

Dissent through Destruction: Considering Historic American Protest Movements

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“We were merry, in an undertone, at the idea of making so large a cup of tea for the fishes.”

-Joshua Wyeth, Tea Party participant

“Why did we go to war for, if not to protect our property?”

-Robert MT Hunter, Pro-Slavery Virginia Senator

“I felt invincible. My strength was that of a giant. God was certainly standing by me. I smashed five saloons with rocks before I ever took a hatchet.”

-Cary A. Nation

Introduction

Revolutionaries, renegades, and outlaws are defining characters in constructing American identity. Their actions and personal stories find celebration in historical narrative as well as symbolic representations of self-reliance, the West, and individualism. However, the stories of early activists become historicized in different ways. This chapter considers various groups and individuals who use property destruction as their form of dissent over the first 150 years of America’s political existence. Targets range from colonial empires, the peculiar institution, and male-dominated spaces of debauchery. Each of these political actors destroys property through various means including theft, occupation, and outright demolition. The goal is to link these romanticized early American case studies with an understanding of property established in the previous chapter. Each group attacks property and understands the sanctified place it holds in the normative, the legal, and the political landscape; however, they enjoy a different stature in the American lexicon of activism compared to activists in the following chapters.

I argue that property destruction enjoys a rich history throughout the American experience. It is a tried and true tactic to garner attention and can lead to tangible change. While this is not a treatise to defend such tactics, it is an attempt to orient political activism through obliteration as part of a larger historical narrative. Dissent through destruction is not only justified by many, but is celebrated as part of American political mythology. If property is the right to exclude, destruction serves as forced inclusion of and attention to underrepresented voices. From more mainstream perspectives, property destruction is vilified as beyond the acceptable limits of social and political activism. This chapter serves to demonstrate its strong pedigree in American political activism and how time and distance sanitize militancy into folksy narratives of resistance.

To support these claims I consider a variety of activists groups from the American Revolution to the turn of the 20th century. I discuss a wide array of tactics, of motivations, and of ideologies with two significant constants—property destructive acts to make a political point and destruction of things not beings. This second point is especially important when considering the difference between violence against an edifice versus a sentient creature. I am not arguing that a lack of damage to persons leads to legitimization, but I am claiming that destruction of life defines a lack of political legitimacy within the normative framework of this project.

First, I consider the touchstone of dissent through destruction—the Boston Tea Party. It's invocation from activists across the political spectrum serves as a symbol of justified resistance in the face of tyranny. A closer look at the events leading to the Tea Party, create a context to compare across numerous events of political activism. I argue that the Boston Tea Party not only catalyzes a rich tradition of law breaking towards

political ends, but is also invoked to justify contentious (and illegal) activist practices going forward.

The Underground Railroad provided an opportunity for escape and freedom amongst thousands of slaves prior to the Civil War. Few question its legitimacy as a tactic in modern political discussions. However, it is important to remember that within the time and place it operated; assisted escape represents the theft of property from lawful owners. While not an obvious example of political property destruction, it clearly meets earlier established criteria of dissent through destruction by challenging ownership and the right to exclude. It demonstrates how perception of illegal acts of resistance change based upon historical circumstance, outcome, and temporal distance.

Some events of property destruction are perpetrated towards the enforcement of existing laws, rather than a reaction against unjust statutes. The hatchetations of Carry Nation struck fear in the hearts of saloon owners across dry states in the Midwest. Nation took the enforcement of law into her own hands through a form of vigilante justice involving the complete obliteration of saloons operating in opposition to temperance laws on the books. Nation acted upon a deeply held personal ethic supported by legal statutes. She represents a form of resistance to a status quo privileging male-dominated spaces and the reinforcement of patriarchy through law rather than the safety of women and children. Dissent through destruction can reify and enforce existing law, even as it violates another.

Each of these challenges to structures of reified power through the destruction of property illustrate what happens when a sacrosanct right is contested in the public realm.

I argue that this type of dissent enjoys a rich historical past in the United States, and is underrepresented in academic study of political protest.

Besides the folkloric narratives rejoicing in the efforts and the relative successes of the aforementioned radicals, I also consider the ways in which powerful institutions counter these messages and actions. My framework considers three significant structural attempts to control and ultimately stop destructive protest. Surveillance, labeling, and punishment establish a three-pronged approach to observe illegal actions, construct normative frames for public distribution, and to demonstrate the extent the state is willing to go in removing incentives to participate in dissent through destruction. Beyond only considering the radical actions leading to a constructed American political mythology, I also consider state resistance contemporary to their now celebrated activities.

Surveillance, Labeling, & Punishment: the Holy Trinity of State Control

Whether its British sympathizers, FBI infiltrators, or CCTVs, surveillance is an important tool of control for law enforcement agencies. In the case of political dissenters, a wide variety of methods are available to investigators pursuing and establishing cases against activists. While the implements available to police and federal agents change overtime, the tactics are strikingly similar whether infiltration of colonial patriots or pursuit of student radicals. I argue that methods of surveillance to stop political property destruction tend to rely upon excessive violence and/or questionable legal bases. In other words, the government is permitted to participate in law breaking towards protecting the legal entitlements of privileged versions of citizenship i.e. property owners.

Besides pursuing and capturing those who break the law, it is in the interest of the state to also control rhetoric surrounding political activism. This is not a charge of

conspiracy or even evil intentions; it represents a necessary tactic retaining legitimacy in the eyes of the public and justifying state actions in quelling dissent. Very few movements challenging the political status quo in America are welcomed by the public, and even less are respected by political leaders and law enforcement. The ways in which the state describes the actions, the actors, and the claims of dissenters demonstrates priorities and paradigms for 'correct' forms of citizen participation. Claiming legitimacy as arbiter of political disputes necessitates labeling participants as outside of societal norms. I argue that from the point of view of the state, the need to discredit protestors as well as controlling the conversation surrounding their actions is as necessary as the physical containment of the actors themselves.

