



# **Rice Historical Review**

**Vol. 7  
2022**

# TIDES

History might be described as perpetually on the precipice — constantly on the verge of happening, of becoming. This eternal tension manifests as an unending push and pull. It is history driven by dialectical rhythms and movement. As we are compelled by the pushes and pulls of historical momentum, we imagine a vision of tides rolling and unrolling, emerging and collapsing onto the shore, bubbling. The tide pulls in moments of transfiguration, revolution, conflict, perhaps on the occasion, rest. Waves collide, coalesce, and recede, hissing as they seep between the gaps of the infinite grains of sand. Beneath the tension of the waves on the surface, undercurrents chip away at the sand, rocks, and land. Suddenly, the shape of the land, our world, has remarkably and revolutionarily become something new, something we have never seen or known before.

*Katie Nguyen, Director of Publishing*

The background of the cover is a photograph of a coastal scene at sunset or sunrise. In the foreground, there's a concrete railing. To the left, a blue two-story house is visible. The middle ground shows a body of water with some wooden pilings or a pier extending into it. The sky is a mix of orange, pink, and blue, with a few clouds. Power lines run diagonally across the upper left portion of the image. A semi-transparent grey rectangle is centered over the image, containing the title and volume information in white text.

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# LETTER FROM THE EDITORS

At the start of the 2021-2022 academic school year, we all looked to the future with equal parts anxiety and desperation. The past year had truly been a time that tried all souls — even the most steadfast among us found it difficult not to become sunshine soldiers and give up on our mission amidst the wearing challenges of the ongoing pandemic. Yet despite our dark times we found reasons to hope in the incremental moves back to normality — the transition back into physical classrooms, eating indoors and even removing mask mandates to name a few. Though we live through history at any given moment, we are seldom conscious of it. Yet in the past year no one has had the ability of detaching their own lives from the tidal waves of history - on either the local or international levels. The invasion of Ukraine, among many other events, pierced through the imagination of every observer around the globe. Fittingly, the articles in this issue of the *Rice Historical Review* discuss highly tumultuous periods in history throughout a wide geographical range across the world. Our current issue will take the reader from rebel factions in the colonial Caribbean to a US courtroom, from *belle époque* Germany to Ghadar mutineers in Singapore and Thailand.

The winner of this year's prestigious Lear Prize is "Rebels in the Caribbean" by Ben Schacter. It examines why two Taino and Wolof uprisings are separated in current literature, highlighting how the racial composition of these revolts affected the magnitude of Spanish retaliation and shaped historical interpretations of them. Next, Moses Glickman's "The Center Cannot Hold" delves into the reasons why the Catholic Center Party gradually lost a considerable portion of its voter base through the late 19th century, leading to the destabilization of the Weimar Republic. Making use of complex sources in Punjabi, "A Forgotten Revolution" by Mehek Jain presents a transnational perspective on the history of the Ghadar Movement, its international ramifications, and its contributions to the eventual Indian independence through a nuanced discussion. Finally, "A History of Treason Law" by Ben Baker Katz, traces the evolution one of the most complex elements of one of the earliest crimes outlined by the constitution, examining why it does not take a more prominent role in American legal history.

We stand today on the edge of a new tide — the tide of the post-COVID world order, filled with equal opportunities and challenges, hopes and dangers. Though it seems we may have to build from scratch much of what we took for granted prior to the pandemic, if history teaches us anything it is that nothing is ever truly new. As we gaze upon this unprecedented horizon, we must remember that each revolution is rooted in ongoing historical processes, that each incoming tide is moved by the one before it. These concepts have served as the inspiration for the theme of this year's publication: tides. Moreover, while we contemplate the direction our world is to take, we also want to acknowledge the foundations on which our endeavors are built and the previous accomplishments that inform our ongoing efforts. The pioneers that gave life to this journal were determined to create an opportunity for historical research to thrive with the idea that we can further our future by promoting the past. By the perseverance and fortitude of our board members, who remained committed to our predecessors' mission, we have the pleasure of presenting readers with this seventh issue of the *Rice Historical Review*. We hope that it serves as a reminder of the wisdom and insight that can be derived from excellent historical research as we move forward into our new normality.

**Victoria Saeki-Serna and Bora Göbekli**  
*Co-Editors-in-Chief*

# THE FLOYD SEYWARD LEAR PRIZE

## 2022 WINNER

REBELS IN THE CARIBBEAN  
BLACK AND INDIGENOUS ANTI-COLONIAL ALLIANCES  
IN 16TH-CENTURY QUISQUEYA

The Floyd Seyward Lear Prize for Best Essay is an annual prize awarded jointly by the *Rice Historical Review (RHR)* and the Rice University History Department for the best submitted article to the *RHR*. The award is in honor of Dr. Floyd Seyward Lear, who was a member of the faculty at the Rice Institute (later Rice University) in the Department of History from 1925 to 1975, the year of his death. He was Assistant Professor from 1927 to 1945, Professor in 1945, Harris Masterson Jr. Professor of History in 1953 (the first to hold this chair), and Trustee Distinguished Professor from 1965. He served as chairman of the Department of History from 1933 to 1960.



Dr. Floyd Seyward Lear (left) and Dr. Katherine Fischer Drew (right)

Source: Woodson Research Center

All papers submitted to the *Rice Historical Review* were automatically considered for this award. After submissions have been reviewed, nominated articles selected for consideration were reviewed by the *RHR* editorial board. Through consensus, the board narrowed down the pool to two nominees. The Department of History Undergraduate Studies Committee evaluated the final three candidates and decided the winning article. The author of the winning essay received a \$500 award.

This year, the History Department and *Rice Historical Review* Board have awarded the Lear Prize to Ben Schachter, author of the “Rebels in the Caribbean: Black and Indigenous Anti-Colonial Alliances in 16th-Century Quisqueya.” This article distinguishes itself for its consciousness of extant literature, its treatment of collective memory, and its ability to read sources for silences.

The Rice Historical Review would like to thank Dr. Katherine Fischer Drew, Lynette S. Autry Professor Emeritus, for giving us the possibility to provide this scholarship.

## REBELS IN THE CARIBBEAN



Katie Kirkpatrick. *Caribbean Movements*. Paper collage.



# REBELS IN THE CARIBBEAN: BLACK AND INDIGENOUS ANTI-COLONIAL ALLIANCES IN SIXTEENTH-CENTURY QUISQUEYA



**Ben Schachter**

**Written for Black and Indigenous Political**

**Mobilization in the Americas**

**(HIST 478)**

**Dr. Correa Ochoa**

Sometime in 1519, the Taíno *cacique*, an indigenous leader, known to the Spanish as Enriquillo joined with a small group of supporters and fled to the Batoruco Mountains in Quisqueya, the island which now consists of the Dominican Republic and Haiti. Roughly two years later, on December 26, 1521, approximately twenty Wolof people, enslaved by the governor of the Spanish colony of Hispaniola, Diego Colón, near the Nigua River, rose up in revolt against their bondage and killed a number of Spanish men. Now, just over five hundred years after the daring rebellion of those enslaved Africans, a reckoning with historical interpretations that have divided these two acts of anti-colonial resistance along racialized lines is past due. This paper uses a combination of primary source analysis, with special emphasis placed on the presence of racialized terms, and historiographical review of secondary analyses of the rebellions to seek an understanding of how and why the revolts have been treated by some historians as distinct, unrelated events. This paper argues that the racial composition, or at least the perceived racial composition, of the revolts affected the magnitude and brutality of the respective Spanish responses,

## REBELS IN THE CARIBBEAN

shapes the historiography of these uprisings, and complicates our understanding of marronage in colonial Spanish societies. Further, over-reliance on imperial chronicles and misapplication of modern racial categories to sixteenth century thinking has inaccurately shaped historical interpretations of the revolts.

Enriquillo's rebellion and the Nigua revolt had different but related causes. Certain sources indicate that Enriquillo's flight to the mountains was preceded by a personal conflict with his *encomendero*, a Spanish landholder and recipient of tribute from indigenous peoples, Andrés de Valenzuela.<sup>1</sup> This is only part of the story, though. Five years prior to the *cacique's* escape, in 1514, the Spanish colonial government instituted a policy of *repartimiento*, in which Quisqueya's Indigenous population (those who remained following the mass-death event of European contact) were forcibly resettled to new locations where they were forced to labor on behalf of Spanish settlers.<sup>2</sup> The *repartimiento* ran in direct opposition to previous Spanish strategies of maintaining the *cacique* system wherein local power brokers maintained an important role in the payment of tribute and supply of laborers. This action, known as the *Repartimiento de Albuquerque*, along with a shift towards the importation of Black and Indigenous enslaved laborers from outside of Hispaniola, was one of the most significant steps the Spanish took in reducing the influence of *caciques* like Enriquillo.<sup>3</sup> Surely, this insult to his authority influenced Enriquillo's choice to rebel.

The Nigua rebels also rose up in a rejection of Spanish authority. In assessing the causes of their revolt, it is essential to consider how the enslaved Africans arrived in Hispaniola in the first place. As noted previously, the devastation of the native Taíno population of Quisqueya led the Spanish settlers to look elsewhere for a source of forced labor. Initially, the colonizers tried to avoid importing and enslaving Africans from the continent, also known as *bozales*, in favor of *ladinos*, Africans who had already been enslaved in Spain for some time. The perception was that their familiarity with Spanish culture and previous enslavement would make them less rebellious; this was quickly proven to be erroneous after a mass flight from bondage by enslaved *ladinos* in 1503.<sup>4</sup> Now

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1. Bartolomé de las Casas, *Historia de las Indias*, libro 3, capítulos CXXV, found in vol. 5 of 5, 6-7 (Project Gutenberg e-book), <https://www.gutenberg.org/cache/epub/53131/pg53131-images.html>.

2. Ida Altman, "The Revolt of Enriquillo and the Historiography of Early Spanish America," *The Americas* 63, no. 4 (2007): 594.

3. Erin Woodruff Stone, "America's First Slave Revolt: Indians and African Slaves in Española, 1500-1534," *Ethnohistory* 60, no. 2 (2013): 198-199.

4. Ana Ozuna, "Rebellion and Anti-colonial Struggle in Hispaniola: From Indigenous Agitators to African Rebels,"

seeking a replacement source of labor, the Spanish committed themselves to an act of cognitive dissonance, all of the sudden concluding that bozales would be “*esclavos dóciles*” (docile slaves).<sup>5</sup> They were proven to be wrong once again when the Nigua rebels violently rejected their enslavement on December 26, 1521. It is unclear whether the rebellion was sparked by a specific offense by the Spanish enslavers or the more quotidian evils of slavery. What is certain, however, is that the rebels took advantage of the Christmas holiday to plan the uprising and strike the Spanish while they were vulnerable.<sup>6</sup>

Finally, a brief note on sources. All of the primary sources consulted in this paper were created by the Spanish colonial regime. This fact shapes what these sources say, and fail to say, thereby affecting what can be learned from them. Using Michel-Rolph Trouillot’s phrasing, we would say that the power imbalance between the Spanish empire and the Black and Indigenous residents of Quisqueya manifests in the silences created by such records.<sup>7</sup> Further, these sources were all originally written in sixteenth century Spanish. Translations have been provided for these sources, and where they have not been previously translated by other scholars, by the author. Certain offensive and outdated terms appear, but where appropriate have been updated in the translations. Also, it should be noted that the author is a non-native Spanish speaker, and apologizes for any errors in translation.

### Racializing the Revolts

Historians have tended to classify the two revolts against Spanish colonialism differently along ethnoracial dividing lines — essentially, the Nigua revolt was Black whereas Enriquillo’s rebellion was Indigenous. This section of the paper reviews primary sources related to the Nigua revolt and Enriquillo’s rebellion, paying particular care to the use of racially identifying terms. This racialization is then compared with the treatment of both insurgencies in secondary scholarship, with consideration of how perceptions of the identities of rebels may affect understandings of their actions and their legacies. Central to this analysis is

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Africology: The Journal of Pan African Studies 11, no.7 (2018): 81.

5. Carlos Esteban Deive, *Los guerrilleros negros: esclavos fugitivos y cimarrones en Santo Domingo* (Santo Domingo: Fundación Cultural Dominicana, 1989), 36.

6. Anthony Stevens-Acevedo, *The Santo Domingo Slave Revolt of 1521 and the Slave Laws of 1522: Black Slavery and Black Resistance in the Early Colonial Americas* (New York: CUNY Dominican Studies Institute, 2019), v-vi.

7. Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995), 26, 29.

understanding the fluid, overlapping, and context-dependent nature of racial categories in the sixteenth century colonial Spanish Caribbean.

***“Despite what de las Casas’ choice of terminology may allude to, Indigenous slavery was a common practice and key to what the Spanish meant when they described someone as indio.”***

Sixteenth century European colonizers did not conceptualize race in the same way as many in the US do today. Peter Wade provides a useful guide to unpacking the term’s evolving usage over time. He writes, “[race’s] central meaning... linked...a group of people [to a shared] certain ancestry which might give them more or less common qualities...The main explanations for human difference were environmental and this was seen as affecting both the social and political institutions of human society and bodily difference.”<sup>8</sup> William Phillips complicates Spanish understandings of race and slavery further, acknowledging that while Iberians “recognized differences of skin color as well as cultural distinctions and categorized slaves accordingly...religion and language, though, tended to be more important categories.”<sup>9</sup> Phillips especially highlights the danger in applying modern understandings of race to this time period. These are far from the only perspectives on race and slavery in this time period. Another emphasizes ties between Blackness and slavery. Michael Gomez argues that Mansa Musa’s huge number of enslaved people slated “Africa as an inexhaustible source of black labor in lastingly harmful ways” in European eyes.<sup>10</sup>

One of the most important contemporary accounts of Enriquillo’s resistance comes from Bartolomé de las Casas’ *Historia de las Indias* (*History of the Indies*),

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8. Peter Wade, *Race and Ethnicity in Latin America* (New York: Pluto Press, 2010), 5-7.

9. William D. Phillips, Jr., *Slavery in Medieval and Early Modern Iberia* (Philadelphia: University of Pennsylvania Press, 2014), 72.

10. Howard French, “Africa’s Lost Kingdoms,” *New York Review of Books*, June 27, 2019, <https://www.nybooks.com/articles/2019/06/27/medieval-africa-lost-kingdoms/>.

where the rebellion is covered in the course of three chapters. De las Casas' recounting of the events has been characterized as romanticized, particularly his depiction of Enriquillo as solely reactive to Spanish offenses.<sup>11</sup> Nonetheless, it is valuable as one of very few contemporary accounts of the uprising. In de las Casas' narrative, the only racial descriptor ascribed to Enriquillo and his followers is *indio* (Indian, or Indigenous).<sup>12</sup> Enslaved people, be they African *bozales*, *ladinos*, or Indigenous, are entirely absent from the story. In fact, the only use of the word *esclavo* comes in the context of describing Enriquillo's treatment at the hands of his *encomendero*: Enriquillo "dijo á Valenzuela..." (said to Valenzuela, his *encomendero*) "que se tornase, porque no había de ir con él, ni de sus indios nadie, y como el mozo Valenzuela lo tuviese como esclavo y mayor menosprecio que si fuera estiércol de la plaza, como todos los españoles han tenido siempre y tienen á estas gentes por más que menospreciadas" (that he should turn back, because no one would go with him, and how Valenzuela treated him as a slave, and with more contempt than if he were manure from the town square, like the Spanish had and always have treated these despised people).<sup>13</sup> Here it is important to unpack the meaning of the word *indio* in this particular colonial context. Specifically, it is crucial to consider the laborial aspect of Indigeneity in the Spanish imagination. The colonizers developed a justification for "legitimately" enslaving Indigenous Americans and extracting labor and tribute from individuals and communities.<sup>14</sup> Despite what de las Casas' choice of terminology may allude to, Indigenous slavery was a common practice and key to what the Spanish meant when they described someone as *indio*. Underlying this analysis is de las Casas' famous indictment of Indigenous enslavement and suggestion that enslaved Africans be substituted in their place.<sup>15</sup> Implicit in de las Casas' logic is that both Indigenous and African peoples were apt for enslavement.

Turning to the Nigua revolt, this paper also refers to a different sort of primary source. Gonzalo Fernández de Oviedo's 1535 *Historia General y Natural de las Indias* (*General and Natural History of the Indies*) may be the closest parallel to de las Casas' royal chronicle, which covers the 1521 enslaved uprising. Oviedo's

11. Altman, "The Revolt of Enriquillo and the Historiography of Early Spanish America," 587.

12. Bartolomé de las Casas, *Historia de las Indias*, libro 3, capítulos CXXV-CXXVII, found in vol. 5 of 5, 6-23 (Project Gutenberg e-book), <https://www.gutenberg.org/cache/epub/53131/pg53131-images.html>.

13. de las Casas, *Historia de las Indias*, 8.

14. Wade, *Race and Ethnicity in Latin America*, 25.

15. "The Black Legend," *Digital History*, University of Houston, accessed December 16, 2021, [https://www.digitalhistory.uh.edu/disp\\_textbook.cfm?smtID=3&psid=52](https://www.digitalhistory.uh.edu/disp_textbook.cfm?smtID=3&psid=52).



narrative is relatively simplistic; its tone can largely be encapsulated in the concluding sentence of the story: “And in this manner the Blacks that rose up were punished as it was adequate to their daring and madness, and all the rest of them were scared from there on, and convinced of what will be done to them if such a thing went through their minds, their punishment delayed no more than what it may take for their luck to reveal their evil.”<sup>16</sup> Despite the similarities this chronicle shares with de las Casas,’ for the sake of maintaining both brevity and a diversity of primary sources, this paper instead primarily consults here Governor Diego Colón’s 1522 “Ordenanzas Sobre los Negros y Sus Amos” (ordinances about Black people and their enslavers). The ordinances were issued mere days following the outbreak of the Nigua revolt, and represent the earliest surviving example of a slave or Black code issued in the “New” World. Unlike de las Casas’s description of Enriquillo and his followers as exclusively Indigenous, Colón’s ordinances reflect a degree of ethnic and racial diversity within the category of the enslaved. The beginning of the ordinances refer specifically to Black people: “Este es tr[e]slado bien e fielmente/ sacado de çiertas hordena[n]ças tocantes al remedio/ e castigo de los negros/” (this is translated well and faithfully, taken from certain ordinances relating to the treatment/punishment of Black people).<sup>17</sup> Yet, at other stages of the ordinances, other classes of enslaved people are referenced, like “todos/ los negros e blancos e canarios q[ue] son esclavos” (all of the Black people, white people, and people from the Canary islands that are slaves) Indigenous people are mentioned in the laws only as an already depleted labor force, perhaps suggesting that ideas about Black and Indigenous people were constructed differently, but unified by Spanish exploitation of their capacity to work.<sup>18</sup> This diversity within the enslaved population tracks with trends in enslavement in Hispaniola. Enslaved Europeans and Moors were transported to the island along with enslaved Indigenous people from across the Americas, before the Spanish began to rely more heavily on the importation of enslaved Africans.<sup>19</sup> The title of the ordinances is itself telling; why did Colón think it

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16. Gonzalo Fernández de Oviedo, *Historia general y natural de las Indias*, trans. Anthony Stevens-Acevedo. Found in Stevens-Acevedo, “The Santo Domingo Slave Revolt of 1521 and the Slave Laws of 1522,” 22.

17. These are the opening words of the ordinances. This paelographic transcription of the ordinances comes from Stevens-Acevedo, “The Santo Domingo Slave Revolt of 1521 and the Slave Laws of 1522,” 39. The original ordinances can be viewed online in Portal de Archivos Españoles (PARES), archived as “Virrey de Indias: ordenanzas sobre los negros y sus amos Archivo General de Indias,” *PATRONATO* 295, no. 104, <http://pares.mcu.es/ParesBusquedas20/catalogo/show/132717?nm>.

