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On behalf of all history students past and present, we dedicate this year's History Journal to Margaret DeButy. We thank her for her kind heart, dedication, and dependability. No matter the day or the hour she has always welcomed everyone with a thoughtful word and a kind smile. Without her the history department and many students' experiences here at Wittenberg University would not be the same. We thank her for embodying everything that is truly great about Wittenberg University.

The History Journal Staff

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The 146th Day of the Great War

Brian DeSantis
Hartje Award Winner

In 1914, the sun broke over Europe as it entered the 146th day of war. The people and the land they lived on changed dramatically in that short period; millions of civilians answered the call to become soldiers and cities were decimated. At the outset, many publicly expected the war to be over by the 146th day, a now seemingly misguided prediction as the countries found themselves entangled in a stalemate. Failed offensives like the Battle of Ypres, which ended with over 200,000 casualties, caused soldiers to prepare for a long winter in the trenches with diminished hopes for a prompt end. Still, there were soldiers, like Second Lieutenant Bairnsfather, who clung on to dreams of peace by the 146th day: "I should like to have suddenly heard an immense siren blowing...[and the appearance] of a small figure running across the frozen mud waiving something... 'war off, return home, --George, R.I.'"¹

Bairnsfather's dreams about the war ending on the 146th day were not unfounded. The prior night he and many others marveled at a peculiar occurrence; instead of hearing the incessant sound of firing shells, they listened keenly to German voices singing songs of peace like *Stille Nacht, heilige Nacht*. The British soldiers responded by singing the English equivalent, *Silent Night*, from their own trenches.² Soldiers seemed determined to create a relative peace, even though greater forces prohibited them from an outright end to the war. The serene night inspired by song, lasted into the morning of the 146th day, when a more formal declaration of peace was established throughout the frozen front. On one part, an unarmed German officer daringly crossed the barren land and was met by an Englishman who, "Came forward despite shouts of warning...which did not prevent him from shaking hands with the enemy...his comrades applauded the magnanimity of the Germans."³ In other areas, Germans raised white flags, and one British Officer presented the Germans with a gift.³ While such an occurrence alone would make the day memorable, later events would make the 146th day one of the most extraordinary of the war.

Following the lead of others, many troops cautiously rose out of their trenches. Leaving the trenches for No Man's Land, the area between trenches, usually invited a barrage of bullets, but initial consternation of entering this area subsided as the enemies candidly greeted each other. For those able to speak multiple languages, jokes and stories were exchanged; others proudly shared photographs of their families.⁴ In a field that had been ravaged by the First World War's distinctive shelling, came unbelievable stories of humanity where men treated each other as friends instead of the bitter foes they had become after four months of fighting. Experiences ranged from a British soldier cutting the hair of a shaggy German, to a much fabled soccer match the British were said to have won. Soldiers distributed food rations and

exchanged a seasonable ham, while others took time to bury the fallen, some of which had lay untended in No Man's Land for months.⁷ While fighting would resume in the upcoming days, many soldiers went to sleep that night with a war experience that would be retold for years to come.

To consider the thoughts and actions recorded in diaries and discussed in letters, the 146th day was truly miraculous. This day was not only a day of peace during the war, but was also December 25th: the Christian holiday of Christmas. While hopes of peace and unity were common amongst families and friends, never before had such feelings extended so prominently on a battlefield to create a day-long truce. Yet to discuss the peace that occurred as a response to a Christian holiday overshadows the significance and power of what happened.⁸ For one day, the 146th day, hundreds of thousands of soldiers consciously chose to lay down their arms and overlooked the nationalist ambitions of their respective country. In a war remembered for its mass mobilization and high number of casualties, soldiers have often been portrayed as individually powerless. Yet for a day, regardless of their reasons or motives, soldiers stopped war's destruction, and interacted with the enemy in a way modern history had never seen. Not until the 1,561th day and tens of millions of deaths later, would generals declare a peace that soldiers had informally conducted 1,415 days prior. Many soldiers who experienced the 146th day would be not live to see peace in 1918, but through their own actions on that memorable day, they already understood what peace could feel like.

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- ² Malcom Brown & Shirley Seaton. *Christmas Truce*. (London: Papermac, 1994), 81.
- ³ *Ibid.*, 81.
- ⁴ *Ibid.*, 83.
- ⁵ *Ibid.*, Based on numerous accounts found in: Stanley Weintraub. *Silent Night*. (New York: The Free Press, 2001), 57-66.; Modris Eksteins. *Rites of Spring*. (New York: Houghton Mifflin, 1989), 96-97.
- ⁶ Eksteins, 112.
- ⁷ Brown, 84.; Weintraub, 54-62.
- ⁸ In *Rites of Spring*, Eksteins argues that the Christmas Truce was: "[A] celebration of history and tradition," and inspired by cultural norms associated with the holiday, 113.

“No Japs Allowed”: The Wartime Internment of Mikiso Hane

Elizabeth Snyder

In August of 1942, Mikiso Hane and other Japanese from Hollister, California, rode a train into the blistering desert of Poston, Arizona to discover their new home. This was not a joyous occasion, an exciting adventure to look forward to, but instead a forced evacuation. At its peak, the internment camp at Poston held twenty thousand Japanese during World War II, under the guise of national security, simply because of the fact that they were Japanese.

After the Japanese attack on Pearl Harbor in 1941, racial tensions skyrocketed, and Mikiso remembers Japanese being considered “sneaky, treacherous, disloyal, untrustworthy elements.”¹ In 1942, President Roosevelt signed Executive Order No. 9066, allowing the Secretary of War and military commanders to remove and intern any people they believed necessary: basically, West Coast Japanese. Rumors ran rampant in Japanese communities about what would happen next, from lynch mobs to concentration camps with mass executions. The press and government officials often helped to justify these rumors. Army General John L. De Witt said in 1943, before a congressional committee, “We will have to worry about the Japs until they are wiped off the face of the map.”² This included Japanese-Americans like Mikiso.

Soon, towns all along the West Coast began requesting that Japanese either leave or be removed from their areas because of the threat they posed. Mikiso’s hometown of Hollister was one, claiming that Japanese farmers in their area might sabotage the war effort by using their farm equipment to “obstruct the movement of troops or supplies.”³ This was the beginning of Mikiso’s journey to the internment camp at Poston.

First, all Japanese living in Hollister were removed to a temporary camp southwest of Hollister in the town of Salinas for three months, giving up their jobs, education, and homes. From there they rode a train to their permanent location in Poston, Arizona. Mikiso’s time in Poston consisted of the harsh living conditions of the camp and the compliant attitudes of his fellow internees. Mikiso says he “struggled with the heat, the sandstorms, the scorpions, the rattlesnakes, the confusion, the overcrowded barracks, and the lack of privacy.”⁴ Even in this severe environment, watched over by guards, suspicion of the internees ran high. Innocent activities such as attempting to escape the crushing heat, cooking food, and organizing athletic teams were irrationally considered subversive. Somehow, everything was thought to be part of a possible long-range plan for Japanese invasion, despite the fact that almost all the internees were exceptionally obedient. Japanese-American leaders apparently thought that the best way to show loyalty to the United States was to be completely accommodating, accepting even the insult of internment without question. Mikiso

says they were even encouraged, while interned in the camps, to say they were willing to serve the United States in combat.

In 1943 Mikiso became one of the internees allowed to leave the Poston camp on the condition that he not return to the West Coast. He found a job on the East Coast as a tutor and generally was able to continue with his life as normal. However, many internees were still not permitted to leave until the camps closed toward the end of World War II, when they were also finally allowed to return to the West Coast. This did not go smoothly, as many Americans were still exceedingly anti-Japanese in their feelings. Mikiso recalls his oldest brother attempting to return to their hometown of Hollister only to find "No Japs allowed" signs wherever he went.³

While Mikiso's experience in the internment camps may have ended well, he, like his fellow internees, should not have had to waste part of his life because of prejudice. In 1948, Congress approved some monetary compensation for property loss as a result of internment, but it was not until 1988 that President Reagan signed legislation offering each internee an official apology and \$20,000 for government actions "motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership."⁶

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² Ibid.

³ Ibid, 571.

⁴ Ibid, 572.

⁵ Ibid, 575.

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An American Servant: Portrait of a Man from the Era of the American Revolution

Amanda Wiesehan

"He had examined with great caution; he deliberated with calmness and discretion; and, when he decided, it was done for the best of reasons...few men, of any age, ever possessed more entirely the confidence of their fellow citizens, than Roger Sherman; and few men ever improved it for the general good with a more uniform approbation of their fellow men."¹ This poignant statement describes Roger Sherman extremely well, and captures the essence of the American servant as one who works hard for the betterment of all. When his numerous accomplishments and activities are examined and added to the fact that he was the only individual to sign the colonial Declaration of Rights, the Declaration of Independence, the Articles of Confederation, and the United States Constitution, there can be no doubt that Roger Sherman was truly an American servant.

Born April 19, 1721, Roger Sherman was a quiet, self-taught Connecticut man who got his first taste of public life at the age of 33 when he was elected to the Connecticut General Assembly as the Representative from New Milford in 1755. He served a total of five years (1755, 1757-1761) in the Connecticut General Assembly, which gave him invaluable experience that he would take to the State Legislature three years later. There he served as the Representative from New Haven from 1764-1766. After holding these "preparatory" positions, where he no doubt learned the importance of compromise and the needs of the citizens of Connecticut, Sherman took a break from making law as he received an appointment as the Judge of the Superior Court of Connecticut, a position he would hold from May of 1766 to 1789.

His next encounter with the political arena presented a far greater challenge, a challenge that would draw upon the skills he had perfected in his first positions as a member of the legislative body of his colony. In 1774, Sherman was named a member to the first Continental Congress, where he presented himself on the first day the body met. There, Sherman would ultimately deny the supremacy of Parliament and sign the Association Agreement.² This agreement established a total boycott through the means of non-importation, non-exportation, and non-consumption accords.³ These seemingly simple acts show that Mr. Sherman was in favor of an American nation, a nation with a government that valued the individual spirit and gave the people the power to regulate those who possessed the power over them.

The following year he returned as a member of the Second Continental Congress where he served in several vital capacities. First, he was a member of the Board of War and Ordinance, which oversaw the needs of the newly formed Continental Army.

Even more importantly, however, Roger Sherman was one of five delegates who served on the Committee to write the Declaration of Independence, the document that officially created the new nation. In the following years, he would also serve on the committee that wrote the Articles of Confederation, America's first government.

Roger Sherman's service as a delegate to the Constitutional Convention is perhaps what he is most well-known for. One could argue, in fact, that he saved the nation by proposing and promoting what would become known as the Great Compromise of the Constitutional Convention. Many long days were spent debating the issue of representation in the new Congress, and without his compromise, it may be very likely that the Constitution and the United States would not exist today, because without a compromise, no agreement would have been reached, no new government would have been formed, and the nation would have crumbled.

As a fitting tribute to his efforts, Roger Sherman was elected to the first House of Representatives in 1789 and became a Senator in 1791, where he assisted with the Bill of Rights, a document designed to keep the government from infringing on the rights of the people. He was a public servant to the end, dying in 1793 at the age of seventy-two while still holding public office.⁴

This is what makes Roger Sherman the true American servant. He constantly worked toward creating a better government and a better nation that would serve his fellow citizens. Throughout his work as a public servant he gained the respect of his colleagues, without which his proposals would have had held little weight. He never asked for much recognition, he simply wanted the satisfaction of knowing that he had a part in creating a government that would truly serve the needs of the people it governed.

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⁴ All of the biographical information and dates concerning Roger Sherman were obtained from two excellent volumes: *The Signers of the Declaration of Independence* by N. Dwight and *The Debate on the Constitution: Part One*, published by The Library of America.

The Second Christ

Alison Gaughenbaugh

Some would split the Middle Ages into two distinct periods, calling them the first and second Feudal Age. This idea was first introduced by Marc Bloch, and although it has caused some contention between medieval historians, most agree that during what Bloch would call the Second Feudal Age there was a birth of thought, or a renaissance. This rebirth included the emergence of a new class and an increase in the amount of currency circulated through society. All aspects of society adapted, changed or reacted to this new culture, including the church. During this time many new religious orders developed, reacting negatively to the new society, rejecting its wealth and materialism. One person who reacted to this new society and started up his own religious order is St. Francis of Assisi. Despite the conflicts the order faced amongst them, the Franciscans are one of the most famous orders that developed during the Middle Ages. Because the time period limited the use of the written word as communication, the Franciscan Order used artwork in churches to communicate major ideals of the order as well as the importance of their patron saint, Francis, through his relation to Jesus Christ.

Francis was born the son of a merchant and was set to follow in his father's footsteps, but a call from God changed his mind. When his father learned of this, he was outraged. He eventually took his son to the bishop, hoping to correct the "problem." When in front of the bishop, however, Francis stripped and gave away his clothes, which caused the bishop to take him in.¹ Francis lived a very simple life after this, seeking out solitary places and praying constantly.² Part of his simple life included only having one tunic and not having a beard, staff, or shoes, and well as not possessing any money. His "highest intention, greatest desire, and supreme purpose was to observe the holy gospel in and through all things."³ One of his desires was to model himself after Jesus, he "strove to conform himself to Christ and to imitate him perfectly."⁴ His order, the Franciscans, did not begin until he had twelve followers, very similar to Jesus' twelve disciples. Furthermore, he occasionally performed miracles reminiscent of the ones Jesus performed, such as healing the sick.⁵

Francis was canonized in 1228 A.D., only two years after his death. Although the speech Pope Gregory IX made at his canonization is available, there is not much one can draw from it. He makes reference to a vineyard, saying Francis was sent by God to clean up this vineyard and teach people about Him.⁶ His accomplishment of this task could be why he is being named a saint. Furthermore, it is obvious that the Pope admired Francis, and makes many references to bible verses in his speech, which elevates Francis's status.

As stated previously, the Franciscan order began when Francis had twelve followers. The official name of the Franciscans is the *ordo fratrum minorum*, or the order of minor brothers. The Franciscan Order gained popularity because it filled a need,

and its members were not required to live life like a monk inside a monastery. Francis set up certain rules his friars were supposed to abide by, and the most prominent aspect of these rules is "to observe the holy gospel of our Lord Jesus Christ, living in obedience without anything of our own, and in chastity."⁷ There are certain things the brothers must abide by, such as living in chastity, not having any property whatsoever, modeling their lives after Jesus, and they must have always been obedient.

