with the words "Vietnam" and "Middle East" written in the sun, and the word "Decisions" written in his shadow. Whether this means that certain news media did not acknowledge the grievances of black Americans at work in the urban riots or that they simply did not know about the causes of them is unclear; however, this article was the only one that I could find in which there was no connection made between race and the long, hot summers. "A Long, Hot Summer," *The Wylie (TX) News*, June 22, 1967; Carleton W. Sterling, "Response to Injustice: Dangerous Trend," *Columbia Daily Spectator* (New York), May 7, 1964; Hardie Davis, "Understanding Needed: Long, Hot Summer Awaits Both Races," *The Campus Chat* (Denton, TX), March 13, 1968; "High Temperatures Steamed Up Cities Rocked by Violence," *New York Times*, July 26, 1967; "Inquiring Photographer," *Chicago Defender*, April 21, 1965; "Inquiring Photographer," *Chicago Defender*, June 10, 1970; Peter M. Dolinger, "Summer Is Coming: Test Your Riot I.Q.," *Stanford Daily* (Palo Alto, CA), January 16, 1968.

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and his team ultimately came to the conclusion that “Our Nation is moving towards two societies, one black, one white—separate and unequal.”<sup>40</sup> To the Kerner Commission, all answers to the urban riots revolved around racial inequality.<sup>41</sup>

When it came to the long, hot summers, according to the Kerner Commission, the media’s portrayal was not insignificant. As the commission’s report declared, “the media have thus far failed to report adequately on the causes and consequences on civil disorders and underlying problems of race relations.”<sup>42</sup> As Thomas J. Hrach explained, the report made the media “tell the story of the ghettos, probe the causes of urban violence, and help solve lingering civic problems. In essence, the report convinced the media that they had to be part of the solution, not a record of the events.”<sup>43</sup> Indeed, within the report’s section on media and media coverage, it criticized white news media for reporting on issues within urban ghettos without accurately understanding black urbanites’ issues and called for the hiring of more black journalists so as to address these issues through people who better understood them. It also urged various predominately white media—both print and television news, as well as entertainment programming—to integrate blacks in an effort to help normalize them in white viewers’ eyes, as opposed to framing blacks as special news stories.<sup>44</sup> Thus, as Hrach argued, the Kerner Report—along with the assassination of Martin Luther King Jr. and the rising influence of the Black Power movement—acted as a turning point in how the media covered black urbanites.<sup>45</sup>

Beyond the Kerner Report’s role in broadening the media’s perspective on black Americans, it prompted a critical analysis of the riots themselves. This reanalysis included heat’s role in the race riots. The Kerner Report claimed that heat forced many black people onto the streets so as to escape from it—which increased the size of the riots; however, it did not specifically mention any

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<sup>40</sup> Otto Kerner et al., *Report of the National Advisory Commission on Civil Disorders* (Washington, DC: Department of Justice, 1968), 1.

<sup>41</sup> Quotes aside, all information in this paragraph comes from Thomas J. Hrach, *The Riot Report and News: How the Kerner Commission Changed Media Coverage of Black America* (Amherst: University of Massachusetts Press, 2016), x-5.

<sup>42</sup> Kerner et al., *Report of the National Advisory Commission*, 201.

<sup>43</sup> Hrach, *Riot Report and News*, 137. It should be noted that there were some journalists prior to the Kerner Report who were already writing about the issues of ghetto living conditions, such as Fred Powledge, who wrote a few articles on the upcoming riots by addressing black issues in the ghetto. Examples of Powledge’s articles: Fred Powledge, “Negro Riots Reflect Deep-Seated Grievances,” *New York Times*, August 2, 1964; Powledge, “Civil Rights – Another Long, Hot Summer?,” *New York Times*, June 13, 1965.

<sup>44</sup> Kerner et al., *Report of the National Advisory Commission*, 211-212.

<sup>45</sup> Hrach, *Riot Report and News*, 8, 137-138.

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behavioral effects. Regardless of the report's lack of heat's effects, however, certain journalists would still add their own ideas on the matter, discussing heat's role as they saw fit.<sup>46</sup> Additionally, in spite of any influence the Kerner report had—both on blacks in media and through its brief analysis of heat and rioting—it clearly did not fully erase the fears of the general public nor those of the media. Even after the report's release, newspapers in the late '60s and on through the '70s still seemed to fear that the long, hot summers and summer violence were inevitable. They continued to use the urban riots as a reference point to measure contemporary, violent, and racially based events.<sup>47</sup>

### Differing Perspectives

Thus far, this paper has primarily discussed the media's fear of summer and heat due to the crime spikes and urban race riots with which they became associated. This fear belonged to the wider, and whiter, media, but it is important to note that not everyone saw summer and heat in the same way. As a writer for the *Wichita Times* explained, "Whites call them riots; but blacks

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<sup>46</sup> Kerner et al., *Report of the National Advisory Commission*, 71. Some newspapers still connected behavioral effects to heat regarding the riots, however, as is the case in a report from the *Chicago Defender*. In a rather scathing article on new police tactics regarding black youths, Renault Robinson wrote that the urban riots, as stated by the Kerner Report, "started in the Summer and during a very hot period." Despite the Kerner Report not mentioning heat effects on behavior, Robinson connected high temperatures, confrontations with neighbors, and racist arrests by police by claiming that heat aggravated people, especially when combined with other negative circumstances such as living in a cramped ghetto neighborhood. Thus, it appears that some news media were still applying their own attributions to the riots in addition to the information from the Kerner Report. Renault Robinson, "Reward a Point for Each Arrest," *Chicago Defender*, July 3, 1971.

<sup>47</sup> Ethel L. Payne, "Cities Move to Curtail Hot Weather's Violence," *Chicago Defender*, July 8, 1967; John Herbers, "U.S. Presses Drive to Control Racial Outbreaks," *New York Times*, March 10, 1968; Ernest B. Furgurson, "Violence in Cities Seasonally Adjusted," *Chicago Tribune*, January 27, 1972; Howard Pulley, "Daley Warned On Marquette Park Violence," *Chicago Metro News*, June 12, 1976; John Kifner, "The Racial Clashes Involve Much More Than Busing: Boston May Be Slipping Into Chaos," *New York Times*, May 23, 1976. The first two articles referenced here show the Johnson Administration scrambling to assemble both social programs and a special police task force to help prevent any "racial outbreaks" in the summer. The third article is of an exasperated journalist who was tired of people rushing to claim that any disturbances involving race are evidence of a new long, hot summer. He also made the claim that social programs and added police presence had effectively lessened the occurrences of race riots and wrote that cities without these same programs needed to "rush now to catch up to the 70s." The fourth article described a racist attack on a black man and his son in Marquette Park and claims that the event is a sign of an oncoming "long hot racial summer." The last article revolved around racist violence coming from both black and white citizens in Boston, with the writer comparing their current issues with the long, hot summers of the 1960s. Unlike the other articles, however, the last one seems to move past the fears that the racist attacks were evidence that the long-hot summers were starting up again by claiming that the two events were different in nature.



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call them rebellions ...”<sup>48</sup> Many black Americans and civil rights activists, specifically, treated the upcoming summers as opportunities for demonstrations. In a section of the *Chicago Defender* called the “Inquiring Photographer,” locals were asked about their thoughts on specific issues. When asked about the likelihood of racial disturbance in the upcoming summer, the locals interviewed in 1965 all said that race-related violence was inevitable. One person said that she would be among the protestors, and another stated that “There will be many avenues for the Negro to test this summer ...”<sup>49</sup> In addition, an article from *The Stanford Daily* showed that a poll had been taken regarding black Americans’ opinions on the urban riots and found that almost half of those surveyed believed the riots were helping their fight for civil rights.<sup>50</sup>

These articles and interviews outline a distinct difference in the ways in which white newspapers reported on the long, hot summers compared to how black newspapers discussed them. For instance, the *Chicago Defender* approached the upcoming summers with a feeling of realistic optimism in the possibility for black urbanites to band together and protest racial injustice. In their articles, the writers connected weather and violence by describing heat as an aggravator that accentuated existing issues such as overcrowding in ghettos, anger towards the police, and general pent up aggression toward a racist system.<sup>51</sup> For example, while discussing the likelihood of a long, hot summer, interviewee Edward Hamilton stated that “the heat just seems to aggravate the racial problem. Some of them [black people] get out on the streets in the

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<sup>48</sup> James S. Tinney, “White Myths Along The Trail Of Black Rebellion,” *Wichita (KS) Times*, May 25, 1972. Tinney made a distinction between riots and rebellions by stating, “A riot is a thing of disorder—a kind of noisy disturbance or lawlessness. It is more like a drunken brawl with no purpose behind it ... But a rebellion is something different ... it is open opposition to corrupt authority, and a brave act of resistance and defiance to the established government.” This article discussed the history of black uprisings against oppression, including the long, hot summer riots.