18. Stevens-Acevedo, *The Santo Domingo Slave Revolt of 1521 and the Slave Laws of 1522*, 35, 43.

19. Stone, “America’s First Slave Revolt: Indians and African Slaves in Española, 1500-1534,” 202-3. Also Lynne A. Guitar, “Cultural Genesis: Relationships Among Indians, Africans and Spaniards in Rural Hispaniola, First Half of the Sixteenth Century,” (PhD diss., Vanderbilt University, 1998), 173-174.

necessary to single out enslaved Black people? Perhaps this choice is indicative of an early step in the codification and racialization of slavery as Black in the Americas.<sup>20</sup>

These two primary sources present a relatively straightforward and dichotomous racial classification of the distinct rebellions. This narrative, however, is complicated by recent scholarship that links Black and Indigenous resistance in Quisqueya, some researchers even tying together Enriquillo's rebellion and the Nigua revolt. Erin Woodruff Stone has undertaken some of the most extensive research on the Black and Indigenous residents of early sixteenth century Hispaniola. Drawing on archaeological and archival evidence, she argues that the "majority of the [Nigua] rebels successfully escaped to the safety of the Bahoruco Mountains. Within the mountains, the African slave rebels joined with a group of Indigenous fugitives, or *indios negros*, led by the cacique Enriquillo... These two diverse groups melded together, fighting the same enemy, perhaps even intermarrying, and creating their own distinct culture." The label of *indios negros*, literally translated to Black Indians, derives from a 1530 letter from the *Audiencia de Santo Domingo*, the governing body of the capital city, to the Spanish crown in reference to the combined group of Black and Indigenous maroons but also indicates that in the eyes of the Spanish judicial system, ethnoracial labels were fluid and dynamic. Woodruff Stone cites proximity during labor in gold mines as one factor which facilitated the alliance between enslaved Black people and oppressed (and in some cases, enslaved) Indigenous people.<sup>21</sup> Likewise, Carlos Esteban Deive concurs that the Bahoruco Mountains were a "refugio ideal de todos los cimarrones," (an ideal refuge for all maroons) and that they "atrajeron indistintamente a indios y negros alzados... [que] compartieron el mismo lugar de asilo" (which indistinctly attracted Indigenous people and fugitive Black people).<sup>22</sup> Lynne A. Guitar similarly broadens the ethnoracial network of Enriquillo's maroons, as inclusive of both Indigenous and Black people who fled from Spanish control to the autonomous, mountainous community. She also concurs that these enslaved rebels at the very least intended to join Enriquillo's group, although she does not reach a conclusion as to whether they were successful in doing so.<sup>23</sup> These new interpretations highlight the likelihood that some degree of interracial collaboration and marronage occurred and was

20. Stevens-Acevedo, *The Santo Domingo Slave Revolt of 1521 and the Slave Laws of 1522*, 35, 19.

21. Stone, "America's First Slave Revolt: Indians and African Slaves in Española, 1500-1534," 196, 203, 206, 213.

22. Deive, *Los guerrilleros negros*, 37.

23. Guitar, "Cultural Genesis," 353, 363.

silenced in imperial narratives of Hispaniola.

Still, there is certainly no consensus on this matter, and a number of scholars have studied the rebellions as separate and seemingly unrelated events. Ida Altman identifies Enriquillo's rebellion as an early, important, and sustained example of Indigenous resistance to European colonization. However, she contains the uprising as just that — Indigenous — and does not consider the possibility of interracial or interethnic collaboration.<sup>24</sup> The same can be said of some scholarship surrounding the 1521 Nigua revolt. Anthony Stevens-Acevedo wrote a lengthy monograph about the enslaved people's uprising, but Indigenous actors are largely absent from his analysis. In discussion of Colón's 1522 ordinances, he does briefly ponder "whether there may have been any collaboration between enslaved Blacks and enslaved Whites or Natives, in... earlier escapes," but he does not carry this line of thinking any further.<sup>25</sup> Similarly, Dominican historian Amadeo Julian's extensive writing on the Nigua revolt acknowledges the genocide of Indigenous Taínos as a factor in the Spanish colonizers' increased reliance on enslaved Africans and *ladinos*, but does not discuss the possibility of any collaboration between Indigenous people and Black rebels rejecting enslavement.<sup>26</sup>

The aforementioned primary sources and assorted secondary analyses paint a complicated picture of the overlapping uprisings of the enslaved Africans at Diego Colón's plantation and the mostly Indigenous followers of Enriquillo. This paper posits that overreliance on imperial chronicles, the likes of those written by de las Casas and Oviedo, may be partly responsible for some historians' inaccurate racialization of the Nigua revolt as *solely* Black and Enriquillo's rebellion as *solely* Indigenous. The seeming contradictions contained within the 1522 ordinances ought to be enough to reject a simple understanding of the racial composition of the Nigua revolt, yet that evidently has not proven to be true. The subsequent sections of this paper delve into how race may have affected the Spanish colonial regime's respective responses to each rebellion, and how the racial composition(s) of the uprisings complicate or expand understandings of marronage.

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24. Altman, "The Revolt of Enriquillo and the Historiography of Early Spanish America," 588.

25. Stevens-Acevedo, *The Santo Domingo Slave Revolt of 1521 and the Slave Laws of 1522*, 11.

26. Amadeo Julian, "El ingenio de Diego Colón y la rebelión de sus esclavos en 1521," *CLÍO* 84, no. 189 (2015): 11-95.

Locating Spanish Responses to Rebels

The imperial Spanish government of Santo Domingo responded in disparate

***“The document betrays the Spanish settlers’ sense of panic and desperation to control the movements and actions of the people they enslaved. It would also serve as a template of sorts for future laws developed by various American slave societies in their attempts to legislatively deny Black freedoms.”***

ways to the Nigua rebels and Enriquillo’s fugitive community, despite the uprisings’ shared temporal and geographic settings. Before any analysis can be conducted, it is important to establish the course of events of each respective Spanish response to these instances of resistance. This is perhaps an easier task with regards to the Nigua revolt, if in large part due to its shorter timespan. Multiple sources describe a swift and relatively heavy-handed military response by Spanish forces. Lynne A. Guitar writes that “in [the city of] Santo Domingo, Colón gathered together a small troop of horsemen and foot soldiers and rushed out to crush the rebellion.”<sup>27</sup> Amadeo Julian relates that the rebellious acts of the enslaved participants in the revolt, “fueron combatidas por el propio virrey y gobernador Diego Colón, quien logró contenerlas al actuar con rapidez y auxiliado con un contingente de gente de a pie y a caballo” (were fought by the viceroy and governor Diego Colón, who managed to contain them by acting with speed with the support of a contingent of people on foot and horseback).<sup>28</sup>

There is less certainty on the question of what became of the enslaved participants in the rebellion. The royal chronicles assert that the Spanish forces

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27. Guitar, “Cultural Genesis,” 364.

28. Julian, “El ingenio de Diego Colón y la rebelión de sus esclavos en 1521,” 18.

eventually tracked down and killed all of the insurgents.<sup>29</sup> In sharp contrast, Erin Woodruff Stone asserts that most of the rebels actually escaped the Spanish soldiers sent to kill them and escaped to join Enriquillo's band of maroons in the mountains.<sup>30</sup> Woodruff Stone's analysis seems to be much more apt, based on the text of the 1522 ordinances governing Black and enslaved people in Hispaniola. Specifically, the ordinances contain a clause which would allow a fugitive enslaved person to return, without punishment, to their enslaver's plantation, so long as it was within ten days of their flight. In contrast, longer absences would result in loss of a foot or eventually, death.<sup>31</sup> It is also possible, though, that all of the Nigua rebels were captured and the ordinance was issued to cover future escapees. The sources make it difficult to reach a concrete conclusion.

It should be noted, though, that perhaps the most important aspect of the Spanish response to the Nigua revolt lies not in whether every individual rebel was captured or killed, but in the issuing of the January 6, 1522 ordinances by Diego Colón. These ordinances spelled out not just punishments for enslaved rebels and runaways, but also institutionalized enslavers' control over their bondspeople's movements, explicitly denied enslaved people access to weapons, and developed an insurance system to compensate enslavers whose human property died during the pursuit of fugitives.<sup>32</sup> The document betrays the Spanish settlers' sense of panic and desperation to control the movements and actions of the people they enslaved. It would also serve as a template of sorts for future laws developed by various American slave societies in their attempts to legislatively deny Black freedoms. Still, it was not the first such law in Santo Domingo, as the ordinances themselves reference at least one earlier set of provisions governing enslaved people.<sup>33</sup> These earlier regulations also seem to have included clauses setting out the physical maiming of enslaved people as punishments, as testimony recorded in the capital city of Santo Domingo in 1519 (coincidentally the same year as Enriquillo's rebellion began) details an exchange between a *licenciado* (Spanish judicial official) and a surgeon who was to carry out the physical torture: "este testigo le pregunto por donde se avian de /cortar los pies A los dichos esclavos e que el dicho liçençiado /çuaço Respondio

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29. Guitar, "Cultural Genesis," 364.

30. Stone, "America's First Slave Revolt: Indians and African Slaves in Española, 1500-1534," 196.

31. For the text of this clause, see Stevens-Acevedo, *The Santo Domingo Slave Revolt of 1521 and the Slave Laws of 1522*, 37, his analysis of the clause is on page 12. Lynne A. Guitar's interpretation of this clause, which I rely on more closely here, can be found in Guitar, "Cultural Genesis," 452.

32. Stevens-Acevedo, *The Santo Domingo Slave Revolt of 1521 and the Slave Laws of 1522*, 12-16.

33. Stevens-Acevedo, *The Santo Domingo Slave Revolt of 1521 and the Slave Laws of 1522*, 10.



que este testigo como çirujano señalase por don /de se avian de cortar” (the witness asked where he should cut the toes of the said enslaved people. The official responded that the witness, as a surgeon, should show where to cut).<sup>34</sup> Clearly, the policing and abuse of Black people was established early on in the conquest of the Americas and seen as an important part of the Spanish colonial order.

In sum, the Spanish colonial government of Santo Domingo’s response to the Nigua rebels was two-pronged, consisting of a quickly arranged and executed military campaign to wipe out the insurgents and developing an increasingly institutionalized, violent, and extractive regime of domination and exploitation of enslaved people. It is difficult to characterize the response to Enriquillo’s rebellion as coherently, in part because the rebellion unfolded over the course of a number of years. De las Casas’ chronicle offers a number of important details about how the Spanish attempted to rein in the *cacique*’s insurgency. After Enriquillo and his supporters fled to the mountains, a few initial military expeditions were sent to capture the group but were repulsed, and some Spanish soldiers were killed. A few years passed before the next attempt to capture Enriquillo, in 1525, which again failed.<sup>35</sup> In 1528, a peace of sorts was agreed between the *cacique* and his followers and a group led by Catholic officials, where the Spanish conceded that they would not attack the maroon community and Enriquillo returned gold which some of his supporters had seized during a previous raid.<sup>36</sup> Unsatisfied with this tenuous peace, the crown organized a final military campaign with the charge to “capture or kill or make peace with Enriquillo.” With the help of Indigenous guides, the Spanish finally found Enriquillo and after both sides made a number of concessions (including a full pardon for the *cacique*), a conclusive peace was reached.<sup>37</sup> Surely much to the disappointment of any of Enriquillo’s Black allies, he also agreed to help, find, disrupt, and capture any future Black fugitives and maroon communities as part of the peace accords.<sup>38</sup> This undermines notions of absolute solidarity between Enriquillo and Black maroons in Quisqueya, necessitating a more complicated analysis of ties within the maroon community.

34. “Severe punishment of black slaves in Santo Domingo (1519),” transcription, *CUNY Institute of Dominican Studies*, accessed December 17, 2021.

<http://ccnydigitalscholarship.org/dsi-blacks-in-america/exhibits/show/first-blacks-in-america/trial-7>.

35. Henry Raup Wagner, *The Life and Writings of Bartolomé de las Casas* (Albuquerque: University of New Mexico Press, 1967), 75-76.

36. de las Casas, *Historia de las Indias*, 20-21.

37. Wagner, *The Life and Writings of Bartolomé de las Casas*, 76-77.

38. Stone, “America’s First Slave Revolt: Indians and African Slaves in Española, 1500-1534,” 211.

There are clearly a number of factors that distinguish the Spanish response to Enriquillo's maroons and the Nigua rebels. While both rebellions garnered the Spanish crown's attention, it was not until after the outbreak of the Nigua revolt that the ordinances regarding fugitive enslaved people were issued; evidently Enriquillo's initial flight to the Bahoruco Mountains was not enough to instigate an institutional, legal change. Further, while both Spanish campaigns were primarily military in nature, church officials were also involved in the "pacification" of Enriquillo. This tracks with Enriquillo's Catholic upbringing and the Nigua rebels' alleged Muslim faith.<sup>39</sup> It would also appear that the *cacique* and his followers were given a chance to make peace that was never granted to the enslaved insurgents of the 1521 rebellion. As noted previously, the final 1532/1533 Spanish campaign was tasked to "capture or kill or make peace with Enriquillo."<sup>40</sup> A peace offer of this sort was never extended to the Nigua rebels, who were instead met with violence and summary execution.

Why were Enriquillo and his maroon community offered the opportunity to peaceably return to Hispaniola's colonial society, but the Nigua rebels not? If one were to rely heavily on de las Casas' essentialist recounting of the events, it is possible to conclude that Enriquillo and his followers were almost completely peaceful; his narrative has similarities with the noble savage trope and this framing clearly influenced his belief that enslaved Indigenous people be replaced by Africans. While it is certainly true that Enriquillo and his Indigenous followers were defending their ancestral land, it is inaccurate to characterize them as non-violent. Even de las Casas acknowledges that the maroons killed a number of Spanish soldiers who encroached. Despite this, descriptions of the actions of the enslaved insurgents of 1521 adopt a far harsher tone. Instead of self-defensive protectors, the Nigua rebels (according to imperial chronicler Oviedo) possessed the "intention and purpose to kill all the Christians they could."<sup>41</sup> While the violence used by the Nigua rebels is characterized differently, both groups were fundamentally fighting for their freedom in a colonized land. It appears that, again, race was a key factor in determining the magnitude and tenor of the Spanish responses to the respective rebellions. A Black-led rebellion was

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39. De las Casas writes a good deal about Enriquillo's faith, see for instance de las Casas, *Historia de las Indias*, 15-16. On the Nigua rebels being Wolof Muslims, see Guitar, "Cultural Genesis," 362; Stone, "America's First Slave Revolt: Indians and African Slaves in Española, 1500-1534," 209.

40. Wagner, *The Life and Writings of Bartolomé de las Casas*, 76.

41. Stevens-Acevedo, *The Santo Domingo Slave Revolt of 1521 and the Slave Laws of 1522*, 11.

seen as a foundational threat to the stability and safety of the colony, where an Indigenous-led rebellion could be tolerated for more than a decade.

Another possibility, though, is that it was not race which caused the disparate tactics and uses of force against the two rebel groups, but their respective positionalities in colonial Quisqueya. The Indigenous Taínos were an established community with whom the Spanish had some experience, in both exploiting and negotiating. On the other hand, the enslaved Africans were relative newcomers, taken far away from their homeland(s). Additionally, the Taínos would have possessed a knowledge of the land far beyond that of the Black rebels. Hence, with their familiarity with the geography and communal power, perhaps the Spanish saw Enriquillo's rebels as more formidable foes, necessitating a willingness to negotiate a peace deal.

Religion ought to also be considered as a factor in the violent Spanish answer to the Nigua revolt. If, as several sources purport, the enslaved people who rebelled in 1521 were Wolof Muslims, they could have also been subject to such a brutally decisive response due to their religious beliefs. As Ana Ozuna reminds us, it was "long-standing campaigns against Moorish rulers in the Iberian Peninsula" that "fostered a crusading zeal," which in turn propelled the Castilian crown to finance Columbus' voyages.<sup>42</sup> Another potential factor in the disproportionate Spanish response to the Nigua rebels may have been the settlers' dependence on enslaved Africans to work their mines and sugar plantations. This reliance was in large part caused by the depopulation of the Taínos, whose population in Hispaniola by 1519 may have been fewer than 3,000.<sup>43</sup> On the other hand, as early as 1509, enslaved West Africans may have outnumbered the Indigenous and Spanish populations of Hispaniola combined.<sup>44</sup> The relatively timid Spanish backlash against Enriquillo may have been tempered by the inevitable recognition that the future of forced labor in Hispaniola would be Black, not Indigenous. In contrast, this might have necessitated a harsh response to the Nigua rebels to show any potential insurgents the consequences of revolt. Whatever factors figured into the brutal Spanish response to the Nigua revolt, it certainly failed to prevent marronage.

### **Situating Marronage: Is it an Ethnoracial Term?**

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42. Ana Ozuna, "Rebellion and Anti-colonial Struggle in Hispaniola: From Indigenous Agitators to African Rebels," *Africology: The Journal of Pan African Studies* 11, no.7 (2018): 78.

43. Ozuna, "Rebellion and Anti-colonial Struggle in Hispaniola," 82.

44. Stone, "America's First Slave Revolt: Indians and African Slaves in Española, 1500-1534," 204.

The third section of this paper deals with the concept of marronage and situates Enriquillo's rebellion in the historiography of maroons. In the introduction to a foundational anthology on the study of maroons, Richard Price defines marronage as the collective act of running away from slavery to form a rural community in a "semi-independent enclave."<sup>45</sup> Willie Jamaal Wright expands this definition, arguing that "marronage is both a fugitive movement from bondage and the replication of an alternative world(view)."<sup>46</sup> While slavery existed across a number of temporal and geographic settings, the academic study of marronage pertains particularly to those who escaped from slavery in the Americas. In this context, José L. Franco locates the beginning of enslaved people's resistance to Santo Domingo.<sup>47</sup> Likewise, Frederick Rodriguez cites 1503 escapes by enslaved people in Hispaniola as the first instances of "recorded...flight by black slaves in the Americas." He goes on to name these rebels as *cimarrones* (maroons), while also detailing how this terminology encompassed multiple racial groups: "the word [*cimarron*] was later used to describe both Indian and black fugitives. On the other hand, Indians were also called *Indios alzados* or *rebelados*" (rebellious or fugitive Indigenous people). It is notable that Rodriguez highlights the fluidity of maroon as a category which could include both Black and Indigenous residents of Hispaniola; as he notes, in later centuries, the term came to be applied almost exclusively to Black people.<sup>48</sup>

In certain respects, Enriquillo's rebellion is central to how early ideas of marronage were formed. Rodriguez, Woodruff Stone, Ozuna, and Deive all explicitly refer to Enriquillo's rebels as maroons, even with the group being primarily of Indigenous composition.<sup>49</sup> It is worth considering whether this label may have been so readily applied because of the African presence within Enriquillo's group that is highlighted by scholars like Guitar, Woodruff Stone, and Deive. Whatever the case may be, it is also clear that the Spanish colonial

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45. Richard Price, ed., *Maroon societies: rebel slave communities in the Americas*, 3rd ed. (Baltimore: Johns Hopkins University Press, 1996), 1.

46. Willie Jamaal Wright, "The Morphology of Marronage," *Annals of the American Association of Geographers* 110, no. 4 (2020): 2-3.

47. Jose L. Franco, "Maroons and Slave Rebellions in the Spanish Territories," in Richard Price, ed., *Maroon societies: rebel slave communities in the Americas* (Baltimore: Johns Hopkins University Press, 1996), 35.

48. Frederick Rodriguez, "Cimarron Revolts and Pacification in New Spain, the Isthmus of Panama and Colonial Colombia, 1503-1800," (PhD diss., University of Loyola Chicago, 1979), 22.

49. Rodriguez, "Cimarron Revolts," 25; Stone, "America's First Slave Revolt: Indians and African Slaves in Española, 1500-1534," 208; Ozuna, "Rebellion and Anti-colonial Struggle in Hispaniola," 82; and Deive, *Los guerrilleros negros*, 31.