Furthermore, they must be humble, and only use what little they need.⁸ In addition, the friars must live a life of poverty, because Jesus and Mary chose a life of poverty, and Jesus is someone the members needed to model their lives after.⁹ A majority of these principles and ideals are very similar to what Francis wanted his life to be like, so it is obvious that at this point in time his friars followed closely to what he believed.

Despite this initial closeness, shortly before Francis's death a conflict arose in the order. Society was rapidly changing, and the pursuit for knowledge was gaining popularity. Major points of contention within the order were that some members of the order wanted to learn and thus modify the rule of poverty.¹⁰ Two sides emerged within the order: the Spirituals who supported Francis and his ideals and the Conventuals, who supported the idea of loosening the noose, so speak, on the rules of the order.¹¹ As somewhat of a last-ditch-effort before his death, Francis issued a Testament, hoping it would end the conflict within his order. In this Testament he reiterated the original set of rules laid out for the order, saying the friars must always have obedience, they can still only have one tunic, and follow the rule of poverty. Despite his efforts, it proved to be futile: the order was growing rapidly at this time and this Testament imposed too many limitations for the order.¹² In order to accommodate the rapidly changing society the Franciscans had to loosen the following of their rules in order to survive.

Despite this split, the Franciscans still thought very highly of their patron saint, and this is seen in the artwork. For instance, in the basilica at Assisi, there is an image in the Lower Basilica depicting Francis in glory. He is sitting on a throne wearing a not-so-simple frock with a large amount of people surrounding him.¹³ The Franciscans are portraying Francis in an extremely good light, and making him appear very important. This idea is further seen in the church of Santa Maria Donna. In the *Procession of Elect*, which is found in the church, Francis is seen with other famous saints, but Francis is the saint that is featured most prominently.¹⁴ The fact that Francis is featured prominently demonstrates the idea that he was the most important and the saint most revered by the people.

This importance is further seen in the fact that the Franciscan Order took the idea that Francis chose to model his life after Jesus very seriously. This idea was evident in the rules of the order, as well as in the artwork in Franciscan churches, which helps give credence to the idea that the artwork displays these ideals. Many believed that because Francis's life was so Christ-like he was the *alter Christus*,¹⁵ or essentially the second Christ. Not much has been done recently on the just the subject of the relationship between Jesus Christ and St. Francis in artwork in churches. Or rather, not much has been done examining what these connections mean and the importance of these connections. In her book entitled *The Franciscans and Art Patronage in Late Medieval Italy*, Louise Bourdua discusses the role Franciscans had in developing artwork in the Middle Ages. She states very directly that her aim is to "uncover the

role played by the Order of friars minor ... from the planning stages to execution"¹⁶ in constructing a physical reminder or statement of the Franciscans. Thus, her work would be very helpful in determining how the conflict in the order contributed to the construction of churches and creation of artwork. The friars of the Franciscan Order were not supposed to handle money and were supposed to live a very simplistic life. The creation of art and the construction of churches and buildings conflicts with these ideals, and Bourdua gives examples where these rules were bent. This discussion, however, is not directly related to one of Francis being the second Christ. Despite this, she does provide an excellent description of the artwork found in four prominent Italian churches, which is helpful in determining which images portray Francis and his relation to Christ.

Taking this discussion a step-further, Alastair Smart's work *The Assisi Problem and the Art of Giotto* does touch upon the importance of Christ-like images appearing in Franciscan churches, although he primarily studies these images in relation to Bonaventure's life of the saint and other pieces of literature. Smart's main argument focuses on who the actual artist was on the artwork found in the basilica at Assisi. Smart effectively makes the connection between the presence of Christ in Franciscan images, although he seems to fail to take it one step further by examining what it means and why it is important.

One major element that is present in Franciscan churches is the presence of images depicting the cycle of Christ and Christ-centered images. For instance, in the San Fermo Maggiore church, there are images depicting the ancestors of Jesus, as well as the Christological cycle, including part of the crucifixion.¹⁷ There is also a Tree of Life image, its purpose being to refer to "the origin, passion, and glorification of Jesus Christ."¹⁸ The interesting thing about this depiction is that it includes images of Francis instead of Jesus.¹⁹ As it was seen in Bonaventure's life of the saint, Francis modeled his life after Christ. Maybe the friars chose to change the image of Jesus in the Tree of Life to Francis to signify this relationship. Furthermore, the friars may have done this in order to elevate Francis to Christ's status. The Tree of Life depiction as well as more cycles of the life of Christ can also be found in St. Antony's church at Padua.²⁰ These Christ-centered pictures can also be found at the basilica at Assisi, which is the hub church for the Franciscans. In the Upper Basilica there are representations of the resurrection as well as people crying over the dead Christ.²¹ Furthermore, in the Lower Basilica there are images depicting Christ's birth as well as various important parts in his early years of life.²²

The presence of these images can tell us a lot about Francis and the order of the Franciscans. Smart comments on the presence of these depictions, and speculates that these images were supposed to serve as reminder to the friars. The images of the crucifixion and Francis embracing the cross are visible from the choir, where the friars would have sat often. This image obviously was meant to be remembered always by the friars.²³ As Bonaventure commented in his work, many events in Francis's life were reminiscent of events that occurred in Christ's life. In order to communicate this importance to everyone, including the commoners, the Franciscans may have chosen to paint images of Jesus. The church was a very important aspect of medieval life, so it makes sense that the Franciscans would want to advertise a very important aspect of their order there. Moreover, many commoners would probably not know how to

read, so images would be the next best thing to use, and everyone would probably be able to recognize who Jesus was on the walls of a church. The Tree of Life images also could have been a way to communicate ideas of the order to the people. These could be used as a way to show that Francis stems from Jesus, or that he is directly related to Jesus, even if it was not by blood. This then would have justified the claims that Francis was the second Christ.

These images also could have been a way to demonstrate Francis's power. Christ was the ultimate figure, so to speak, so tying Francis to Jesus would have increased his power and his credibility. People may be more willing to follow a saint if they think it will bring them closer to salvation and Jesus Christ. On the other hand, this could have been a way to undermine Francis's power. After his death his order split into two separate camps: the Spirituals and the Conventuals. The Conventuals believed in taking a step back and loosening ties with the strict rules of Francis. They could have used these images to prove that Francis was not as good as Jesus, or discredit him in any way they could. They also could have been using these images as a way to prove that Francis could never compare to Jesus.

This relation to Christ and the idea of the second Christ is taken a step further in some images, particularly in the basilica at Assisi. For instance, Smart comments on the fact that the artist who did the paintings in the basilica dedicated two bays on the south wall to the death of Francis.²⁴ This is significant for a number of reasons. The death of Jesus is a very important aspect in the Christian faith, because it signifies that he was willing to die to save people. By dedicating this much time to Francis's death, they could once again be trying to reinforce the idea that he was as important as Christ; maybe Francis's death meant as much to the order as Jesus' death mean to the Christian faith. The friars could have been trying to relate Francis to Christ and the order to the Christian faith as a whole. Maybe they thought if they relayed the importance on a smaller scale it would be easier for the commoners to relate to. The idea of martyrdom was also very important in the Franciscan Order. For instance, in close relation to a cycle of Christ in the church San Fermo Maggiore there is a depiction of four martyrs that were members of the Franciscan Order.²⁵ Francis himself wished to be a martyr.²⁶ Francis and the friars may have hoped they would be more like Christ if they were martyrs. The friars may have chosen to include the idea of martyrdom in their churches in order to remind people that the Christian faith is important enough to die for. Or, they could have used it as a reminder that one should always model their life after Christ.

The friars also chose to take this relationship a step further in the artwork found in the basilica. There is an image of Francis and Clare in the Upper Basilica. If one looks closely, holes in Francis's hands and feet can be seen, obviously representing a place where nails could have been.²⁷ A similar image is seen in the Lower Basilica as well. In the *Depiction of St. Francis in Glory* Francis has marks where nails could have been on his hands and feet.²⁸ Furthermore, in the *Procession of Elect*, found in the church of Santa Maria Donna, Francis is seen with wounds that clearly resemble the wounds of Christ.²⁹ This clearly demonstrates the likeness of Francis to Christ. The friars must have taken the idea of Francis being the second Christ very seriously if they chose to show him with holes in his hands and feet where nails could have been. The fact that this idea appears in the artwork once again demonstrates the importance

communicating to the people the significance of a Christ-like Francis. In fact, this idea could have been a contributing factor in why Francis had such a large following. The fact that Francis was Christ-like could have piqued the curiosity of many people who wanted to know exactly how he resembled Christ. Furthermore, this could have been a marketing ploy for the Franciscans. Jesus had a very wide-spread following, so maybe they thought if they promoted and pushed the idea that Francis modeled himself after Christ more people would join the order. Francis's status would most likely be raised by an association with Christ, so the friars could have used this thought to their advantage.

The Franciscans chose to demonstrate what they thought about Francis in another way through artwork: by using depictions of Mary Magdalen and the Virgin Mary. Mary was very important to the Franciscans, as is seen in "The Religious Life in Hermitages." In this writing, Francis declares that some of the friars that are living in hermitages should be referred to as Mary Magdalen.³⁰ As was the case with the direct relation to Christ, there has not been much done on this relationship in recent studies. Mary Magdalen is discussed in the article "Patronage and Franciscan Iconography in the Magdalen Chapel at Assisi" by Lorraine Schwartz. Schwartz mentions that although no images of Francis actually appear in the Magdalen chapel at Assisi, there is Franciscan iconography present.³¹ She effectively makes the connection between these images and Francis. One aspect of her article that is particularly useful is her contemplation on how the conflict in the order was seen by the friars and painters. There are two donor portraits found in this chapel, one dressed as a bishop and the other dressed as a friar. Schwartz supposes that since the friar faces a nun, he represents the Spiritualists, or the side that wanted to stick with Francis. The bishop, on the other hand, faces a figure with a secular orb and crown, which could represent the Conventuals belief that the friars should seek advancement in the church.³² Thus, the images of Mary Magdalen can help the common observer understand what was going on during the time of the Franciscans.

Although the Virgin Mary is not directly discussed in *The Church of Santa Maria Donna Regina*, an association can be made between Clare and Mary. Through a collection of articles solely focused on the Church of Santa Maria Donna Regina, the history of the cult of Santa Maria Donna Regina is discussed. Many of the authors claim that this order was established to glorify Clare, the woman who was close to Francis during his lifetime. Clare may have been to Francis what Mary Magdalen could have been to Jesus. This analogy reinforces the idea that the Franciscans wanted to promote the idea of Francis being the second Christ.

Alastair Smart also touches upon Mary briefly in his work, although he still keeps with the theme that it is a way to express what was written about St. Francis and the Franciscans. For instance he quotes Bonaventure when mentioning the apse dedicated to the Life of Mary in the basilica at Assisi, saying that Francis loved Mary deeply because she was Christ's mother and gave them mercy.³³ This could account for the reason why the apse was dedicated to Mary. Louise Bourdua also discusses the presence of Mary in the churches she looks at. Once again, however, she discusses this presence in relation to what role the friars had in the construction/dedication of the images, rather than their connections with the beliefs of the order and the importance they hold to society.

The presence of Franciscan iconography dealing with Mary in the basilica at Assisi can tell us about the order as a whole as well as the relationship Francis had with Christ. In the Upper Basilica there are images of stories of Mary Magdalen, such as *Mary Magdalen Talks to Angels* and *Mary Magdalen Talks to cardinal Pietro di Barro*. In the first, Mary is seen kneeling on a cloud with her hands folded in prayer around angels. In the second, a friar is seen kneeling and hold Mary's hand.³⁴ Lorraine Schwartz attributes these images, as well as others found in the chapel, as a way to portray two very important aspects of the Franciscan Order: penitence and the contemplative life. She remarks that although the cult of Mary Magdalen was not directly linked with Francis himself, one aspect the two orders had in common was penitence. She even goes as far to say that members of the order "frequently allude to the Magdalen as a paradigm of penitence."³⁵ The glorification of the contemplative life can be seen in the image of Mary with the angels, and its relation with Francis is seen in the depiction of his stigmatization. Schwartz muses that by pairing these images together the Franciscans are trying reinforce the beliefs of Francis and encourage other brothers to stick with Francis.³⁶ This can lead us to conclude that in this case the Spiritualists were the ones behind the painting, as they were the group that was behind Francis. Another aspect of the Magdalen chapel at Assisi asks us to find a correlation between Francis and Jesus. In the chapel there is a portrait of Beata Giacoma dei Settesoli, a friend of Francis. She respected him very much, and once while in Assisi she kissed his feet and then proceeded to bathe them with tears. This reminded people of Mary when she cried over Christ's dead body; some have even said that she was a second Mary.³⁷ This woman once again brings us back to the idea of Francis being the second Christ, as the woman who kissed Francis's feet is reminiscent of Mary Magdalen and her role in Jesus' death.

These similarities and iconographic images tie Francis even further to Christ. By making a connection between Francis and someone associated with Christ, Francis's status is elevated even further. Using Mary is also a good way to communicate the beliefs of the order, such as penitence and living the contemplative life. Maybe the people would accept these ideas more willingly if they came from a figure they all knew, or someone that was more visible and talked about more often in religious society. Furthermore, this demonstrates how important Mary was to the friars, despite the fact that Francis dictated in his Rule of the Order that they try to avoid communication with women at all costs.³⁸ Because she was communicating two key aspects of the order, she must have had some significance to the friars. This could also demonstrate the shifting of the order away from Francis's teachings. If they are holding a woman in such high esteem they must be drifting away from the original rules of the order.

Images connecting the Virgin Mary to Francis can also been seen in the artwork found in Franciscan churches. For instance, in the church of San Lorenzo there is a depiction of Mary above the doorway. Mary is sitting on a throne with baby Jesus on her lap, and the child is holding a dove. St. Francis is looking on while Mary blesses a kneeling benefactor.³⁹ This scene not only shows closeness to the Virgin Mary, but also may be demonstrating a characteristic of their patron saint. Francis was known as the patron saint of animals, so the depiction of baby Jesus holding a dove could be a subtle way to communicate this. Furthermore, the fact that Jesus is communicating this idea

could show either its importance or a way to strengthen the idea that Francis is the second Christ: they both share the same ideals, thus Francis could be considered the second Christ.

