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EDITOR'S NOTE

Welcome to the 9th edition of *The Forum: Journal of History*! We hope you enjoy reading this year's completely student-run publication. Here at Cal Poly, our motto is "Learn by Doing." Within the history department, we are proud to develop skills in publishing both as authors and editors working on this journal. The hard work Cal Poly students put into historical research and writing is exemplified in this year's edition. Many of the pieces selected come from Cal Poly's Research and Writing Seminar, a class all history majors and minors must take in order to move on to upper division courses. During this course, students are tasked with writing their first in depth research paper and have the opportunity to work in the University's archives and special collections. Students often carry the skills they learn through this class with them as they continue their academic careers.

Our intention with this year's selections is to showcase the importance of critical thinking within the diverse field of history. Our authors look critically at their topics and ask the hard-hitting questions that dig deeper into historical thought.

We would like to offer a very special thank you to our editing team. This journal would not have been possible without all their hard work and dedication. We would also like to thank our faculty advisor, Dr. Lewis Call, as well as the entire history faculty for their help in facilitating the publication of this journal. We would also like to thank last year's executive editors, Jennifer Freilach and Madeleine Aitchison for their guidance as we maneuvered our new positions as executive editors. They answered our numerous questions and we owe them our success in transitioning smoothly into these roles. Lastly, we would like to thank all of the authors who submitted to *The Forum*. Their in depth research on a wide array of fascinating topics were always a pleasure to read.

—Kali Leonard & Danielle Skipper

ARTICLES

THE GUNPOWDER PLOT AND JAMES I'S ELIMINATION OF CATHOLICISM IN ENGLAND

KELLY BARR

In the predawn hours of November 5th, 1605 darkness loomed above the English House of Parliament. Hiding below in a cold, damp cellar, a traitor hid with thirty-six barrels of gunpowder. He intended, with the strike of a match, to blow a hole through the heart of his nation, engulfing the King, the Commons, the Lords, and the Bishops in a ball of flame that would end seventy-five years of oppression. But before he could light that match, Guy Fawkes was discovered by the King's men, tortured, and executed for treason. He represented the most devilish intention of England's secret Catholics—to violently overthrow King James.¹ Or, at least, this is how the traditional story goes. The historical evidence suggests something else entirely. Fear has the power to inspire unprecedented change, to unite a divided nation, and in 1605, this is just what England needed to rid itself of its Catholic problem once and for all. The English government likely fabricated the details of what came to be known as the "Gunpowder Plot" and attributed blame to the Jesuits in order to turn public opinion against Catholics and justify the harsh laws that would ultimately end widespread Catholic recusancy and unite a nation that had been divided over faith for 75 years.

In 1530 King Henry VIII requested an annulment of his marriage to his first wife, Catherine of Aragon and set into motion a chain of events that would ultimately result in the "Gunpowder Plot." Because he was Catholic, Henry could not divorce his

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KELLY BARR

Kelly Barr is a first year History major from Alamo, CA. Her interests include English history and American history from 1940 onward and she has plans to minor in Western Intellectual Tradition. She loves spending her time surfing, rock climbing, and reading.

¹ Alice Hogge, *God's Secret Agents* (New York: Harper Collins Publishers, 2006), 328.

wife without the approval of the Pope. Henry bullied England's leading theologians to validate the divorce, but Pope Clement VII refused. Nevertheless, Henry VIII exiled Catherine and married Anne Boleyn in 1533. A few months later, Clement excommunicated Henry, insisting that he leave Anne Boleyn and take back his exiled wife. Unwilling to submit to the Pope's authority, Henry split from the Roman Catholic Church in 1534 by enacting the Act of Supremacy, which established the new "Church of England" and installed the King as its Supreme Head.² With that single pen stroke, religion and politics became officially united in England's head of state. The Treason Act, passed later that year, made any denial of the Act of Supremacy punishable by death and reinforced that an enemy of the church was an enemy of the state.³ Initially, the Treason Act was only enforced against high ranking officials that publicly denied Henry's authority; aside from a few exceptional cases, the general public was left alone. Religious practice was largely unchanged given that Henry's disagreement was over papal authority, not doctrine. This meant all but England's top political class had no reason to be anti-Catholic aside from its de facto illegality under the Supremacy and Treason Acts. Most of Christendom was "catholic" until the Protestant Reformation in 1517, and most of England was Catholic until 1534. The Pope even bestowed upon Henry the title "Defender of the Faith" for his defense of the sacraments (including marriage) in 1521.⁴

While a good portion of England accepted the King's authority over the new Church, there remained a small, but extremely devout, contingent of Catholics—devout because they were the few that remained consciously loyal to their faith even though a conversion to Anglicanism would have been easy given the lack of doctrinal divergence between Catholicism and Anglicanism. This small group presented a new challenge to the state because, on account of their faith, they were, legally at least, in direct opposition to the King, yet, open religious persecution was unacceptable because it may have led to foreign intercession by European Catholic states such as France or Spain. This meant that from 1534 until the Gunpowder Plot in 1605, English monarchs tried to link Catholics to political violence in order to turn public

² *Act of Supremacy*, "Statutes of the Realm, III", 1534, accessed March 5, 2017, http://tudorplace.com.ar/Documents/the_act_of_supremacy.htm.

³ *Treason Act*, "Statutes of the Realm, III", 1534, accessed March 5, 2017, <http://fs2.american.edu/dfagel/www/1534treasons.htm>

⁴ Hogge, *God's Secret Agents*, 233.

opinion against them and justify their systematic elimination. The Catholics made this task all too easy.

Henry VIII's successor, Edward VI, died in 1553. Together, they had made significant progress against Catholicism by outlawing certain aspects of the Mass, exiling dissident intellectuals, instituting new common prayers, and establishing a slew of new statutes targeting Catholics. But all of this was undone when Henry's daughter by Catherine of Aragon, Mary I, a Catholic, took the throne. She reversed every statute, restored the traditional Mass, and welcomed back the exiled intellectuals. But Mary lost popular support when she tried and burned the heretical Anglican bishops and a large number of Protestants.⁵ When Elizabeth I took the crown in 1588, the country rejoiced.⁶ Mary's brutality in the name of Catholicism was exactly the justification Elizabeth needed to reinstate the Act of Supremacy and Treason Act and to strengthen the anti-Catholic laws that Mary had abolished. During the previous reigns, the Catholic threat was largely theoretical; it became real following Mary's brutality.

In 1570 Pius V compounded the situation by issuing the bull *Regnans in Excelsis*, which excommunicated Elizabeth I, released English Catholics from allegiance to her, and openly encouraged her overthrow.⁷ Before the bull, Catholics were enemies of the state according to the law; now they were enemies of the state by their own leader's admission. Alice Hogge, in her book "God's Secret Agents," sums this up best: "Pius had achieved what Protestant Parliamentarians had so far only dreamed of... he had given an anxious English nation the cast-iron proof that the more devout the Catholic, the more danger they presented to the realm."⁸ Although later Popes would try to soften Pius's radical stance, the damage was severe and unforgettable. Elizabeth instated harsher laws, even banning known Catholic judges from power.⁹ From 1570

⁵ "Archbishop Thomas Cranmer, *Death by Execution*", 1556, accessed March 5, 2017, <https://englishhistory.net/tudor/thomas-cranmer-death/>

⁶ Hogge, *God's Secret Agents*, 29.

⁷ Pope St. Pius V, "*Regnans in Excelsis*" (Rome: 1570), accessed March 5, 2017, <http://www.papalencyclicals.net/Pius05/p5regnans.htm>

⁸ Hogge, *God's Secret Agents*, 47.

⁹ J.P. Somerville, "Elizabeth I," *University of Wisconsin*, accessed March 5, 2017, <http://faculty.history.wisc.edu/sommerville/361/361-14.htm>

to 1605, fringe groups of Catholics would cite *Regnans in Excelsis* as justification for periodic revolts and coup attempts.

In 1588 the threat of overthrow became a reality when the Spanish Armada, representing the Catholic sphere, sailed on England with the specific purpose of deposing Elizabeth, the Anglican defector. Pope Sixtus V even promised Philip II, the Catholic King of Spain, one million gold ducats should the invasion succeed and a Catholic be installed on the throne.¹⁰ In July 1588, the Armada sailed to its last battle. Though Spain's fleet was better trained and equipped, its ships were too big. England's smaller, more maneuverable vessels tore through the Armada with overwhelming speed. This, and an unfortunate onset of storms, led to the Armada's defeat. England was safe from Catholic invaders but its fear of armed Catholic overthrow had been confirmed. If Mary's reign and *Regnans in Excelsis* did not prove the threat posed by England's secret Catholics, the Armada could not fail to do so. But even after the defeat, Rome would not give up on England's Catholics.

Throughout England, Catholic priests hid in secret, ministering to faithful Catholics. At the forefront of this mission was the Society of Jesus, or Jesuits, a recently formed order of Catholic priests trained at various seminaries across Europe to speak numerous languages, memorize large sections of the Bible, and combat Protestant heresy with intellectual rigor.¹¹ Because it was both illegal to leave England and illegal to be a priest, the Jesuits lived in hiding, ministering only when it was safe. They were very successful in maintaining Catholic numbers and represented the heart of the English Catholic movement. Though they were constantly reminded in the seminary to avoid all matters of politics, to attend solely to matters of faith, the English state labeled them public enemies. They were viewed as agents of Rome, instigating subversion and plotting assassination. Elizabeth's successor, James I, manipulated these fears by tying the Jesuits to the Gunpowder Plot in order to justify the persecution and marginalization of Catholics.

When James I took the crown in 1603 the Catholic problem was at a tipping point. The combined effects of Mary I's reign, Pope Pius V's bull *Regnans in Excelsis*, and the attempted invasion by the Spanish Armada left England in an extremely volatile state. Due in part to both the actual events and the English state's propaganda

campaign, English people were afraid, and James I, if he was to have any success, needed to reassure them. He resolved to eliminate the practice of the Catholic faith in England. From the outset, James I proved to be a skilled political manipulator. Because Elizabeth I never married or had children during her 45 year reign, there was no clear successor after her death in 1603. So when James I, son of Mary I, became the king, he needed all the support he could muster, even from the Catholics. Pope Clement VIII had written a letter to England's Catholics saying "that none should consent to any successor upon Elizabeth's death, however near in blood, who would not... with all his might set forward the Catholic religion."¹² So out of pure political expediency and a desire to meet Clement VIII's demand James flirted with Catholicism by knighting some of the families that were loyal to his late Catholic mother, Mary I, and releasing and banishing many of the priests Elizabeth had imprisoned. Catholics were hopeful that James would be friendly to their cause. Henry Garnet, the secret Jesuit superior in England, even wrote a letter to James promising his Order's support for the new king. But to James this was all a political power play. Once he satisfied every politically connected party and secured his position, he spoke his mind. "No, no," he was purported to have said, "we'll not need the papists now!"¹³

During his first parliamentary session in 1604, James passed the *Act for the due execution of the Statutes against Jesuits, Seminary Priests, Recusants, etc.*, which upheld all of Elizabeth's existing laws and added a few more.¹⁴ In August of that year, he brokered a peace treaty with Spain, one of England's longstanding enemies.¹⁵ Previously, England persecuted Catholics on the grounds that they might rise up in the event of a second Spanish invasion. But now that the threat of invasion was neutralized, England needed new justification for its persecutions. Because he could not persecute Catholics solely based on their faith, James needed to tie the Catholics to some non-religious crime if he wanted to eliminate them and maintain public approval. This opportunity came in 1605 when Guy Fawkes, Robert Catesby, Thomas Wintour, Thomas Percy, and Jack Wright attempted to blow up Parliament. After 75 years of persecution and the false hope that James I might bring relief, these five Catholics decided to resolve the

10 Hogge, *God's Secret Agents*, 3.

11 Hogge, *God's Secret Agents*, 13-14.

12 Hogge, *God's Secret Agents*, 293.

13 Samuel R. Gardiner, *History of England, Vol. I, 1603-1642* (London: Longmans, Green, 1883), 100.

14 Gardiner, *History of England*, 202-203.

15 Hogge, *God's Secret Agents*, 324.

conflict on their own once and for all. In the days and weeks following the Gunpowder Plot of November 5th, James' government captured the purported conspirators and fabricated an official story based on their shaky testimonies and questionable evidence. That story goes as follows.

On May 20, 1604 Fawkes, Catesby, Wintour, Percy, and Wright met at a London inn to discuss the beginnings of the plot and take an oath of secrecy. They then went to the adjacent room and had Mass, celebrated by the Jesuit Father John Gerard. The five then bought a house with a cellar that extended under the Parliament building and spent the next year stocking it with 36 barrels of gunpowder. In June 1605, Jesuit Father Oswald Tesimond told his superior, Father Henry Garnet of the plot, but to maintain the secret, he did so under the sacred seal of confession. Just hours later, Garnet wrote a letter to Father Claudio Aquaviva, the Jesuit Superior General in Rome, warning him of a potential uprising but expressing enough ambivalence to show that he was not wholly against it. On October 26, 1605, the government was tipped off to the plot when a servant of Lord Mounteagle was walking through the street and an unnamed man handed him an unsigned letter of warning. The servant brought the letter to Lord Mounteagle, who delivered it to Robert Cecil, a member of the King's council, who in turn waited for James to return from his hunting trip on November 1st to inform him of the letter. It wasn't until November 4th that a search was conducted in and around Parliament. The first search turned up nothing. During a second search in the early hours of November 5, 1605, the King's agents discovered Guy Fawkes and the gunpowder, stopping the attack only hours before the start of the Parliamentary session.¹⁶ This is the version of events that James and his government made public. However, according to the evidence, this story is marked with enough errors to suggest that it was falsified.

There had been frequent plots since 1530, most were harmless, and none were linked to the Jesuits. But despite the Jesuits' lack of involvement, James needed to tie them to the plot because they represented the Catholic movement in England. Without the Jesuits' involvement James knew that the entire Catholic population would not be personified by a few radicals, and the Gunpowder Plot would be viewed as another insignificant attempt at overthrow. So instead, James manipulated the evidence and fabricated at least three key pieces to implicate the Jesuits. James' fabricated evidence

likely accounts for three crucial points in the traditional story: Father Tesimond's incriminating confession to Father Garnet, Garnet's subsequent letter to Aquaviva, and the expository letter delivered to James by Lord Mounteagle. The confession probably never happened, and the letters were almost certainly tampered with or forged.

That Tesimond confessed to Garnet is based on Garnet's own testimony from March 8, 1606. However, the testimony is suspect because Garnet had been in custody since January 27th and had not said a word, even after torture. Additionally, the government had recently learned the limits of torture. A month earlier they accidentally tortured Nicholas Owen to death and did a sloppy job covering it up, creating outrage amongst Catholics and embarrassment for themselves.¹⁷ Owen, one of the key figures in the Jesuit mission, withheld his secrets even unto death. The examiners were probably worried that Garnet would do the same, so they fabricated his testimony. Five days before he confessed, Garnet wrote a secret letter to his friends outside the prison, saying, "I see no advantage they have against me for the powder action."¹⁸ On this same day, Robert Cecil, a member of James's Privy Council and the man who was in charge of Garnet's interrogation, wrote a letter assuring his correspondent, "that ere many days he should hear that Father Garnet... was laid open for a principal conspirator."¹⁹ It seems all too convenient that Cecil gave this assurance just days before it was proven true. After two months of torture, 20 years of hiding, escaping, and living a life of constant secrecy, how could Garnet flip in five days? The examiners' notes reveal just how important Garnet's testimony was: "We are now therefore not to arraign Garnet the Jesuit... but to unmask and arraign that misnamed presumptuous Society of Our Savior Jesus."²⁰ The government attempted "to prove to all the world that it is not for their religion, but for their treasonable teachings and practices that they should be exterminated."²¹

17 Hogge, *God's Secret Agents*, 365.

18 Henry Garnet, "Letter to Friends", March 3, 1606.

19 Robert Cecil, "Letter to Sir H. Brouncker" (Calendar of the State Papers, Relating to Ireland: 1603-1606, 1872), accessed March 5, 2017, <https://books.google.com/books?id=o9MsAQAAAJ&printsec=frontcover#v=onepage&q&f=false>.