***“The fact that one of the first such challenges to enslaving authority came from a mixed group of Black and Indigenous freedom-fighters has a significance one can only begin to ponder.”***

regime considered a combined Black and Indigenous maroon community to be a serious, perhaps even existential, threat to the security and economy of Hispaniola. Deive writes that the Spanish created the *Hermandad*, a militia “cuya misión sería apresar a cuantos malhechores, esclavos negros e indios anduviesen fugitivos” (whose mission would be to repress criminals, enslaved Black people, and Indigenous people who moved around as fugitives).<sup>50</sup> The significance of Black and Indigenous marronage cannot be overstated. The formation of maroon communities represented the most enduring and devastating mechanism (absent a widespread revolution and overthrow of a colonial regime like the Haitian Revolution) enslaved people possessed to undermine the integrity of a colonial enslaving society.<sup>51</sup> Although it now seems too obvious to state, for previous generations of scholars maroons represented a key challenge not just to enslavers’ domination and capacity to force other humans to labor against their will, but also to those who doubted the existence of what Price terms a “slave consciousness,” which clearly existed despite enslavers’ attempts to destroy or subvert it.<sup>52</sup> The fact that one of the first such challenges to enslaving authority came from a mixed group of Black and Indigenous freedom-fighters has a significance one can only begin to ponder.

### **Conclusion: Collective and Historical Memory**

This paper hopes to contest the overly simplistic racial classification of the participants in Enriquillo’s rebellion, push back against narratives which separate

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50. Deive, *Los guerrilleros negros*, 8.

51. As Deive puts it, “el cimarronaje constituye la respuesta más contundente de los esclavos a su rechazo de la servidumbre y opresión a que fueron sometidos durante siglos por los regímenes esclavistas del Nuevo Mundo.” Deive, *Los guerrilleros negros*, 8.

52. Price, *Maroon societies: rebel slave communities in the Americas*, 2.



## REBELS IN THE CARIBBEAN

the Nigua rebels of 1521 from the community Enriquillo led in the Bahoruco Mountains, and contextualize the importance of this early instance of marronage in colonial Spanish America. An important lesson historians can draw from this analysis is to avoid falling into the trap of entering the archive with pre-conceived notions of *who* they are looking for in particular sources, and turning a blind eye to unexpected ethnoracial connections. Historian Yuko Miki explains this eloquently; while researching for a project on *quilombos* (maroon communities led by runaway enslaved people), she “kept on finding sources on people who were not supposed to be in the archive, and those were Indians.” She continues, “it ended up making [her] think about all these historical narratives that we’re



“Enriquillo Statue Santo Domingo,” *Wikimedia Commons*, available online at [https://commons.wikimedia.org/wiki/File:Enriquillo\\_Statue\\_Santo\\_Domingo.jpg](https://commons.wikimedia.org/wiki/File:Enriquillo_Statue_Santo_Domingo.jpg).

familiar with but that also end up shaping our own work. In particular, that very well-established historical narrative that...first there were Indians, they were enslaved, they were decimated by disease and violence, and then they were replaced by Africans.”<sup>53</sup> In fact, her focus on Black resistance caused

her to overlook Indigenous persistence. It is important to consider whether the previously dominant narrative of the Indigeneity of Enriquillo's maroons has caused historians to look past evidence of runaway enslaved Africans who liberated themselves and joined Enriquillo.

This paper concludes with a discussion of collective memory of Enriquillo's maroons and the Nigua rebels in the Dominican national consciousness. Enriquillo is a revered historical figure in Dominican mythology and is honored as such. The location of his fateful peace meeting with Spanish officials is now named after him as *Lago Enriquillo* (Lake Enriquillo).<sup>54</sup> Multiple statues across the Dominican Republic of the *cacique* portray him as a heroic figure, even in the former colonial capital of Santo Domingo. The same treatment is nowhere extended to the Black rebels of the Nigua uprising. My research turned up no sites named in their honor, or statues memorializing these early agitators against the evils of slavery. But why are these rebels regarded so disparately in Dominican public history and collective memory? The answer may lie in the particular formation of an idealized, anti-Black Dominican racial past. José Ricardo Santos Ramírez argues that the myth of a "creolidad cultural dominicana" (Dominican cultural creoleness), which emphasizes the Taíno and Spanish roots of the modern Dominican *pueblo* (people), was systematically constructed by a white ruling class to distinguish mixed-race Dominicans from *their* Black Haitian neighbors and cast Haitians as the enemy.<sup>55</sup> This is a tragic example of how histories can be skewed to divide groups (poor Dominicans and poor Haitians) that have more in common with each other than either does with their ruling classes. This paper hopes to push back against the false division of Indigenous and Black pasts, presents, and futures in Latin America.

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53. Yuko Miki, "Where are the 'Three Races'? Rethinking the Racial Narratives of Brazilian History," talk given at Brown University's Watson Institute for International and Public Affairs, available online at [https://www.youtube.com/watch?v=T3LXPmc\\_t4](https://www.youtube.com/watch?v=T3LXPmc_t4), transcript auto-generated by Youtube.

54. Deive, *Los guerrilleros negros*, 41.

55. José Ricardo Santos Ramírez, *Identidad y deconstrucción simbólica de la nacionalidad dominicana: Balaguer, la prensa y la cuestión haitiana* (Santiago de los Caballeros: Editora NANI, 2018), 35.

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Katie Kirkpatrick. *Weimar*. Ink and graphite.



# THE CENTER CANNOT HOLD: THE WEIMER-ERA END OF CENTER ELECTORAL STABILITY

**Moses Glickman**

**Written for German History, 1890-1945**

**(HIST 355)**

**Dr. Peter C. Caldwell**

## Introduction

The failure of the Weimar Coalition, a group of three pro-democracy parties, to maintain political power in Germany precipitated the fall of the Weimar Republic and the rise of Nazism.<sup>1</sup> The progressive weakening of the Coalition resulted from a combination of factors: the collapse of the seat share of the liberal German Democratic Party in the 1920 election, from which it never recovered; the migration of support for the left-wing Social Democratic Party to the far-left Communists; and, of course, the rise of the anti-democratic far right. However, one subtler and impactful blow to the Weimar Coalition came from the poor performance of the third coalition party, the pro-Catholic Center Party, in the 1920 election; it won 14.4 percent of the seats in the Reichstag, an abrupt reduction from the 22.9 to 26.7 percent of seats it had earned in every prior election since 1874.<sup>2</sup>

This paper demonstrates that the forces that weakened the Center in 1920 are bound up with the history of the party itself: the methods by which it united Catholic voters across socioeconomic classes, its approach to policy

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1. Jurgen Falter, "The Social Bases of Political Cleavages in the Weimar Republic, 1919-1933," *Historical Social Research / Historische Sozialforschung*, Supplement, no. 25 (2013): 199.

2. Gerhard A. Ritter with Merith Niehuss, *Wahlgeschichtliches Arbeitsbuch. Materialien zur Statistik des Kaiserreich 1871-1918* [Election History Workbook. Materials on Statistics from the Kaiserreich 1871-1918], (Munich: C.H. Beck, 1980), 38-43.

## THE CENTER CANNOT HOLD

and coalition-building, and its close engagement with ethnic minorities across the German Empire. By examining the complexities of the German electorate and how those complexities affected the Center Party in the Imperial and early Weimar eras, this paper explains the causes of both the historical constancy of Center Party seat shares, and the end to that stability in the 1920 election.

### A Solid Block of Votes

In 1867, many a *Landrat*, or local administrator, had the task of defeating candidates from the pro-Catholic Center Party within their district.<sup>3, 4</sup> More senior imperial officials routinely fined and demoted subordinates who failed to effectively marshal support for pro-governmental candidates within those districts.<sup>5</sup>

The emphatically Protestant *Landrat* of the Wesphalian town of Borken, using the anti-Catholic language so common to the *Kulturkampf* era, was pessimistic about defeating the Center in the heavily Catholic area he was tasked with marshaling votes in. “As long as the Catholic clergy, supported by the democrats, propagandizes the masses,” he explained, “no governmental or conservative candidate can be brought through here.”<sup>6</sup>

By 1913, however, some dynamics had changed. The *Kulturkampf* was long over, although many of the anti-Catholic laws it produced remained on the books, a continual reminder of that previous persecution.<sup>7</sup> It was slightly less acceptable to speak of Catholic voters as a manipulated, propagandized mass. Yet in Baden, the chair of the state National Liberal Party still warned of a “united South Germany with purely black [Center-led] governments.” The Center, in historian Carl Zangerl’s words, was observed to hold “a virtually impregnable position...a solid block of votes in the Reichstag.”<sup>8</sup> Almost half a century after the *Landrat* of Borken’s lament, there was still talk of a safe Center heartland.

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3. The term “Center Party” is used slightly anachronistically here; the Center Party in the Reichstag would only be founded officially in 1870, but the many allied, religious, pro-Catholic political organizations that merged into the Center were very much active, and the Center Party was already represented in the Prussian Landtag.

4. Sperber, *Popular Catholicism in Nineteenth-Century Germany* (Princeton: Princeton University Press, 1984), 163.

5. Margaret Anderson and Kenneth Barkin, “The Myth of the Puttkamer Purge and the Reality of the Kulturkampf: Some Reflections on the Historiography of Imperial Germany,” *The Journal of Modern History* 54, no. 4 (1982), 662.

6. Sperber, *Popular Catholicism in Nineteenth-Century Germany*, 162.

7. Carl Zangerl, “Courting the Catholic Vote: The Center Party in Baden, 1903-1913,” *Central European History* 10, no. 3 (1977): 225.

8. Zangerl, “Courting the Catholic Vote,” 220.

From a thousand feet up, Catholic support levels for the Center grant credence to contemporary politicians' observations of Center impregnability. As mentioned, from 1874 to the German Empire's last election in 1912, the Center Party never held less than 22.9 percent or more than 26.7 percent of the seats in the Reichstag.<sup>9</sup> This remarkable historical pattern has lent itself well to the idea that the Center represented a stable, discrete Catholic milieu that transcended class divisions, an idea that led historian M. Rainer Lepsius to include a Catholic milieu in his four-milieu model of imperial German voting behavior.<sup>10</sup> This four-milieu model split the German electorate into a generally Protestant worker's milieu, a Protestant liberal milieu, a Protestant conservative milieu, and a catch-all Catholic milieu.<sup>11</sup> This provides a ready answer for the extraordinary stability of the Center's Reichstag share: the Center is the Catholic party, and the Catholic milieu, so the story goes, votes for the Center.

Unfortunately, this model hides a great deal of complexity, including the political leanings of those left out of the milieu system, occasional milieu-jumping voter behavior, the ideological divides within the Catholic milieu, and the unique history of German Catholic political participation. This paper goes over each of these sources of complexity in turn and uses the information left out of the milieu model to identify the causes of the Center Party's steep decrease in seat share during the early Weimar days.<sup>12</sup>

### Voting Patterns Outside the Milieus

One can quickly deal with the first source of complexity: that the four milieus of Lepsius do not exhaust the set of those who went to the polls to vote for Reichstag members. A corollary lies in that comparably few of those who lived in the German Empire went to the polls. Although turnout among eligible voters increased steadily over time to a high of 84.9 percent in 1912, in no pre-Weimar

9. Gerhard A. Ritter with Merith Niehuss, *Wahlgeschichtliches Arbeitsbuch. Materialien zur Statistik des Kaiserreich 1871-1918* [Election History Workbook. Materials on Statistics from the Kaiserreich 1871-1918], (Munich: C.H. Beck, 1980), 38-43.

10. Raymond Chien Sun, *Before the Enemy is Within Our Walls- Catholic Workers in Cologne, 1883-1912: A Social, Cultural, and Political History* (London: Humanities Press, 1999), 6.

11. Sometimes Lepsius combined the liberal and conservative milieus into a Protestant bourgeois milieu, as in Dirk Berg-Schlosser and Ralf Rytlewski, *Political Culture in Germany: A Paradigmatic Case* (London: Palgrave Macmillan, 1993), 7.

12. Holger Döring and Philip Manow, *Parliaments and Governments Database (ParlGov): Information on Parties, Elections, and Cabinets in Modern Democracies* (2021), distributed by ParlGov.

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election did the percentage of the population eligible to vote reach 25 percent.<sup>13</sup> Those who were either non-Christian (e.g., Jewish) or not ethnically German (e.g., Polish, Alsatian, Danish, etc.) were not present in any of these four milieus, but many nonetheless voted.

German Jews did not form their own parties. Their geographical dispersal and scarce number essentially precluded the possibility. Many Jewish voters, understandably, cared deeply about religious freedom, equality, and human rights. They often voted for the National Liberals, although the 1907 election — which saw strong anti-Catholic rhetoric — drew many into the Center Party camp.<sup>14</sup> Other non-milieu groups of greater numbers and higher geographic consolidation did form their own parties. Danish and Alsatian factions, for instance, had a small but consistent presence in the Reichstag from 1874 until World War I, after which the majority of these parties' voters did not switch direction so much as nationality.

The Poles constituted the most numerous and electorally significant of these non-milieu groups. The Polish Party gained a notable share of the vote in Polish-majority regions, particularly the eastern Prussian province of Posen.<sup>15</sup> Far larger than the parliamentary representation of all other ethnic-minority parties combined, the Polish Party and allies received between 3 and 4.5 percent of the vote in every Reichstag election from 1871 onward.<sup>16</sup> These Polish (and Alsatian) parties collaborated extensively with their Catholic brethren during the Center's early years of marginalization, so much so that historian John Zeender writes that seat count underestimates the Center's actual strength during this period; the legislative power of minority-led parties friendly to political Catholicism augmented the Center's own influence beyond what its pure share of Reichstag seats would suggest.<sup>17</sup> The greatest gift Polish voters gave the Center Party,

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13. Gerhard A. Ritter with Merith Niehuss, *Wahlgeschichtliches Arbeitsbuch. Materialien zur Statistik des Kaiserreich 1871-1918* [Election History Workbook. Materials on Statistics from the Kaiserreich 1871-1918], (Munich: C.H. Beck, 1980), 38-43.

14. Margaret Anderson, "Interdenominationalism, Clericalism, Pluralism: The Zentrumsstreit and the Dilemma of Catholicism in Wilhelmine Germany," *Central European History* 21, no. 4 (1988): 350-378.

15. Sibylle Lehmann, "German Elections in the 1870's: Why Germany Turned from Liberalism to Protectionism," *The Journal of Economic History* 70, no. 1 (2010): 149.

16. Gerhard A. Ritter with Merith Niehuss, *Wahlgeschichtliches Arbeitsbuch. Materialien zur Statistik des Kaiserreich 1871-1918* [Election History Workbook. Materials on Statistics from the Kaiserreich 1871-1918], (Munich: C.H. Beck, 1980), 38-43.

17. John Zeender, "The German Center Party, 1890-1906," *Transactions of the American Philosophical Society* 66, no. 1 (1977): 10.

***“Minority groups were surely marginalized in the political process, but this did not equate to powerlessness.”***

however, went far beyond interparty collaboration. Outside of natural Polish Party constituencies, Polish voters gave the Center Party mass electoral support. The Center had won these votes not simply through Catholic solidarity, but through advocacy of legal equality for the Polish population.<sup>18</sup> This advocacy paid electoral dividends. Though nationalist sentiments would gradually erode Polish support for the Center, the majority of Silesian Center voters were Polish as late as 1900.<sup>19</sup>

Minority groups were surely marginalized in the political process, but this did not equate to powerlessness. Poles constituted a valuable voting bloc for the Center, and both Polish and Alsatian parties exerted influence through alliance with them. Lepsius’ milieus, it seems, are not closed systems, the first of many wrinkles — and a problem for the Weimar-era Center, which gained so much from those constituencies that wound up under another flag.

### **Legislative Outreach, Electoral Isolation**

A second complexity in the milieu model lies in the Center Party’s odd relationship to the common German Imperial phenomenon of voters going outside of their milieu. Analyses by historian Jonathan Sperber indicate that after 1890, 35 percent of the individuals Lepsius would identify as members of the Protestant workers’ milieu voted for the liberals or the conservatives. These milieus returned the favor, lending the Social Democratic Party up to 45 percent of its overall support.<sup>20</sup> Unlike the give-and-take of voters between the Protestant liberal, conservative, and workers’ milieus, defections from the Catholic milieu were rarely accompanied by Protestant support, leaving the Center Party

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18. Zeender, “The German Center Party, 1890-1906,” 90.

19. Zeender, “The German Center Party, 1890-1906,” 90.

20. Margaret Anderson, “Review of The Kaiser’s Voters: Electors and Elections in Imperial Germany by Jonathan Sperber,” *Central European History* 34, no. 1 (2001): 112.

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everywhere the victim and scarcely ever the beneficiary of these defections.

The proportion of Catholic voters who voted for non-Catholic parties — in other words, all major German political parties save the Center — was sizable. Even at the time of the Kulturkampf, 17 percent of Catholics withheld their support from the Center Party; by 1912, that number had grown to 44.6 percent.<sup>21</sup> Protestants, meanwhile, avoided the Center Party entirely. As historian Margaret Anderson writes, “Voting behavior in the Kaiserreich was remarkably orderly. When a voter’s own preferred party failed to put up a candidate in his district, that voter regularly chose the party ‘next’ to it, on a clear, right-left continuum: Conservative, Free Conservative, National Liberal, Left Liberal, Social Democratic. The Center, however, fell entirely outside this spectrum of choices...for all intents and purposes, no voters from other parties chose the Center when candidates from their own party were unavailable.”<sup>22</sup> This resulted not only in abysmal first-round appeal among Protestants, but also very little improvement in second-round runoffs, where the Center accumulated the fewest additional votes of any major party. In 1903, the average Center candidate that moved to a runoff could expect a vote count increase of just 7.6 percent.

It is worth asking why a party so evidently stranded within its milieu styled itself nominally non-denominational, as the Center did. There were surely some sincere interdenominationalists within the Center Party. Carl Bachem, a Center member of the Reichstag, was known to save articles from the newspaper that made reference to non-Catholic supporters of the Center. However, the majority of Center Party leaders who made interdenominationalism a byword were well aware of the obstacles that any serious approach to this mission faced. In 1870, soon after the Center’s founding, successive attempts to ally with both the Conservatives and liberal Hanoverian Protestants both failed in the face of anti-Catholic sentiment.<sup>23</sup> In 1906, Julius Bachem, a senior figure in the Center Party, proposed giving safe Catholic seats to members of the marginal and heavily Protestant Christian Social Party in order to diversify the Center’s Reichstag delegation and further the Center’s interdenominationalism; not only did the proposal fail, but the leader of the Christian Social Party would later call opposing the Center “the greatest and most difficult...task of democracy...

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21. Zangerl, “Courting the Catholic Vote,” 221. It is worth pointing out that this figure includes non-Germans, who were not part of the traditional Catholic milieu, and may therefore over-represent rates of defection.

22. Anderson, “The Zentrumsstreit and Catholicism in Germany,” 370.

23. Zeender, “The German Center Party, 1890-1906,” 9.

the fate of Germandom hangs on it.” Time and again, attempts to reach beyond the milieu were stifled by Protestant mistrust. It is little wonder that so many Center leaders treated their party’s official non-denominational status with the same seriousness as did the Center’s first leader, Ludwig Windthorst, who both toasted “the Center’s future Protestant majority” and declared, in 1885, at the Assembly of Catholic Organizations, “Are we in full and complete conformity with the teachings of the Church and with the authorities? The moment we deviated even one iota from them, we would be irretrievably lost.”<sup>24</sup>

This contradiction was especially stark in the career of the aforementioned Julius Bachem, a committed Catholic whose quest to further interdenominationalism would run up against traditionalists and incite a lengthy intra-party conflict, and whose outreach to the Christian Social Party was so memorably rebuffed. He, like so many Center leaders, likely harbored no illusions about the difficulty of outreach to Protestant voters. His goal, in Anderson’s words, was to “establish among Protestants the credibility of the Center’s...nondenominational credentials as a ‘genuine state party’...a more acceptable legislative partner.”<sup>25</sup>

This goal is interesting because it is non-electoral, focused instead on accumulating political power from a stable voter base. The Center’s unique inability to draw from outside its milieu was a fact well known by Center leaders. The Center’s electorally fruitless non-denominational claims, and its willingness to form coalitions with strange partners in the late German Empire and throughout Weimar, can therefore be understood as the rational actions of a party with a low vote ceiling and a consistent need for pragmatic outreach in order to retain power.