Besides the ways the state watches and defines those destroying property as a form of dissent, the state also has a stake in punishing these crimes to dissuade others from taking similar actions. I argue that punishment for these instances of protest throughout American history, are consistently elevated from everyday acts of destruction. Chapter 4 takes this argument further by considering the sentencing rates of militant environmental activists before and after September 11th, 2001. This section looks at the aforementioned historical case studies to uncover a pattern of elevated punishment for the damage of objects in the course of political unrest as a tactic of resistance.

This chapter assesses reactions contemporary mythological acts of dissent through destruction. I begin with the Boston Tea Party and include considerations of the Underground Railroad and the militant temperance activism of Carry A. Nation.

From Destruction to Revolution: The Boston Tea Party

The Boston Tea Party *defines* American activism and protest. The moment catalyzes the revolution to cast off the yoke of British imperial power as well as challenge taxation without representation. As an event, the Tea Party became one of the most recognizable moments of American resistance. Rarely are the raiders from that night characterized as vandals or terrorists; they are patriots rather than marauders. The colonists believed that they had exhausted all legal means to combat British taxation. The decisions leading up to the destruction of the cargo were long and complex. However, the Tea Party provides a clear example of activism and protest in the form of property violence still mimicked and invoked in the United States hundreds of years after the incident. I argue that the Boston Tea Party represents a touchstone for dissent through destruction in American political resistance. This becomes clear when later movements invoke the example of colonial activists.

Benjamin Woods Labaree writes the authoritative historical account of the events of 1773 in Boston leading up to the Tea Party and eventual revolution. His 1964 text provides a detailed account of the onset of the crisis, the attempts to resolve the standoff, and the solution chosen by the people. After sifting through a variety of historical source materials, Labaree's work constitutes the most comprehensive choice to demonstrate how the Boston Tea Party emerges as an example of destructive, yet non-violent form of protest. A reconstruction of the events, including descriptions of the exhaustion of legal routes, the decision-making process, and the perceived legitimacy, demonstrate how one of the most famous acts of property destruction arose.

Labaree points out that the import of British tea to the colonies accounted for approximately only one-fourth of all the tea available in the early 1770's.¹ Tea imports came from a variety of locations and the cost was relatively low within the colonies. The Townsend Act of 1767 was a legitimate exercise of British taxation powers, especially considering the services colonists received from across the Atlantic.² In fact, England was losing money on every pound of tea shipped to the colonies and the British wards overseas were receiving an unfairly subsidized price. Colonials were outraged by the passage of another tax rather than recognizing the vital services they received from England. The situation seemed dire since the tax was upon one of the most popular consumables available. Even with a fair price, the tax was attached to a commodity perceived as a necessity, not a luxury by the colonists.³ Behind the tax was a foreign power, perceived as illegitimate, and not allowing representation to question the new tariffs.

The first movements against the Townsend Act began in the Protestant tradition of thrift and self-denial. The strategy was to encourage a colony-wide boycott of tea in order to reduce demand and thus the taxes that went back to the Crown.⁴ Boycotts represent the most passive form of political protest. It is the removal of resources, legitimation, and even oneself from the public realm.

¹ Labaree, Benjamin Woods. *The Boston Tea Party*. New York: Oxford University Press, 1964.

² Ibid, 19

³ Ibid, 37

⁴ Ibid, 29

However, a problem occurred when the citizenry, as well as the leaders of the movement, were unable to limit their consumption.⁵ The colonists could not deny themselves the comfort of tea even when they agreed with the larger rights-based struggle.⁶ Consumption presents a catalyst for action in a variety of protest events in American history. Backlash against a consumer-based culture provides the foundation for activists in the past and in the present revolting against a society trained to covet property as a fundamental right without limits. Somewhat ironically, the protest was against interference in the colonists' right to consume.

Leaders of the tea boycott realized they were asking too much of a populace attached to their tea and unwilling to give it up. A new fad emerged in which Americans began enjoying tea smuggled in by Dutch traders. The practice was illegal based upon existing import restrictions. This alternative supply gave consumers the ability to rebel against Great Britain while not depriving themselves of their hot beverages. Ironically, before the passage of the Townsend Act, colonists depicted smuggled tea as a source of greed and depravity.⁷ Only after the implementation of the tax did the consumption of smuggled tea become a patriotic exercise.⁸ This example represents a distinction between legality and legitimacy based upon context and perceived principles of fairness accepted by the colonists. When taxation by the British provided a point for colonists to

⁵ Ibid, 31

⁶ Ibid, 36

⁷ Ibid, 56

⁸ Ibid, 56

rally around, the explicitly illegal enjoyment of smuggled tea was recast as legitimate and patriotic.

By 1770, the Repeal Act revoked all of the duties imposed by the Townsend Act—except for the tax on tea.⁹ While many in Parliament argued for a complete repeal of the Townsend Act, the duty on tea remained and was described by Lord North as a necessity for the British government to demonstrate that they retained “the right of taxing the Americans.”¹⁰ Lord North’s principle driven quest eliminated any chance of a negotiated settlement or passive resistance as options. North had to rely upon the implosion of the colonial resistance movement.

The colonists in Boston were beset by problems of infighting. Difficulties arose in the attempt to unite the people as a single entity wage economic warfare upon Britain. The leaders among the agitators realized they needed a crisis, or catalyst, to regroup and gain momentum in order to push back against the Crown. The passage of the Tea Act by parliament in 1773 renewed their hopes.

The East India Company (EIC) was facing tough times due to large-scale boycotts of a variety of products in the American colonies. The Tea Act gave the East India Company exclusive rights to a monopoly on the import of tea into the American colonies from England. This agreement also allowed the EIC to be exempt from British taxes on

⁹ Knollenburg, Benhard. *Growth of the American Revolution, 1766-1775*. (New York: Free Press, 1975), 72.

¹⁰ *Ibid*, 71

imports and instead only had to pay the much lower American duties.¹¹ Revolutionaries of Boston finally had the necessary event to reorganize and rally the population.