20 Robert Cecil, *Calendar of the Cecil Papers in Hatfield House: Volume 17, 1605* (London: His Majesty's Stationery Office, 1938), 412-413, accessed March 5, 2017, <http://www.british-history.ac.uk/cal-cecil-papers/vol17/pp570-649>.

21 Hogge, *God's Secret Agents*, 366.

16 *Ibid.*

Garnet's testimony was enough for James to proceed against the Jesuits and the Catholics, but he reinforced his position by manipulating the letter that Garnet sent to Aquaviva after Tesimond's supposed confession. The evidence of forgery is a letter from a spy named Arthur Gregory to Robert Cecil dated 1606, a year after the discovery of the plot. Gregory asked for payment for his efforts as an informer. Usually these informers promised some new piece of evidence should they be paid. But Gregory referenced services he had already done—"secret services... that none but myself has done before." This service was "to write in another man's hand."²² The original letter no longer exists, but there are two remaining copies. The first is in the Public Records Office in England, the second is in Jesuit records.²³ The first version, the one that James would have used, is not written in Garnet's handwriting and only includes the first half of the letter, which admittedly sounds ambivalent towards whatever threat Garnet was referencing. This ambivalence was enough for James to conclude that the Jesuits were not opposed to the plot and therefore were accessories to treason. The Jesuit version—written in Garnet's hand—includes a second half that expressly counsels the Pope to issue a statement of disapproval. The fact that the Jesuits even have the letter written after Tesimond's confession would seem to contradict the argument that the confession never took place, but was fabricated by the government. However, the letter does not actually mention Tesimond, Catesby, or the specifics of the plot. It only mentions treason. Certainly Garnet was aware that Catesby was up to no good, but evidenced in Garnet's frequent letters to Rome, Garnet made every effort to never hear the details from Catesby in order to obey his superior's order to avoid political matters. It is more likely that Garnet was merely referencing these vague threats. The government probably knew of the letter. So when they fabricated Garnet's testimony about Tesimond's confession, they set the date of the confession just before the date of the letter. They ordered the two events such that the letter seemed to be a response to Tesimond's confession when in fact it was not. Then they removed the part of the letter that told the Pope to disapprove so that the letter would sound entirely supportive of the bombing.

²² Arthur Gregory, *Calendar of the Cecil Papers in Hatfield House: Volume 18, 1605* (London: His Majesty's Stationery Office), 47-49.

²³ Hogge, *God's Secret Agents*, 340.

Casting further doubt on the story's validity is the initial letter obtained by Mounteagle's servant. The government claimed to have received the letter of warning on October 26, 1605 from Lord Mounteagle, who received it from his servant, and he from an unknown man in the street.²⁴ How did the unidentified man know of the plot, and why would he not deliver the letter to James's cabinet himself as it surely would have won him favor at court? The government probably knew of the plot long in advance—perhaps one of the conspirators was an inside man, however there is no evidence to prove this—but instead of arresting the plotters, they let it unfold so that they could manipulate the event to incriminate the Catholics. In order to make their knowledge of the plot seem natural, the government delivered a letter to itself. This would also explain why the government waited nine days to conduct a search. If Robert Cecil had learned of an attempt on the King's life, he wouldn't have waited six days to inform the King and take protective measures. Those protective measures would have consisted of more than a routine search of the area. James let the conspirators play into his trap.

An additional flaw in James's account is that all the conspirators denied that the Jesuits knew of the plot. The government said that because Father John Gerard celebrated Mass for the conspirators on May 20, 1604, he was accessory to the crime. But the statement about Gerard celebrating Mass was gathered from Guy Fawkes after he was tortured repeatedly.²⁵ Even then, Fawkes denied that Gerard knew. For the rest of his life after escaping England, Gerard denied that he was even there. He claimed it was likely that the conspirators never met him and instead confused him for one of the other two priests that often used the same house.²⁶ As for the other conspirators, they either never admitted Gerard's involvement, even under severe

²⁴ Letter to Lord Mounteagle, October 26, 1605, Domestic State Papers 14/216/2, National Archives, Kew, England, accessed March 5, 2017, <http://www.nationalarchives.gov.uk/education/resources/gunpowder-plot/source-1/>.

²⁵ William Waad, "Letter to Robert Cecil", *Calendar of the Manuscripts of the Most Hon. the Marquis of Salisbury, Vol. XVII, 1605* (London: His Majesty's Stationery Office, 1883), 479, accessed March 5, 2017, https://archive.org/details/calendarofmanusc17grea_0.

²⁶ John Gerard, *The Condition of Catholics under James I: Father Gerard's Narrative of the Gunpowder Plot*, trans. John Morris, S.J. (London: Longmans, Green, 1871), ccxxiii-ccxxv.; John Gerard, *The Condition of Catholics under James I: Father Gerard's Narrative of the Gunpowder Plot*, trans. John Morris, S.J. (London: Longmans, Green, 1871), 201.

torture, or simply had nothing to say. Furthermore, during Father Henry Garnet's trial in front of James's Privy Council, Garnet asked for each of the witnesses to be questioned again, confident that none would indicate him in the crime even after torture. Alice Hogge puts the next line best: "With no one giving it the information it wanted the Government was forced to go hunting for itself."²⁷

Finally, the most broad and overarching inconsistency is that all correspondence from the time indicates that the Jesuits were not involved. The Jesuits made every effort to avoid scandal because they knew they represented Rome in England and did not want to mistakenly indicate the mother Church in any crimes. In 1603, Father Aquaviva wrote to Garnet: "Shun every species of activity that might make priests of our Order hated by the world and branded instigators of tragedy."²⁸ That is why when Catesby began to hint at some secret uprising to Garnet, Garnet asked for Catesby's assurance that he would abstain from further action. In a letter to a Catholic friend dated October 1603, Garnet wrote, "I earnestly desired him that he and Mr. Thomas Wintour would not join with any such tumults... He assured me that he would not."²⁹ Since this letter was to a fellow Catholic, Garnet had little reason to lie. The Jesuits were so deeply embedded amongst the small Catholic community that Garnet would not distrust his contact. Garnet likely hid at this person's house at some point during his mission. If he could trust his friend with his life, surely he could trust her with rumors of a secret plot. The Jesuit's unwillingness to participate is probably why Catesby grew increasingly distant from his long time spiritual mentor in the months leading up to November 5th. According to Father Tesimond, Catesby "began to say openly... that the Jesuits were getting in the way of the good Catholics could do themselves."³⁰ Catesby would not have said this if the Jesuits instructed him to carry out the plot or were helping him do so.

In the aftermath of the Gunpowder Plot, James I passed the Oath of Allegiance, which stated that the King had ultimate authority over the realm and that the Pope had no authority to depose him. By the Pope's orders, Catholics were not allowed to

27 Hogge, *God's Secret Agents*, 351.

28 Philip Caraman S.J., *Henry Garnet 1555-1606 and the Gunpowder Plot* (London: Longmans, Green, 1964), 310.

29 Hogge, *God's Secret Agents*, 331.

30 Oswald Tesimond S.J., *The Gunpowder Plot*, trans. Francis Edwards, S.J. (London: Folio Society, 1973), 81.

take the Oath. In addition, known Catholics were forbidden to enter a royal palace, to come within ten miles of London, to practice law or medicine, to hold commission in the Army or Navy, to hold public office, or to bear arms. It became legal for any officer to enter a known Catholic's house, and recusancy fines were raised yet again.³¹ In effect, Catholicism was eviscerated in England. The Jesuit mission continued, but most Catholics joined the Church of England, fled to the colonies, or simply refused to house and support missionary priests. It wasn't until 1829 that Catholics regained all their rights, including the right to worship.³²

James I accomplished all of this through fear, which drove a nation to outlaw an entire faith. Fear has the power to inspire change and unite a divided nation against a common enemy. And it often has the power to justify unimaginable means to accomplish evil ends. In the 1930s and 40s, Hitler employed a similar tactic, blaming Germany's problems on the Jews. Through fear he rose to power, and through fear he inspired a mass movement to eliminate a faith. In our own time, "Gunpowder Plots" still exist. After the September 11th attacks, Americans united around the fear of terrorism. The Patriot Act, a comprehensive anti-terrorism law, was passed with nearly unanimous support.³³ Depending on one's view, it was the best or worst measure in the fight against terror. Even more recently, America elected its president based less on support for Donald Trump than on fear of what Hillary Clinton might do. Now Trump's critics are united against him in fear of what he might do. The story of England's systematic persecution of Catholics should be a warning to beware of political tactics that inspire unity around division primarily by fear. We are not united if we are united against each other.

31 Hogge, *God's Secret Agents*, 380.

32 Hogge, *God's Secret Agents*, 384.

33 "The USA Patriot Act: Preserving Life and Liberty," *Justice.gov*, accessed March 5, 2017, <https://www.justice.gov/archive/ll/highlights.htm>

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LA HISTORIA QUE OLVIDAMOS: THE HISTORIOGRAPHY OF COLONIAL AFRO-MEXICAN CULTURE

JACK BOUDREAU

The Spanish Empire, the first global Empire, did not even know it was creating an empire when it first colonized the Americas. The Spanish themselves did not realize the significance of their actions, and to be fair, how could they? They themselves had only just unified for the first time since the Roman Empire.³⁴ The Spanish ventured into a land never before known to anyone of the “Old World” and brought with them a staple of Iberian culture, slaves. Many of these slaves came from Africa and aided the Spanish in their conquest of North and South America.³⁵ The presence of African slaves also contributed to the new *mezcla* (mix) of culture in the New World. The economy, the religion, the structure, the conquest, and the food of Colonial Mexico were just some of the ways in which Afro-Mexicans left their mark. However irrespective of their numerous and significant contributions to Mexican culture, historical scholarship often omits Afro-Mexicans from the narrative and conception of Mexican history. Only recent scholarship corrected this slight upon such an incredible and important people. Herber S. Klein was amongst the first to explore any extensive study of Afro-Mexicans in the late 1990's, but even in the following years the historical community

34 Stanley G. Payne, *Spain: A Unique History* (Madison, WI: University of Wisconsin Press, 2011), 4.

35 Matthew Restall, “Black Conquistadors: Armed Africans in Early Spanish America,” *The Americas* 57, no. 2 (October 2000), 171-205.

was silent on the subject. The majority of those who have done extensive study in this area, such as Ira Berlin, Joan Cameron Bristol and Henry Louis Gates to name a few, have only done so in the past twenty years. However, the study of Afro-Mexicans is now gaining more attention in historical scholarship.

This paper focuses on analyzing Mexican history from 1570 to 1640 CE, a time when the slave population increased exponentially and laid the foundation for modern-day Mexican society and culture. It will also discuss the progression of slavery in the Spanish colony, the lives of enslaved Africans, and how, in some cases, African slaves became decently integrated parts of Spanish society. Through the discussion of their role in colonial Mexico, this essay will show how the significant contributions of Afro-Mexicans, both enslaved and otherwise, have been marginalized in scholarship and popular conception of Mexican history, and how they helped to create one of the most multicultural societies in the world.

Even before the wholesale annihilation of the natives via warfare and the Columbian exchange, a trickle of African slaves flowed into the Americas.³⁶ Steadily, the African population grew, and by the mid-sixteenth century they outnumbered the Iberian born Spaniards.³⁷ The influx of Africans into the Americas was due to the influence of one Bartolomeo de las Casas, a Dominican Friar, lawyer and historian, and incredibly influential person in the formation of Colonial Mexico.³⁸ It was he who argued that the Indians required aid from their Catholic Spanish brethren in becoming civilized.³⁹ This coupled with the laws of Burgos of 1513, which dictated that the Spaniards would help the Natives to find the righteous path, meant that Amerindians could no longer be used for labor.⁴⁰ With Natives rendered unavailable, the Spanish turned to Africans and shipped them in by the thousands during the late sixteenth and early seventeenth centuries.

36 Pablo F. Gomez, "Transatlantic Meanings: African Rituals and Material Culture in the Early Modern Spanish Caribbean," in *Blacks in Diaspora* (Bloomington, IN: Indiana University Press, 2014), 128.

37 *Ibid.*

38 Fray Bartolome de Las Casas, *Historia de las Indias*, ed. Miguel Ginesta (1876), in Project Gutenberg, accessed on October 6, 2016.

39 *Ibid.*

40 The King of Spain, *Las Leyes de Burgos* (1512), in Rafael Altamira, "El Texto de las leyes de Burgos de 1512," *Revista de Historia de América* 4, (Dec. 1938), 24.

The Spanish brought with them an incredibly diverse group of Africans, both enslaved and otherwise, to *Nueva Espana*. They included North Africans whom were prisoners of "slave raids", West Africans from a plethora of ethnic and cultural backgrounds, and a hyper minority of Arab-Spaniards, known as *moriscos*, who were punished for charges of heresy.⁴¹ The term *morisco* has a degree of ambiguity to it, as it refers to both Arab-Spaniards and Spanish-Muslims alike.⁴² All of these different groups of people were forced into an already mixed culture of Iberians and Mesoamericans. Thus, the demographics of the slave state of Mexico were amongst the most diverse in the world at the time.

The lives of Afro-Mexicans were very different than their counterparts in other regions of the Americas. For a multitude of reasons, including religious, cultural, political and historical factors, Spanish-America allowed for much more social mobility than in other places due to a lack of legal restrictions.⁴³ Africans could create their own trade unions and social clubs, which was unlike other Western European nations and their colonial holdings at the time.⁴⁴ Another factor contributing to a relatively relaxed set of social norms was the lack of construction needed in Mexican urban centers as opposed to other colonial cities; colonial Mexico simply re-appropriated the already existing Aztec and Mayan cities, thereby making major construction unnecessary.⁴⁵ Even churches, the largest construction projects in the early colonial period, were usually built upon the foundations of former temples and government buildings of the Aztec and Mayan Empires.⁴⁶ This meant that enslaved Africans worked jobs typically reserved for paid servants in Europe, such as housekeeping or running errands. Therefore, they would often be "normalized" and quasi-accepted in the eyes of the white population. Although the lives of Africans varied from region

41 Hugo G. Nuntini, and Barry L. Isaac, *Social Stratification in Central Mexico: 1500-2000* (Austin, TX: University of Texas Press, 2009), 21.

42 William D. Phillips Jr., *The Middle Ages Series: Slavery in Medieval and Early Modern Iberia* (Philadelphia: University of Pennsylvania, 2013), 150.

43 Nuntini, *Social Stratification in Central Mexico*, 24.

44 *ibid.*

45 Klein, *African Slavery in Latin America*, 36.

46 Eliot Porter, Ellen Auerbach and Donna Pierce, *Mexican Churches* (Albuquerque: University of New Mexico, 1987), 10-14.

to region, very little historiography exists that studies the complexities of this group in colonial Latin America.

