

Equality and Hierarchy

1890-Present

Name _____



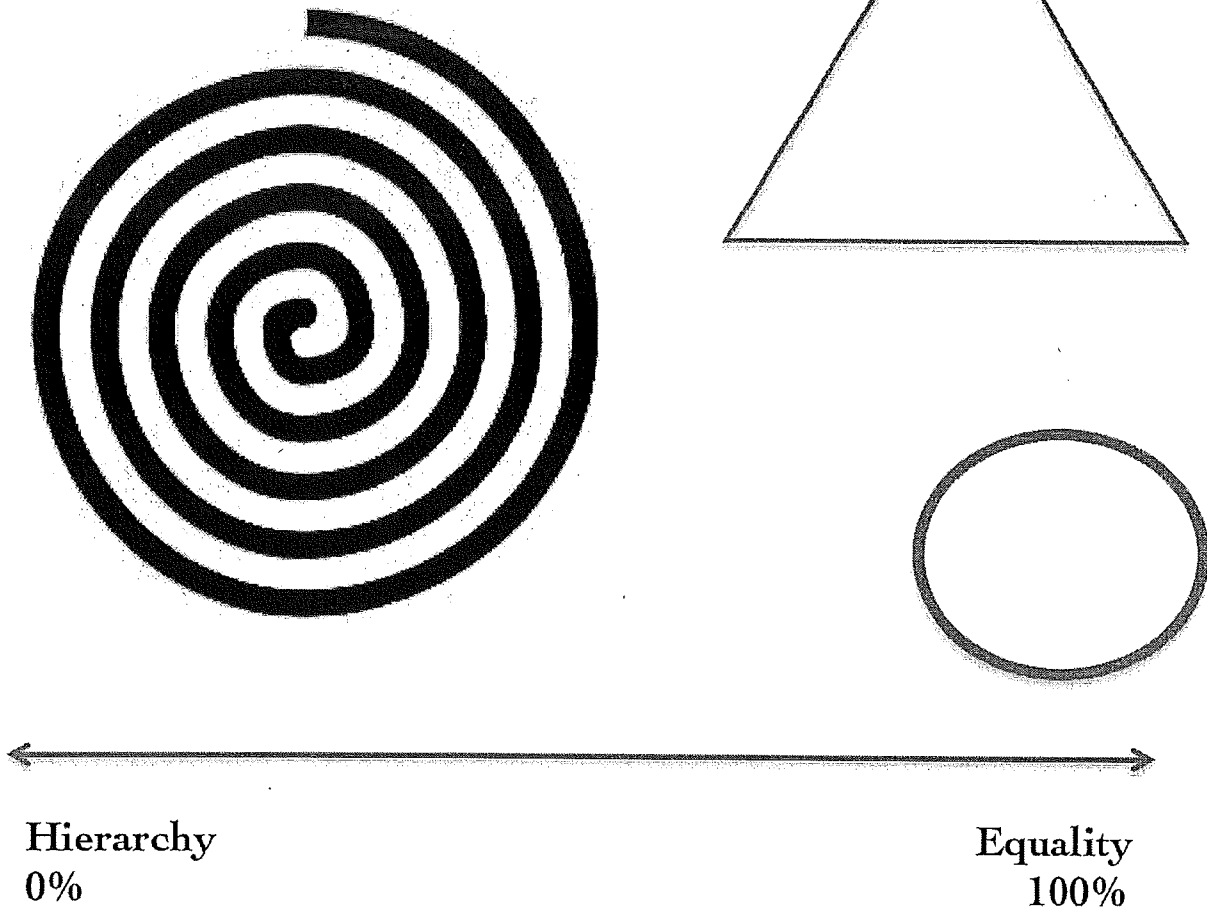
1. Classroom Climate

- a. No blame/shame
- b. Intent vs. impact
- c. Growth mind-set
- d. Go Meta! (think about your learning)

2. Key Terms:

- a. Hierarchy
- b. Equality
- c. Systematic
- d. Institutionalized
- e. Prejudice:
- f. Stereotypes:
- g. Racism:
- h. Privilege:
- i. Periphery:
- j. Caste:
- k. Agency

3. Key Visuals



4. Key Frameworks:

- a. Always teach **agency** before or with **oppression**
- b. Racial hierarchies build on/co-exist with gender/class/immigration status/sexual orientation/language/educational level hierarchies
- c. Prejudice manifested in systems/institutionalized is racism—goal of anti-racism to end the system of privilege not the prejudice
- d. Civil rights is always deliberate

Equality and Hierarchy
1890s-1920s

Directions: As you read...

HIGHLIGHT examples of hierarchy in yellow/pink

MARK answers to the questions with a 1, 2, or 3

HIGHLIGHT ways that people exercise agency against the system in green/blue

GO META two times (see backside) for directions on this.

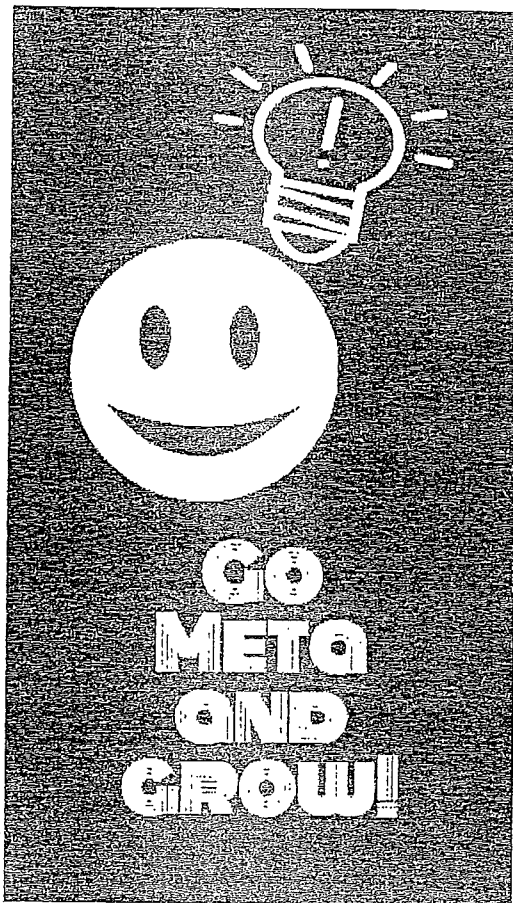
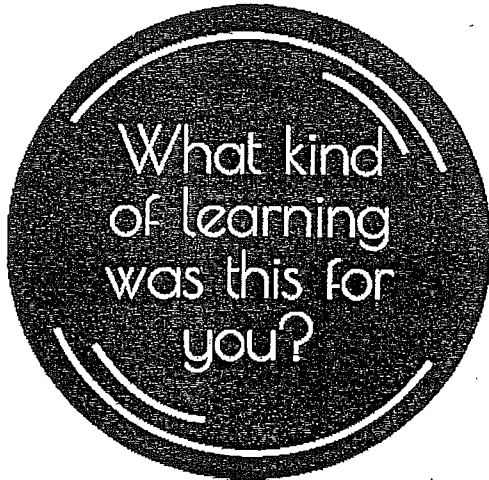
Discussion Questions:

1. How are the arguments and facts of this article a RESULT of Reconstruction (its policies and execution)?
2. How do convict leasing and lynching enhance the systematic hierarchy created during 1865-1896?
3. How do civil rights leaders of the time (Wells, Washington, Dubois) attack this inequality?
4. How does the Lost Cause myth impact this time period?

Go Meta!



THINKING
ABOUT
THINKING



What I learned...



Confirms



Clarifies



Reinforces



Enlarges



Challenges



Conflicts with



Replaces

...what I knew.

powered by



Piktochart
make information beautiful

BOOKER T. WASHINGTON

Who Is Permanently Hurt?

June 1896

The United States Supreme Court has recently handed down a decision declaring the separate coach law, or "Jim Crow" car law constitutional. What does this mean? Simply that the separation of colored and white passengers as now practiced in certain Southern States, is lawful and constitutional.

This separation may be good law, but it is not good common sense. The difference in the color of the skin is a matter for which nature is responsible. If the Supreme Court can say that it is lawful to compel all persons with black skins to ride in one car, and all with white skins to ride in another, why may it not say that it is lawful to put all yellow people in one car and all white people, whose skin is sun burnt, in another car. Nature has given both their color; or why cannot the courts go further and decide that all men with bald heads must ride in one car and all with red hair still in another. Nature is responsible for all these conditions.

But the colored people do not complain so much of the separation, as of the fact that the accommodations, with almost no exceptions, are not equal, still the same price is charged the colored passengers as is charged the white people.

Now the point of all this article is not to make a complaint against the white man or the "Jim Crow Car" law, but it is simply to say that such an unjust law injures the white man, and inconveniences the negro. No race can wrong another race simply because it has the power to do so, without being permanently injured in morals, and its ideas of justice. The negro can endure the temporary inconvenience, but the injury to the white man is permanent. It is the one who inflicts the wrong that is hurt, rather than the one on whom the wrong is inflicted. It is for the white man to save himself from this degradation that I plead.

If a white man steals a negro's ballot, it is the white man who is permanently injured. Physical death comes to the negro lynched — death of the morals — death of the soul — comes to the white man who perpetrates the lynching.

Booker T. Washington, "Who Is Permanently Hurt?" *Boston Our Day*, June 1896.

IMAGERY OF LYNCHING

Black Men, White Women, and the Mob

DORA APEL

The Shipp and Smith case followed the general pattern of spectacle lynchings. From 1882 until at least 1981, almost 4,800 African Americans were killed by extralegal means—tortured, shot, hanged, or burned to death, mostly but not exclusively in the South. "Varying only in degrees of torture and brutality," writes Leon Litwack, "these execution rituals were acted out in every part of the South. Sometimes in small groups, sometimes in massive numbers, whites combined the roles of judge, jury, and executioner. Newspaper reporters dutifully reported the events under such lurid headlines as 'Colored Man Roasted Alive,' describing in graphic detail the slow and methodical agony and death of the victim and devising a vocabulary that would befit the occasion. The public burning of a Negro would soon be known as a 'Negro Barbecue,' reinforcing the perception of blacks as less than human." Litwack notes that thousands more blacks who were murdered are not counted in the official lynching statistics: "As many if not more blacks were victims of legal lynchings (speedy trials and executions), private white violence, and 'nigger hunts,' murdered by a variety of means in isolated rural sections and dumped into rivers and creeks." At times, newspapers ran headlines announcing lynchings in advance, railroads ran special excursion trains to the sites or added extra railroad cars, and schools were let out for the day. These were community events like carnivals and street fairs.

Although there were occasional highly publicized lynchings of blacks such as Shipp and Smith in the Midwest and West in the early decades of the twentieth century, there were also many cases in the late nineteenth century in which victims were Asian, Mexican, Native American, or white, lynched for crimes such as cattle rustling or cheating at cards. These occurred in states where the population was sparse and there were no courts. But in the South, lynching evolved into a semiofficial institution of terror against blacks. Established by Virginian Charles Lynch during the American Revolution, who set up his own court to punish Tories, "lynch law" came to be understood as execution without due process of the law. But lynching only became a common practice following the end of Reconstruction in 1877, when federal troops were withdrawn from the South. The withdrawal signaled the North's abandonment of its guarantee to ensure the civil and political equality of freed black people and its capitulation to the South's demand that the problem be left to southern white rule.

While they were slaves, blacks were considered valuable private property and therefore punished only by their masters for any perceived transgressions. To kill a slave was to incur an economic loss; the preferred punishment was whipping. Moreover, mob violence not only endangered slave property but also threatened the power of the white planters. When execution of slaves was deemed necessary, planters preferred to

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hand them over to the state, in large part because the state compensated planters for executed slaves. Thus it was mostly whites who were lynched before the Civil War. During the Civil War there were episodic lynchings where whites feared imminent slave uprisings and used mass violence to intimidate the slave community.²⁴ Only when slaves became free men and women did lynching become a common means of terror and control aimed at preventing sexual liaisons between black men and white women and at keeping blacks as docile dependent laborers—preferably illiterate, without land, and without a vote—and thus maintaining the former hierarchical conditions that had obtained under slavery. Any suspected crimes against whites—even failing to step aside for a white man or protesting a lynching—was considered sufficient cause to lynch black people. The victims were predominantly men but also women and sometimes families. In the late nineteenth and early twentieth century two or three black southerners were hanged, burned at the stake, or simply murdered quietly every week. These lynchings frequently included mutilation of the bodies, often carried out by white mobs that were undisguised and considered “the best citizens” of the town, including law enforcement agents, elected officials, businessmen, teachers, lawyers, doctors, and farmers. Historian Grace Elizabeth Hale recounts the “well-choreographed” spectacle lynching, which “opened with a chase or jail attack, followed rapidly by the public identification of the captured African American by the alleged white victim or the victim’s relatives, announcement of the upcoming event to draw the crowd, and selection and preparation of the site. The main event then began with a period of mutilation—often including emasculation—and torture to extract confessions and entertain the crowd, and built to a climax of slow burning, hanging, and/or shooting to complete the killing. The finale consisted of frenzied souvenir gathering and display of the body and the collected parts.”²⁵

Following the end of slavery, southern whites feared black male suffrage both because of the economic and political threat it posed to their own rule, and because of the threat of social integration it raised. As historian Martha Hodes has shown, social equality, for southern whites, became code for sex between black men and white women, raising the specter of marriage and children of mixed African and European heritage. Southern whites worried that such offspring would erode the “color line” on which the rigid social hierarchy of economic power was based. Thus southern racism produced a conflation of political and sexual fears that regarded the political enfranchisement of black men as a catalyst to the “rape” of white women. Consequently, the “protection of white womanhood” became the most often cited reason for lynching, while its most frequent targets were “uppity” or “troublesome” black men who refused to subordinate themselves to the authority of whites or were economically successful, or who were engaged in covert but consensual relations with white women. Lynching was an attempt to emasculate the free African American male in both political and physical terms, resulting in castration as the most common form of mutilation during

lynchings. Control of the black male thus also meant control of the sexual desire of the white woman and control over the black woman, who was regularly raped by white men, a widely known and widely concealed fact. The rape of black women also served as a means of controlling and humiliating black men—"keeping them in their place"—because they knew themselves to be helpless when it came to protecting their women.⁴

Yet "the protection of white womanhood" was later exposed as merely a pretense for most lynchings. Ida B. Wells, the nation's first antilynching crusader, barely escaped her own lynching in 1892 when she wrote in the newspaper *Free Speech* that three black men were murdered in Memphis not for supposedly raping white women but for operating a successful grocery store that competed with a white grocer. It was Wells who first established that less than a quarter of lynching victims were killed for allegedly raping white women. She and Frederick Douglass observed that allegations of rape only became widespread in the late nineteenth century when blacks achieved the right to vote and to own property, but had been relatively rare in the Civil War era, when white men were largely absent from southern homes.

In the 1890s, economic conflict among whites themselves threatened the possibility of interracial political alliances, prompting the huge "spectacle lynchings" that reinforced white solidarity across class lines. The assertion of white male power over all blacks as well as white women through the terror of lynching was thus meant to maintain white political supremacy through "racial purity" in a segregated local economy. The practice of lynching attempted to preserve and reinforce by extralegal means the racial hierarchies that were no longer sanctioned by slavery in order to assure the continuity of community class structures. Upper-class and poor whites united against blacks, who were isolated in a color caste system and forcibly kept at the bottom of the economy.

One way of keeping them segregated at the bottom was to prevent consensual interracial alliances with whites, which appears to have been a factor in the Smith and Shipp lynching. Mary Ball, the girl who claimed to have been raped, was said by many blacks to be the girlfriend of Abe Smith, a fact that must have become embarrassing to whites once the murder of Claude Deeter turned the public spotlight on Ball. Blacks in the community noted that Ball often wore Smith's jewelry and the police found her wearing his watch. It was also believed that the group formed a criminal gang in which Mary Ball was the decoy that lured young men to the lovers' lane where her companions, including Smith and Shipp, then robbed them. Apparently a struggle occurred the night she lured Claude Deeter to the scene and he was shot, although further details remain cloudy. The Deeter family denied any knowledge of Mary Ball prior to the murder despite the fact that newspapers declared her engaged to Deeter, a claim the family disputed. The police had her listed as a prostitute. But the only story that could be told about a white girl in the company of black boys was that it was against her will. To prevent "miscegenation," the dominant story in 1930 was

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not the one told by blacks but the one told by whites, that Mary Ball was raped and in need of white male protection.

"Miscegenation" and the Construction of Race

The term *miscegenation* (from the Latin *miscere*, to mix, and *genus*, race) was coined as a term of opprobrium during the presidential campaign of 1864 by the Democratic Party as a way of criticizing Abraham Lincoln's Republican Party. Although unacceptable today except when used in a historically ironic context, other words that attempt to represent the sexual liaisons between people of different races and their offspring all seem inadequate as well. I use the terms *black* and *white* to denote African American and European American, but there are other terms, each insufficient or derisive, that have at various times come into common usage. For persons of mixed race, *persons of color* is problematic because it connotes all those who are not white, leaving white as an unmarked universal signifier. *Mulatto* is a word whose origins are unclear and whose connotations are pejorative, so it is rarely used today. Even *interracial* is questioned by historians such as Martha Hodes as implying "fixed categories of race and therefore an overly natural quality to those categories," which might be even truer of the term *biracial*.³⁵ But miscegenation is the most sexually and socially charged term, given that sex between white women and black men in particular was illegal and severely punished in many states for many years. Sex between black men and white women was so loathsome to white southerners and politicians because it was conflated with their fear of black enfranchisement and the social equality that would destroy the racial hierarchy that kept white men in political, social, and economic power.

In the last decade or so there has been a proliferation of "whiteness" studies, beginning with David R. Roediger's *The Wages of Whiteness: Race and the Making of the American Working Class* (1991) and crossing over a variety of fields, from labor studies to anthropology to history and culture studies. Film studies historian Richard Dyer has been instrumental in constructing a view of whiteness in relation to representation. Dyer defines whiteness as a systematic if invisible or unmarked condition of privilege that assumes whiteness as a universal norm within representation. Race is not attributed to whites, but only to nonwhites: "Other people are raced; [while] we are just people." White people are imagined as individuals and as endlessly and ethnically diverse; nonwhite groups are regarded as homogeneous and largely undifferentiated. Within American representation in particular, the nonwhite subject is reduced to being a function of the white subject, and white identity only exists in relation to the construction of black and other nonwhite identities—even when these identities are not present within any given representation.³⁶

One of Dyer's most provocative arguments concerns the gender ideals promoted by Christian imagery for which, he contends, the white body has become the basis. Main-

taining a split between mind and body, the body is regarded as inferior or even evil, but Mary and Jesus, as female and male, maintain different relations of the body to the spirit. "Mary is a vessel for the spirit," observes Dyer; "she does nothing and indeed has no carnal knowledge, but is filled with God; her purity (of which her virginity is only one aspect) is a given of her nature, not something achieved. Christ on the other hand is God, or rather he is simultaneously, again incomprehensibly, fully divine and fully human. The signs of his humanity are his appetites, his temptations and his suffering. Both Mary and Christ provide models of behavior and being to which humans may aspire. . . . In men the model is of a divided nature and internal struggle between mind (God) and body (man), and of suffering as the supreme expression of both spiritual and physical striving."⁷ For women, however, the model involves no sense of striving or suffering over the temptations of the body but a passive form of self-denial and self-control to maintain a state of purity and grace. Thus it might be understood how the Christian white men of the South rationalized their desire for black women as a natural form of temptation and struggle of mind over body, while a similar desire on the part of white women for black men could not be countenanced, or even imagined. "Wealth, character, abilities, accomplishments and position, have no effect to modify this aversion of the white woman to a Negro-marital alliance," pronounced Alabama senator John T. Morgan in 1890, adding, "The snows will fall from heaven in sooty blackness, sooner than the white women of the United States will consent to the maternity of Negro families." Frederick Douglass countered, "If the thing is impossible to happen no one would be afraid that it will happen."⁸

Whiteness as a condition structured by the gender codes of Christianity, however, must be severely circumscribed, since Christianity existed long before "whiteness." As Dyer notes, Christianity is now a dominant religion in Africa, South America, and the black churches of Europe and North America. Whites, however, are often oblivious to the skin-color transformation of Jesus and Mary among black believers, as evidenced recently by the stunned reaction of Rudolph Giuliani and his supporters to artist Chris Ofili's *Black Madonna* when it was shown at the Brooklyn Museum of Art in 1999. Although they were ostensibly outraged over the use of elephant dung as part of the image, the explanation that elephant dung was used as a reverential material in Africa had no mitigating effect, suggesting that the underlying issue was more likely the shock of a black Madonna and the small pornographic images that hinted at her sexuality. Despite caveats, however, Dyer argues that Christianity "has also been thought and felt in distinctly white ways for most of its history," and cites, among other evidence, the role of the Crusades in racializing Christians, and "the ready appeal to the God of Christianity in the prosecution of doctrines of racial superiority and imperialism," as well as the establishment of a blond, blue-eyed image of Christ by the nineteenth century. At the least, the appropriation of Christian gender codes in support of whiteness may be understood as a modern and particularly southern phenomenon.⁹

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White women were thus considered naturally superior because of the purity of their whiteness and thus could not have such desire or any sexual desire at all. This form of purity was regarded as the embodiment of civilization by southern whites. The projection of sexuality onto dark races, as Sander Gilman has shown, is a means for whites to represent yet dissociate themselves from their own desires. But it is only the white male who struggles with a dual nature, tormented by sin in order to transcend it as Christ transcended the pain of the cross through resurrection. The white female is assigned a single, undivided nature; she is a vessel for reproduction who remains somehow untouched by sexual drives and who, should she discover such drives, falls from the pedestal of purity on which she has been placed by the southern white male. These views are particularly notable in Ku Klux Klan discourse. The construction of white female purity was dependent upon two images of blacks: black men as bestial and black women as depraved. The black male as rapist was constructed as a "black beast" or "black brute" while black women were also regarded as "lustful," justifying their assault and rape by white men; moreover, black women were commonly blamed for the supposed criminality of black men.⁶⁰

Whiteness, then, was different for men and women. The dual nature of white men allowed a "dark" side full of sexual longings, while white women were considered naturally pure and without a sexual nature, like the Virgin Mary, who reproduced without sex. A woman who made her sexual nature visible and succumbed to its temptations became a "fallen" woman, usually associated with poor whites; she was represented in film and literature as always darker than her fair-haired sisters. By the late nineteenth century, ideas about the purity of white women, centered on the elite, increasingly came to include poor women, but the matter of class remained ambiguous at best. One commentator wrote that the "few white women who have given birth to mulattoes have always been regarded as monsters; and without exception, they have belonged to the most impoverished and degraded caste of whites, by whom they are scrupulously avoided as creatures who have sunk to the level of the beasts of the field."⁶¹ The southern ideal of virginal white womanhood came to be embodied by national cinema stars like Lillian Gish and Mary Pickford, whose ethereal screen personas presented them as virtual angels. But even white women such as Mary Ball, whom the police listed as a prostitute, could not have been imagined engaging in consensual sex with black men.