Once the first ships arrived in Boston Harbor carrying tea from the East India Company, the crisis was in full swing. Colonists refused ships the right to unload at Boston Harbor and the merchants dropped anchor to wait for a resolution. The agitators of Boston began a series of community meetings to discuss what options were available to break the EIC's monopoly on the tea trade. Organizers of the mass meetings were careful not to hold gatherings within the city limits in order to dissolve any official links to the town. If some type of violence or illegal action took place, the town of Boston could not be condemned as an instigator and held responsible for actions against the Crown.¹² At the time, official town meetings were limited to qualified voters. The unofficial meetings granted leaders the ability to include a larger number of participants and construct a truly grassroots opposition regardless of property ownership.¹³ Groups working outside of the bounds of law lead to an opening of the public realm to new actors not allowed in official channels. For instance, the abolition and the temperance movements created space for women to speak and work in the political realm as outside agitators attempting to challenge the status quo. Further in the chapter I discuss implications as to why women's roles in the public forum expanded in the battles against slavery and alcohol.

¹¹ Labaree, Benjamin Woods. *The Boston Tea Party*. (New York: Oxford University Press, 1964), 87.

¹² *Ibid*, 125

¹³ *Ibid*, 124

Extra-legal, unofficial town meetings allowed groups as large as 5,000 participants to discuss the potential benefits and pitfalls of strategies for confronting the tea floating in limbo upon the harbor. Since none of the consignees would sign commissions to bring the tea ashore, other channels of actions could only be determined through community discussion.

The decision came down to two options, sailing the ships back to England, which would result in ruin for the ship's captains, or unload the tea without commissions from consignees in Boston. At this time, the destruction of the tea was a scenario of last resort for those opposed to the Tea Tax.¹⁴ All legal means had to be exhausted before the patriots encouraged the destruction of private property. When it was obvious that neither side was willing to give in, the agitators in Boston laid out their plans for destroying the ships cargo. All potential resolutions were discussed and ultimately discarded before it was time for the previously unprecedented action.

The Tea Party was a relatively solemn and well-planned affair. Most accounts of the events of December 16, 1773 spoke of a quiet band of men, barely disguised as Mohawk tribe members, working for hours diligently and quietly dumping the tea overboard. Those participating made sure that no man left with stolen tea and that the damage to the ship itself was minimal. The event was not a chaotic situation of men dressed as Indians whooping and causing havoc; instead it was a well-designed and well-executed plan to rid the ship of its stores as quickly as possible. These actions became a touchstone and rallying cry for activists in generations to follow. Confronting an unjust law directly through the destruction of its physical manifestation creates a framework of

¹⁴ Ibid, 141

legitimation. Not that all property destructive acts are legitimate, but rather that direct action has a relationship to foundational political actions of protest. The other groups considered in this chapter operate upon a similar ethic.

Even in the case of the Boston Tea Party, surveillance was a necessary objective to validate the punishing blockade of Boston Harbor. Implementation of the Coercive Acts were not taken lightly and justification had to be clear before the British government could declare, enforce, and execute such a detrimental punishment upon the residents of Boston. According to Labaree this surveillance included: "...correspondence from the governors, consignees, and others in America, copies of newspaper articles, handbills and other inflammatory literature, and the depositions of witnesses to the Boston meetings and to the destruction of the tea."¹⁵ These methods of surveillance are strikingly similar to modern era examples. Justifications for destabilization of anarchist groups rely upon inflammatory literature, eyewitnesses, and agents sympathetic to the state. British imperial forces understood the necessity of substantive reasoning to block commerce and the necessities of life to the people of Boston. Collecting incendiary information provided the evidence necessary in justifying actions against the colonists to the international community.¹⁶

Controlling the conversation surrounding protest events is an effective tool as the state builds a case towards punitive measures. Even colonists faced an uphill battle when it came to attacks on the character, the morals, and the abilities of colonial subjects according to popular press accounts and condemnations by those in positions of power.

¹⁵ Ibid, 184

¹⁶ Ibid, 185

Colonials contestation of their subject status led to descriptions of “immoral men” who were “religious hypocrites, and possessed ‘morose and sour’ tempers;” with Boston being as bad as “Sodom itself” full of the “treacherous and seditious.”¹⁷ Attempts to discredit Bostonians in England included every method available to delegitimize colonial action and justify the impending Coercive Acts. These acts would close Boston Harbor as punishment for the destruction of imported tea. The strategy towards justification included descriptions of Bostonians as “cowards, whimpering wretches,” “fraudulent, hypocritical, vindictive, detestable,” and that “three-fourths of them were Scotsmen!”—A devastating critique to say the least.¹⁸ Letters flooded London newspapers concerning what should be done with the upstart colonists. Some declared the Americans to be living in a state of anarchy marked by “licentiousness and cruelty.”¹⁹ Boston needed to be made an example of, and the path to carrying out this punishment required a universalized understanding of the residents as ‘others,’ deserving of coming retribution. Compared to more contemporary case studies, Boston patriots received relatively cordial treatment. Once the intersectionality of race and gender enter public discussions of protest actions, the descriptions and the vitriol elevate significantly.

Even though the Tea Party participants and supporters did not have an American federal government to deal with, they still faced a formidable foe in an imperial British regime. Protestors knew their actions would force a response from across the Atlantic. However, the eventual punishment and showdown it sparked led to a unification of the

¹⁷ Ibid, 177

¹⁸ Ibid, 191

¹⁹ Ibid, 179

colonies. Remembering that the crime committed was the destruction of a large corporation's private property, the punishments were actually more political in nature. Leveling a blockade upon the colonists of Boston began with a legal charge—high treason.

George III's cabinet declares 'high treason' as the dumping of tea into Boston Harbor constitutes an act of war.²⁰ The Crown attempts to both condemn those directly responsible, while punishing the city for its support of the marauders. The eventual solution is the blockade of Boston's port. Sympathetic voices in England feared that such a measure overstepped a rational response to the actions of a handful of angry colonists. However as Labaree points out:

“Why had Opposition M.P.'s not made a better showing on the question of the Boston Port bill? The most obvious answer is that many of them as individuals could not condone the destruction of property at Boston no matter how sympathetic they had been in the past to the American cause.”²¹

The voice of reason in mitigating punishment was trumped by an overreach on the part of activists—destroying private property. Even prior to the enshrinement of the US Constitution, free use of commerce contains an almost ecclesiastical element of importance to British decision-makers of the time. To demonstrate the regard held for property enforcement and protection, General Thomas Gage was sent as the new governor of Massachusetts and administrator of the Boston Port Act. His task was to find those guilty of treason, to shift the seat of Massachusetts's power to Salem rather than

²⁰ Ibid, 174

²¹ Ibid, 189-190

Boston, and to enforce the blockade.²² Gage, backed by a force of British warships and four infantry regiments, began a stranglehold on Boston leading to a colonial unification of previously unseen proportions. While the closing of Boston's port was officially declared as a limited action to recoup the losses of the East India Company, it was clearly a punitive act against the people of Boston.