The relation between Mary and Francis is seen again in St. Antony's church through the promotion of the cult of Mary. There is a statue of the Virgin with a baby Jesus in this church, both of them wearing crowns.⁴⁰ In addition, the dedication of another altar could be proof that the Franciscans wanted this church to be the site of the cult site for the cult of the Virgin Mary.⁴¹ Furthermore, in one of the chapels found in this church, the focal point of the apse has a painting of Mary once again sitting on a throne with Jesus sitting on her lap. Mary and Jesus are surrounded by Franciscan friars, one of them being Francis.⁴² Lastly, images of the Virgin Mary can be seen the Lower Basilica the church at Assisi. There is an image of Mary sitting on a throne holding baby Jesus. Francis is off to the side looking on at the pair.⁴³

These images help demonstrate the importance of Francis. By relating him to the mother of God, they are trying to elevate his status and emphasize his importance. Associations with people connected to Jesus, although not as strong as a direct relation, can influence what people thought about Francis and his order. Francis's status is raised up by association with Mary. On another note, the idea discussed in class about people having to go through Mary to get to Jesus could be applied here. The fact that Francis is pictured with Mary could mean that before he was able to be Christ or before he could be the second Christ he had to have a connection with his mother.

The idea of both Mary Magdalen and the Virgin Mary could be analyzed in a larger context. The fact that both are portrayed in artwork found in the same church could signify the split in the order. Maybe one side idolized Mary Magdalen and the other side saw the Virgin Mary as being the most important. Furthermore, while Mary Magdalen is portrayed as exemplifying Franciscan ideals, Francis is only seen as observing the Virgin Mary. Maybe one Mary was more "touchable," so to speak, to the order. Mary Magdalen could not have had as strict rules (in the theoretical sense) about how she is portrayed than the Virgin Mary. Despite this difference, both correlations were used by the Franciscans to promote and elevate the status of their patron saint.

Thus, the use of images in churches of Jesus, Mary Magdalen, and the Virgin Mary were used by the Franciscans to promote their patron saint, Francis, as well as communicate the beliefs of the order. This connection is useful in discovering why Francis was so popular as well as learn what was most important to the order. In a way, the artwork found in various Franciscan churches was most likely used as an advertising ploy in order to get people to follow their order. The fact that they chose a church is not coincidental; the church was a major part of the everyday life. The cathedral at Chartres was used in class to display just how integral the church was to the life of the people there. It can then be inferred that Franciscan churches were just as integral. It thus makes sense that the main way of getting the word out about their order was to use the church. Hence, in order to learn the history of St. Francis, one only has to look at the church.

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False Intentions: The Relationship Between Clark Griffith and the Homestead Grays

by Nicola Brady

The Homestead Grays were one of the most popular teams in the Negro Leagues. They were also a unique team because in the 1940s they split their home games between Forbes Field, Pittsburg, and Griffith Stadium in Washington D.C. in order to boost attendance. While taking advantage of the large African American community of D.C, the Homestead Grays also captured the attention of Clark Griffith, the owner of the Washington Senators and Griffith Stadium. Having such a popular and talented black baseball team in his own back yard caused many people to pressure him about breaking the color barrier in the Major Leagues by integrating his team. The importance and popularity of the Homestead Grays within the African American community of Washington D.C. lead Clark Griffith to publicly flirt with the idea of integrating his team when really he had no intention of doing so.

Griffith received so much pressure to integrate the Washington Senators because of the immense popularity the Grays received among the large African American population in D.C. The Homestead Grays had great importance and popularity among the African American community in Washington D.C. because they contributed to racial pride. The Homestead Grays often drew crowds larger than the major league Washington Senators in Griffith Stadium where they arguably played a better game than the Senators. The team also symbolized a successful black institution owned and operated by African Americans.¹ In a city that barred African Americans from most professional positions, people enjoyed seeing black owners and players earning lots of money.² The Grays gave Washingtonians a chance to see extremely talented black athletes such as Josh Gibson and Buck Leonard. Even white newspapers recognized these athletes as having the skills to play in the Major Leagues. Shirley Povich wrote in the *Washington Post* that Josh Gibson proved a better catcher than Bill Dickey, a legendary catcher for the New York Yankees.³ The fact that white newspapers even covered the Negro Leagues was a point of racial pride because, for once, white society recognized the success of the African American community instead of the crime and poverty.⁴

The Homestead Grays also helped bring the African American community together in order to support black institutions. As Jules Tygiel stated in his book *Past Time*, "Within the African American community, the officials, players, and teams of black baseball symbolized pride and achievement while creating a sphere of style and excitement that overlapped with the worlds of black business, politics, religion, and entertainment."⁵ Black baseball provided business to restaurants, cafes, bars, night clubs, and rooming houses within the African American community. The owner of the Black Barons, Tom Hayes, commented on the importance of black baseball stating

that, "thousands of dollars we spend in Negro Cafes, hotels, newspapers, and similar enterprises."⁵ In support of African American charities, churches, hospitals, and civil rights groups, the teams would hold benefit games. Some of the money from the Negro Leagues would come back to the neighborhoods that helped support them.⁶

In general, the Homestead Grays helped to build a sense of community in Washington. Games were a festive occasion in the African American community where people would come to games wearing their Sunday best. The clubs often gave ministers free passes to the games, so whole congregations often went straight from church to the ball game on Sundays. After the Great Migration brought many southern blacks to Washington, Griffith Stadium helped reunite families and friends who moved to different parts of the city.⁷ A Negro Leaguer family member commented after she moved to Washington that, "You would see everybody from home when you went to the ball game."⁸ Because the baseball games became such a social environment often promoted by churches, they attracted the entire family.⁹ Former Homestead Grays player Wilmer Fields remembered that, "Most of our fans came as families, which made our games a family affair."¹⁰ Whole families attended the games creating a socially acceptable place where all generations could come together.

Grays games not only provided an arena for intergenerational interaction but for interracial mixing as well. Griffith Stadium provided one of the few places for interracial interaction in this Jim Crow town. While Washington D.C. might have been the capital for the "land of the free," racism still prevailed. There stood a law on the books making discriminatory practices in sales punishable by a fine and a temporary forfeit of licensure to operate. Regardless, Jim Crow remained socially acceptable.¹¹ Even in 1948, African Americans were barred from hotels, restaurants, and department stores in the downtown area. This created a large problem for dark skinned foreign dignitaries who were also refused service. While public transportation was integrated, blacks and whites were almost completely segregated into different neighborhoods. The vast majority of businesses that would provide services to African Americans were in the segregated part of the city.¹² Even though Washington is considered a southern city because it lies below the Mason Dixon Line, other cities farther south did not have as an extensive segregation of housing between races as D.C.¹³ Although Griffith Stadium had segregated seating, this was one of the few public places where both blacks and whites could go. Game day gave white Washingtonians a unique chance to venture into the heart of the African American neighborhood where the stadium resided.¹⁴

Baseball in D.C. provided one of the few recreational escapes for African Americans adding to their immense popularity. In this very racist city, there were very few recreational outlets not barred from African Americans. While federally run recreation centers and parks were available to everyone, community centers and school playgrounds under the city's jurisdiction maintained segregation.¹⁵ No playgrounds in D.C. permitted access to black children and African American schools did not have enough space for designated play space. The District of Columbia Recreation Board not only barred black children from the only playground in the African American neighborhood, but it also made it illegal for black and white children to play together.¹⁶ Due to the unsafe and crowded conditions of the ghettos

and Jim Crow practices, there were few safe places African American children could play outside during the 1940s. Grays' games gave both African American adults and children a place where they could enjoy themselves outside.

While Griffith Stadium might have provided a unique recreational escape for African American and a place for interracial mingling, the Homestead Grays actually brought them there during the 1940s. The Homestead Grays were one of the only black professional baseball teams to make it in D.C. Prior to the Gray's move to D.C., Major League games were the only type of baseball local African American seemed to enjoy. The community remained quite loyal to the Senators and, as a result, they spent all their money attending Major League games. Not only were they uninterested in attending any of the local black professional baseball teams, but they could not afford to attend both. Teams such as the Black Sox, the Braves, the Washington Potomacs and the Washington Pilots went under or had to relocate due to lack of support.¹⁷ If African American baseball fans did not attend Senators' games, they went to see Babe Ruth, a hugely popular player among black Washingtonians.¹⁸ It seems that prior to the 1940s, African Americans believed the white Major Leagues provided a superior game to that of black baseball.¹⁹ Of course the Homestead Grays disproved this when they came to D.C. The fact that they outdrew the Senators provided strong evidence toward the Grays' superior game.

Eventually, even the white community began to recognize the skill of these black baseball players. Some individual Grays players received public recognition from whites for having equal or greater talent than some major league players. The legendary Black Babe Ruth, Josh Gibson, received the most public recognition. Walter Johnson, a pitcher for the Washington Senators stated:

There is a catcher that any big league club would like to buy for \$200,000. His name is Gibson ... he can do everything. He hits the ball a mile. And he catches so easy he might as well be in a rocking chair. Throws like a rifle. Bill Dickey isn't as good a catcher. Too bad this Gibson is a colored fellow.

Even one of Clark Griffith's own players would admit to the fact that race remained the only factor keeping Gibson out of the Major Leagues. Josh Gibson and Buck Leonard of the Grays looked so good that the owner of the Pittsburgh Pirates, William Benswagner, openly considered signing them to his major league team.²⁰ Even Clark Griffith took notice of these skilled athletes playing in his own backyard. One Gray's player, Ted Radcliffe, remembers Griffith saying to him, "Double Duty, if you were a white boy I'd pay you \$1000 a month to pitch, \$1000 to catch, and \$1000 to pinch hit."²¹ Griffith also commented that Josh Gibson was a \$250,000 catcher and only the color of his skin kept him from making big money in the majors.²² No longer could the Major Leagues hide behind their lie that no black players were good enough to make their teams.

With such a skilled team on his own field and for making comments like these, Clark Griffith began to receive public criticism for not integrating the Senators, especially from black newspapers. This was further driven by the fact that the

Senators were doing so poorly during the 1940s. An open letter to Griffith in the *Washington Afro-American* reads:

Dear Mr. Griffith

We see by the daily paper that you are lamenting the woeful lack of capable material in the Nationals' spring training camp, and begging the mercy of the Washington fans for support.

Yet, no where have we seen any mention of you, or your scouts, making any overtures to give tryouts to worthy players of the Negro National or Negro American Leagues.²³

The letter goes on to say that the black fans Griffith depended on to make money would no longer support his club if he refused to give African American players opportunities. Pressure was beginning to mount from both the black press and African American fans.

Previously the African American community saw Clark Griffith as their ally for his supportive statements, so they expected him to break the color barrier in the Major Leagues. In 1939 he famously stated "There are few big league magnates who are not aware of the fact that the time is not far off when colored players will take their places beside those of the other races in the major leagues."²⁴ Not only did Griffith acknowledge the skill of these African American players, but he suggested that the integration on the Major Leagues was inevitable. This provided a hopeful sign that the gentleman's agreement would not last forever. But with these encouraging statements came a double edged sword. He rejected immediate integration of the Major Leagues, but encouraged building up a separate black league instead with such high professionalism, their skill could no longer be denied. He also believed that African Americans' economic situation made them inferior to white athletes:

The economic stress through which the American Negro race has been forced to grow has so hindered their athletes that the group itself is not to be blamed for their shortcomings in certain phases of athletic life.

On these grounds he argued, "It is unreasonable to demand of the colored baseball player the consistent peak performance that is requisite of the game as it is played in the big leagues."²⁵ While appearing to appeal to the African American community, Griffith found a way to maintain the status quo, but at the same time, seem sympathetic to black causes. This strategy worked for a while, but the community would eventually become disappointed when he made no real efforts toward integration.

In order to not alienate the African American community, Clark Griffith needed to recognize the great skill of the Homestead Grays by pretending to consider integrating his team. He needed their money to survive as a club. Griffith would make thirty-five to forty thousand dollars from renting his stadium to the Grays; enough money to keep him afloat.²⁶ In 1939 the African American community seriously considered boycotting Griffith Stadium until he signed black players. A boycott by Griffith's largest fan base proved highly threatening. Sam Lacy, an editor

for the *Washington Afro-American* at the time, encouraged the community not to picket Griffith Stadium. He believed that Clark Griffith was the most likely owner to integrate the major leagues, so they should continue to show their support for him: "It appears that there is a better chance to win the fight here than in any place in the country."²⁷ Some once loyal black Senators' fans began to boycott Griffith Stadium due to Griffith's failure to live up to their racially tolerant expectations. They were disappointed by his "expressed opposition to integration," within his own club and in all baseball organizations.²⁸ In order to keep these sentiments at bay, Griffith needed to appear friendly toward integration. Griffith needed to make them believe that he actively worked toward integrating his team.

Some time in 1942, Griffith made what would seem like the ultimate move to integrate his team. He called Buck Leonard and Josh Gibson into his office to discuss joining the Senators. While on the surface this seemed like a move in the right direction, his proposition stood merely as show, revealed by Griffith's comments and actions. Clark Griffith's statements to Josh Gibson and Buck Leonard strongly suggest that he had no intention of integrating the Senators. Griffith said to them, "Sam Lacey, Ric Roberts, and a lot of the other fellows have been talking about getting you fellows on the Senators' team." Griffith never said to them that he had any interest in integrating his team, suggesting that he had made the proposition only because of the pressure he received. He then went on to say, "If we get you boys, we're going to get the best ones. It's going to break up your league. Now what do you think if that?" He tried to discourage them from wanting to join the Senators. He even asked their opinion as if expecting them to admit to wanting the Negro Leagues to stay together so he could take it to his critics. He could place blame away from himself that way, saying that African American baseball players wanted to maintain segregation. Griffith could pretend to work toward integration without actually doing so.²⁹

In reality, Griffith's resistance to enhancing the Senators' skill and drawing more African American fans to their games suggested personal racism. It seems that the only times he fought for racial equality, he stood to lose money. Griffith found it cheaper to rent out his major league park to black events than investing in the farm system to enhance his team.³⁰ He even hired Cuban players of black descent, who he could pay less, to boost his team. But he refused to publicly draw attention to their race or go a step further by hiring African Americans. Even his son remarked, "There's no question that some of the ballplayers Mr. Griffith signed had black blood. But nobody said anything about it."³¹ One writer in the *Pittsburg Courier* wrote, "Mr. Griffith would give Washington fans dark players from other lands, but never an American Negro!"³² The fact that Griffith hired these black Cuban players shows that he saw the economic benefits of hiring black players and he knew that baseball could be integrated. Yet, he continued to regard these players as exceptions to the rules and forfeit possible support from the African American community. Griffith was willing to push the envelope to make a profit but would not go the extra step to admit that African Americans were equal to whites in baseball.