<sup>49</sup> “Inquiring Photographer,” *Chicago Defender*, April 21, 1965. Bertha Jeffries claimed that she wanted to join the demonstrations, and the quote came from J. W. Render. All interviewees also expressed concern over the violence that would occur in the summer, especially in the South where it could become particularly brutal.

<sup>50</sup> Peter M. Dolinger, “Summer Is Coming: Test Your Riot I.Q.,” *Stanford Daily* (Palo Alto, CA), January 16, 1968.

<sup>51</sup> Renault Robinson, “Reward a Point for Each Arrest,” *Chicago Defender*, July 3, 1971; “Inquiring Photographer,” *Chicago Defender*, June 10, 1970. As mentioned before, Renault Robinson treated heat as an aggravator that caused confrontations among neighbors who were forced into close proximity with each other and that only made interactions with police more hostile. Furthermore, the “Inquiring Photographer” in the *Chicago Defender* once again asked locals about the summer bringing civil unrest due to race-related issues in 1970, and they all responded that it would. Unlike the previous 1965 article, however, those interviewed in 1970 cited various reasons from rising gang violence, to the Vietnam war, and even a conspiracy to silence anyone trying to stop systemic racial injustice.

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summer and start doing things that they really shouldn't be doing."<sup>52</sup> Although the locals in the *Defender* all talked positively about demonstrations in the summer, they also clearly stated their aversion to violence. Those interviewed acknowledged that violence was going to occur and even stated that it was sometimes necessary to use in order to survive, especially in the South; however, they predominantly stressed their hope that acts of violence could be avoided as much as possible. This did not just include violence against themselves but violence started by the demonstrators as well.<sup>53</sup> In the words of interviewee Pat Grady, "I only hope that Negroes can remain passive in their efforts."<sup>54</sup>

In addition to the *Chicago Defender*, other black newspapers illustrated similar perspectives on the approaching summers. In fact, when these other publications discussed the long, hot summer riots, there was a distinct lack of heat or weather being mentioned at all. Primarily, the involved issues being discussed revolved around poor living conditions in urban ghettos, racist oppression by the police, unemployment, lack of recreational activities for black youths during the summer, and the desegregation of schools. Many of these articles were framed as warnings to government officials—both national and local—to recognize the real issues behind these riots, lest they continue.<sup>55</sup>

The articles that did mention heat, however, treated it as either distally related, or as a factor which exacerbated existing issues. For instance, an article from the *Chicago Metro News* mentioned that Chicago "police instigators" had caused a riot when they cracked down on black children using fire hydrants as a way to cool off on unbearably hot days. Another article, from the *Milwaukee Star Times*, detailed how inescapable heat could cause irritation that might turn disastrous when combined with already existing issues, such as the racist

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<sup>52</sup> "Inquiring Photographer," *Chicago Defender*, June 10, 1970.

<sup>53</sup> "Inquiring Photographer," *Chicago Defender*, April 21, 1965. All of the interviewees held positive views of the summer demonstrations that were taking place, but they also expressed a deep concern for the violence that these demonstrations would bring. It is important to note that they did not seem to look at violence with disdain but with a sense of worry about those who would be hurt, and, when it came to the South, they even seemed to hold a sense of understanding. As Bertha Jeffries explained, "I just can't see myself being non-violent in the South while being clubbed to death."

<sup>54</sup> "Inquiring Photographer," *Chicago Defender*, April 21, 1965.

<sup>55</sup> Some examples: "A Long, Hot Summer This Fall," *Greater Milwaukee Star*, August 9, 1969; Charles Harris, "Riot Conditions Prevalent," *Chicago Metro News*, June 11, 1977; "Devil's Workshop," *Milwaukee Star*, June 1, 1968; "In Hot Summer Whites Must Speak," *Mississippi Free Press* (Jackson, MS), February 29, 1964; "Official Forecasts 'Tense Summer,'" *Soul City Times* (Milwaukee), June 17, 1971; Whitney M. Young Jr., "To Be Equal," *Milwaukee Star*, July 29, 1967.

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actions of the “bigoted Boston trash.”<sup>56</sup> Thus, although varied in focus on particular issues, these articles all focused on societal-level issues of racism and discrimination as primary causes of the long, hot summer riots, while treating heat as a distal cause or form of aggravator that fueled these problems.<sup>57</sup>

White newspapers, meanwhile, reported differently on the long, hot summers—some minorly, and others starkly so. The obvious distinction is that white newspapers treated oncoming summers with fear and dread, but there were three other distinctions as well. The first was a sense that the government was at war against an oncoming horde rather than aggrieved citizens with genuine problems.<sup>58</sup> In a *New York Times* article, the government was

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<sup>56</sup> Clinton E. Rose, “Rose Report,” *The Milwaukee Star Times*, August 21, 1975; “Mayor Bilandic, Like Daley Giving People A Snow Job,” *Chicago Metro News*, August 5, 1978. The article from the *Chicago Metro News* placed the onus of rioting on police actions, which were based on the political decisions of Chicago politicians who would cater to various types of people to secure their votes. In this case, these politicians targeted the black vote by eventually allowing the use of fire hydrants and promising to attach special nozzles to them, but that never happened. The writer of the *Milwaukee Star Times* article discussed how he believed that hot weather exacerbated existing issues, irritating people and bringing them into the streets to cool off. Moreover, he discussed how media seemed excessively to focus on and exaggerate events for a good news story and that this only added fuel to the fire of existing frustrations.

<sup>57</sup> It is worth noting that I found an article in the *Los Angeles Sentinel*, an African-American newspaper, which did not match these other publications. In it, the writer took a fairly neutral stance on the events of the Watts riot in Los Angeles, yet a police officer was interviewed in the article and clearly promoted the idea that it was a senseless riot caused by racist black people who were “smote with the fever of violence.” The officer depicted the police officers who were the cause of the riot as dutifully and peacefully doing their jobs and further alluded to the hot weather causing rampant and senseless violence. The writer of the article made no efforts to explain whether this recounting of events was shared by the publication. This article was not only incredibly odd in comparison to other African-American publications but also directly contrasts the previous articles and standpoint of the *Sentinel*, which historian Max Felker-Kantor describes as being overtly critical of police brutality and those who would ignore it. Max Felker-Kantor, “Liberal Law-and-Order: The Politics of Police Reform in Los Angeles,” *Journal of Urban History*: 14, published ahead of print, April 28, 2017, <https://doi.org/10.1177/0096144217705462>; “Looting, Violence Cool Off with Weather,” *Los Angeles Sentinel*, August 19, 1965.

<sup>58</sup> Although many white newspapers mentioned potential causes of the riots, their focus seemed to be on the preparations of government and law enforcement for the riots—often amassing weapons—and struggled to combat the hostile rioters, efforts made to distract people as a way of preventing riots, and the inevitability of riots and violence, whereas black newspapers typically focused on the causes of the riots and spreading awareness. Additionally, as Felker-Kantor points out, television news stations also contributed to this type of reporting. For example, the Watts riot was described “using metaphors of war that pitted the forces of law and order against undifferentiated black masses.” See, for example, Earl Caldwell, “Guard is Called Into Cincinnati as Riots Spread,” *New York Times*, June 14, 1967; Nancy Moss, “Inner City Youths Build Rapport at Camp,” *Chicago Tribune*, July 29, 1966; “Woman Hopes Charm Will Help Cool Hot Summer,” *Chicago Tribune*, July 2, 1967; “Predicts More Negro Riots in Coming Summer,” *Chicago Tribune*, March 8, 1967; “Little Change in Riot Cities, Probers Find,” *Chicago Tribune*, February 16, 1968; Gaylord Shaw, “Police Call Report ‘Senseless,’” *San Bernardino (CA) Sun*, March 2, 1968; “Ending Policemen’s Isolation,” *San Bernardino (CA) Sun*, May 7, 1967; Felker-Kantor, *Policing Los Angeles*, 29.