There is a common misconception that *Nueva Espana* was lightyears ahead of other societies in regards race because of its flexible social strata, however this is untrue. The privilege of social mobility was enjoyed almost exclusively in urban environments. In the countryside, large land estates, both Native and Spanish run, dominated the landscape. These estates operated in a way that was much more consistent with traditional European rigidness.⁴⁷ Although there was at least some chance for Afro-Mexicans to move up the social ladder, racism and discrimination ran rampant throughout colonial Mexico.⁴⁸ Any attempt to argue that colonial Mexico was any better off than other colonial holding in the Americas is problematic. This explanation is often done in comparison to the slave society of either United States or Brazil. While both of those two cultures had their own problems, it is impossible to say which society was “better” in terms of race relations in the context of slavery. It is for this reason that Afro-Mexican history must be read with the author’s bias in mind because there can be a political agenda behind it, as there often is.

Any discussion of culture must be undertaken with extreme caution, as classifications and terms used by historians have a tendency to draw harsh, unforgiving lines that do not account for exception or flexibility. In the case of colonial Mexico, it can be difficult to determine just where diasporic African culture ends and where Spanish culture begins. It appears that both the church and secular authorities supported the institution of a quasi-caste system that was met with limited success.⁴⁹ Despite what any institutional authorities may have wished, it appears that there was a substantial intermingling of the population in social, sexual and matrimonial terms. The history of the intermarriage between Amerindians and Iberians is a well-documented one, as the majority of modern-day Mexicans can point to at least some degree of indigenous heritage in their blood lines. Unbeknownst to many, however, is the sheer degree to which African bloodlines are present in today’s Mexican population,

47 Nuntini, *Social Stratification in Central Mexico*, 19.

48 *Ibid.*

49 Patrick J. Carroll and Jeffery N. Lamb, “Los mexicanos negros, el mestizaje y fundamentos olvidados de la ‘Raza Cósmica’: una perspectiva regional,” *Historia Mexicana* 44, no. 3 (Winter 1995): 403-438.

as 12 percent of Mexico today has some degree of African heritage.⁵⁰ Because the ratio of men to women was three to one in colonial Mexico, there would have been few choices for men, of any race, to marry.⁵¹ The mixing of African, Amerindian, and Spanish influences resulted in the creation of a new, rich culture unique to Mexico.

Cooking is one aspect where African contributions can be seen explicitly in colonial Mexico; Afro-Mexicans are credited with introducing rice to Mexican cuisine. Whether rice arrived from Asia or Africa to the New World is still unclear, and requires more research for a definitive answer.⁵² What can be said with a fair degree of certainty is that the addition of distinct spices was transplanted, with the slaves themselves from Africa to the Mexico.⁵³ Indigenous crops and cooking techniques are often mentioned when discussing Mexico’s culinary history. Yet, the majority of information and popular opinion largely ignores African contributions to the Mexican diet and food culture at large. What many historians and Mexicans do not realize is that the original pioneers of many dishes that are now considered to be staples of Mexican cuisine were most likely African. As previously mentioned slaves often worked in the household, which included kitchen work.⁵⁴ After given a cursory explanation of what the master of the house wanted, slaves would fill in any gaps with regarding cooking what they already knew.⁵⁵ The variety of spices, which according to many is what gives the food its identity, were introduced by Africans based off the diets they had been accustomed to back in Africa.⁵⁶ It has only been in recent years that the massive contributions of African culture in the Mexican diet have been acknowledged. Jeffrey M. Pilcher’s monograph is one of the more recent works done on this subject, and indeed, is the only source to be found in mass circulation dealing with this particular issue.

50 “Mexico ‘discovers’ 1.4 million black Mexicans-they just had to ask,” *Fusion*, December 15, 2015, accessed December 14, 2016.

51 *Ibid.*

52 Jeffrey M. Pilcher, *Planet Taco: A Global History of Mexican Food* (Oxford: Oxford University Press, 2012), 34.

53 *Ibid.*

54 *Ibid.*

55 *Ibid.*

56 *Ibid.*

Afro-Mexican influences can also be seen in the Christian religious practices of the time and still to this day has an effect on Mexican culture. In colonial Mexico, especially during the era of the inquisition, religion was paramount. This issue was of such heightened concern to the Spanish authorities that they asked, via the Council of the Indies, Portuguese slavers to “pre-baptize” slaves prior to their arrival in Spanish colonial holdings.⁵⁷ The Africans that were brought over in chains were of various different faiths and beliefs, thus when and if they did accept Christianity it would have been to varying degrees and approaches.⁵⁸ The various state and ecclesiastical approaches throughout the area also effected how Christianity was received. This new form of Christianity incorporated African dance and was so prevalent in Christian proceedings that dances were banned in streets and plazas in the state of Puebla in 1618.⁵⁹ It also seems that the various polytheistic religions that were native to Africa leaked into the new version of Christianity, as Afro-Mexicans tended to emphasize certain Saints over even God and Christ at times.⁶⁰ St. Joseph and Guadalupe, who are the patron saints of workers and the Virgin Mary respectively, were especially popular as they gave hope to the poverty-stricken and downtrodden, and even achieved cult status in areas like Mexico City.⁶¹ What is neglected in many histories of Mexico is the influence that these black Catholics had on modern-day Catholicism in the present-day, as the saints they venerated have become the most popular saints in contemporary Mexico.⁶²

The contribution of Africans has been largely misconstrued, even when discussing the initial conquest of the Americas. Scholars have portrayed the conquest of the Americas, in this case specifically Mexico, as a bloodbath done by religiously fanatical Catholics in pursuit of gold and plunder.⁶³ This idea stems both from Anglo-Protestant

racism and from historians emphasizing how badly the Amerindians were treated. While the former narrative holds a bit more truth than the latter, both betray the complexity of the situation, and both leave out just how big of a role Afro-Latinos played in the conquest of America. “Black Conquistadors” were present in Cortez’s famous expedition, which led to the fall of the Aztec Empire.⁶⁴ It is only through the close analysis of records and historical accounts that these Afro-Mexican conquistadors have been “discovered” once more. Historian Matthew Restall is one of the few scholars doing any sort of work regarding Afro-Conquistadors. If Africans are mentioned in the history of the Spanish conquest of Mexico, they are either referred to as “servants” or “slaves” and thereby the true nature of their role is diminished.⁶⁵ Interestingly enough, there is a fair amount of history exploring the role of indigenous individuals in the Spanish invasion of Mexico; even though they are often portrayed as traitors or selfish in their betrayal of their own people they are, at the very least, mentioned.⁶⁶ It is unclear why this paradox exists, but it is not the only one. It is interesting that in the narrative of colonial Mexico, the immense black population, rivaling the white Europeans and native population, has been excluded from popular conception and any scholarship until very recently. This can be seen by how enthusiastically Mexico has embraced its indigenous heritage. There are dozens of dialects stemming from the Mayan and Aztec indigenous language families recognized by the Mexican government.⁶⁷ This coupled with the prominent and popular celebration of the indigenous heritage of the country shows just how much of a disparity there is between Afro and indigenous Mexican culture in terms of popular conception.

Throughout many historical studies, African slaves have been omitted from nearly every discussion on the Spanish mining industry. The other forms of labor in which Africans engaged in depended largely on whether they were in an urban or rural setting.⁶⁸ The differences regarding slave labor in these two environments

57 Joan Cameron Bristol, *Christians, Blasphemers, and Witches: Afro-Mexican Ritual Practice in the Seventeenth Century* (Albuquerque: University of New Mexico Press, 2012), 72.

58 Sherwin K. Bryant, Rachel O’Toole and Ben Vinson, *The New Black Studies Series: Africans to Spanish America: Expanding the Diaspora* (Chicago: University of Illinois Press, 2012), 15.

59 Bristol, *Christians, Blasphemers, and Witches: Afro-Mexican Ritual Practice in the Seventeenth Century*, 103.

60 Bristol, *Christians, Blasphemers, and Witches: Afro-Mexican Ritual Practice in the Seventeenth Century*, 216.

61 *Ibid.*

62 *Ibid.*

63 ¹¹ Payne, *Spain: A Unique History*¹³.

64 Restall, “Black Conquistadors,” *The Americas* 57: 171-205.

65 Michael Wood, *Conquistadors* (Berkeley: University of California Press, 2000), 121-257.

66 Laura E. Matthew, Michel R. Oudijk, eds., *Indian Conquistadors: Indigenous Allies in the Conquest of Mesoamerica* (Norman: University of Oklahoma Press, 2007), 119.

67 CIA, “The World Factbook: Mexico,” Accessed February 26, 2017. <https://www.cia.gov/library/publications/the-world-factbook/geos/mx.html>.

68 Ira Berlin, *Many thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge: Harvard University Press, 2009), 65.

has been documented, at least to some degree by historians. However, the story of African mine workers has been largely ignored by the history community at large. The Mexican mines were especially lucrative and significant, as they increased the wealth of the Spanish treasury which directly influenced the demand for slaves.⁶⁹ These mines also increased the traffic of the Atlantic shipping lanes, which in turn increased the motivation and continuation of the slave trade.⁷⁰ The reason for the omission of Africans from the history of the colonial Mexican mines remains unclear. Perhaps it has been left out to leave room for the emphasis placed on the Amerindian role in the Spanish mines. These mines were infamous for their mercury and sulfur deposits, both of which were incredibly deadly and it was very common for slaves to die in the mines; slaves were used so liberally in the Mexican mines, because quite frankly, they were disposable.⁷¹ It is important to acknowledge how crucial slave labor was in these mines, as this would have been a considerable source of wealth for the Spanish treasury at this time.⁷²

Unlike other areas of history, there is not a large sample of scholarship on Afro-Mexican history that can be compared and contrasted. The overwhelming majority of research has been conducted within the last ten years and is just now beginning to give this overlooked aspect of Mexican history some attention. The initial perspective on the subject argued that the Spanish, especially Andalusian Spaniards had a particular distaste for black Africans and thus looked down upon them.⁷³ This line of thinking is incredibly problematic as it follows the structure of Anglo-Protestant ethnocentrism more so than any form of reliable scholarship. Spain's colonial holdings had similar opinions of race as their Franco and Anglo counterparts and it was not until much later that we saw the development of racial attitudes that would be identified as racist today.⁷⁴ As problematic as this line of thinking may be, it is telling of just how biased the work on this subject has been, as theories such as this have existed in academia for decades.

69 Berlin, *Many Thousands Gone*, 65.

70 *Ibid.*

71 P.J. Bakewell, *Silver Mining and Society in Colonial Mexico: Zacatecas 1546-1700* (New York: Cambridge University Press, 1971), 55.

72 Berlin, *Many Thousands Gone*, 65.

73 Phillips Jr., *Slavery in Early Modern Iberia*, 150.

74 *Ibid.*

It was not until the end of the twentieth century that this subject even began receiving attention whatsoever in terms of historical research. The very first works focused on the general aspects of the society, in a very general sense. To be fair to authors such as Herber S. Klein, Patrick J. Carrol and Jeffery Lamb, conducted the first in depth research and analysis on the subject of Afro-Mexican slaves; because of this, however, their work needed be inherently broad. Despite a surge in research in the last fifteen years, exploration on the colonial period of Mexican history, and specifically 1570-1640, are just now beginning to take shape. Those who do study Afro-Mexican history, overwhelmingly discuss it from the perspective of sub-altern theory, as they seek to give voice to almost forgotten people. This theory works nicely with this subject, as both slaves and Afro-Mexicans were, by definition, outside of the hegemonic power structure. It could be argued that some historians, although they are certainly the minority, have analyzed this subject through the lens of Marxist political theory; these historians have focused on class consciousness and the stripping of identity through a proto-capitalistic system of economics. It will be interesting to see how this research will take shape and be viewed in today's political climate, as the discourse will undoubtedly become political in nature if not directly than indirectly.

The fact of the matter is, despite revisionist historians' attempts, Mexico both in the colonial period and today, would not be what it is without the contributions of Africans and their descendants. This is largely absent from popular conception and historical discourse alike. Mexico to this day struggles with acknowledging African heritage, as it was not until 2015 they placed "African" on their census.⁷⁵ It seems that the fault lies not necessarily on the shoulders of historians, but rather the culture as a whole, and the subsequent cultures studying Mexican History. What is strange is that a culture that actively admits that it is multi-cultural and multiracial takes such issue with discussing certain races over others. Indeed it is truly perplexing to consider how holistically Mexico has embraced its indigenous roots, but seems to only just now be acknowledging its African heritage. Some have argued that this is hereditary of societies linked to Spain, but this line of argument is troubling, as it tends to oversimplify Mexican society.⁷⁶ One can only hope that as time progresses

75 Aaron Barksdale, "Mexico Takes Big Step in Finally Recognizing Latinos", *The Huffington Post*, December 11, 2015, accessed on November 13, 2016.

76 Payne, *Spain: A Unique History*, 244.

attitudes towards race also progress as well. It is not that Mexico is rare amongst nations and cultures in their inherent issue with facing their racial and social history, as the same can be said about the United States. Scholarship, rather, must take the lead, and conduct further research, in acknowledging the contributions of Africans and their descendants in the context of Mexican culture.

Mexico is unique amongst nations for its history of African influence. It can be said, with a fair degree of accuracy that Mexico has more of an implicit African influence, whereas the United States has an explicit one. The difference: Mexico is just beginning to even discuss its African roots. It is not uncommon for Mexicans, when they look back through their family tree to find at least some African heritage.⁷⁷ One of the best soundbites regarding Afro-Mexicans is from Sagragio Cruz-Carretero when she says: “Afro-Mexicans are like sugar in coffee; you can’t see them, but they make the whole thing taste better.”⁷⁸ Those words truly encapsulate the entirety of Afro-Mexican culture. Their true legacy has yet to be understood by the majority of Mexicans and historians alike, but it is starting to be studied. Afro-Mexicans are starting to push for more recognition and more acknowledgment in today’s Mexican society. The purpose of this paper is not to pass judgment on Mexican culture for its race relations, as all cultures have their particular issues regarding the history of race in their own countries. Instead this paper aims to point out how valiant the struggle of these people is. The legacy of Afro-Mexicans today is that of a resilient people who have gone on to contribute to some of the world’s greatest art, food and culture. Indeed the lasting impression that the Afro-Mexican people contributed, and continue to contribute, to Mexican society is important to recognize as well as study in historiography.

⁷⁷ Henry Louis Gates, *Black in Latin America* (New York: New York University Press, 2011), 1-64.

⁷⁸ Gates, *Black in Latin America*, 64.

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BLACK MARXISM IN THE UNITED STATES

DANIEL CARMEL

The oppression of African Americans in the United States has been marked by several defining eras since the birth of the country. From slavery to Jim Crow to the Civil Rights Era, these moments have been the subject of countless academic inquiries.⁷⁹ However prominent these topics remain in historical conversations, there is still debate regarding what historiographic lens should be used to best understand these turbulent periods in American history. Disagreements arise mainly over whether economic or social mechanisms created the conditions that led to the oppression of African Americans in the U.S. Of all the voices involved in the historical conversation, I have chosen to focus my research on those who have attempted to apply a Marxist or Anti-Capitalist framework to the examination of the history of race relations in America. For my project, I will evaluate the effectiveness of these theories. I will argue that although a materialist interpretation may be useful in explaining the ways in which functions of class have been used to economically subjugate African Americans, such as the exploitation of black labor during Reconstruction and continuing into the 20th century, it is obsolete in its account of racial discrimination. This is primarily because Marxist interpretations deal only in broad concepts of economy and fail to describe the ways that issues such as white supremacy affect instances of racism in America.