The Theft of Property: the Underground Railroad

The Underground Railroad enjoys a vaunted place in the history of American resistance. As Bordewich describes it:

“The nation's first great movement of civil disobedience since the American Revolution, it engaged thousands of citizens in the active subversion of federal law and the prevailing mores of their communities, and for the first time asserted the principle of personal, active responsibility for other's human rights.”²³

There is little debate as to its understood legitimacy as a system for spiriting away slaves from abhorrent institution. However, according to the laws of the time, 'conductors' and 'abductors' on the Underground Railroad were in clear violation of existing property laws. Essentially, they were stealing lucrative investments and expensive tools from the South. While it seems crass to discuss human life in this way, it is instructive in understanding the types of rights claims made by southern slaveholders in American courts. Their claims were not about kidnapping, but about theft. Existing property law statutes provide the necessary factors of legitimation to make them whole again. Thus, the Underground Railroad represents a large-scale conspiracy to steal property from its

²² Knollenburg, Benhard. *Growth of the American Revolution, 1766-1775*. (New York: Free Press, 1975), 163.

²³ Bordewich, Fergus M. *Bound for Canaan*. (New York: Amistad, 2005), 5.

legal owners in the time and place which the actions occur. I argue that the Underground Railroad is yet another form of resistance through violating property laws by not allowing owners fair use of their possessions.

The Underground Railroad slowly developed through an informal trail of abolitionists, Quaker communities, free blacks, and various sympathizers who directed runaway slaves to individuals friendly to their cause. It did not become an active, systematic construction of 'stations' until the late 1840's and early 1850's.²⁴ The shift to a more organized and proactive movement changed the dynamics from assistance to outright infiltration.²⁵ This evolution to more overt forms of law-breaking set a path followed by many activists to come. The other remarkable aspect of the Railroad, were the participants themselves. The traditional folklore surrounding the Underground Railroad speaks of whites risking themselves for the good of brutalized and frightened blacks. In reality, the railroad was made up of many free blacks who had much more on the line than their white sympathizers. It also included women as equals in hatching and carrying out plots to move slaves north.²⁶ The participants are important because, as mentioned earlier, realms of illegality opened space for non-traditional actors in the political realm much in the same way that unofficial town meetings allowed non-citizens to participate in the public forum leading up to the Boston Tea Party. In fact, the Boston

²⁴ Ibid, 196

²⁵ Underground Railroad participants entered plantations to circulate information amongst slaves and to find volunteers willing to take the risks necessary to make their escape. This move from spiriting away the willing to inspiring the enslaved demonstrates a movement towards overt, direct action.

²⁶ Ibid, 369-370

Tea Party and the American Revolution were invoked as symbols to provide legitimacy to their struggle. In Boston, free blacks stormed a courthouse where Shadrach Minkins was on trial for essentially stealing himself from his master.

“The rescuers streamed like a squall in a shouting procession north along Court Street, past the Paul Revere house, whose symbolism could not have been lost on the crowd, whose leaders knew full well that they were part of a second, abolitionist American revolution.”²⁷

Allusions to the Boston Tea Party are present in black literature at the time celebrating the Underground Railroad. Escaping slaves saw the symbolism of the Tea Party as working hand in hand with “the right of the African American people to refuse to be slaves, to refuse to stay in a country that allows them no political representation, and lends to the actions of those involved with the Underground Railroad.”²⁸ Politics of resistance and violation of existing property laws, were covert enough spaces for free blacks and women to finally find an active role in political protest.

One way to assess the perceptions from either side of this issue is an examination of the discursive choices used by abolitionist activists and southern slaveholders to define the actions perpetrated by the Underground Railroad. By describing themselves as ‘abductors,’ activists on the Railroad were ascribing humanity to the runaway slaves.²⁹ Abduction and kidnapping imbues a human quality to those being sent north.

Southerners describe the ‘conductors’ as simple thieves. Expensive tools were stolen

²⁷ Ibid, 320-321

²⁸ Zabel, Darcy. *The Underground Railroad in African American Literature*. (New York: Peter Lang Publishing, 2004), 49.

²⁹ Wellington, Darryl Lorenzo. “The Most Famous Abductor on the Underground Railroad.” *The Christian Science Monitor*, January 20, 2004. Accessed on July 15, 2013. <http://www.csmonitor.com/2004/0120/p19s02-bogn.html>

from their lawful owners. Following the expansion of fugitive slave laws after the compromise of 1850, slave catchers and slave owners filed *writs of replevin* in federal and state courts to reclaim their property before the cases could be adjudicated. In fact, the justice system weighted against former slaves or free blacks in the north as judges were paid by case and received ten dollars for sending slaves south and five dollars for declaring suspected runaways as 'free'.³⁰ Future case studies also demonstrate the propensity for federal law enforcement to protect and punish the rights *to* things over the rights *of* beings (see chapters 3 & 4).

The Underground Railroad represents another celebrated instance of American resistance, yet one destroying property in the process of its activism. It's after the fact legitimization as a system upholding human rights in the face of repressive laws, leads to its popular perception as necessary civil disobedience. The rest of this chapter and next considers more controversial movements, some legitimized through time and others that have not. I argue that regardless of the light cast by historical hindsight, each instance of protest represents dissent through destruction of another's property.