It is now widely accepted that race is a mutable, ever-changing, and socially constructed phenomenon with no biological or genetic basis. White and black as skin colors are unstable, unbounded, contingent categories. Nonetheless, as social and historical constructs, racial identities have "contents and consequences," as historian Eric Arnesen notes.⁶² In the South, elaborate calculations of degrees of blackness were developed using such categories as mulatto, quadroon, and octoroon, while in many states the "one drop" rule eventually decreed that as much as one drop of black blood was enough to make a person black (until 1910 in Virginia, for example, a person could be 24

percent black and still be considered white; from 1910 to 1924, the percentage dropped to 15 percent; in 1924 the one-drop rule was adopted).⁶¹ Since "whites do not exist as a natural group, but only as a social and legal creation," argues Ian Haney López, "law constructs race."⁶² From 1790 until 1952, being a "white person" was a requirement for immigrants seeking to become American citizens. The courts defined "white" by deciding on a case-by-case basis who was *not* white. The significance of the one-drop rule of racial descent, under which any known African ancestry renders one black, was codified in *Plessy v. Ferguson* by the Supreme Court in 1896, which established segregation by the doctrine "separate but equal." Under this conception no mixed-race applicant petitioning the courts for citizenship was naturalized as "white." But the concern over racial differentiation was precisely founded on the slipperiness and fragility of "whiteness," which depended not on white skin, which could be deceptive according to the one-drop rule, but on a set of ineffable characteristics connoting physical and spiritual superiority that could never be definitively established. Thus it seemed that whiteness was always threatened and always needed to be defended.⁶³

Madison suggests that the milling crowd in the photograph of the Smith and Shipp lynching is not the lynch mob, but curious spectators who arrived on the scene after the mob had left, though the souvenirs of cloth clutched by the women in the foreground seem to belie this conclusion. Most newspapers that published the photograph, especially the northern black press, assumed they were part of the mob. Beitler's picture appeared in the *Chicago Defender*, the *New York World*, the *New York Amsterdam News*, and dozens of other publications over the next few decades. The Acme News Service in New York acquired a copy in 1930 that eventually found its way into the Bettmann Collection; Magnum Photo Agency also acquired a print, and from these two major agencies many others readily obtained copies. The photo appeared in books as well, including college textbooks, historical overviews of the twentieth century, Alistair Cooke's *America* in 1973, *Life* in a special 1988 issue devoted to race, twice in *Newsweek* in 1994, *The African American Atlas* in 1998, and in a 1999 PBS television documentary on photography. It also appeared in museums in the 1990s prior to the exhibition of the Allen-Littlefield collection, including the Birmingham Civil Rights Institute in Alabama, the DuSable Museum in Chicago, and the Museum of Tolerance in Los Angeles. In these three museums as well as in many of the books, the photo was unidentified by time and place. "It had become the generic lynching photograph," writes Madison, "suitable to illustrate the point of white racism and violence without considering when or where."⁶⁴ The *Amsterdam News*, however, which published the photograph in 1935 in support of an antilynching bill before Congress, highlighted the fact that this lynching had not occurred in the South and played on the fear that lynching would move north along with the northern migration of the black population, sarcastically observing, "The gleeful countenances of the mob members shown above, including that of the pregnant woman in the foreground, demonstrate effectively the high level of culture in the 'advanced' Northern

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states."⁶⁷ More recently, the photograph has been mobilized for multiple and changing meanings, demonstrating that the significance of an image may be altered according to context. In 1994 protesters opposed to the execution of an African American prisoner in Indiana carried placards of the photo, and the rap group Public Enemy reproduced it for the cover of their 1992 compact disc *Hazy Shade of Criminal*, explaining on the back cover that boxer Mike Tyson, convicted in Indiana of rape, was "hanged the same Goddamn way" as the "two black men in 1930 Indiana getting hanged for bullshit that they didn't do based on cracker racism, jealousy, envy and greed."⁶⁸

Lynching photographs were contemporaneous with the establishment of the tabloid press, which spawned the slogan "If it bleeds, it leads," filling newspapers with spectacles, scandals, and disasters. Both supporters and opponents of lynching published photographs of lynchings in newspapers. But it was as postcards that they circulated most widely in the South. Postcards became a huge industry alongside oil, railroad, steel, and meatpacking monopolies. Peddlers sold them door-to-door and vendors stocked them in stores. "Even though the postcard sold for only pennies," notes Robert Snyder, "the appetite for them was so voracious that retail sales reached the phenomenal amount of \$50 million by 1909." Most lynching cards were black and white, others color-tinted and even stereographic. Lynching images also ranged from a single photograph to a fifteen-card series. The statement about community values and civic pride made by such postcards cannot be underestimated: usually postcards picture the best a community has to offer. "Encoded in lynching cards for generations to come," observes Snyder, "were messages that community virtues were protected, and to what extent town fathers would go to realize the ideal."⁶⁹

The audience for lynching postcards was white, of course. Katharine "Flossie" Bailey, who had led the branch of the Marion NAACP since its founding in 1919, spearheaded the effort in 1930 to bring the lynchers of Abe Smith and Thomas Shipp to justice, though no one was ever prosecuted for the crime. Furious at the sale of the photographs, however, she also threatened to take Beitler to court and eventually convinced the state police to stop sales. In Terre Haute, 140 miles away, shops sold postcards of Beitler's picture until that city's NAACP also stopped it.⁷⁰ Lynching postcards were sent through the mail to friends and relatives but were also used as a form of harassment. A Unitarian minister in New York, John H. Holmes, who had condemned lynching, received a picture postcard on which the sender wrote: "This is the way we do them down here. The last lynching has not been put on a card yet. Will put you on our regular mailing list. Expect one a month on the average."⁷¹ By 1908, sending lynching cards through the mail was made illegal, but the trade in postcards merely went underground.

The verso sides of lynching postcards also reveal the exultant state of mind of the senders, the sense of participation in a historic moment worthy of commemoration, and the proud enactment of white masculine power defending the old order. For example,

ON LOOKING

on a postcard showing the lynching of Allen Brooks from Elk's Arch in Dallas on March 3, 1910, among a huge crowd of spectators, the sender wrote on the back: "Well John— This is a token of a great day we had in Dallas, March 3, a Negro was hung for an assault on a three year old girl. I saw this on my noon hour. I was very much in the bunch. You can see the Negro hanging on a telephone pole." Around the border of the image on the front, he added: "All OK and would like to get a post from you. Bill, This was some Raw Bunch." Until accused by another servant of assaulting the child, Allen Brooks was a trusted elderly servant of the H. J. Buvens family. When his naked and mutilated corpse was pulled up the arch at the end of a rope, a mob leader was allegedly heard to say, "You did the work of men today and your deeds will resound in every state, village, and hamlet where purity and innocence are cherished and bestiality and lechery condemned."⁷ Since "men" was a universal signifier for "white men," this was an unvarnished assertion of white masculine hegemony.

In another horrifying example, fifteen thousand men, women, and children crowded into City Hall Square in Waco, Texas, to witness the burning of seventeen-year-old Jesse Washington, a boy who had allegedly confessed to the killing of a white woman for whom he had worked. According to an NAACP report by white suffragist Elisabeth Freeman, the attack was an example of an enraged employee striking out in anger at an overbearing boss, but after Washington's arrest it was announced that he had raped the woman as well as murdered her. In a rigged trial, in which the jury deliberated for four minutes before pronouncing him guilty, Washington's court-appointed lawyer failed to point out that the physician who examined the body had made no mention whatever of evidence of sexual assault. It was the charge of rape that most inflamed the crowd, which seized Washington in the packed courtroom and hauled him out to be lynched. First he was beaten with shovels and bricks and then castrated. An NAACP investigator found a young manicurist who was one of the few witnesses willing to go on record with her description of the scene. The investigator recorded that "it was generally known that something was going to happen, and when they heard the noise everybody rushed to the windows, and that child saw them unsex the body ... [and] others say ... that they were carrying the proof around in a handkerchief showing it as a souvenir."⁸ Washington's ears were cut off and he was hanged from a tree by an iron chain above a fire of boxes and sticks. Still alive, the wailing boy tried to climb the hot chain, for which his fingers were cut off. "The executioners repeatedly lowered the boy into the flames and hoisted him out again. With each repetition, a mighty shout was raised," records James Allen.⁹ "Such a demonstration as of people gone mad was never heard before," wrote the *Waco Times-Herald*.¹⁰ Washington's burned remains were then lassoed by a man on a horse and dragged through town, followed by a group of young boys.

A local professional photographer named Fred A. Gildersleeve—reputedly tipped off by the mayor, who got a share of the profits—arrived in time to set up his camera

IMAGERY OF LYNCHING

and quickly printed his photographs as postcards that sold for ten cents apiece, less than the asking price for other lynching souvenirs, such as links from the chain used to hang Washington (twenty-five cents) or Washington's teeth (five dollars).⁷⁶ Gildersleeve's photograph (FIG. 3) shows the burning of the body beyond recognition. Only stumps of legs are left on Washington's charred corpse, surrounded by the hardened faces of young white men. On the back of the postcard in the Allen-Littlefield collection the sender wrote, "This is the Barbecue we had last night. My picture is to the left with a cross over it, your son, Joe." The cross is now a round ink smudge above the head of the sender in the lower left. The postcard records for posterity and for the pride of his parents the image of Joe Meyers, an oiler at the Bellmead car department and a Waco resident.⁷⁷ Meyers also records his sense of history and his role in it, sharing with his parents the pleasures of looking. No wonder NAACP director James Weldon Johnson declared, "Lynching in the United States has resolved itself into a problem of saving black America's body and white America's soul."⁷⁸

The photographs were meant to stay among the white supremacist masses. When the NAACP investigator, Elisabeth Freeman, asked for pictures of City Hall, the courthouse, and the judge after the lynching of Jesse Washington, claiming she wanted to show people up north that Waco was a nice, friendly place, the mayor and the sheriff were reluctant to circulate pictures to outsiders. They finally agreed, but Gildersleeve told Freeman, "We have quit selling the mob photos. This step was taken because our 'City dads' objected on the grounds of 'bad publicity.'"⁷⁹ Freeman found that the local townspeople and press approved of the lynching but not of mutilating and dragging the charred torso through the town, which they undoubtedly knew would appear excessive to outsiders. She wrote a lengthy article for *The Crisis*, the main organ of the NAACP, which added a special eight-page supplement on "The Waco Horror"; one of Gildersleeve's images appeared on the cover at the insistence of editor W.E.B. Du Bois over the doubts of the NAACP's board members. Copies were distributed to 700 newspapers, all the members of Congress, and prominent individuals in the arts and politics, as well as the 42,000 who subscribed to *The Crisis*. The photographs provoked both regional and national condemnation, though some regarded whites as the greater victims in this crime. *The Houston Chronicle and Herald*, for example, wrote, "The Chronicle leaves him [Washington] entirely out of consideration. It is not him, nor his race, that has been affected; it is the hundreds of whites who participated, the thousands who looked on, the millions who will read." *The San Francisco Bulletin* concluded that "the strangest delusion in connection with lynching is that it is the victim who suffers most. In reality it is the community who is lynched."⁸⁰ Concern for the soul of white America subordinated the body of black America; nonetheless, this became an important element of antilynching activism in the 1930s.

STOP
Few surviving photographs record the black victim both before and after death. One such example in the Allen-Littlefield collection is a three-part series on the lynching of

Source:

Oshinsky, David M.
"Worse Than Slavery"
Free Press Paperbacks; NY 1996.

pgs. 78-79

↓
pgs. 135-143

CHAPTER SIX

Parchman Farm

START

Judge gave me life this morning:
down on Parchman Farm.

I wouldn't hate it so bad:

but I left my wife and my home.

Oh goodbye wife:

all you have done gone.

But I hope some day:

you will hear my lonesome song.

—"Parchman Farm Blues," recorded by former
inmate Washington "Bukka" White in 1940

I

Every month or so, the legendary figure known as Long-Chain Charlie would make his appointed rounds. As traveling sergeant of the Mississippi State Penitentiary, his job was to escort new convicts from the county lockups to the sprawling Parchman Farm. A witness in the 1930s—a white Southern writer of some distinction—recalled the sergeant's appearance at a rundown Delta jail. "The names of those who were to leave were called by the sheriff. His voice rang through the steel corridors.

"Manny Sutton!" he yelled.

"Yas, suh, white folks . . ."

"Abe Jones!"

"Comin' up, boss."

"Will Jordan!"

"Got my travelin' clothes on . . ."

"Aleck Ball!"

"I heahs you, Cap'n."

Finally all the prisoners were assembled. There were twelve Negro men, three white men, and two Negro girls. One of them could not restrain her giggling. I asked her what she thought about going to prison for two years. She smiled widely. "It ain't no diffance, white folks," she replied. "I'm got to work wherever I'm is."¹

This story may have been apocryphal. White Southerners liked to believe that blacks did not much mind going to prison—that there was no shame to it, no loss of status, no fear of what lay ahead. Not surprisingly, this writer viewed Parchman as a smooth and simple extension of normal black life: "They do the same work, eat the same food, sing the same songs, play the same games of dice and cards, fraternize with their fellows, attend religious services on Sunday mornings and receive visitors on Sunday afternoons."² The black convicts took a rather different view. Their prison songs in Mississippi and Tennessee portrayed Long-Chain Charlie as an evil man who stole their freedom and brought them despair:

I looked out the window,

saw the long-chain man (*twice*)

Oh, he's comin' to call us boys, name by name . . .

I got a letter from home,

reckon how it read? (*twice*)

It read, "Son, come home to your mama,

she's sick and nearly dead."

I sat down and I cried,

and I screamed and squalled (*twice*)

Said, "How can I come home, mama,

I'm behind these walls . . ."

'Cause the judge he sentenced me boys

from "Five to Ten" (*twice*)

I get out I'm go to that woman,

I'll be right back again.³

By the early 1900s, the great bulk of Mississippi's convicted felons had been delivered to Parchman Farm. According to the state penitentiary report of 1917, blacks comprised about 90 percent of the prison population. Most were illiterate young farm workers or laborers serving long sentences for violent crimes (murder, 35 percent; manslaughter, 17 percent; assault and battery, 8 percent; rape or attempted rape, 5 percent) against other blacks. Thirty-eight percent of the Negro inmates had received life terms, and 58 percent ten years or more.⁴

The convicts who reached Parchman with Long-Chain Charlie must have been surprised by what they saw—and what they did not see: no walls or guard towers, no cell blocks or stockades. From the outside, it looked like a typical Delta plantation, with cattle barns, vegetable gardens, mules dotting the landscape, and cotton rows stretching for miles. "Only a few strands of barbed wire marked the boundary between the Parchman State Penitentiary and the so-called free world," wrote folklorist Alan Lomax in *The Land Where the Blues Began*. Yet "every Delta black knew how easily he could find himself on the wrong side of that fence."⁵

Parchman's twenty thousand acres covered forty-six square miles. Just inside the main gate was Front camp, which contained a crude infirmary, a post office, and an administration building where new convicts were processed and issued their prison garb. The men got "ring-arounds," shirts and pants with horizontal black and white stripes; the women wore "up-and-downs," baggy dresses with vertical

stripes. The long-time Parchman registrar, Mrs. O. M. Strickland, recorded the physical characteristics of each convict in meticulous detail. Her hand-written "description books" contained entries such as:

PITTMAN, WILL

Age, 38 years; height 5 feet, 8 inches; weight, 139 lbs; nativity, Tennessee; complexion, mulatto; hair, black; eyes, brown; mole on stomach; narrow face; narrow head; black mole on cheek near nose; has deep scowl between eyes. Sentenced from Chickasaw County, October 29, 1913; crime manslaughter; term, ten years.

And:

PRICE, JIM

Age, 19 years; height, 5 feet, 5 ins.; weight, ——— pounds; nativity, Mississippi; complexion, mulatto; hair, black; eyes, brown; scar on left elbow; two scars on back; scar right shoulder blade; tattoo on right wrist—heart. Sentenced from Wayne County, January 14, 1909; term, life; crime, murder.⁵

The plantation was divided into fifteen field camps, each surrounded by barbed wire and positioned at least a half-mile apart. The camps were segregated only by race and sex. First offenders were caged with incorrigibles, and adults with juveniles, some as young as twelve and thirteen. "Feeble-minded" convicts were everywhere. Parchman housed prisoners like John Brady, an ax-murderer with the mental age of a five-year-old, because Mississippi did not recognize "idiocy" and "imbecility" as special categories in its criminal code. The result was a brutal, predatory culture made worse by the prison's vast and isolated expanse.⁷

Each field camp had a "cage"—a long wooden barracks with barred windows where the inmates ate and slept. The cage had two dormitories—one for regular convicts, another for trustees—separated by a dining area in the middle. Both rooms had bunks stacked

side by side along the walls, with two or three feet in between. Like everything else at Parchman, these barracks helped to keep down costs; individual cells were more expensive to build and maintain.

By 1915, Parchman already was a self-sufficient operation. It contained a sawmill, a brick yard, a slaughterhouse, a vegetable canning plant, and two cotton gins. In design, it resembled an antebellum plantation with convicts in place of slaves. Both systems used captive labor to grow the same crops in identical ways. Both relied on a small staff of rural, lower-class whites to supervise the black labor gangs. And both staffs mixed physical punishment with paternalistic rewards in order to motivate their workers. What this meant, in simple terms, was the ability "to drive and handle niggers."⁸

The Parchman superintendent was akin to the master. He lived at Front Camp in a Victorian mansion, complete with spindles, gables and a wrap-around porch. A small army of convict servants attended to his every personal need. The superintendent was not expected to be a professional penologist. The state wanted an "experienced farmer" for this position, and that is exactly what the law required. The superintendent's job was to make a good crop. "His annual report to the legislature is not of salvaged lives," a newspaper remarked. "It is a profit and loss statement, with the accent on the profit."⁹

Each field camp was directed by a sergeant, or overseer, who lived on the grounds. It was his responsibility to fix the work schedules, discipline the convicts, inspect the crops, and set the daily routine. Under him were two assistant sergeants, or "drivers," known as "keep'n" to the men. One driver worked the convicts in the fields; the other, a nightwatchman, ran the barracks where they lived.

The sergeant's job was usually a lifetime occupation, passed down from father to son. The same families staffed this position over the years. The pay was poor, even by Delta standards, but the benefits included a small wood cottage, fresh meat and vegetables, and the use of convict servants—all at no cost. One study described these men as short on formal education and grasp of penological principles, but

long on [knowledge] of the rural southern subculture." For sergeants, it stressed, the "folk wisdom accumulated from years of experience . . . is an essential element of every decision regarding inmates."¹⁰

The sergeant's word was law. He based his decisions on how best to control his convicts and keep their productivity high. "I had all kinds of sergeants," recalled a long-time inmate. "Some of them was whippers, beat you all the time. Some would treat you good." In one camp, the food might be fresh and plentiful; in another, it was rancid and scarce. In one camp, the inmates would be locked up after work; in another, they could fish or garden or lounge outside. "It all depended on the boss man," the inmate added. "Your life could be all right, or he could make you wish for hell."¹¹

The sergeant and his drivers supervised more than a hundred inmates in each camp, an arrangement made possible by the fact that the prisoners guarded themselves. Throughout its history, Parchman used the trusty system, in which selected inmates, called trusty-shooters, watched over the regular convicts (known as gunmen, because they toiled under the guns of the trusties). Comprising about 20 percent of the prison population, the trusty-shooters lived apart from the gunmen, wore vertical stripes instead of horizontal ones, and carried .30-.30 Winchester on the job.¹²

There were no written criteria for selecting trusties. The sergeant made his choice by instinct and observation, as he did everything else. Most trusties were serving long sentences at Parchman, usually for murder. They were picked for their ability to intimidate other convicts, and their willingness to use force. Once chosen, a trusty became an unpaid member of the prison staff. He got better food and quarters than the regular convicts, and did not have to stoop all day in the fields. He could move freely about the camp, hunt and fish in his spare hours, and spend some extra time with his wife, a lover, or a prostitute brought in from a nearby town.

In their new role, the trusties isolated themselves from the other convicts, severing social ties. Their allegiance lay solely with the

sergeant who had promoted them. If they trusties did their job well, a pardon might follow; if they misbehaved, the sergeant could demote them back to gunman, a dangerous move given their former status as guard. The trusties lived a privileged yet tenuous life at Parchman: determined to please the white men above them, feared and hated by the black men below them. Their situation was similar to that of the plantation slave drivers, described by historian Eugene Genovese in *Roll, Jordan, Roll*. "To keep their position and their privileges, they had to do the masters' bidding," Genovese explained. Yet "they too were black slaves and knew that no accomplishment would change their station—the constraints of being black inexorably prevailed."¹³

The sergeant's trust in his shooters was essential. They were his complete security staff: the men who guarded the cage and the fields, the men who protected his home and his family.¹⁴ As his own life and well-being depended on his judgment, a Parchman study reported "the sergeant rarely made an error in selection."¹⁵

This was not exactly true. Shooters escaped more often than regular convicts because their opportunities were better, and stories of their quick tempers and questionable killings became the stuff of legend throughout the South. The arming of dangerous men left everybody vulnerable, gunmen and staffers alike. Indeed, the lynching of Charley Shepherd in 1929—considered by some to be the "most-revolting" public spectacle in the history of Mississippi—involved a black shooter gone mad.*

* It is impossible to know the number of such incidents, since prison officials did not publicize them. In 1921, a black trusty named Louis Wimberly "brutally assaulted" the wife of a sergeant and "mutilated" her two children before escaping. After being captured and handed over to Long-Chain Charlie, Wimberly was set upon by a mob of "unknown men" a quarter mile from the penitentiary gate and lynched. In 1936, a white trusty named John Hartfield, serving a life term for murdering his wife, stabbed and killed a man in a dance hall in Jackson. Hartfield had been one of the white trusties used as "drivers" for Parchman officials, taking them to meetings throughout the state. In 1947, a black trusty named Edmund Perryman, also serving a life term for murder, "ran amok," wounding three people "before killing himself with a bullet."¹⁵

Shepherd, a convicted murderer, had "razored" a fellow in a brawl near Vicksburg. Like many other trusty-shooters, he was illiterate, mentally retarded, and terrifying to the men. On December 28, 1928, Shepherd killed his sergeant, J. D. Duvall, by slitting his throat. Then Shepherd kidnapped Duvall's teenage daughter and took her to the woods. As word of the incident spread, local whites went "plumb wild." "It was one of the two man hunts I ever saw," a witness recalled, "in which half-way law-abiding folks took the law unto themselves. In nine out of ten lynchings, the recruits come from the pool rooms and log cabins. But [this one] rated pursuers from the big-porched houses in normally quiet little towns."¹⁶

Three separate posses tracked Shepherd across the Delta, beating local Negroes along the way. Five thousand men—on horseback, in pick-ups, with bloodhounds—were involved in the hunt. When he could run no longer, Shepherd surrendered to a white woman in return for her promise to protect him from the mob—a promise, it was reported, she "vainly sought to keep." On December 31, Shepherd was captured, hogtied, and driven from place to place like a carnival exhibit. Then he was taken to an open field where, according to one newspaper, "the enraged farmers and townspeople of the Delta went about their work of torturing" the convict for seven straight hours.