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Daniel Carmel is a senior at Cal Poly in the History Department. His interests include the history of race in the U.S., colonialism and its aftermath, and the virtues and deficiencies of Marxism as a methodological resource for historical research. He is currently completing his senior thesis on the history of women in Hip-Hop.

79 Claire Parfait, "Rewriting History: The Publication of W. E. B. Du Bois's 'Black Reconstruction in America' (1935)," *Book History* 12 (2009): 266-94.

For many writers, such as W.E.B. Du Bois, who penned *Black Reconstruction*, one of the earliest critiques of post-Civil War capitalism, subjugation of African Americans during and after slavery can be explained largely in economic motivations of wealthy Southerners.⁸⁰ Later historians like Jack Bloom would expand upon this logic by offering the detailed material class analysis *Class, Race, and the Civil Rights Movement*, in which he asserts that racism has been a tool used throughout U.S. history to repress a working class.⁸¹

Not every historian agrees with this pure economic interpretation of American racism. Other writers have asserted that within America there exist unique social conditions that account for racism experienced by African Americans. In Cornel West's *A Genealogy of Modern Racism*, he argues that the deeply entrenched notion of white supremacy that had been passed down through countless generations by Europeans, and later to their American descendants, accounts for racism in the U.S.⁸² While West does not refute economic oppression as a contributing factor, he does not see it as the main cause for racial tensions. In Andrew Curran's *The Anatomy of Blackness*, the racism that would allow for the creation and continuation of the trans-Atlantic slave trade has distinct origins in the European enlightenment where whites sought to rationalize their superiority via newly developed 'sciences'.⁸³ By examining the different ways people have analyzed race in America, I will demonstrate how Marxist theory best succeeds in describing the different circumstances of racial tension throughout American history as well as the areas that it may prove insufficient.

As noted, America has a long tradition of racial oppression, one that began as soon as the first Europeans arrived carrying notions of racial superiority. Although for many scholars such as Cornel West, this legacy can be explained as a unique confluence of social and cultural factors that have existed in the U.S. since its inception, to others

80 W.E.B Du Bois, *Black Reconstruction: An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860-1880* (New York: Russell & Russell, 1935), 182-195.

81 Jack Bloom, *Class, Race, and the Civil Rights Movement* (Bloomington: Indiana University Press, 1987), 2-20.

82 Cornel West, "The Genealogy of Modern Racism," in *Race Critical Theories: Text and Context*, ed. Philomena Essed et al. (Massachusetts: Blackwell Publishers Inc., 2002), 91-109.

83 Andrew S. Curran, *The Anatomy of Blackness: Science and Slavery in an Age of Enlightenment* (Baltimore: The Johns Hopkins University Press, 2011), 4-28.

like Du Bois or C.L.R. James it is no more than another instance of a rich ruling class subjugating the working class in order to maintain profit and prevent resistance. For these people, the economic theories of Karl Marx have proven the most effective in justifying their claim. The materialist ideas that Marx developed allow for a unique insight into the coercion of black labor in the U.S. specifically the ways that race has prevented the proletariat class from effectively unifying. In order to gain this insight we must first be aware of the fundamental concepts employed by black Marxists in describing the condition of black people in America.

Marx viewed the world in largely economic terms. According to his theories, material needs, such as food, shelter and clothes, dictate the course of humanity. As a result, the human race is constantly preoccupied with the production of materials to satisfy these needs.⁸⁴ This ongoing process, Marx argued, naturally divided society into groups or classes based on their position within the production of material. Eventually, as industrialization increases, two major classes are created: the bourgeoisie, or the owners of the means of production, and the proletariat, or working people who run the factories.⁸⁵ For Marx, it was the proletariat class who were the true "producers" and driving force behind production in general. He predicted that in an ultimate act of revolution the proletariat would seize the means of production, thus overturning the corrupt capitalist system. This overturning, he insisted, would be the final historic act of mankind. Within the context of black Marxism, writers like Du Bois and James have sought to apply this theory to the plight of African Americans in the U.S. By identifying the black labor force in America as part of the "proletariat" class, these historians could then apply the rest Marx framework to describe their condition.

In terms of his analysis and critique of the capitalist framework, Marx identifies several significant ways in which the proletariat is exploited and marginalized by the bourgeoisie. Perhaps the most crucial form of oppression Marx described was the alienation of labor. This term was meant to encompass the ways by which a worker may become estranged from his humanity while living in a class ruled society.⁸⁶

84 Friedrich Engels, "Letters on Historical Materialism," *The Marx-Engels Reader* (New York: W.W. Norton and Company, 1978), 760.

85 Karl Marx, "Society and Economy in History," in *The Marx-Engels Reader* (New York: W.W. Norton and Company, 1978), 133.

86 Karl Marx, *Economic and Philosophic Manuscripts of 1844* (Moscow: Progress Publishers, 1959), 119.

Alienation occurs largely as a result of the highly mechanistic functions workers play in an industrialized setting.⁸⁷ This lack of agency and choice deprives the worker of the ability to forge his own path in life. Rather than working in anyway to achieve his own goals, his directive is dictated purely by the owners of production. Additionally, through this process the worker is prevented from indulging in the fruits of his own labor. In other words, the workers could not afford the products that were created through their own labor value. These were seen as some of the greatest potential consequences of the increased specialization of the work environment.

Also central to Marx's theory is the idea of capital as a unique form of wealth. Unlike other existing forms of wealth, such as land, capital can reproduce and expand. The most effective way of expanding the potential of Capital is through human labor.⁸⁸ Production owners will then later extract this increased value in the form of money. By this logic, the bourgeoisie creates a situation known as "surplus value," where the worker begins to produce more value than he gains personally.⁸⁹ In order to remain competitive with other industrialists, owners must perpetually reinvest this surplus to sustain an operation of increased profits. According to Marx, this occurrence often leads to a phenomenon known as "overaccumulation," where reinvestment of capital no longer produces profits. This in turn produces wage stagnation and devaluation of capital. Marxists would later identify events such as the Great Depression of the 1930's as a reflection of this principle. This fundamental contradiction of capitalism was cited by Marx as one of its greatest flaws. These concepts are critical to understanding Marxism because they represent the shortcomings of capitalism, which Marx believed would eventually force the proletariat to stage an upheaval of the status quo.⁹⁰

Together these ideas represent the basic tenets of Marx's critique of capitalism. They also embody the means by which black Marxist writers have sought to understand the condition of black people within American society. For those who believe the history of black oppression in the U.S. stems from economic origins, ideas like

87 Marx, *Economic and Philosophic Manuscripts*, 61.

88 Karl Marx, "Wage and Labour Capital," in *The Marx-Engels Reader* (New York: W.W. Norton and Company, 1978), 207.

89 Karl Marx, "Crisis Theory" in *The Marx-Engels Reader* (New York: W.W. Norton and Company, 1978), 443.

90 Karl Marx and Friedrich Engels, *The Communist Manifesto* (Oxford: Oxford University Press, 1992).

alienation and wage stagnation have proved incredibly useful. Many of these thinkers believe the black population in America should be viewed as a subset of a larger proletariat class, whose labor is continually exploited within the capitalist system.⁹¹ Even Marx himself would observe that the enslavement of black people in the Americas, from the 16th to the 19th century, coincided with the birth of modern capitalism and was the result of a desire for maximum profit by an elite few. In this circumstance, the plantation owners acted as a bourgeoisie class seeking to extract the most extreme surplus value available. As Cedric Robinson points out, slavery was not an "aberration" or "mistake," but the strategic asset of a predominantly bourgeoisie society.⁹²

Many writers insist that this trend of exploitation would continue far after the emancipation of slavery in the U.S., and that the inherent traits of capitalism would continue to ensure the suffering of African Americans. People such as W.E.B. Du Bois used the same framework to discuss the Jim Crow Era when Southern farmers used an abusive system of sharecropping to protect their accumulation of capital.⁹³ The culmination of racial tensions that would ultimately boil over in the 1960's has also been explained in Marxist terms as an oppressed working class seeking retribution from abusive and exploitative conditions.⁹⁴ Upon examination, it becomes clear that principles of alienation, over accumulation, and surplus value can account for a majority of Marxist conversations regarding African American history.

The use of Marxist ideas to explain issues of race began almost as soon as they were committed to page and published. Marx himself famously stated, "the turning of Africa into a warren for the commercial hunting of Black skins, signalized the rosy dawn of the era of capitalist production."⁹⁵ For the mind that originally conceived of a materialist dialectic, the idea of exploitation of black labor and capitalism were inexorably linked. Further cementing his position on the subject Marx elaborated, "Direct slavery is just as much the pivot of bourgeois industry as machinery, credits, etc.

91 W.E.B Du Bois, *Black Reconstruction*, 182-195.

92 Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition* (New Chapel: The University of North Carolina Press, 1983), 200.

93 W.E.B Du Bois, *Black Reconstruction*, 182-195.

94 Jack Bloom, *Class, Race, and the Civil Rights Movement*, 2-20.

95 Karl Marx, "Genesis of the Industrial Capitalist" in *Capital: A Critique of Political Economy* (Chicago: Charles H. Kerr & Co., 1867).

Without slavery you have no cotton; without cotton you have no modern industry.”⁹⁶ It was no coincidence, he argued, that the enslavement of Africans and their transport to the United States occurred just as nations across the globe began the process of industrialization. Later, as slavery began to die out internationally, only the economic boom in the cotton industry would perpetuate its existence in America decades after it was outlawed in European nations.

Although he touched on the issue, Marx would never fully commit any serious work to the discussion of race. Seeking a more thorough groundwork of race relations understood through a Marxist framework, black intellectuals soon applied these concepts in their own discussions. Perhaps the most notably successful of these applications is W.E.B. Du Bois’ *Black Reconstruction* published in 1935, which served to outline the role of black labor and participation in the reconstruction of the post-Civil War South. In doing so, Du Bois would lay the foundation of black Marxist dialogue for the next century. By framing the African American population of the South as an exploited proletariat class, Du Bois could describe the intense opposition faced at the time in terms of a struggle that was shared by all working class people.⁹⁷ Slavery and the Jim Crow Era that followed were the result of capitalist enterprise where the maximum amount of “surplus value” is “filched” from the black proletariat.⁹⁸ In describing the condition that perpetuated the racism of the South, Du Bois noted, “the espousal of the doctrine of Negro inferiority by the South was primarily because of economic motives and the inter-connected political urge necessary to support slave industry.”⁹⁹

For Du Bois, the motivations behind slavery in the U.S. were purely economic and the “color caste” which supported it were “founded and retained by capitalism.”¹⁰⁰ In other words, the ideologies of racial superiority found in America were developed as means of justifying an exploitative relationship that is natural within the capitalist system. Notions of white superiority that had existed during slavery solidified once again after the Civil War and prevented the poor white and black working classes

96 Karl Marx, “The Metaphysics of Political Economy” in *The Poverty of Philosophy*. <https://www.marxists.org/archive/marx/works/1847/poverty-philosophy/ch02.htm>.

97 Du Bois, *Black Reconstruction*, 182-195.

98 Du Bois, *Black Reconstruction*, 16.

99 Du Bois, *Black Reconstruction*, 39.

100 Du Bois, *Black Reconstruction*, 31.

from effectively uniting against the bourgeoisie, i.e., the former plantation owners.¹⁰¹ To Du Bois this divide would be responsible for a senate majority being regained by white Democrats and ultimately the failure of Reconstruction in the South.

Du Bois was not alone in his attempts to understand American racial history through a lens critical of modern capitalism. In describing the economic collapse of the 1930’s, writer George Padmore elaborated on the idea of white and black workers sharing a common burden as the exploited proletariat class. In his work, *The Life and Struggles of Negro Toilers*, Padmore asserts that the sudden decline in living standards amongst black workers had led to increasing radicalization.¹⁰² The awakening of “class consciousness” would allow black workers to bridge the gap between themselves and white workers. To Padmore, the mutual alienation experienced by both the white and black workers would result in a unification of the proletariat that could effectively overthrow of the bourgeoisie class.¹⁰³ As Du Bois had also argued, Padmore would further insist that the racism manifested in groups like the KKK were an attempt by the ruling class to prevent this unification from occurring.¹⁰⁴ By inciting terror in the South, these groups hoped to “distract...the worker from the common class interest.”¹⁰⁵ Once again, the American racial setting was being successfully explored through a Marxist framework, this time in explaining the economic crisis of the Great Depression.

Historians and writers would continue to use Marxist theories to analyze the history of African American oppression in the U.S. Writer and intellectual C.L.R. James focused his efforts toward a Marxist interpretation of the labor rights movements of the 1940’s. In a speech delivered to the Socialist Workers Party in 1948, James stated, “the development of capitalism itself has not only given the independent Negro movement this fundamental and sharp relation with the proletariat. It has created Negro proletarians and placed them as proletarians in what were once the

101 Du Bois, *Black Reconstruction*, 623.

102 George Padmore, *The Life and Struggle of the Negro Toilers*, 1931. <https://www.marxists.org/archive/padmore/1931/negro-toilers/ch04.htm>.

103 *Ibid.*

104 *Ibid.*

105 *Ibid.*

most oppressed and exploited masses.”¹⁰⁶ As a result, James believed that the black population had become a crucial “vanguard” of the labor movement in general.¹⁰⁷ Where previously the black worker had been denied entry into the movement due to racial lines, they had now become an irreplaceable pillar in the struggle for workers’ rights. This is another example of Marxist theories being applied to explain a crucial era in African American history. Here, James sought to understand the intersection of black labor with labor in general. Following in the shoes of Du Bois and Padmore, James too cited the common interests of the proletariat as a unifying factor between white and black workers. In this instance, the “divide” which Du Bois saw as preventing the successful overthrow of the bourgeoisie class was potentially being overcome through a gradual understanding of mutual interests within the working class.