State surveillance is a more salient factor in attempts to upset the workings of the Underground Railroad. Tactics including preemptive strikes against abolitionist speakers, monitoring the movements of known abolitionists, watching homes of suspected Underground Railroad stops, and opening mail from northern cities heading to southern sympathizers are commonplace (Bordewich, pgs. 160, 161, 183, 304).³¹ In

³⁰ Finkelman, Paul. *Dred Scott v. Sanford: A Brief History with Documents*. Boston: Bedford/St. Martin's Press, 1997.

³¹ Bordewich, Fergus M. *Bound for Canaan*. (New York: Amistad, 2005), 160-161, 183, & 304.

1850, following the passage of the Missouri Compromise and the Fugitive Slave Act surveillance became more prevalent. The Fugitive Slave Act deputized northern citizens as enlisted members of a national search party for any and all blacks suspected of being escaped slaves. Even free blacks were caught in this net and sent into southern servitude; requiring more creative massaging of existing law in order to be upheld by the Supreme Court. Federal statutes set a clear national agenda reifying the peculiar institution and justifying increased surveillance of those associated with the abolition movement.

Democrat newspapers in the 1850's described abolitionists working through legal channels to challenge slavery as "fanatics, amalgamationists, disorganizers, disturbers of the peace, and dangerous enemies of the country."³² It is not difficult to imagine the popular rejection of those working outside of the law, clandestinely, with malice towards the property rights of southern slaveholders. Biblical descriptions (mirroring the Tea Party era) attempted to disrupt the abolitionist convention in New York advising that it is "better to have Utica razed to its foundations, or to have it destroyed like Sodom and Gomorrah, than to have the convention meet there."³³ Free blacks, abolitionist activists or not, could not escape accusations. Discourse assuming the criminality of free blacks began during this era and continues today.³⁴ Those working closely within the Underground Railroad were seen as the equivalent of cattle-rustlers in the West; stealing livestock and violating the property rights of those in the South, regardless of the motivation or moral impetus. While abolitionists establish their own press and papers to

³² Ibid, 32

³³ Ibid, 149

³⁴ Ibid, 169

defend their actions and encourage the support of northerners, mainstream media condemning their actions dictates much of the national discourse.

Within the abolitionist movement, debates raged as to the level of opacity concerning the existence and the functioning of the Underground Railroad. In his autobiography, Frederick Douglass lamented the openness animating some discussions of the Railroad's inner-workings and worried that the growing prominence of select abolitionists could do more damage than good.³⁵ Both the colonists of Boston and the abolitionists of the North organized their own media outlets to combat labeling campaigns, but their work did more to reassure those already within their ranks than to truly upset national assumptions.

A continuous theme of government surveillance of activist groups is the questionable legality of tactics and actions used to gather intelligence. This is clearly the case in the Southern battle against abolitionism. Monitoring the movements of individuals became commonplace as "suspicious travelers were interrogated by local vigilante committees, and their belongings investigated by force."³⁶ While this may seem like a small, regional example of elevated control and monitoring, the federal government also acquiesced to the demands of the South. "Mail from the North was routinely opened by local post offices, and anything that could be remotely construed as challenging slavery was confiscated and destroyed," and with the consent of federal authorities, "mail coming from the North was searched and local postmasters were empowered to destroy

³⁵ Douglass, Frederick. *Narrative of the Life of Frederick Douglass*. (Mineola: Dover Publications, 1995), 60.

³⁶ Bordewich, Fergus M. *Bound for Canaan*. (New York: Amistad, 2005), 161.

anything that they judged subversive.”³⁷ Remember, that under the existing statutes these actions combatted the theft of property. Violation of one’s right to exclude, led the federal government to allow the monitoring of civilian populations in an 1850’s equivalent of wire tapping, with the added punishment of stopping messages from getting to their intended audience. It is clear more was at stake then a simple property crime. A schism within a nation was forming and abolitionism represented a challenge to an idealized way of life for some and the brutal nightmare of existence for others. A dangerous precedent is set by the federal government in the pursuit and the surveillance of dissidents outside existing protections for freedom of movement, of speech, and of privacy.

Abolitionists dealt with ad hoc punishments for their views long before the Underground Railroad is active. Mob violence, from heckling to murder, follows abolitionist conferences, meetings, and rallies across the United States and territories. This section focuses on methods of punishment most clearly attached to the actions of Underground Railroad participants. I argue that the Underground Railroad’s relative success catalyzed a concerted national effort to punish those involved through federal policy changes as well as individualized abuse and violence. Property law statutes offer a means to justify government actions against abolitionists.

One of the first national policies addressing the escape and the ‘theft’ of slaves is the Fugitive Slave Act of 1850. Besides ‘deputizing’ anyone considered a government (federal, state, or local) official as a slave catcher, the act also punishes those involved with aiding a runaway with six months in jail and a \$1,000 fine (over \$27,000 in 2012

³⁷ Ibid, 304 & 161

terms). Those suspected of being runaways could not bring their dispute to court since slaves had no standing as citizens. As part of the Missouri Compromise, the Fugitive Slave Act significantly elevated punishments for those escaping the Southern slave states as well as those assisting them north. The threat to Southern commerce and 'way of life' lead to a punitive reaction eventually forcing a constitutional crisis.

Local slavery advocates found various ways to terrorize those suspected of being participants in the Underground Railroad, including attempted murder, arson of suspected runaway slave hideouts, and false criminal reports to incriminate participants.³⁸ The combined effort of legal and extralegal tactics to upset the workings of the Underground Railroad was largely ineffective. The biggest change following legislation in 1850 was an increase in the numbers of free blacks moving to Canada rather than Northern states. When property destruction is used as a tactic of political expression or activism, the punishments are not strictly from legitimized channels. The depth of conviction surrounding the sanctified place property holds in the popular American conscience, also leads to grassroots pushback in the form of vigilantism and violence against perpetrators. This is clearly the case in the radical temperance, movement challenging gender norms, domestic violence, and who constitutes a political subject.