### **Forging Internal, Cross-Class Cohesion**

Up to this point while critiquing the milieu model, the Catholic milieu itself has been modeled as a sort of black box. Voters from within the milieu may opt to vote for parties that cater to other milieus. Voters from outside the system help support it from afar. The Center Party, kept within, cannot reach beyond its borders. It is now necessary to look inside the milieu itself.

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24. Anderson, “The Zentrumsstreit and Catholicism in Germany,” 351-370.

25. Anderson, “The Zentrumsstreit and Catholicism in Germany,” 354-370.



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Firstly, the Catholic milieu seems a great deal less specific than its three brethren. There is a Protestant workers' milieu, a Protestant liberal milieu, and a Protestant conservative milieu. But there is only a single Catholic milieu, apparently lacking socioeconomic or ideological divisions. The Center Party's ability to unite disparate classes under a single partisan banner is without parallel among the parties of the German Empire. As historian Martin Kitchen writes, the Center Party was "the only genuine people's party in Germany. Its supporters ranged from lofty aristocrats to peasants, from industrial magnates to industrial workers, from prosperous professionals to lowly craftsmen."<sup>26</sup> For its part, the Center Party worked hard to retain this class balance, allocating candidacies across career groups of varying means, though members of the clergy were consistently and extraordinarily over-represented.<sup>27</sup>

This unlikely, but steady, voting bloc was essentially forged during the *Kulturkampf* in response to anti-Catholic laws, the removal of the local authority of Catholic pastors, and the dismissal from office of longtime *Landrats* and school-teachers alike who lacked sufficient zeal for the eradication of political Catholicism.<sup>28</sup> Over the course of this repression, the Center Party — and political Catholicism in general — rapidly gained a following that included the vast majority of Catholic voters. As Zeender writes: "The Kulturkampf was decisive for the early growth and viability of the Center Party...only seven hundred thousand [sic] Catholics had voted for the Center...in 1871. In 1874 the Center pulled one million four hundred thousand [sic] votes."<sup>29</sup> By 1877, the Center was drawing 83 percent of all Catholic votes.<sup>37</sup> Once formed, the coalition was bound together by a variety of factors, including an unorthodox but effective political organization and a sense of not only religious but class-based Catholic solidarity.

The Center Party's political organization, like its base, was immensely varied. In rural areas, the heart of the Center Party was the much-revered clergy. The majority of priests — figures of great renown in German Catholic communities — publicly supported the Center Party and generally led it at the local level.<sup>31</sup> In the words of Heinrich Kohler, a Center Party campaigner in early-

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26. Martin Kitchen, *A History of Modern Germany: 1800 to the Present* (Malden: Blackwell, 2007), 126.

27. Zangerl, "Courting the Catholic Vote," 228.

28. Anderson, "The Myth of the Puttkamer Purge and the Reality of the Kulturkampf: Some Reflections on the Historiography of Imperial Germany," 660-667.

29. Zeender, "The German Center Party, 1890-1906," 10.

30. Zangerl, "Courting the Catholic Vote," 221.

31. Margaret Anderson, "The Limits of Secularization: On the Problem of the Catholic Revival in Nineteenth-Century Germany," *The Historical Journal* 38, no. 3 (1995): 665.

twentieth-century Baden, “For the ordinary Catholic citizen in the countryside, the priest was and remained the representative of the Center Party. And the

***“The varied scope of Center Party organization demonstrates that the Center Party did not obliterate class distinctions within its milieu; rather, it reflected the whole gamut of class distinctions within its own infrastructure.”***

priest considered himself as such.”<sup>32</sup> Outside of rural areas, the torch was carried by the Center’s powerful organizational network. Catholic merchants’ sodalities, worker’s associations, and mutual benefit societies, formed for the preservation of Catholic identity in large cities, also functioned to deliver vast numbers of votes to the Center.<sup>33</sup> *The Volksverein*, a massive Center-aligned educational agency with 805,000 members in 1914, pumped out mass-distributed literature that celebrated political Catholicism.<sup>34</sup> All the while — in both rural and urban areas — the Center’s youth wing, the *Windthorstbund*, constantly recruited subsequent generations of Center voters.<sup>35</sup> To quote *Badische Landesbote*, the official paper of the Left Liberal party, “Of all the parties, including Social Democracy, the Center currently has the best organization.”<sup>36</sup>

The varied scope of Center Party organization demonstrates that the Center Party did not obliterate class distinctions within its milieu; rather, it reflected the whole gamut of class distinctions within its own infrastructure. Like the Conservatives, it relied on local political leaders in rural regions, making stability

32. Zangerl, “Courting the Catholic Vote,” 221.

33. Jonathan Sperber, “The Transformation of Catholic Associations in the Northern Rhineland and Westphalia, 1830-1870,” *Journal of Social History* 15, no. 2 (1981): 256; Zangerl, “Courting the Catholic Vote,” 226.

34. Anderson, “The Zentrumsstreit and Catholicism in Germany,” 378.

35. Anderson, “The Zentrumsstreit and Catholicism in Germany,” 352.

36. Zangerl, “Courting the Catholic Vote,” 229.

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and community its clarion call. Like the Liberals, it did heavy outreach to urban bourgeois through its upper-class sodalities, which often resembled private clubs and provided gathering-places for young merchants.<sup>37</sup> Like the Social Democrats, it created mutual benefit societies, workers' organizations, and even supported an officially non-denominational network of trade unions.<sup>38</sup> Traditional outreach strategies of the other three milieus were, in a sense, reflected in miniature within the Center Party proper, and, as such, the Catholic milieu cannot be modeled as a milieu of the same complexity as, say, the Protestant liberals. Compared to the Protestant liberal milieu, the Catholic milieu that the Center represented was far more ideologically diverse, including Catholic liberals, Catholic conservatives, and Catholic workers. To reprise an earlier quote from Margaret Anderson, for a Protestant voter, the Center was "outside the spectrum of choices," and, as has been mentioned, the Center's performance in runoff elections was abysmal.<sup>39</sup> The choice of whether to support the Center can therefore be considered to be the first choice a voter made. If the answer was "no," it was "no" irretrievably, and the voter was left to choose among Protestant options. This electoral data, combined with the diversity of Center organizations, shows that the four milieus were not exactly at the same level. To borrow from taxonomy, it might make more sense to think of the Catholic milieu as not a species, but as a genus, far smaller in terms of electorate than the Protestant genus of liberals, conservatives, and workers, but at the same hierarchical level. The fundamental nature of the political dichotomy between denominations, even more so than the political dichotomy between socioeconomic classes, hints at the second source of the Center's unity: that it was not quite a people's party that truly transcended class. Rather, though it transcended socioeconomic divisions, it nonetheless represented a specific *religious* class: the class of the Catholics.

Throughout the history of the German Empire, Catholics were, on average, educationally and economically disadvantaged relative to the Protestant majority.<sup>40</sup> At the time of the Center's founding, the birth of Catholic self-conception as an oppressed class, supported by their disadvantaged economic status, was abetted by extraordinary prejudice on the behalf of Protestant parties across the political spectrum. When the Center Party carried the heavily Catholic

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37. Sperber, "The Transformation of Catholic Associations in the Northern Rhineland and Westphalia, 1830-1870," 256.

38. Anderson, "The Zentrumsstreit and Catholicism in Germany," 352.

39. Anderson, "The Zentrumsstreit and Catholicism in Germany," 370.

40. Margaret Anderson, "The Kulturkampf and the Course of German History," *Central European History* 19, no. 1 (1981): 92-93.

district of Bamberg in 1871, the National Liberals blamed the “dumbness” of the population.<sup>41</sup> Another new Center deputy, an ascetic missionary who had defeated a local Free Conservative duke, was ridiculed for his personal poverty



Michael Kelley. *Emerging power*. Photograph.

by Reichstag leaders; this had predictably deleterious effects on future Free Conservative attempts to take back the district, which was one of the poorest in Germany.<sup>42</sup> As Anderson writes, for the Protestant majority, the Catholic “aspirations to civil and cultural equality...partook of some of the elements of a class threat,” causing Protestant electoral consolidation. Catholics attempted to preserve their rising political power by creating a consolidated front of their own, resulting in Center domination in Catholic-majority regions. Despite Center victories, the National Liberals confidently declared that “mass support for political Catholicism would dry up in a generation.”<sup>43</sup> Within ten years of Bamberg, the Center Party’s Reichstag representation was over twice that of the National Liberals and three times that of the Free Conservatives.<sup>44</sup>

It is a testament to the efficacy of the forging of this Catholic class that so many of the Center’s internal disagreements did not turn on conventional left-right

41. John Zeender, “The German Catholics and The Presidential Election of 1925,” *The Journal of Modern History* 3,

42. Anderson, “The Kulturkampf and the Course of German History,” 93-98.

43. Anderson, “The Myth of the Puttkamer Purge and the Reality of the Kulturkampf: Some Reflections on the Historiography of Imperial Germany,” 667-668.

44. Gerhard A. Ritter with Merith Niehuss, *Wahlgeschichtliches Arbeitsbuch. Materialien zur Statistik des Kaiserreich 1871-1918* [Election History Workbook. Materials on Statistics from the Kaiserreich 1871-1918], (Munich: C.H. Beck, 1980), 38-43.

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axes. As mentioned, one major party conflict arose from Julius Bachem's push for a greater Center commitment to inter-denominationalism. Another vociferous conflict arose in 1905, during the extraordinarily anti-Catholic "Hottentot" election; this conflict was waged between Center Party leaders anxious to back Catholic moral values through fierce opposition to the horrors of German colonialism, and other leaders fearful that taking too strong a stand against the government would harm the Center's ability to retain political power.<sup>45</sup> Neither side in the first conflict wanted to make the Center Party officially denominational, and neither side in the second was in favor of German colonialism. Even in the Center's early days, when party leader Ludwig Windthorst was forced to equivocate between Progressives and Conservatives, this equivocation was not because of the electoral demands of his base but, rather because of his commitment to turn his electoral support into political power as rapidly and effectively as possible.<sup>46</sup> In fact, the issues that represented electoral threats to Windthorst were not left-right in nature, but (already) variations on the same issues that would bedevil later leaders, such as disagreements between clergy members. The greatest schism Windthorst faced that *did* cut primarily along class lines was a result of his campaign against anti-Semitism, which ran the risk of turning off populist Catholic workers — hardly the kind of divisive economic debate that one might expect to roil a party that represented both landlord and tenant, craftsman and factory-owner.<sup>47</sup> Ultimately, the relative paucity of direct class conflict within the Center and the Center's previously mentioned emphasis on aiming for pragmatic coalition-building justify Anderson's comment that "as for the Center's electorate, how it felt about any given issue is almost impossible to tease out."<sup>48</sup>

## Conclusion: The End of the Long Stability

Given the many different mechanisms that worked to retain the Center's extraordinarily multi-faceted coalition, it is perhaps unsurprising that this idiosyncratic party lost so much support in the chaos of World War I and the advent of the Weimar Republic. Indeed, the Center faced a perfect storm in the early Weimar Republic era. By 1912, the Center's conservative course on foreign policy — a result of compromises designed to bring more Catholics into the civil

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45. John S. Lowry, "African Resistance and Center Party Recalcitrance in the Reichstag Colonial Debates of 1905/06," *Central European History* 39, no. 2 (2006): 255.

46. Jonathan Sperber, "Review of Windthorst: A Political Biography, by Margaret Lavinia Anderson," *The Journal of Modern History* 55, no. 1 (1983): 169.

47. Sperber, "Review of Windthorst: A Political Biography, by Margaret Lavinia Anderson," 169.

48. Anderson, "The Zentrumsstreit and Catholicism in Germany," 355.

service — resulted in a collapse in Center support among Catholic workers.<sup>49</sup> The shock of the war had torn apart the integrity of the Center's multi-class alliance, that Center politicians had taken for granted for so long. These legislators' longterm prioritization of policy influence over vote maximization had left them isolated from Catholic workers, many of whom denied them their votes, and the stable, invulnerable Center began to bleed. World War I's post-war territorial changes resulted in the evaporation of Polish and Alsatian Reichstag allies, while Polish nationalism had finally chipped away at Polish support for the Center. In 1919, these disasters were mitigated and the Center's support levels remained

***“Given the many different mechanisms that worked to retain the Center’s extraordinarily multi-faceted coalition, it is perhaps unsurprising that this idiosyncratic party lost so much support in the chaos of World War I and the advent of the Weimar Republic.”***

stable only through three measures. First, they created a temporary coalition with a party of Hanoverian Protestants. Then, they managed to increase voter turnout among Catholics by motivating low-turnout constituencies to recognize the historic importance of the first Weimar election.

Finally, they focused on maintaining Catholic votes in the Saar, Eupen-Malmedy, and Upper Silesia regions. By 1920, the alliance with the Hanoverian protestants would fray, the Catholics who had never voted before would not do so again, and the aforementioned regions would leave German hands.

Even as the Center suffered this double blow to its traditional constituency, the new, proportional representation-based electoral system helped soften its seat share. The Center, with its many rural, relatively lower-population seats,

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49. John Zeender, “The German Center Party During World War II: An Internal Study,” *The Catholic Historical Review* 42, no. 4 (1957): 444-445.

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had been over-represented in the Reichstag, relative to vote share, for nine elections consecutively. In 1912, for example, the Center received 22.8 percent of the seats on 16.4 percent of the vote share.<sup>50</sup> Proportional representation removed this advantage. Relative turnout also became more important in the new proportional representation system, where an area's effective electoral importance was linked not to its population but to the number of votes cast in it. For individual Center seats in the German Empire, low turnout was essentially irrelevant. As long as the seat was held, the Center member was returned to the Reichstag. However, in the Weimar Republic's proportional representation system, if a village had low turnout, that village was granted that much less of

***“The permanent weakening of the Center was also a permanent weakening of the Weimar Coalition, a contributing factor to the failure of pro-democracy parties to assert control over the country.”***

a voice in the Reichstag. Thus, the electoral impacts of a demotivated Center heartland in 1920 were severe. From 1919 to 1924, outside of the heavily Catholic and Center-friendly region of Bavaria, only a few hundred thousand Center voters defected. In the Bavarian regions where the Center was strongest, however, many constituents who had voted in 1919 failed to arrive at the polls in 1920.<sup>51</sup> Under the old electoral system, it is possible that the impact of low heartland turnout would have been mitigated, so long as the Center's majority in those areas remained intact. The Weimar Republic was far from the old system. The Center won 14.4 percent of the seats in the 1920 election, crashing abruptly

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50. Gerhard A. Ritter with Merith Niehuss, *Wahlgeschichtliches Arbeitsbuch. Materialien zur Statistik des Kaiserreich 1871-1918* [Election History Workbook. Materials on Statistics from the Kaiserreich 1871-1918], (Munich: C.H. Beck, 1980), 38-43.

51. Zeender, "The German Catholics and The Presidential Election of 1925," 371.



out of its long trend of holding between 22.9 to 26.7 percent of the seats.<sup>52</sup>

This collapse may not seem incredibly severe. A factsheet of Weimar elections created by the Bundestag, the German national legislature, calls the Center “slightly weakened” in the 1920 election. (Part of this may have only been because harsher language would leave no words to describe the abysmal performance of the German Democratic Party.) However, the Center Party was famously a party with relatively little cycle-by-cycle changes in votes. Coalition bleed, low turnout, a changed voting system, and the loss of so many Catholics over the border would push the Center Party to a permanently lower equilibrium. Indeed, despite the Bundestag factsheet’s initially blasé depiction of the Center’s falling vote share, one can go down the rest of its timeline and note that the Center never again reached or approached its pre-1920 seat share.<sup>53</sup> The permanent weakening of the Center was also a permanent weakening of the Weimar Coalition, a contributing factor to the failure of pro-democracy parties to assert control over the country. At last, the former Center constituency of the working Catholic poor would lend measured support to a very different kind of party. After 1928, the Catholic urban vote would increasingly be directed toward the *Nationalsozialistische Deutsche Arbeiterpartei* (NSDAP), better known as the Nazi Party.<sup>54</sup>

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52. H. Doring and P. Manow, *Parliaments and Governments Database (ParlGov): Information on Parties, Elections, and Cabinets in Modern Democracies* (2021), distributed by ParlGov.

53. “Elections in the Weimar Republic,” Research Section WD 1, Administration of the German Bundestag, last modified 2006, [https://www.bundestag.de/resource/blob/189774/7c6dd629f4aff7bf4f962a45c110b5f/elections\\_weimar\\_republic-data.pdf](https://www.bundestag.de/resource/blob/189774/7c6dd629f4aff7bf4f962a45c110b5f/elections_weimar_republic-data.pdf).

54. Stephen Fritz, “The NSDAP as Volkspartei? A Look at the Social Basis of the Nazi Voter,” *The History Teacher* 20, no. 3 (1987): 383.

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## A FORGOTTEN REVOLUTION



Michael Kelley. *Tracing Revolution*. Photograph.

# A FORGOTTEN REVOLUTION: UNDERSTANDING THE GHADAR MOVEMENT'S IMPACT ON INDIAN NATIONALISM, CASTES, AND MARTIAL TROOPS DURING WORLD WAR I

**Mehek Jain**

**Written for World War One in Europe: Origins,  
Social Effects, Political Consequences  
(HIST 414)**

**Dr. Peter C. Caldwell**

“Let us unite and strike. This is our opportunity,” proudly proclaimed *Ghadar di Gunj* in their cry to Indians across the world, imploring Indians to unify in a fight against British colonial forces amidst the bloody First World War.<sup>1</sup> Indian independence at the onset of World War I appears to be an anachronism due to the widespread misconception of Indian independence as a consequence of colonial decline in the aftermath of World War II. The prevailing narrative in Indian independence scholarship attributes the achievement of Indian independence from British colonial rule to Mahatma Gandhi and Jawaharlal Nehru, reducing the complex origins of India to a handful of individuals and a minute sliver of time. The suddenness and surety with which India achieved independence in 1947 has led scholars of the subject to passively accept the simplified narrative of the Indian nationalist movement’s origins. Consequently,

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1. Santanu Das, *India, Empire, and First World War Culture: Writings, Images, and Songs* (Cambridge: Cambridge University Press, 2019), 79.

the stories of the innumerable communities and individuals who paved the road to freedom have been largely forgotten.

Among the many narratives washed away by time and Eurocentrism is the extraordinary work of the Ghadar Movement. The Ghadar Movement, also known as the Ghadar Mutiny or Ghadar Party, was an international independence movement which arose from military recruitment in World War I and the consequential reconstruction of Indian society. Largely ignored in current literature, the Ghadar Movement is mentioned only in passing or is cited as a failure, with their plans largely foiled and the movement officially

***“The movement’s global reach, with effects in Singapore, Thailand, Germany, and more, deconstructs the predominant Eurocentric narrative of World War I and instead reflects the international nature of the war.”***

crushed.<sup>2</sup> Perhaps the most comprehensive and generous account of the Ghadar Movement is Maia Ramnath’s *Haj to Utopia: How the Ghadar Movement Charted Global Radicalism and Attempted to Overthrow the British Empire*. This paper explore Ramnath’s claim that the “Ghadar Movement served as a missing link...between the Bengali ‘anarchist’ conspiracies, ‘national revolutionary terrorism’ and Punjabi agitations of the early twentieth century; and the radical Left and revolutionist movements of the 1920s,” arguing to a greater degree the importance and unique nature of the Ghadar Movement under the circumstances of the time.<sup>3</sup> Robert McLain’s brief but notable mention of the Ghadar Movement as the “greatest danger to the political integrity of Anglo-Indian rule” in *Gender and Violence in British India: The Road to Amritsar 1914-*

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2. Das, *India, Empire, and First World War Culture*, 79.

3. Maia Ramnath, *Haj to Utopia: How the Ghadar Movement Charted Global Radicalism and Attempted to Overthrow the British Empire* (Berkeley: University of California Press, 2011), 2.