When Branch Rickey signed Jackie Robinson to the Brooklyn Dodgers without recognizing his contract to the Kansas City Monarchs, Griffith publicly attacked Rickey. He argued that the Negro Leagues were an organized professional team and therefore, Rickey had an obligation to uphold their contracts. Rickey responded by

saying, "whenever someone does anything to interfere with his making of a dollar, that fellow gets all upset."³³ Of course, only when Griffith's profitable Gray stood to go under did he call the Negro Leagues professional. Former Grays' player Buck Leonard remembers Griffith previously calling the league unorganized.³⁴ Griffith did truly stand to lose a considerable profit if the Grays disbanded because their best players signed with major league teams. Even still, Griffith did not take Robinson's breaking of the color barrier as a chance to sign on some black players himself. The Washington Senators did not integrate until 1954.³⁵

Griffith exposed his personal racism not only on his team, but also on his field. Griffith Stadium maintained segregated seating where he partitioned off blacks in the right-field pavilion. An African American reporter called Griffith out on his segregation practices stating that, "The crazy-quilt pattern of racial prejudice is well illustrated at Griffith Stadium." Griffith also banned interracial baseball games in his stadium after a violent incident during an interracial exhibition game in 1920.³⁶ While white business owners often maintained segregation as a social custom, no laws required private businesses to uphold it.³⁷ Therefore, businesses policies on segregation were upheld by the owners individually. Due to threats of boycotts and Griffith's reliance on black fans to support his business, one would assume Griffith might have at least integrated the stadium seating to encourage more fans to attend.

With D.C.'s large African American population and Clark Griffith's seemingly encouraging outlook on the integration on baseball, it seemed very likely that the Washington Senators would break the color barrier in the Major Leagues. While in D.C., the Homestead Grays proved to the black community and the media that African Americans could play baseball on the same level as whites. Even though Griffith recognized the Grays skills, he could not bring himself above his own racism to integrate his team. He found ways to maintain segregation on his team without alienating his black fans by pretending to work toward integration. While the strong support and popularity of the Homestead Grays by the African American community of D.C. provided an encouraging environment for integration, Clark Griffith prevented this from happening.

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The Juvenile Justice System: A Cultural (R)evolution

by Amanda Wiesehan

In 1973, Dr. Thomas Courtless wrote:

America's juvenile justice systems are under fire. And the dissatisfaction is widespread. Stemming from continuously rising juvenile crime rates and high levels of recidivism, the basic complaint is that these systems neither protect the public nor help children. However, nobody seems to be able to agree on the cause of this unsatisfactory performance.¹

This statement illustrates the sentiment of failure with regard to young people felt by countless Americans in the 1960s and 1970s. Even more importantly, it emphasizes the dilemma that American society faced and chose to attempt to meet head-on through legal means during this time. Finally, and perhaps most importantly, these remarks hint that juveniles, those citizens under the age of eighteen, had long received the attention of society.

Since the evolution of government and the creation of laws regarding behavior, American society has struggled with how children and adolescents should be treated when they break the law or do things that society considers wrong. Offenses considered unlawful for juveniles include adult crimes such as murder, rape, robbery, and burglary. In addition, some laws apply only to juveniles. These include truancy and underage consumption of alcohol and are classified as "status offenses" by the juvenile court system. Young people believed to have committed such offenses are brought to the attention of the juvenile court system. What is referred to today in the U.S. as the juvenile justice system includes both the decision-making process itself, in which a determination is made as to whether or not a child has committed such an offense, and all of the people involved in this process.

A key part of this process is whether a minor should be labeled "delinquent". Delinquency is essential to understand because it is one of the main concepts involved in the study of juvenile justice. Steven Cox and John Conrad provide excellent information as to what common definitions of delinquency are used in the field. In their research, they discuss two types of definitions that can be used: legal and behavioral. Legal definitions, although difficult to determine, commonly refer to delinquency as "violations of state or federal criminal law, municipal ordinances, or violations of previous lawful juvenile court orders."² The difference between legal and behavioral definitions, as Cox and Conrad point out, is that "behavioral definitions focus on juveniles whose behavior violates statutes pertaining to them, even if that

behavior does not lead to an official label.³ In this case the legal definition described above will be utilized due to the nature of the sources used in the investigation.⁴

The definition of delinquency is just one key component of the juvenile justice system. The other important aspects of the juvenile justice system are its history and evolution, the reasons for the changes in the system, and perhaps most importantly, its purpose. All of these are vital in order to gain a clear understanding of the juvenile justice system. The juvenile justice system is based on the belief, a belief backed by research, that when young offenders commit crimes, they simply do not have the capacity to understand what they are doing and the consequences of their actions. Thus, the emphasis in juvenile court is on providing the extra help and guidance that juveniles need to become contributing members of society. This is a shift from an emphasis on punishment rather than rehabilitation.

In fact, this purpose was the whole reason for the creation of the juvenile justice system. The last decade of the nineteenth century and the first decade of the twentieth century saw the emergence of a separate court because of this ideology; an ideology that had been espoused by a group called the child-savers for years. Their conviction emerged after they discovered that the prisons and institutions meant to help juveniles find their way in reality did not provide such help. Often, these establishments ended up harming the adolescent rather than setting them on the right path. Before 1899, juveniles would have been tried in the same courts as adults instead of in a separate court. Those who did come before a judge would have been treated with a bit of care, however, because their age was a consideration in the determination of the sentence they would receive.⁵ When the first juvenile court was finally established in the United States in Chicago, Illinois, it was based on the ideals of the child-savers. The development of a separate court to handle juveniles signaled the first of three major transformations that the juvenile justice system has undergone in the last century or so.

The second major transformation came in the 1960s. Most people, when they think of this era, think of the Civil Rights movement. The Civil Rights movement had a dramatic impact during this time, in more ways than one. Not only did it have a positive impact on the African-American community, but surprisingly, it also had an indirect effect on the juvenile justice system. This is because the Civil Rights movement focused on equality and opportunity for all, and it was the catalyst for similar changes in the juvenile justice system during the 1960s and early 1970s. Finally, while the Civil Rights movement changed both state and federal law, the transformation in the juvenile justice system was primarily in federal law, not state law.

Over the course of fifteen years, 1960-1975, laws were passed by Congress to study the problem of juvenile delinquency and fund programs that aimed to reduce the number of juvenile delinquents. These laws placed an emphasis on finding and promoting programs that actually would reduce the number of juvenile delinquents. The Supreme Court, during the same period, applied many of the rights of adult offenders to juveniles. Among those were the right to a notice of the charges, the right to counsel, and the right to confront the accuser. One significant right that was not applied to juveniles was the right to a trial by peers. These things were done in order to ensure that juveniles would receive the attention needed while protecting society.

In recent years, a third significant change in the course of juvenile justice has caused a shift away from the original purpose of the juvenile court. More emphasis has been placed on protecting society, and because of this, more and more juveniles are being tried in adult criminal court. Those who are tried as adults are typically accused of serious offenses (murder, rape, robbery) or are repeat offenders. The latter have been before juvenile judges so often that little hope is given to his or hers rehabilitation because the options available to the juvenile court have been exhausted.

Since it would take far too long to discuss each transformation in detail, this study will focus on the changes and developments in federal law that occurred from 1960 to 1975. Because of the focus on federal law and specific cases involving juveniles, the sources utilized will primarily be legal in nature. These sources include written transcripts of Congressional Hearings, transcripts mainly coming from hearings held by the Subcommittee to Investigate Juvenile Delinquency of the Senate Judiciary Committee. Also utilized will be the decisions of four Supreme Court cases decided during the time period being discussed.

All of these documents will illustrate a concern with several important items: the rise in the number of juveniles coming under the jurisdiction of the juvenile court, the treatment of juveniles under the current juvenile justice system, the programs available to help juveniles, and the desire to maintain the distinctiveness of the juvenile court. It will also become clear that the changes that occurred in the mid-twentieth century resulted in a juvenile justice system that treated juveniles as equal citizens deserving the same safeguards as adults, but at the same time recognizing that juveniles need special safeguards, attention, and programs to instruct them in proper behavior and anger management to ensure that they are contributing members of society. While these two goals may seem contradictory on the surface, in reality they are not, because the two together ensure that juveniles are given a fair hearing while at the same time still maintaining the distinctiveness that the juvenile court needs and is known for.

Perhaps most important is the fact that the United States Congress and the Supreme Court were equally important in bringing about these changes. The Supreme Court made the changes in the decision-making process, but the United States Congress created more options for the juvenile court. Each institution was essential for the changes that did occur to come about; one could not have done so without the other. Even with both the United States Congress and the Supreme Court working together, these changes would not have been possible without the Civil Rights Movement, as the Civil Rights movement made the time right for changes in the juvenile justice system because it brought the inequalities and the limited options for delinquent juveniles to their attention. Together, the United States Congress and Supreme Court made substantial and lasting changes to the juvenile justice system, changes that made the juvenile justice system far better, although not perfect.

Before embarking on this examination of the juvenile justice system of the 1960s and 1970s, it is essential to realize that many studies have been conducted on this very subject. One only has to look in a library catalogue to see that a variety of sources are available on the American Legal system, the Supreme Court, and most importantly, the juvenile justice system.

Two works illustrate the direction of scholarship in regards to the American legal system generally. This primarily is concerned with the adult court system,

how a case goes through that system, and the factors that influence those involved throughout that process. One is *Trials and Punishments* by R.A. Duff, written in 1986, and the other is *Unequal Justice: Lawyers and Social Change in Modern America*, written by Jerold S. Auerbach in 1976. *Trials and Punishments* details how the system works, and what could happen to someone at each stage in the process. While doing this, Duff is attempting to show that:

First, that there are illuminating connections and analogies between the criminal process of trial and punishment, not merely in the impersonal terms of familiar types of political theory, but in terms of our personal dealings with each other as moral agents. Second, that though punishment may obviously be imposed against the criminal's express will, we should not simply see her as the passive victim of her punishment; we should rather see the criminal process of trial and punishment as one to which the defendant is meant to respond, and in which she is called to participate, as a rational moral agent.⁶

Essentially, the argument is that the court system is an attempt by a society to control interactions between individuals and how others behave. Duff believes that people like to feel in control at all times, and will attempt to control anything they can. This includes the criminal court system. In this case, they maintain control by dictating the circumstances under which people communicate with each other and accuse each other of harming a fellow member of society. The point made is a valid one, but would do better if specific examples would be included.

The other work illustrative of research done on the American Court system, *Unequal Justice: Lawyers and Social Change in Modern America*, looks at the effect lawyers have on the judicial process. In this work, Auerbach specifically details the impact of lawyers at different points in American history. He shows that they have held different amounts and types of influence at different points, and that this has only hurt the judicial system. His work is biased, in many respects, as he attended law school and only turned to the field of history after becoming disenchanted with the legal profession.⁷

Of course, a specific federal court that is of significant importance here is the Supreme Court of the United States. In general, Supreme Court studies focus on one of three things: how the court operates, specific time periods and decisions made by the Supreme Court, and the Justices of the Supreme Court. Three works illustrate what has been done by scholars in this field. These are *The Supreme Court*, written by Lawrence Baum, *The United States Supreme Court: The Pursuit of Justice*, written by Christopher Tomlins, and *The Burger Years: Rights and Wrongs in the Supreme Court 1969-1986*, written by Herman Schwartz. Baum's work illustrates the emphasis on the process, as he details how a case arrives at the court, how the justices decide which ones to take, and what happens once the Supreme Court takes a case.

Tomlins, in his work *The United States Supreme Court: The Pursuit of Justice*, emphasizes the different eras within the history of the Supreme Court, essentially marked by a change in the Chief Justice of the United States Supreme Court. What he does is break down each era, and analyzes the cases that were decided to evaluate the

impact of the court during that time. What is good is that by doing so, he is as able to see changes in how the court operates.⁸ Herman Schwartz, on the other hand, narrows his investigation and evaluates just one individual justice, in this instance Warren Burger, in order to conduct a better investigation into the impact of one individual justice. This is more insightful, because more space is dedicated to one individual. This allows for greater detail and a more complete analysis.⁹

In relation to studies on juvenile delinquency, three questions seem to encompass the work available. First, how young is too young to prosecute for a crime? Second, how soon does someone comprehend his or her actions and thus have the ability to understand the consequences of his or her actions? And lastly, at what age and at what point should a juvenile, someone under the age of eighteen that is, not be given special consideration because of their age? Different perspectives and ways of analysis have led to different interpretations and ultimate conclusions about the juvenile justice system and the direction it has taken over the years.

The questions that historians tend to ask focus on changes and the reasons for those changes. In regards to this topic, historians focus on the history of the juvenile justice system: when it developed, what changes have occurred, and why. Some, such as John Sutton, even go farther back than the beginning of the American juvenile justice system. Most historians do, however, include at least some discussion of the development of the system, and what led up to the creation of a juvenile court. By doing so, historians provide significant context, evidence, and explanation for their findings so that many have the necessary information to understand the argument being made.

Sociologists, who in fact have done the most research on this topic, focus on far different things than historians. They focus on the social aspects, such as gender and race, as well as the motivations for the system. In addition, a lot of emphasis is placed on social theories and an analysis of their effectiveness in explaining juvenile delinquency. This is not surprising, however, because sociologists look for theories and trends to explain human behavior. Sociological works place far less emphasis on the historical aspects such as when things happened and why as a result of their discipline. They only present this type of information when necessary to add to their discussion of theory and social factors. Historians place more emphasis on the history of the system, and why changes happened and when. They place less emphasis on the social aspects and theories.

It must also be mentioned that while numerous volumes have been published on the topic, historians have not done a significant amount of research until recently – the late 1970s. Most of the early work comes from sociologists and legal scholars. As a result, the discussion of specific work will first focus on sociological works, and then historical works on the subject. While this might seem awkward, as this is a historical analysis, not beginning with the sociological works would be confusing to both the understanding of works done, and the development of scholarship.

There are several different reasons for discussing the sociological works first. For one, the sociological works came first. But besides this fairly obvious point, they actually have much to offer historians because they provide a different perspective, and add to the basis of the work of historians. In other words, it is essential to discuss these first, because as John Tosh, a noted scholar on history states, "In fact the theories

whose influence on recent historians has been particularly pervasive are those which seek to encompass social structure or social change as a whole."¹⁰ This is relevant here, because the sociological works on juveniles focus on those exact things: what is crime, and what motivates them to take such action-social structures.