Shepherd was placed on a funeral pyre doused with gasoline. He was beaten and stabbed, and his ears cut off for souvenirs. When the burning began, Shepherd's nose and mouth were filled with dirt in order to prevent his inhaling gas fumes—and instant death. The crowd roared its approval as the charred legs and feet of the convict fell from his body into the fire. "It was 45 minutes before the powerfully built negro finally quit his convulsive twitching and agonized fighting at the ropes and flames."

By sheer coincidence, Governor Theodore Bilbo happened to be visiting Parchman when the lynching occurred. The next day, after casually inspecting the remains of Charley Shepherd, whose "smoking skull" had been found in a roadside ditch, Bilbo dismissed the

idea that he—or the state of Mississippi—become involved in the search for Shepherd's killers. "I have neither the time nor the money to investigate 2,000 people," he said—and left it at that.¹⁷

END

[We used] powder cans for slops which would fill up and run over our beds and we could not move out of the way. . . . We would leave the cells at 3 o'clock AM & return at 8 o'clock PM going the distance of three miles through rain and snow . . . we go to cell wet, go to bed wet and arise wet the following morning and every guard knocking beating yelling . . . & Every Day Some one of us were carried to our last Resting, the grave. Day after day we looked death in the face & was afraid to speak.⁶²

Prisoners were whipped for failing to meet their daily quotas and tortured for various infractions, a practice that would continue well into the twentieth century. They were hung from makeshift crucifixes, stretched on wooden racks, and placed in coffin-sized sweatboxes for hours at a time. "Generally made of wood or tin," explained a student of the Alabama prisons, the sweatbox "is completely closed except for a [small] hole at nose level. When placed under the blistering Southern sun the temperature inside becomes unbearable. In a few hours a man's body swells and occasionally bleeds."⁶³

In 1870, Alabama prison officials reported that more than 40 percent of their convicts had died, prompting a doctor to warn that if the trend continued, the entire convict population would be wiped out within three years. Although the death rate dropped significantly in the 1880s, it did not include the hundreds of broken-down convicts who were cut loose after suffering from black lung or dysentery or who had been hideously crippled in the mines.⁶⁴

By 1890, the convict lease in Alabama had become a huge operation, supplying bodies like the slave trade of old. Black males, age twelve and older, went directly to the mines; black women, black children, and "cripples" were leased to lumber companies and to farms. White men usually remained in the penitentiary or in local jails. White women and children (a minuscule number) were kept in special facilities.

The categories were precise. TCI paid the state of \$18.50 per month for "first-class men," who mined four tons of coal a day; \$13.50 for

APT No one should have been surprised. Convict leasing was not about justice, equal treatment, or making the punishment fit the crime. Convict leasing was about profits, brutality, and racist ideas. Alabamians knew this better than others because their system was an open book. Their prisoners were not hidden away in remote railroad camps or on isolated farms; most of them dug coal on the outskirts of Alabama's emerging towns and cities, often with free miners near their side. It was hardly a secret that convicts worked whole shifts without a break in ankle-deep pools of water, eating fistfuls of spoiled meat and cornbread that had been stuffed into their clothes. In 1882, Alabama's new warden described his prisoners as worn-out, battered men who lived like animals in disgusting quarters, where they "breathed and drank their bodily exhalation and excrement." The system, he wrote, "is a disgrace to the State [and] a reproach to the civilization."⁶⁵

A few years later, a literate black convict recalled the life he had endured at the Eureka Prison Mines in northern Alabama. The men had slept in chains, covered with "filth and vermin," he began.

END

working a hundred and fifty of the most reckless niggers in the world. It's a plain case of which you'd rather do, shoot or get hot."

Mary Hamilton provided a similar portrait of early Delta life. She knew that the loggers drank and gambled and brawled—that each man carried a gun, a loaf of bread, and a pint of whiskey to his job. And she had been told that killings and lynchings were common in the camps as a form of entertainment on Saturday nights. "I took it as a joke," she said—but not for long. A few months later, while eating a lumberjack whose foot had been split open with an axe, Hamilton "smelled a strong odor" coming from the man's pocket. When she reached in, a "Negro's finger" dropped into her hand. "I was trembling all over," she recalled. The foreman quickly apologized, explaining that his men had just lynched a "nigger" accused of raping a white woman and then cut him up for "souvenirs." "That's all right. I approve of that part," Hamilton replied, "but if you have any fingers or toes about you don't bring them in the house."¹²

START

III

By the early 1900s, the Delta frontier had largely disappeared. With the levees up, the best land cleared, and the railroads in place, King Cotton found its perfect Southern home. In no other region did nature provide such lush inducements for success. "To speak of agriculture here means one thing: cotton," wrote anthropologist Hortense Powdermaker. Yet cotton meant more to Delta people than agriculture alone. Cotton fueled the economy, determined the class structure, and dominated race relations. "It is because of cotton that slaves were brought here, because of cotton that Negroes [far] outnumber whites, because of cotton that the plantation system developed under slavery has been modified to continue 'after freedom.'"¹³

As land prices exploded in the Delta, poor white farmers lost all hope of settling here. They remained in the hill country to the east

despised by class-conscious planters, feared by local Negroes, often ridiculed by both. Hodding Carter described them as a miserable lot, who "provide William Faulkner and Erskine Caldwell with characters from life, the Association for the Advancement of Colored People with lynching statistics, and [upper class whites] with a feeling of impending doom." A popular black verse, sung in careful privacy, went:

My name is Sam, I was raised in the sand
I'd rather be a nigger than a poor white man.¹⁴

The Delta became the realm of the planter and the tenant—one white and powerful, mixing modern business techniques with antebellum dreams; the other black and vulnerable, tending the rich man's cotton for a fraction of the take. In 1900, the percentage of Negro population stood at 12 percent in the United States, 58 percent in Mississippi, and 89 percent in the Delta. There were more blacks in Bolivar County than in all of Massachusetts, more blacks in Sharkey County than in all of Minnesota. One writer joked that the 377 blacks living in North Dakota would make a disappointing turnout at "the funeral of a Delta Negro preacher."

Plantation owners viewed the Negro as stronger, less demanding, and more deferential than the poor white. He didn't vote, rarely complained, and could easily be cheated. "He is a pain and a grief to live with," William Alexander Percy declared, "a solace and a delight. There are seven to eight of them to every one of us and he is the better breeder. Ours is surely the black belt."¹⁵

By 1910, more than ninety percent of the Delta's farmland was being worked by tenants, 95 percent of whom were Negroes. The plantations were enormous, covering ten thousand acres and more. As self-contained units, they provided services normally reserved for the local towns, such as schools, stores, churches, a post office, medical help, and graveyards. Everything about them revolved around the

See citation on Parchman Farm pg.

cotton crop and the labor force it required. The unpainted plantation cabins—without lights, plumbing, or insulation—lined the flat dirt roads that led to the fields. Children attended ramshackle one-room schools in the “off-times” between spring planting and fall picking, when their labor was not needed. Workers were often forced to shop in over-priced plantation commissaries because their credit was extended in scrip or coupons rather than cash. (Some tenants, as late as the 1950s, had never seen a dollar bill.) “The Delta is cotton-obsessed, Negro obsessed, and flood ridden,” a scholar remarked. “It is the deepest South, the heart of Dixie, America’s super-plantation belt.”¹⁶

The arrangement between tenant and landlord varied from place to place. On most plantations, sharecropping was the rule. In return for a cabin, water, firewood, a mule team, farm tools, and cotton seed, the tenant gave the landlord a fixed portion—usually 50 percent—of his crop. Families worked as a unit, from first light to last. Their day began at 4:30 A.M., with a breakfast of fried okra, salt pork, and tomato gravy. “By five o’clock they are all in the field. The blistering heat sends them in about eleven, and dinner is cooked—turnip greens, cornbread, [more] salt pork, and sometimes pie. They lie around and rest until about 1:30, then return to the field until sundown. Supper consists of the left-overs from dinner.”¹⁷

March 1 was Limit Day in the Delta, when the first credit (or “furnish”) was extended at the plantation store. Each family could charge from ten to twenty dollars per month in supplies, depending on the acreage it farmed. The prices were considerably higher than those in town, and the interest rates often reached 25 percent. But planters neatly defended the furnish as a protection for their tenants—a way of getting them to purchase necessities instead of squandering their money on whiskey, gambling, and sex. “The besetting sin of the Delta Negro,” said one straight-faced apologist, “is his uncurbed, headlong extravagance.”¹⁸

In the early spring, the tenant prepared the ground and planted his

crop. In April and May, he thinned the cotton stalks and chopped the vines and grasses that grew along the rows. In late June, the tight green bolls appeared, and the crop was “laid-by.” July and August brought some relaxation, as the cotton swelled and matured in the scorching summer heat. In September, the bolls burst open, and the Delta turned white. This was the cotton season, or harvesttime, and almost everyone took part. The local towns emptied, and the jails were unlocked, as Negroes of all ages and both sexes poured into the fields. “Along the rows the pickers bent, trailing six- or nine-foot long white cotton sacks behind them, strapped over a shoulder, the open end at waist level on the left. Using both hands, they reached into the hard-shelled brown bolls, avoiding if possible the sharp edges, pulling out the white lint with seed. A man averaged up to three hundred pounds a day. Sometimes a woman could beat him.”¹⁹

Then came the ginning, the baling, and the sale. The year officially ended on Settlement Day, when cropper and landlord sat down to figure their split. The opportunities for cheating were endless. Few tenants had the ability to read their furnish statements or to add up the numbers, and fewer still were bold enough to question the planter’s final count. “He not gonna show me the book,” a cropper recalled. “He egvance me food and some clothes, but I don’t know how much he charged me for um. I gotta take his word that I owe what he say. If I don’t, then I get on his bad side and I got to move.”²⁰

The planter, of course, took a more benevolent view. No other system, said one, was as good to the Negroes. “Their houses are guaranteed to them. They get medical attention and clothing and an ample supply of food and tobacco. . . . At the end of the year, if crops and prices are bad, their accounts at the plantation store are frequently canceled and they start with a clean slate. No wonder they are care-free, light-hearted people.”²¹

Another planter described sharecropping as the most “humane, just, self-representing, and cheerful” method of earning a living as human beings are likely to devise. “Indeed, he went on, ‘I watch

[these] limber-jointed, oily-black, well-fed, decently clothed peasants . . . and I feel sorry for the telephone girls, the clerks in chain stores, the office-help, the unskilled laborers everywhere—not only for their poor and fixed wage, but for their slave routine, their joyless habits of work, and their insecurity.”²²

There was one drawback, this planter admitted: sharecropping gave men like himself “an unusual opportunity” to swindle these peasants “without detection or punishment.” But this was rather uncommon, he thought, and it spoke to a failure in human nature, not in the system itself. Most planters were fair and affectionate with their Negroes, and poverty, where it existed, was the result of “inferior racial traits.”

Some observers disagreed. Hortense Powdermaker estimated that “not more than twenty-five or thirty percent” of the Delta sharecroppers got an honest count on Settlement Day.” The rest “either broke even or were left in debt to the landlord.” In *The Yazoo River*, Congressman Frank E. Smith recounted the story of a shrewd tenant who is told on Settlement Day that his cotton proceeds had *exactly* equaled his debts:

Tenant. Then I don't owe you nuthin, Cap'm?

Planter. No, you don't owe me a cent.

Tenant. An' you don't owe me nuthin?

Planter. You saw the books.

Tenant. Then what's I gonna do with them two bales I ain't done hauled in yet?

Planter. Well, what do you know! Just look at that! Here's two pages stuck together. I'll have to add this whole account up again.”²³

To some, the furnish was worse than crooked. It resembled an old-fashioned dole, a series of enervating handouts, although the

tenants had earned their money through backbreaking work. According to psychologist John Dollard, the furnish produced a deep dependence on the landlord and a passive expectation of rewards. “One can think of the lower-class Negroes as bribed and drugged by this system,” he noted. “The effect of the social set-up seems

to grant them . . . freedom from responsibility, and also to exercise the autocratic control over them which is the prerogative of the patriarchal father.”²⁴

Those who felt cheated often moved away. In December and January, the Delta roads were “filled with wagons piled high with household goods, the families perched on top. They are hoping to find something better, but they seldom do.” For thousands of tenants, migration was an act of power: a way of expressing their resentment, exerting their independence, and protecting their meager rights. In some cases, a tenant moved on because a white overseer had beaten him or demanded sex with his wife. Others wandered about for reasons known only to themselves. The planters called them floaters and blamed their “Negro blood.”²⁵

Some tenants were encouraged to leave. Those who could read and write and keep track of things were seen as bad examples. One cropper recalled the case of Bernie Morris, who worked on a plantation where the landlord had never opened his books. When Morris showed up on Settlement Day with his own set of figures, he caused quite a stir. “It wuzn't on'y what he wuz keepin' dem from stealin' from *him*,” the cropper explained, “it wuz dat he wuz showin' de uthuh niggahs de wrong idea, see? Cordin' to de white man, he wuz spoilin' his niggahs!”

Morris was evicted. “Dey tole [him], ‘Well Bernie . . . You got de wrong attitude. You bettuh go somewheah wheah you kin use yo' pencil.’” Of course, it was like that almost everywhere, the cropper said:

Nought to nought, an' figguh to figguh—

All fuh de white man an' none fuh de niggah!"²⁶

For every tenant who was forced to leave the plantation, there were dozens more who were forced to stay on. Until well into the twentieth century, some planters used the furnish as a means to control the labor supply by keeping their workers perpetually in debt. According to Mississippi law, it was illegal for a tenant to break his contract after taking an advance, no matter how small it might be. As a result, debt servitude—a form of latter-day slavery—flourished throughout Mississippi and other parts of the South.

In 1907, an investigator claimed that at least one-third of the large planters in the cotton belt were holding their Negro workers to a "condition of peonage." That same year, journalist Ray Stannard Baker described a not uncommon episode in which a Mississippi tenant, deeply in debt, had been "sold" by one planter to another, along with his entire family. When the tenant balked, he was whipped and beaten to a pulp. "[His] children removed him to his home," Baker reported, "but the white men returned the next day, produced a rope and threatened to hang him unless he consented to go to the purchaser of the debt. The case came into court but the white men were never punished. [The tenant] was in Jackson, Miss., when I was there; he still showed the awful effects of his beating."²⁷

The persistence and brutality of peonage can be gleaned from the correspondence of Mississippi governor Earl Brewer, a former district attorney from the Delta. In the spring of 1915, Brewer wrote the sheriff of Tallahatchie County to complain about the "mistreatment of negroes by planters." The problem was serious, Brewer warned. Specific complaints—beatings, shootings, and lynchings—had been reported to federal authorities in Jackson.

"There is going to be an effort to indict certain planters in that section for peonage," he said, "and unless they mend their ways it ought to be done."²⁸

The sheriff was not particularly helpful. He had investigated the killings, and a grand jury had returned its usual verdict: "death at the hands of unknown parties." "I am ready and willing to enforce the law," he replied, "but you know as well as I that unless an officer is backed up by at least some of the people, his efforts are worth very little."²⁹

Brewer also wrote to one of the culprits, his good friend Selwyn Jones. "At first I treated this matter lightly," he began, "and presumed it was some negroes . . . that [were] trying to run off and leave their crop without provocation after they had been [furnished] by the planter." But this was serious business, he said, and the violence had to stop. "You will find a tremendous number of negroes down in Jackson that bear upon their bodies the physical evidence of having been whipped and beaten up, and they stand here as a barrier against labor going into the Delta again."³⁰

One of the more damaging complaints, Brewer told Jones, had been lodged by a "negro woman on your place" named Eva Blackburn. Claiming to have been whipped and held against her will, she had escaped to Jackson without her two young girls, eight-year-old Flossie and six-year-old Birdie, who were left behind at the Jones plantation. "I would want to suggest to you as a friend," Brewer wrote, "that I would have those children sent down here to their mother at once."³¹

Jones did not delay. Two days later, Flossie and Birdie were sent to Jackson by railroad, along with their mother's meager household goods. "The negro children came in today," Governor Brewer advised the nervous planter, "and I hope this will be settled in a way to avoid any controversy about in the Federal Court." No charges were ever filed.

Niagara Movement "Address to the Nation" *by W. E. B. DuBois (Harper's Ferry, 1906)*

IN DETAIL OUR DEMANDS ARE CLEAR AND UNEQUIVOCAL. FIRST, WE would vote; with the right to vote goes everything: Freedom, manhood, the honor of your wives, the chastity of your daughters, the right to work, and the chance to rise, and let no man listen to those who deny this.

We want full manhood suffrage, and we want it now, henceforth and forever.

SECOND. We want discrimination in public accommodation to cease. Separation in railway and street cars, based simply on race and color, is un-American, un-democratic, and silly. We protest against all such discrimination.

THIRD. We claim the right of freemen to walk, talk, and be with them that wish to be with us. No man has a right to choose another man's friends, and to attempt to do so is an impudent interference with the most fundamental human privilege.

FOURTH. We want the laws enforced against rich as well as poor; against Capitalist as well as Laborer; against white as well as black. We are not more lawless than the white race, we are more often arrested, convicted, and mobbed. . . .

FIFTH, We want our children educated. The school system in the country districts of the South is a disgrace and in few towns and cities are Negro schools what they ought to be. We want the national government to step in and wipe out illiteracy in the South. Either the United States will destroy ignorance or ignorance will destroy the United States. . . .

These are some of the chief things which we want. How shall we get them? By voting where we may vote, by persistent, unceasing agitation; by hammering at the truth, by sacrifice and work.

We do not believe in violence, neither in the despised violence of the raid nor the lauded violence of the soldier, nor the barbarous violence of the mob, but we do believe in John Brown, in that incarnate spirit of justice, that hatred of a lie, that willingness to sacrifice money, reputation, and life itself on the altar of right. And here on the scene of John Brown's martyrdom we reconsecrate ourselves, our honor, our property to the final emancipation of the race which John Brown died to make free.

Read the following poem

The Bitter River

by Langston Hughes

(Dedicated to the memory of Charlie Lang and Ernest Green, each fourteen years old when lynched together beneath the Shubuta Bridge over the Chickasawhay River in Mississippi, October 12, 1942.)

There is a bitter river
Flowing through the South.
Too long has the taste of its water
Been in my mouth.
There is a bitter river
Dark with filth and mud.
Too long has its evil poison
Poisoned my blood.
I've drunk of the bitter river
And its gall coats the red of my tongue,
Mixed with the blood of the lynched boys
From its iron bridge hung,
Mixed with the hopes that are drowned there
In the snake-like hiss of its stream
Where I drank of the bitter river
That strangled my dream:
The book studied—but useless,
Tools handled—but unused,
Knowledge acquired but thrown away
Ambition battered and bruised.
Oh, water of the bitter river
With your taste of blood and clay,
You reflect no stars by night,
No sun by day.
The bitter river reflects no stars—
It gives back only the glint of steel bars

What is the date of this piece?

What has changed since our first experience with Langston Hughes? What has remained the same? (think tone, subject matter)

What is the bitter river?