Destruction as Enforcement: the 'Hatchetations' of Carry A. Nation

Carry A. Nation became a figurehead of the prohibition movement at the turn of the twentieth century. Her legend grew quickly traveling from town to town in Kansas appealing to the law, the Lord, and a nascent construction of women's rights to justify her 'hatchetations.' Nation's modus operandi for these visits entailed storming into saloons

³⁸ Ibid, 212-213

(either alone or with a platoon of modestly dressed women) armed with axes and rocks, and proceeds to ‘smashing’. While religious fervor and moral self-righteousness play a large role in her justifications, she also discusses her actions as a last resort for an unrepresented and brutalized silent majority within American society. Her ‘hatchetations’ are also tactical, spiritual, and idealistic brethren of the Boston Tea Party. On many occasions, Nation voices her concerns as to the limited options available within a country not granting women access to the political realm. Nation’s solution was one part demolition, one part vaudeville, and one part holy imperative, all coalescing into action directed towards the annihilation of the saloon-lifestyle.

While many authors discuss Nation as a historical figure of note to the temperance movement, one particular book captures the factual and theoretical factors in an academic context. Fran Grace’s *Carry A. Nation: Retelling the Life* is the authoritative account of Nation’s life and the historical conditions allowing for her unique brand of protest to emerge. Grace constructs a fully articulated portrait of Nation as an activist, healer, entrepreneur, wife, and mother. Many depictions of Nation continue to fall prey to descriptions popular with newsmen of her time—hysterical, irrational, possessed, and crazed.

The involvement of women in the temperance movement had its roots in the Civil War. While many of the men were absent, women were recruited as ‘sanitation’ leaders for their local communities.³⁹ This public service provides the initial opportunity for women across the North and West to enjoy a taste of participation in local governance

³⁹ Grace, Fran. *Carry A. Nation*. (Bloomington & Indianapolis: Indiana University Press, 2001), 12.

and organizing. Many women realize they have a gift for public service and find opportunities in which their presence is acceptable and appreciated in the public realm—abolitionism and temperance.⁴⁰ In many ways, the temperance movement is the precursor to the suffrage movement of the late nineteenth and early twentieth centuries. Temperance, as an entrance to the public realm was available only as long as the values and the morals expected of a woman within American society were on display. The restrictions of gender allowed few other avenues for women to be outspoken, or even present in the political space. Essentially, the norms attached to gender at the time purport women as the locus of morality, inherent within their nature. Thus, issues perceived as dealing with ethical and moral acts fell within a domain proper to the expertise of women. This opportunity legitimizes women's entrance to political forums by providing the greater public with a version of femininity that may be outspoken, but still only speaks to issues of moral living and concerns of the household. It was allowed as long as women were viewed as stressing moderation of action, humility of spirit, and protection of families. In many ways, the movement is defined by the struggle for women to protect themselves against the alcohol-inspired abuses of men.⁴¹ Women had little recourse in abusive relationships and legal regulation was dangerously absent. Temperance sometimes suffers from superficial descriptions as a one-dimensional religious movement, yet many of its underlying principles pave the way for women's suffrage and expanded rights-based discourse. The fight against alcohol is not

⁴⁰ Ibid, 12

⁴¹ Ibid, 12

specifically moral or religious. It is a political endeavor revealing public and political avenues for women where none previously exist.

The public service of Carry A. Nation is well documented. She spent the last decade of the nineteenth century participating in ministry work while traveling around the Midwest teaching and preaching.⁴² Nation spent days and weeks on the road by herself while her husband remained at home. The Nation family was barely able to survive on their meager incomes forcing Carry into other, more profitable realms of community service. She practiced osteopathy; one of the few trades in which women were on equal footing with men in both expertise and pay.⁴³ Osteopathic healing took Nation back and forth across Kansas and the Midwest where she was able to observe first-hand, the prevalent debauchery of saloon life and negation of temperance laws on the books. She developed her public speaking skills in her ministry and her interpersonal skills in her healing. The combination of vocations creates a uniquely autonomous experience for a woman in the late nineteenth and early twentieth century. Nation was able to provide for her family by traveling independently across the country and began to experience some of the freedoms that most women had yet to encounter.

Nation's background provides her with the speaking and participatory experience necessary to build the skills required for her future temperance strategies. Her time as a "preacher and osteopath empowered her to look for even more public arenas for her political activism."⁴⁴ Nation's tactic of 'moral suasion' was failing within the prohibition

⁴² Ibid, 78

⁴³ Ibid, 132

⁴⁴ Ibid, 138

movement. State agents' intentionally ignoring prohibition laws demonstrate this fact.⁴⁵ The state was complicit in law breaking by not enforcing existing legal statutes and turning a blind eye when those laws are openly flouted. A change in strategy was necessary to shut down the saloons. Nation viewed taverns as both the source and symbol of alcohol-related problems in society. The saloon was one of the most obvious bastions of male dominance and power.⁴⁶ The establishments did not allow women to enter the premises, and were a one-stop shopping center for all varieties of debauchery available to men at the turn of the century. With these challenges at hand, Nation began her pleas for agitation. Her attempts at value-laden persuasion fell by the wayside after repeated failures and she decided it was time to take action.⁴⁷

The temperance movement attempts a variety of tactics including political campaigns, lawsuits, letter writing, and petitioning officials at every level of politics to enforce the prohibition laws on the books and to expand the reach of existing statutes. Women were turned away at every attempt due to entrenched gender bias and an overwhelming lack of access.⁴⁸ Nation's crusade moved in a new direction. It would be fueled by her taste for the public stage and her distaste with the 'knowing wink' treatment saloons received.

⁴⁵ Ibid, 139

⁴⁶ Ibid, 13

⁴⁷ Ibid, 91

⁴⁸ Part of this lack of access and resonance with the political realm is easy to explain. Women lacked the general rights and benefits of citizenship. Without being able to access the political realm through voting, as well as a different level of rights established through property and marriage laws, second-class citizenship did not allow for response from representatives.