As racial tensions continued to shift and fluctuate in the U.S., writers in the following decades would continue down this path of exploring the systems of racial oppression through a Marxist critique. For historians like Ahmed Shawki, the 1960’s represent a time of extensive Marxist dialogue surrounding race.¹⁰⁸ By reviewing the political tendencies of prominent figures involved in the Civil Rights movement, Shawki demonstrates that the movement can be characterized in terms of its relationship to the worker’s struggle.¹⁰⁹ Even Martin Luther King Jr., who would come to symbolize the struggle for racial equality of that decade, espoused ideas either critical of capitalism or directly citing the Marxist tradition. Although King publicly denounced the Marxism theory, he nevertheless maintained rhetoric doubtful of capitalism, especially towards the end of his life as his efforts were focused increasingly towards issues of poverty in the U.S.¹¹⁰

While the Marxist framework has been successfully applied in the analysis of racism’s relation to economic systems and conditions, it may fall short in its appreciation of racism’s origins. In other words, the macroscopic approach of Marxism fails at times to account for instances of racism that are separate from economic and

106 C.L.R James, “The Revolutionary Answer to the Negro Problem in America,” 1948. <https://www.marxists.org/archive/james-clr/works/1948/revolutionary-answer.htm>

107 *Ibid.*

108 Ahmed Shawki, *Black Liberation and Socialism* (Chicago: Haymarket Books, 2006), 170.

109 Shawki, *Black Liberation and Socialism*, 170.

110 Steven F. Lawson, “Freedom Then, Freedom Now: The Historiography of the Civil Rights Movement.” *The American Historical Review* 96, no. 2 (1991): 456-71.

financial gains. For instance, racial discrimination towards black people began prior to true semblance of modern capitalism. When the first European ships arrived in Africa, their navigators arrived with preconceived notions of black inferiority. Prior to any notion of enslavement or economic profit, white European were still keen on making a hierarchical distinction between themselves and the Africans they encountered on their earliest explorations. In part, this effort was of a religious making, as the bible accounted for black skin through the tale of Canaan. Dark skin is explained as a curse passed down to Canaan’s children as punishment for seeing his father’s naked body.¹¹¹ In addition to the religious pretext, modern racism also found its origins through scientific means. During the Enlightenment, society moved away from embracing the irrational and towards reason and empiricism. It was in this time that people began attempting to apply science to the discovery of a physical explanation of white superiority.¹¹² Most Marxist theorists would argue that this was done to justify then-current power structures existing within an emerging capitalist economy. However, since the desire to so definitively distinguish between white and black is so evident and predates any profit from that relationship, a better explanation of racism’s origin may be required. As Cornel West argues in his “Genealogy of Modern Racism,” a tradition of white supremacy and not capitalism had defined the African American experience in the U.S. While modern capitalism may perpetuate and benefit from the rendering of black people as second-class citizens, it is not directly responsible for its existence.¹¹³

Cedric Robinson identifies another shortcoming of the Marxist framework when it is applied to situations of race in *Black Marxism: The Making of the Black Radical Tradition*. According to Robinson, the theories of Marxism rely too heavily on European models and experience.¹¹⁴ Because of this, they often overlook the importance of African American participation in the struggle for change. If radical change is to come to the African American community, it must do so through a model, which draws from the experience of black people. In outlining a history of Marxism, Robinson shows that this Eurocentric vision of the world makes the theory

111 David Goldenberg, *The Curse of Hamm: Race and Slavery in Early Judaism, Christianity and Islam* (Princeton University Press, 2003), 100.

112 Curran, *The Anatomy of Blackness*, 216-20.

113 West, “The Genealogy of Modern Racism,” 91-100.

114 Robinson, *Black Marxism*, 160.

obsolete when describing black radical resistance within the U.S. This represents a distinct departure from the previous historiographies that have sought to apply Marxism to these issues.

Countless histories have been written on issues of race in America. Of these accounts, those that use the ideas of Marx to answer for the ways African Americans have been economically marginalized are generally successful. Through the arguments presented in this essay Marxist writers like Du Bois and James hoped to explain racial tensions in the U.S. However, these accounts also tend to overlook important social factors, such as religion or white supremacy. In doing so, they offer a portrayal of history that is perhaps reductive in its assessment of capitalism's role in racial politics of the U.S. This oversimplification is not enough to discount a Marxist assessment of race entirely, but rather an admonition to proceed fully aware of the theory's limitations.

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"SIGN OR GET OUT": ACADEMIC FREEDOM AT THE UNIVERSITY OF CALIFORNIA AND CAL POLY IN THE MCCARTHY ERA

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In the late spring and summer of 1949 tensions were high, and a paranoid hysteria swept across the United States. The second Red Scare of the late 1940s and '50s became the focal point of American politics, culture, and society. Its domestic significance came about with the dawn of a Cold War with the Soviet Union.¹¹⁵ The Cold War would last for much of the latter 20th century, and instill common feelings of fear and anxiety in most Americans. American politicians and general public opinion began to categorize the Soviet Union, more specifically, members of the Communist Party, as the enemy and a critical threat to American ideals and values.

The most notable leader of this shift in American perception was the vexatious senator from Wisconsin, Joseph McCarthy. In early 1950, McCarthy openly declared before a dismayed crowd in Wheeling, West Virginia that he had obtained a list of 205 subversive communists working within and shaping policy of the U.S. State Department.¹¹⁶ With the help of the House Un-American Activities Committee (HUAC), McCarthy waged an unscrupulous war of defamation on many Americans with supposed communist ties. Many refer to this period in American history as the

115 Landon R. Y. Storrs, "McCarthyism and the Second Red Scare," *Oxford Research Encyclopedia of American History* (July 2015).

116 Stuart J. Foster, "Chapter I: The Red Scare: Origins and Impact," *Counterpoints* 87 (2000): 1.

“McCarthy era,” specifically for the politics of McCarthy and his overly suspicious attacks and investigations of prominent celebrities, politicians, and educators. The collective anxiety and paranoia of the McCarthy era led to a demand for the immediate purging of all federal and state institutions. Employees with suspected communist ties, whether legitimate or fabricated, were often removed in an effort to contain the supposedly dangerous ideas associated with Communism.

The McCarthy era brought about a return to administering loyalty oaths to those who worked for the state or federal government as a means of control. The loyalty oaths, or oaths of allegiance, held their roots in the beginnings of WWII, as fascism and totalitarianism engulfed much of the world. These oaths of allegiance were used by the U.S. government to ensure control of any potentially dissident employees. American political power shifted to the right in the late 1940’s, and President Truman was increasingly forced to embolden loyalty oath programs. We see this particularly between 1947 and 1956, as “more than five million federal workers underwent loyalty screening, resulting in an estimated 2,700 dismissals and 12,000 resignations.”¹¹⁷ The administering of loyalty oaths in America led to controversy in late 1949 and into 1950 when the state of California and the University of California Board of Regents implemented loyalty oaths that explicitly demanded that all employees declare that they were not a member of the Communist Party. Many academics, faculty, and state employees were given the choice between the constitutional right to free speech and job security. A great many of these individuals chose integrity in the face of losing their job, their reputation, and their livelihood.

This paper will examine the consequences of implementing anti-communist loyalty oaths in California and the reactions to them in 1949 and 1950 by students, faculty, and those who initiated loyalty oath policies, specifically the UC Board of Regents. I will focus on California Polytechnic State University and compare campus reactions to the loyalty oath crisis of several universities within the UC System. Secondary interpretations of the McCarthy era and loyalty oath crisis in California, including previous student research, have greatly supplemented my own work. These include: Bob Blauner’s *Resisting McCarthyism: To Sign or Not to Sign California’s Loyalty Oath*, scholarly articles by Nancy Innis and Stuart Foster, and previous student research done by Courtney Thompson and Emily Scates.

117 Storrs, “McCarthyism and the Second Red Scare.”

I argue that the practice of administering loyalty oaths to those on California college campuses in the McCarthy era was more an academic control mechanism than a communist purge. Analysis of the UC Board of Regents oath debate in 1949-1950, and subsequent faculty and student protest will be crucial in comparing the reactions of the UC and Cal Poly. I will expand on previous research, but particularly emphasize the implementation of the anti-communist loyalty oath in 1949 and 1950. While Cal Poly never witnessed protests to the loyalty oath like ones seen at UC Berkeley and UCLA, its administration, under President McPhee, still sought to control its faculty, especially within the Liberal Arts Department. Additionally, the students at Cal Poly reacted quite differently than their UC counterparts to the loyalty oath. Cal Poly students often displayed conservative and even apathetic views in the student newspaper, as compared to their dissenting UC peers. A comparison of Cal Poly and the UC during the loyalty oath crisis will reveal a stark difference of opinion on academic freedom, free speech, and defiance in the McCarthy era.

HISTORIOGRAPHY

Due to the impact of the McCarthy era on almost every aspect of American life in the late 1940s and 1950s, a significant amount of scholarship on the second Red Scare and its effect on academia exists. However, there is less information of the California loyalty oath crisis specifically. The preeminent history of the California loyalty oath crisis can be identified as Bob Blauner’s book on this subject. He thoroughly explains both the history of the UC regents’ loyalty oath and also the state of California’s own, mostly identical, loyalty oath that would follow as a result of the Levering Act of 1950. According to Blauner, the UC regents and the state of California used McCarthyism for their own purposes that had little to do with the issue of a communist threat. The regents sought to gain power to shape UC policy; California’s politicians, and specifically Governor Earl Warren, sought to attain political capital before the upcoming 1952 election.¹¹⁸ By implementing an anti-communist oath, both the UC regents and California politicians could appear “tough on communism” while also maintaining, if not expanding, their power over academic faculty.

118 Bob, Blauner, *Resisting McCarthyism: To Sign or Not to Sign California’s Loyalty Oath* (Stanford, CA: Stanford University Press, 2009), 193.

In her article on the California loyalty oath, Nancy Innis conveys that the defiance of some of the professors who refused to sign the oath did so in order to retain the power of appointment and dismissal.¹¹⁹ She cites further that as the regents were deciding whether to fire the non-signers an argument between two opposing regents arose. Regent Arthur McFadden claimed that no member of the Regents had openly declared any member of the faculty to be a communist. He continued to say that the loyalty oath debate had become “a matter of demanding obedience to law of the regents.”¹²⁰ His reflection represented a growing suspicion towards the loyalty oath; however, there would be little opposition to President Sproul’s anti-communist oath. In his article on McCarthyism and education, Stuart Foster asserts that during the McCarthy era educational institutions across the country came under investigation by an “intensive red scare microscope.” Foster explains additionally that censorship of textbooks and the dismissal of educators was commonplace.¹²¹

This conflict of control also existed at Cal Poly. Emily Scates’s research on the role of academic curricula in the Cold War period is particularly insightful in understanding how Cal Poly students and administrators responded to the “communist threat.” According to her, Cal Poly administration and student body avoided dissent in order to comply with political and cultural norms.¹²² Additionally, Courtney Thompson asserts that Cal Poly’s administration responded to the second Red Scare in a conservative and intolerant manner. She implicates the strong role of President Julian McPhee during the controversy as well. Thompson explains the degree of varying opinion at Cal Poly about communism, and alleges that students were not entirely unified in opinion.¹²³ She highlights the California loyalty oath crisis at Cal Poly by mentioning an effort by

119 Nancy K. Innis, “Lessons from the Controversy over the Loyalty Oath at the University of California,” *Minerva* 30 no. 3 (1992): 347.

120 Innis, “Lessons from the Controversy over the Loyalty Oath at the University of California,” 352.

121 Stuart J. Foster, “The Red Scare: Origins and Impact,” *Counterpoints* 87 (2000): 10.

122 Emily Scates, “Politics, Paranoia, and Poly: The McCarthy-Era Red Scare and Its Impact on California State Polytechnic School, San Luis Obispo,” *HIST 303 Research and Writing Seminar in History: Cal Poly History Project* (March 2016): 12.

123 Courtney Thompson, “A Contemporary Witch Hunt: The McCarthy Era at Cal Poly,” *HIST* 303

Research and Writing Seminar in History: Cal Poly History Project (March 2016): 4.

some subordinates of President Julian McPhee to make the loyalty oath voluntary.¹²⁴ Regardless of this minority opinion, the oath would remain mandatory. She portrays McPhee as an administrator who sought to control his subordinates, and even goes so far as to reason the lack of documented faculty reaction to the oath as an apparent effort to “dodge future lawsuits or potential uproar from faculty and students.”¹²⁵

McPhee’s relationship with his faculty in many ways mirrors the relationship UC President Robert Sproul had with his fellow Regents and faculty. Both of these men would exert authoritarian control over their respective staffs during the McCarthy era. Scholars have largely condemned Sproul and the UC Regents as unethical McCarthyists, but I deem them rather as opportunistic figures who sought to shape the future of UC governance. Moreover, I find President McPhee less than culpable in repressing academic freedom. McPhee did actively seek to bridge the gap with a disenchanting staff in latter part of 1950. The apparent malaise of the Cal Poly academic faculty must, at least in part, be attributed to the forced submission to a state-wide anti-communist oath. While faculty at both Cal Poly and the UC were, to some degree, upset with the anti-communist oath, the major difference of opinion was held by the students, as seen upon examination of student opinions in newspapers like the *Daily Californian*, *Daily Bruin*, and *El Mustang*.

UNIVERSITY OF CALIFORNIA AND THE BOARD OF REGENTS

On June 24th, 1949, the UC Regents met in Los Angeles, California after three months of deliberation and faculty opposition to President Robert Sproul’s anti-communist oath proposal made on March 25th. The controversy that had ensued was due to a new explicitly anti-communist clause that would amend the most recent loyalty oath administered in 1942. The new loyalty oath passed, and would read:

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of my office according to the best of my ability; that I am not a member of the Communist Party or under any oath,

124 Thompson, “A Contemporary Witch Hunt: The McCarthy Era at Cal Poly,” 12.

125 *Ibid.*

or a party to any agreement, or under any commitment that is in conflict with my obligation under this oath.¹²⁶

According to a front-page news article from Berkeley's *Daily Californian*, President Sproul stated at a meeting of the academic senate that "I interpret the oath as designed to make it impossible for a Communist to serve on the faculty of the University."¹²⁷ On the same day as the oaths passing, the Regents held a meeting to clarify their reasons for the oath. The following excerpt from the recorded meeting minutes indicates their supposed motivations.

[The Regents share in] the responsibility to keep the University free from those who would destroy [its] freedom...this freedom is menaced...by the Communist Party through its determination by fraud, or otherwise, to establish control by the State over the thoughts and expression of thoughts by the individual.

And furthermore, that, "membership in the Communist Party is incompatible with objective teaching and with search for the truth."¹²⁸ The logic that the Regents deployed in justifying an anti-communist oath must either be seen as extremely paranoid, or evidence of an ulterior motive. These strong anti-communist stances were common during the second Red Scare; however, the UC Regents would use the new loyalty oath to further their agenda of expanding academic control and governing power within the UC. The oath would also establish a precedent of deference to their leadership on issues facing the UC like tenure and free speech. The Regents' oath drew the ire of both faculty and students alike at the UC. By implementing a mandatory oath, the Regents did in fact infringe on the academic freedom that they claimed to be protecting.

126 University of California Regents, Excerpt from meeting minutes, June 24, 1949, *Report of Special Committee on Preparation of Resolution Pertaining to Communist Activities*, <https://goo.gl/d7H1Ld>, 2, accessed February 13, 2017.

127 Arnt Froshaug, "Regents will discuss loyalty oath today," *Daily Californian*, June 24, 1949, 1.

128 University of California Regents, Excerpt from meeting minutes, June 24, 1949, *Report of Special Committee on Preparation of Resolution Pertaining to Communist Activities*, <https://goo.gl/d7H1Ld>, 1, accessed February 13, 2017.

On June 27th, the first official meeting of "non-signers" was held in the Faculty Club at Berkeley. Sixty members of the faculty attended, and agreed that these new loyalty oaths were unacceptable; they were unsignable.¹²⁹ Many faculty uttered discontentedly the phrase "Sold down the river!"¹³⁰ They used this phrase to convey their sense of betrayal by the Regents. In collaboration with other non-signers and professors, George R. Stewart, himself a Berkeley professor, began work on a book entitled *The Year of the Oath: The Fight for Academic Freedom at the University of California*. Published in 1950, in the heat of the controversy, Stewart's book outlined many of the grievances held by the faculty and outlined why they so strongly held to their convictions. The book's contributors saw the Regents' loyalty oath as an ambiguous political test which had negative implications that would affect important issues like Academic Tenure, Academic Freedom, and University Welfare.¹³¹ The issues of tenure and academic freedom were unsurprisingly paramount to the non-signers. According to Stewart, "the faculty had now come to believe, any admission that the regents could require a particular oath...opened the way for the imposition of any kind of tyrannical requirement upon the faculty, on penalty of being dismissed without even a hearing."¹³² It is apparent that the non-signing faculty were less concerned in losing the freedom of individual political belief, and more so the overreaching power of President Sproul and the UC Regents now sought to attain.