CHAPTER 4

Disturbing Situations

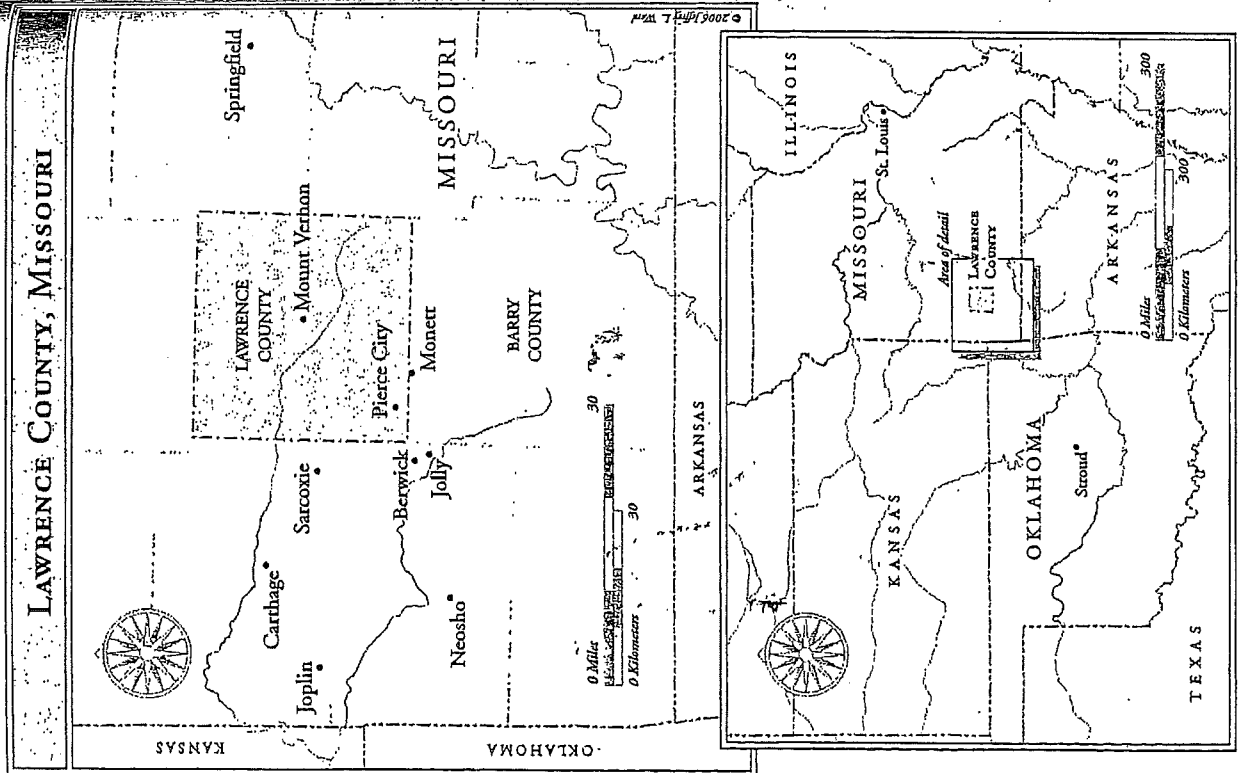
Lawrence County, Missouri
1901

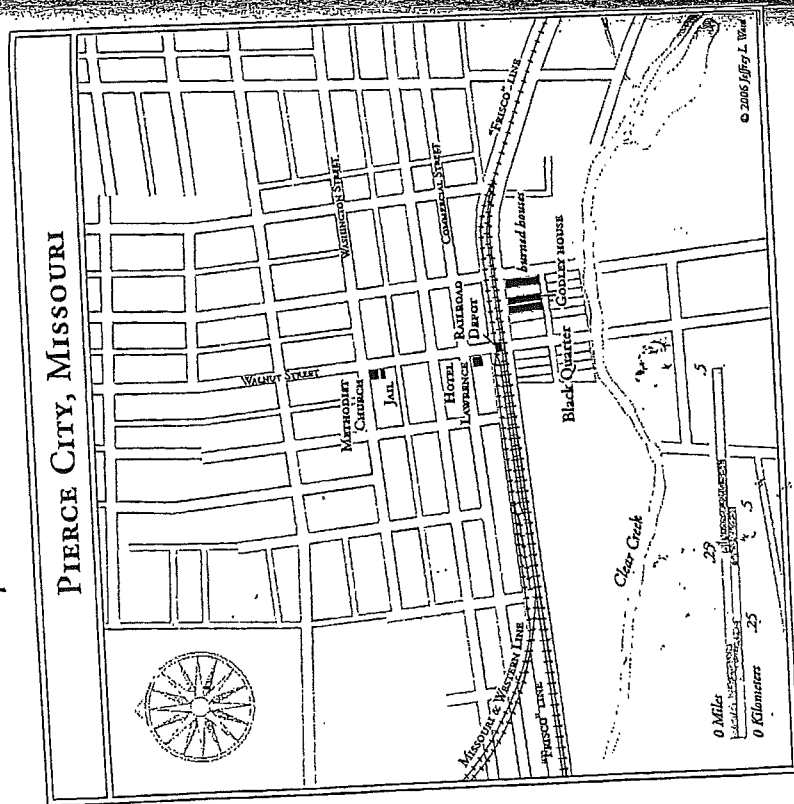
James Brown's wife was the first to tell him Pierce City, Missouri was gone. She had heard the reports on the morning radio at their home in St. Louis. A tornado had torn up Pierce City's tiny, decrepit downtown and tossed it into the air. Offices, stores, apartments, and government buildings came raining down on the surrounding fields and woods of Lawrence County.

Brown, who had been lying in bed half asleep, was suddenly wide awake. It was Monday, May 5, 2003, and the radio announcer repeated the news. Pierce City had been destroyed.

"Great. Good. I'm glad it's gone," Brown said. His wife smiled.¹

When twenty-four-year-old Gisella Wild stepped out of the Methodist Church at the corner of Walnut and Washington around noon on August 18, 1901, she had less than thirty minutes to live. She and her brother had walked into town that morning along the railroad tracks that ran past their parent's farm west of town. She had gone to Sunday





school and then to church while her brother, Carl, went downtown to see his friends. As she left the church to find Carl, Gisella was in a hurry. They had company at home, and, when Carl wouldn't leave immediately, she set off alone.²

About fifteen minutes after Gisella left, Carl headed home, a route that took him past the rail yards. Pierce City's fortunes rested on the Missouri and Western Line joggled into the northern end of the town and intersected tracks popularly known as the "Frisco line," which ran east and west and were owned by the St. Louis and Francisco Railroad. Where rail lines intersected, there was a dollar to be made. Repair yards and hotels sprung up. Porters, brakemen, men, and engineers settled. Industries that needed access to the road were established. As Carl headed west walking along the Frisco

track that passed near his home, he left behind a small knot of prosperity baking in the humid Missouri summer.⁴

About a half mile outside of town, a little railroad bridge spans a gully. It still stands today. It is hardly a bridge at all. Stone piers on either side of the gully anchor the framing that spans about a six-foot drop. The bridge did not have a superstructure or even handrails that Gisella could have clutched in the last few panicked moments of her life.⁵

No one knew whether she was thrown off the bridge or forced down the embankment. As Carl approached the bridge, the first things he probably saw were her fan and parasol lying on the tracks. As he ran forward, he found Gisella's fully clothed body in the culvert. There was a gash in her head, one finger was broken and her throat had been cut. Carl said her body was quivering. If she was still alive, the last thing she heard was Carl screaming.⁶

When word of the murder reached town, the fire bell started ringing. Police, family, neighbors, and the curious all walked out on the tracks or through the fields to see Gisella's body. Her bible and hat were found nearby.

As they gathered around the bridge, people began to talk about what they had seen in the moments leading up to the murder. Some boys who had been swimming nearby said they saw a black sitting on the bridge. Another boy said he saw two men on the bridge. William Mark—his farm was adjacent to the culvert—said he saw a "copper-colored Negro" on the bridge. That was all that it took. In those first few minutes the course of the investigation was set: Gisella Wild was killed by one or more black men trying to rape her. A black man would have to be found.⁷

The Negro section of town was literally the wrong side of the tracks. It was a small strip of land only a few hundred yards wide that was bounded on the north by the tracks of the Frisco line and to the south by Clear Creek. Whites lived north of this area, across the tracks, on a rise above the noise and dirt of the railroad and the business district. The blacks were not so lucky. The creek would flood the

area periodically. Freight was unloaded by the depot. Day and night trains rumbled through.⁸

If most of Lawrence County's 280 blacks lived in Pierce City, it was not always by choice. In 1894, there had been a fight between whites and blacks in Monett, a small town a few miles east of Pierce City. When a white man, Robert Greenwood, was killed, townspeople lynched Hulett Hayden and drove all the other blacks out of Monett. Running the blacks off was hugely popular. Until the 1930s the letter head on the town's official stationery bragged that Monett had "6,000 good citizens—all white."⁹

Blacks willing to accept some compromises could make a life in Pierce City, however. You could send your children to school, but only to the black school. You could celebrate your emancipation from slavery during June, but the town's Fourth of July parade gave the Ku Klux Klan a place of honor. White servants lived in the homes where they worked while black servants stayed in the Negro quarter. You could buy a plot in the city cemetery but only in the section reserved for the indigent. You could read the *Pierce City Empire*, a Republican newspaper which covered black events because most blacks voted for the party of Lincoln. The Democratic paper was openly racist. You could vote, but it didn't mean much. Pierce City was dominated by the Democrats. One year, through a quirk, the Republicans nominated a black to run for city council. The Democratic candidate, rather than campaign as a Democrat, declared he was running on "The White Man's Ticket" and of course, won.¹⁰

Perhaps because they were accustomed to these compromises, there did not seem to be a sense of panic among Pierce City's blacks on that hot Sunday afternoon as townspeople began searching for Gisella Wild's killer. Joe Lark, a black porter on the Frisco line who lived outside of town, had finished work Sunday morning. Scheduled to work again that night on the nine p.m. train, he went to sleep about noon. He woke briefly when the fire bell sounded announcing the murder, but it wasn't until 5:30, when some friends dropped by, that he learned what had happened. Yet no one bothered him later that evening when he headed down to the depot. People had been coming into Pierce City

from the surrounding countryside all afternoon, and there was a crowd at the train station. Lark chatted with a few people and then got on his train for the St. Louis run. He had no idea that within forty-eight hours he would become a wanted man.¹¹

The Cobb family, which lived in the heart of the black quarter, seemed equally unconcerned. Two ministers from Carthage, who were going to hold a revival meeting in town, planned to arrive Monday morning and would be staying at the Cobb house. The Cobbs lived only a short distance from the depot where Joe Lark had cut through the crowds to get on his train. If the Cobbs were worried about any violence, they did not warn the ministers to stay away.¹²

While Gisella Wild's body was being carried home, the hunt for her killer began. Men who had arrived at the murder scene were organized into groups and sent in every direction. As the day wore on and more people arrived, Mayor Washington Cloud called a mass meeting to organize more posses. The mayor borrowed rifles from the National Guard armory for the volunteers, and Joseph Manlove, the county sheriff, arrived from Mount Vernon to help direct the search. Despite hundreds of men searching everywhere, the only thing they found was Gisella's handkerchief a quarter mile from the murder site.¹³

Monday morning began uneventfully. The two black ministers, Rev. S. S. Pitcher and Rev. L. M. Smith, arrived during the morning and, despite the excitement, began putting up their tent for that night's revival meeting. Officials apparently abandoned the idea of continuing the citizen dragnet because the National Guard rifles were collected and returned to the armory. Someone who thought that bloodhounds might help contacted the sheriff from neighboring Barton County, who had some dogs. But from all appearances the investigation was foundering. Sheriff Manlove went to the homes of two blacks, Will Godley and Eugene Barrett, because they had been "suspicioned." The plan had been to arrest them, but after talking to the pair, Manlove thought better of it. Although angry townspeople had gathered downtown and were now talking about lynching blacks, the sheriff inexplicably left Pierce City around noon and did not return.¹⁴

As the day wore on, the mood grew uglier. Warned that now was not a good time for blacks to gather, the two preachers canceled their revival meeting. During the afternoon, a posse returned and arrested Godley and Barrett. And by late afternoon a crowd of several hundred gathered at the jail demanding the prisoners. Mayor Cloud, who had ordered the saloons closed earlier in the day, talked the crowd into dispersing. But downtown there were ominous signs of fresh trouble. Each train that pulled into the depot carried reinforcements for the crowds filling the streets. Before the night was over, there would be a thousand armed men along the tracks that bordered the black quarter. Earlier in the day the local head of the National Guard told the mayor his unit was ready to help, but Cloud demurred, a decision that was now looking more and more questionable.¹⁵

At about six p.m. John Harlow, the Barton County sheriff, arrived with his bloodhounds. The dogs were taken to the murder site. They sniffed at Gisella's handkerchief and headed east toward town. They circled the house of Joe Lark, stopped briefly, and then went past the city cemetery before losing the scent by the Lawrence County line. No men looking for a black rapist, Lark was now a suspect.¹⁶

The case against Lark was airtight compared with those against Godley and Eugene Barrett, who were in the city jail. A headline in Carthage, Missouri newspaper would later say that what happened to Godley was done "On General Principles." The headline got it about right. Aside from a criminal career, there was nothing linking Godley, thirty-two, to the murder. He had been convicted of raping a sixty-year-old woman in 1891 and had served seven and a half years of a ten-year sentence. After his release, he was arrested again in 1900 for the murder of a night watchman but later released. His fellow inmate, Barrett was a seventeen-year-old who had recently been hired by the railroad. Barrett was such an unlikely suspect that even the mob that was forming for a second run at the jail would eventually let him go.¹⁷

While there are contradictory accounts of what occurred in the last hours before the mob stormed the city jail, every version mentions a pivotal moment. At around eight p.m. a passenger train with three

cars pulled into the station and three hundred men from Monett poured out. "When they alighted from the train a volley was fired," said one account, "and they then demanded a negro." Monett, which had lynched their own black seven years earlier and driven every other black out of town, was here to help Pierce City. If there was any doubt about what would happen, the arrival of the Monett contingent dispelled it. The fire bell, used the day before to call people out to search for Gisella's killer, was now clanging wildly telling the world that a mob had formed.¹⁸

At some time between eight and nine p.m. the mob stormed the jail on Walnut Street just a few doors down from the church where Gisella had been the day before. No one stopped them. Six or eight men entered the jail with a sledge hammer and with a few blows sprung the lock on a grated iron door. They grabbed Godley and Barrett and put ropes around their necks. As they marched the prisoners out of the jail, the mob fired a volley into the air.¹⁹

The gunfire continued as the mob leaders ran the two men down Walnut Street a few hundred feet toward the train depot until they reached the intersection with Commercial Street. The Hotel Lawrence, a boxy three-story building, stood on the southwest corner of the intersection. An iron balcony that ran the length of the building led out over the sidewalk. Just a block south of the hotel were the tracks, the depot, and, beyond the depot, the black quarter. The mob stopped by the hotel and the two prisoners were asked to tell what they knew about the murder. Neither man spoke.²⁰

The mob marched the prisoners another block down Commercial Street, stopped again, and ordered them to confess. Barrett cracked. He named in by the mob, a rope around his neck, the teenager said he who had killed Gisella Wild. What exactly he said is in dispute. The account said he named Joe Lark. Another version had Barrett name Will Favors, a porter on the Frisco line who supposedly was with Joe Lark. Some people thought Barrett said "Stark" instead of "Stark" and in the next few days police would look for a railroad named Stark. The one name he did not mention was Will Godley. No one bothered to consider.²¹

Barrett was hustled away, but Godley's continued silence enraged the mob. He was forced over to a telephone pole, and they tried to hang him there. When they found the rope was too short, they marched him back to the Hotel Lawrence. As they stood under the glare of the electric street light, men in the crowd shouted "String him up." Someone snatched the rope tied around Godley's neck and climbed one of the posts that held up the hotel balcony. As several men grabbed him and boosted him up, the man on the balcony tied off his end of the rope to the balcony railing. Then they let go of Godley's body. As he started to strangle, the mob cheered.²²

While Godley hung there, someone shouted, "Everybody toward the depot, get out of the way." The men on Commercial Street took aim, and then there was the cry "Now shoot boys." To one eyewitness it looked like the wind was picking at Godley's clothing as the bullets ripped through him. Under the impact of each volley, the body began to sway back and forth. When the firing stopped, a drunken man walked up and began hitting the corpse and cursing it.²³

The body hung at the hotel entrance for a half hour until a bus driver in shirt sleeves shouted to the mob, "Boys, the ladies in the hotel want the body cut down. Whaddya say?" To cries of "down, down, down" the rope was cut and Godley's body sprawled face up in the street. What had been the focus of their hatred now became the object of their curiosity. Someone tore away his shirt to see where the bullets had hit. A dozen or so women were escorted through the crowd to look at the corpse. A police judge tried to hold an inquest but was hooted down. Eventually the body was carried back to the jail and dumped there.²⁴

Not everyone was interested in Will Godley's corpse. From the corner where the Hotel Lawrence stood you could look down Walnut Street to the black quarter. It was a tempting target. Some in the mob now crossed the tracks and headed for the home of Pete Hampton, a leader in the black community.

On the gentle rise above the downtown where whites lived, people stood on the sidewalk watching what was happening below. The whites had the luxury of seeing that night as a spectacle. "We could

get all from our house," one woman later wrote to a friend. "We sat on the walks all night and until 3 o'clock in the morning watching the breaking in of the jail, the hanging, and the burning of the buildings. I couldn't keep from laughing at time at the strange things people did but all in all 'twas a serious matter." For blacks, crouching by their windows and staring helplessly, the night was somehow to be endured. Hiding in your home had provided the illusion of sanctuary until now, but with whites advancing across the railroad tracks, that last illusion was gone.²⁵

To resist was suicidal. But as they came to get him, Pete Hampton stepped to a window and fired. An attacker went down. He fired again, and another man went down. The mob fell back to Commercial Street. The rioters were furious. Men poured out of Commercial Street, formed a rough skirmish line along the railroad tracks and began riding the Negro quarter about fifty yards away with gunfire. Inside the small two-story Cobb home, there was pandemonium. As bullets ripped through the wood frame house, it was obvious the only safe place was the basement. But, as windows shattered and walls sprouted bullet holes, it was equally certain there was no way to get there through this freestorm. Some people hid under the beds. Maria Moss, a Cobb relative, used a trunk to shield herself. The two ministers lay on the floor terrified.²⁶

Within minutes the gunfire died away. The mob had used up all its ammunition. Uncertain of what to do next, the rioters fell back to Commercial Street. As the mob milled about, a few men trotted up Walnut Street to the state armory next door to the city jail and seized the rifles and ammunition—by one estimate a thousand rounds—that had been loaned to the posess the day before. Unlike the shotguns, pistols, and assorted family weapons, these army rifles represented a new level of violence. At the time the Missouri National Guard was using Model 1888 "trapdoor" rifles, which were able to penetrate a 3.5-inch piece of seasoned oak at twenty-five feet. Their steel-jacketed bullets could easily pass through the wood-frame homes in the black quarter.²⁷

While the mob rearmed, the people in the Cobb house used the lull to crawl to the basement. As she wiggled to the basement stairs, Maria

Moss noticed three bullet holes in her trunk. Outside the mob streamed back to the railroad tracks and resumed the barrage. But content to just pot away, members of the mob ran up to the homes along the railroad tracks and began setting them on fire. By the end of the night, they would raze five homes.²⁸

Fifteen people hid in the Cobb basement: the two ministers and thirteen members of the Cobb and Moss families who shared the house. As they sat in the dark, bullets slammed into the house and the unmistakable odor of burning buildings drifted across the Negro quarter. Amazingly none of the fifteen had been injured in the first barrage. If their house was set on fire, however, they would all die horribly. The only escape was to the south. They would have to run through the Negro quarter, wade a stream called Clear Creek, and then race up a small hill and into the tree line. Once in the woods they would be safe. It was a distance of four hundred yards over open, fairly level ground. Every step of the way would be lit by the burning buildings. They crawled up the stairs, and one by one they burst out of the house and ran headlong toward the creek. Behind them rifles cracked, and they could hear the zip of bullets. Pinky Cobb, the teenage daughter of James Cobb, made it as far as a well. Three bullets whistled past, she panicked, grabbed the well rope, and swung herself down. As Rev. Pitcher ran through the yards, a bullet hit a soapbox lying on the ground next to him. Some people stumbled into the creek and lay there, too frightened to go farther.²⁹

Pinky, hiding inside the well, faced a new dilemma. If she let go of the well rope, she would drown. If she clambered out of the well, she might be shot. She chose gunfire. "When I got to the creek they were still shooting at me in the light of the burning buildings," she said. "I jumped into the creek and bent down low to miss the bullets. Finally I got across and escaped up the hill."³⁰

By about three A.M. the mob had spent its fury. Some blacks, who were hiding in the woods, rested while others, like the two ministers, decided to get as far away from Pierce City as they could. Pitcher and Smith began walking home to Carthage. In the white section of town,

people slept in their clothes, afraid they might be called out again. Most of the rioters drifted away, but a few remained to patrol. Out of the darkness, one of them called, "Speak quick—are you friend or foe, and be damn quick about it!" Pierce City fell into a long, uneasy sleep.³¹

Morning brought fresh horrors. Two corpses were pulled out of one of the homes razed by the mob. They were so badly burned that there was no way to directly identify them. While bystanders debated, "an old colored woman," who was probably Pete Hampton's mother, solved the mystery. She said that during last night's gunfire she had entered the house and found her son's body at the base of the stairs and French Godley upstairs with a bullet in his head. These gruesome trophies—one corpse had its arms and legs burnt off—were taken to the jail and put on display next to Will Godley's corpse. Iola LeGrand, who worked at a bookstore, later wrote a friend, "The next morning we went to see a ghost negro, scared negro and a hanged negro."³²

The "scared negro" was probably the few blacks who ventured out of the woods in the morning. It was too dangerous for the men, but black women poked among the ruins trying to salvage what they could. The ruins drew curious whites as well. The previous night's hunted and their hunters were together for one last time in Pierce City.

Some townspeople took pity. A white man pressed a dollar into the hand of an elderly black woman saying, "You may need this." Another found three silver dollars and gave them to a woman who stood sobbing amid the destruction. Not all whites were so kind. Blacks trying to gather their possessions had to compete with celebratory whites hunting for trophies. In the sacking of Pierce City, the conquerors carted off everything from a toy pistol to a railway porter's cap. And in a moment that symbolized the incomprehension and economic gulf between the races, a solicitous white man asked a black woman if her home was insured. "Lord a mercy, honey, these people don't know what insurance is."³³

After collecting what they could, those who had not already fled on foot boarded trains. In one last indignity, blacks were not allowed to board at the depot, forced instead to wait in the dust by the tracks.

Some headed twenty-nine miles west to Joplin or farther still to Oklahoma. Others went east. Pinky Cobb and her family headed for Springfield, forty-three miles away. In either direction whites treated them as outcasts.

The *Daily Headlight* in Pittsburg, Kansas reported that "Without regard to sex the Pierce City negroes, as a class, were a low degraded set who would steal, murder and rob varying the program with raping and assaults upon white women." Some towns forced the Pierce City refugees to move on. Others, like Springfield, allowed them to stay but were wary. The *Springfield Leader-Democrat* blamed the lynching and expulsion on the blacks. "The quickest way to stop the outrages would be for the negroes to quit raping," the newspaper opined. It did, however, praise some blacks for trying to "demonstrate to the world that all coons do not look alike. The respectable negroes have determined that they will organize their forces and make character represent the race more conspicuously in the future than it has in the past."³⁴

Pinky Cobb and her family, who had gone east to Springfield, briefly became celebrities. They were interviewed by Robertus Love, a star reporter for the *St. Louis Post-Dispatch*, who was writing a feature story on the Pierce City riot. Love posed Pinky and her family in front of the house where they were staying, and the picture ran as part of a full page story.