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described as preparing for summer by spreading out an intelligence network to monitor “hostile elements” in black communities across the nation.<sup>59</sup> As for physical preparation against violence, the article stated that:

The Government has been stockpiling riot control equipment that may be made available to local authorities if needed. The National Guard and 15,000 Army troops around the country have been given riot control training and will be available if needed to maintain order.<sup>60</sup>

Local police forces were also reported as preparing for extreme conflict, as an article from the *San Bernardino Sun* pointed out. “An Associated Press survey showed that in city after city, police are buying armored vehicles, high-powered rifles and other sophisticated weapons—even helicopters. Police departments also are recruiting hundreds of civilians as ready reserves and are training squads of sharpshooters ...”<sup>61</sup>

A second difference was the language used by the white press. Words and phrases such as “Racial Outbreaks,” “racial violence,” and especially “racial tensions” (or simply “tensions”), were used often by the white press obscurely. The phrases “racial violence” and “racial tensions” made events’ causes unclear, but the use of “Racial Outbreaks” went further, implying that these riots were natural phenomena, bound to happen, that needed to be contained not solved.<sup>62</sup> Of course, all of these articles either outright stated or at least

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<sup>59</sup> John Herbers, “U.S. Presses Drive to Control Racial Outbreaks,” *New York Times*, March 10, 1968. This article did briefly mention that the Justice Department’s Civil Rights Division was supposed to handle any “legitimate Negro grievances,” but primarily it talked about the development of a “special intelligence unit” meant to monitor black communities for subversive activities. This unit was working closely with the FBI and primarily dealt with monitoring organizations such as the Ku Klux Klan and the Communist Party. Compared to their usual targets, the unit had issues with monitoring the black community, noting, “This one is much vaster, much more obscure, fluid, uncoordinated, loose, difficult to identify – and it’s black ...”

<sup>60</sup> John Herbers, “U.S. Presses Drive to Control Racial Outbreaks,” *New York Times*, March 10, 1968.

<sup>61</sup> Gaylord Shaw, “Police Call Report ‘Senseless,’” *San Bernardino (CA) Sun*, March 2, 1968. The article overall seemed to criticize high-ranking officials in police departments for downplaying and lying about the measures that they were taking, one official claiming that only one city had bought an armored car, and that was it.

<sup>62</sup> It is worth noting that newspapers in the black press also occasionally used the same or similar phrases; however, in those instances, there was a context which explains the usage. For instance, in an article from the *Chicago Metro News*, the writer used the term “racial explosion” to refer to an incident in Marquette Park but then clearly described the situation as white racists attacking black people in the park, thus clearing up any vagueness in the language. Some examples of vague language use by the white press: Carleton W. Sterling, “Response to Injustice: Dangerous Trend,” *Columbia Daily Spectator* (New York), May 7, 1964; “High Temperatures Steamed Up Cities Rocked by Violence,” *New York Times*, July 26, 1967; John Herbers, “U.S. Presses Drive to Control Racial Outbreaks,” *New York Times*, March 10, 1968;

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implied that black people were responsible for the riots, but, by playing with vague words and phrases, they conveniently skirted around the roles that police played in the creation of the long, hot summers.<sup>63</sup>

The third and final distinction between how black and white press perceived the long, hot summers was the white press's struggle with the role that heat played in starting the riots. Many articles mentioned warming weather or rising heat as signs that summer riots were looming; however, heat's role ranged from aggravation of existing issues—as with the black press—to causation. For example, two articles from the *New York Times*, explained heat as a spark, which started violence after other issues had taken their toll, or as a type of last straw. One claimed that “people’s passions rise in the summer heat,” and the other stated that “The worry is that the heat and idleness and passions of summer might combine to push the depressed and deprived people of the Northern slums over the line into a series of street riots.”<sup>64</sup> However, other articles kept the connection to heat vague, simply mentioning that there was a wave of oppressive heat before a riot, or that cooler weather in the summer helped to prevent violence, but never elaborating on why the weather mattered.<sup>65</sup>

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Russel Baker, “Observer: Let’s Hear It for a Really Swell Policy,” *New York Times*, August 8, 1967; Howard Pulley, “Daley Warned On Marquette Park Violence,” *Chicago Metro News*, June 12, 1976.

<sup>63</sup> In fairness, the Kerner Report stated that many incidents of police misconduct started as routine arrests but then developed into misconduct, while only a few started with police misconduct. That said, as per the Kerner Report, black perceptions of police brutality and discrimination were quite high—especially in the ghetto—that the police conducted various aggressive acts through roving patrols of stop-and-frisk squads and “harassment of youth” techniques meant to prevent crime. Black perceptions of police and media are brought up in Hrach’s book, in which he claims that “Black Americans...focused on a belief that the media were part of a white power structure bent on keeping blacks at the bottom of society. ...blacks saw the news media, which relied on the police for information, as a conduit through which the police continued their program of repression.” Kerner et al., *Report of the National Advisory Commission*, 69-70, 158-159, 326-327; Hrach, *Riot Report and News*, 20.

<sup>64</sup> Fred Powlledge, “Negro Riots Reflect Deep-Seated Grievances,” *New York Times*, August 2, 1964; Fred Powlledge, “Civil Rights – Another Long, Hot Summer?,” *New York Times*, June 13, 1965. Both of these articles, written by Fred Powlledge, seem to have been written from a vantage point within the Civil Rights movement, extensively examining black American issues in ghettos; the first quote is from

<sup>65</sup> Earl Caldwell, “Guard is Called Into Cincinnati as Riots Spread,” *New York Times*, June 14, 1967; Arthur Siddon, “Success Tale: How an Alert Chicago Avoided a Long Hot Summer,” *Chicago Tribune*, October 1, 1967. The first article referenced has a sub-heading called “Weather is Muggy” and included a brief paragraph describing the oppressive heatwave, before launching into a description of the beginning of a riot with no explanation why the weather was mentioned. The second article quickly mentioned that the weather being cool helped prevent violence but never explained why. In addition, this article also discussed how youths were talking to people on the street to keep violence down, so clearly people were still in the streets during the summer weather; thus perhaps the article implies some behavioral link to heat and violence, but, again, it is kept vague.

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Some articles seemingly attempted to blame the weather as the key causal factor. This was the case in a *New York Times* article, in which the writer details several cities that were experiencing “racial violence” solely by describing the high temperatures and humidity of each city.<sup>66</sup> Another *New York Times* article discussed plans to keep American cities under a certain temperature, in the hopes that this would “end ‘long-hot-summer’ tensions ...”<sup>67</sup> A *Chicago Tribune* article explained that the city had done everything it could to help its black residents—from creating more jobs, to forming a complaint committee, to reviewing police conduct—but riots still broke out. Thus, it blamed a combination of one of the “hottest, stickiest, and ugliest Julys in Rochester history” and “evil forces” for starting the riot.<sup>68</sup> Whereas articles in black newspapers treated heat as an agitator which exacerbated existing problems, articles in the white press, struggled with heat’s role in the riots, some agreeing with the black press and others treating heat as causation.

While the warnings in black newspapers about the cause of the riots was clear, the reason that summer was seen as an opportunity in the interviews of black citizens and activists was not expressly stated. Perhaps people felt increasingly motivated due to the heat factors or the policy changes taking place in the summer. With students out of school, there would have been a boost in possible participants which allowed for larger and more impressive demonstrations. Conversely, as the “Piney Creek Philosopher” saw it, it could have been as simple as the fact that summer was when “the weather is warm and the rioting is easy.”<sup>69</sup> Whatever the case may be for this opportunistic perception of summer, the point remains that, while broader media came to fear summer and the rising heat, those involved in civil rights activism saw it instead as a chance to make their voices heard.

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<sup>66</sup> “High Temperatures Steamed Up Cities Rocked by Violence,” *New York Times*, July 26, 1967.

<sup>67</sup> Russel Baker, “Observer: Let’s Hear it for a Really Swell Policy,” *New York Times*, August 8, 1967. This article was cited earlier when discussing governmental desires to use the scientific evidence of the propensity toward scientific framing during the 1970s” to manipulate the environment.

<sup>68</sup> Vincent S. Jones, “City Does Its Best, But Riot Breaks Out,” *Chicago Tribune*, July 29, 1964. The article mentioned that no complaints had been filed with the newly created Human Rights Commission and that no charges had been brought against the police during the review. It even went so far as to state that the police had made a mistake by being too lenient in their enforcement out of respect for outcries of police brutality.

<sup>69</sup> J. A., letter to the editor, *Bastrop (TX) Advertiser*, February 29, 1968. The author of this letter is a farmer who is only identified as J. A., the “Piney Creek Philosopher.”

## **Conclusion**

Newspapers in the 1960s and 1970s viewed weather, temperature, and seasonality as deeply connected with crime and civil unrest, especially when it came to summer and heat. Crime first became connected through police reports and later through more scientific means as something that would spike in hot weather and decrease in cold weather. Heat would be blamed for reasons ranging from people on the streets to behavioral factors such as increased aggression. The urban race riots, known as the long, hot summers, became connected to weather in various ways—particularly by white newspapers—and would cause a wave of fear among newspapers every year as summer approached. This eventually resulted in the creation of the Kerner Commission, which subsequently forced the press to analyze more critically black Americans and the factors of the riots, including heat's role.