Berkeley teaching assistant and poet Jack Spicer denounced the loyalty oath without reservation in his poem *Response to the Loyalty Oath*. To Spicer the loyalty oath test was a "stupid and insulting procedure." "If this oath is to have the effect of eliminating Communists from the faculty, we might as logically eliminate murderers from the faculty by forcing every faculty member to sign an oath saying that he has never committed murder."¹³³ He concludes in saying, "We...dislike the oath for the same reason we dislike Communism. Both breed stupidity and indignity; both threaten

129 Steve Finacom, "Expanded Timeline: Events of the Loyalty Oath Controversy and Historical Background," <https://goo.gl/eZhex6>, accessed February 20, 2017.

130 George R. Stewart, *The Year of the Oath: The Fight for Academic Freedom at the University of California*, (Garden City, NY: The Country Life Press, 1950), 30.

131 Stewart, *Year of the Oath*, 22-26.

132 *Ibid.*

133 Jack Spicer, "[Response to the Loyalty Oath]," *Poetry* 192, no. 4 (2008), 326.

our personal and intellectual freedom.”¹³⁴ Spicer’s poem is indicative of how the UC faculty actually felt about the oath. It was clear to most of them that communism wasn’t the real threat; the threat was rather the Regents and their egregious attempts to control the faculty using McCarthyism.

Students of the UC rallied with their non-signing professors in their struggle against the Regents, as seen in the many positions taken in student newspapers. A *Daily Californian* editorial offered by Richard Golden symbolized student opposition to the oath and support of the non-signers. He implored that,

The responsibility of students in this situation is tremendous. A faculty strengthened by the support of 20,000 students will mean victory for democratic education...It will mean that the University of California is setting a precedent for the country’s thousands of other colleges and universities which will in all probability fall prey to the loyalty oath if we fail to stem the tide here.¹³⁵

He further argued that the actual purpose of the loyalty oath “[is] to enforce political conformity among liberal and progressive professors. Its purpose is dangerous.”¹³⁶ An additional editorial cartoon (Figure 1) found in the same publication on July 7th,



Figure 1. UC Regent crafts a shackle labeled “Faculty Loyalty Oath” in this editorial cartoon. *Daily Californian* (Berkeley, CA), July 7, 1949, 9.

satirically depicted the UC Regents as armorers who are crafting shackles labeled “Faculty Loyalty Oath.”¹³⁷ The cartoon clearly displays the opposition of writers at the *Daily Californian*, and is representative of feelings held by the intended audience, the larger student body. This image’s interpretation will contrast in a noticeable way with the opinion of a Cal Poly cartoonist as we will see in the next section of this paper (Figure 3).

134 *Ibid.*

135 Richard Golden, “Faculty stand on oath” *Daily Californian*, September 13, 1949, 8.

136 *Ibid.*

137 Editorial Cartoon, *Daily Californian*, July 7, 1949, 9.



Figure 2. Nearly 8,000 Students Gather During the Loyalty Oath Crisis. “Students Gather at UC Greek Theatre at Berkeley for Faculty Presentation on Loyalty Oath,” Photograph, March 6, 1950, The *San Francisco News-Call Bulletin* newspaper photograph archive.

At UCLA, the loyalty oath crisis was also front page news. Bob Lupo, a *Daily Bruin* writer, commented that the Regents had overstepped in implementing a loyalty oath, and fervently stated “the University of California is not a democracy, nor is it a republic! It is an oligarchy of 24 somewhat pontifical officials of public trust—an oligarchy that is blatantly ignoring the clearly expressed and virtually unanimous desire of some eleven hundred faculty members.”¹³⁸ The view that Lupo identified was an opposition to the anti-communist stance held by the Board of Regents. He further offered that if the course of action is not changed “liberalism and honest education will be buried forever.”¹³⁹ This widely held opposition to the loyalty oath would support a struggling group of non-signing UC faculty and eventually force action on the part of the Regents.

On August 25th, the regents met and voted 12 to 10 in favor of dismissing the non-signing faculty, and implemented a sign or get out policy. The faculty were

given 10 days to change their mind, otherwise they would be terminated from their positions. This discouraging defeat would lead to a hard-fought legal victory and a reappointment of the faculty in the *Tolman v. Underhill* case, in which the non-signing faculty appealed the oath and won.¹⁴⁰ While the loyalty oath crisis ultimately yielded a positive outcome for the UC faculty, it became a prominent example of how McCarthyism threatened academic freedom.

CALIFORNIA POLYTECHNIC REACTS

Nestled among the rolling hills of San Luis Obispo, California State Polytechnic College, as it was called in the 1950s, was a school of technocrats. Cal Poly emphasized “upside-down” education, or studying major courses in a student’s first year, and the “Learn by Doing” philosophy, aiming to build and educate men in fields such as agriculture, engineering, and manufacturing. Cal Poly has been often noted as a conservative campus, which makes for an excellent comparison with the universities examined prior such as UC Berkeley and UCLA, as they were ardently defiant in the McCarthy era. However, like the University of California, Cal Poly was not immune to the effects of McCarthyism. During the McCarthy era and the second Red Scare, Cal Poly students often embraced views that could be construed as right-wing and conservative, as seen in various *El Mustang* articles. The reaction of Cal Poly faculty to the loyalty oath crisis can be interpreted as somewhat similar to the UC faculty reaction. The faculty voiced their discontent and concerns, in the months of the loyalty oath crisis, inward to superiors and deans, who in turn voiced their concerns in meetings of the president’s council. They also became wary of the administration’s leadership, specifically that of President Julian McPhee, during the period following the announcement of the state loyalty oath.

Thompson argues that, “the loyalty oath at Cal Poly was not as controversial as elsewhere.”¹⁴¹ The fact is that it was not permitted to be as controversial because of President McPhee’s strong, sometimes authoritarian, control over his faculty. McPhee sought to maintain absolute authority over his subordinates, and especially those who taught Liberal Arts courses. Cal Poly’s faculty submitted to the oath in

138 Bob Lupo, “Now or never,” *Daily Bruin*, October 5, 1949, 2.

139 *Ibid.*

140 Finacom, “Expanded Timeline: Events of the Loyalty Oath Controversy and Historical Background,” <https://goo.gl/eZhex6>, accessed February 20, 2017.

141 Thompson, “A Contemporary Witch Hunt: The McCarthy Era at Cal Poly,” 12.

fear of repercussions that the UC non-signers faced and fought tenaciously. These repercussions would have almost definitely meant dismissal and academic black listing. However, the major difference in reaction to loyalty oath crisis of 1949 and 1950 was held between the students of the Cal Poly and the University of California.

President Julian McPhee served as Cal Poly's president from 1933 to 1966, and oversaw the small school grow into a successful college. As a Cal Poly professor and assistant to the president, future president Robert Kennedy would observe McPhee as a man "[almost] obsessed with a fear of delegating too much authority and thereby losing control."¹⁴² The authoritarian tendencies displayed by McPhee came to a high point during the period in which the anti-communist California Loyalty oath was implemented.

On Friday October 13th, 1950, the Cal Poly student newspaper *El Mustang* documented the implementation of the new statewide loyalty oath, as a result of the Levering Act. According to the author, "Approximately 800 to 1000 persons at Cal Poly will have to take the oath in the presence of a notary public."¹⁴³ The Cal Poly faculty would have 30 days to sign the anti-communist loyalty oath. Review and interpretation of the president's council meeting minutes during this period reveal McPhee's role in the control of his faculty, and how they responded. On the same day as the *El Mustang* article's publication, President McPhee held a meeting at ten a.m. in the president's conference room. McPhee called the meeting, among other reasons to, outline a plan for the faculty signing of the oath. The presumably controversial topic was the last item addressed and reduced to one small paragraph in the recorded notes. The discussion of this "plan" was basically a statement of explanation that "all employees on the state payroll must sign this oath before their checks can be issued for payment of work."¹⁴⁴ The lack of discussion documented indicates that there may have been an effort to censor what was recorded. The college deans and administrators that joined McPhee in the meeting would have almost certainly had question at least

to the logistics of the plan of action in acquiring faculty signatures. No such inquiry is documented.

The next time the president's council met was on October 19th. The major item on the agenda of this meeting was to outline the stringent responsibilities associated with faculty positions as dictated by President McPhee. The first faculty position outlined was the Dean of the Liberal Arts Department. These responsibilities, most probably dictated by McPhee, include: approving the content of liberal arts courses, ensuring that courses comply with the occupational objectives of the college, and observing instruction for the purposes of evaluating their effectiveness.¹⁴⁵ These outlining of Liberal Arts responsibilities and objectives cannot simply be coincident. It is arguable that the paranoia of McCarthyism and the tensions associated with and seen from the loyalty oath crisis at the UC may have influenced McPhee in his strict emphasis on controlling the Liberal Arts department. Furthermore, the notes from the meeting reflect McPhee's belief for the limited role of Liberal Arts at Cal Poly. "Liberal Arts curricula and courses, [will emphasize] the service aspects...to the Agriculture and Engineering Divisions."¹⁴⁶ McPhee would also receive all recommendations for Liberal Arts teacher selection; any change in faculty rank, class, or range (probably meant as promotions); and faculty dismissal.¹⁴⁷ This curiously detailed outline of the role of Liberal Arts at Cal Poly in the middle of the growing loyalty oath controversy only reflects McPhee's perpetual disdain towards the Liberal Arts. McPhee's strong outline on the future of Liberal Arts at Cal Poly in combination with the forced signing of an anti-communist loyalty oath would almost definitely have frustrated some faculty. To my knowledge, no such individually attributable complaints exist, or at least still exist.

In the following president's council meeting on October 26th, President McPhee reflected on the current morale of the administration, directly addressing his subordinates at the meeting. The record shows that, "President McPhee stated that he evaluated the administration and it seemed to him each division could accomplish a great deal more in carrying out their responsibilities if... [they did so] ...on a positive

¹⁴² Robert E. Kennedy, *Learn By Doing: Memoirs of a University President: A Personal Journey with the Seventh President of California Polytechnic State University*, (San Luis Obispo: California Polytechnic State University, 2001), 145.

¹⁴³ "No Sign, No Pay: State Loyalty Oath Hits Local Campus," *El Mustang*, October 13, 1950, 1.

¹⁴⁴ Julian A. McPhee, President's Council Minutes and Agenda. *S.L.O. President's Council Minutes and Agenda: 1950 Sept.-Dec.: Meeting no. 6*, 39.

¹⁴⁵ Julian A. McPhee, President's Council Minutes and Agenda. *S.L.O. President's Council Minutes and Agenda: 1950 Sept.-Dec.: Meeting no. 7*, 54.

¹⁴⁶ *Ibid.*

¹⁴⁷ McPhee, President's Council Minutes and Agenda, *Meeting no. 7*, 53.

basis rather than a negative basis.” “The President stated further that he was aware of the frustrations that the administrators are experiencing, as he is not immune from frustrations, but we must continue to do our best in attempting to overcome such frustrations.”¹⁴⁸ McPhee outlined suggestions for improving morale, implored administrators to “express [their] honest feelings and concern[s] for the problems... faced,” and even excused himself from the meeting so that the faculty could speak freely about their problems without fear of his reaction.¹⁴⁹ The feelings addressed by McPhee implicate the overt frustration held by the administration and faculty at the time. The source of this stress must be attributed, in some way, to McPhee’s controlling authoritative leadership and also the loyalty oath crisis. To McPhee’s defense, he did acknowledge these issues and, to the best of his ability, allowed the administrators to try and work out their discontent in a time of high tension. McPhee’s role in changing and expanding Cal Poly cannot be understated. His term as president would see an extremely positive turn from a school on the brink of closure to one emboldened to prepare generations of learn-by-doers for success. Cal Poly historian Morris Eugene Smith notes that “President McPhee must have felt deep satisfaction. During the period of his administration the institution expanded and improved in every way; its future was assured. Clearly, Julian A. McPhee was most responsible for the California State Polytechnic College of 1950.”¹⁵⁰ However, in his comprehensive history of the first fifty years of Cal Poly’s history, Smith makes no mentioning of the loyalty oath controversy of 1949 and 1950. This may be attributed to the severe lack of primary student and faculty responses, and potentially to Smith’s clearly eulogizing portrayal of McPhee.

Students at Cal Poly in the McCarthy era often voiced their opinions in the student newspaper *El Mustang*. As a much smaller paper than the *Daily Californian* or *Daily Bruin*, *El Mustang* editorials on the loyalty oath crisis at Cal Poly are mostly limited to a reporting of events like the article seen previously. This indicates that student opinion of the loyalty oath was strongly influenced by anti-communism

148 Julian A. McPhee, President’s Council Minutes and Agenda. *S.L.O. President’s Council Minutes and Agenda*

Agenda: 1950 Sept.-Dec.: Meeting no. 8, 3.

149 McPhee, President’s Council Minutes and Agenda, *Meeting no. 8, 4.*

150 Morris Eugene Smith, “A History of California State Polytechnic College, the First Fifty Years, 1901-1951,” (Ed.D. thesis, University of Oregon, 1957), 283-285.

and a right-wing newspaper agenda, or perhaps, more likely, an apathetic view of the controversy. Campus critic and *El Mustang* cartoonist Dick Tice, editorialized his opinions on the loyalty oath controversy in his recurring 1950-51 cartoon series “Spurious Oscillations.” In apparent disagreement with the *Daily Californian* cartoon examined previously, Tice depicts several men, presumably soldiers, entering a large vertically oriented military aircraft. A man is frantically approaching them holding a piece of paper, with the underscoring caption “Wait! Sign this Loyalty oath!”¹⁵¹ Clearly, Tice’s opinion was that the loyalty oath was redundant if not unnecessary, especially for men willing to put their life on the line against the enemy. The two cartoons depict two largely different opinions. Berkeley’s cartoonist exudes that academic freedom is being repressed by a forceful group of autocratic Regents. Tice’s cartoon conveys a contemptuous and dismissive attitude towards the oath. Like Jack Spicer’s opinion, as seen in his poem above, Tice seems to have had a certain disdain for the loyalty oath. However, where Spicer saw the oath as being “destructive to the free working of man’s intellect,” Tice did not agree.¹⁵² Tice clearly did not see the loyalty oath as any sort of threat to academic freedom, where students and faculty assistants, like Spicer, at the UC emphatically condemned it to be so.

The difference is symbolic of how the institutions differed in reaction to the loyalty oath crisis. While editorials and commentary on the loyalty oath crisis at Cal Poly are slim, if not nonexistent, there is a significant amount to represent larger feelings of the student body towards communism and McCarthyism. In late 1948, about two years before the controversy of the loyalty oath would occur, *El Mustang* student writer G. Hall Landry projects a certain paranoia in claiming a “Red purge” could occur at Cal Poly just as it did at the University of Washington. “Yes, it could happen here...[if] the liberals on campus...believe their right to free speech [is] above the monetary value of being a teacher, [they] will find that they too may be put under the klieg-lights.”¹⁵³ Landry’s point, combined with seemingly paranoid feelings towards the second Red Scare, was that even Cal Poly’s faculty could be the target of anti-communism. He overtly threatens that if a “Red purge” were to come to Cal Poly, they would most likely be labeled as communists and probably fired.