The two footsore ministers arrived home in Carthage Tuesday night. They had first marched eight miles west to Berwick, then south to Jolly and finally fifteen miles north to Sarcosie, where they boarded a train home. "I am utterly worn out," said Rev. Pitcher, "with a night and day of walking amid hostile white people."³⁵

Rev. Pitcher's sense of fear proved well founded. In the weeks after the Pierce City expulsion, whites in nearby towns began driving out their black residents. The newspaper in Neosho, about fifteen miles from Pierce City, reported that whites "requested" its blacks to leave and that twenty-two had. Neighboring Barry County became all white when its last remaining black resident sold his farm and left. The *Cassville Republican* said that, in the days following the Pierce City

mob, blacks were boarding trains at every depot along the Frisco line to escape to either Joplin or Springfield. The *St. Louis Post-Dispatch* counted five towns along the Frisco line where "no negroes are permitted to live." Locals were calling the region a "white man's heaven." In 1900 the census counted 283 blacks in Lawrence County. Ten years later ninety-one remained.³⁶

The example of Pierce City even crossed state lines. On August 27, a week after the Pierce City racial cleansing, the Carthage newspaper published a chilling, one-paragraph story from Stroud, Oklahoma, 168 miles to the west. After what the story described as "a heavy immigration of negroes within the past few days believed to come from Pierce City," a mob was "organized . . . for the purpose of ridding the town of its colored population."³⁷

The racial cleansing in Stroud began at about nine P.M. when a mob of twenty-five attacked a shack where several black laborers lived. They drove the workers off, burned their possessions, and upended the hut. Next the rioters fell on two blacks walking along the street and chased them. The two hid behind a livery stable until the mob passed and then raced out of town. The mob moved on to a house where they suspected blacks were living. They broke in the door only to find the house unoccupied. Finally rioters attacked a woman living in a tent. They smashed what they could and set fire to the rest. At the end of the night the rioters posted a sign in town that said, "Nigger, don't let the sun go down on U." Stroud's Republican newspaper deplored the mob violence, but the Democratic paper was more upbeat. "While the mob unquestionably did things which cannot be approved," the *Stroud Messenger* explained, "it is the consensus of opinion that the amount of good done in ridding Stroud of a large number of 'worthless niggers,' far outweighs the amount of injustice done in the method used to expel them."³⁸

While the refugees struggled to survive, Pierce City braced for an imagined counterattack. On Thursday evening the fire bells rang again. This time a swirl of rumors had conjured up a vast black army about to attack the town. "We were shocked by the peals of the bells and the cry

that came through the streets, "The negroes are coming, coming bunches over the cemetery hill," wrote Iola LeGrand. "Such screaming, fainting and crying. In less than 20 minutes after the alarm was given Co. E had been called and there was at least 500 armed men who guarded the town all night." A local newspaper observed the following day that Pierce City had "nigger tremens."³⁹

Criticized by none other than Missouri native Mark Twain, the town went on the defensive. In September the *Pierce City Empire* published a version of the lynching and expulsion written by a citizens' committee that featured the town as victim. "There is no city in the great state of Missouri that has treated its negro population with higher consideration than Pierce City," the committee explained.

Though it was widely suspicion [sic] that nearly all the crimes committed in Pierce City, were perpetrated by negroes, it could not be fastened upon them because of the impossibility to get a negro to testify against another negro. Despite [sic] faithful effort almost always an alibi would be proven. The most law abiding and really good and acceptable Negroes, have since acknowledged that these statements were true. One of them said, "That under the circumstance he could find no fault with the way people had done." For these and similar reasons the colored population were warned to leave Pierce City and never come back.⁴⁰

But even though the blacks were gone, the gnawing fear remained. "I guess our troubles are at an end for awhile," wrote Iola LeGrand, "but one thing I assure you I shall never be found out in the country with a crowd of girls or out after dusk without my little revolver with me. I have the sweetest little 38."⁴¹

After all the suffering and bloodshed, Pierce City was no closer to knowing who had killed Gisella Wild. Joe Lark was arrested as he was returning home from his run to St. Louis and Will Favors was found in Oklahoma. Lark was tried and acquitted. Favors, with no evidence against him, was simply released. Eugene Barrett, who was repeatedly

mentioned in the month after the riot, was also released. Over time that had happened in Pierce City faded from memory. In 1970, as part of the town's celebration of its centennial, a local historian published a history of Pierce City and described the terror that had gripped the town in August 1901:

The Frisco then moved its local junction of the Missouri and North Arkansas line over the Plymouth Junction. This then slowed down Pierce City revenue, which coupled with the recession left people with smaller pocketbooks. There were "hard times" for most everyone. So that after disturbing situations, the Negro population left Pierce City as well as most other small towns in border states; economies [sic] were not such as to offer much work for Negro families. Thus ended the period when households could find ready help for houses and gardens and handy-man work.⁴²

James Brown had not always wished for Pierce City's destruction. An electrician who lives in St. Louis, he knew his family had once lived in Pierce City. But if he thought about Pierce City at all, it existed on the periphery of his world. That was until a chance encounter in the spring of 2000.⁴³

It was one of those awkward moments. Brown and his wife were at a conference at the Lake of the Ozarks and were getting to know the people at their lunch table. The woman next to Brown said she was from Springfield, Missouri then corrected herself and said it was actually outside of Springfield.

Brown, his interest piqued, asked where exactly.

"Pierce City," she replied.

"Really. My family lived there over one hundred years ago."

The woman looked stricken. "Oh, I'm sorry. I'm so sorry."

Brown did not know what to say so he said nothing. When he was a boy, his father told him the family had been chased out of Pierce City. Brown, who can be single-minded, had pressed for details, but his father said he knew nothing more. It was not something discussed in the

family. But the question he raised as a boy had unexpectedly returned in middle age. Why was this woman sorry? What had happened? Brown said it was at that moment that he decided to go to Pierce City.

James Brown's return to Pierce City could not have measured more accurately the distance his family had traveled over the last century. When they escaped, the black population had left with little more than their lives and a few possessions. Worse still, even among an outcast race, they were pariahs. It was a time of danger and desperation.

By contrast, James Brown returned during a leisurely excursion made on what started as an overcast day in the fall of 2001. Brown was driving his new, steel-gray Jeep Cherokee, accompanied by his wife and the Tollivers, a couple who had been visiting the Browns at their summer home near Branson, Missouri. They chatted, stopped to shop at antique stores and later to have lunch. And, while his wife and friends were willing to indulge him, no one in the car except Brown was particularly interested in visiting Pierce City. The bustling town of 1901 was now a seedy relic. When the railroad moved its operations to Monett, the town started to slide and the slides never stopped.

"Well, we're here," said Brown's wife dryly as they rode down the dilapidated main street. "I told you there was nothing here."

His first visit would prove to be, at best, inconclusive. Brown tried unsuccessfully to get information at two of the town's antique stores. Then he walked farther down the street to the little city hall that operates out of a storefront and doubles as the town's police station. Again the clerk at the counter said, sorry, but she didn't know about the town's past. He paid \$10 for a booklet on the town's history on sale at the counter, and as he was leaving, the clerk suggested Brown talk to Murray Bischoff, the editor of the Monett paper. Bischoff, she said, was interested in the town's history. With his wife growing impatient, the Browns and their friends drove away.

The booklet, which made a vague reference to "disturbing situations," explained nothing. And Brown's first phone call to Bischoff was puzzling. Bischoff explained how the blacks had been driven out, but, so, he had never heard of any of Brown's family names. Bischoff, who is

classical music fan, said he was going to be in St. Louis for a concert in a couple of weeks. The two men decided to meet.

What Brown didn't know was that Bischoff was a man obsessed with a riot in Pierce City. In 1991, he had created a minor sensation when, after digging through old records, he had written a three-part series in the *Monett Times* on the lynching. It was the first time in nearly a century that a local newspaper had raised the topic.

"When I talked to people about this I ran into a lot of hostility about even bringing the subject up," Bischoff told me. "There was still some latent fear of blacks coming back and demanding their property back. We had never had anything sell out like that did. They were furious that I had brought this up because they wanted it forgotten. One of them said to me, 'We just started to get the economy going around here and then you had to bring this up again.'"⁴⁴

Undeterred, Bischoff paid for a memorial to be placed in the city cemetery naming the three men murdered by the mob, and he made the marker's installation a front-page story in his newspaper. Even after his series ran, Bischoff continued to scout the county for anything that could shed light on what had happened. When the Wild family home was about to be torn down, he got permission to look through the building for any family records. And in his spare time he started work on an historical novel that revolved around the riot. It was natural then for Bischoff to use the St. Louis trip to run down a tip: Supposedly the *St. Louis Post-Dispatch* had published a full-page story on the lynching and expulsion a week after it occurred.

When Brown answered the door, Bischoff was holding the results of his latest research. He had left Lawrence County early, found the newspaper article on microfilm, and laboriously copied it. It had indeed been a full-page story and, because the copier was limited to copying an area the size of a piece of typing paper, Bischoff had to reproduce the page in sections. Sitting at Brown's dining room table, Bischoff began laying down the pieces of paper into a rough mosaic of the page.

Across the top of the newspaper the headline shouted, "NEGROES DRIVEN FROM SOUTHWEST MISSOURI TOWNS." Just below the headline were pictures of the hotel where Godley had

been murdered and the bridge where Gisella Wild's body was found sub-headline declared, "Pierce City's Terrible Vengeance." As Bishop arranged the next row, Brown stared in amazement. After being copied from microfilm, the newspaper photo was blotchy and indistinct, but the people lined up outside a house in Springfield on a bright summer day could be easily made out. Standing at the left of the picture, his hands folded, was Arminta Cobb, Brown's great-grandmother. Seated next to her and staring directly at the camera was Arminta's daughter, Pinky Cobb. Next to them, some sitting, some standing, were the other members of the Cobb and Moss families. Brown's eyes moved from face to face, recognizing them from old photographs that had been handed down through the generations. Across the gulf of a century, the Pierce City refugees, his family, stared out at Brown.

Brown was stunned.

"I just got this a few minutes ago and here it is, your folks," Bishop later recalled saying. He went on: "Maybe I should say that really helped my connection there because I had given him a link to his people and I just wasn't a stranger walking in. I felt a little odd here about being the source of this story about a lynching. God, this is such an ugly story from this small town far away where I'm at."

Brown's return to Pierce City, where his family had once been outcasts closed a chapter. And his search for what had happened ended a taboo in his family: talking about the expulsion. But there was one last step he was able to take.

Three years before the expulsion, James Brown's great-grandfather, James Cobb Sr., had been buried in the Pierce City cemetery. The graveyard, like the town, was segregated, with blacks consigned to the paupers' section. If there ever was a marker on the grave, it was long gone.

James Brown and his brother, Charles, set out to find their great-grandfather. A local historian, Judy Reustle, helped locate the plot number, which cemetery officials then used to find the burial plot.

On June 2, the two brothers looked on as a backhoe clawed at the earth. It was an oddly muted event. After a hundred years all that re-

mained was some discolored earth and the metal handles of the casket. These bits and pieces were put in what looked like a Styrofoam cooler to be reburied after a brief prayer in the Cobb family plot in Springfield.

As the brothers loaded their great-grandfather's remains in a car for the trip to Springfield, one thing had changed. This time it was their choice to leave Pierce City.

Two Poems by Langston Hughes

Langston Hughes wrote about how it felt to be African American, from the pain of racial prejudice to his deep pride in his culture and heritage. The two poems below are among his most famous.



▲ Langston Hughes

The Negro Speaks of Rivers

I've known rivers:

I've known rivers ancient as the world and older than the flow of human blood in human veins.

My soul has grown deep like the rivers.

I bathed in the Euphrates when dawns were young.¹

I built my hut near the Congo and it lulled me to sleep.

I looked upon the Nile and raised the pyramids above it.

I heard the singing of the Mississippi when Abe Lincoln went down to New Orleans, and I've seen its muddy bosom turn all golden in the sunset.

I've known rivers:

Ancient, dusky rivers.

My soul has grown deep like the rivers.

My People

The night is beautiful,
So the faces of my people.

The stars are beautiful,
So the eyes of my people.

Beautiful, also, is the sun.
Beautiful, also, are the souls of my people.

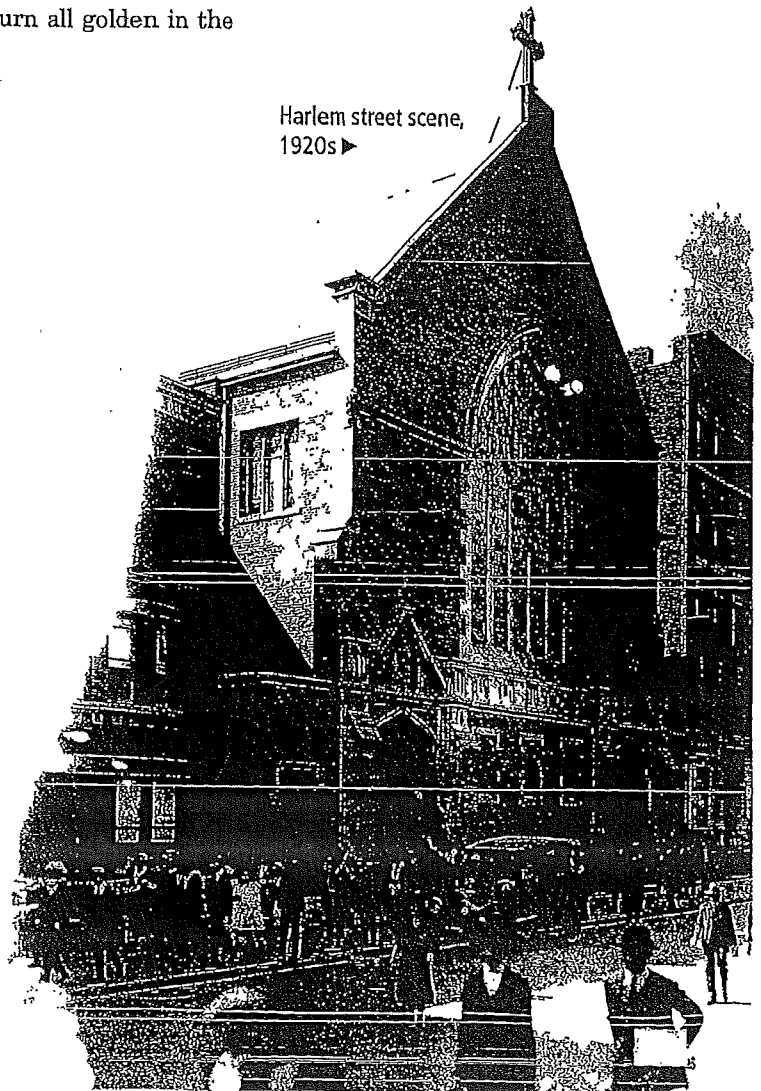
Answer

Thinking Critically

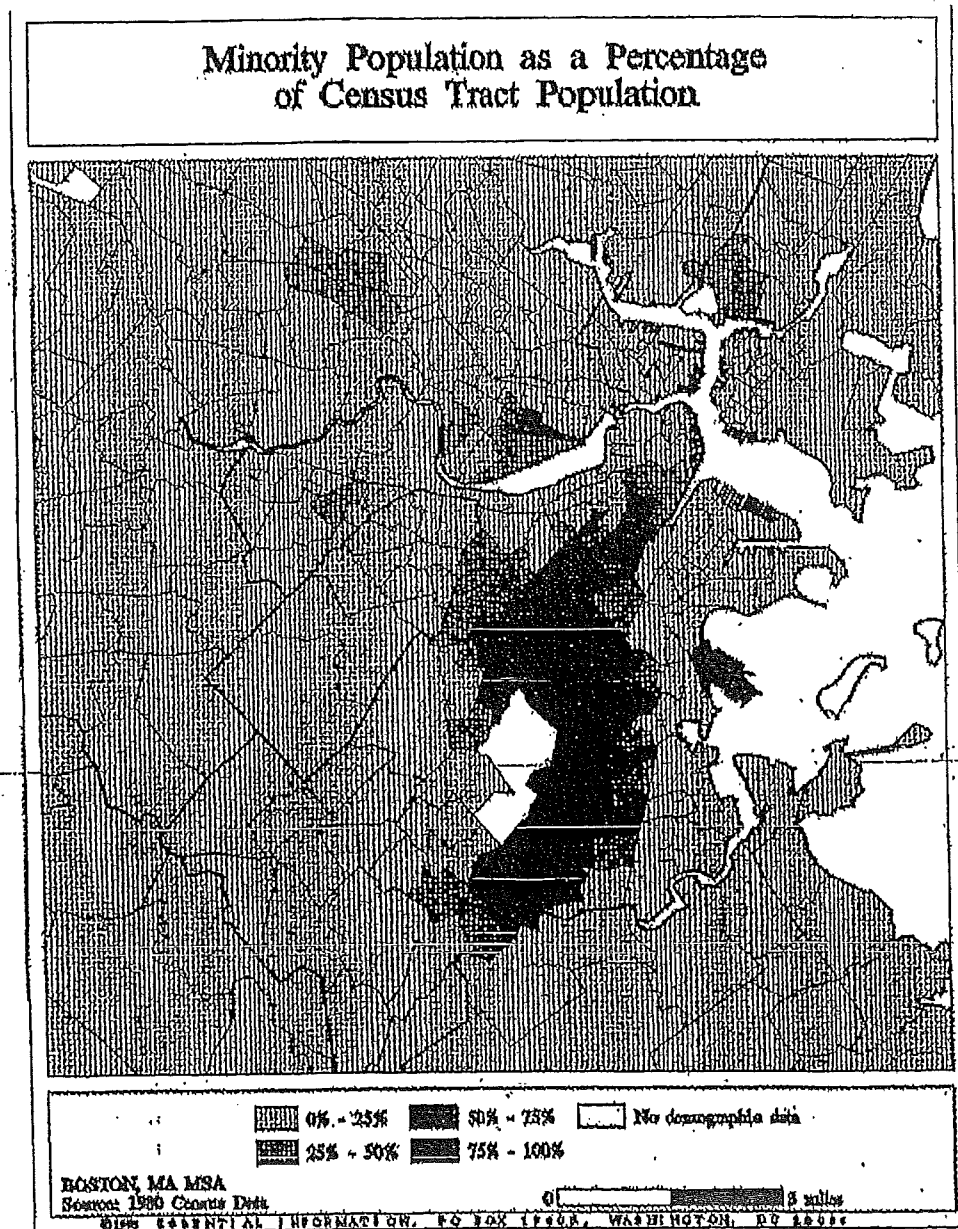
- Analyze Literature** In "The Negro Speaks of Rivers," what point do you think Hughes is making when he names four rivers at four different periods of history?
- Make Inferences** How would you describe the speaker's attitude toward being African American in these poems?

1. The Euphrates is a river in the Middle East. The Nile and the Congo are rivers in Africa.

Harlem street scene,
1920s ►



Racial Settlement and Redlining in Boston (1980)



ABEL MEEROPOL AND BILLIE HOLIDAY

Strange Fruit

1937, 1939

In 1935 the Jewish schoolteacher, union activist, and communist Abel Meeropol (1903–1986) saw a photograph of the 1930 lynching of Thomas Shipp and Abram Smith. The image haunted him for days and in response he wrote a poem, “Bitter Fruit,” and set it to music. It was published in 1937 and regularly performed at leftist gatherings.

In January 1939 he played his song to the up-and-coming jazz singer Billie Holiday (1915–1959), at Café Society, an integrated nightclub in Greenwich Village. He remembered that Holiday only asked one question—what did “pastoral” mean? After years of performing her own version of the song around the country, encountering such violent audience responses that she was sometimes forced to leave town, Holiday had her own answer to this question. In 1958, when a young boy asked her, “What’s a pastoral scene?” she apparently replied, “It means when they take a little nigger like you and snatch off his nuts and shove them down his goddamn throat . . . That’s a goddamn pastoral scene.” It is rare that a protest movement does not have a protest song at its heart, and “Strange Fruit” was the anti-lynching movement’s anthem. First performed by Holiday in late January 1939, at Café Society, it was a call to arms in a year of three lynchings, reports that 60 percent of Southerners believed lynching was justifiable, and the release of *Gone with the Wind*: the film that was later criticized for its “moonlight and magnolias” approach to the history of the South was sweeping the nation, but in “Strange Fruit” the smell of burning flesh accompanies the “scent of magnolias.” It was the first time anyone had sung so explicitly about lynching, and people were gripped. “This is about a phonograph record which has obsessed me for two days,” wrote a journalist in October 1939. “Even now, as I think of it, the short hair on the back of my neck tightens and I want to hit somebody.” The record producer Ahmet Ertegun called the song “a declaration of war . . . the beginning of the civil rights movement,” and the South African government banned it during apartheid. So troubling was Holiday’s rendition that, in the 1980s, United Airlines removed the track from an in-flight entertainment album, and a North Carolina radio station still had it marked “Do not play.” Other people embraced its power: in 2003, *Q Magazine* ranked it sixth in a list of one hundred songs that changed the world, and in 2002 an exhibition of lynching photographs, *Without Sanctuary*, featured the photograph that had haunted Meeropol, Meeropol’s poem, and a recording of “Strange Fruit.”

Further readings: Angela Davis, *Blues Legacies* (1998); David Margolick, *Strange Fruit* (2000).

Southern trees bear strange fruit,
Blood on the leaves and blood at the root,
Black bodies swinging in the southern breeze,
Strange fruit hanging from the poplar trees.

Pastoral scene of the gallant south,
The bulging eyes and the twisted mouth,
Scent of magnolias, sweet and fresh,
Then the sudden smell of burning flesh.

Here is fruit for the crows to pluck,
For the rain to gather, for the wind to suck,
For the sun to rot, for the trees to drop,
Here is a strange and bitter crop.

declares that "employees shall have the right to organize and bargain collectively through representatives of their own choosing" and shall not be restrained from joining any labor organization with which they wish to affiliate themselves. The National Labor Board was created to facilitate the functioning of labor clauses of the NIRA. Up to the present time this Board, which hopes ultimately to have mandatory power, has rendered certain decisions which indicate the temper of its policy. In the first place the board feels that there should be employment of men who were formerly on a strike against a plant. There are indications of the possibility of certain categories of strikes being outlawed. Indeed, the right to strike has been deeply modified. These tendencies indicate that there will be fewer strikes in the future and the strike-breaker will have less chance for permanent employment. This in itself has taken away the chief compensation offered to Negroes as unorganized workers. If unions persist in discriminating and often excluding colored workers from their membership, the new trend of events will translate such action into the exclusion of Negro workers from all desirable jobs in areas where labor is well organized. Unless specific safeguards are set up, Negro wage earners will suffer. There is need for special protection of this minority group.

SOURCE NYA, Division of Negro Affairs, Reel 8, frame no. 0001, in NDARA

97. "The Inter-Departmental Group Concerned with the Special Problem of Negroes: Report of the Agricultural Committee." National Youth Administration, Division of Negro Affairs, ca. Jan. 1937. Discusses the impact of the depression and New Deal programs on black sharecroppers and tenant farmers, concludes that racial violence intensified as the price of cotton dropped and forced blacks off the land.

The Effects of the Depression on the Negro Farmers of the South

The recent depression has been extremely severe in its effects upon the South. The rural Negro—poor before the period of trade decline—was rendered even more needy after 1929. Many tenants found it impossible to obtain a contract for a crop and were left stranded without any economic resources. It is also evident that many Negro as well as white farm owners lost their property. As the competition in earning a livelihood increased, social unrest grew and racial prejudice became more severe, to the extent that racial friction and lawlessness increased in many sections of the rural South. A study of lynching over a period of forty years reveals that as cotton prices go down, the number of lynchings increases. A study of racial

relations during the depression verifies that conclusion.*† In addition, there are evidences of the breakdown of the plantation system during the years of depression. Many rural Negro schools have been closed during the last few years.