1919 illustrates how the perception of the Ghadar Movement underestimates its influence.<sup>4</sup>

Specifically, this paper argues that the Ghadar Movement was a crucial point in the larger story of Indian independence due to its international origins and effects, attempted radicalization of Indian martial troops fighting for the British, and promotion of a casteless and egalitarian society in India. The movement's global reach, with effects in Singapore, Thailand, Germany, and more, deconstructs the predominant Eurocentric narrative of World War I and instead reflects the international nature of the war. Moreover, the participation of Indians across classes and castes demonstrates the illegitimacy of the British 'martial races' theory. The conditions under which the movement secured a following, including the function of India's caste system as well as the nature of colonial troops and Sikh soldiers, are pertinent to the understanding of the movement's origins and mechanisms, both within the army and internationally. Only then can the Ghadar Movement's failures and successes, alongside the internal radicalization of troops and contrasting obedience of the Indian Congress, be fully appreciated.

### Origins and Introduction to the Ghadar Movement

The Ghadar Movement found its humble beginnings not in India but in printing offices in San Francisco, California. Immediately prior to the war, the population of South Asians in North America skyrocketed to over 10,000, despite attempts by American policy makers to limit the number of Indians on the Pacific Coast.<sup>5</sup> Many of these immigrants were Sikh Punjabi veterans, scholars, or former laborers who sought to expand their education and travel rather than return to dull village life in India. By the early 1900s, a network of *gurdwaras*, "Sikh temples serving as community centers," began cropping up.<sup>6</sup> Free from the constraints of the British in India, early activists in these *gurdwaras* (including but not limited to notable figures such as Ram Nath Puri, Guru Dutt Kumar, and Taraknath Das) set the stage for the eventual formation of the Pacific Coast Hindi Association by Har Dayal in 1913.<sup>7</sup>

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4. Robert McLain, *Gender and Violence in British India: The Road to Amritsar 1914-1919* (London: Palgrave Macmillan, 2016), 57.

5. Ramnath, *Haj to Utopia*, 17.

6. Ramnath, *Haj to Utopia*, 19-20.

7. Ramnath, *Haj to Utopia*, 25-32.



Har Dayal was an upper-class, bookish, and well-educated Sikh Punjabi who rejected “all things Western.” After resigning from his government scholarship at Oxford University, Dayal attempted to return to India, but he quickly discovered that he, as an activist, was unwelcome by the British.<sup>8</sup> Consequently, Dayal emigrated to the United States in 1910, where he resumed his nationalist activities, convincing “dissident Sikh agricultural and lumber mill workers” to unite against their real enemy: the British.<sup>9</sup> Undoubtedly, Dayal fit the stereotypical educated-overseas Indian threat that many British politicians and journalists feared. Most notably, to the British, Dayal perfectly fit the caricature of a radicalized Indian student as portrayed by the imperialist British journalist Sir Ignatius Valentine Chirol in his famous book *Indian Unrest*. Although Chirol’s fears of consequential “deep-seated and bitter hostility...to British rule” were realized, Dayal’s “radicalization” was a result of his dissatisfaction with the racist treatment of Indians by Americans and Canadians, not a consequence of his education.<sup>10</sup> Fed up with the “double jeopardy of oppression” that is the economic frustration and oppression in India paired with racist American policies aimed at stifling Indian immigration, Dayal consolidated whispers of discontent into a loud nationalist movement.<sup>11</sup>

Under Dayal’s leadership, the Pacific Coast Hindi Association quickly transformed into the Ghadar Movement, developing a large and passionate following empowered to undertake nationalist activity in a location outside the jurisdiction of the British Empire. The most notable of their independence efforts was the famous Ghadar newspaper, *The Hindustan Ghadar*. On November 1, 1913, the first Ghadar newspaper was released, articulating its official purpose as conveying “the message of a rebellion to the nation once a week. It is brave, outspoken, unbridled, soft footed and given to the use of strong language. It is lightning, a storm and a flame of fire...We are the harbinger of freedom.”<sup>12</sup> The lead article, entitled “Our Name and Our Work,” declared that the two were synonymous, as “Ghadar” is the Urdu word for rebellion. This issue of the paper, as well as the hundreds to come, described vivid accounts of past and present

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8. Emily C. Brown, *Har Dayal: Hindu Revolutionary and Rationalist* (Tucson: University of Arizona Press, 1975), 36.

9. Brown, *Har Dayal: Hindu Revolutionary and Rationalist*, 4.

10. Valentine Chirol, *Indian Unrest* (New York: Macmillan, 1910), 27.

11. Harish K Puri, “Revolutionary Organization: A Study of the Ghadar Movement” *Social Scientist* 9, no. 2, (1980): 54.

12. *Ghadar*, November 1, 1913, in *Haj to Utopia*, Maia Ramnath, 38.

revolutions to inspire and educate their followers; in fact, the rhetoric employed by the newspaper referenced and mimicked that of the Indian Rebellion of 1857.<sup>13</sup>

The newspaper quickly gained popularity among less educated Indians partially due to its quantitative analysis of British rule. One issue included a "Balance Sheet of British Rule," or *Angrezi Raj ka Kacha Chitha*, with statistical information on how much money was removed by British taxation, how much the daily average income had dropped under British rule, and how much was spent on the army compared to public education. Specifically, army expenditure of 29.5 crore rupees, or around 3 million US dollars, was over four times the amount allocated for the public education of over 240 million people.<sup>14</sup> As the newspaper and larger movement grew, the primary goals remained constant: radicalizing Indian colonial troops and collapsing the caste system in order to unite to achieve Indian independence from the British.

### **The Colonial Troops, the Caste System, and the Martial Races Theory**

The colonial troops and the caste system, the Ghadar Movement's main targets, were closely associated. The caste system in India consists of four primary groups: Brahmins, Kshatriyas, Vaishyas and the Shudras. Castes were, and continue to be, the foundation and primary organizational unit of Indian civilization.<sup>15</sup> From the caste system, the British distinguished "martial races," the lower castes, from "non-martial races," mostly Bengali Brahmins or Kshatriyas.<sup>16</sup> The British used the martial race dichotomy, as well as the pre-existing caste system, to theorize that certain ethnic, religious, caste or social groups were more loyal than others, and thus, especially suited for military service.<sup>17</sup> This "martial races theory" manifested itself in internal army interactions. Higher class Bengalis, with their education and social status, tended to have greater ease with European soldiers.<sup>18</sup> In contrast, Sikhs, as

13. Puri, "Revolutionary Organization: A Study of the Ghadar Movement," 54.

14. Hindustan-Gadar Office, "The Balance Sheet of British Rule in India," January 25, 1917, in South Asian American Digital Archive <https://www.saada.org/item/20101015-122>.

15. Nicholas B. Dirks, *Castes of Mind* (Princeton University Press, 2011), 57.

16. Sharmishtha Roy Chowdhury, *The First World War, Anticolonialism and Imperial Authority in British India, 1914-1924* (Milton Park: Routledge, 2019), 102.

17. Heike Liebau, "Berlin Indian Independence Committee," *International Encyclopedia of the First World War*, ed. by Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer, and Bill Nasson (issued by Freie Universität Berlin, Berlin, March 2015), <https://doi.org/10.15463/ie1418.10588>.

18. Chowdhury, *The First World War, Anticolonialism and Imperial Authority in British India, 1914-1924*, 102.

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members of the lower caste agrarian society, became known as the reliable and simple-minded “peasant-warrior” or sepoy.<sup>19</sup>

Under the command of a superior British officer, Sikhs were the ideal soldier given their compliant, unquestioning demeanor. The Indian Army frequently emphasized the quality of fighting with great bravery, but only under the instruction of the “manly” Briton.<sup>20</sup> On the matter of sepoys, British General John Charteris said, “They have quite rightly a high respect for the white man... most of all Indian troops cannot fight without white officers whom they know.”<sup>21</sup> The martial races theory further perpetuated the caste system in Indian society and developed social hierarchies in the army, leading soldiers to develop clan-emulation feelings and martial characteristics.<sup>22</sup>

The unique nature of Indian colonial troops aids in understanding the relation of the martial races theory to the Ghadar Movement. The Indian Expeditionary Force was composed of two infantry and two cavalry divisions for a total of 138 battalions, within which were 896 non-commissioned officers and sepoys.<sup>23</sup> Despite the British Empire’s shameless poor treatment of colonial troops in their infamously bloody wars, Indian troops were notably loyal throughout the Great War as well as prior to the war in battles such as the Boer War. In fact, India was among the largest of voluntary armies during World War I.<sup>24</sup> In line with the martial races theory, or perhaps as a self-confirming result of it, the Sikh troops particularly displayed this characteristic loyalty. Of the 27,552 new recruits enlisted in India between August and December of 1914, 13,400 were from Punjab, a majority Sikh region, even though Sikhs only made up 12 percent of the Indian population.<sup>25</sup>

The evidently disproportionate level of Sikh voluntary recruits in the colonial troops is often attributed to economic incentives and ‘*izzat*.’<sup>26</sup> British war recruitment propaganda promising a comfortable life in the army propelled

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19. Das, *India, Empire, and First World War Culture*, 80.

20. McLain, *Gender and Violence in British India*, 14.

21. Jeffrey Greenhut, “The Imperial Reserve: The Indian Corps on the Western Front, 1914-15,” *The Journal of Imperial and Commonwealth History* 12, no. 1 (1983): 60.

22. Nicholas Tarling, *Asia and the First World War: Involvement and Aftermath* (Auckland: New Zealand Asia Institute, University of Auckland, 2014), 17.

23. Greenhut, “The Imperial Reserve: The Indian Corps on the Western Front, 1914-15,” 17.

24. Das, *India, Empire, and First World War Culture*, 79.

25. M.S. Leigh, *The Punjab and the War* (Lahore: Sang-e-Meel Publications, 1997), 44-45.

26. Das, *India, Empire, and First World War Culture*, 81-94.

economic incentives; for example, the lyrics of a popular recruitment song are “here you get torn rags, there you’ll get suits, get enlisted / Here you get dry bread, there you’ll get biscuits, get enlisted.”<sup>27</sup> While exaggerated and masking the bleak realities of warfare, war recruitment propaganda was not entirely fictitious. The army could indeed be a primary source of income for Sikh sepoys, as seen by the strong correlation between recruitment rates and income levels in any given region; rich canal colonies had low recruitment rates, whereas Rawalpindi, a city in which the average landholding was less than five acres, was the most heavily recruited region of India. After the war, Rawalpindi and other initially poor regions were relatively debt-free compared to areas without a military presence.<sup>28</sup> In spite of the economic benefits, it would be inaccurate to classify Sikhs as mercenaries. The term “mercenary” implies an acquisitive soldier with no political interest or one who forgoes ethics for monetary gain. Sikh soldiers were not apolitical, nor did they see the practice of serving in the military as unethical.<sup>29</sup>

Moreover, more than economic incentives, socio-cultural relations shaped the colonial state’s welfare mechanism. Simply put, military service was more than a mere career for Sikh soldiers as demonstrated by the Sikh concept of *izzat*, which for men, is the idea of “honor, standing, reputation or prestige.”<sup>30</sup> Contrastingly, for women, *izzat* is “generally associated with...modesty or propriety (sharam).”<sup>31</sup> The gendered understanding of *izzat* and lack of military conscription for women are a few of the many reasons that the study of women’s involvement in the Ghadar Movement is largely neglected. Regardless, *izzat* stemmed from the inherent value of defending India, a testament to how colonial troops often equated fighting for Britain as fighting for their home. The importance of *izzat* is seemingly backed by evidence of the great honor Indian soldiers felt upon presentation of medals for their service in the military. One such soldier, Subedar Mir Das, cried, “by the great, great, great kindness of God, the King with his royal hand has given me decoration of the Victoria Cross,” in August of 1915.<sup>32</sup>

27. Das, *India, Empire, and First World War Culture*, 81-82.

28. Das, *India, Empire, and First World War Culture*, 81-82.

29. Das, *India, Empire, and First World War Culture*, 86.

30. Das, *India, Empire, and First World War Culture*, 84.

31. Doris Jakobsh, “Gender in Sikh Traditions.” Oxford Handbooks Online, Edited by Pashaura Singh and Louis E. Fenech, Jul. 2013, <https://doi.org/10.1093/oxfordhb/9780199699308.013.005>.

32. David Omissi, *Indian Voices of the Great War: Soldiers’ Letters, 1914-18* (London: Penguin, 1999), 94.

Growing Insubordination in the Colonial Troops

However, it must be noted that the understanding of *izzat* is largely founded on soldiers' letters, which raises the question: were Sikh troops genuinely loyal, or was their loyalty a result of British portrayal and manipulation? British lecturer

***“... the movement asserted that Indian soldiers must question how izzat is derived, reassess their allegiances, and cease being ‘slaves to the British.’”***

and author David Omissi has created one of the largest collections of Indian soldiers' letters. Among the hundreds of letters, one wounded Sikh in England wrote to his brother, “Our government takes great care of us, and we too will be loyal and fight...It is our first duty to show our loyal gratitude to Government.”<sup>33</sup> Although this letter undoubtedly demonstrates the loyal sentiment of *izzat* in Sikh soldiers, Omissi's own bias as a British lecturer, as well as the resources available to him, must be taken into consideration.

The British regimental officers, as well the Indian Base Post Office in France, conducted extensive censorship, constructing an air-tight system in which no seditious literature could be sent to or from the troops.<sup>34</sup> Some soldiers even managed to expose British censorship; on June 25, 1915, soldier Prabhu Dayal wrote in a letter to his older brother Subiya Ram, “What more can I write? There are orders against writing.”<sup>35</sup> Surgeon Hukam Singh wrote a letter to his wife beginning with, “The news in the papers is all lies...I am not allowed to write,” but the second passage of his letter was deleted.<sup>36</sup> Therefore, it is evident that British officials destroyed or separated letters expressing any anguish.

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33. Omissi, *Indian Voices of the Great War*, 28.

34. David Omissi, “Sepoy Letters (India),” *International Encyclopedia of the First World War*, ed. by Ute Daniel, Peter Gatrell, Oliver Janz, Heather Jones, Jennifer Keene, Alan Kramer, and Bill Nasson, issued by Freie Universität Berlin, Berlin, January 2016, <https://doi.org/10.15463/ie1418.10798>.

35. Omissi, *Indian Voices of the Great War*, 72.

36. Omissi, *Indian Voices of the Great War*, 104-105.

Regardless of the letters' legitimacy, the Ghadar Movement ignored the likely notion that individuals fought in self-interest, be it economic gain or loyalty driven by preserving reputation. Instead, the movement asserted that Indian soldiers must question how *izzat* is derived, reassess their allegiances, and cease being "slaves to the British."<sup>37</sup> These statements, albeit unintentionally, conflated all individual soldiers into a single cohesive body. As the movement attempted to unite Sikhs and colonial troops, soldiers were somewhat stripped of their individual identities. The movement's rather unsympathetic approach is perhaps more defensible when analyzing the grander goal of Indian independence. *Izzat* was a barrier to the independence goal, first because individuals were concerned with themselves rather than with the nation, and second because that supposedly selfish concern manifested itself in fighting for the movement's enemy, the British.

*The Hindustan Ghadar*, the Ghadar Movement's newspaper, was their main line of communication. It strove to overcome the obstacle of *izzat*, using the Sikh origins of the movement to resonate with soldiers. Propaganda in the newspaper took a harsher approach as well, viciously criticizing soldiers for fighting "for the sake of the whites. You always attack other countries, why do you not take your own country into your charge?...Have you vowed to live as slaves of the English? Are your lives only worth nine rupees?"<sup>38</sup> Ghadarites also produced a poetry collection named *Ghadar di Gunj*, or Echoes of Revolt. Poem eight in the anthology guilted Sikhs for their loyalty to the British in the Indian Rebellion of 1857, even blaming Sikhs for the rebellion's failure by writing, "The country would have enjoyed freedom. How and why did they commit this blunder?"<sup>39</sup> Concurrent with shaming, the Ghadar Movement also employed tactics of inspiration and empowerment. Sikh peasants were often described as sincere and brave but ignorant and uneducated by the British public. The newspaper inspired great confidence as well as immense nationalism in Sikh peasants, allowing them to believe that they could be revolutionaries of change. Finally, many soldiers naturally saw the movement as an avenue for unleashing years of frustration with the British empire. By January of 1915, the impact of Ghadar agents' deterrence of young men from joining the army could be seen

37. B.R. Deepak, "Revolutionary Activities of the Ghadar Party in China," *China Report* 35, no. 4 (1999): 441.

38. Deepak, "Revolutionary Activities of the Ghadar Party in China," 441.

39. "ਗ਼ਦਾਰ ਦੀ ਗੁੰਜ *Ghadar di gunj* ("Echoes of Mutiny"), retrieved from South Asian American Digital Archive, <https://www.saada.org/item/20110525-192>.

in the sharp fall in Sikh recruitment.<sup>40</sup>

The Ghadar Movement's orientation towards a nationalistic attitude concurred with some level of growing unrest in the Indian army. The Indian troops were not trained to fight a war as unforgiving as World War I. The British sent the Indian expeditionary force to fill holes in the Western front without equipping soldiers for the grim violence and agonizing conditions of the front's trench warfare. Upon experiencing the gruesome horrors of the war in January of 1915, a wounded Punjabi Rajput wrote to his relative back home, "This is not war. It is the ending of the world. This is just such a war as was related in the Mahabharata about our forefathers."<sup>41</sup> Such unforgiving bloodshed heavily deteriorated the morale of colonial soldiers. As morale worsened, soldiers began to question the purpose behind their extreme pain and suffering. Some would even take the drastic measure of self-mutilation to avoid being sent back to the trenches. A Sikh soldier writes to his brother in Amritsar, Punjab, "I pray the Guru [sic] that I may return to my home. I do not know for certain, but I expect so. For I was hit on my trigger finger and the third part of it is cut off. So I hope that I shall return neither to the battle nor to the trench."<sup>42</sup> The likelihood that this soldier was hit directly on their trigger finger is slim; rather, Omissi explains in the note "this injury may well have been self-inflicted."<sup>43</sup>

In conjunction with growing insubordination, the troops began to question the rigidity of the martial races theory, even without the external influence of the Ghadar Movement. Because Sikhs were voluntarily enlisting, an act understood to be inherently brave, Sikh men began to see themselves as more masculine, and thus, equal to the British or to the educated Bengali soldiers.<sup>44</sup> In parallel, the ability to train Bengalis into obedient soldiers exposed critical flaws in the martial races theory as it contradicted the theory's notion that Bengalis were ineffective soldiers due to their characterization as a non-martial race. Indian historian and author S.R. Chowdhury in *The First World War, Anticolonialism and Imperial Authority in British India, 1914-1924* writes, "in this most physically demanding of bodily exertion, the battalion's soldiers grasped drill so quickly

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40. George Morton-Jack, *The Indian Empire at War: From Jihad to Victory, The Untold Story of the Indian Army in the First World War* (Boston: Little, Brown, 2018).

41. Omissi, *Indian Voices of the Great War*, 32.

42. Omissi, *Indian Voices of the Great War*, 31.

43. Omissi, *Indian Voices of the Great War*, 31.

44. McLain, *Gender and Violence in British India*, 15.



that they could now become gurus to their own new recruits. Bengalis could, in effect, become soldiers. This was further proof to Bengalis that the rigidities of the martial-race framework were just imperial obstinacy in the face of clear evidence of the power of good training to recover human potential.”<sup>45</sup> As the boundaries of the castes became permeable under wartime conditions, the British attempt to transform the caste system into the martial races dichotomy gradually crumbled.