Although this paper has tried to address the largely untouched topic of how newspapers in the '60s and '70s viewed weather, seasonality, and temperature as they related to crime and civil unrest, many questions remain that require further research to solve. Were environmental factors just used as attempts to explain violent events, or were the instances of apparent scapegoating indicative of a bigger pattern of reporting? How far did the fear of heat and summers penetrate, and how did this fear effect policies of policing, social programs and beyond? These and other questions show that there is a need for further research on this topic to gain a firmer grasp on news media's perceptions of the environment as it related to crime and civil unrest.

Newspaper reports on crime and civil unrest reflected a fear of heat and summer in the 1960s and 1970s. However, this fear would sometimes work to overshadow other causes of pain or injustice—as was the case with the long, hot summer riots in which heat effects were racialized—or skew the significance of environmental factors on crime and violence to one degree or another. Given the modern interest in the connections of these factors, how they have been connected in the past and how people were affected by the connections made is something modern scholars and journalists should keep in mind and be aware of when attributing environmental factors to contemporary issues of violence and conflict.

# **Annihilation of Caste: The Battle of Ambedkar and Gandhi Against Untouchability**

*By Brandon Memmini*

Of the numerous historical figures that emerged in the twentieth century, Mohandas Karamchand Gandhi (1869-1948) is universally considered to be one of the most influential of his times. Widely recognized as Mahatma Gandhi, the non-violent activist received attention worldwide for his enduring fight for India's independence from the British Empire and for his extraordinarily unique methodology of conducting protests that would serve as an example for future campaigns against injustice throughout the world. Gandhi is popularly viewed favorably and represented as the crusader of Indian independence. After all, he was the "Mahatma" (Great Soul), a perceived saintly man admired with such passion that he was promoted to the status of a deity.<sup>1</sup> However, scholarly scrutiny of his social and political ideologies regarding caste and untouchability, particularly his disagreements with Dr. Bhimrao Ramji Ambedkar (1891-1956), uncovers the sharply contradicting narrative of a politician who fervently fought to protect the caste system, a ruthless and unjust institution which organized Indian society for centuries.

Made up of four major social stratifications, the caste system dictates one's status in society. A fifth caste, however, was below even that of servants: the Untouchables. Born into this status, Untouchables are treated inhumanly, seen by the rest of society as too filthy to come in contact with. Untouchability refers to the concept of people being forced to live in a segregated inhuman state and their inability to escape it. In modern times, Untouchables go by the term "Dalit," which means "oppressed." Historian Anupama Rao explains that "Dalit" is not a degrading term but an identity that confronts the discrimination and suffering that they have been forced to endure.<sup>2</sup> Through this name, Dalits

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<sup>1</sup> Shahid Amin, *Event, Metaphor, Memory: Chauri Chaura, 1922-1992* (Berkeley: University of California Press, 1995), 1-2.

<sup>2</sup> Anupama Rao, *The Caste Question: Dalits and the Politics of Modern India* (Berkeley: University of California Press, 2009), 1.



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have created a social community outside of Hinduism as a strategy to obtain political equality.<sup>3</sup> Nevertheless, this enormous section of Indian society continues to be degraded and tasked with horrendous, menial jobs that are unsafe for human beings.

Gandhi's position on caste raises questions on whether he should be considered a "divine" or "saintly" figure. When approaching Gandhi's problematic stance on caste and untouchability, one must consider the life and work of his most formidable adversary, Dr. Bhimrao Ramji Ambedkar. Furthermore, there are various questions that must be answered to arrive at a proper understanding of this complex theme. What is caste and untouchability? Where did this concept come from? How important is caste to Indian society? How did Gandhi and Ambedkar differ on caste and untouchability? How did the two leaders approach solving the issue of untouchability? Is caste still a social problem in India today?

Why does history portray contradictory images of Gandhi? The reason is quite simple but is often diluted through deification. Mohandas Gandhi was not a saint, nor did he solicit such a comparison. In fact, he disliked being regarded as a deity and tried to avoid the title of "Mahatma."<sup>4</sup> According to Mark Shephard, author of *Mahatma Gandhi and his Myths*, Gandhi himself rejected this comparison made by his supporters and instead claimed that he was not a saint who was a politician but rather "a politician trying to be a saint."<sup>5</sup> Gandhi wholeheartedly disapproved of the treatment of Untouchables in India. His disapproval stemmed from a childhood experience when Gandhi's parents made him wash his body after he accidentally came into contact with an Untouchable.<sup>6</sup>

Unlike Gandhi, Ambedkar was born an Untouchable and demonstrated an authentic understanding of Untouchables' interests and political rights. Ambedkar was an exceptionally gifted intellectual who has been admired by scholars who regard him as a man that possessed powers of theorization and synthesis that bore no parallel. Perhaps one of the best routes to illustrate his intellect and work ethic is the fact that before Ambedkar turned thirty years of age he had already obtained a MA and PhD in Economics at Columbia

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<sup>3</sup> Rao, *The Caste Question*, 14-15.

<sup>4</sup> Mark Shepard, *Mahatma Gandhi and His Myths: Civil Disobedience, Nonviolence, and Satyagraha in the Real World* (Los Angeles: Shepard Publications, 2002), 5.

<sup>5</sup> Shepard, *Mahatma Gandhi and His Myths*, 6.

<sup>6</sup> Sohnee Harshey, ed., "Were Gandhi's Practices Any Different from His Writings on Caste?," *Economic and Political Weekly*, infographic, illustration by Parimal Chahande, accessed December 3, 2019, <https://www.epw.in/engage/article/were-gandhis-practices-any-different-from-his-writings-on-caste?fbclid=IwAR1mqBKxu3E6W7YfbcInXK-YbsFkR4a0RwGA0u7THCLZi3egAOMpXLvNFuI>.

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University on a scholarship.<sup>7</sup> Upon graduation, he joined the Bombay Bar of the High Court, lectured at the Government Law College, and served as a Bombay provincial legislator.<sup>8</sup> In addition to being one of Gandhi's harshest critic, Ambedkar would play a crucial role in drafting the Indian Constitution post-independence in 1947.

Despite his achievements, Ambedkar is often sidelined in upper-caste public memory and writings. For example, *The Penguin Gandhi Reader*, a collection of Gandhi's most essential writings, does not contain a single reference to Ambedkar in the index. According to Arundhati Roy, author of *The Doctor and the Saint*, Ambedkar has been left out of upper-caste children's education in India. When Roy eventually managed to read Ambedkar's works, she recalled, "I felt as though somebody had walked into a dim room and opened the windows."<sup>9</sup> She explains that, "Reading Dr. Bhimrao Ramji Ambedkar bridges the gap between what most Indians are schooled to believe in and the reality we experience every day of our lives."<sup>10</sup> This is a great disservice to both Ambedkar and Gandhi, as well as to the discipline of History. Reading and interpreting Ambedkar's writings uncovers Gandhi's inexperience with Untouchables and his insistence on defending the continuation of the Indian caste system.

Ambedkar and Gandhi maintained contradictory views on caste. The dialogue between them demonstrates Ambedkar's ability to challenge Gandhi not only intellectually and politically, but *morally* too. Ambedkar's questioning of Gandhi's morality on caste and untouchability indicated clear hierarchical tension. Ambedkar exposed that Gandhi knew nothing of what it was like to be born into untouchability. While Gandhi was born a Vaishya into a Gujarat Bania family and was the latest in a long tradition of privileged-caste Hindu reformers, Ambedkar, born in Mhow, a cantonment in Madhya Pradesh, into the family of a military schoolteacher, suffered the handicap of belonging to the Mahar caste, one of the largest communities of Untouchables.<sup>11</sup> Nevertheless, his remarkable determination, astounding intellect, and radical ideology permitted him to climb his way up to political and constitutional legitimacy. Gandhi struggled significantly in coping with the fact that he could not truly

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<sup>7</sup> Aishwary Kumar, *Radical Equality: Ambedkar, Gandhi, and the Risk of Democracy* (Redwood City, CA: Stanford University Press, 2015), 16.

<sup>8</sup> Susan Bayly, *Caste, Society, and Politics in India: From the Eighteenth Century to the Modern Age* (Cambridge: Cambridge University Press, 1999), 257.

<sup>9</sup> Arundhati Roy, *The Doctor and the Saint: Caste, Race, and Annihilation of Caste; the Debate Between B. R. Ambedkar and M. K. Gandhi* (Chicago: Haymarket Books, 2017), 17.

<sup>10</sup> Roy, *The Doctor and the Saint*, 17.