The most severe situation confronting the Negro farmer has been that facing the share cropper and farm tenant. The difficulties in the production of cotton involved losses to the landlords. These, in turn, were translated into greater dependence, less security and lower standards of living for the tenants. Since the share croppers were least powerful to resist the hardships of economic depression, they have suffered greatest from the chaos which has permeated southern agriculture.

A most instructive picture of the situation is reflected by the treatment of the Negro farmer under Federal aid offered prior to the initiation of the Recovery Program. There were many abuses in the administration of this aid which are instructive as indication of what can happen to colored farmers under any program of relief. The most complete picture of the situation is that presented at the conference on the Economic Status of the Negro, held in Washington last May.‡ The following summary is drawn from a report of the findings of that conference, as written by Dr. Charles S. Johnson:

Under the Hoover administration, Federal aid was available for farmers in the form of feed, seed and fertilizer loans. The report includes the following general statement concerning the administration of this and other Federal farm relief measures: "Although well conceived as an aid to farmers, they have not in practice escaped abuses of a notorious character. That as Negro farmers are concerned. Not all of them have always been exploited, but the existence of abuses on so large a scale seems inexcusable in the administration of Federal service in such desperate emergencies. Re-

The Tragedy of Lynching, by Arthur Raper.

According to Monroe N. Work, editor of *The Negro Year Book*, the lynching figures from 1928 through 1933 are as follows:

Year	Lynchings Prevented	Persons Lynched
1928	11	24
1929	10	27
1930	21	40
1931	63	13
1932	34	8
1933	37	28

Charles S. Johnson, *Economic Status of Negroes*.

sponsibility for a measure of this may be placed upon the unfortunate imperatives of the social system which regards the exploitation of Negroes as more or less a 'normal' condition."

The feed, seed and fertilizer loans have been variously administered. Although in a few belt areas the tenants received and spent their loans according to the intent of the law, the planters often got control of the tenants' checks. "As a matter of fact, the landlord virtually forces the tenant to deliver the check to him; the landlord explains to the tenant that he will not waive his rent to the government—one of the requirements for the loan—unless the tenant agrees to bring the check to him when it comes. The report goes on to show that when the check came, it was delivered to the landlord and the latter often took the money and deposited it to his own account, issuing cash back to the tenant as he felt the tenant needed it. For this service the planter usually charged eight per-cent interest. "Thus, the tenant pays double interest—six per-cent to the government for the money and an additional eight or ten per-cent to the planter for keeping it for him! This practice is common in the upper part of Georgia Black Belt."

The report continues that in other instances the planter secured the money from the tenants upon its arrival and they repayed it to the tenant in feed, seed and fertilizer at credit prices. Thus, it was the farm owner rather than the tenant who profited from the government loan. This practice was fairly prevalent in the central Alabama Black Belt. There have been instances where Negro land-owners have not been allowed to spend the cash which they secured through loans from the government.

There were violations of the Feed, Seed and Fertilizer Loan Service in 1931 which were so flagrant, according to the same report, as to occasion court proceedings. Some of these cases came to light when tenants received receipts from the government for the repayment of loans of which they had no knowledge.

In concluding the experience of the Negro tenant under those forms of Federal aid, the report of the conference makes the following statement: "The planter class appears to be proceeding upon the assumption that the landless farmer must be kept dependent. The property-less tenants in turn have gotten all they could out of the owners before settlement time. Rent are hard pressed, but the planter has a scapegoat."

In addition, the report cites instances of flagrant abuses of the Red Cross service. In some cases, planters evaded their agreements for advances to tenants, say: "Let the Red Cross feed them." In one community, the administrator of the Red Cross service is reported to have charged tenants for the flour and cloth which he "secured" for them.

The report concludes the discussion of relief with the following state-

ments: "These abuses of the relief intended for the farmers reflect the weight of social tradition on the matter of the Negro and the least protected workers, perhaps, more than they reflect purely agricultural problems. It becomes a matter, in this instance, as in many others of the same order, of insuring the protection of this class of workers from abuses which are part of the history of race relations in the section, before their normal plight as farmers can be effectively remedied."

STOP

General of the United States is again invited to participate. The Attorneys General of the states requiring or permitting segregation in public education will also be permitted to appear as *amici curiae* upon request to do so by September 15, 1954, and submission of briefs by October 1, 1954.¹⁴

It is so ordered.

2. "How Children Learn About Race"

Kenneth B. Clark

The Supreme Court's unanimous decision in the Brown case relied quite heavily on the research findings of social scientists. Among the seven scholarly works cited in footnote 11 of the opinion was the report entitled Effect of Prejudice and Discrimination on Personality Development prepared for the 1950 Midcentury White House Conference on Children and Youth by psychologist Kenneth Clark. The report was later revised and expanded and published for the general public as Prejudice and Your Child (1955).

Are children born with racial feelings? Or do they have to learn, first, what color they are and, second, what color is "best"?

Less than fifty years ago, some social theorists maintained that racial and religious prejudices are inborn—that they are inherent and instinctive. These theorists believed that children do not have to learn to dislike people who differ from them in physical characteristics; it was considered natural to dislike those different from oneself and to like those similar to oneself.

However, research over the past thirty years has refuted these earlier theories. Social scientists are now convinced that children learn social, racial, and religious prejudices in the course of observing, and being influenced by, the existence of patterns in the culture in which they live. Students of the problem are now facing these questions:

¹⁴. See Rule 42, Revised Rules of this Court (effective July 1, 1954).

1. How and when do children learn to identify themselves with some people and to differentiate themselves from others?
2. How and when do children acquire racial attitudes and begin to express these attitudes in their behavior?
3. What conditions in the environment foster the development of these racial attitudes and behavior?
4. What can be done to prevent the development and expression of destructive racial prejudices in children?

Until quite recently, there were differences in opinion concerning the age at which children develop and express racial prejudices. Some observers (in the tradition of those who believed that prejudices are inborn) said that even infants express racial preferences and that therefore such preferences play little or no role in the life of the child until the early teens. They pointed out that children of different races have been observed playing together and sometimes developing close friendships; this fact, they thought, showed that young children are unaware of racial or religious differences.

Within the past two decades, social scientists have made a series of studies of this problem.¹ They indicate, on the one hand, that there is no evidence that racial prejudices are inborn; and, on the other hand, that it is equally false to assume that the child remains unaffected by racial considerations until his teens or pre-teens.

Racial attitudes appear early in the life of children and affect the ideas and behavior of children in the first grades of school. Such attitudes—which appear to be almost inevitable in children in our society—develop gradually.

According to one recent study, white kindergarten children in New York City show a clear preference for whites and a clear

¹. A pioneer work in this field is *Race Attitudes in Children* by Bruno Lasker. Since its publication in 1935, a number of psychologists and other social scientists have studied aspects of racial attitudes in children by more precise methods. Eugene Horowitz set the pattern for empirical investigations of this problem in his study of the development of racial attitudes in children. His results have been supported and extended by the findings of Ruth Horowitz; Kenneth and Mamie Clark; Radke, Trager, and Davis; and Mary Ellen Goodman. . . .

rejection of Negroes. Other studies show that Negro children in the kindergarten and early elementary grades of a New England town, in New York City, in Philadelphia, and in two urban communities in Arkansas know the difference between Negroes and whites; realize they are Negro or white; and are aware of the social meaning and evaluation of racial differences.

The development of racial awareness and racial preferences in Negro children has been studied by the author and his wife. To determine the extent of consciousness of skin color in these children between three and seven years old, we showed the children four dolls all from the same mold and dressed alike; the only difference in the dolls was that two were brown and two were white. We asked the children to choose among the dolls in answer to certain requests:

1. "Give me the white doll."
2. "Give me the colored doll."
3. "Give me the Negro doll."

These children reacted with strong awareness of skin color. Among three-year-old Negro children in both northern and southern communities, more than 75 per cent showed that they were conscious of the difference between "white" and "colored." Among older children, an increasingly greater number made the correct choices.

These findings clearly support the conclusion that racial awareness is present in Negro children as young as three years old. Furthermore, this knowledge develops in stability and clarity from year to year, and by the age of seven it is a part of the knowledge of all Negro children. Other investigators² have shown that the same is true of white children.

Some children whose skin color is indistinguishable from that of white people, but who are nonetheless classified as Negroes by the society, have difficulty in making a correct racial identification of themselves at an age when other children do so. Soon, how-

2. Ruth Horowitz; Mary Ellen Goodman; Radke, Trager, and Davis.

ever—by the age of five or six—the majority of these children also begin to accept the social definition of themselves, even though this differs from their observance of their own skin color.

There is now no doubt that children learn the prevailing social ideas about racial differences early in their lives. Not only are they aware of race in terms of physical characteristics such as skin color, but also they are generally able to identify themselves in terms of race.

The problem of the development and awareness of religious ideas and identification in children involves more subtle and complex distinctions which understandably require a longer period of time before they are clearly understood.

It is much more difficult for children to know if they are Catholic, Protestant, or Jewish than it is to know if they are white or Negro. In one study (Radke, Trager, and Davis), children were shown pictures of a church with a cross; and of a building clearly marked as a synagogue. The investigators asked the children their reactions to these pictures. Only a minority of children between the ages of five and eight made stable and accurate identification of themselves in terms of religion. Less than half the Jewish children in this age group identified themselves as Jews, while only 30 per cent of the Catholic children and less than 27 per cent of the white Protestant children made correct religious identifications. The relatively high percentage of Jewish children who identified themselves as Jews indicates that for these children there is an earlier awareness of religious identification and probably of minority status.

In these tests, no Negro child identified himself in religious terms. This fact probably indicates that for the Negro child at these ages the dominant factor in self-identification is skin color. The impact of their minority status as determined by skin color is so great that it precludes more abstract bases for self-identification.

A study of seven- and eight-year-old Jewish boys (by Hartley, Rosenbaum, and Schwartz) found that these boys had a generalized preference for all things "Jewish." The children responded to all questions concerning self-identification and prefer

comments as: "Because I am Jewish." "Because I like Jewish." "Because they are Jewish like me." "Because I like to play with Jewish people."

This undifferentiated preference for Jewishness was found by Radke to be appreciably less among Jewish children of ten and eleven, and even less in thirteen- and fourteen-year-olds. It is possible that as these children mature their increased contact with the larger culture results in a decreased interest in Jewishness as such. It is also possible that this tendency reflects an increase in rejection of Jewishness—indicating the children's growing awareness of the minority status of Jews in America.

The same social scientists have studied small groups of Jewish, Catholic, Negro, and white Protestant children in New York City. These children were asked to respond to the simple question, "What are you?" Jewish children on all age levels answered by the term "Jewish," rarely identifying themselves in terms of nationality or color. On the other hand, a considerable proportion of the non-Jewish children identified themselves in terms of nationality rather than religion.

Non-Jewish children between the ages of $3\frac{1}{2}$ and $4\frac{1}{2}$ were usually not certain what religion they belonged to. Some non-Jewish white children in this age group said that they were Jewish; the fact that they were enrolled in a Jewish neighborhood center may have accounted for their mistaken belief that they were Jewish. At this stage of development, a non-Jewish child in a Jewish setting may conceive of himself as Jewish, and vice versa. These results suggest that the problem of religious identification involves a level of abstract thinking of which pre-school children are generally incapable.

These investigators also studied the meaning of such terms as "Jewish" and "Catholic" for children between the ages of four and ten. They found that at these ages the concepts are understood in terms of concrete activities. Jewish children mentioned "Going to shul," "Not eating bacon," or "Talking Jewish." Catholic children mentioned "Going to church," "Making communion," or "To speak as a Catholic."

Certain conclusions arise from the many independent investigations of the development of racial awareness and identification

in children. By the age of four, Negro and white children are generally aware of differences in skin color and can identify themselves correctly in terms of such differences. Jewish children are not consistently aware of their Jewishness until around the age of five. The average Catholic or Protestant child does not begin to identify himself in religious terms until around seven or eight. Thus it appears that the concrete and perceptible fact of skin color provides a basis for earlier self-identification and preferences in American children than the more abstract factor of the family religion.

A child gradually learns what status the society accords to his group. The tendency of older Jewish children to show less preference for Jewishness than younger Jewish children suggests that they have learned that Jews do not have a preferred status in the larger society, and that these children have accordingly modified their self-appraisal. This effect of the awareness of the status of one's own group is even more clearly apparent in the case of Negro children.

In addition to Negro children's awareness of differences in skin color, the author and his wife studied the ability of these children to identify themselves in racial terms. We asked the children to point out the doll "which is most like you." Approximately two-thirds of all the children answered correctly. Correct answers were more frequent among the older ones. (Only 37 per cent of the three-year-olds but 87 per cent of the seven-year-olds responded accurately.) Negro children of light skin color had more difficulty in choosing the brown doll than Negro children of medium-brown or dark-brown skin color. This was true for older as well as younger children.

Many personal and emotional factors probably affected the ability of these Negro children to select the brown doll. In an effort to determine their racial preferences, we asked the children the following four questions:

1. "Give me the doll that you like to play with" or "the doll you like best."
2. "Give me the doll that is the nice doll."

3. "Give me the doll that looks bad."
4. "Give me the doll that is a nice color."

The majority of these Negro children at each age indicated an unmistakable preference for the white doll and a rejection of the brown doll.³

Studies of the development of racial awareness, racial identification, and racial preference in both Negro and white children thus present a consistent pattern. Learning about races and racial differences, learning one's own racial identity, learning which race is to be preferred and which rejected—all these are assimilated by the child as part of the total pattern of ideas he acquires about himself and the society in which he lives. These acquired patterns of social and racial ideas are interrelated both in development and in function. The child's first awareness of racial differences is found to be associated with some rudimentary evaluation of these differences. Furthermore, as the average child learns to evaluate these differences according to the standards of the society, he is at the same time required to identify himself with one or another group. This identification necessarily involves a knowledge of the status assigned to the group with which he identifies himself, in relation to the status of other groups. The child therefore cannot learn what racial group he belongs to without being involved in a larger pattern of emotions, conflict, and desires which are part of his growing knowledge of what society thinks about his race.

Many independent studies enable us to begin to understand how children learn about race, how they identify themselves and others in terms of racial, religious, or nationality differences, and what meaning these differences have for the growing child. Racial and religious identification involves the ability of the child to

3. Even at three years the majority preferred the white doll and rejected the brown doll. The children of six or seven showed some indication of an increased preference for the brown doll; even at this age, however, the majority of the Negro children still preferred the doll with the white skin color.

identify himself with others of similar characteristics, and to distinguish himself from those who appear to be dissimilar.

The fact that young Negro children would prefer to be white reflects their knowledge that society prefers white people. White children are generally found to prefer their white skin—an indication that they too know that society likes whites better. It is clear, therefore, that the self-acceptance or self-rejection found so early in a child's developing complex of racial ideas reflects the awareness and acceptance of the prevailing racial attitudes in his community.

Some children as young as three years of age begin to express racial and religious attitudes similar to those held by adults in their society. The racial and religious attitudes of sixth-graders are more definite than the attitudes of pre-school children, and hardly distinguishable from the attitudes of high-school students. Thereafter there is an increase in the intensity and complexity of these attitudes, until they become similar (at least, as far as words go) to the prevailing attitudes held by the average adult American.

The racial ideas of children are less rigid, more easily changed, than the racial ideas of adults. It is probable, too, that racial attitudes and behavior are more directly related among adults. The racial and religious attitudes of a young child may become more positive or more negative as he matures. The direction these attitudes will take, their intensity and form of expression, will be determined by the type of experiences that the child is permitted to have. One student of this problem says that, although children tend to become more tolerant in their general social attitudes as they grow older, they become less tolerant in their attitudes toward the Negro. This may reflect the fact that the things children are taught about the Negro and the experiences they are permitted to have usually result in the development of racial intolerance.

3. "Give me the doll that looks bad."
4. "Give me the doll that is a nice color."

The majority of these Negro children at each age indicated an unmistakable preference for the white doll and a rejection of the brown doll.³

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Walter H. White to Jesse Owens, unsent letter (1935)

IT IS MY FIRM CONVICTION THAT THE ISSUE OF PARTICIPATION IN the 1936 Olympics, if held in Germany under the present regime, transcends all other issues. Participation by American athletes, and especially those of our own race which has suffered more than any other from American race hatred, would, I firmly believe, do irreparable harm. . . . This sorry world of ours is apparently becoming in a fumbling way to realize what prejudice against any minority group does not only to other minorities but to the group which is in power. The very preeminence of American Negro athletes gives them the unparalleled opportunity to strike a blow at racial bigotry. . . .

But the moral issue involved is, in my opinion, far greater than the immediate or future benefit to the Negro as a race. If the Hitlers and Mussolinis of the world are successful it is inevitable that dictatorships based upon prejudice will spread throughout the world, as indeed they are now spreading. Defeat of dictators before they become too firmly entrenched would, on the other hand, deter nations which through fear or other unworthy emotions are tending towards dictatorships. . . .

It is also historically true that such reactionary dictatorships pick out the most vulnerable group as its first victims. In the United States it would be the Negro who would be the chief and first sufferer, just as the Jews have been made the scapegoats of Hitlerism in Nazi Germany.

Handout 3: "Why I Quit the Klan"—An Interview with C. P. Ellis

C.P. Ellis was born in 1927 and was 53-years-old at the time of this interview with Studs Terkel. At one time he was president (Exalted Cyclops) of the Durham chapter of the Ku Klux Klan, and lived in Durham, North Carolina.

All my life, I had work, never a day without work, worked all the overtime I could get and still could not survive financially. I began to see there's something wrong with this country. I worked my butt off and just never seemed to break even. I had some real great ideas about this nation. They say to abide by the law, go to church, do right and live for the Lord, and everything'll work out. But it didn't work out. It just kept getting worse and worse...

Tryin to come out of that hole, I just couldn't do it. I really began to get bitter. I didn't know who to blame. I tried to find somebody. Hatin America is hard to do because you can't see it to hate it. You gotta have somethin to look at to hate. The natural person for me to hate would be Black people, because my father before me was a member of the Klan...

So I began to admire the Klan... To be part of somethin. ... The first night I went with the fellas . . . I was led into a large meeting room, and this was the time of my life! It was thrilling. Here's a guy who's worked all his life and struggled all his life to be something, and here's the moment to be something. I will never forget it. Four robed Klansmen led me into the hall. The lights were dim and the only thing you could see was an illuminated cross... After I had taken my oath, there was loud applause goin throughout the buildin, musta been at least 400 people. For this one little ol person. It was a thrilling moment for C. P. Ellis...

The majority of [the Klansmen] are low-income Whites, people who really don't have a part in something. They have been shut out as well as Blacks. Some are not very well educated either. Just like myself. We had a lot of support from doctors and lawyers and police officers.

Maybe they've had bitter experiences in this life and they had to hate somebody. So the natural person to hate would be the Black person. He's beginnin to come up, he's beginnin to . . . start votin and run for political office. Here are White people who are supposed to be superior to them, and we're shut out... Shut out. Deep down inside, we want to be part of this great society. Nobody listens, so we join these groups...

We would go to the city council meetings and the Blacks would be there and we'd be there. It was a confrontation every time... We began to make some inroads with the city councilmen and county commissioners. They began to call us friend. Call us at night on the telephone: "C. P., glad you came to that meeting last night." They didn't want integration either, but they did it secretly, in order to get elected. They couldn't stand up openly and say it, but they were glad somebody was sayin it. We visited some of the city leaders in their homes and talked to em privately. It wasn't long before councilmen would call me up: "The Blacks are comin up tonight and makin outrageous demands. How about some of you people showin up and have a little balance?"...

We'd load up our cars and we'd fill up half the council chambers, and the Blacks the other half. During these times, I carried weapons to the meetings, outside my belt. We'd go there armed. We would wind up jus' hollerin and fussin at each other. What happened? As a result of our fightin one another, the city council still had their way. They didn't want to give up control to the Blacks nor the Klan. They were usin us.

I began to realize this later down the road. One day I was walkin downtown and a certain city council member saw me comin. I expected him to shake my hand because he was talkin to me at night on the telephone. I had been in his home and visited with him. He crossed the street [to avoid me]... I began to think, somethin's wrong here. Most of em are merchants or maybe an attorney, an insurance agent, people like that. As long as they kept low-income Whites and low-income Blacks fightin, they're gonna maintain control. I began to get that feelin after I was ignored in public. I thought: . . . you're not gonna use me any more. That's when I began to do some real serious thinkin.

The same thing is happening in this country today. People are being used by those in control, those who have all the wealth. I'm not espousing communism. We got the greatest system of government in the world. But those who have it simply don't want those who don't have it to have any part of it. Black and White. When it comes to money, the green, the other colors make no difference.

I spent a lot of sleepless nights. I still didn't like Blacks. I didn't want to associate with them. Blacks, Jews, or Catholics. My father said: "Don't have anything to do with em." I didn't until I met a Black person and talked with him, eyeball to eyeball, and met a Jewish person and talked to him, eyeball to eyeball. I found they're people just like me. They cried, they cussed, they prayed, they had desires. Just like myself. Thank God, I got to the point where I can look past labels. But at that time, my mind was closed.

I remember one Monday night Klan meeting. I said something was wrong. Our city fathers were using us. And I didn't like to be used. The reactions of the others was not too pleasant: "Let's just keep fightin them niggers."

I'd go home at night and I'd have to wrestle with myself. I'd look at a Black person walkin down the street, and the guy'd have ragged shoes or his clothes would be worn. That began to do something to me inside. I went through this for about six months. I felt I just had to get out of the Klan. But I wouldn't get out...

[Ellis was invited, as a Klansman, to join a committee of people from all walks of life to make recommendations on how to solve racial problems in the school system. He very reluctantly accepted. After a few stormy meetings, he was elected co-chair of the committee, along with Ann Atwater, a Black woman who for years had been leading local efforts for civil rights.]

A Klansman and a militant Black woman, co-chairmen of the school committee. It was impossible. How could I work with her? But it was in our hands. We had to make it a success. This gave me another sense of belongin, a sense of pride. This helped the inferiority feeling I had. A man who has stood up publicly and said he despised Black people, all of a sudden he was willin to work with em. Here's a chance for a low-income White man to be somethin. In spite of all my hatred for Blacks and Jews and liberals, I accepted the job. Her and I began to reluctantly work together. She had as many problems workin with me as I had workin with her.

One night, I called her: "Ann, you and I should have a lot of differences and we got em now. But there's somethin laid out here before us, and if it's gonna be a success, you and I are gonna have to make it one. Can we lay aside some of these feelins?" She said: "I'm willing if you are." I said: "Let's do it."