### The International Nature of the Movement

While colonial troops became increasingly radicalized on the battlefield, the Ghadar Movement rapidly developed all around the world. Membership swelled above 5,000, with 72 North American branches including Berkeley, Portland, Astoria, St. John, Sacramento, Stockton, and Bridal Veil.<sup>46</sup> On a global scale, it reached Egypt, South Africa, Fiji, Canada, British East Africa, British Guiana, Philippines, Hong Kong, Thailand, Burma, the Dutch East Indies, Mexico, Panama, Shanghai, Singapore, the Malay States, Trinidad, Honduras, and more. It reached, in fact, “to every place where Indians were known to be residing.”<sup>47</sup> The notable global reach of the Ghadar Movement was no accident or coincidence, but an intentional feature by Har Dayal, who implored Ghadarites to “try to strengthen all groups of workers outside India. The centre of gravity of political work has been shifted from Calcutta, Poona, and Lahore to Paris, Geneva, Berlin, London, and New York.”<sup>48</sup>

The destabilizing global influence of the Ghadar Movement was evident through events such as the dramatic 1914 *Komagata Maru* case. 380 overseas Indians, 300 of whom were Sikh, protested Canadian restrictions on Asian migration by sailing a chartered Japanese vessel, *Komagata Maru*, to Vancouver.<sup>49</sup> The Canadians sent the vessel back to India, where the disgruntled Indians aboard began spreading radical ideas to the local Bengali population. The subsequent local unrest propelled the British to demand that the US deport Dayal. Aware of his impending deportation, Dayal fled to Switzerland and eventually made his way to Germany, where foreign offices welcomed his

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45. Chowdhury, *The First World War, Anticolonialism and Imperial Authority in British India*, 99.

46. Ramnath, *Haj to Utopia*, 37.

47. Ramnath, *Haj to Utopia*, 44.

48. Emily Brown, *Har Dayal: Hindu Revolutionary and Rationalist* (Tucson: University of Arizona Press, 1975), 78-79.

49. McLain, *Gender and Violence in British India*, 27.

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revolutionary ideas with open arms.

Shortly after, an even more conspicuous event occurred: the Singapore Mutiny of 1915. The mutiny is perhaps the best reflection of the movement's global reach, at least in terms of its tangible impacts; it left the British aghast and dumbfounded, as the Singapore regiment (the 5th Light Infantry) was famously devoted, even nicknamed "the loyal 5th."<sup>50</sup> On the fateful afternoon of February 15, 1915, amidst blissful Chinese New Year celebrations, Sepoy Ismail Khan allegedly fired the first shot at a British truck. Many sepoys confused the initial firing for fireworks in celebration of Chinese New Year. Once it was clear that a bloody mutiny had commenced, all Indian soldiers either fled or joined the cause. The participating mutineers overpowered guards at the Tanglin barracks, released German prisoners, and shot at British houses.<sup>51</sup> At the time, the Malay States Guides, a regiment mostly composed of Sikhs and Punjabi Muslims, and the 5th Light Infantry were the only source of armed defense on the small island of Singapore. When the mutiny began, British officers panicked, and immediately called on help from nearby foreign ships that had just left Singapore, including French cruiser *Montcalm*, Japanese cruiser *Tsushima*, and Russian cruisers *Otowa* and *Orel*.<sup>52</sup> Between foreign help and British violence, the mutiny was quickly smothered.

The causes of the mutiny, however, are far more important than the consequences. The historically loyal regiment unexpectedly betrayed the British due to influence from the Ghadar Movement. Singaporean newspapers such as the *Straits Times* and the *Singapore Free Press* and *Mercantile Advertiser* extensively covered the *Komagata Maru* voyage.<sup>53</sup> Singaporeans were particularly invested in the voyage as its benefactor, Gurdit Singh, had lived in Singapore for some time prior to the ship's departure. The ship was also anchored in Singapore from September 16-19, 1914, creating ubiquitous gossip and media coverage on its mere presence. Though the 5th Infantry had not yet reached Singapore at the time, the Ghadar Movement's report of the *Komagata Maru* case incited such an uproar among the Malay States Guides that they penned a paper entitled "The Men of the Malay States Guides," in

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50. Heather Streets-Salter, *World War One in Southeast Asia: Colonialism and Anticolonialism in an Era of Global Conflict* (Cambridge: Cambridge University Press, 2017), 18.

51. Ramnath, *Haj to Utopia*, 192.

52. Streets-Salter, *World War One in Southeast Asia*, 21.

53. Streets-Salter, *World War One in Southeast Asia*, 29.

which they refused to leave Singapore to serve abroad.<sup>54</sup> The Guides and the 5th regiment interacted frequently once the 5th men arrived in Singapore in October of 1914. A secret agent reported that “Muslims in the Guides and Muslims in the 5th Light Infantry commonly attended the Kampung Java mosque together in the city.”<sup>55</sup> The 5th quickly learned of *Komagata Maru* and other anti-British matters. Singapore was also home to multiple pro-German Indian revolutionaries and Ghadar Party supporters, including Kasim Mansur (also referred to as Kassim Mansoor), a Gujarati Muslim coffee-shop owner. Mansur frequently invited men from both the Guides and the 5th to his home, where he divulged stirring anti-British material found in the Ghadar newspaper.<sup>56</sup> The mutiny’s causes can therefore be traced back to the Ghadar Movement, reflecting Ghadar’s global reach and impact.

In defiance of the obvious spread of Ghadar-influenced Indian revolutionary ideas, the British refused to recognize that the Singapore mutiny had global origins. The official British press release given to *Reuters* was as follows: “Owing to the jealousy about recent promotions, a portion of the 5th Light Infantry at Singapore refused to obey orders, causing a serious riot.” This release understated the mutiny as a riot and deemed it a strictly local affair caused by jealousy and a lack of discipline within the infantry. The press release also neglected the influence of the German prisoners held at the Tanglin barracks. Soldiers of the 5th were stationed to guard the German prisoners after their ship, *Emden*, was sunk and captured. Amongst the soldiers in camp, a rumor quickly spread that German warships were waiting in the harbor to collect the prisoners and supporters after the mutiny.<sup>57</sup> Ironically, the British could have easily prevented this rumor as interaction with German prisoners was precisely a factor in the radicalization of the Malay States Guides. In fact, Governor Arthur Young of Singapore was “astonished to find that the 5th Native Light Infantry had been mounting guard at the prisoners of war camp at Tanglin, despite recommendations to the contrary.”<sup>58</sup>

The British were evidently incorrect in both their assumption that the

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54. Streets-Salter, *World War One in Southeast Asia*, 29.

55. Streets-Salter, *World War One in Southeast Asia*, 32.

56. Streets-Salter, *World War One in Southeast Asia*, 32.

57. Streets-Salter, *World War One in Southeast Asia*, 43.

58. “Letter from the Governor of the Straits Settlements to the Secretary of State for the Colonies Regarding Court of Inquiry and Causes of Mutiny,” in T.R. Sareen, *Secret Documents on Singapore Mutiny 1915* (New Delhi: Mouno Publishing House, 1995), 710-711.

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5th would remain the “loyal 5th” and in their assertion that Singapore had no Ghadar activity to have caused the mutiny. Unfortunately, much of the evidence available supports this assertion, though the reliability and validity of the evidence must be questioned. First, the court testimonies immediately after the mutiny are controversial because all soldiers of the 5th regiment, with the exception of those who directly assisted the British, were under suspicion. Admitting to knowledge of the *Ghadar* newspaper would be self-incriminating as it would give the soldier in question a motive to rebel against the British, incentivizing soldiers to create fake alibis and lie about their knowledge of the Ghadar material circulating in Singapore at the time. Abdul Hamid, a soldier in question, said in his testimony, “I never saw the newspaper myself. I don’t know what newspaper.”<sup>59</sup> Second, much information on the mutiny is based on soldiers’ letters intercepted in the days or weeks prior. The scarcity of these letters, as only 10 survive, in and of itself raises suspicion.<sup>60</sup> In addition, the letters were often written by intermediaries since many men were not literate, and were translated by British officers with motive to cover any mention of the Ghadar Movement or other outside pressures.

Not only were Ghadarites scattered across the world, from San Francisco to Singapore, but the movement also garnered the support of foreign nations. In fact, the movement came closest to success through German involvement and aid. Bethmann Hollweg, the chancellor of the German Empire for most of the war, officially began a campaign of unrest in India on September 4, 1914.<sup>61</sup> Before then, Max von Oppenheim, a prominent German lawyer and diplomat, had already approached Indian exiles studying in Berlin to form a committee. This committee came to be known as the Indian Independence Committee (IIC). The IIC quickly expanded from the Indian student community to more experienced revolutionaries such as Virendranath Chattopadhyay, a Bengali activist, in order to meet the high demands of the German government.<sup>62</sup> The German motivation behind these demands was that Indian unrest would overthrow the British empire and colonial troops’ resignation would cost the British the war. Even at worst, tackling the threat of revolution brought about by the Ghadar Movement would distract and destabilize the British empire at a crucial time.

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59. Sareen, *Secret Documents*, 122.

60. Streets-Salter, *World War One in Southeast Asia*, 40.

61. Fraser, “Germany and Indian Revolution,” 256.

62. Fraser, “Germany and Indian Revolution,” 258.

The Germans specifically approached the Ghadar Movement as officials believed the movement derived great strength from the allegiance of Sikh

***“Within the Ghadar community, members were treated as equals, regardless of caste, race, or religion.”***

peasant emigrants and the potential support these men could arouse in their villages. Oppenheim and accompanying German officials decided on an all-or-nothing policy of intervention in India. The high commitment to Indian independence drove Germany to purchase between ten and twenty thousand rifles and ammunition from American arms markets with the goal of arming Sikh Ghadarites in India. Specifically, Germany purchased “8,080 Springfield rifles of Spanish-American war vintage, 2,400 Springfield carbines, 410 Hotchkiss repeating rifles, all of matching calibers and with 4,000,000 cartridges, 5,000 cartridge belts, 500 Colt revolvers with 100,000 cartridges and 250 Mauser pistols with ammunition.”<sup>63</sup> Such an expensive purchase speaks to the legitimacy and intensity of German support for the Ghadar Movement.

The international nature of the war enabled the German collaboration as well as events such as the Singapore Mutiny of 1915. In this global context, the Ghadar Movement created and utilized transnational networks to their benefit. In China, countryside Sikhs strongly supported the Ghadar Party. Recognizing the potential, Hubert Knipping, the German consul-general in Shanghai, assumed responsibility for Indian revolutionary activities in the area.<sup>64</sup> In Thailand, the Ghadar Party established an operational center in attempts to disaffect Sikh military police in Burma.<sup>65</sup> Ghadarites envisioned training Indians in the Thai jungle, then sneaking across the border to work with the Burma Military Police, a quasi-military force of some 15,000 Sikhs and Punjabi Muslims.<sup>66</sup> Ghadarites actually did have some initial success in establishing a headquarters in the

63. Fraser, “Germany and Indian Revolution,” 261.

64. Fraser, “Germany and Indian Revolution,” 260.

65. McLain, *Gender and Violence in British India*, 59.

66. Fraser, “Germany and Indian Revolution,” 266.

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Thai jungle near the Burmese border to train Ghadarites coming in from China and Canada. These transnational networks simultaneously disseminated the movement's ideas and increased British concern as the Ghadar Movement became undeniably internationalized.

### Promotion of A Casteless Society

Beyond inciting mutinies and spreading globally, a unique feature of the Ghadar movement was that it imagined a casteless post-revolution society. Within the Ghadar community, members were treated as equals, regardless of caste, race, or religion. According to one worker, named Vatuk, "People lived there in a democratic way in a lifestyle based on equality...All who lived there were just Indian. They cooked, ate, and lived together like a family. They were the followers of one path."<sup>67</sup> Ghadarites incorporated their vision for a peaceful and equal, yet still independent society in their promulgated materials. A letter left to one recipient of the newspaper reads, "Sikhs, Hindus and Muhammadans all will be treated alike. Brother, the means of salvation is this. Educate all your children, boys and girls. Hindus, Muhammadans and Sikhs must cultivate love among themselves and then the work will gradually be accomplished."<sup>68</sup> Although the Ghadar community was predominantly Sikh, the uniting factor was the shared goal for independence rather than shallow distinctions of caste or race. The community, therefore, welcomed any person with open arms, so long as they expressed anti-British and pro-independence sentiments. As Ghadarite Prithvi Singh Azad said, "all those who could abuse the British or showed enthusiasm and fire; they joined. All those who wanted to join, joined."<sup>69</sup> All Ghadarites were bound to each other and to the movement almost entirely by an emotional commitment.

The idealistic vision for a casteless society was not only for the sake of equality and peace, but also driven by the primary goal of Indian independence. Castes were a significant barrier to nationalism as the first allegiance of Indian people was to their caste rather than to the nation. Those of high status who benefited from the caste system were even actively opposed to nationalism as it threatened their lavish lifestyle rooted in profiting off inequality. Thus,

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67. Vatuk in Isemonger, *Account of Ghadr Conspiracy*, viii.

68. Isemonger, *Account of Ghadr Conspiracy*, 21-22.

69. Prithvi Singh Azad, Interview by Harish K. Puri in "Revolutionary Organization: A Study of the Ghadar Movement" *Social Scientist* 9, no. 2 (October 1980): 53-66.

alongside fighting the British, the Ghadar Movement faced two internal barriers to independence and nationalism: the deeply ingrained caste system and the individual soldier identity amplified by *izzat*.

Back home in India, the Indian National Congress (INC) was not instigating a nationalist sentiment or promoting an equal casteless society in the slightest. In that sense, the INC was especially loyal to the British throughout the wartime years, operating independently but always under the watchful eyes of the British Empire. Famed Southeast Asian historian Nicholas Tarling, in *Asia and the First World War: Involvement and Aftermath*, described the daily operations as follows: “The tone of its debates was ‘loyal.’ Economic, social and political change, partly instigated by the government itself, was altering the status and aspirations of its subjects, whatever the emphasis on ‘tranquilisation,’ but the Congress response was to seek practical reformers and the redress of grievances.”<sup>70</sup> Admittedly, there was some rebellion within the INC. Bal Gangadhar Tilak and the Nationalists, called “Extremists” by critics, thought Congress was too lenient, and advocated for non-cooperation with the British. Tilak’s surviving title as “The Father of the Indian Unrest”—ironically coined by Valentine Chirol to criticize Tilak—speaks to the impact Tilak and his followers had on the Indian independence movement.<sup>71</sup>

Nonetheless, at least during the war, Tilak and the INC were heavily focused on compromise, constricted by the chains of British authority in India. By 1914, Tilak was released from prison, no longer insistent on non-cooperation, instead eager to find common ground with the Moderates in congress.<sup>72</sup> The patient bureaucracy and unwavering cooperation of Tilak and the INC with the British included tolerating and even indulging the caste system. It was not until many years later, just prior to the Second Non-Violent Disobedience Movement of 1930 to 1934, that Gandhi, in his collaboration with the Khilafat Movement and the INC, pushed for the dissolution of the caste system as well as of religious differences between Hindus and Muslims in order to build Indian solidarity and identity.<sup>73</sup>

70. Nicholas Tarling, *Asia and the First World War: Involvement and Aftermath*, 14.

71. Stanley Wolpert, *Tilak and Gokhale: Revolution and Reform in the Making of Modern India* (Berkeley: University of California Press, 2017), preface.

72. Tarling, *Asia and the First World War*, 23.

73. Ueda Tomoaki, “Colonial Indian Nationalists, the British Empire, and World War I: Motilal Nehru between Gokhale and Gandhi,” *The Memoirs of the Toyo Bunko* 72 (2018): 89-90.



During the First World War, the nationalist sentiment coming from the Ghadar Movement was relatively revolutionary and unfamiliar to the British given the INC's loyalty and historic Indian obedience. In particular, the international reach of the movement was terribly concerning for the British. "The fact that Dayal operated out of Berlin with the help of German agents, and that his lieutenants in North America continued to export literature worldwide, only bolstered the belief that Britain faced a double threat from Prussian militarism and globalized anti-colonial revolution."<sup>74</sup> Coming from both the Ghadar Movement and within the colonial troops, the British feared an uprising more than they cared to admit. Indeed, the Ghadar Movement "haunted both the British and the French out of proportion to other threats."<sup>75</sup> Their fear is evident from the creation of an interdepartmental intelligence office to deal with the 'danger' of the Ghadar Movement.<sup>76</sup>

### Was the Ghadar Movement a Failure?

Despite the British's noticeable concern and uneasiness about the Ghadar Movement, the movement is most often portrayed as inconsequential. In terms of achieving independence at that time, the movement was obviously a failure. The German aid to the movement was in vain, as it came too late and was ineffective in sending arms through neutral regions. Franz von Papen, responsible for coordinating measures with Ram Chandra, one of the inner circle Ghadar leaders, was incredibly incompetent. Papen shipped arms directly from New York to India, ignorant of how a large cargo arms shipment consigned to an area as sensitive as India was bound to attract the attention of British intelligence.<sup>77</sup> Ram Chandra was also to blame since he incautiously gave Papen misleading information that there would be hundreds of revolutionaries in Punjab and Karachi to accept the arms package. In reality, Ram Chandra was concerned there would not be a single person there. The numerous blunders on the part of both men prevented the expensive American arms from reaching the Ghadar revolutionaries in India. German failure, in general, can be attributed to "inefficient personnel, inability to detect treason in their own ranks, underestimation of the efficiency of British intelligence and a false idea of how

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74. McLain, *Gender and Violence*, 58.

75. Streets-Salter, *World War One in Southeast Asia*, 11.

76. McLain, *Gender and Violence*, 60.

77. Testimony of J.B. Starr-Hunt, in "Germany and Indian Revolution, 1914-18," Thomas G. Fraser, 263.

certain neutral countries would react.”<sup>78</sup>

Both the Singapore Mutiny and the attempted uprising in Thailand were also catastrophic failures. The bloody Singapore Mutiny culminated in 126 courtmartials, 27 public shooting executions, and 41 life sentences, leaving only 51 mutineers unaccounted for and causing no lasting physical damage to the British Empire.<sup>79</sup> In Thailand, the principal British police officers became aware of the suspicious movement, eventually discovering the Ghadarites’ plan and arresting those responsible. In the end, only six made it to the raid in Burma, where they were instantly captured and sentenced to death.<sup>80</sup>

Internally, too, the Ghadar Movement neglected structure and organization. Due to a lack of centralization, each of the branches acted autonomously, bound only by a vaguely similar goal. Unlike the Bolsheviks who made unified militant organization a high priority, Ghadar leadership never saw strategy as essential, instead over relying on the sheer commitment, passion, and anger of their members to guide the movement.<sup>81</sup> The instructions which Ghadar leadership gave to the troops were as follows: “Go to India and incite the native troops. Preach mutiny openly. Take arms from the troops of the native states and wherever you see the British, kill them. If you do your work quickly and intelligently, there is hope that Germany will help you. Get help from Nepal and Afghanistan. Start the War quickly.”<sup>82</sup> These vague instructions were predestined to result in inaction or devastating failures such as the Singapore Mutiny. The overestimation of their members’ abilities and disregard for internal organization undoubtedly contributed to the Ghadar Movement’s eventual downfall.

The movement’s demise culminated in the famous 1917-1918 Hindu-German Conspiracy trial held in San Francisco. On November 21, 1917, the *New York Times* reported the beginning of the trial, writing that “efforts of the government to prove the existence in this country of a conspiracy to foment revolution against British rule in India began today.”<sup>83</sup> On April 24, 1918,

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78. Fraser, “Germany and Indian Revolution,” 268.

79. Ramnath, *Haj to Utopia*, 192.

80. Fraser, “Germany and Indian Revolution,” 267.

81. Puri, “Revolutionary Organization: A Study of the Ghadar Movement,” 58.

82. Nawab Khan, “Lahore Conspiracy Case,” Home Department (Pol) Secrets proceedings 206-238, October 1915.

83. “HINDU PLOT TRIAL BEGINS; Government Drops Charge Against Five of Defendants,” *The New York Times*, November 21, 1917.

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the trial came to a climactic end with the assassination of Ram Chandra in the Federal District courtroom by Ram Singh, a former employee and co-defendant of Chandra. In an even more dramatic turn of events, Singh was then immediately shot and killed by U.S. Marshal James B. Holohan. On the day of the event, *The New York Times* published a dramatized report of the events: “Ram Chandra arose and started across the room. Ram Singh also arose. He raised his revolver and began firing. Ram Chandra staggered forward and fell dead before the witness chair, with a bullet in his heart and two others in his body.”<sup>84</sup> It was a climactic conclusion, not just to a sensational and prolonged trial, but to the entirety of the Ghadar Movement.