<sup>11</sup> Roy, *The Doctor and the Saint*, 38, and Kumar, *Radical Equality*, 4.

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represent his fellow Untouchable Indians that were so desperately in need of support. Therefore, Gandhi, in denial of this fact, attempted to force himself into the position as the leader of the Untouchable community, resulting in a clash with Ambedkar.

The dialogue between these two political giants was not merely a series of heated debates, but their tense arguments centering on their vastly different ideologies of caste and untouchability continue to have immense bearing on politics in contemporary India.<sup>12</sup> Deeply rooted issues of India's caste system that were ubiquitous during the Indian nationalist movement have not been solved, but they have translated and modernized into the fabric of current Indian society.<sup>13</sup>

This article begins with an explanation of the social practice of caste and untouchability. The subsequent sections explore the historiography on caste; Gandhi's views on caste and ending untouchability; and Ambedkar's perspective on the "annihilation of caste" and his denunciation of Gandhi. These debates reveal that on the social evils of caste and untouchability, Gandhi's contributions fell short.

### **What Is Caste?**

Historian Susan Bayly considered caste to be the "meeting ground between everyday Indian life and thought and the strategies of rulers and other arbiters of moral and social order."<sup>14</sup> Caste is what people think of it, and how they act upon on these beliefs. These values and conventions that they have defined become those of their "caste society."<sup>15</sup> Essential to caste are two concepts of group affiliation: *jati* (birth group) and *varna* (social order, class). *Jati* determines one's identity and social interactions such as who one could marry or dine with. Titles associated with specific *jatis* range in the thousands among the different parts of India.

*Varna*, however, is a four-fold classification of Hindu society that, unlike *jati*, transcends specific regional associations. The four *varnas*, also known as "castes," are ranked in order of hierarchy: the *Brahmans* (priests and spiritual preceptors), the *Kshatriyas* (rulers and warriors), the *Vaishya* (merchants and other producers), and the *Shudras* (farmers, servers). The structuring of the four *varnas* stems from ancient Hindu texts such as the *Rig Veda*. Sociologist Dipankar Gupta interpreted the ancient text by explaining that there existed a primeval being whose body was comprised of the four *varnas*. The head and

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<sup>12</sup> Roy, *The Doctor and the Saint*, 39.

<sup>13</sup> Roy, *The Doctor and the Saint*, 37.

<sup>14</sup> Bayly, *Caste, Society, and Politics in India*, 1.

<sup>15</sup> Bayly, *Caste, Society, and Politics in India*, 7.

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shoulders of the primeval being were the *Brahmans* and *Kshatriyas*, whereas the *Shudras* are the being's feet.<sup>16</sup> Within each *varna* exists numerous *jatis*. Gupta elaborates that there are thousands of *jatis*, which results in the notions of hierarchy even with each *varna*.<sup>17</sup> However, there exists a group of Hindus that ranks even lower than that of the *Shudras*, an outcasted fifth-caste, called the Untouchables.<sup>18</sup> Also referred to as "suppressed," "depressed," "backwards," or "scheduled castes," the Untouchables are born into their lowly status as ostracized members of society.

In Hinduism, one's social status is determined by the cycles of birth and rebirth and on their *karma* from previous lives. The belief of *karma* is based on the understanding that one's past actions will have consequences in their subsequent life and rebirths. The cycle of rebirth continues until one reaches *moksha*, or salvation, and is liberated from the cycle. Therefore, if a Hindu is born as an Untouchable or as a *Shudra*, it is believed that the individual's past lives were carried out wrongly, making them unqualified to live the life of a superior *varna*.<sup>19</sup> One must behave solely in accordance with their predetermined caste, even if it is that of a *Shudra* or an Untouchable, to avoid further suffering in their next birth. It is these notions of *karma* and rebirth that had limited social mobility amongst lowest caste Hindus.

The exact origins of the traditional caste system are unclear. Historians Nicholas Dirks and Susan Bayly argue that the traditional caste system is not simply a continuation of an ancient Hindu practice. Rather, they note that caste as it is practiced today is a product of the encounter between Indian society and Western colonialism.<sup>20</sup> The modern concept of caste is a result of centuries of change and adaptation. The caste system's longevity is, in effect, because of its ability to bend but not break. The caste system was able to adapt to different foundational concepts that outside cultures brought. Therefore, caste in modern or contemporary India is not nearly the same as it was in ancient India.

Until well into the period of the British Empire's colonization of India, in fact, much of the subcontinent was populated by people who understood the formal distinctions of caste as maintaining limited importance. This means that the uncompromising adherence to social status that cripples contemporary India was not so glaring until the British became involved. Previously, the only

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<sup>16</sup> Dipankar Gupta, *Interrogating Caste: Understanding Hierarchy and Difference in Indian Society* (New York: Penguin Books, 2000), 7.

<sup>17</sup> Gupta, *Interrogating Caste*, 199.

<sup>18</sup> Bayly, *Caste, Society, and Politics in India*, 8-9.

<sup>19</sup> Bayly, *Caste, Society, and Politics in India*, 146.

<sup>20</sup> Nicholas B. Dirks, *Castes of Mind: Colonialism and the Making of Modern India* (Princeton, NJ: Princeton University Press, 2001), 5.

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practical use of caste distinctions was to serve as a source of commercial and individual lifestyles.<sup>21</sup> Therefore, caste distinctions were primarily used to reflect one's occupation, not unchangeable social status.

Susan Bayly maintains that the first noticeable manifestations of a conscious caste-like social organization can be observed in the centuries immediately preceding British Raj, between 1650 and 1850. Bayly considers caste-based social stratification to be the basis of 'traditional' Indian faith and culture. This system, however, took centuries to be formed into what exists today. In fact, historians reference two distinct stages in the creation of caste-based social stratifications. The first stage was the rise of the royal man of prowess. This period saw men of power, such as kings and priests, becoming an increasing force in the affirmation of a regal and martial form of caste ideal. Those who embraced these values did so with the intent of setting firm boundaries between themselves and non-elites. Historically, men of power and non-elites had been closely affiliated.<sup>22</sup> It was not until this first phase of change that a sense of social superiority and inferiority began to manifest itself into a caste-like social organization. The second stage consisted of *Brahmans* and their supporters becoming ever more widely referred to, which awarded them a quasi-independent status in legal codes and colonial administrative practices.<sup>23</sup>

However, these moderate norms and conventions did not expand and sharpen, until the early nineteenth century under British rule, beginning with the construction of caste language and ideology into structures of authoritative government.<sup>24</sup> It was not until British rule that a conscious caste-like social organization became evident in Indian society, which was a result of British interaction. By the end of the nineteenth century, Bayly explained, many more Indians had embraced forms of formal caste-like organizations.<sup>25</sup> Thus, the barriers of human purity and pollution became increasingly entrenched in the lives of caste Hindus, cementing the discriminatory practices of untouchability into Indian society. The pollution barrier and labeling lower caste people as "Untouchables" offered wealthy and upper caste Hindus the impunity to oppose people of supposedly ritually inferior "communities."<sup>26</sup>

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<sup>21</sup> Bayly, *Caste, Society, and Politics in India*, 3.

<sup>22</sup> Bayly, *Caste, Society, and Politics in India*, 26.

<sup>23</sup> Bayly, *Caste, Society, and Politics in India*, 27.

<sup>24</sup> Bayly, *Caste, Society, and Politics in India*, 4.

<sup>25</sup> Bayly, *Caste, Society, and Politics in India*, 188.

<sup>26</sup> Bayly, *Caste, Society, and Politics in India*, 189.

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Finally, Bayly observed that although the British played a significant role in intensifying and ritualizing the practice of caste into Indian society, traditional caste society was, and continues to be, a result of comparative political and social developments where Indians themselves played an imperative role. She explained that modern upper caste Hindu citizens have realized that by embracing caste practices they can obtain social, cultural, political, and economic privileges in their everyday lives. In doing so, however, caste excludes, disempowers, and subjugates the lower caste people.<sup>27</sup>

Multiple complex cultural and ideological frameworks have engendered, shaped, and perpetuated caste.<sup>28</sup> Caste has withstood centuries of diverse adaptations and implementations due to its reliability.<sup>29</sup> The modern-day caste system has evolved from a rudimentary form of social stratification, initially based on a person's occupation and personal lifestyle, into a rigid and unforgiving social hierarchy that harshly limits social and economic mobility within itself.