There is another important aspect that is equally relevant to the importance of sociological works. Without the work of sociologists, historians on the subject would be quite limited in their research, and in fact would be far less convincing. This would happen because without taking these works into consideration, they would miss factors that influence the juvenile justice system, factors that today are considered essential to the understanding of the system and how it operates. Sociological works, then, are important to historians studying the juvenile justice system because of the different perspective and factors that they have taken into account in their works.

Stanton Wheeler, a sociologist, published a very interesting study in 1966 that detailed what he perceived as the major problems, issues, and developments in the area of juvenile delinquency. Specifically he argues in *Juvenile Delinquency: Its Prevention and Control* that the problem and main issue with regards to juvenile delinquency and the justice system is two-fold. His study perceives the problem to be the fact that money is invested in prevention programs that are only nominally effective. In addition to investment in ineffective prevention programs, money that he feels would be better invested in research to find programs that do work; he sees one other major problem. This is a lack of effective communication between preventative programs, the government, schools, and the courts. With better communication, juveniles would receive the attention and help that they really need.¹¹ This argument makes sense, simply because communication is both a problem and a solution in many instances. Additionally, the examples provided to illustrate how communication would help the juvenile justice system only highlights his point.

Two other important authors of work in this field from a sociological perspective emerged in the 1960s. Aaron Cicourel, author of *Method and Measurement in Sociology and the Social Organization of Juvenile Justice*, uses sociological theory and methods in his book on juvenile justice to illustrate how theoretical problems in this area can be looked at and solved from this perspective. In regards to this particular work he states that:

Basic questions about how social order (or concerted social action) is possible need not be limited by the traditional views that a common value system and network of norms provide consensus in society, and that the problems that sociologists must focus upon stem from special-interest groups, inadequate pursuit and realization of basic values, and the implementation of accepted norms...I have chosen to give equal (if not more) attention to how the "problem" is generated by the everyday activities of professionals and laymen in contact with juveniles, without denying the concern of sociologists, professionals in law enforcement and corrections, and laymen interested in "law and order" regarding what are taken to be the "facts of rising delinquency rates and its demoralizing and disorganizing influence on the socialization of youth and the "future" of the United States. The decision-making activities that produce the

social problem called delinquency (and the socially organized procedures that provide for judicial outcomes) are important because they highlight fundamental processes of how social order is possible.¹²

Essentially, as Cicourel puts it, he believes that the people involved in the juvenile justice process affect the young people who are brought into the system and in fact add to the problem of juvenile delinquency. This argument is also a valid one, but would be better if he could cite specific instances where this outcome was seen, instead of generalizing this the entire time.¹³

Approaching the topic in a somewhat different manner were Brenda S. and Charles T. Griffin. In this case, they utilize some of the same sociological theories, but first talk about how juvenile delinquency came into being in the first place and how the juvenile justice system came into being. It is only after this that they apply psychological and sociological theories to the study of juvenile delinquency in an attempt to answer three basic questions: Where have we been? Where are we now? Where are we going? This is all in an effort to order to assess developmental changes in the area of juvenile delinquency in order to come to a better understanding of juvenile delinquency. This will, in their belief, lead to effective organizations for the prevention, control, and treatment of juveniles.¹⁴

Sociologists who took a completely different view from these texts were Barry Krisberg and James Austin who wrote *The Children of Ishmael: Critical Perspectives on Juvenile Justice* in 1978. Their purpose for the book was to "restore a sense of balance to the study of juvenile delinquency"; to review traditional explanations and theories and offer several alternative hypotheses.¹⁵ Krisberg and Austin accomplish this by pointing out that the traditional explanations of delinquency fail to give enough emphasis to social issues such as racism, economic exploitation, poverty, sexism, and political repression. In addition, they point out that delinquency is the same across the board, not merely a lower-class phenomenon. Finally, they also believe that the juvenile court system of the late 1970s was a bureaucratic nightmare where due process and legal safeguards were virtually nonexistent.¹⁶ This analysis, while valid in its critique against other prior works, such as avoiding issues like racism and poverty, loses in validity in discussing the legal system of the late 1970s as a bureaucratic nightmare. This is because there is significant evidence that shows that justice was being served in a fairly timely matter. This does not mean that there were not problems and instances where this was true. They just simply take the instances and make it out to be a bigger problem than it truly was.

Clemens Bartollas provides us with a modern day sociological analysis in his 2006 work *Juvenile Delinquency*. In this work, Bartollas espouses the sociological theories like prior works, but also includes specific examples of cases that have gone through the juvenile justice system. This is what makes his work worth mentioning and his argument a very credible one. Adding to this is the fact that he provides a lot more context and background information, as sociological works have begun to do in the last decade or two. The reason for such extensive context, as Bartollas writes,

Contextual analysis attempts to determine how the interrelationships of various contexts affect the social phenomenon under examination. This

text also emphasizes the importance of human agency, or the interpretation and meaning that delinquents themselves bring to their social world. Thus, this book gives value to the life experiences leading up to delinquent behavior, to the external and internal influences on the delinquent, and to the choices that lead to a life of crime.¹⁷

His study, then, is enhanced by the inclusion of a deeper context and background, as well as personal stories that help the reader understand what he is talking about.

Turning to a recent work by a scholar discussed earlier, Barry Krisberg, it is apparent that the field of sociology is evolving. In his 2005 work *Juvenile Justice: Redeeming Our Children*, Krisberg this time does not put emphasis on theory and such. Even more importantly, what he does do is to detail a history of the system, pointing out significant changes in the direction of the system, and how it administers justice to those it serves. Additionally, he includes information about how young women are treated in the system as well as discussing gangs and their effect on youth crime. He also takes a stab at creating a strategy that would improve the system. Finally, he also puts in real examples, something that wasn't there before.¹⁸ This makes his argument far more credible and convincing than it would have been otherwise.

Historical works provide a sharp contrast to the body of sociological work, especially the early works. One of the early historical works comes from Anthony Platt, who wrote *The Child Savers: The Invention of Delinquency in 1977*. In this, Platt discusses the early movement toward treating children differently and with special considerations because of their age and mental capacity. He discusses specifically the movement and the early development of the juvenile justice system. He looks at Illinois as a catalyst for the system as a whole in the United States, and focuses on why Illinois developed the system, and why this is an example of the whole juvenile justice system in the United States.¹⁹

While he has a good point, this work is limited due to the fact that he focuses on just the juvenile justice system in Illinois. He attempts to illustrate why this example is a valid one for the trends in juvenile justice across the United States, but would be far better if he provided examples from several states instead of just one. Had he done so, his would have been a far more believable argument.

Ten years later, John Sutton wrote about ways to control delinquency. He wrote about the foundations of juvenile justice in a book entitled *Stubborn Children: Controlling Delinquency in the United States, 1640-1981* in 1988 in order to provide a better perspective as to the motivations for the system of justice in place today. What makes his work different than the other scholars previously mentioned is the fact that he places far more emphasis on the historical aspects of juvenile justice and how it has developed over time. This emphasis is far greater and extends further back in time than any of the others already mentioned. This is because unlike others, he discusses what beliefs about children and misbehavior were brought from other countries to the United States by colonists and immigrants who came to America for a fresh start.²⁰

This is an excellent work, because more background is given. In addition, going back so far provides much more context and a deeper understanding of the development of the system. By doing this, he shows where the ideas that eventually

became the cornerstone of the juvenile justice system came from, and how they evolved to become the cornerstone known to scholars of juvenile justice.

Thomas Bernard provides another excellent example of the perspective historians take. As is evident by his title, *The Cycle of Juvenile Justice*, written in 1992, he finds a pattern in how juvenile justice is served. In the book, he argues that the changes in juvenile justice revolve around a cycle. It goes from people complaining that there is too much crime because judges are too lenient, to it swinging the other way and the public complaining about too much crime because judges are too harsh on offenders. He does not talk about such things as gender and race in this book. His focus is solely on the pattern and showing through the evidence that the pattern exists and has existed for a long time. His additional purpose in writing the book was to show what would break the cycle that he had proven to exist earlier in the book.²¹

An additional example of a work that illustrates the focus on context and background rather than the social issues surrounding juvenile justice is *Juvenile Justice in the Making* by David Tanenhaus. Parts of this work had been published separately prior to this as individual sections looking at specific eras in the history of the juvenile justice system. What makes the book unique, however, is the inclusion of specific cases to enhance his discussion of how the juvenile justice system has developed, and how it worked at certain points.²² His work is valuable because he actually spent time in juvenile courts making observations about it and seeing how it worked in real life. In addition, his examples show that what he is saying is actually true.

Although a political science scholar, Thomas Freshwater master's thesis is worth noting because he follows the line of historians. Entitled *The Cyclical Pattern of Juvenile Justice Policy*, he details the different eras of juvenile justice, and how the changes occurred during that time. He goes through how the juvenile justice system developed, and why people felt that changes were needed. Besides this, he looks at policy a bit as he discusses sentences and Senate Bill 179. What he doesn't do is use actual cases, except in the instance of his discussion of the Supreme Court cases in the 1960s and 1970s. The one thing he does mention that is along the line of sociological research is the question of race in the justice system.²³

Another excellent work details juvenile crime and the reasons for a separate system. After answering two questions: What is juvenile crime, and why a separate system to handle juvenile offenders, Ahranjani, Ferguson, and Raskin detail the impact of the Constitution on the juvenile justice system in recent years. In addition, they go through and show what applies in the case of juveniles and what does not and why. To do this, they look at the Supreme Court decisions made in the late 1960s and early 1970s, as well as other cases that apply parts of the Constitution to the criminal justice system in general. In doing so, they provide real examples and evidence for why things are the way they are.²⁴

Yet another work worth noting in regard to juvenile justice is *Juvenile Justice in Double Jeopardy: The Distanced Community and Vengeful Retribution* by Justine Wise Polier. Here, one notices that a shift is taking place, and that the topics previously mentioned as being covered by sociologists, especially in recent years. Not only does Polier give a basic synopsis of the events that have transpired over the years regarding juvenile justice, she begins to incorporate questions such as race and gender and their role in the system of juvenile justice. The biggest thing that Polier does however, is stated in

the forward to her book when Robert H. Bremner writes, "Justice Polier asks us not only to respect the rights of the poor and troublesome children but to recognize their vulnerability and promise. The great enemies of respect and consideration for any individual or group are ignorance, arrogance, and prejudice. Justine Wise Polier fought these forces throughout her career and she continues to attack them in this remarkable book."²⁵ Essentially, she begins to force the reader to ask tough questions, questions not frequently asked prior to this.

Two final works illustrate how the justice system has evolved. *A Century of Juvenile Justice* by Margaret Rosenheim, Franklin Zimring, David Tanenhaus, and Bernardine Dohrn attempts to provide a comprehensive overview of the juvenile justice system at one hundred years old, at least from the date of the creation of the first juvenile court. It is divided into five sections. The first looks at juvenile justice from a historical perspective, and the second section looks at it from a legal point of view. The second part of the book looks at the social aspects of juvenile justice, including theory, schools, the government, and how the American system compares to that of other countries.²⁶

The other book, *Thinking about Crime: Sense and Sensibility in American Penal Culture*, looks at crime and how Americans believe it should be dealt with. It goes through the stages of more punishment and less rehabilitation and the opposite, more rehabilitation and less punishment. In addition to detailing crime itself and the trends in dealing with it, the author, Michael Tonry, makes a concerted effort to through why the system is unique and making recommendations for improvement. These improvements, he believes, will lead to less crime in the United States.²⁷

As is evident from these studies, several approaches have been taken to the study of juvenile justice. Sociologists generally have focused on theories that explain juvenile delinquency and suggest how the juvenile justice system can improve to actually benefit those for whom it was created to serve and thus live up to the ideals it professes. Historians, on the other hand, have focused more on how the system was formed, and how it has developed over time. In recent years, however, sociologists and historians have begun to come together, as historians have taken more notice of sociological factors such as gender, race, and socioeconomic background as factors that have influenced the development of the juvenile justice system. Similarly, over time sociologists have taken more notice of the historical aspects of delinquency and its development over time. Both the inclusion of context and background are essential to any study, because one cannot begin to understand a specific argument without at least a basic understanding of the topic. Additionally, sociological factors cannot be discounted because it is evident through the work of sociologists that these do have a role in how the system has developed, and how changes can come about.²⁸

Juveniles and Federal Law

Federal legislation and decisions of the United States Supreme Court both impacted the juvenile justice system and brought about significant changes during the 1960s and 1970s. As previously mentioned, federal legislation may not have had the impact in the courtroom that the Supreme Court decisions did, but they still had substantial long term effects like the Supreme Court decisions as they provided alternatives to incarceration for delinquent juveniles. These alternatives included

community programs that without a doubt eased the burden on the court by reaching juveniles before they had committed a crime. This also allowed more opportunities for juveniles in the long-term, as by taking advantage of the new programs, the court gave them a better chance of doing something with their life than if they were institutionalized.

It is important to discuss federal legislation regarding juveniles prior to discussing Supreme Court decisions for several different reasons. First, it makes sense simply because federal legislation regarding juveniles came about over five years prior to the first major Supreme Court decision. Along similar lines, it is also fitting due to the fact that federal legislation deals mostly with funding programs aimed at preventing juveniles from becoming delinquent, while the series of U.S. Supreme Court decisions is aimed at the actual court process, which takes place after an offense has been committed. Finally, federal legislation illustrates the concern over juvenile delinquents expressed by the government, which carries over into the actions taken by the United States Supreme Court.

With this being said, Congressional concern with the rising number of juvenile delinquents was established throughout the 1950s. The first significant sign of this concern was in 1953. That year the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency began hearings on the subject. This subcommittee and other groups conducted these hearings over many years and eventually issued a series of reports. Their concern and interest in the subject is aptly described by the Chairman of the Subcommittee to Investigate Juvenile Delinquency, Senator Thomas C. Hennings, Jr. Hennings discusses this concern in a hearing held in Chicago in 1959:

I want to thank the other witnesses who have come here on such short notice in order to give us the benefit of their years of dedicated and intelligent service on this vast and far-reaching problem. We hope here to get as comprehensive a view as may be had with the problem, as well as the achievements of your city as they relate to our common problem, and we certainly want to know of any successes you have had with curative, rehabilitative, and preventative programs in this very vital area.²⁸

This statement is significant because it shows not only the subcommittee's concern with the rise in the number of juvenile delinquents, but also in programs that have had an impact on young lawbreakers, and those at risk of becoming lawbreakers. It shows that they want to find ways to teach the adolescent while at the same time giving them the best chance for pursuing their futures as valuable members of society.