Nation chose targets of virulent saloon decadence. One of her most famous rampages was in Wichita near the end of 1900. Nation scouted the location the previous evening and then put her plan into action early the next morning. She chose her target not only for the lasciviousness within, but also for what the saloon represents: the willful defiance of the law, the gendered hierarchy, and the consumption of alcohol. Her main target was the aptly named Carey Hotel Bar, described as the most finely appointed in the state.⁴⁹ The saloon's decorations consisted of a vast collection of rarities from around the world representing the zenith of what a bar could offer during the period. This collection included a life-sized nude painting of Cleopatra, various décor from the Chicago World's Fair in 1893, and a \$1,500 Venetian mirror.⁵⁰ The bar was an unmistakable symbol of the decadence and the gluttony of the saloon lifestyle. Nation quickly demolished the interior of the bar axe blow by axe blow. Afterwards, collecting herself for a public address to enlighten those who gathered to watch the spectacle, she was quickly jailed by local authorities.⁵¹ The result was electric. Thousands of people began attending her protests as spectators and supporters in a matter of weeks.

People began to collect remnants of her 'hatchetations' as souvenirs as they shared ever-expanding tales of her demolitions followed by fiery orations. Merchandise, solid in the form of tiny pewter hatchets and other collectables, financed her crusade.⁵² In Kansas it was difficult to dodge the John Brown comparisons; and many churches,

⁴⁹ Ibid, 150

⁵⁰ Ibid, 151-152

⁵¹ Ibid, 153

⁵² Ibid, 180

newspapers, and other public forums spoke to the similarities of their crusades.⁵³

Descriptions of Nation as saint, martyr, and reincarnation of the free soil activist proliferated. As a man of action imbued with the holy spirit of righteous vengeance, John Brown provides a salient example of open, destructive political action based in a radical Christian ethic for Nation to be held up to.

Nation appreciated the public support and attention garnered by her actions. She typically announced the next city on her list in order to galvanize the support of locals who favored her brand of temperance work. Crowds increased in size for each ‘hatchetation’ and her exploits reached national audiences. The ‘hatchetations’ were potentially dangerous not only for bar patrons and owners, but for Nation as well. On various occasions, she received verbal, physical, and death threats. In one instance, an individual whose property was destroyed in one of her rampages struck her in the face.⁵⁴

While preaching on a street corner the night after she had demolished saloons in Enterprise, Kansas, a bar owner and his wife came upon her post-hatchetation oration. The barkeeper’s wife proceeded to punch Nation in the eye. Lore says that Nation walked directly to the local butcher shop, picked up a slab of raw beef, and was back on the corner with the flesh over her eye.⁵⁵ These tales fed her legend leading to admiration, not just in Kansas, but also across the country. Nation began receiving letters from all over the United States pledging support and asking advice on how to perpetrate their own local agitation. Nation was fully aware of how important the elements of theater and

⁵³ Ibid, 33

⁵⁴ Ibid, 157

⁵⁵ Ibid, 158

performance were to her movement, and understood the necessity of promoting her actions with moral claims, sensationalism, and humor. She demonstrated this fact by refuting the words and threats of her enemies and acknowledging them as patently absurd. Nation took control of political space through discursive and rhetorical performance daring her enemies to retribution. Many insisted that she was insane and belonged in an institution. Nation's response: "As far as the lunatic asylum is concerned, I would as soon go to a sausage mill as to one."⁵⁶ In an age where gender-based discrimination led to negative comparisons of activist women with Native Americans, convicts, the insane, and the mentally handicapped, Nation was attempting to forge a new role with more favorable political company.⁵⁷ Her quest was not solely religious, moral, or sensationalist; it was an attempt at inclusion of women in the political and the public realm—a realm that had previously been off-limits. Nation's acts of destruction were a cathartic release of the pent up energy and frustration within a political movement run by the traditionally oppressed. Nation found an access point to the political realm and exploited it the only way her conscience would allow. Her cause and tactics represent important challenges to the normative implications of property discussed in the previous chapter. Nation's acts were destroying *illegal* space. Rather than previous examples which clearly violated existing statutes, Nation broke the law as she enforced it. In fact, her actions demonstrate a tiered system of law enforcement. Nation's crimes of property destruction (regardless of the legality of that property i.e. the

⁵⁶ Ibid, 178

⁵⁷ A painting titled "Woman and Her Political Allies" by Henrietta Briggs-Wall depicts political activist Frances Willard with the aforementioned individuals (1893). Found in Grace, 119.

destruction of beer and liquor) superseded the statutes forbidding the sale of alcohol. I argue that this is to be expected considering the level of protection applied to property as an inalienable right in comparison with ‘moral statutes’ forbidding the consumption of alcohol. Her incarceration comes as no surprise considering the intersectionality of gender and property violence wrapped up in one individual. In other words, the property rights of those operating illegal businesses trump the rights of those subject to the poverty, the abuse, and the dangers these institutions proffered and celebrated.

In the cases of the Underground Railroad and militant temperance, activists uphold a personally and (in the case of temperance) state held moral code. Their concerns match a modern definition of civil disobedience not necessarily well established at the time of their actions. In fact, a young Abraham Lincoln defended militant temperance activists in Illinois during the 1850’s: “When nine Marion, Illinois, women were brought to trial for saloon destruction in 1854 one of their lawyers, Abraham Lincoln, claimed the Boston Tea Party as a moral precedent for their action.”⁵⁸⁵⁹ A situation in which American values come to a stalemate, holding true to a personal ethic versus upholding the right to exclude from one’s property, creates contentious spaces of analysis. It is in response to these spaces, that the federal government demonstrates preference and reinforces a version of truth and of right. It makes intuitive sense for the

⁵⁸ Dannenbaum, Jed. “The Origins of Temperance Activism and Militancy among American Women.” *Journal of Social History*, 15, No. 2 (1981): 243.

⁵⁹ Irony abounds in this instance, especially considering Lincoln’s *Address to the Young Men’s Lyceum* in which he declares, “Let every American, every lover of liberty, every well wisher to his posterity, swear by the blood of the Revolution never to violate in the least particular, the laws of the country; and never to tolerate their violation by others,” and “I do mean to say, that, although bad laws, if they exist, should be repealed as soon as possible, still while they continue in force...they should be religiously observed.”

government to enforce laws when they are broken and then prosecute those responsible for the destruction of property. The key aspect to consider is the length and level of punitiveness they are willing to pursue to reify a version of the public political realm they are comfortable with. Chapter 4 considers this question more rigorously.