### **Gandhi's Views on Caste and Untouchability**

Gandhi was an avid supporter of the *varna* system, while criticizing the practice of untouchability. Gandhi believed that untouchability was a latter-day evil caused by misinterpretation of Hindu scriptures and the degenerative implementation of Hinduism's philosophy.<sup>30</sup> He argued that untouchability was not inherent to the *varnashrama dharma*, or *chaturvarna*, which was the ancient format of the caste system that dominated the subcontinent before British colonization. This antique structure was built upon the foundation of Hinduism's four major *varnas*: *Brahmans*, *Kshatriyas*, *Vaishya*, and *Shudras*.

Gandhi found the *varna* system as acceptable and beneficial to Indian society because it stayed true to the principle of actions or *karma*. He believed that it differed from the Western class system in that it was not based on the possession of wealth. In the traditional *varna* system, theoretically speaking, all castes were to be treated equally and social hierarchy was based on a person's occupation.<sup>31</sup> In other words, Gandhi concluded that if one correctly adheres to the four *varnas* of Hinduism, then caste would not be a discriminatory institution but, rather, an agency for ensuring self-control. He believed that,

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<sup>27</sup> Bayly, *Caste, Society, and Politics in India*, 5.

<sup>28</sup> Bayly, *Caste, Society, and Politics in India*, 4.

<sup>29</sup> Bayly, *Caste, Society, and Politics in India*, 7.

<sup>30</sup> Sudipa Topdar, "Gandhi's Critique of Caste," lecture presented at Illinois State University, Normal, IL, February 28, 2018.

<sup>31</sup> Mahatma Gandhi, "Caste Versus Class," in *The Collected Works of Mahatma Gandhi*, vol. 22 (New Delhi: Ministry of Information and Broadcasting, 1994), 154-156.

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when society does not stay true to the original practice of the *varna* system, “an ugly growth” would form on the body of the caste system resulting in the corrupting practices of untouchability. By treating untouchability as “an ugly growth” that developed from society’s misinterpretations and poor implementations of Hindu scriptures, Gandhi argued that it could and should be erased from the subcontinent.<sup>32</sup>

Although Gandhi’s advocacy for the *varna* system was understandable, it was not obtainable. By the time Gandhi had called for untouchability’s elimination, the caste system had already evolved into an entirely different form of social organization than that of the *varna* system. What Gandhi failed to understand was that there was no possible way of going back to the *varna* system practised thousands of years ago. Life, society, and expectations in India had changed drastically from when the *varna* system of the *Rig Veda* to Gandhi’s times. The caste system and those who suffered under it needed substantial political and economic change, not the impractical restoration of an archaic system of social organization.

Nevertheless, Gandhi pursued the eradication of untouchability as a means to obtain *swaraj* (self-rule) for India’s people from 1933 to 1934.<sup>33</sup> He emphasized Untouchables as an integral part of the Hindu community who should be revered for their grueling work. They argued that they should not be treated as an outside fifth-caste. In fact, Gandhi stated that untouchability would be officially removed from Indian society by granting them equal rights to worship in any Hindu temples, gaining admission to schools alongside children of other castes, and becoming eligible for the highest office in India.<sup>34</sup>

Ironically, Gandhi’s methodology in eradicating untouchability was immersed in religion and spiritualism, the very system that allowed untouchability to exist. This methodology was a reflection of Gandhi’s *Satyagraha* (“truth-force” or “soul-force”), which was Gandhi’s political path to realize *swaraj*.<sup>35</sup> Among the most crucial aspects of Gandhi’s tactics was the concept of spiritually uplifting the Untouchable population. This was the practice of the *Satyagrahi*, one who practices *Satyagraha*, embracing equality with Untouchables through their own voluntary sacrifice (*tyag*). In doing so,

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<sup>32</sup> Gandhi, “Dr. Ambedkar and Caste,” in *The Collected Works of Mahatma Gandhi*, 59:227-229.

<sup>33</sup> Baren Ray, ed. *Gandhi’s Campaign Against Untouchability, 1933-34: An Account from the Raj’s Secret Official Reports* (New Delhi: Gandhi Peace Foundation, 1996), 7.

<sup>34</sup> Gandhi, “Speech at Untouchability Conference,” in *The Collected Works of Mahatma Gandhi*, 30:14-18.

<sup>35</sup> Sudipa Topdar, “Gandhi’s Satyagraha,” lecture presented at Illinois State University, Normal, IL, February 7, 2018.

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the *Satyagrahi* may experience “immeasurable pity” in equalizing dispossession, thus enabling the *Satyagrahi* to comprehend the diurnal struggles and horrors of being an Untouchable.<sup>36</sup>

There are significant issues with this methodology, the first being the aspect of pity itself. The expectation from the *Satyagrahi* to pity the Untouchables simply does not make much sense in erasing untouchability. Equalizing dispossession was not entirely necessary to comprehend the awful situation into which Untouchables were forced, obviously evident by being around them and observing their quotidian lives. The Untouchables’ struggles were not hidden; they were out in the open and impossible to ignore. Therefore, Gandhi’s remedy of equalizing dispossession was unnecessary and would have taken significant time away from making an actual social change. Pity did nothing for the one who was in need of help. If the whole purpose of *tyag* (dispossession) is to spiritually uplift the Untouchable population, as Gandhi would have preferred, then it is paradoxical that the *Satyagrahi* (and not the Untouchable) would be the only one receiving something positive from the interaction.

Gandhi’s spirituality infused methodology also proved rather ineffective for various reasons. One main reason was that Gandhi was born into social and economic privilege. His father, Karamchand Gandhi, served as the *Diwan* (Chief Minister) of the Porbandar princely state.<sup>37</sup> Through his success, Karamchand was able to maintain a stable living for his entire family and lavish lifestyle in “a large Kathiawadi house [with] an arched entrance leading into a courtyard around which the rooms were built.”<sup>38</sup> Gandhi was well-off since birth. In his mission towards spiritual uplift, he *chose* to live in a state of poverty that resembled the ‘Untouchable’ lifestyle. In other words, poverty was not forced upon him; he was merely privileged enough to choose the lifestyle of a poor person.

In his pursuit of eliminating untouchability, Gandhi created a new term for Untouchables, called “*Harijan*” (child of God). Although well-intentioned, Gandhi’s creation of this term was rejected by leaders such as Ambedkar. Historian Aishwary Kumar argued that not only did Gandhi’s notion of the *Harijan* depict a substantial delusion of Untouchables’ interests, but also that the religious term served more as a handicap to Untouchables rather than a mechanism for collective upliftment. Kumar held that the *Harijan* was Gandhi’s ‘moral unequal’ and argues that this inequality symbolizes a

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<sup>36</sup> Aishwary Kumar, “Ellipses of Touch: Gandhi’s Unequals,” *Public Culture* 23, no. 2 (2011): 452-453, <https://doi.org/10.1215/08992363-1161994>.

<sup>37</sup> Ramachandra Guha, *Gandhi Before India* (New York: Vintage Books, 2015), 20.

<sup>38</sup> Guha, *Gandhi Before India*, 26.



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contradictory ellipsis of *Satyagraha*.<sup>39</sup> The moral and spiritual superiority that the *Satyagrahi* receives through practicing *tyag* was exclusive only to the *Satyagrahi*. For the *Harijan*, Kumar elaborated, there was nothing to gain from this practice because the *Harijan* was already materially dispossessed. The *Harijan*'s everyday life was unspectacular and unequal, and, to this group, economic progress and acquisition of wealth was the true path to social uplift.<sup>40</sup> *Tyag* was, therefore, problematic because Gandhi's *Harijan* could not even participate in the very practice that was meant to liberate them.

The *Harijan* ended up being the figure that was exemplary to the *Satyagrahi* but could not host, or embody, the *Satyagrahi*. Thus, the *Harijan* was manipulated into being the representative hostage, becoming an unequal witness to *Satyagraha* itself. Kumar contended that this paradox, forged by Gandhi's inherent moral limitations and unfamiliarity of Untouchables' needs, was essentially *Satyagraha*'s abandonment of the *Harijans*.<sup>41</sup> It was due to his inability to recognize the inherent fallacies within his methodology that his movements and efforts resulted in "less than a total success."<sup>42</sup>

### **B. R. Ambedkar and the *Annihilation of Caste***

Although Gandhi was criticized, no single individual better challenged his views on caste and untouchability than B. R. Ambedkar. Similar to Gandhi, Ambedkar was a prolific writer whose radical anti-caste texts contributed to his ascension as a leader of the Dalits community. Of his numerous writings, the one that best summarizes his position on the caste system in India was his undelivered-speech-turned-publication *Annihilation of Caste*. In 1936, Ambedkar was invited to speak by the Jat-Pak Todak Mandal (Forum for Break-up of Caste) of Lahore, an organization of upper caste Hindu reformers. The organization required the text of the speech in advance to print and distribute it, but, upon realizing that Ambedkar was going to "launch an intellectual assault on the Vedas and shastras, on Hinduism itself," they cancelled the event.<sup>43</sup>

Ambedkar contested Gandhi's views, believing that the horror of untouchability was in fact intrinsic to the caste system. Moreover, he professed that, as long as there was caste, there would be untouchability. Since caste was

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<sup>39</sup> Kumar, "Ellipses of Touch," 465.