In addition to these hearings, the United States Congress attempted to pass legislation to provide funding for investigation into the causes and possible remedies of the problem of juvenile delinquency. Two measures to provide funding for such purposes, one in 1956 and another in 1960, were passed by the U.S. Senate but failed in the House of Representatives. The Senate made a third attempt in 1961. This measure, which became known as the Juvenile Delinquency and Youth Offenses Control Act of 1961, ultimately won passage and was signed into law by President Kennedy on September 22, 1961.²⁹

As enacted by Congress, this act provided funding for grants from the Secretary of Health, Education, and Welfare for pilot projects, training programs, and studies on juvenile delinquency. Those eligible for the grants under the law included states, municipalities, public agencies and nonprofit private groups. The amount authorized in the legislation was ten million dollars per year for fiscal years 1962, 1963, and 1964. Congress later extended this law for two more years in 1964, which provided another ten million dollars for fiscal year 1965, but required authorization for additional spending in fiscal year 1966.³¹

This extension did not come as easily as one might have expected, however, given the support for such a measure. The major debate, and the main question of the hearing held by the Subcommittee on Employment and Public Welfare, was not so much a debate on the effectiveness of the programs implemented under the act, but whether they should be continued to be funded under the act or receive funding from an alternative source that had been made available since the initial passage of the Juvenile Delinquency and Youth Offenses Control Act of 1961. Most of the programs would be moved to the new source, but supporters were requesting continued funding under the act for five programs in order to complete the study and provide concrete results and analysis for future use.³²

Similar extensions and funding for similar programs were made again in 1965 and 1967. The 1967 legislation, which became law in 1968, authorized twenty-five million dollars to assist states in developing and improving juvenile delinquency projects and facilities. Specifically, it provided for grants covering 75 percent of the cost of diagnostic, treatment and rehabilitation programs, and up to 50 percent of the cost of constructing facilities. In addition, it also provided funding for the training of juvenile delinquency diagnostic, treatment or rehabilitation specialists.³³

Another piece of legislation that is worth noting is the Juvenile Delinquency Prevention and Control Act. Passed in 1968, this bill authorized one hundred and fifty million dollars for block grants to states using the funds to plan and operate projects to prevent juvenile delinquency and rehabilitate young offenders. These funds would be distributed over three years, 1969-1971. Twenty-five million dollars would be available for fiscal year 1969, \$50 million for fiscal year 1970, and \$75 million for fiscal year 1971. This bill was extended in 1971 for another year with another \$75 million dollars being appropriated for the cause. In addition, this extension formed the Interdepartmental Council on Juvenile Delinquency to coordinate all federal delinquency programs.³⁴

In addition to extending the Juvenile Delinquency Prevention and Control Act of 1968 for an additional two years in 1972, this bill also made amendments to the previous legislation. These included authorization for direct grants to local agencies as well as preventative services separate from law enforcement authorities.³⁵ It would not be a leap to say that these steps were taken as a result of the numerous hearings that had been held, which without a doubt indicated that the current system was not working, and that these new programs outside the system were achieving at least limited results.

One final significant piece of legislation was passed in 1974. This act, the Juvenile Justice and Delinquency Prevention Act of 1974, had a more long-term feel to it. This is evident in the wording of Section 102 (b):

It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.²⁶

This more long-term approach indicates that the United States Congress had learned what it needed to and believed it knew what was necessary in order to combat the growing juvenile delinquency problem in the United States. It also indicates that little faith remained in the programs available to juvenile courts, and that other programs were necessary if headway was to be made in regards to juvenile delinquency.

While it may seem redundant to discuss all of these various acts and extensions of acts regarding juvenile delinquency, it is necessary because it illustrates a progression from programs authorizing a limited number of experimental preventative programs, to funding for numerous state and locally sponsored programs, as well as national programs coordinated by the Interdepartmental Council on Juvenile Delinquency. This progression indicates a decrease in the amount of faith that Congress had in the current juvenile court system and an increase in the faith that they had in alternative programs due to evidence provided to them that showed that these alternatives were working, at least on a limited basis. It also indicates that they saw value in the centralization of funding and oversight, because they felt that it gave a better chance for communication between programs. Through all of this, one point remains the same: the United States Congress never wavered in its concern for the juvenile delinquent, and a desire to provide the resources necessary to combat a growing national problem.

The Supreme Court Gets Involved

The Supreme Court also had a major impact on the juvenile justice system in this era. It was not until the late 1960s, however, that the United States Supreme Court decided to weigh in on the subject of the treatment and adjudication of juveniles by the criminal court system. Four cases decided by the Supreme Court within a span of just seven years, 1968-1975, dictated the direction of the juvenile court system. Among those significant cases involving juvenile justice are *Kent v. United States* (1966), *In re Gault* (1967), *In re Winship* (1970), and *McKeiver v. Pennsylvania* (1971). Prior to the first of these significant cases being decided, virtually no juvenile court cases were appealed, mainly because it was not permitted in most jurisdictions. This is one of the main reasons for the Supreme Court deciding its first case regarding juveniles in 1966, even though the juvenile court was established in 1899. Significant case background will be provided in order to fully understand the Supreme Court's decisions and their motivation and reasoning for doing so.

The first of these cases to be decided, *Kent v. United States*, involved a fourteen-year-old boy by the name of Morris A. Kent, Jr. He had been under the jurisdiction of the Juvenile Court of the District of Columbia for earlier housebreakings and an attempted purse snatching. In this instance, police had been called to the apartment of a woman on September 2, 1961, because someone had entered her apartment, stole her wallet, and raped her. Finding fingerprints, the police developed and processed them and determined that they matched those of Morris Kent. Three days after the incident, Kent was arrested and taken into custody, where he apparently admitted to the above offenses. The following day his mother retained counsel, who promptly conferred with the Social Service Director of the Juvenile Court. Discussed in this interview was the possibility that even though Kent was only sixteen at the time, the juvenile court might waive jurisdiction and have Kent tried by the District Court instead. Counsel opposed this action. Appearing in Court, the decision was made by the judge to waive jurisdiction. This decision was made without a hearing, without conferring with Kent's parents or counsel, and without citing a specific reason for doing so. Additionally, the juvenile court judge ignored Counsel's request for a copy of the Social Service file that had been accumulated while Kent was on probation.

When the case was presented in District Court, Counsel moved to have the indictment dismissed on the grounds that the waiver was invalid. The court did not grant the request, citing the juvenile judge's reference to a "full investigation." Further, the District court judge felt that a hearing was not required. For each count, Kent was ordered to serve five to fifteen years in prison, which totaled thirty to ninety years in jail. In addition, as to the counts regarding rape, he was found "not guilty by reason of insanity."¹⁷

The issues surrounding the juvenile court's waiver of jurisdiction in the case of Morris Kent was what prompted the Supreme Court to take up this case. This is evident, as in the opinion, Justice Fortas states,

We do not consider whether, on the merits, Kent should have been transferred; but there is no place in our system of law for reaching a result of such tremendous consequences without ceremony-without hearing, without effective assistance of counsel, without a statement of reasons. It is inconceivable that a court of justice dealing with adults, with respect to a similar issue, would proceed in this manner.¹⁸

Essentially, the issue for the Supreme Court was whether the protection of society should trump the needs of young individuals. Given the enormous consequences and impact that such an order would have, Fortas, in leading up to the decision of the court, also declares, "We conclude that, as a condition to a valid waiver order, petitioner was entitled to a hearing, including access by his counsel to the social records and probation or similar reports which presumably are considered by the court, and to a statement of reasons for the Juvenile Court's decision."¹⁹ For these reasons, the Supreme Court remanded the case back to the District court for a full hearing on the issue of waiver. In doing so, the court also made it known that should the court find the waiver invalid, the conviction would be vacated. Should the waiver

be valid, however, the District Court would be free to enter an appropriate judgment after consideration of all motions entered by counsel.⁴⁰

The ultimate decision in this case illustrated the Supreme Court's desire to ensure that the responsibility and the purpose of the juvenile court were met. In addition, the decision, in demanding a full and thoughtful consideration of the individual prior to waiving jurisdiction, showed that the Supreme Court respected and saw the need for a special court to ensure a balance between protecting society and punishing for wrongdoing on the one hand, and a system in which young people would learn right from wrong and become productive members of society on the other. Not only did this decision do all of these things, it also laid the groundwork for the case decided a year later that would have a far greater impact on the juvenile court system.

The case, *In re Gault*, decided in 1967, extended the idea of due process to all juvenile court proceedings, not just those regarding waiver to adult criminal courts. This case involved a 15-year old boy by the name of Gerald Gault. In June of 1964, Gerald and a friend by the name of Ronald Lewis made a telephone call to a neighbor, Mrs. Cook. The problem was that during the phone call, "lewd or indecent remarks... of the irritatingly offensive, adolescent, sex variety"⁴¹ were made. This offended Mrs. Cook so much that she made a verbal complaint. At the time of the incident, Gerald Gault was still subject to a six month probation order because he had been in the company of another boy at the time he had stolen a wallet from another lady.⁴² He was taken into custody by the sheriff, who did not notify his parents that he was in custody. His brother found out later that night, and then told his mother. A hearing was scheduled for the following day, but again, the Gaults were not notified. During the hearing, the probation officers, Gerald Gault's mother, and his older brother were present, but not Mrs. Cook. During the hearing, questions were raised as to who actually had made the telephone call, and what role Gerald had played in the incident. No record was made of this hearing.

At an additional hearing held a few days later, Gerald Gault's parents and Officer Flagg were again present. Noticeably absent again was Mrs. Cook, the individual who had brought about the charges. When Mrs. Gault requested that Mrs. Cook be present, but the juvenile court judge disagreed. Thus, at no time did the Juvenile court judge speak to Mrs. Cook or communicate with her. At the conclusion of the hearing, Gerald Gault was found delinquent and committed to the State Industrial School until the age of 21. Interestingly, had he been over eighteen, the maximum punishment would have been a fine of between five and fifty dollars or imprisonment for no more than two months.

Again, because of the many questions surrounding the finding of delinquency, the Supreme Court took up the case. As indicated by the opinion of the court delivered by Justice Fortas:

We consider only the problems presented to us by this case. These relate to the proceedings by which a determination is made as to whether a juvenile is a "delinquent" as a result of alleged misconduct on his part, with the consequence that he may be committed to a state institution. As to these proceedings, there appears to be little current dissent from the proposition that the Due Process Clause has a role to play. The problem is

to ascertain the precise impact of the due process requirement upon such proceedings.⁴³

Thus, the main question of the case was to what extent the court would apply the Due Process Clause to juvenile Court proceedings. During conference, Chief Justice Earl Warren stated:

The purpose of these acts is to get away from strict criminal proceedings. But even if it is a non-criminal proceeding, the same due process is required. It is one thing in a property foreclosure case, and another matter in a criminal case. We can set out minimal standards. There is no right to a jury trial. There is no Fifth Amendment right. But due process requires minimum standards and they were not met here. Minimally, I would require (1) a lawyer; (2) proper notice of proceedings to the family; (3) a fair hearing; and (4) a right of confrontation.⁴⁴

Fortas, in an attempt to keep the purpose of the juvenile court in mind had this to say:

The Fifth Amendment issue is raised in a different way. Juvenile courts do not or should not put pressure on the juvenile. It is not a question of either giving juveniles rights or detracting from the courts. They can function with counsel. We must start with the requirements of a hearing. Where what was done by juvenile would be a crime if done by adult, then there must be a hearing.⁴⁵

Ultimately, the Supreme Court decided that when there was the chance that a juvenile could be put in detention, then the following safeguards, at the very least, must be provided: access to counsel, appointed counsel for those who could not afford it, adequate notification of charges, the right to confront witnesses, and rights against self-incrimination.

In another case, *McKeiver v. Pennsylvania*, the Supreme Court made it very clear that the right to a jury trial would not be extended to juvenile court proceedings. This case is actually a compilation of several cases, Joseph McKeiver, Edward Terry and Barbara Burrus. In May 1968, sixteen year-old Joseph McKeiver was charged with robbery, larceny, and receiving stolen goods. At the adjudication hearing he was represented by counsel, as per a previous Supreme Court decision-*In re Gault*, but his request for a jury trial was denied. In January 1969, fifteen-year old Edward Terry was charged with assault and battery on a police officer and conspiracy. Again, he was represented by counsel, but the request for a jury trial was denied. Finally, Barbara Burrus and 45 other children from the age of 11 to 15, were charged with willfully impeding traffic. Once again, all of the juveniles were represented by counsel, but the request for a jury trial was denied. All three, Joseph McKeiver, Edward Terry and Barbara Burrus were found delinquent as they had committed "an act for which an adult may be punished by law..."⁴⁶ and placed on probation for one to two years.⁴⁷

It was because of the denial of a jury trial that the Supreme Court took up the cases in one decision, *McKeiver v. Pennsylvania*. As they aptly describe the question

in this instance, "These cases present the narrow but precise issue whether the Due Process Clause of the Fourteenth Amendment assures the right to trial by jury in the adjudicative phase of a state juvenile court delinquency proceeding."⁸⁸ In the opinion delivered by Justice Blackmun, it was noted:

The Court, however, has not yet said that all rights constitutionally assured to an adult accused of crime also are to be enforced or made available to the juvenile in his delinquency proceeding. Indeed, the Court specifically has refrained from going that far: "We do not mean by this to indicate that the hearing to be held must conform with all of the requirements of a criminal trial or even of the usual administrative hearing; but we do hold that the hearing must measure up to the essentials of due process and fair treatment."⁸⁹

That was the question before the court, and this time, they did not answer in favor of the equal rights. Instead, it went in favor of maintaining certain characteristics unique to the juvenile court. In doing so, the court remarks:

[We] conclude that trial by jury in the juvenile courts adjudicative stage is not a constitutional requirement. We so conclude for a number of reasons.

1. The Court has refrained ...from taking the easy way with a flat holding that all rights constitutionally assured for the adult accused are to be imposed upon the state juvenile proceeding...
2. There is a possibility, at least, that the jury trial, if required as a matter of constitutional precept, will remake the juvenile proceeding into a full adversary process and will put an effective end to what has been the idealistic prospect of an intimate, informal protective proceeding."⁹⁰

In a case decided a year earlier than *McKeiver v. Pennsylvania*, the Supreme Court took up the question of the weight of the evidence in juvenile court proceedings. This is slightly different than the application of rights surrounding the actual proceeding, which is why it follows the discussion of *McKeiver v. Pennsylvania* rather than going before it. This case came from New York and became known as *In re Samuel Winship*.