151 Dick Tice, “Spurious Oscillations.” Political Cartoon, *El Mustang*, November 10, 1950, 4.

152 Jack Spicer, “[Response to the Loyalty Oath],” 326.

153 G. Hall Landry, “It Could Happen Here,” *El Mustang*, August 27, 1948, 2.

Landry's opinionated prediction would come to pass at the UC in 1949 and 1950, but there is no similar example of defiant or released faculty at Cal Poly in the same period, at least not one found in the Cal Poly's University Archives. Another *El Mustang* article from 1950 documented the role Cal Poly took in the so-called "Crusade for Freedom," an anti-communist propaganda organization. The goal of the campaign was to "open the Soviet world to Western ideas of freedom." Cal Poly students and faculty erected posters and collected money and signatures for the cause.¹⁵⁴ Cal Poly's proactive role in this anti-communist propaganda organization helps to further contextualize the prevalence of right-wing campus political attitudes in the McCarthy era. It may serve as some evidence for why Cal Poly reacted to the loyalty oath crisis the way that they did.

In 1954, near the end of the McCarthy era, an unattributed article in *El Mustang* shows a unique and surprising turn in opinion from the paper. The article condemns a so-called cultural attack on intellectuals. "This country has always owed its greatness to those fearless in thought and courageous in action. Now, it would seem, these very qualities draw suspicion and distrust as a magnet draws steel filings." Furthermore, the author comments that "it sees in every professor a possible conspirator, a probable reader of Marx and dealer in dangerous thoughts." "But the growing distrust of the teacher, the artist, the natural scientist, and even at times the clergyman is not healthy. It is deliberately cultivated by sinister forces posing as the preservers of a red-blooded Americanism."¹⁵⁵

154 "Elks Answer: 'Freedom Crusade' Gets Underway," *El Mustang*, September 29, 1950, 1.

155 "Liberal Values and Guns," *El Mustang*, February 5, 1954, 7.



Figure 3. Cartoon Referencing the California State Loyalty Oath of 1950. Dick Tice, "Spurious Oscillations." Political Cartoon, *El Mustang*, November 10, 1950, 4.

This example of opinionated, and even somewhat defiant, commentary at the end of the McCarthy era may be seen as potential change in thought of the collective campus. However, examples of right-wing political thought are still found in the newspaper, as seen published in the newspaper later that year. In an anecdotal article from late 1954, an *El Mustang* contributor compares "Isms" by humorously characterizing political ideologies and how they might address your owning of two cows. "SOCIALISM: You have two cows. You give one to your neighbor. COMMUNISM: You have two cows. The government takes both and gives you the milk... CAPITALISM: You have two cows. You sell one and buy a bull. CAL POLYISM: You now have a cow and a bull. You shoot the bull, sell the cow to the cafeteria, and buy meal tickets."¹⁵⁶ These characterizations as seen in *El Mustang* satirically convey how Cal Poly felt about alternative politics in the 1950s; they were not viable, and even something to be

156 "Isms-Local Style," *El Mustang*, October 8, 1954.

made fun of. Cal Poly's reaction to the loyalty oath controversy of 1949 and 1950 wasn't as significant as that of their UC counterparts, but we must consider the fact that during the McCarthy era these institutions were in a sense polar opposites. It is not to say that Cal Poly students, faculty, and administration did not value academic freedom and free speech; they did just as most colleges and universities did, even in the 1950s. The differences in reaction essentially amounted to a willingness to defy authority. The UC faculty and students rose up in direct defiance to the Regents. Cal Poly's mostly conservative student body and faculty, in majority, would not defy President McPhee, the law, or the status quo.

CONCLUSION AND LEGACY OF THE LOYALTY OATH

Analysis of the reactions of both the University of California and Cal Poly's reaction to the anti-communist loyalty oath in the McCarthy era reveals a significant difference in campus culture and a general willingness to defy authority. The schools of the UC system, most notably UC Berkeley and UCLA, were ready to defend a faculty that had become the target of an arbitrary political test that infringed on basic academic freedom. When the Levering Act mandated state institutions comply with a similar anti-communist oath, Cal Poly's traditionally conservative and pro-right oriented campus did not protest, as the UC did. It would seem then that the faculty and the students of the UC fought the good fight for academic freedom and Cal Poly's did not. This is not my conclusion. I contend that as an academic control mechanism, the loyalty oath of 1949 and 1950 failed terribly at the UC, and went over relatively smoothly at Cal Poly.

I attribute the controversy seen at the UC mostly to the unscrupulous intentions of the UC Board of Regents, and in part by a defiantly idealist faculty. At Cal Poly, there was no board of regents to question, but instead the State of California. Through a combination of traditional conservatism, the strong and often authoritarian leadership of Julian McPhee, and a general disdain for defiance, Cal Poly would not undergo the extreme turbulence during the loyalty oath crisis as witnessed at the University of California. Because of the *Tolman v. Underhill* legal case made famous by a group of defiant non-signing UC faculty, the California loyalty oath of the McCarthy era underwent several changes and still exists today. It now reads:

Cameron Coyne

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.¹⁵⁷

While there is no mentioning of a particular political party orientation, it is interesting to note that many new state employees sign a document with these very words every year. As one of the longest surviving tokens of McCarthyism, the California state oath of allegiance should still be seen as a barrier to free speech. It is in fact something to hold state employees accountable; to control them. The words "against all enemies, foreign and domestic" appear vague at first, but vague words can be interpreted in many perverse ways. What or who will be the next target of McCarthyism? Who will be audacious enough to stand up to that authority?

¹⁵⁷ The University Loyalty Oath: A 50th Anniversary Retrospective, document, <https://goo.gl/kk7rEX>, "State Oath of Allegiance (current)," accessed February 27, 2017.

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DIGGING DEEPER: UNCOVERING THE AFTERMATH OF KRISTIN SMART'S DISAPPEARANCE

KAILYN POPE

It took five days for an investigation to launch after Kristin Smart disappeared without a trace on May 25, 1996. The first-year Cal Poly communications major was never seen nor heard from again after attending a party off campus that Memorial Day weekend. Her dorm room and that of a potential suspect were not searched until ten days after her disappearance, allowing them to be cleaned of potential evidence.¹⁵⁸ In recent decades, a stir has arisen in regard to the handling of sexual assault cases, specifically against young women, reported at American universities. Cal Poly had a campus population of nearly 20,000 in 2005.¹⁵⁹ Yet only one case of rape and one case of sexual battery were reported that year by the University Police Department in accordance with the Clery Act.¹⁶⁰ In addition to scholarly writing, documentaries such as *The Hunting Ground* (2015) have brought to light issues surrounding how universities handle cases of sexual assault. Seeing as “only approximately 5%” of victims report their sexual assaults to campus authorities while in college, it is impossible

158 Matt Fountain, “Kristin Smart’s disappearance remains a mystery, 20 years later,” *The Tribune* (San Luis Obispo, CA), May 24, 2016, <http://bit.ly/2ldP050>, accessed Jan. 31, 2017.

159 “Cal Poly Registration Monitor Fall 2005,” *Cal Poly Institutional Research*, Oct. 26, 2005, <http://bit.ly/2lcWhOy>, accessed Feb. 02, 2017.

160 University Police Department, “Campus Crime Statistics 2004 through 2006,” 2006, Safety Net box, folder 550.04, Special Collections and University Archives, California Polytechnic State University San Luis Obispo.

to place all of the blame on the shoulders of the victims.¹⁶¹ Other factors must be taken into account, such as aspects of university authorities, the faculty and police expected to protect and uphold campus ideals, that make students not want to report the crimes against them in the first place.

This paper will discuss two major components of past crimes at Cal Poly: the attentive student response to Kristin Smart's disappearance in light of possible shortcomings of authorities, and how events such as these have shaped campus safety policies and regulations since the 1990s. Even though the red handprints, indicators of areas in which someone had been sexually assaulted, have been removed from Cal Poly's campus, sexual violence is still a prevalent problem at Cal Poly and college campuses everywhere.¹⁶²

Kristin Smart's 1996 disappearance, as well as other criminal acts against students in the 1990s and beyond, brought the Cal Poly student community together in solidarity year after year with programs such as Take Back the Night. Mustangs have never stopped letting these issues be important to them, have never let their voices waver in the face of adversaries and deniers. Cases like Smart's have sparked initiative amongst students on campus, even if the matter is not and has never been as important to those we trust with keeping our campuses safe. Despite alumni, parents, and even some students themselves insisting that these things just do not happen at Cal Poly, they do, and they have had and always will have the greatest impact on those who once shared a community with the victim, rather than those in authority.

HISTORIOGRAPHY

Though there is hardly any literature on the Kristin Smart case that isn't contained within local newspapers and police reports, there has been a significant amount of research done on the prevalence and treatment of sexual assault on college campuses in recent decades, specifically after the Clery Act was signed in 1990 after the rape and murder of Lehigh University student Jeanne Clery. The act aimed to increase transparency amongst campus police units and hold them accountable for their work

161 Veronyka James and Daniel Lee, "Through the Looking Glass: Exploring How College Students' Perceptions of the Police Influence Sexual Assault Victimization Reporting," *Journal of Interpersonal Violence* 14 (September 2015): 2, accessed Feb. 14, 2017.

162 Brian McMullen, "Memorials to be Unveiled Across Campus," *Mustang Daily*, 19 February 2008, 1-2.

by having them publicly report their crime statistics every year in accordance with a mandate. However, in a recent article in the *American Journal of Criminal Justice*, Michael J. Kyle and his collaborators argue that it may be requirements such as consistent reporting that compromise a police unit's ability to use its resources toward more urgent safety matters. The text focuses primarily on the perceptions of college faculty and students as to who should be responsible for keeping the campus safe, and to what degree. According to them, underreporting by police occurs due to victims not coming forward.¹⁶³ In another recent article in the *Journal of Interpersonal Violence*, researchers Veronyka James and Daniel Lee present findings of a study that indicate most college students do *not* report the sexual crimes committed against them, which is a result that might fuel the argument of Kyle and his collaborators. However, throughout their article, they suggest that this is because students are either afraid of the personal and social repercussions that come with reporting, or wary of how well the authorities will handle the case and take it seriously, if at all.¹⁶⁴ Of the literature on the topic from before the 21st century, Easton et al. seem to capture the overall attitude toward sexual assault in the '90s with their 1997 article in the *Journal of American College Health*. The article primarily discusses rape resistance, its effectiveness, and how women can take preventative measures to decrease their chance of being assaulted. This text focuses on the student rather than any larger authority, and holds the view that women have a responsibility to defend themselves from potential attackers should a crime occur.¹⁶⁵

My research will fit in more with the more modern of these journal articles. However, this paper will bring the nationwide crisis of campus violence, specifically homicide and sexual assault, to a local level so as to demonstrate what happens to those surrounding the victim when these acts occur. It will also tie into the pre-existing arguments of the inefficiency of university police by highlighting the key aspects of controversy surrounding Kristin Smart's disappearance. This will counter the article by Kyle and other scholars by bringing up external factors as to why students do not report and discussing why colleges would want to cover things like this up. Even if

163 Michael J. Kyle, et al., "Perceptions of Campus Safety Policies: Contrasting the Views of Students with Faculty and Staff," *American Journal of Criminal Justice* (2016), accessed Jan. 31, 2017.

164 James and Lee, "Through the Looking Glass."

165 A.N. Easton, et al., "College Women's Perceptions Regarding Resistance to Sexual Assault," *Journal of American College Health* 46, no. 3 (Nov 1997): 127-131, accessed Feb. 14, 2017.

the case of Kristin Smart was not of immediate importance to authorities, this paper will prove that the crime meant something to the Cal Poly community, which has not forgotten the victim even 21 years later.

AN OVERVIEW

A case with no concrete conclusion leaves room for a plethora of possible answers. This is why, in this paper, Kristin Smart's disappearance is handled as one that may have involved violence, or foul play. Despite the fact that almost anybody who has been living in San Luis Obispo county since around the time of her disappearance has a pseudo-knowledge as to what happened, there is no answer. In this paper, Smart's case will be examined through the lens of other crimes against college-aged women, which lean primarily toward cases of sexual assault. No matter what actually occurred, "it serves as a reminder that even in a seemingly safe community such as San Luis Obispo, horrific crimes happen."¹⁶⁶

First-year Kristin Smart was never seen again after nearing her dormitory, Muir Hall, at Cal Poly in the early hours of May 25, 1996. She was last seen with an interloper named Paul Flores, who is still regarded as the prime suspect of the case by much of the community. "Her father and a fellow student" reported her missing within three days, but the University Police Department did not take progressive action until two days after the initial report.¹⁶⁷ Smart's story broke the front page of the *Mustang Daily* six days after her disappearance, when early details of the case were within reach of the public. Students who lived on Kristin's floor of Muir Hall, or otherwise were acquainted, stated she was a bit "atypical," and one student even added that he was "not surprised by her absence," even though she had been missing for several days.¹⁶⁸

The University Police Department gained much notoriety from the community both at Cal Poly and in the town of San Luis Obispo after not seeking aid from state or "other local law enforcement agencies" upon gaining knowledge of Smart's disappearance. This sparked harsh criticism of not only Cal Poly Public Safety, but

166 Fountain, "Kristin Smart's disappearance."

167 Matt Berger, "Kristin Smart: still missing," *Mustang Daily*, 15-22 September 1996, <http://bit.ly/2jWD2wM>.

168 Sandra Naughton, "Student Disappears After Party," *Mustang Daily*, 31 May 1996, <http://bit.ly/2mrg2pN>.

the school's administration as a whole. As Sacramento political consultant Terry Black stated in an interview with the *Mustang Daily* in 2006, "This is a classic example of the system failing so badly on the campus that all key evidence on the case has been lost. They always denied that [the system's failing] because it exposes them legally and it exposes their lack of ability to protect the students."¹⁶⁹ This is not the first time that a university's security, police department, and campus safety have come under fire. In 1986, ten years before Smart's disappearance, Lehigh University student Jeanne Clery was raped and murdered in her dorm room. The school was accused, by her parents as well as the community, of providing insufficient campus security, which allowed a non-resident to enter Clery's dormitory. They also stated that Lehigh had "a rapidly escalating crime rate, which they didn't tell anybody about." Like Smart, Clery was a nineteen year-old, first-year communications major and student athlete.¹⁷⁰ Her case is what led to The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, which is a federal mandate that colleges still abide by today.

A law was also passed in California, attributed to Kristin Smart's disappearance. As proven by Cal Poly's poor handling of the case, a law needed to be made to define the depth of responsibilities of campus police. The Kristin Smart Campus Safety Act of 1998 did just that, and ensures that university police units "enter into written agreements with local law enforcement agencies that clarify operational responsibilities for investigations of...violent crimes, sexual assaults, and hate crimes occurring on each campus."¹⁷¹ This was, unfortunately, sparked by the confusing and improperly handled start to Kristin Smart's case.

Smart's disappearance came as a shock, or an oddity, to the population of Cal Poly because of the school's, and the town's, reputation for being safe and fun. According to an editor's note in a September 1996 issue of *The Mustang Daily*, the case "marred the university's good reputation," but also served as a reminder that heinous crimes can and do occur at Cal Poly.¹⁷² This proved true years later, when Aundria Crawford

169 Olivia DeGannaro, "Where is Kristin Smart? 19 years later, Cal Poly student still missing," *Mustang News*, 28 May 2015, <http://bit.ly/1d2T27X>. Accessed Feb 28 2017.