<sup>40</sup> Kumar, "Ellipses of Touch," 463.

<sup>41</sup> Kumar, "Ellipses of Touch," 465.

<sup>42</sup> Ray, ed. *Gandhi's Campaign Against Untouchability*, 1.

<sup>43</sup> Roy, *The Doctor and the Saint*, 52.

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inherent to Hinduism, it would prevail so long as Hinduism dominated India. Therefore, Ambedkar concluded that the only way to save the Indian people and rid their land of untouchability was to erase Hinduism from India.<sup>44</sup>

In *Annihilation of Caste*, Ambedkar insisted that Hindu society should be reorganized into a system without caste, based on the principles of liberty, equality, and fraternity.<sup>45</sup> He explained that, since caste is simply a state of mind, there would be no destruction of a physical barrier in the destruction of caste. Rather, it would be a notional change.<sup>46</sup> With this statement, Ambedkar emphasized his idea that changing to a caste-less society could be peaceful. There is no biological basis to caste—a social construct just as much as race. Ambedkar argued that since caste is a concept that only exists mentally, its destruction would not devastate the subcontinent.

To Ambedkar, the real remedies to untouchability were behavioral. Inter-marriage was one solution. Ambedkar believed that the inter-marriage of Dalits and privileged-caste Hindus would create an inter-caste sense of community. Without kinship, the separatism that caste created would not cease.<sup>47</sup> He was also in favor of inter-caste dining as a way to abolish caste. Ambedkar firmly maintained that “caste will cease to be an operative force only when inter-dining and inter-marriage have become matters of common course.”<sup>48</sup>

Ambedkar was a fierce critic of Gandhi’s religious approach to ending untouchability. He often exposed Gandhi’s behavior as implicitly, and in some cases explicitly, supporting the “chamber of horrors” that was the Indian caste system. He maintained that, if Gandhi honestly wanted to serve the interests of the Untouchable community, he needed to focus more on critical issues of political and economic empowerment of the Dalits, as opposed to fighting for less significant battles such as seeking rights for temple entry and spiritual upliftment. Ambedkar was more interested in introducing policies that would end the social and economic hardships of Indian Dalits. He told Gandhi that many in the Dalit community viewed erecting temples and digging wells as a waste of money and wanted a better utilization of those funds.<sup>49</sup> In an exchange between Ambedkar and Gandhi on impending bills regarding temple entry, Ambedkar noted, “As far as we are concerned we have no immediate concern

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<sup>44</sup> *The Essential Writings of B. R. Ambedkar* (New Delhi: Oxford University Press, 2002), 307.

<sup>45</sup> *The Essential Writings of B. R. Ambedkar*, 276.

<sup>46</sup> Bhimrao Ramji Ambedkar, *Annihilation of Caste: With a Reply to Mahatma Gandhi*, 3<sup>rd</sup> ed (Crawley, Australia: UWA Publishing, 2015), 286.

<sup>47</sup> Ambedkar, *Annihilation of Caste*, 285.

<sup>48</sup> Ambedkar, *Annihilation of Caste*, 286

<sup>49</sup> *The Collected Works of Mahatma Gandhi*, 57:443-444.

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other than securing political power, and that alone is the solution of our problem ... I am not going to be satisfied with measures which would merely bring some relief; I don't want to be crushed by your charity."<sup>50</sup>

Rejecting Gandhi's suggestion of spirituality as means of empowering Dalits, Ambedkar instead proposed achieving social equality based on the concept of *maitri* ("friendship" or "fellowship"). *Maitri* denoted an overbearing masculine connotation of the term "fraternity."<sup>51</sup> Ambedkar's *maitri* "lies in sharing of the vital processes of life. It is sharing in the joys and sorrows of birth, death, marriage and food." Indian law, however, barred Untouchables by law from experiencing these processes equally.<sup>52</sup>

Obtaining freedom, Ambedkar believed, required achieving equality. Ambedkar first coined his call for freedom "general mobilization" in *Annihilation of Caste*, in which he called for the recognition of Untouchables' human rights—what he dubbed their "right to have rights." He proclaimed that the right to go to war was useless without first possessing the unrestricted freedom to mobilize and sacrifice oneself freely for a greater cause.<sup>53</sup> Therefore, Ambedkar claimed on behalf of the Untouchable community that "our *Satyagraha* is for regaining our human rights."<sup>54</sup> Through Ambedkar's "general mobilization," Indian society would not be subjected to an obligatory moral law but instead to the fellowship and friendship that was *maitri*.

In examining the thematic differences in ideology between Ambedkar and Gandhi, it is important to mention their views on concepts such as nationalism and utopia. This is important because their views on these concepts serve as a reflection of their methodologies in abolishing untouchability. The two maintained different perceptions regarding the concept of nationalism. While Gandhi's goal was to achieve *swaraj* both politically and at a personal level, Ambedkar was suspicious of nationalism especially considering its devastating repercussions in Europe during World War II.<sup>55</sup> Gandhi's utopia, however, was the complete opposite. It was based on rural austerity and simple living, an experiment that he tried with the establishment of the Phoenix Settlement in South Africa in 1904. Ambedkar labeled Gandhi's utopia as "a sink of localism, a den of ignorance, narrow-mindedness and communalism."<sup>56</sup> Ambedkar's utopia depended on an enlightened India that fused the best ideas

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<sup>50</sup> *The Collected Works of Mahatma Gandhi*, 59:509.

<sup>51</sup> Kumar, *Radical Equality*, 138.

<sup>52</sup> Kumar, *Radical Equality*, 294.

<sup>53</sup> Kumar, *Radical Equality*, 231.

<sup>54</sup> Kumar, *Radical Equality*, 148.

<sup>55</sup> *The Essential Writings of B.R. Ambedkar*, 457.

<sup>56</sup> Roy, *The Doctor and the Saint*, 48-49.

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of European Enlightenment and Buddhism. For Dalits, his utopia meant living an urban lifestyle and enjoying the modernism of the city, rather than village life.

### **The Poona Pact**

With the commencement of the British government's three Round Table Conferences, which lasted from 1930 to 1932, tensions between Ambedkar and Gandhi reached its peak. At these conferences, while various Indian political figures and parties conversed with the British government about constitutional reforms in India, Ambedkar and Gandhi continued their dispute. The Second Round Table Conference, of 1931, in particular, sparked one of the most heated disagreements between the two leaders over Ambedkar's proposal to create separate electorates for Untouchables. Although advocacy for separate electorates for Untouchables was not a novel concept by the early 1930s, the request for separate electorates to represent better the Untouchable community in Indian society was an ongoing appeal.<sup>57</sup> At the Second Round Table Conference, Gandhi demonstrated the unfortunate extent to which his misinterpretation of Untouchables' needs had grown, declaring, "I myself in my own person claim to represent the vast mass of the Untouchables."<sup>58</sup> Gandhi then refuted the direct appeal from Ambedkar, the true representative of the Untouchable community, because he believed that it threatened the caste system. If the caste system were at stake, then Gandhi would no longer be able to pursue the restoration of the archaic *varna* system that he earnestly believed was still obtainable after centuries of alteration and adaptation. Therefore, to protect the impossible restoration of the *varna* system, Gandhi selfishly partook in his fast.

With the British Prime Minister Ramsay MacDonald's Communal Award, the separate electorates for which Ambedkar had advocated on behalf of the 'Depressed Classes' were permitted. Gandhi, however, saw this as a catastrophic rift in the Hindu community that he firmly believed needed to stay unified in their pursuit of national independence. Gandhi threatened a "fast unto death" that would only cease if the decision for separate electorates was

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<sup>57</sup> Eleanor Zelliott, "Congress and the Untouchables, 1917-1950," in *Congress and Indian Nationalism: The Pre-independence Phase*, ed. Eleanor Zelliott and Rohini Mokashi-Punekar (Berkeley: University of California Press, 1988), 184.

<sup>58</sup> David Hardiman, *Gandhi in His Time and Ours: The Global Legacy of His Ideas* (New York: Columbia University Press, 2003), 131.

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reversed or compromised.<sup>59</sup> Gandhi's life-threatening fast forced Ambedkar to yield and for the two of them to reach a crucial agreement regarding political representation for the "Suppressed Classes," called the Poona Pact of 1932.