In this case, twelve-year old Samuel Winship stole \$112 from a woman's pocketbook. During the adjudication hearing, Samuel Winship was found to have stolen the money. The problem was that this finding was by a preponderance of the evidence not proof beyond a reasonable doubt, a fact acknowledged by the presiding judge. He also made it clear that he believed that the Fourteenth Amendment to the Constitution did not require proof beyond a reasonable doubt.

During conference, Justice Brennan noted that, "After *Gault*, we can't retreat. *Davis* is not explicit, but it suggests that the Constitution protects the reasonable doubt standard. Earlier than that was presumption of innocence, which was also a constitutional decision."⁹¹ In response to what was said by Justice Brennan, Justice Stewart commented, "If the state makes a specific offense that is a crime the basis of delinquency, then full criminal procedures should be followed."⁹²

In the opinion, the Supreme court remarks:

Moreover, use of the reasonable-doubt standard is indispensable to command the respect and confidence of the community in applications of the criminal law. It is critical that the moral force of the criminal law not be diluted by a standard of proof that leaves people in doubt whether innocent men are being condemned. It is also important in our free society that every individual going about his ordinary affairs have confidence that his government cannot adjudge him guilty of a criminal offense without convincing a proper factfinder of his guilt with utmost certainty. Lest there remain any doubt about the constitutional stature of the reasonable-doubt standard, we explicitly hold that the Due Process Clause protects the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged... We conclude, as we concluded regarding the essential due process safeguards applied in *Gault*, that the observance of the standard of proof beyond a reasonable doubt "will not compel the States to abandon or displace any of the substantive benefits of the juvenile process."³⁹

This Supreme Court statement emphasized their belief that everyone be given the same opportunities under the law, and that all people should be given a fair hearing. This was done to give the best prospect for an accurate determination of guilt or innocence. Also indicated is their belief that anything less than a fair hearing on the facts of a particular case would be a travesty and an embarrassment to the justice system.

All four cases, *Kent v. United States*, *In re Gault*, *McKeiver v. Pennsylvania*, and *In re Samuel Winship* illustrate the Supreme Court's desire to promote the juvenile court and its expressed purpose, while ensuring that fairness in the process was achieved. This is evident because certain safeguards: access to counsel, appointed counsel for those who could not afford it, adequate notification of charges, the right to confront witnesses, rights against self-incrimination, and proof beyond a reasonable doubt were all applied to juvenile court proceedings. While others, mainly the right to a jury trial, were not because the court felt that this would inhibit the juvenile court from doing as it set out to do.

Conclusion

The juvenile justice system experienced numerous changes during the 1960s and 1970s. More emphasis was placed on rehabilitation and prevention programs by the United States Congress. The United States Supreme Court also impacted the system in the late 1960s. Changes in the adjudication process were made because while the juvenile court system was designed to be less rigid than the adult criminal court, it was also too loose in certain respects and thus unable to provide juveniles a fair chance to be heard and receive the proper care. As a result, the Supreme Court applied many of the due process clauses of the Constitution to the juvenile court system, while exempting those they believed would get in the way of allowing the courts to provide the privacy necessary to determine the best course of action in each individual's case.

One thing is apparent from the documents from this time period. Providing the juvenile with the help necessary to become a contributing member of society was of the utmost importance during the 1960s and 1970s. The United States Congress did this through legislation providing for alternative programs that would provide the individual attention that many needed and that the juvenile court, in the state it was in, was unable to provide. The Supreme Court did this by providing a more uniform and fair process that was still private enough to determine what help the juvenile delinquent needed to keep him or her from committing another crime. Thus, both Congressional legislation and Supreme Court decisions made in the 1960s and 1970s had a significant impact on the juvenile justice system by drastically altering the decision-making process and the options available to the juvenile court.

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- ¹ Thomas E. Courtless, "To Take Care of Their Own," *MH* 57 (Spring 1973): 82.
- ² Steven M. Cox and John J. Conrad, *Juvenile Justice: A Guide to Practice and Theory* (Dubuque: Wm. C. Brown Company, 1978), 12.
- ³ Cox and Conrad, 14.
- ⁴ *Ibid.*, 14-15. See pages 11-15 for further information and details on the downfalls and benefits of both legal and behavioral definitions of delinquency. There was simply not enough space here to describe them in detail.
- ⁵ This era is described in greater detail in John Sutton's work *Stubborn Children: Controlling Delinquency in the United States, 1640-1981* (1988), and specifically pages 92-95 describe this exact phenomenon.
- ⁶ R. A. Duff, *Trials and Punishments* (Cambridge: Cambridge University Press, 1986), 7-8.
- ⁷ Jerold S. Auerbach, *Unequal Justice: Lawyers and Social Change in Modern America* (New York: Oxford University Press, 1976), vii-xiii.
- ⁸ Christopher Tomlins, *The United States Supreme Court: The Pursuit of Justice* (Boston: Houghton Mifflin Company, 2005), v-xiv.
- ⁹ Herman Schwartz, *The Burger Years: Rights and Wrongs in the Supreme Court 1969-1986* (New York: Viking Penguin Inc., 1987), vii-x.
- ¹⁰ John Tosh, *The Pursuit of History* (London: Pearson Education Limited, 2006), 225.
- ¹¹ Stanton Wheeler, *Juvenile Delinquency: Its Prevention and Control* (New York: Russell Sage Foundation, 1966), vii, 1-10. In addition, throughout the rest of the text, Wheeler goes into more detail in regards to specific programs and recommendations as to how the problems outlined can be fixed.
- ¹² Aaron V. Cicourel, *The Social Organization of Juvenile Justice* (New York: John Wiley & Sons, Inc., 1968), vii.
- ¹³ See Ruth Rosner Kornhauser, *Social Sources of Delinquency: An appraisal of Analytical Models* (1978) for a slightly different perspective in which goes from theory to example of how that applies, which ends up being a far stronger analysis than Cicourel due to the numerous specific examples cited.

- ¹⁰ Brenda S. Griffin and Charles T. Griffin, *Juvenile Delinquency in Perspective* (New York: Harper & Row, 1978), xix-xxi. Several more books take a similar approach in their discussion of the juvenile justice system, including an *Introduction to Juvenile Delinquency: Text and Readings* by Paul E. Cromwell, Jr., and others (1978), *Juvenile Justice: A Guide to Practice and Theory* written by Steven M. Cox and John J. Conrad (1978), *Introduction to Juvenile Delinquency: Youth and the Law* by James T. Carey and Patrick D. McNaney (1984), and *American Delinquency: Its meaning and Construction* by Lamar T. Empey.
- ¹¹ Barry Krisberg and James Austin, *The Children of Ishmael: Critical Perspectives on Juvenile Justice* (Palo Alto: Mayfield Publishing Company, 1978), 1.
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- ¹⁴ Barry Krisberg, *Juvenile Justice: Redeeming Our Children* (Thousand Oaks: SAGE Publications, 2005), v-7.
- ¹⁵ Anthony Platt, *The Child Savers: The Invention of Delinquency* (Chicago: University of Chicago Press, 1977), xi-xxix. See his work for other studies covering the early stages of the juvenile justice system.
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- ²⁵ Congress, Senate, Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, *Community Programs in Chicago and the Effectiveness of the Juvenile Court System: Hearing before the Subcommittee to Investigate Juvenile Delinquency, 86th Congress, 1st sess., 28 and 29 May 1959, 89-90.*
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The Effects of the 'Nixon Shock' on Japanese Society and Politics

by Anna Hahn

On October 1, 1949, the People's Republic of China (PRC) officially took power in China after a two-year civil war. Following defeat, China's Nationalist leaders fled to the Chinese island-province of Taiwan and there set up what they deemed the official government of China. The United States, in the midst of the Cold War and eager to resist any communist country, maintained its recognition of the exiled Nationalist government even after it moved to Taiwan. At first due to the American occupation and later because of the Security Treaty,¹ Japan was forced to comply with and support the U.S. diplomatic policy of isolating the PRC. In the two decades following the end of the American occupation, the Japanese continued to have a "client-patron relationship with the United States,"² which meant that Japan was not able to establish its own policy toward the PRC. The United States "encouraged Japanese hostility toward China"³ and, since Japan depended on the United States, its government was pushed into making the same decisions as the United States in regards to China.⁴ Because Japan was thus forced to adopt a China policy nearly identical to that of the United States, the two governments promised to discuss any foreign policy decisions that would impact the other nation, specifically in regards to dealings with the PRC.⁵ Despite this promise, Henry Kissinger, Nixon's National Security Advisor, secretly visited China in July 1971, flying from Pakistan to Peking during a world tour to meet covertly with Chinese officials and to arrange a visit by Nixon to the PRC.⁶ Furthermore, when Nixon announced his intentions to visit communist China on live national television on July 15, 1971, he gave almost no warning beforehand to Japanese officials. The Japanese ambassador to America, Ushiba Nobuhiko, was told of the dramatic change in American policy only one hour before Nixon appeared on television, and Prime Minister Sato Eisaku was informed of Nixon's intentions only a few minutes prior.⁷ This lack of consideration on the part of the Nixon administration shook Japan deeply and threatened relations between the United States and Japan. However, while the Nixon Shock,⁸ as President Nixon's announcement came to be called, was a definite blow to the Japanese confidence and trust in America, it also served to hasten the establishment of formal relations between Japan and the PRC and, in the end, had positive implications for the Japanese people.

There were three reasons that the United States became interested in recognizing the PRC as the legitimate government of China. First, the anti-Vietnam War movement had gained momentum in the United States, and the American government was seeking an honorable way out of Vietnam.⁹ Nixon hoped that establishing relations with China would prompt the PRC to influence North Vietnam to be more lenient in its negotiations with the United States so that U.S. involvement in the war could end.¹⁰

Secondly, the realization that the PRC and the Soviet Union were not going to improve their relations made it acceptable for the United States to interact diplomatically with China. Lastly, and most importantly, the United States sought a relationship with China that would act as a deterrent to the Soviet Union and give it power over the Soviets as Cold War tensions continued.¹¹ Gerald Curtis, a professor of political science at Columbia University, states that it was "all too obvious...by the manner in which it was accomplished" that the U.S. decision to deal with China was about the Soviet Union, and that, from an American perspective, it had very little to do with Japan.¹²

The fact that the Nixon administration did not consider its relations with China to be about Japan may help to explain why the United States failed to inform the Japanese before announcing that it was seeking relations with the PRC. Scholars seem to agree that the reason that Nixon did not communicate with the Japanese government was that it simply did not occur to him. U.S. foreign policy was very much focused on the Soviet Union at the time; no attention was paid to Japan because the Japanese had little potential to harm the United States.¹³ As a result, American understanding of Japan was "not very deep."¹⁴ The extent of this ignorance becomes clear in a *New York Times* article on July 24, 1971, slightly more than a week after Nixon's announcement, which stated that "the new United States policy of seeking an accommodation with Peking should not itself cause serious differences between Washington and Tokyo."¹⁵ Another *New York Times* article from June 1972 reported that Henry Kissinger did not realize that the announcement of Nixon's visit would cause the problems that it did in Japan. Almost a year after the Shock, Kissinger met with Japanese leaders and responded to the feelings of anger and betrayal by promising Japanese leaders, "It will never happen again."¹⁶ Kissinger later admitted in his memoirs that failing to inform the Japanese had been "a serious error in manners."¹⁷ That top officials in the United States did not understand the mindset of the Japanese again shows that the majority of Americans' understanding of Japan was shallow.

While Nixon and Kissinger seem to have acted under a blanket of ignorance in dealing with Japan, there were some Americans who understood the implications that such a monumental foreign policy decision would have. Former U.S. Ambassador to Japan Edwin Reischauer was under the opinion that Nixon "committed a very silly act" by going to China without telling Japan.¹⁸ Scholar William Barnds recognized that while there were many Americans who felt that the United States could "deal rather cavalierly with Japan" because Japanese society depended upon the U.S. for so many things, "such complacency is dangerous."¹⁹

Indeed, such complacency on the part of the United States was dangerous. Nixon's announcement had severe consequences for the relationship between Japan and the United States, for Japan independently, and for Japan's relations with other countries. On July 17, 1971, the *Japan Times* reported that "Japan's foreign policy...has been shaken to its foundation."²⁰ As a result, the initial reaction of Japanese leaders when they found out about Nixon's trip to the PRC was one of shock, followed by anger, fear, embarrassment, betrayal, and a lack of trust in the United States. The announcement also triggered the end of Prime Minister Sato's career, as many blamed the leader and lashed out against him, and it hurled Japan into a new stage in its diplomatic history.

One of the reasons that Japanese leaders were so shocked to learn of the impending relations between America and the PRC was because of the speed at which U.S. policy changed. "The story about a Japanese ambassador in Washington learning of the American recognition of Communist China through a midnight phone call from the U.S. State Department [had] been a long standing joke" in Japan,²¹ but no one there expected the shift in policy to come so soon. "Frankly speaking," Foreign Minister Kimura Toshio admitted at a press conference on July 17, 1971, "I never thought that the Ping Pong diplomacy²² would develop at such a rapid pace."²³ As a result, Japan was caught severely off-guard, and Foreign Ministry officials were "visibly shaken" by Nixon's announcement.²⁴

One of the initial reactions among Japanese officials was anger towards the United States for failing to take seriously the mutual defense alliance between the two countries. Prime Minister Sato described Nixon's actions as "rude."²⁵ One Japanese United Nations delegate "likened Nixon's move to Judo and said that he felt he was thrown over the shoulder onto the ground by the United States."²⁶ The anger felt by government personnel was echoed in Japanese society at large. A *Japan Times* article cynically remarked that Kissinger "gets a kick out of confusing reporters and keeping them guessing. Those who know him say he will probably be laughing for some time over the way in which he bamboozled everyone and flew to Peking without a word leaking to the outside world."²⁷ Most Japanese people felt that the Shock was not necessary and that it certainly was not unavoidable; Nixon could have given advanced warning to their government.²⁸ The United States was seen as a bully, taking advantage of Japan. These feelings were reflected in a 1972 public opinion survey, which reported anti-American feelings to be higher than in 1971. The same survey showed that among 15 to 24 year-olds, there was a widespread opinion that the United States would become the new threat to Japan, ahead of China and the USSR.²⁹

The opinion that the alliance with the United States was crumbling speaks to the fear of abandonment that many Japanese also experienced immediately following the Shock. "For a time many Japanese feared that the Nixon Administration was making a fundamental shift in its Asia policy by making better relations with China the cornerstone of America's East Asia policy" instead of maintaining the strong alliance between Japan and the United States.³⁰ While the United States attempted to dispel this belief by assurance that its policy with China would not alter its relationship with Japan, fears still lingered, and "Japanese leaders were still preoccupied with the possibility of abandonment."³¹

A lack of trust and a feeling of betrayal pervaded the Japanese mindset following the Nixon Shock. These feelings were heightened by the fact that only three weeks before the announcement, Prime Minister Sato had asked for—and received—assurance that the United States would consult Japan before moving forward into a relationship with China.³² Only a few days before Nixon's announcement, Sato told the Diet, "I trust the Americans."³³ Given these sentiments, it is of little wonder that the Japanese felt betrayed by Nixon's actions. While the United States took measures such as holding a U.S.-Japan summit in San Clemente, California, in January 1972 and sending Henry Kissinger to Tokyo in June of that same year to restore Japan's confidence and faith in America, these actions were not enough to mend the rift between the two countries. The *New York Times*, reporting on the Summit, stated that

"it is evident that the two governments no longer have common policies, particularly on China."³⁴ In a striking contrast to his earlier statement of confidence, Sato, who began to advocate a hotline between Tokyo and Washington after the Shock "so that Japan [would] not be unprepared" for any future similar incidents, stated that he had "not been able to trust fully the United States since [Nixon's] sudden announcement."³⁵

Although the leaders of Japan were shocked and angered by Nixon's announcement, they fought to maintain a stoic and professional appearance in public. In the days immediately following the Nixon Shock, the *Japan Times* reported that top officials felt it was wise to wait and see what changes in the U.S. policy actually occurred as a result of Nixon's announcement before Japan enacted a new policy.³⁶ Despite their diplomatic patience, however, government officials realized that "unless Japan got ahead of the United States in the actual normalization, the Japanese people would not accept such a verdict" as being caught off-guard by the United States.³⁷ It was this competitive edge, coupled with the anger, fear, and betrayal, which prompted Japan to establish its own diplomatic policies and to look after its own interests rather than bending to those of the United States.