170 Beverly Beyette, "Campus Crime Crusade: Howard and Connie Clery Lost Their Daughter to a Crazy Thief; Now They're Angry and Fighting Back," *Los Angeles Times*, 10 August 1989, <http://lat.ms/2mbSt3B>, accessed 01 March 2017.

171 CA Education Code § 67381.1 (1998), <http://bit.ly/2mR3bwy>.

172 Berger, "Kristin Smart: still missing."

and Rachel Newhouse went missing in 1998 and 1999, respectively, but their bodies turned up within months, along with the arrest of their murderer.¹⁷³ These two cases differ from Smart's and Clery's in that they happened off campus, and thus were dealt with primarily by local authorities, so the campus police were not at the center of attention. The victims of these cases, and cases like these that are covered the most in this country, are young white women that fit the blond-haired, blue-eyed mold of the "typical" American college girl. Another woman who fits this exact mold is Lauren Spierer of the University of Indiana, who has been missing from the small town of Bloomington, Indiana since 2011.¹⁷⁴ There is something almost sensational about someone from this demographic becoming the victim of a crime, which causes public outcry and support, especially in small towns such as San Luis Obispo, Bethlehem (where Lehigh University is located), and Bloomington.

CAMPUS SAFETY: 1950S THROUGH THE TURN OF THE CENTURY

By 1991, the students had had enough of Cal Poly's insufficient process of handling cases of sexual assault against women. The Academic Senate of that year boldly proclaimed that they had "found no evidence that women faculty, staff, or students [had] any confidence in the intention of the university to protect women from sexual harassment." This was followed by a list of recommendations aimed at the administration to better the training of officers and the handling of sexual harassment cases so as to prevent them from happening in the future.¹⁷⁵ Their requests, frankly, were completely valid. Cal Poly, among other schools across the nation, had unstable sexual harassment policies in place throughout the latter half of the twentieth century. In the '50s and '60s, after women were re-admitted to Cal Poly, there was no mention of the school's sexual harassment policy – if one even existed – in the

employee handbook of the time.¹⁷⁶ It wasn't until around the 1980s that the sexual harassment policy got its own section in the handbook. This policy stated, however, that it was not the *police's* job to handle cases of sexual harassment, but rather the task fell into the hands of the "designated...Sexual Harassment Investigators," who were "the Director of Personnel and Employee Relations and the Associate Dean of Students." The piece on sexual assault in the employee handbook simply stated that it was wrong, it was a crime, and that perpetrators would be punished either by suspension or reprimand, depending on if they were a student or faculty member, respectively.¹⁷⁷ It is unclear what information students were given on the topic, if any, but Cal Poly's policies were shoddy at best before the 1990s.

In the year 2017, students receive text and e-mail alerts from the University Police Department whenever a sexual assault occurs to a Cal Poly on campus or areas nearby, and students who do not complete their informational online sexual harassment courses in a timely manner are punished with an unfavorable class registration date. Education on the topic has been, essentially, incentivized, whereas in the '80s and '90s it seemed like background noise. Around the 1994 to 1995 school year, the year before Smart's disappearance, Cal Poly produced several volumes of a *Safety Net Newspaper*, which allowed Public Safety Services to spread information to students and faculty regarding campus safety. However, these safety tips and information pertained to everything but sexual harassment, with one edition containing information on topics such as medical emergencies, commuting, and ladder safety.¹⁷⁸ Even after the passing of the Clery Act in 1990, most schools still did not know how to effectively talk about and prevent sexual assault, especially since the topic was backed by "little research" throughout the 1980s.¹⁷⁹

Schools' lack of willingness to learn and educate on the topic of sexual harassment in favor of preserving a more pristine image or reputation may be what has kept the

173 Patrick S. Pemberton, "Families left with a void that can never be filled," *The Tribune*, 10 Feb 2010. <http://bit.ly/2mqRBIN>.

174 Madeline Buckley, "Lauren Spierer search warrants will remain sealed, judge says," *The Indianapolis Star*, 2 Feb 2016. <http://indy.st/2mcrXXJ>, accessed 28 Feb 2017.

175 Academic Senate Agenda, October 26, 1991, California Polytechnic State University San Luis Obispo. <http://bit.ly/2n81cBB>.

176 *College Guide – Employee Handbook*, 300.06 Employee Guide, 1966-67, Box 0063-04, Folder 7, Special Collections and Archives, California Polytechnic State University San Luis Obispo, CA.

177 *Staff Personnel Handbook*, 300.06 Employee Guide, 1989-90, Box 0063-04, Folder 9, Special Collections and Archives, California Polytechnic State University San Luis Obispo, CA.

178 *Safety Net Newspaper* 1, no. 2, Safety Net Box, Folder 549, Special Collections and Archives, California Polytechnic State University, San Luis Obispo, CA.

179 Kristen Day, "Assault Prevention as Social Control: Women and Sexual Assault Prevention on Urban College Campuses," *Journal of Environmental Psychology* 15, no. 4 (1995): 261-281.

issue of sexual violence on college campuses so prevalent. Researchers James and Lee argued that it is this lack of effort by campus police and university administration that kept students from reporting. They found that students who trusted their campus police were “more likely to report sexual assault victimization” than those who do not.¹⁸⁰ Could this be the reason why Cal Poly’s numbers reported in the Clery Act are so low in the area of sexual battery, rape, and other sexual crimes? Campus guidelines regarding sexual harassment skyrocketed in length and depth following the 1995-1996 school year, but Cal Poly’s reported sexual crimes have never broken ten per year. Since the 1980s, the excessively-researched number of women who have experienced sexual harassment by the time they graduate college has stayed relatively the same: 1 in 4.¹⁸¹ Between 1999 and 2007, the highest number of rapes reported in one year at Cal Poly was 3, and the highest number of sexual batteries was 2.¹⁸² Keeping the socially accepted and, again, highly-researched “1 in 4” statistic in mind, along with the assumption that Cal Poly had approximately 7,000 to 9,000 undergraduate female students enrolled during this period, these numbers, reported by the University Police Department, cannot possibly, or logically, represent all of the sexual crimes that occurred.

Perhaps Jeanne Clery’s parents were right in accusing Lehigh University of underreporting crimes on campus. Even today, more students in America are concerned about their safety on campus than those who are not, a fear that *should*, theoretically, be quelled by the presence of University Police.¹⁸³ There are a number of factors that could go into underreporting on the behalf of university authority, but there is no way around the possibility that, throughout the ‘90s and even today, sexual harassment cases that *are* reported aren’t being taken seriously enough. This was highlighted by the 2015 documentary *The Hunting Ground*, which looked into several stories of survivors of sexual assault whilst in college. The survivors, mostly female students, recalled having their cases brushed off or improperly handled by the university police

180 James and Lee, “Through the Looking Glass.”

181 *Ibid.*

182 *Campus Crime Statistics 2001 through 2003*, and *Campus Crime Statistics 2005 through 2007*, Safety Net Box, Folder 550.04, Special Collections and Archives, California Polytechnic State University, San Luis Obispo, CA.

183 Charles Chekwa, *et al.*, “What Are College Students’ Perceptions About Campus Safety?” *Contemporary Issues in Education Research* 6, no. 3 (Third Quarter 2013): 325-332.

in a way that fed into the stigma surrounding victims of sexual assault. Questions of “what were you wearing?” and “had you been drinking?” inappropriately arose out of these investigations, which would understandably dissuade any young woman from reporting her victimization.¹⁸⁴ The social stigma regarding sexual assault survivors undoubtedly plays a role in the lack of reporting of these crimes, but university administrations, including that of Cal Poly, have yet to recover from their lack of involvement in such cases throughout the 20th century.

HER LEGACY

A distrust of campus authority has not stopped the Cal Poly community from rallying behind victims such as Kristin Smart. The local community has kept her alive in spirit, too: her smiling face still watches over the Arroyo Grande Village from a billboard, and there is a memorial plaque in her honor at Dinosaur Caves Park in nearby Pismo Beach. But the student supporters and activists following Smart’s disappearance, as well of those of Crawford and Newhouse later in the decade, are the ones who let cases like hers make a difference on campus.

S.A.F.E.R. (“Sexual Assault Free Environment Resource,” now stylized as “Safer”) was founded at Cal Poly in the fall quarter of 1996, directly in response to the disappearance of Kristin Smart. Safer still exists today, and offers “crisis services” and “education and outreach” with regard to sexual assault, dating violence, etc.¹⁸⁵ Right after its inception, the program set up “safety awareness and security workshops” and educational materials for dorm-dwellers, as well as “[increasing] security patrols... in the residence halls,” all thanks to a \$60,000 grant through the Department of Education for a “Violence Intervention Program.”¹⁸⁶ Safer aims to prevent sexual harassment and assault, as well as educate the campus on these issues as well as put on events to get students involved in activism. Sociologist Tara Streng suggests that strong policies for handling sexual assault on campuses are the first step to helping

184 *The Hunting Ground*, film, directed by Kirby Dick (New York, NY: The Weinstein Company), 2015.

185 “History of Safer,” *Cal Poly Dean of Students*, accessed 20 Feb 2017, <http://bit.ly/2mgkeYN>.

186 “S.A.F.E.R. Program Established on Campus,” *Cal Poly Report* 50, no. 31, 16 May 1997, <http://bit.ly/2lyk1RN>.

victims feel safer reporting, and Safer is working toward just that.¹⁸⁷ The organization, founded by students and faculty, had a stronger and more progressive reaction to Smart's disappearance than the administration seemed to, and continues to spread awareness in the name of Smart, Crawford, Newhouse, and the millions of other women affected nationwide.

Cal Poly *did* begin its crusade against sexual assault a few years before the Kristin Smart case, potentially due to the unhappiness of the Academic Senate with regard to the treatment of crimes against women at Cal Poly, as previously discussed. Red, painted handprints began popping up all over the ground on campus in association with the "Take Back the Night" events that started at Cal Poly in 1992. The handprints, though no longer present, represented areas in which students had been sexually assaulted on campus, and served as a reminder that Cal Poly, nor any other college, was a crime-free area.¹⁸⁸ These handprints caused many Poly students to become aware of the seriousness of sexual assault and how often it occurs, and also put the issue into a local perspective that even had writers for the *Mustang Daily* questioning how many more cases may have gone unreported.¹⁸⁹ However, after Smart's disappearance and Safer's creation, the handprints were subject to vandalism, with male genitalia spray-painted over several of the meaningful markers in 1997. This sparked outcry from those in support of the handprints, and even those who weren't actively involved in activist programs were upset by the defacing of something that stood for such a powerful issue.¹⁹⁰ The average student of the 1990s was becoming more and more aware of the impact and prevalence of sexual assault thanks to campaigns like these, which is quite a difference from the 1980s and earlier, when students and faculty alike were inadequately informed or kept in the dark about such issues.

After the news broke about the fates of Aundria Crawford and Rachel Newhouse in 1999, the Women's Center at Cal Poly named the week that encompassed Take

Back the Night "Remember," which later came to be stylized as "ReMEMber Week."¹⁹¹ The week was initially dedicated to victims of all violent crime, but by the 2000s, it had become heavily focused on survivors and victims of sexual violence. Cal Poly no longer puts on this event, but that does not mean that students and faculty have stopped caring about sexual violence. What *is* telling, though, is that the vice president for student affairs at the time allowed the housing staff to paint over red handprints because they were inconvenient to have to explain to curious parents of prospective Mustangs. An organized protest occurred outside of Vice President Morton's office in response to the action, or lack thereof. Neither Morton nor the housing staff received punishment or reprimand for the ordeal, and even though the prints were repainted at the residence halls, they would eventually all be painted over and replaced with two small tower monuments on campus.¹⁹² Though this change has been regarded by some passionate students as one of the biggest mistakes in Cal Poly history, it did not shake Safer's, nor any other campus group's, dedication to spreading awareness about sexual assault.¹⁹³

However, modern Mustangs may not be surprised to hear of this past administrative blunder, as it has been viewed by some. Many students have grown outraged at current President Jeffrey Armstrong's administration and its shortcomings in appropriate and effective action in response to crime and hate speech on campus. Armstrong's usual tactic after a controversial or hateful event occurs on campus, such as deeply offensive statements written on the "Free Speech Wall" sponsored by the Cal Poly College Republicans, is to send out an email to all Cal Poly faculty, staff, and students that is full of blanket statements and generalities meant to appease most everyone reading it. A great number of Mustangs find this form of damage control laughable and wholly inappropriate, and there have been social media posts circulating that call for Armstrong's resignation. This mishandling of events that hold potential to be crucial for Cal Poly's growth is, sadly, nothing new to the university, but Mustangs continue to fight to let their voices be heard after such controversial occurrences.

Even 21 years after she was last seen, many students still know who Kristin Smart is, and take part in events put on by the organization created from the mist

187 Tara K. Streng, "Sexual Assault Prevention and Reporting on College Campuses in the US: A Review of Policies and Recommendations," *Journal of Education and Practice* 6, no. 3 (2015): 65-71.

188 Cynthia E. Buizer, "Annual march to Remind Poly About Violence Against Women," *Mustang Daily*, 19 May 1994, <http://bit.ly/2mZGEMm>.

189 Rebecca Nordquist, "Red hands Reminder of Women's Pain," *Mustang Daily*, 6 November 1995, <http://bit.ly/2mZAs6Y>.

190 Stacey Johnston, "Red handprints Defaced with Painted Penises," *Mustang Daily*, 19 November 1997, <http://bit.ly/2lWufYC>.

191 Christine Janocko, "Poly Students Prepare to 'Take Back the Night,'" *Mustang Daily*, 27 April 1999, <http://bit.ly/2mdBB18>.

192 McMullen, "Memorials."

193 Ryan Miller, "Cal Poly's Many Wrongs," *Mustang Daily*, 9 March 2001, <http://bit.ly/2n1VTXB>.

of her disappearance. Leads in the case in late 2016 sparked a bit of interest both locally and throughout the Cal Poly community, even though nothing has come of the investigation as of early 2017. As many news articles have said about Kristin Smart, she is gone, but not forgotten. The same goes for other victims, such as University of Indiana's Lauren Spierer, whose face was plastered on fliers all throughout Bloomington after her 2011 disappearance. Community efforts in hopes of finding her continue to this day, and supporters are "as determined as day one."¹⁹⁴ Jeanne Clery is forever immortalized by the federal Clery Act, as is Kristin Smart with the Campus Safety Act of 1998 created in her honor as well as the continued remembrance of her life. These young women will not, cannot be forgotten because of the immense support system they have always had behind them, even after their deaths or disappearances.

CONCLUSION

Despite shortcomings by campus police, Kristin Smart has had a lasting impact on Cal Poly after her 1996 disappearance. Many universities, including Cal Poly, have received backlash and criticism for the way their administrations, including their police units, have handled and attempted to prevent crimes of this nature. Smart has been "kept alive," so to speak, by the Cal Poly student body, with programs such as Safer and events like Take Back the Night still existing to this day. Unlike college administration, students have no desire, and more importantly no reason, to cover up crimes against women on campuses. Thanks to research by sociologists and psychologists, as well as documentary makers, it is possible to see the various reasons why underreporting of sexual violence still occurs on college campuses. Even the students have become more aware of these problems as of the 1990s, whereas sexual violence was not treated as such a serious topic in the 1950s through the early 1980s. The powerful student response to the disappearance of Kristin Smart sent a boisterous message to the lackluster administration of the time: the voices of victims will never be silenced, even long after they are gone.

¹⁹⁴ "Help us find Lauren," accessed 01 March 2017, <http://findlauren.com/>.

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