### Conclusion

As with any nationalist movement, to boil revolution down to a single cause would be a gross oversimplification. In the case of Indian independence, the Ghadar Movement was, on no account, the primary contributing factor. However, the Ghadar Movement did play a large role in the complex and intricate narrative of Indian independence, both during and after World War I. Most prominently, the heroism of the Ghadar Movement lived on for centuries as it gave Indians hope, not just for independence from the British, but for an ideal post-colonial society without caste or class. Heroes of the revolutionary movement such as Bhagat Singh were inspired by former members of the Ghadar Party. In fact, it was rumored that Bhagat Singh always carried a photo of the great Kartar Singh Sarabha, a prominent Ghadar Movement member, in his pocket.<sup>85</sup> Similarly, a number of disaffected Sikhs, many of whom had contact with the Ghadar Movement, came to the United Kingdom after the war and began the Indian Workers' Association (IWA), an organization of Indians aimed to “give all possible aid to the movement for Indian independence.”<sup>86</sup> The IWA continues its work today, even after 60 years of fighting against discrimination of Indians in Great Britain. In this sense, the legacy of the Ghadar lives on in the present.

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84. “TWO HINDUS SLAIN IN FEDERAL COURT; Ram Singh Shoots Ram Chandra and Marshal Holohan Instantly Shoots Singh. OFFICIAL'S AIM REMARKABLE Twenty-nine of the Defendants in India Revolution Case Are Found Guilty. Marshal's Shot Remarkable,” *The New York Times*, April 24th, 1918.

85. Haroon Khalid, “The 1915 Ghadar plan to free India from the British was a failure – but it sparked a revolution,” *Scroll.in*, April 27, 2018, <https://scroll.in/article/877029/the-1915-ghadar-plan-to-free-india-from-the-british-was-a-failure-but-it-sparked-a-revolution>.

86. “Intelligence report on the Indian Workers' Association,” Public and Judicial Department, India Office Records, British Library, April 14, 1942.

Within India too, Ghadarites persistently attempted to tackle two critical barriers to nationalism, military honor (*izzat*) and the caste system. For the former, the Ghadar newspaper clearly aimed at persuading Indian colonial soldiers to rethink their allegiances. The movement insisted that soldiers were not part of the existing collectivity in the army as they so assumed, but rather pawns in a British game. Therefore, the soldiers' allegiance should be, according to the Ghadar Movement, to their home nation of India rather than to colonial oppressors. The movement's focus on Sikh soldiers, in particular, correlates directly with the second barrier, the caste system. Ghadarites recognized that deconstructing colonial India's paradigm of the loyal "peasant-warrior" required unraveling the entirety of the caste system. Under the caste system and accompanying martial races theory, Sikhs were neglected and

***“The movement insisted that soldiers were not part of the existing collectivity in the army as they so assumed, but rather pawns in a British game. Therefore, the soldiers’ allegiance should be, according to the Ghadar Movement, to their home nation of India rather than to colonial oppressors.”***

poorly treated as mere unintelligent, obedient soldiers.<sup>87</sup> When the movement arose, Sikh soldiers were empowered by the belief that they could become revolutionary Ghadarities, creating a newfound dignity that the martial races theory had hindered for so long.

The Ghadar Movement, of course, did not immediately cause revolution. It is arguable that the movement, in fact, had nothing to do with Indian independence eventually gained in 1947. The movement also never succeeded in toppling the caste system, as castes remain a core element in Indian society. However, such a myopic attitude towards the movement results in a lack of recognition

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87. Das, *India, Empire, and First World War Culture*, 80-82.

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for its larger impacts. The Ghadar Movement, “international and intercolonial by its nature — a fact that was not lost on colonial administrators,” reflects the need to rethink nationalism and independence movements as phenomena with global origins and consequences.<sup>88</sup>

The Ghadar Movement was by no means in vain. The editor, Dayal himself, noted in the first edition of the newspaper that “the pen has done the work of a cannon,” reflecting the Ghadar Movement’s emphasis on spreading ideas rather than actual rebellion.<sup>89</sup> From this, one can infer that perhaps the movement never truly aimed to incite revolution, but simply to spread ideas. The Ghadar Movement served to question the martial races theory, break down the caste system — both in the troops and back home in India — and ultimately, ignite the flame for a revolution of independence. Although the necessity of war, numerous logistical blunders, and sheer British strength made the movement a short-lived uprising, the ideas promulgated by the Ghadar Movement would live on for decades to come.

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88. Streets-Salter, *World War One in Southeast Asia*, 10.

89. Ramnath, *Haj to Utopia*, 38.

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See page 43.

## A HISTORY OF TREASON LAW IN THE UNITED STATES



Michael Kelley. *Confronted with the State*. Photograph.

# A HISTORY OF TREASON LAW IN THE UNITED STATES AND THE QUESTIONS IT FAILS TO ANSWER

**Ben Baker-Katz**

**Written for Four Modern Revolutions**

**1776, 1789, 1917, 1989**

**(HIST 457)**

**Dr. Peter C. Caldwell**

## Introduction

In late October 2021, a married couple from Maryland was accused of attempting to sell classified information about the nuclear reactors that power US nuclear submarines for up to \$5 million to an unknown foreign government.<sup>1</sup> There are some who would be tempted to call their actions treasonous, treason being a word thrown around so frequently in recent years that many people just associate it with any crime committed against the US government. But this couple selling state secrets was charged with espionage, not treason. Espionage, and its relatives insurrection and sedition, are written in US criminal code as crimes against the US government with each defined slightly differently. Espionage is the act of gathering information related to national defense in an attempt to injure the United States or to help a foreign nation and is the law under which criminals are most often tried for crimes against the United States — Edward Snowden is

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1. Julian E. Barnes and Zach Montague, "Couple Pleads Not Guilty in Spy Case as Prosecutors Lay out New Details," *The New York Times*, October 20, 2021.

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the most recent, high-profile example.<sup>2</sup> US criminal code defines insurrection as rebelling against the authority of the US government, and seditious conspiracy is two or more people conspiring to overthrow the US government.<sup>3</sup> These are some of the most severe crimes the federal government can charge someone with, but each is dwarfed by their big brother, the ultimate crime one can commit against the state: treason.

Treason is a crime of loyalty. One cannot commit treason against any government the way that they can espionage or insurrection. For an action to be treasonous, the actor must be betraying a country to which they owe their allegiance. The only crime explicitly defined by the US Constitution, the treason clause comes in two parts. Article III, Section 3 of the Constitution states:

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.<sup>4</sup>

The specificity of the treason clause is what makes it unique; treason is the only crime explicitly defined by the Constitution, and therefore it is the only crime for which the government is prevented from adjusting the burden of proof. The wording of the clause matters tremendously, as nothing short of a constitutional amendment can redefine treasonous action. Perhaps the Framers were simply following Montesquieu when he said that if the crime of treason is indeterminate, that alone is sufficient to make any government degenerate into arbitrary power.<sup>5</sup> Article III, Section 3 continues:

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attained.<sup>6</sup>

Despite the apparent simplicity in a clause that is just eighty words long, the practice of prosecuting treason in the United States has proven to be anything

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2. Christina Wells, "Edward Snowden, the Espionage Act and First Amendment Concerns," [www.jurist.org](http://www.jurist.org), July 29, 2013.

3. 18 U.S.C. §§ 2383-2384 (1948).

4. U.S. Const. art. III, § 3.

5. Joseph Story, *Commentaries on the Constitution of the United States* (Cambridge: Hilliard, Gray & Co, 1833), 667.

6. U.S. Const. art. III, § 3.

but simple. In 1945, the Supreme Court heard *Cramer v. United States*, its first case involving a treason conviction. In the opinion, Justice Robert Jackson wrote that “[t]he framers’ effort to compress into two sentences the law of one of the most intricate of crimes gives a superficial appearance of clarity and simplicity which proves illusory when it is put to practical application.”<sup>7</sup> This paper will explore this so-called illusion by tracing the origins of US treason law to the arguments surrounding Article III, Section 3 at the Constitutional Convention of 1787 and through its limited application.

Scholarship on the history of treason law is relatively scarce; James Willard Hurst essentially created the field when he published *The Law of Treason in the United States: Collected Essays* in 1971.<sup>8</sup> However, there were other works that discussed the early application of treason law in a broader context, like that of Joseph Story, a former Supreme Court justice whose book *Commentaries on the Constitution of the United States* provides a thorough look at the drafting of the Constitution and its application during the early nineteenth century.<sup>9</sup> More modern perspectives on treason law come from George P. Fletcher, whose articles “The Case for Treason” and “Ambivalence about Treason” explain the perception of treason law today.<sup>10</sup> There is also Paul Crane’s aptly named piece “Did the Court Kill the Treason Charge?” that takes a thorough look at the *Cramer* case and its implications in modern treason prosecution.<sup>11</sup> Finally, Brian F. Carso Jr.’s dissertation titled “Whom Can We Trust Now: The Meaning of Treason in the United States, from the Revolution through the Civil War” captures early Americans’ thoughts on treason in great detail.<sup>12</sup>

This paper will attempt to answer the core questions of why treason prosecutions have never played a prominent role in American legal history and what questions relating to treason law remain unanswered. The Founding Fathers purposefully made prosecuting treason extremely difficult because they were aware of the potential for those in power to falsely accuse political enemies

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7. *Cramer v. United States*, 325 U.S. 1 (1945), 46.

8. James Willard Hurst, *The Law of Treason in the United States: Collected Essays* (Westport: Greenwood Publishing Corporation, 1971).

9. See: Story, *Commentaries on the Constitution of the United States*.

10. George P. Fletcher, “The Case for Treason,” *Maryland Law Review* 41, no. 2 (1982); George P. Fletcher, “Ambivalence about Treason,” *North Carolina Law Review* 82, no. 5 (2004).

11. Paul T. Crane, “Did the Court Kill the Treason Charge?: Reassessing *Cramer v. United States* and Its Significance,” *Florida State University Law Review* 36, no. 4 (2009).

12. Brian Francis Carso Jr., “Whom Can We Trust Now: The Meaning of Treason in the United States, from the Revolution through the Civil War,” Order No. 3124809, Boston University, 2004.

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of treason, a practice that was commonplace in Britain for centuries. Additionally, the Supreme Court has consistently narrowed the constitutional definition of treason, rendering its prosecution largely unnecessary today, but failed to answer key questions about the relationship between loyalty and treason after the Civil War. While the history of treason law in the United States shows a concrete understanding of what constitutes treason when there is a perceived exterior threat to US national security, there is a distinct lack of clarity on the loyalties required for an action to be considered treasonous when they threaten US sovereignty from within.

### Treason in the Colonies

Long before the Framers sat down to draft the Constitution in 1787, individual colonies defined treason in their charters as early as the sixteenth century. Though early American references to treason gave colonial governments extraordinary power to assert martial law to quell forms of “rebellion,” “sedition,” or “mutinies,” the vast majority of colonial legislation on treason stemmed from the more modest Statute of 25 Edward III.<sup>13</sup> This statute spelled out several treasonable offenses, including declaring someone guilty of treason if they “compassed or imagined” the death of the King, levied war against the King in his realm, or adhered to the King’s enemies.<sup>14</sup> While colonial treason law was less restrictive than the Constitution eventually was, most colonies also chose to limit its application somewhat by adopting the two-witness requirement and procedural guarantees for the prosecution of treason that the Statute of 7 William III outlined. Colonial laws from the latter part of the seventeenth century onward contained explicit references to that statute or the English statutes on treason generally.<sup>15</sup> However, that statute and the colonial laws that reference a two-witness requirement do not bear much resemblance to the two-witness requirement later inserted into the Constitution, as they did not require the witnesses to have observed the same overt crime.<sup>16</sup> In all, colonial legislation on treason largely echoed the English statutes and hardly reflected the concerns over treason that were brought to light in Philadelphia circa 1787. Hurst argues that “the striking characteristic of all the pre-Revolutionary legislation in the colonies is the evident emphasis on the safety of the state or government, and the subordinate role of any concern

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13. Hurst, *The Law of Treason in the United States*, 69, 71.

14. Statute of Treasons, 1351, 25 Edward 3, c. 2.

15. Crane, “Did the Court Kill Treason?,” 637; Hurst, *The Law of Treason in the United States*, 81.

16. Trials of Treason, 1696, 7 William 3, c. 3.

for the liberties of the individual.”<sup>17</sup>

After the Revolution began, the newly formed states expanded their definitions of treason due to two factors. First, states did not feel the need to limit the scope of the offense or the amount of proof required to commit treason

***“As a result, many treason statutes in the new states included clauses relating to conspiracy to commit treason and defined adherence broadly enough that it encompassed almost every conceivable form of cooperation with the British.”***

because there was no evidence that the pre-revolutionary period produced fears regarding the abuse of treason trials in the colonies.<sup>18</sup> As a result, many treason statutes in the new states included clauses relating to conspiracy to commit treason and defined adherence broadly enough that it encompassed almost every conceivable form of cooperation with the British.<sup>19</sup> Second, as they had just declared their independence from one of the most powerful empires the world has ever known, there was a strong desire to ensure that their new governments would remain intact. As Hurst puts it, legislative attention at the beginning of the Revolution was directed with “overwhelming urgency” at the security of the new states.<sup>20</sup> However, this is not to say that everyone in the colonies favored broader definitions of treason. There was growing skepticism at the time that treason statutes ought to be more carefully defined and limited. Included in this movement for adopting more restrictive language are the writings of Thomas Jefferson as he helped draft the Virginia treason statute in 1776.<sup>21</sup> Hurst notes, however, that such skepticism was “still subordinate to a broad and impulsive

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17. Hurst, *The Law of Treason in the United States*, 75.

18. Hurst, *The Law of Treason in the United States*, 92.

19. Carso, “Whom Can We Trust Now,” 88.

20. Hurst, *The Law of Treason in the United States*, 100.

21. Carso, “Whom Can We Trust Now,” 90-93.



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use of treason as the means by which to ward off what were viewed as extreme dangers to the security of the states.”<sup>22</sup>

### Treason at the Constitutional Convention

Two political issues enveloped every debate at the Constitutional Convention: preventing an overzealous national government from improperly incarcerating its citizens and determining the correct balance between state and federal power. These ideas appear repeatedly in the debates from the convention, the Federalist Papers, and within the Constitution itself. But potential abuses of power and sovereignty between the states and the federal government were also problems at the core of the treason clause. As the members of the Constitutional Convention began to craft the nation’s founding document in 1787, their status as traitors in the eyes of the British was “still fresh in [their] minds.”<sup>23</sup> Though there were undoubtedly other aspects of British law the Framers wanted to change, they drew almost entirely from the statutes of 25 Edward III and 7 William III when writing the treason clause. Among the seven actions the Edward statute finds, the two most relevant (with modification) to a republican government were “if a man do levy war against our lord the King in his realm,” and “if a man be adherent to the king’s enemies in his realm, giving to them aid and comfort in the realm, or elsewhere.”<sup>24</sup> From the William statute, they pulled the requirement of two witnesses to the same or different overt acts of the same overall treasonous plot.<sup>25</sup> There was no official mention of treason at the convention until the draft Constitution was submitted, the language of which is very similar to that of the final product:

Treason against the United States shall consist only in levying war against the United States, or any of them; and in adhering to the enemies of the United States, or any of them. The legislature of the United States shall have power to declare the punishment of treason. No person shall be convicted of treason, unless on the testimony of two witnesses. No attainder of treason shall work corruption of blood nor forfeiture, except during the life of the person attainted.<sup>26</sup>

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22. Hurst, *The Law of Treason in the United States*, 106.

23. Carso, “Whom Can We Trust Now,” 71.

24. Statute of Treasons, 1351, 25 Edward 3, c. 2.

25. Trials of Treason, 1696, 7 William 3, c. 3.

26. Hurst, *The Law of Treason in the United States*, 129-130.

There are two significant differences between this language and what ended up in Article III, Section 3. The first is that the act of adherence is not qualified by “aid or comfort,” and the second is that there is no mention of an “overt act,” straying from the English statute and allowing for a broad interpretation of the “testimony of two witnesses.”

The debate over the content of the treason clause centered around three key issues: the definition of treason itself (whether it was too broad or too narrow), the evidentiary requirements of the clause, and the question of sovereignty — to whom was primary loyalty owed, and thus treason eligible to be committed against, the federal government or individual states?

James Madison opened the debate by advocating less restrictive language, saying that the proposed draft did not go as far as the Edward III statute. He wanted to provide Congress with more leeway in their ability to define treason and said that it was “inconvenient to bar a discretion which experience might enlighten, and which might be applied to good purposes as well as abused.”<sup>27</sup> Many others also wanted to follow the Edward III statute more closely, so George Mason moved to add “giving them aid or comfort” immediately following “adhering to their enemies.” His motion was adopted with broad support, as the addition would be both explanatory and limiting of the word “adhering,” which many at the Convention were concerned was too vague.<sup>28</sup> The decision to both clarify and restrict “adherence” exemplifies the Framers’ caution with the treason clause as a whole. It is easy to define “adhering with the enemy” as simply as agreeing or sympathizing with the enemy. By clarifying that adherence must include the act of “giving,” the Framers ensured that no one could be convicted of treason without acting on their adherence.<sup>29</sup>

Toward the beginning of the debate, a motion was adopted that inserted the words “overt act of” into the first sentence, making the clause read “treason against the United States shall consist only in some overt act of levying war.” Hurst argued that this addition made clear that the Framers found it “important to stipulate expressly than an overt act should constitute a distinct element of

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27. Max Farrand, *The Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1911), 345.

28. Hurst, *The Law of Treason in the United States*, 132, 133.

29. Carso, “Whom Can We Trust Now,” 100.

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proof of the offense.”<sup>30</sup> With this addition, much of the subsequent debate over evidentiary requirements concerned whether the two witnesses had to witness the same overt act. Many Framers, led by John Dickinson, argued that language about the overt act should be added after the two-witness requirement to clarify further that the “overt act” was a distinct element of proof. But more importantly, this addition enshrined that both witnesses needed to testify to the same overt act. With this clarity in place, the initial reference to an “overt act” was removed from the first sentence to prevent repetition.<sup>31</sup>

In the end, what the convention discussed most regarding the treason clause was the issue of sovereignty in prosecuting treason. Carso sums up the crux of the argument by asking, “What entity claimed allegiance from its citizens for the purpose of defining treason? The United States, the individual states, or some combination of both?”<sup>32</sup> There was consensus that the nation held sovereignty over the people, but also that individual states claimed some sovereignty. One key question in that sovereignty was whether treason committed against one state could be considered treason against the United States. Mason argued that Bacon’s Rebellion, a short-lived uprising in the 1670s in which white indentured servants, black servants, and slaves took up arms against the Virginia colonial governor, was an example of treason against a particular state but not against the nation at large. But at the time of this rebellion, there was no union against which it was possible to commit treason, so its implications in this debate are unclear.

On the other hand, Dickinson argued that “war or insurrection against a member of the Union must be so against the whole body...the Constitution should be made clear on this point.”<sup>33</sup> However, debate at the convention centered on “what would constitute an equitable and workable plan” for the federalist system.<sup>34</sup> The treason clause reflects this desire for workability by not delving into specifics on the issue of state sovereignty. In terms of the constitutional text, Roger Sherman drew a distinction between committing treason generally — “treason shall consist only in levying war against the United States...” — and committing treason specifically against the sovereignty of the United States:

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30. Hurst, *The Law of Treason in the United States*, 133-134.

31. Carso, “Whom Can We Trust Now,” 101.

32. Carso, “Whom Can We Trust Now,” 102.

33. Carso, “Whom Can We Trust Now,” 102, 104.

34. Hurst, *The Law of Treason in the United States*, 134.

“treason against the United States shall consist...”<sup>35</sup> The convention chose the latter, cementing that treason, as defined by the Constitution, was a crime committed against the supreme sovereignty of the United States. In choosing that wording, they also seemed to make clear that individuals who could commit treason against the US, anyone who owes loyalty to the government (everybody in the nation), owes that loyalty to the union, first and foremost.