My old friends would call me at night: "C. P., what the hell is wrong with you? You're sellin out the White race." This begin to make me have guilt feeling Am I doin right? Am I doin wrong? Here I am all of a sudden makin an about-face and tryin to deal with my feelins, my heart. My mind was beginnin to open up. I was beginnin to see what was right and what was wrong. I don't want the kid to fight forever...

One day, Ann and I went back to the school and we sat down. We began to talk and just reflect... I begin to see, here we are, two people from the far ends of the fence, havin

identical problems, except hers bein Black and me bein White... The amazing thing about it, her and I, up to that point, has cussed each other, bawled each other, we hated each other. Up to that point, we didn't know each other. We didn't know we had things in common...

The whole world was openin up, and I was learning new truths that I had never learned before. I was beginning to look at a Black person, shake hands with him, and see him as a human bein. I hadn't got rid of all this stuff. I've still got a little bit of it. But somethin was happenin to me...

I come to work one morning and some guys says: "We need a union." At this time I wasn't pro-union. My daddy was antilabor too. We're not gettin paid much, we're havin to work seven days in a row. We're all starvin to death... I didn't know nothin about organizin unions, but I knew how to organize people, stir people up. That's how I got to be business agent for the union.

When I began to organize, I began to see far deeper. I begin to see people again bein used. Blacks against Whites... There are two things management wants to keep: all the money and all the say-so. They don't want none of these poorworkin folks to have none of that. I begin to see management fightin me with everythin they had. Hire antiunion law firms, badmouth unions. The people were makin \$1.95 an hour, barely able to get through weekends...

It makes you feel good to go into a plant and ... see Black people and White people join hands and defeat the racist issues [union-busters] use against people...

I tell people there's a tremendous possibility in this country to stop wars, the battles, the struggles, the fights between people. People say: "That's an impossible dream. You sound like Martin Luther King." An ex-Klansman who sounds like Martin Luther King. I don't think it's an impossible dream. It's happened in my life. It's happened in other people's lives in America...

When the news came over the radio that Martin Luther King was assassinated, I got on the telephone and begin to call other Klansmen... We just had a real party... Really rejoicin cause the son of a bitch was dead. Our troubles are over with. They say the older you get, the harder it is for you to change. That's not necessarily true. Since I changed, I've set down and listened to tapes of Martin Luther King. I listen to it and tears come to my eyes cause I know what he's sayin now. I know what's happenin.

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A first sergeant from Alabama:

I didn't want them myself at first. Now I have more trust in them. I used to think they would be yellow in combat, but I have seen them work.

The great majority of white officers and enlisted men agreed that the Negro soldiers who had fought alongside them had performed excellently in combat. Eight out of ten white men said they had done very well and almost all of the rest that they had done fairly well. Only two percent of the enlisted men and none of the officers felt that they had done "not so well" or were "undecided." No white officer or enlisted man said that they had done "not very well."

But the findings which have the greatest significance for the elimination of prejudices are in the answers to this question:

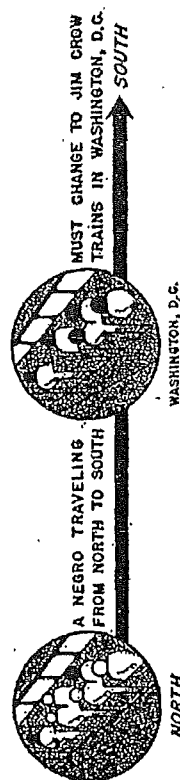
Some Army divisions have companies which include Negro platoons and white platoons. How would you feel about it if your outfit was set up something like this?

The question was asked of four sample groups of white servicemen. The first had had direct, immediate and personal contact with Negroes as fellow soldiers; the second had been close to the situation and had had an opportunity to see how it worked; the third had been far away and the fourth had had no experience whatsoever.

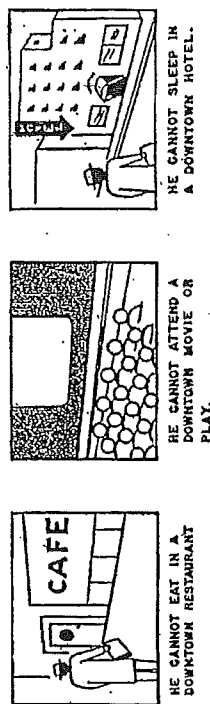
The conclusion can be stated simply: the closer white infantrymen had been to the actual experience of working with Negroes in combat units the more willing they were to accept integrated Negro platoons in white companies as a good idea for the future. Moreover, the sharpest break was between groups which had even the slightest contact with the experience of integration, and those which had none at all.

The Committee is not convinced that an end to segregation in education or in the enjoyment of public services essential to people in a modern society would mean an intrusion upon the private life of the individual. In a democracy, each individual must have freedom to choose his friends and to control the pattern of his personal and family life. But we see nothing inconsistent between this freedom and a recognition of the truth that democracy also means that in going to school, working, participating in the political process, serving in the armed forces, enjoying government services in such fields as health and recreation, making use of transportation and other public accommodation facilities, and living in specific communities and neighborhoods, distinctions of race, color, and creed have no place.

THE NATION'S CAPITAL A SYMBOL OF FREEDOM AND EQUALITY?



IF HE DECIDES TO REMAIN IN D. C. OVERNIGHT HE WILL FIND THAT:



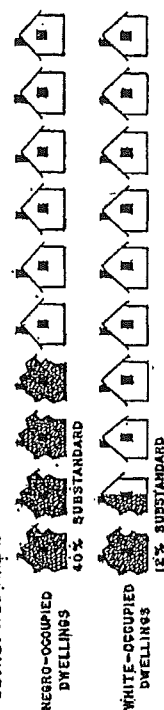
HE CANNOT EAT IN A DOWNTOWN RESTAURANT

HE CANNOT ATTEND A DOWNTOWN MOVIE OR PLAY.

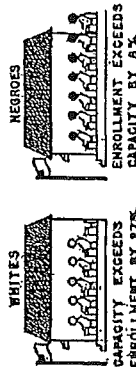
HE CANNOT SLEEP IN A DOWNTOWN HOTEL.

IF HE DECIDES TO STAY IN D. C.

HE USUALLY MUST FIND A HOME IN AN OVERCROWDED, SUB-STANDARD, SEGREGATED AREA:



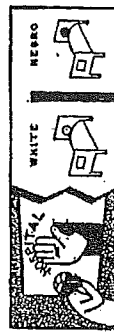
HE MUST SEND HIS CHILDREN TO INFERIOR JIM CROW SCHOOLS:



CAPACITY EXCEEDS ENROLLMENT BY 27%

ENROLLMENT EXCEEDS CAPACITY BY 8%

HE MUST ENTRUST HIS FAMILY'S HEALTH TO MEDICAL AGENCIES WHICH GIVE THEM INFERIOR SERVICES:



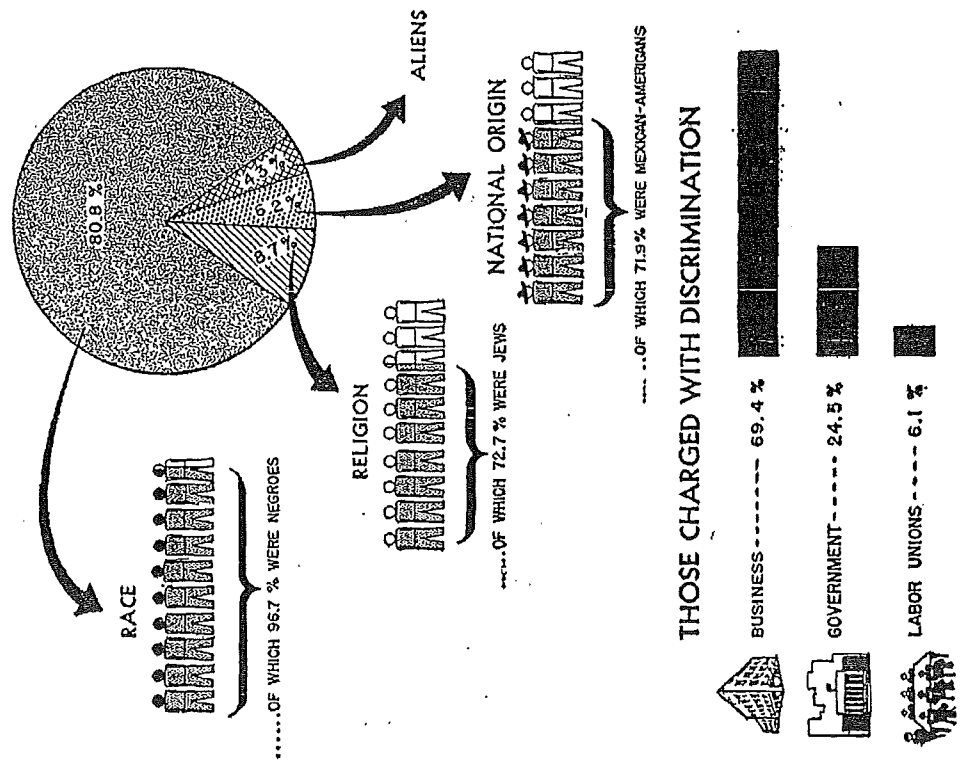
HOSPITALS IN THE DISTRICT OF COLUMBIA EITHER DO NOT ADMIT NEGROES OR ADMIT THEM ON A SEGREGATED BASIS.

Lawson, Steve F. Ed. To Secure These Rights.
Bedford St. Martin's Boston, 2004

"The Report of President Harry S
Truman's Committee on
Civil Rights"

The BASES OF JOB DISCRIMINATION

(COMPLAINTS TO FEPC, FISCAL YEAR 1943-44)



SEGREGATION RECONSIDERED

The "Separate But Equal" Failure

Mention has already been made of the "separate but equal" policy of the southern states by which Negroes are said to be entitled to the same public service as whites but on a strictly segregated basis. The theory behind this policy is complex. On one hand, it recognizes Negroes as citizens and as intelligent human beings entitled to enjoy the status accorded the individual in our American heritage of freedom. It theoretically gives them access to all the rights, privileges, and services of a civilized, democratic society. On the other hand, it brands the Negro with the mark of inferiority and asserts that he is not fit to associate with white people.

Legally enforced segregation has been followed throughout the South since the close of the Reconstruction era. In these states it is generally illegal for Negroes to attend the same schools as whites; attend theaters patronized by whites; visit parks where whites relax; eat, sleep or meet in hotels, restaurants, or public halls frequented by whites. This is only a partial enumeration—legally imposed separation of races has become highly refined. In the eyes of the law, it is also an offense for whites to attend "Negro" schools, theaters and similar places. The result has been the familiar system of racial segregation in both public and private institutions which cuts across the daily lives of southern citizens from the cradle to the grave.

Publisher's Note to the 1993 Edition

This one-volume edition of *Black Metropolis* is a facsimile of the 1970 edition published in two volumes by Harcourt, Brace and World. While it includes everything printed in those volumes, the order of the new material has been changed so as not to interrupt the four parts of the original 1945 text.

The University of Chicago Press would like to thank Professor William Julius Wilson and Dr. James R. Grossman for help in planning and producing this edition.

ST. CLAIR DRAKE

AND HORACE R. CAYTON

BLACK METROPOLIS

A STUDY OF NEGRO LIFE IN A
NORTHERN CITY

Revised and Enlarged Edition

With an Introduction by Richard Wright
and a new Foreword by William Julius Wilson

The University of Chicago Press

Legally-enforced segregation has been largely limited to the South. But segregation is also widely prevalent in the North, particularly in housing, and in hotel and restaurant accommodations. Segregation has not been enforced by states alone. The federal government has tolerated it even where it has full authority to eliminate it. We have already examined the situation in the armed forces. Another prominent example is the record in the Panama Canal Zone.

Although the federal government has exclusive jurisdiction over the Panama Canal Zone, a segregated way of life for Negroes and for whites exists. The latter are United States citizens who are employed in the Zone. Most of the Negroes are from Caribbean countries, and are British subjects. Although some of them have lived in the Zone for many years, and their children know no other country, they cannot become citizens because United States naturalization laws do not apply. Professional, skilled, and supervisory workers (gold) are supposed to be segregated from unskilled labor (silver). In a recent report, the Governor of the Zone described the situation:

The force employed by the Panama Canal and the Panama Railroad Company is composed of two classes which for local convenience have been designated "gold" and "silver" employees. The terms... originated during the construction period of the Canal from the practice of paying in silver coin common laborers and other unskilled or semi-skilled workers employed in the Tropic while skilled craftsmen and those occupying executive, professional, and similar positions were paid in gold coin, the latter group being recruited largely from the United States. Although all employees are now paid in United States currency, *the original terms used to designate the two classes of employees have been retained for convenience. The terms "gold" and "silver" are applied also to quarters, commissaries, club-houses, and other public facilities.* [Italics committee's.]

This system of "convenience" has operated to the serious detriment of the Negro workers. There are separate and lower standards for them in occupation and wages, education, housing, and recreation. The Zone government is at present engaged in a concerted effort to improve facilities and services for the Negro workers. The "gold" and "silver" signs labeling separate drinking fountain and rest-room facilities have recently been taken down. Nevertheless, Zone public institutions, all under government control, still segregate the gold and silver workers. This includes housing, government commissaries, and recreational establishments.

Experience Versus Segregation

If reason and history were not enough to substantiate the argument against segregation, recent experiences further strengthen it. For these experiences demonstrate that segregation is an obstacle to establishing harmonious relationships among groups. They prove that where the artificial barriers which divide people and groups from one another are broken, tension and conflict begin to be replaced by cooperative effort and an environment in which civil rights can thrive.

One of these experiences is recorded in Report No. ETO-82 of the Research Branch, Information and Education Division, in the European Theater of Operations of the Army. In 1945, during the fighting in France, the Army was faced with a shortage of combat ground troops. The Theater Command decided to make use of Negro service troops in the area. A substantial number of Negro enlisted men accepted the invitation to volunteer for combat training and service. Many of these volunteers gave up their rank as noncommissioned officers for what they considered to be the privilege of combat. They were not very different from the run of Negro troops in the Army.

The Negro soldiers were trained and organized into platoons, which were placed in regiments in eleven white combat divisions. For months the Negro and white men in these divisions worked and fought side by side. Then, white officers, noncommissioned officers, and enlisted men in seven of the eleven divisions were interviewed. At least two of the divisions were composed of men who were predominantly southern in background. It is surprising how little the response of these southern men varied from that of men from other parts of the country.

Two out of every three white men admitted that at first they had been unfavorable to the idea of serving alongside colored platoons. Three out of every four said that their feelings toward the Negro soldiers had changed after serving with them in combat. These are some representative comments:

A platoon sergeant from South Carolina:

When I heard about it I said I'd be damned if I'd wear the same shoulder patch they did. After that first day when we saw how they fought I changed my mind. They're just like any of the other boys to us.

A platoon sergeant from New Jersey:

Didn't mind it myself. I'll tell you though, I came to think a lot more of them since.

Federal Law Is Imperative

1947

In 1946 Helen Gahagan Douglas (1900–1980), an ex-Broadway star and Democratic Congresswoman, read her “Democratic Credo” into the Congressional Record: “We, the members of this House, do not believe that Capitol Hill is a hill on which to kindle a fiery cross,” said Douglas, “but rather one on which to display the shining Cross . . . the symbol of the Brotherhood of Man.” The following year she took up this problem of the “fiery cross” and sponsored an anti-lynching bill. Just as the bill reached Congress, a lynch mob seized a young man from a North Carolina jail. The reporter Jack Bell asked Douglas about another lynching, in South Carolina, in the radio interview reprinted here.

Douglas’s bill was one of three particularly high-profile attempts at anti-lynching legislation: the Dyer Bill came in 1918, and in 1935 campaigners tried to push through the Costigan-Wagner Bill. By the mid-1940s anti-lynching campaigners were seeking a new impetus in the international arena. Douglas had been a delegate to the United Nations and referred to the UN charter in the radio interview. Her focus on race relations also encompassed a fight for anti-discrimination employment laws and the introduction of a bill to add a condition to the Daughters of the American Revolution tax exemption so that the group couldn’t deny commercial use of Constitution Hall for reasons of race. In 1946 she received the Scroll of Honor from the National Council of Negro Women.

Southern legislators blocked Douglas’s bill, as they did in 1949 when she reintroduced it. In 1950 Douglas gave up her House seat to run for the Senate. Her opponent was Richard Nixon, who had come to prominence for his role on the House Un-American Activities Committee. He called Douglas a communist, won the election, and was elected U.S. vice president two years later. Lynching continued through the 1950s and beyond. But, ever hopeful, Douglas ended her 1982 autobiography: “There is still time for sane people to set things right. But time is running out.” Here she echoes Charles Chesnut’s novel about racial violence, *The Marrow of Tradition* (1901), which ends with hope “nearly gone” and a warning to the future: “There’s time enough, but none to spare.”

Jack Bell: Mrs. Douglas, I notice you have introduced a second anti-lynching bill recently. What was the additional purpose?

Helen Gahagan Douglas: First let us re-read the Fourteenth Amendment of the Constitution: “nor shall any state deprive any person of life, liberty or property without the due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.” Last year’s bill sought only to pe-

nalise state law enforcement officers, derelict in their duty. My bill H.R. 3618 this year, reflects our new obligations, born of the great role we played in the writing of the United Nations charter, which seeks to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, language or religion. The bill provides that the federal government shall prosecute and punish persons who commit, or attempt to commit, violence against any person because of race, creed or colour.

Jack Bell: How would your bill apply to the recent Greenville, South Carolina case?

Helen Gahagan Douglas: Federal law is imperative, Mr. Bell, if we’re going to stop lynching. The criminal prosecutions under my bill will be conducted in a federal district court. The significance of federal trial is manifold. I have deep sympathy with the local court officials who are victims of local prejudices and pressures on themselves as well as on their families. Often, they do the very best that they can, but that is no guarantee of justice under the present practices of local administrators. Under my bill, a federal judge and a federal prosecutor would have dealt in the Greenville case. Secondly, you would have been able to draw on half the state of South Carolina for a jury, instead of just the community of Greenville, which was immediately involved, and in which case you would have had a jury which wouldn’t have reflected the immediate pressures of the community.

Jack Bell: Under your bill, Mrs. Douglas, the community where the abduction takes place and the community where the violence is actually committed would be subject to civil suit?

Helen Gahagan Douglas: Yes, Mr. Bell.

Jack Bell: What chances do you see for action on your bill in the House at the session?

Helen Gahagan Douglas: Before answering that question, I want to say that I just learned a few hours ago that Senator Wagner and Senator Morse had introduced a similar bill in the Senate this afternoon. In the house, I shall certainly urge the House judiciary committee, to which this bill has been referred, hold full and speedy hearings on this whole question of lynching. I also hope that they will report the bill out so that the members of the House have a chance to vote on this vital issue before congress recesses for the summer.

Jack Bell: Thank you, Representative Helen Gahagan Douglas.

it. So a society convulsed by fear found itself not only unable to act rationally but unable to act at all. Again America resorted to artificial techniques—to magic—in trying to meet the problem. Rather than face the moral issue, society placed its reliance in "planning"—in frantically organized committees to prevent race riots, in anything that would allow it to escape the reality of its confusion and impotence.

OF THINGS TO COME

Let us return to Bronzeville. It is conceivable that the Negro question—given the moral flabbiness of America—is incapable of solution. Perhaps not all social problems are soluble. Indeed it is only in America that one finds the imperative to assume that all social problems can be solved without conflict. To feel that a social problem cannot be solved peacefully is considered almost immoral. Americans are required to appear cheerful and optimistic about a solution, regardless of evidence to the contrary. This is particularly difficult for Negroes, who at the same time must endure all the disadvantages of the Job Ceiling and the Black Ghetto, as well as other forms of subordination.

So far, most Chicagoans view Negro-white relations negatively—solely in terms of preventing a riot. *While all responsible Negroes try to prevent violent conflict, their primary interest is in the complete abolition of political and economic subordination and enforced segregation.*

Chicago's last riot came after the First World War. There is still danger that in the critical years following the Second World War it might happen again. Any attempts to effect a moving equilibrium which will prevent racial outbursts must involve the following processes: (1) the continuous interpretation of the Negro's aspirations and demands to all sections of the white community; (2) the actual progressive relaxation of discrimination and segregation, beginning immediately; (3) the inclusion of Negroes in all postwar plans on an equitable basis; (4) the strengthening of social controls—familial, associational, and governmental—within the Black Belt; (5) the constructive channeling of the Negro's mass resentment into successful action-patterns of nonviolent protest. Whether at this time Chicago, America, or the world can take such progressive steps in relation to their subject people, even to avert violence, is questionable.

But the problem of Bronzeville and of the American Negro is not

OF THINGS TO COME

an isolated problem. The fate of Black Metropolis is dependent on the fate of Midwest Metropolis, of the country, and of the world. Forces which are in no sense local will in the final analysis determine the movement of this drama of human relations toward hope or tragedy. The Negro problem is an integral part of "a special phase of, the whole complex of problems in the larger American civilization," states Myrdal; "it cannot be treated in isolation."³ The fate of the people of Black Metropolis—whether they will remain the marginal workers to be called in only at times of great economic activity, or will become an integral part of the American economy and thus lay the basis for complete social and political integration—depends not so much on what happens locally as on what happens in America and the world. Given widespread postwar unemployment, for instance, the Negro may again become a chronic relief client, despised by the majority of white citizens who have to support him from taxes and the symbol around which the aggressions of a frustrated society can be organized, so that he may fill the role of whipping boy for an emerging American Fascism. This, too, depends not so much upon Chicago as upon the possibility of America's achieving full employment in the postwar world and on the development of a world program for emancipating the Common Man.

So it is really only "One World." The problems that arise on Bronzeville's Forty-seventh Street encircle the globe. But the people of Black Metropolis and of Midwest Metropolis do not feel that this relieves them from maintaining their own constant struggle for a complete democracy as the only way to attain the world we say we want to build. The people of Black Metropolis and of Midwest Metropolis and of all their counterparts are intertwined and interdependent. What happens to one affects all. A blow struck for freedom in Bronzeville finds its echo in Chungking and Moscow, in Paris and Senegal. A victory for Fascism in Midwest Metropolis will sound the knell of doom for the Common Man everywhere.