Descriptions of temperance activists in the 19th century have no equal for the level of outlandish claims, the colorful language, and the pseudo-scientific justifications. A selection of arguments and publicized descriptions of women deciding to enter (and at times destroy) the public realm demonstrates the depth of gender bias, of misogyny, of patriarchy, and of violence against those contesting long held sex roles. This is especially true in the face of dissent through destruction.

Carry Nation as the figurehead of the militant temperance movement enjoys stereotypical descriptions as ‘Amazonian’ and ‘irrational’ applied to strong women in the public realm. Even biographies of her life focus on the most sensationalist aspects of her relationship with her husband and pejorative descriptions of flipped gender roles within the marriage.⁶⁰ However, the descriptions from the time of her ‘hatchetations’ reveal a depth of distaste and hatred largely condoned and mimicked by media outlets across the country—including even those sympathetic to the temperance movement. The three most widely used excuses for her behavior fall into the categories of: “the western crank, the menopausal virago, the hysterical and probably insane woman.”⁶¹ The last two descriptors are present in a multitude of newspaper articles from the time. Reporters and onlookers needed reasons explaining her actions outside of a deeply help personal,

⁶⁰ Grace, Fran. *Carry A. Nation*. (Bloomington & Indianapolis: Indiana University Press, 2001), 1.

⁶¹ *Ibid*, 5

political ethic. They turned to pseudo-science and emerging Freudian interpretations of her femininity and its lack of readiness or tolerance for the political realm.

Besides the media portrayals, Nation and her followers were ridiculed by the likes of Thomas Edison who made short movies mocking the actions of the temperance renegades. Edison experimented with the new motion picture medium to make films condemning the practice of ‘hatchetations’ as well as attacking Nation personally.⁶²

“The movie makes clear ‘why Mr. Nation wants a divorce’ his wife has neglected her natural role in the private sphere as mother and wife to pursue her reform career outside the home, leaving him with responsibilities of child care and homemaking for which his gender does not apparently equip him. Worse yet, her neglect and role perversion have caused him to start drinking.”⁶³

Cries of insanity came from the towns left in her wake. Newspapers describe her with every synonym of insane and irrational available. Many argue the need for her to be institutionalized in an asylum. This is more than a casual threat at the turn of the 20th century when husbands or fathers, for any manner of ‘hysteria,’ could easily send women to sanatoriums. Women with a passion for politics were defined as ‘mannish’ and submitted to the horrors of early 1900’s mental institutions.⁶⁴ As seen in previous cases of property destruction as political participation, insanity is an easy claim to lob at purveyors of this strategy to discredit and condemn their actions, rather than confront the reasons for their demolition.

⁶² Ibid, 137 & 161

⁶³ Ibid, 161

⁶⁴ Ibid, 178

Carry Nation endured the gamut of punishments for her ‘hatchetations’. Some of Nation’s punishments occurred through legal channels, but many contesting her brand of rebellion fell upon mob violence as their brand of justice. According to Grace:

“In all, she was jailed over thirty times in states from Maine to California; she was beaten with a broom, horsewhipped in the street, bombed with raw eggs, kicked into a gutter, beaten by a band of prostitutes hired especially for the purpose, knocked on the head with chairs, and hit so hard one time that she swallowed a false tooth.”⁶⁵

The state was complicit in much of the violence Nation suffered by refusing to protect her or prosecute those responsible. In fact, various authorities did all they could to make sure that Nation reconsider her actions. After her 1901 ‘hatchetations’ in Wichita, Kansas, Nation was arrested and remanded to the custody of the city jail. A bond for her release was accepted and it seemed as if she would be free after going through the usual procedural rigmarole, but city officials found a way to punish her without sentencing. The judge issued a false quarantine for the jail declaring a ‘smallpox outbreak’. While incarcerated for the *three weeks* of the quarantine, the occupant of the adjoining cell was a deranged man uttering an unending stream of expletives while tearing his clothes off. If that was not punishment enough, the sheriff provided all of the inmates with cigarettes (cigarette smoke was widely know as an irritant abhorred by Nation) and locked her in a bare, cement room.⁶⁶ Nation represents a threat to male dominated spaces, a threat to private property, and a threat to the monopoly of power and violence of the state. Remember, that while Nation clearly violated the law in her

⁶⁵ Ibid, 2

⁶⁶ Ibid, 152

actions, she was attempting to enforce existing statutes making alcohol sales and consumption illegal.

Besides the state sanctioned violence and potential torture, ad hoc methods of intimidation and control arose from the male-dominated business community and angry bar patrons. Following her eventual release from the Wichita jail, a lynch mob formed to end her brand of activism once and for all. She was remanded back to jail for her own protection. In Enterprise, Kansas, she was beaten and whipped by weapon-wielding prostitutes hired specifically for the occasion. Nation dragged herself to the train in which her compartment had been doused with rotten eggs.⁶⁷ These types of punishments followed Nation across the country with little protection offered by local law enforcement. Once again, intersectionality comes into focus. Not only was Nation violating local customs involving the consumption of alcohol, she also challenged male spaces of domination. To top it off, she destroyed property as the main tactic in her challenge to the status quo. These factors converging in the form of one woman, was too much for turn of the century America to handle. Even as she violated, deconstructed, and obliterated gender norms, she also enjoyed some mainstream success in various towns that began enforcing temperance statutes following her actions. Nation also managed to motivate thousands of women to find space in public to voice their discontent, to protest, and to smash.

Conclusions

Each group discussed in this chapter represent an attempt to change the status quo through the destruction of the legitimate property of another. While their motivations,

⁶⁷ Ibid, 158-159

their tactics, and their explanations differ, they share a similar trait: their actions use an attack against an existential symbol of the United States to draw attention to a perceived injustice and to reclaim power; they enjoy a sanitized retelling of property destruction as American folklore; and they provide symbolic points of reference for American activists in the future. The following chapter considers tactics, claims, and reactions to more modern versions of dissent through destruction. Modern case studies extend assertions made in this chapter to understand how the stark light of contemporary systems of control lead to much different perspectives than the veil of historical distance.

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