### **Treason in the Practice**

As it turns out, federal courts rarely weigh in on treason at all. The scarcity of treason prosecutions in US history is primarily explained by a pair of factors: the restrictive nature of the clause as written and the Court’s actions in restricting the clause when it did agree to hear treason cases. Looking back at the crafting of the treason clause, it is crystal clear that the defining characteristic of the law is its restrictiveness. Hurst notes that “the only respects in which the convention may be said to have rejected opportunities to confine the scope of the offense were in rejecting suggestions... that participation in a civil war, between a state and the nation, be expected.”<sup>36</sup> The irony of their failure to fully consider the possibility of a civil war is obvious now, but this consideration would have been antithetical to the entire purpose of the convention, which was to write a constitution that every state would support. To this point, the Framers sought to highlight the restrictive nature of the clause as they sold it to the states. Madison makes that argument explicit in Federalist No. 43:

As new-fangled and artificial treasons have been the great engines by which violent factions, the natural offspring of free government, have usually wreaked their alternate malignity on each other, the convention have, with great judgment, opposed a barrier to this peculiar danger, by inserting a constitutional definition of the crime, fixing the proof necessary for conviction of it, and restraining the Congress, even in punishing it, from extending the consequences of guilt beyond the person of its author.<sup>37</sup>

Another member of the convention, James Wilson, who was part of the committee that put together the original draft of the Constitution and had a heavy hand in crafting the treason clause, said he believed the virtue in the treason clause

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35. Carso, “Whom Can We Trust Now,” 103-104.

36. Hurst, *The Law of Treason in the United States*, 134.

37. James Madison, *Federalist No. 43*.

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lay in its fundamentally restrictive nature, referring to it as an “ornament” of the Constitution.<sup>38</sup>

The treason clause that was eventually enshrined in the Constitution, just like the treason clauses adopted by colonies throughout the colonial period, was born in response to concerning elements of the political climate at the time. Just as those colonies and newly formed states were concerned with protecting their new governments, the Framers seemed most concerned with preventing the abuse of powers by the new federal government. They recognized that in the system of governance they had built, highlighted by political debate and frequent elections, power would shift much more regularly than in a monarchy. Therefore, they could not allow the group in power the ability to define what constitutes treason, as there would be a propensity to misuse the charge as a tool to remain in power. One of the most critical aspects of the Edward III statute was that it shifted the ability to define treason from judges to Parliament. Article III, Section 3 goes a step further by defining treason once and for all, thus eliminating nearly all potential for abusing the charge. In time, the Supreme Court would follow the Framers’ lead in restricting the legal interpretations of the clause.

During the early years of the United States, rebellion was a relatively common occurrence. In the span of fifteen years, there were three arguably treasonous uprisings in the United States: Shays’ Rebellion in 1786, the Whiskey Rebellion in 1794, and Fries’ Rebellion in 1799. Shays’ occurred before the current Constitution was in

place, but the latter two resulted in treason trials in federal court. The pattern exhibited in these three instances — suppression of the rebellion, ensuring a treason conviction, and subsequently pardoning the traitors — was the means through which the federal government asserted its authority, without “crossing the provocative line of execution.”<sup>39</sup> These instances also seemed to clarify what



Michael Kelley. *Suppression*. Photograph.

38. Hurst, *The Law of Treason in the United States*, 139.

39. Carso, “Whom Can We Trust Now,” 128.

constituted a treasonous offense, and by all accounts, the treason clause was working as intended. It is safe to say that during this period, the idea of treason “engaged the intellect and imagination of the entire country.”<sup>40</sup> So, when a former vice president was accused of treason in 1807, the Supreme Court faced its first high-profile ruling on the constitutionality of the treason charges.

When Aaron Burr left the vice presidency in 1805 with his political reputation in ruins, he ventured westward. Historians are unclear exactly on his motives at this time, but there is consensus that he was trying to provoke war with Spain in an attempt to free Mexico, and possibly the Louisiana Territory as well. He was in consistent communication with General James Wilkinson, governor of the Louisiana Territory at the time. Wilkinson, having fallen out of favor with Democratic-Republicans, wrote President Thomas Jefferson a letter detailing the assembling of a small army in his territory.<sup>41</sup> Jefferson had no trouble believing in Burr’s guilt, given their already fractured relationship. Jefferson declared Burr guilty in front of the House of Representatives and sought to bring treason charges against Burr and his associates. Two of those associates, Samuel Swartwout and Dr. Justus Erich Bollman, were arrested in New Orleans and brought to Washington for trial. The Supreme Court ruled that treason charges could not be filed against Swartwout and Bollman because, among other reasons, war had not been levied against the United States. Chief Justice John Marshall wrote:

To constitute that specific crime...war must be actually levied against the United States. However flagitious may be the crime of conspiring to subvert by force the government of our country, such conspiracy is not treason. To conspire to levy war, and actually to levy war, are distinct offences.<sup>42</sup>

Story notes that the specificity of the treason doctrine allowed for judges to adhere to it strictly, even when “executive influence has exerted itself with no small zeal to procure convictions.”<sup>43</sup> Story is referring to Jefferson’s outspoken role in trying to obtain treason convictions for Burr and his associates. Marshall also alludes to this in the opinion of the Court, saying that the treason clause was written narrowly to prevent what he calls “resentments” and “passions,” better

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40. Carso, “Whom Can We Trust Now,” 114.

41. Carso, “Whom Can We Trust Now,” 129-133.

42. *Ex Parte Bollman and Ex Parte Swartwout*, 8 U.S. (4 Cranch) 75 (1807), 126.

43. Story, *Commentaries on the Constitution of the United States*, 669.

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known as political games, from interfering with the rule of law.<sup>44</sup> Burr was later found innocent, and the treason clause had survived its first test of politically motivated accusations. But more importantly, the Court restricted what could be considered treasonous under US law.

It wasn't until 1945 that the Supreme Court decided its first case on a treason conviction: *Cramer v. United States*. Anthony Cramer was born in Germany and served in the German army in World War I before moving to America and becoming a naturalized citizen in 1936. In 1942, several German soldiers arrived on American soil intending to hinder American war production. One of these men, a friend of Cramer's from his time in New York named Werner Theil, reached out to Cramer and asked to meet. Theil and Cramer met on multiple occasions, and at one meeting, Theil gave Cramer his money belt with \$3600 for safekeeping. Cramer, by all accounts, never knew of Theil's Nazi affiliations.<sup>45</sup> Though the Second Circuit affirmed his initial treason conviction, the Supreme Court reversed Cramer's conviction on the grounds that the evidence presented did not meet the Constitutional requirement of an "overt act." The Court stated that:

The very minimum function that an overt act must perform in a treason prosecution is that it show sufficient action by the accused, in its setting, to sustain a finding that the accused actually gave aid and comfort to the enemy.<sup>46</sup>

This interpretation of "overt act" narrowed its definition substantially, in that the Court now said an act worthy of treason cannot just manifest treasonous intent but must actually be beneficial in aiding or comforting the enemy. In *Cramer*, the Court did not believe any of the meetings Cramer attended nor any information he provided advanced the Nazi's cause.

### Implications of Cramer

In the immediate aftermath of World War II, nearly a dozen treason prosecutions were filed in the United States, including Cramer's. But since 1954, the United

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44. 4 Cranch, 127.

45. Crane, "Did the Court Kill Treason," 640-641.

46. *Cramer v. United States*, 325 U.S. 1 (1945), 34.



States has only issued a single treason indictment.<sup>47</sup> Conventional wisdom explains this hiatus by pointing to the *Cramer* decision; the Court's restriction of "overt act" and what it means to "aid and comfort" made the definition of treason too narrow and therefore impossible to charge. This explanation does not hold up for two reasons. The first is that there were plenty of treason cases brought in the years between the *Cramer* decision in 1945 and 1954. If treason was now impossible to charge, the Department of Justice would not have continued to charge people with it. Second, almost every single one of those cases ended in conviction; only one was overturned on appeal, and it wasn't even reversed for failing to meet the overt act requirement.<sup>48</sup> Given this, it is clear that the Court's interpretation of the treason clause in *Cramer* had little to do with the drop-off in treason prosecutions post-1954.

Though the Court's restricting interpretations of "overt act" and "aid and comfort" in *Cramer* are by no means an insignificant aspect of US treason law, a more monumental factor in the evolution of treason prosecutions is found in an entirely different section of the *Cramer* opinion. Going back to the early nineteenth century, Marshall wrote in *Ex Parte Bollman* that those who committed acts short of treason can and should be brought up on other criminal charges put into law by the legislature, but their acts cannot be branded as treason.<sup>49</sup> In *Cramer*, the Court took this opinion and ran with it, essentially suggesting that Congress could subvert the treason clause through legislation:

Congress is in no way limited to enact prohibitions of specified acts thought detrimental to our wartime safety. The loyal and the disloyal alike may be forbidden to do acts which place our security in peril and the trial thereof may be focused upon defendant's specific intent to do those particular acts thus eliminating the accusation of treachery and of general intent to betray which have such passion-rousing potentialities.<sup>50</sup>

The opinion goes on to cite numerous statutes that prohibit treasonous conduct

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47. In 2006, Adam Gadahn was indicted for treason against the United States in light of numerous videotapes of him appearing with al-Qaeda leaders, praising the group's mission, the 9/11 attacks, and threatening further violence against the United States. Gadahn was not in US custody at the time of the indictment, and was killed in a drone strike in 2013 (see: Eric Schmidt, "Adam Gadahn Was Propagandist for al Qaeda Who Sold Terror in English," *The New York Times*, April 24, 2015).

48. Crane, "Did the Court Kill Treason," 679-680.

49. 4 Cranch, 127.

50. *Cramer*, 45.

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but under different names.<sup>51</sup> By implying that the Court was all but willing to hear cases similar to *Cramer* without the procedural requirements guaranteed in Article III, Section 3, the Court essentially did away with the need for the treason clause. Why would a prosecutor ever choose to prosecute for treason when similar charges are available that cover the same crimes but without the hassle of proving an overt act that substantially aided and abetted an enemy?

The case of Ethel and Julius Rosenberg is a prime example of prosecutors utilizing this subversion of the treason clause. The Rosenbergs were tried under the Espionage Act, but despite not being charged with treason, prosecutors tagged them as “traitors” throughout their case. The opening statement for the prosecution stated there was overwhelming “evidence of the treasonable acts” and that the Rosenbergs had committed “the most serious crime which can be committed against the people of this country.” The closing argument asserted that “these defendants stand before you in the face of overwhelming proof of this terrible disloyalty.”<sup>52</sup> That the prosecutor chose to use the word “loyalty” is telling, because acts of treason inherently require the traitor to owe loyalty to the country being betrayed; espionage has no such requirement. The Rosenbergs appealed their conviction on these very grounds, arguing that they had been convicted of “what amounted to treason without the constitutional safeguards required in a treason trial — above all the ‘two witness’ rule.”<sup>53</sup> But the Second Circuit rejected their appeal, which was not entirely surprising considering that the Espionage Act was one of the laws cited explicitly by the *Cramer* opinion as an alternative to treason.<sup>54</sup> Post-*Cramer*, Congress passed a litany of laws, like the Internal Security Act of 1950 and the Communist Control Act of 1954, that criminalized what could otherwise be considered treasonous conduct.<sup>55</sup> The sharp increase in viable alternatives to treason prosecution helps explain the last 75 years of treason law, which is essentially non-existent.

### The Case of Jefferson Davis

The elephant in the room during any discussion of treason is the case of Jefferson Davis after the Civil War. There is no doubt that the Confederacy levied

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51. *Cramer*, 45 note 53.

52. Ronald Radosh and Joyce Milton, *The Rosenberg File* (New York: Holt, Rinehart, and Winston, 1983), 173, 269.

53. Michael Parrish, “Cold War Justice: The Supreme Court and the Rosenbergs,” *The American Historical Review* 82, no. 4 (1977): 813.

54. *Cramer*, 45 note 53.

55. Crane, “Did the Court Kill Treason,” 684.

war against the United States, so why was its president never prosecuted for treason? Davis' defense centered around two theories: the state sovereignty doctrine and the tacit compact theory. The state sovereignty doctrine defended the constitutionality of succession, asserting that individual loyalties were owed first to the state, then to the country.<sup>56</sup> This is despite the fact that the wording of the treason clause — "treason against the United States shall consist of..." — seemingly made clear that under the Constitution, loyalty was owed to the union before individual states. Davis' other defense, the tacit compact theory, stated that despite the initial treasonous action of the South in rebelling against the government, the North had released the South of their allegiance to the union by engaging in open warfare against them. In short, the North "tacitly consented" to applying international law by engaging in war, alleviating the South of any obligation of loyalty and making it impossible to charge them with treason.<sup>57</sup> The Supreme Court later indicated, in another case, that it would not have been receptive to the state sovereignty doctrine nor the tacit compact theory.<sup>58</sup> Given this, it seems likely that the Court would have affirmed charging Davis with treason. But Davis' case never came before the Court for a different reason altogether.

The third section of the Fourteenth Amendment prohibits anyone who has previously taken an oath to the federal government from holding office again if they participate in an insurrection against the United States.<sup>59</sup> The chief justice of the Supreme Court at the time of Davis' case, Salmon Chase, used that section to dismiss the charges of treason against Davis without ever having to decide the constitutionality of secession or to which sovereignty a citizen's allegiance first lies. Chase announced that he interpreted section 3 of the Fourteenth Amendment as a criminal punishment, as opposed to a qualification for office, meaning that Davis could not be tried for treason because he had already been punished for his crimes by the Fourteenth Amendment.<sup>60</sup> President Andrew Johnson, who was initially very outspoken about his desire to see members of the Confederacy convicted and hanged for treason, later relented and chose to pardon Davis and other Confederate leaders in the interest of Reconstruction.<sup>61</sup> Notably, Davis was

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56. Ian Mitchell, "The Trial of Jefferson Davis and the Treason Controversy," *Northern Kentucky Law Review* 39, no. 4 (2012): 767.

57. Mitchell, "The Trial of Jefferson Davis," 770.

58. *Texas v. White*, 74 U.S. (7 Wall.) 700 (1869), 733. The Court found that attempts by the southern states to eschew allegiance to the U.S. were void.

59. U.S. Const. amend. XIV, § 3.

60. Mitchell, "The Trial of Jefferson Davis," 771.

61. Carso, "Whom Can We Trust Now," 287-297.

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pardoned after the Supreme Court decided not to review Davis' case, meaning that had the Court agreed to hear the case, he might not have been pardoned. Further, in opting not to hear Davis' case, the Court failed to provide a "guiding model for evaluating treasonable conduct."<sup>62</sup> In other words, by not taking up the issue of treason in Davis' case and leaving unanswered questions about what constitutes treasonable conduct, the Supreme Court failed in the Framers' primary goal for the clause, which was to restrict its definition to only what was necessary. The Chase Court obfuscated this responsibility by leaving questions about allegiance and treason open to interpretation.

### Conclusion

There is no doubt that treason is a complicated law. Any number of acts that seem treasonous on their face do not come close to meeting the prosecutorial standard. As George Fletcher points out, "Assassinating the president might be part of a subversive plan, but when there is no intent to aid our enemies, the killing falls short of treason."<sup>63</sup> Though treason prosecutions accompanied most armed conflicts in US history through World War II, the prosecution of the crime has never been all that popular.<sup>64</sup> Fletcher sums up the general American sentiment toward treason nicely: "We supposedly hate treason, but we are unsure whether and how we should punish it."<sup>65</sup> This attitude toward treason, and the history of treason law in the United States as a whole, is indicative of what the Framers had in mind when they defined it in 1787. They thought treason to be the most egregious of all crimes and defined it narrowly so it could only be used in necessary instances. Moreover, it seems the additional restrictions to the clause put in place by the Court's interpretations in *Ex Parte Bollman* and *Cramer* are in line with the Framers' views on the crime.<sup>66</sup>

The question that remains unanswered is what to call treason in its most obvious form. Based on debates from the Constitutional Convention, it seems that the image of treason that the Framers had in mind was a group of men gathering guns and forming an army with the explicit purpose to overrun the U.S. government. The Civil War falls under this definition, yet no one was convicted

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62. Carso, "Whom Can We Trust Now," 780.

63. Fletcher, "The Case for Treason," 199.

64. Hurst, *The Law of Treason in the United States*, 260-263; Crane, "Did the Court Kill Treason," 638.

65. Fletcher, "Ambivalence about Treason," 1612.

66. In deciding *Cramer*, the Court attempted to ascertain the Framers' views on treason by consulting at length both English treason statutes and notes from the Constitutional Convention. (See *Cramer*, 24, 27-30).

of treason. While not every Confederate could have been convicted of treason, the conviction of some would have at least indicated that their actions were treasonous. President Johnson said as much in a letter after he left office:

If it was the last act of my life, I'd hang Jeff Davis...I'd show coming generations that, while the rebellion was too popular a revolt to punish many who participated in it, treason should be made odious and arch traitors should be punished.<sup>67</sup>

In the case of Jefferson Davis, the Supreme Court failed to define once and for all whether Confederates still owed loyalty to the US government, leaving us to speculate about what Reconstruction and political motivations led to the lack of treason charges against members of the Confederacy.<sup>68</sup>

Ian Mitchell writes that “modern political developments cloud what should be a clear meaning of treason. At minimum, the definition should include any participation in armed efforts to destroy vital components of American society.”<sup>69</sup> The latter half of that statement does not take into account the full breadth of US law, considering crimes like insurrection cover those “armed efforts to destroy vital components of American society.” But the events of January 6th, where American citizens overran the seat of American democracy and did so partially under the American flag, again raise the question of what loyalties are required for an act to be considered treasonous. There are numerous and intertwined political interests behind whether or not to try those who stormed the Capitol with treason, not to mention the countless legal questions involved. For one, can someone be considered an “enemy” or to have treasonous intent if they believe they were acting for the good of the country? Either way, the events of January 6th remind us that questions of loyalty in treason, the premise on which the entirety of the crime is based, remain unanswered. These are also the questions that accompany the two events in American history — the Civil War and January 6th—that the Framers probably would have considered most treasonous. If we aren’t going to address treason, or even explore its definition, at the most obvious times, it begs the question: why even have a treason clause?

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67. Carso, “Whom Can We Trust Now,” 297.

68. There is speculation that Chief Justice Chase was considering running for President and did not want to threaten his political career by presiding over Davis’ treason conviction (see Mitchell, “The Trial of Jefferson Davis,” 769).

69. Mitchell, “The Trial of Jefferson Davis,” 779.

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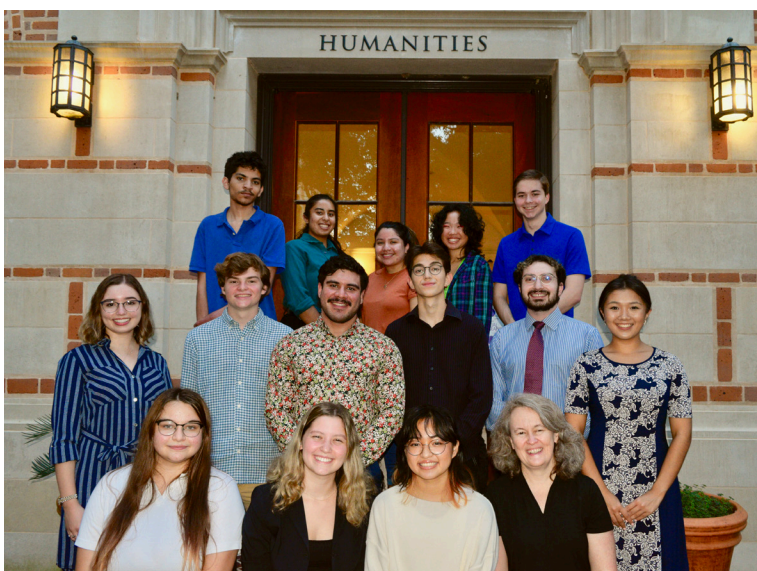


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