Unfortunately, the Poona Pact was no more than a poor attempt to reach an impossible common ground between Gandhi and Ambedkar's plans. The frequent dispute among historians when referencing the Poona Pact is over which of the two—Ambedkar or Gandhi—was victorious in their debate leading up to Gandhi's "fast unto death." Historian Ravinder Kumar argued that Gandhi's fast was "remarkably successful in preventing the emergence of a fatal divide between caste Hindus and the Untouchable communities."<sup>60</sup> Kumar's argument, however, ignored an equally important underlying factor of questionable morality in Gandhi's fast. Instead of granting Untouchables the separate electorates that they so desperately needed, Gandhi permitted members of the upper castes to maneuver around the larger amount of 'Suppressed Classes' seats created from the Poona Pact. This was because the general electorate would selectively elect members of the "Suppressed Classes" panel who were the least objectionable to the upper castes, despite the "Suppressed Classes" obtaining a larger number of seats.<sup>61</sup> Gandhi threatened to take his own life if his religion-specific ideals were not integral to the final decision regarding separate electorates, thus compelling Ambedkar to yield.

In 1945, Ambedkar published his book *What Congress and Gandhi Have Done to the Untouchables*, which further revealed Gandhi's flawed ideology regarding the possibility of separate electorates. In his work, Ambedkar emphasized his anger over Gandhi's fast. He interpreted Gandhi's fast as foul and filthy, not representing any noble cause whatsoever. Rather, Ambedkar wrote how the fast was not for, but against, the Untouchables, being "the worst form of coercion against a helpless people to give up the constitutional safeguards of which they had become possessed under the Prime Minister's Award ... it was a vile and wicked act."<sup>62</sup> By partaking in his "fast unto death," Gandhi singlehandedly destroyed not only the community's hope of separate electorates, but also the means for a fortified electoral advantage and political voice as well.<sup>63</sup>

The Poona Pact resulted in a blow to Untouchables' hope for substantial political representation. Ambedkar, however, was extraordinarily unwavering

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<sup>59</sup> Ravinder Kumar, "Gandhi, Ambedkar, and the Poona Pact, 1932," *Journal of South Asian Studies* 8, no. 1-2 (1985): 95, <https://doi.org/10.1080/00856408508723068>.

<sup>60</sup> Kumar, "Gandhi, Ambedkar, and the Poona Pact," 88.

<sup>61</sup> Ray, ed., *Gandhi's Campaign Against Untouchability*, 5-6.

<sup>62</sup> Ambedkar, *What Congress and Gandhi Have Done to the Untouchables* (Bombay: Thacker, 1945), 232.

<sup>63</sup> Kumar, *Radical Equality*, 139.

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in attempting to implement his radical stance on caste and untouchability. The two continued their oppositional dialogue primarily in writing until the mid-1940s as India's Hindu-Muslim conflict and impending partition primarily took hold of Gandhi's attention. Ambedkar was not satisfied with this excuse, however, and wrote to Gandhi in 1944 informing him that untouchability still had not been settled. In his message, Ambedkar reminded Gandhi that the Hindu-Muslim conflict was not the only communal problem that needed resolution. Here, Ambedkar implied that the communal problem between the Hindus and the Untouchables still awaited reconciliation. He ended his message by advising Gandhi to reach out to him if Gandhi cared as seriously about solving the Hindu-Untouchable problem as he did the Hindu-Muslim conflict. Gandhi responded, Ambedkar writing that he hoped that the two could work together. For the time being, however, he needed to focus solely on the Hindu-Muslim conflict.<sup>64</sup>

Ambedkar never gave up his pursuit of becoming part of the Constituent Assembly so that he could influence the Indian Constitution. He was successful in August 1947, where he joined Prime Minister Nehru's Cabinet as Law Minister while also being made the chairman of the drafting committee of the Indian Constitution. In fact, a large portion of the Constitution was based on Ambedkar's conceptual framework.<sup>65</sup> Although he resigned from the Cabinet in September 1951, his politically gifted presence was felt in India until his death.<sup>66</sup> Not seeing any significant changes of the country's corrupt caste system in the near future, Ambedkar converted to Buddhism as an alternative to Hinduism before his death on December 6, 1956.<sup>67</sup>

## **Conclusion**

The caste system is still practiced in modern India and Gandhi played a significant role in ensuring its survival throughout India's independence movement. Although the Indian Constitution formally abolished untouchability, the Dalits continue to endure hardships and brutality from upper castes.<sup>68</sup> According to the National Crime Records Bureau, a crime is committed against a Dalit by an upper-caste Hindu every sixteen minutes; everyday more than four Dalit women are raped by upper-caste Hindu men; every week thirteen Dalits are murdered, and six Dalits are kidnapped. In 2012 alone, the year of the Delhi gang-rape and murder, 1,574 Dalit women were

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<sup>64</sup> *The Collected Works of Mahatma Gandhi*, 84:272.

<sup>65</sup> *The Essential Writings of B.R. Ambedkar*, 15.

<sup>66</sup> *The Essential Writings of B.R. Ambedkar*, 16.

<sup>67</sup> *The Essential Writings of B.R. Ambedkar*, 17.

<sup>68</sup> Ray, ed., *Gandhi's Campaign Against Untouchability*, 47.

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raped, and 651 Dalits were murdered.<sup>69</sup> Sadly, only ten percent of rapes and other crimes against Dalits are ever reported.<sup>70</sup> This very recent data emphasizes the continuous, daily torment that the Dalits are forced to endure.

Today, the Dalit community has launched various political movements to empower themselves. A Dalit-based national political party called the Bahujan Samaj Party (BSP) was founded in 1984 to gain international attention for the Dalit cause and to change the framing strategies of the caste system in India.<sup>71</sup> Another significant organization is the much more politically aggressive Dalit Panther Movement, created in 1972, which contributed to the first mass-mobilization of Dalits.<sup>72</sup> Both groups have shown success in contemporary Indian politics, but the BSP has arguably been more impactful in uplifting the Dalit movement. A significant portion of this success and elevation is the result of the four-time elected Chief Minister of Uttar Pradesh and leader of the BSP, Mayawati. Mayawati has been successful in leading the BSP and advocating for Dalit political representation and rights. Under her leadership in Uttar Pradesh, Dalits have gained increased significance in local power structures.<sup>73</sup> Furthermore, being a female politician, Mayawati has become a symbol for gender empowerment among Dalit women.<sup>74</sup>

If one truly wants to appreciate Gandhi as a historical figure, one must recognize all facets of his life, including his failings. If Gandhi is labeled as a flawless saintly figure, his life cannot be observed critically.<sup>75</sup> This is why challenging Gandhi's epithet of the "Mahatma" through the lens of B. R. Ambedkar's interlocution is critical. It is by studying Ambedkar's intellectual criticism of Mohandas Gandhi that his deifying title of "Mahatma" is put into question. Gandhi's various ideals, attitudes, and actions taken on the issue of caste and untouchability challenge any title that names Gandhi as a saintly figure. Gandhi was a politician who failed to solve the issue of untouchability in India. He led his campaign with a methodology engrossed in spiritualism and religion. By intending to protect the *varna* system, Gandhi approached untouchability with a closed mind that exposed his moral limitations in dealing with the Untouchables' suffering. He ignored Ambedkar's warnings

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<sup>69</sup> Roy, *The Doctor and the Saint*, 21.

<sup>70</sup> Roy, *The Doctor and the Saint*, 21.

<sup>71</sup> Lisa Daily, "Constructing a New Nationalism from Below: The Dalit Movement, Politics, and Transitional Networking" (Master's thesis, University of South Florida, 2009), <https://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=2919&context=etd>, p.29).

<sup>72</sup> Daily, "Constructing a New Nationalism from Below," 39.

<sup>73</sup> Daily, "Constructing a New Nationalism from Below," 61.

<sup>74</sup> Daily, "Constructing a New Nationalism from Below," 66.

<sup>75</sup> Shepard, *Mahatma Gandhi and His Myths*, 1.

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that he was approaching the challenge incorrectly, and he was oblivious to effective alternatives.

Mohandas Gandhi was a human being who made mistakes. Yet he managed to change history and inspire countless people decades after his death. However, the moment Gandhi is deified, the opportunity to comprehend and replicate any of the great things that he accomplished is lost. This is because humans cannot comprehend or replicate the actions of a deity. Ambedkar managed to separate the “Mahatma” from Mohandas. By going toe-to-toe with Gandhi, Ambedkar exposed how human Gandhi really was. It is critical that Gandhi’s legacy is not completely discredited, but, if anything is to be learned from it, it must be analyzed alongside his fiercest interlocutor, B. R. Ambedkar.