In "Japan and World Politics in the 1970s," John Maki, professor at the University of Massachusetts, points out that "a little noted beneficial effect of the 1971 'Nixon Shocks' was the kicking of Japan out of the American nest."³⁸ Japan's leaders seemed to recognize this; once the shock of not being informed about U.S. intentions with China wore off, the Japanese government quickly formed its own foreign policy standards. Beginning with China and then moving to other countries, Japan gradually achieved international power unprecedented in post-war politics. As it entered into the global world, Japan was able to escape from its "domineering relationship" with the United States. In turn, the United States also started to "take [Japan] seriously...as a fellow major actor in world politics."³⁹

While Japan moved with "remarkable speed" in establishing relations with China in order to catch up with the United States, Prime Minister Sato was unable to lead the country in this effort. Already unpopular because of past political decisions, the Japanese leader quickly became even more so in the wake of the shock, which greatly contributed to the end of his career. People directed their angry reactions about the announcement towards Sato, claiming that the event was the result of the Japanese policy of always following the United States, that the government had "allowed the U.S. President to jump over its head," and that the nation faced the threat of international isolation. Above all, the Japanese people began calling for a change of direction in the form of a new leader.⁴⁰ This sentiment of Sato's unpopularity was echoed in China, where Chinese Premier Zhou En-lai ignored his requests for diplomatic relations but announced that he "would welcome a new Prime Minister of Japan who had due respect for 'Chinese Principles.'⁴¹ Thus, although after Nixon's announcement it was an "expected fact" that Japan would restore relations with China,⁴² the process was delayed until a new leader came to power in Japan.

When Kakuei Tanaka became Prime Minister of Japan on July 6, 1972, he announced that the "restoration of Sino-Japanese relations [was the] paramount issue facing his Administration."⁴³ Because Tanaka was not as supportive of the United States and was willing to pursue a policy on the PRC independent of American influence, he was able to move much faster with regards to China than Sato had been

able to.⁴⁴ In order to ensure that his dealings with China would be a success, Tanaka immediately established a line of communication with Premier Chou En-lai. He also made sure that he had his party's support, he communicated with Nixon regarding his intentions, and he assured Taiwan's government of Japan's goodwill.⁴⁵ The results were both successful and fast. Just one day after taking office, Tanaka announced his intentions to establish relations with China. Chinese officials extended an invitation to visit on July 9, 1972, and Tanaka arrived in Peking on September 25, 1972.⁴⁶ While in China, Tanaka succeeded in his goals, announcing Japanese recognition of the PRC from Beijing on September 29.⁴⁷ The outcome of his trip surprised everyone and shocked the Nixon White House, which did not believe that his visit would be that fruitful.⁴⁸ Ironically, the Americans, who were responsible for the beginnings of this relationship in the first place, were unable, due to a number of different factors,⁴⁹ to establish their own formal relations with China until 1979.⁵⁰

The beginnings of diplomatic relations between the United States and China jeopardized the U.S.-Japan Security Treaty because many Japanese began calling into question the justification for the treaty.⁵¹ Under Article 9 of its Constitution, Japan was forbidden from having a military. Because of this, the agreement to allow American bases on Japanese soil in exchange for protection from the USSR and the PRC had been a necessary—if not welcome—trade for the Japanese people. By 1971, however, the United States and the Soviet Union had co-existed peacefully for more than twenty years since the start of the Cold War, a fact which greatly reduced the perceived Soviet threat to Japan. When the United States publicly recognized China, fears of the communist government there were also diminished, leaving “the average Japanese man in the street...to wonder whether the Security Treaty was really necessary.”⁵²

Despite the fact that Nixon's announcement came as an initial shock to the Japanese government and caused short term anxiety, in the long run, America's relations with the PRC proved to have some positive developments for Japan. Economically, Japan and China had already established non-governmental relations through trade in the 1950s due to both the enormous market that China represented for Japanese products and the fact that China was a “wealth of natural resources.”⁵³ While “the Japanese government...pursued a ‘separation of politics and economics’ policy by *officially* supporting the US policy of diplomatically isolating China,”⁵⁴ by the 1960s Japanese businesses had started to demand an increase in diplomatic relations in order to “promote economic exchange.”⁵⁵ The Nixon Shock presented the exact opportunity needed to expand that relationship into a diplomatic one as well, further increasing the economic benefits for Japan.

Nixon's announcement also gave Japan the opportunity to pursue its own foreign policy interests for the first time. After World War II, Japan “found its China policy virtually prescribed by the U.S. policy of isolation toward China.”⁵⁶ Because of the U.S. anti-communist strategy, Japan was “forced...to establish diplomatic relations with Taipei rather than Beijing.”⁵⁷ However, Nixon's announcement liberated Japan from being habitually trapped by U.S. foreign policy for two reasons. First, because the United States chose to communicate with the PRC, it was implicit that America had decided to acknowledge the communist government's legitimacy, which meant that Japan was able to do so as well.⁵⁸ Second, in failing to inform the Japanese government of its intentions before interacting with the PRC, the United States broke the trust that

the two countries had built. The secretive actions taken by the United States provided an excuse for Japan to form its own diplomatic relations with China regardless of U.S. position on the PRC.

In addition to forever changing the relationships between Japan and the United States and between China and Japan, the Nixon Shock also altered the relations between Japan and several other countries. The most obvious of these changed relationships was the one between Japan and Taiwan, which ended when Japan chose to recognize the PRC as the official government of China. Although Japan severed its diplomatic ties with Taipei, Japanese leaders told the Taipei government that they desired to maintain their cultural and economic ties. The Taiwanese responded by saying that they wanted nothing except for the Japanese government to "stop betraying its friends."⁵⁹ As the Japanese could obviously not recognize two separate governments as the legitimate rulers of China, they were forced to cede their friendship with Taiwan.

Relations between Japan and the communist nations of North Korea and the Soviet Union were also influenced by the Nixon Shock. In the aftermath of Nixon's announcement, "Japanese officials reconsidered their policy toward the communist countries with which successive U.S. administrations had forbidden Japan to have diplomatic and even economic relations."⁶⁰ Thus, in early 1972, Japanese Foreign Minister Fukuda Takeo sent government officials to Hanoi to discuss the possibility of relations with North Korea.⁶¹ Also in the wake of the shocks, the Soviet Union approached Japan to see if they could "gain influence" while anger toward the Americans was still a prominent feeling in Japan.⁶² In January 1972, Soviet Foreign Minister Andrei Gromyko visited Japan to discuss the possibility of improved relations between the two countries. However, neither of these relationships ultimately changed because the Japanese government was not upset enough about the Nixon Shock to sacrifice its still-strong relationship with the United States over either the Soviet Union or North Korea.⁶³ On a lesser scale, Japan did recognize Bangladesh and the Mongolian People's Republic as a way of embarrassing and lashing out against the United States.⁶⁴ These relations were significant because the United States had not yet recognized either country.⁶⁵ Despite the fact that the Japanese chose not to recognize the more important communist nations of North Vietnam and the Soviet Union, that they approached these nations was significant in and of itself. It showed that Japan was moving into a new era in its history in which it would stand on more equal footing with the United States.

The Sino-Japanese relationship that indirectly resulted from Nixon's announcement had many positive implications for both countries. Politically, the treaty built the framework for cooperation between the two nations and helped to end long-term hostility.⁶⁶ This goal was greatly aided by the concessions that China made in order to promote relations, including waiving claims against the Japanese for war reparations and agreeing that the U.S.-Japan Security Treaty was acceptable and could co-exist with a Sino-Japanese agreement.⁶⁷ Economically, the relations were a step forward for the countries because they opened an unprecedented trade market between China and Japan.⁶⁸ After establishing relations with each other, each country saw an increase in both its imports and exports.⁶⁹ Socially, the relations resulted in cultural exchange between China and Japan and brought about a deeper mutual

understanding between the peoples of both countries.⁷⁰ Therefore, while tensions and disputes between China and Japan persisted in the years following their normalization, the establishment of diplomatic relations between the two countries proved to be a positive development for both nations throughout the 1970s.

The Nixon Shock of 1971 was a turning point in Japan's history. While President Nixon may have been right when he said that his announcement "only accelerated an evolution in the U.S.-Japanese relationship that was in any event, overdue, unavoidable, and in the long run, desirable,"⁷¹ his actions were detrimental to the Japanese-American relationship. Despite an eventual improvement in relations, the "after-effects from the Nixon 'shocks'...lingered on in Japan and remain[ed] a sore spot in Japanese-U.S. relations" for many years after 1971.⁷² It is important to note, however, that the negative impact of the worsening relationship with the United States was not the only side effect of the Nixon Shock. In August 1971, Tanaka said that the U.S.-China relations were "...good news. Now everything is easier for Japan."⁷³ The Shock allowed Japan a way to at least partially escape from the dominance of the United States, and the country was given an opportunity to stand alone—and therefore, to stand taller—in world politics for the first time since World War II. As it started acting outside of the American realm, Japan grew more important in the eyes of other nations. In this way, the country began to re-establish its dignity and the respect it had lost in World War II and slowly moved towards the greatness it once held.

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- ⁴ Robert Ross, "U.S. Relations with China," *The Golden Age of the US-China-Japan Triangle: 1972-1989*. Eds. Ezra F. Vogel, Yuan Ming, and Tanaka Akihiko, (Cambridge: Harvard University Press, 2002), 83.
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- ³⁴ Ibid., 89.
- ³⁵ Hsiao, 107.
- ³⁶ Ogawa.
- ³⁷ Yoshihide, 213.
- ³⁸ Maki, 295.
- ³⁹ Ibid., 292.
- ⁴⁰ Ogawa.
- ⁴¹ Hsiao, 106.
- ⁴² Mataka, 64.
- ⁴³ Ito, 93.
- ⁴⁴ Ibid., 91-92.

- ⁴⁰ Hsiao, 109.
- ⁴¹ Yoshitake, 214, and Hsiao, 108-109.
- ⁴² "China and Japan," *Kodansha Encyclopedia of Japan*, Online, Accessed 14 October 2006.
- ⁴³ Ito, 100.
- ⁴⁴ Several factors prevented the United States from more rapidly establishing relations with China: First, the Watergate scandal distracted the government. In the aftermath of the scandal, President Ford was immediately launched into a re-election campaign and was unable to focus more completely on China. Other factors included the widening of differences between the United States and China regarding how to deal with the USSR, the radicalization of China's domestic policies, and the widening perceptual gap about Taiwan between the two countries; the United States wanted to maintain at least partial relations with Taiwan, while Chinese leaders expected them to sever all ties with the Nationalist government. (Ross, 84, and Jia Qingguo, "Chinese Relations with the United States," *The Golden Age of the US-China-Japan Triangle: 1972-1989*, Eds. Ezra F. Vogel, Yuan Ming, and Tanaka Akihiko, (Cambridge: Harvard University Press, 2002), 117-118).
- ⁴⁵ Qingguo, 120.
- ⁴⁶ Ito, 50.
- ⁴⁷ Kamiya, 721.
- ⁴⁸ Ito, 80.
- ⁴⁹ Curtis, 139. Emphasis mine.
- ⁵⁰ Ito, 80.
- ⁵¹ Kamiya Mataka, "Japanese Politics and Asia-Pacific Policy," *The Golden Age of the US-China-Japan Triangle: 1972-1989*, Eds. Ezra F. Vogel, Yuan Ming, and Tanaka Akihiko, (Cambridge: Harvard University Press, 2002), 63-64.
- ⁵² *Ibid.*, 63-64.
- ⁵³ Overholt, 711.
- ⁵⁴ Hsiao, 114.
- ⁵⁵ Ito, 90.
- ⁵⁶ *Ibid.*, 90.
- ⁵⁷ *Ibid.*, 56.
- ⁵⁸ *Ibid.*, 56-57, 91.
- ⁵⁹ Overholt, 715.
- ⁶⁰ U.S. relations with Bangladesh were prevented because of the close U.S.-Pakistan alliance. (Bangladesh had broken off from Pakistan to form its own independent Hindu nation.) Mongolia had not been recognized because it was a communist country. ("United States," Online at <http://countrystudies.us/bangladesh/111.htm>. Accessed 29 October 2006.)
- ⁶¹ Tuosheng, 193-194.
- ⁶² Hsiao, 110.
- ⁶³ Tuosheng, 205.
- ⁶⁴ *Ibid.*, 193-194.
- ⁶⁵ *Ibid.*, 193-194.
- ⁶⁶ Kamiya, 719.
- ⁶⁷ *Ibid.*, 719.
- ⁶⁸ Hsiao, 112.