NIAL FERGUSON

The Ascent of Money

A Financial History of the World

In 1941 a real estate developer built a six-foot high wall right across Detroit's 8 Mile district. He had to build it to qualify for subsidized loans from the Federal Housing Administration. The loans were to be given out for construction only on the side of the wall where the residents were mainly white. In the predominantly black part of town, there was to be no federal lending, because African-Americans were regarded as uncreditworthy.²⁵ It was part of a system that divided the whole city, in theory by credit rating, in practice by colour. Segregation, in other words, was not accidental, but a direct consequence of government policy. Federal Home Loan Bank Board maps showed the predominantly black areas of Detroit – the Lower East Side and some so-called 'colonies' on the West Side and 8 Mile – marked with a D and coloured red. The areas marked A, B or C were mainly white. The distinction explains why the practice of giving whole areas a negative credit-rating came to be known as red-lining.²⁷ As a result, when people in D areas wanted to take out mortgages, they paid significantly higher interest rates than the people from areas A to C. In the 1950s, one in five black mortgage-borrowers paid 8 per cent or more, whereas virtually no whites paid more than 7 per cent.²⁸ This was the hidden financial dimension of the Civil Rights struggle.

Detroit was home to successful black entrepreneurs like Berry Gordy, the founder of the Motown record label, which appropriately enough had its very first hit in 1960 with Barrett Strong's 'Money, That's What I Want'. Other Motown stars like Marvin Gaye still lived in the city. Yet throughout the 1960s the prejudice persisted that black neighbourhoods were a bad credit risk. Anger at such economic discrimination lay behind the riots that broke out in Detroit's 12th Street on 23 July 1967. In five days of mayhem after a police raid on a 'blind pig' (an unlicensed bar), forty-three people were killed, 467 injured, over 7,200 arrested and nearly 3,000 buildings looted or burned – a potent symbol of black rejection of a property-owning democracy that still treated them as second-class citizens.²⁹ Even today, you can still see the empty lots that the riots left in their wake. It took regular army troops with tanks and machine-guns to quell what was officially recognized as an insurrection.

As in the 1930s, the challenge of violence brought a political response. In the wake of the Civil Rights legislation of the 1960s, new steps were taken to broaden access to home ownership. In

1968 Fannie Mae was split in two: the Government National Mortgage Association (Ginnie Mae), which was to cater to poor borrowers like military veterans, and a rechartered Fannie Mae, now a privately owned government sponsored enterprise (GSE), which was permitted to buy conventional as well as government-guaranteed mortgages. Two years later, to provide some competition in the secondary market, the Federal Home Loan Mortgage Corporation (Freddie Mac) was set up. The effect was once again to broaden the secondary market for mortgages, and in theory at least to lower mortgage rates. Red-lining on the basis of racial discrimination did not cease overnight, needless to say; but it became a federal offence.³⁰ Indeed, with the Community Reinvestment Act of 1977, American banks came under statutory pressure to lend to poorer minority communities. With the US housing market now underwritten by what sounded like a financial version of the 'Mamas and the Papas' – Fannie, Ginnie and Freddie – the political winds were set fair for the property-owning democracy. Those who ran Savings and Loans could live by the comfortable 3-6-3 rule: pay 3 per cent on deposits, lend money at 6 per cent and be on the golf course by 3 o'clock every afternoon.

Directions: Read each of the quotations and explain if the person would be for or against the Civil Rights movement and why. Please write the answers in the margins. The quotations are based on the article in Look magazine where the Bryants confessed to their role in Emmett's death.

Then, write two paragraphs about how YOU feel about the Till murder and the video we watched. Please refer to a specific part of the video or these letters at least twice.

Letters to the Editor

...The Shocking Story of Approved Killing in Mississippi (By William Bradford Huie, Look January 24) is a magnificent piece of journalism...The article did something very valuable about this case. For us, the public, whose hearts were torn by it, this article took the sinisterness out of this thing; by holding it up to truth, we saw all these people in three dimensions: We could see how the men acting out of their own background could do this thing and feel justified; and we saw the boy, acting out of his convictions too. It also made the women appear more decent; after all they had tried indeed to keep the news of the incident away from their men -- they were not sadistic trouble makers, as the newspapers had given the impression...The man who wrote the article must be a wonderful reporter. Many, many thanks.

Dora Berezov

New York, New York

...I want to cancel my subscription to your magazine at once. I will not have my home contaminated with...filthy, dishonest articles...

Mrs. W. R. Prevost

Utica, Mississippi

The South and many other sections of the country...thank you for your article...The killing was a most unfortunate affair to be true. More unfortunate was the failure of the press to give an unbiased, objective report of the whole incident. No race in the world has made as much progress as the Southern Negro since he was set free as a slave 90 years ago. The southern white man has contributed gladly to that advancement and will continue to do so, if social reformers who know little about our problem will let us work it out in our own way...

Lee B. Weathers

Publisher, Shelby Daily Star

Shelby, North Carolina

...Minorities all over the country are indebted to your stand on this brutal slaying...

A/C Howard L. Austin, U.S.A.F

Geneva, New York

...To publish this story, of which no one is proud, but which was certainly justified, smacks loudly of circulation hunting. Roy Bryant and J. W. Milam did what had to be done, and their courage in taking the course they did is to be commended. To have followed any other course would have been unrealistic, cowardly and not in the best interest of their family or country.

Richard Lauchli

Collinsville, Illinois

...Your exposé of the Till case was done with candid but restrained technique. You are to be complimented for your willingness to stick your neck out in this manner for the sake of justice...

Samuel H. Cassel D.D.

The Fairview Baptist Church
Cleveland, Ohio

...If this case is not reopened and the guilty punished, I shall laugh at the word "justice."
William T. Bates
Folsom, Pennsylvania

...What I condemn is the article's underlying current of emotion directed against the entire south, an emotion which must of its nature provoke feelings of aversion and antipathy against the innocent as well as the guilty.
James E. Brown
New Orleans, Louisiana

...After reading [the article], I am... ashamed to admit that I am a Southerner.
Arnold L. McLain, BM1, U.S.N.
San Francisco, California

... If you are slurring the people of Mississippi because they did not condemn the two white men, then remind yourself that the two men did not deliberately start the chain of action. For that matter, neither did the Till boy. All of it was precipitated by backgrounds and events outside the main actors in the drama. Regrettable to be sure. But you and I are as much to blame for the killing as the ones who were directly involved...The things is done and nothing anyone can do will bring the Till boy back, but if we fail to learn the obvious lessons from this, there will be other and worse such cases...
C. R. L. Rader
Marion, North Carolina

...If the Till boy were my own son, and he were white in color (as I am) and he conducted himself by molesting a Negro woman...I would approve and understand if the Negro husband did likewise..
Walter Tate
Brooklyn, New York

...Can you in any number of "unbiased" versions change the single deadly...fact that had Emmett Till been a white boy, his approaches to Carolyn Bryant...would very probably have been laughed aside as teen-age bolsterousness?...
Ann J. Chisholm
Palmdale, California

...I'm not saying the boy did the right things, but neither has anyone the right to take the law into his own hands.
Mrs. Jerome McAndrews
Lost Nation, Iowa

...You are champions of the NAACP...
John Barber
Montgomery, Alabama

Brown v. Board of Education of Topeka Kansas (1954)

In 1950 Kansas state law allowed local school boards to segregate schoolchildren, although they were not required to do so. The city of Topeka chose to segregate its elementary schools by race.

In September of 1950 Oliver Brown, who was black, took his third-grade daughter Linda to register at the school closest to their home, which was a white school. She was refused registration, and was told to enroll at a black elementary school much further from her home. Oliver Brown contacted the NAACP and agreed to allow his case to be used to test the constitutionality of segregation in education. The case was combined with other similar cases from other states, and argument was heard before the United States Supreme Court in 1954. In argument before the Court, the NAACP agreed that the school facilities in Topeka for blacks were "equal" to those for whites, but argued that the segregation nevertheless violated the fourteenth amendment.

The Court's Decision in "Brown"

In *Brown v. Board of Education* the Supreme Court voted unanimously to declare that segregation in education was an unconstitutional violation of the fourteenth amendment. The court agreed with the argument of the NAACP that even if the school facilities were equal, the mere fact of segregation created damaging feelings of inferiority in black children. In so ruling, the court overturned the precedent it had set in *Plessy* 58 years previously, and created a new precedent that would force the end of Jim Crow laws in all aspects of American life. What follows is excerpted from the "Brown" decision:

"We come then to the question presented: does the segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

... Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racially integrated school system.

Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson*, this finding is amply supported by modern authority. Any language in *Plessy v. Ferguson* contrary to this finding is rejected.

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs... are... deprived of the equal protection of the laws guaranteed by the fourteenth amendment."

-tangible: concrete.
-sanction: official approval.
-retard: slow down.

-detrimental: negative.
-denoting: symbolizing.
-inherently: by definition.

Highlight or otherwise mark the moments in this address where Governor Barnett challenges the Constitution or the validity of the actions of the US National Government. Next to each part, write down if YOU think it is a valid argument and why or why not.

Governor Ross Barnett's Proclamation to the People of Mississippi

Address broadcast via TV and radio
September 13, 1962

"The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people." These are not my words. This is the tenth amendment to the Constitution of the United States.

Ladies and gentlemen, my friends and fellow Mississippians: I speak to you as your Governor in a solemn hour in the history of our great state and in our nation's history. I speak to you now in the moment of our greatest crisis since the War Between the States.

In the absence of constitutional authority and without legislative action, an ambitious federal government, employing naked and arbitrary power, has decided to deny us the right of self-determination in the conduct of the affairs of our sovereign state. Having long since failed in their efforts to conquer the indomitable spirit of the people of Mississippi and their unshakable will to preserve the sovereignty and majesty of our commonwealth, they now seek to break us physically with the power of force.

Even now as I speak to you tonight, professional agitators and the unfriendly liberal press and other trouble makers are pouring across our borders intent upon instigating strife among our people. Paid propagandists are continually hammering away at us in the hope that they can succeed in bringing about a division among us. Every effort is being made to intimidate us into submission to the tyranny of judicial oppression. The Kennedy Administration is lending the power of the federal government to the ruthless demands of these agitators. Thus we see our own federal government teamed up with a motley array of un-American pressure groups against us. This is the crisis we face today.

Principle is a little word. It is easy to speak and to spell and in print is easily overlooked, but it is a word that is tremendous in its import and meaning denoting respect and obedience to those fundamental and eternal truths that should be respected and form the way of life of all honest and right-thinking people. Expediency is for the hour; principles are for the ages. Principles are a passion for truth and right and justice, and as long as the rains descend and the winds blow, it is but folly to build upon the shifting sands of political expediency. It is better for one's blood to be poisoned than for him to be poisoned in his principles. So deep and compelling were the

convictions and principles of our forefathers that they risked even death to establish this now desecrated Constitution as the American way of life and handed it to us in trust as our sacred heritage and for our preservation.

The day of expediency is past. We must either submit to the unlawful dictates of the federal government or stand up like men and tell them no. The day of reckoning has been delayed as long as possible. It is now upon us. This is the day, and this is the hour. Knowing you as I do, there is no doubt in my mind what the overwhelming majority of loyal Mississippians will do. They will never submit to the moral degradation, to the shame and the ruin which have faced all others who have lacked the courage to defend their beliefs.

I have made my position in this matter crystal clear. I have said in every county in Mississippi that no school in our state will be integrated while I am your Governor. I shall do everything in my power to prevent integration in our schools. I assure you that the schools will not be closed if this can possibly be avoided, but they will not be integrated if I can prevent it. As your Governor and Chief Executive of the sovereign State of Mississippi, I now call on every public official and every private citizen of our great state to join me...

On Civil Rights

1963

Senator Edward Kennedy calls this speech by John F. Kennedy (1917-1963), and President Kennedy's speech to Congress eight days later proposing legislation that became the 1964 Civil Rights Act, "landmarks of the civil rights movement." The legislation was one of his brother's "greatest legacies," Senator Kennedy says, and he believes their brother Robert Kennedy would feel the same way.

In 1960 the Civil Rights Commission found that 57 percent of African American housing was judged unacceptable, that African Americans found it nearly impossible to get mortgages, and that African American life expectancy was seven years lower than whites' while African American infant mortality was twice that of whites. The Senator recalls that his two older brothers were hands-on civil rights activists as early as October 1960: "Jack and Bobby responded swiftly when Dr. Martin Luther King was arrested with other demonstrators for taking seats at a segregated restaurant in Atlanta . . . Jack called Coretta Scott King to offer his moral support and promised to work for Dr. King's release. Bobby called the judge, and was able to obtain Dr. King's release the next day." He adds: "In those early days of the civil rights movement, just a week before the Presidential election, Nixon opted to remain silent on the issue."

Kennedy's address makes it clear that the legislation was proposed in response to civil rights protest, and the Senator remembers that his brother felt "strongly compelled to take action": the laws "were inspired by the civil rights movement," by the "sacrifices [of] dedicated leaders at every level of American society who marched, protested, and organized." The speech came a month after the Southern Christian Leadership Conference's "Children's Campaign" in Birmingham, and two months after King's "Letter from Birmingham Jail." The Senator notes that when King was in jail in Birmingham, President Kennedy and his cabinet members "privately called corporate leaders with subsidiaries in Birmingham, urging them to negotiate with Dr. King to try to settle the civil rights issues he'd raised in the city."

In this speech, Kennedy puts the act in its Cold War context. The Senator explains that while the issue of civil rights was important to his brother on its own terms, it obviously had a global context: "As the American people became more focused on promoting basic human rights for our citizens, it was inevitable that these goals would shape our view of oppression and the denial of human rights in other nations." President Kennedy also refers to Lincoln's Emancipation Proclamation. This was a way to insist, the Senator says, that "too many years had passed without a genuine national commitment to eliminate the stain of slavery."

Congress was still debating the Civil Rights bill when Kennedy was assassinated in Dallas on November 22, 1963. Lyndon Johnson used the shock of Kennedy's death to push

forward the legislation and by January 1964, 68 percent of the population supported its passage. In July 1964 Johnson signed the bill. The Senator believes that the act brought not just "a change in the law, but a change in attitudes," that it "helped change America not just legally, but in terms of our ideal of equality, of opportunity for all," and that it "defined a new and lasting national commitment to get serious about ending the injustice of segregation and racial oppression." But he acknowledges that "civil rights is still the great unfinished business of America." Citing the lyrics of the 1968 song about Lincoln, King, and Kennedy, "Abraham, Martin, and John," the Senator concludes: "we'll be free . . . it's gonna be one day."

This afternoon, following a series of threats and defiant statements, the presence of Alabama National Guardsmen was required on the University of Alabama to carry out the final and unequivocal order of the United States District Court of the Northern District of Alabama. That order called for the admission of two clearly qualified young Alabama residents who happened to have been born Negro. That they were admitted peacefully on the campus is due in good measure to the conduct of the students of the University of Alabama, who met their responsibilities in a constructive way.

I hope that every American, regardless of where he lives, will stop and examine his conscience about this and other related incidents. This Nation was founded by men of many nations and backgrounds. It was founded on the principle that all men are created equal, and that the rights of every man are diminished when the rights of one man are threatened.

Today we are committed to a worldwide struggle to promote and protect the rights of all who wish to be free. And when Americans are sent to Viet-Nam or West Berlin, we do not ask for whites only. It ought to be possible, therefore, for American students of any color to attend any public institution they select without having to be backed up by troops. It ought to be possible for American consumers of any color to receive equal service in places of public accommodation, such as hotels and restaurants and theaters and retail stores, without being forced to resort to demonstrations in the street, and it ought to be possible for American citizens of any color to register to vote in a free election without interference or fear of reprisal. It ought to be possible, in short, for every American to enjoy the privileges of being American without regard to his race or his color. In short, every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated. But this is not the case.

The Negro baby born in America today, regardless of the section of the Nation in which he is born, has about one-half as much chance of completing a high school as a white baby born in the same place on the same day, one-third as much chance of completing college, one-third as much chance of be-

massacre, Johnson's description in his voting rights speech of the "scars on the hopeful face of a young child" seemed painfully ironic.

At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama. There, long-suffering men and women peacefully protested the denial of their rights as Americans. Many were brutally assaulted. One good man, a man of God, was killed. There is no cause for pride in what has happened in Selma. There is no cause for self-satisfaction in the long denial of equal rights of millions of Americans. But there is cause for hope and for faith in our democracy in what is happening here tonight. For the cries of pain and the hymns and protests of oppressed people have summoned into convocation all the majesty of this great Government—the Government of the greatest Nation on earth. Our mission is at once the oldest and the most basic of this country: to right wrong, to do justice, to serve man.

In our time we have come to live with moments of great crisis. Our lives have been marked with debate about great issues; issues of war and peace, issues of prosperity and depression. But rarely in any time does an issue lay bare the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, our welfare or our security, but rather to the values and the purposes and the meaning of our beloved Nation. The issue of equal rights for American Negroes is such an issue. And should we defeat every enemy, should we double our wealth and conquer the stars, and still be unequal to this issue, then we will have failed as a people and as a nation. For with a country as with a person, "What is a man profited, if he shall gain the whole world, and lose his own soul?" There is no Negro problem. There is no Southern problem. There is no Northern problem. There is only an American problem. And we are met here tonight as Americans—not as Democrats or Republicans—we are met here as Americans to solve that problem.

This was the first nation in the history of the world to be founded with a purpose. The great phrases of that purpose still sound in every American heart, North and South: "All men are created equal"—"government by consent of the governed"—"give me liberty or give me death." Well, those are not just clever words, or those are not just empty theories. In their name Americans have fought and died for two centuries, and tonight around the world they stand there as guardians of our liberty, risking their lives. Those words are a promise to every citizen that he shall share in the dignity of man. This dignity cannot be found in a man's possessions; it cannot be found in his power, or in his position. It really rests on his right to be treated as a man equal in opportunity

nity to all others. It says that he shall share in freedom, he shall choose his leaders, educate his children, and provide for his family according to his ability and his merits as a human being.

To apply any other test—to deny a man his hopes because of his color or race, his religion or the place of his birth—is not only to do injustice, it is to deny America and to dishonor the dead who gave their lives for American freedom. Our fathers believed that if this noble view of the rights of man was to flourish, it must be rooted in democracy. The most basic right of all was the right to choose your own leaders. The history of this country, in large measure, is the history of the expansion of that right to all of our people.

Many of the issues of civil rights are very complex and most difficult. But about this there can and should be no argument. Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty we have to ensure that right. Yet the harsh fact is that in many places in this country men and women are kept from voting simply because they are Negroes. Every device of which human ingenuity is capable has been used to deny this right. The Negro citizen may go to register only to be told that the day is wrong, or the hour is late, or the official in charge is absent. And if he persists, and if he manages to present himself to the registrar, he may be disqualified because he did not spell out his middle name or because he abbreviated a word on the application. And if he manages to fill out an application he is given a test. The registrar is the sole judge of whether he passes this test. He may be asked to recite the entire Constitution, or explain the most complex provisions of State law. And even a college degree cannot be used to prove that he can read and write. For the fact is that the only way to pass these barriers is to show a white skin.

Experience has clearly shown that the existing process of law cannot overcome systematic and ingenious discrimination. No law that we now have on the books—and I have helped to put three of them there—can ensure the right to vote when local officials are determined to deny it. In such a case our duty must be clear to all of us. The Constitution says that no person shall be kept from voting because of his race or his color. We have all sworn an oath before God to support and to defend that Constitution. We must now act in obedience to that oath. On Wednesday I will send to Congress a law designed to eliminate illegal barriers to the right to vote . . . This bill will strike down restrictions to voting in all elections—Federal, State, and local—which have been used to deny Negroes the right to vote. This bill will establish a simple, uniform standard which cannot be used, however ingenious the effort, to flout our Constitution. It will provide for citizens to be registered by officials of the United States Government if the State officials refuse to register them. It will

eliminate tedious, unnecessary lawsuits which delay the right to vote. Finally, this legislation will ensure that properly registered individuals are not prohibited from voting . . . To those who seek to avoid action by their National Government in their own communities; who want to and who seek to maintain purely local control over elections, the answer is simple: Open your polling places to all your people. Allow men and women to register and vote whatever the color of their skin. Extend the rights of citizenship to every citizen of this land. There is no constitutional issue here. The command of the Constitution is plain. There is no moral issue. It is wrong—deadly wrong—to deny any of your fellow Americans the right to vote in this country. There is no issue of States rights or national rights. There is only the struggle for human rights. I have not the slightest doubt what will be your answer.

The last time a President sent a civil rights bill to the Congress it contained a provision to protect voting rights in Federal elections. That civil rights bill was passed after eight long months of debate. And when that bill came to my desk from the Congress for my signature, the heart of the voting provision had been eliminated. This time, on this issue, there must be no delay, no hesitation and no compromise with our purpose. We cannot, we must not, refuse to protect the right of every American to vote in every election that he may desire to participate in. And we ought not and we cannot and we must not wait another eight months before we get a bill. We have already waited a hundred years and more, and the time for waiting is gone. So I ask you to join me in working long hours—nights and weekends, if necessary—to pass this bill. And I don't make that request lightly. For from the window where I sit with the problems of our country I recognize that outside this chamber is the outraged conscience of a nation, the grave concern of many nations, and the harsh judgment of history on our acts. But even if we pass this bill, the battle will not be over. What happened in Selma is part of a far larger movement which reaches into every section and State of America. It is the effort of American Negroes to secure for themselves the full blessings of American life. Their cause must be our cause too. Because it is not just Negroes, but really it is all of us, who must overcome the crippling legacy of bigotry and injustice. And we shall overcome.

As a man whose roots go deeply into Southern soil I know how agonizing racial feelings are. I know how difficult it is to reshape the attitudes and the structure of our society. But a century has passed, more than a hundred years, since the Negro was freed. And he is not fully free tonight. It was more than a hundred years ago that Abraham Lincoln, a great President of another party, signed the Emancipation Proclamation, but emancipation is a proclamation and not a fact. A century has passed, more than a hundred years, since equality was promised. And yet the Negro is not equal. A century has passed since the day of promise. And the promise is unkept. The time of justice has now come.

tell you that I believe sincerely that no force can hold it back. It is right in the eyes of man and God that it should come. And when it does, I think that day will brighten the lives of every American. For Negroes are not the only victims. How many white children have gone uneducated, how many white families have lived in stark poverty, how many white lives have been scarred by fear, because we have wasted our energy and our substance to maintain the barriers of hatred and terror? So I say to all of you here, and to all in the Nation tonight, that those who appeal to you to hold on to the past do so at the cost of denying you your future. This great, rich, restless country can offer opportunity and education and hope to all: black and white, North and South, sharecropper and city dweller. These are the enemies: poverty, ignorance, disease. They are the enemies and not our fellow man, not our neighbor. And these enemies too, poverty, disease and ignorance, we shall overcome . . .

As we meet here in this peaceful, historic chamber tonight, men from the South, some of whom were at Iwo Jima, men from the North who have carried Old Glory to far corners of the world and brought it back without a stain on it, men from the East and from the West, are all fighting together without regard to religion, or color, or region, in Viet-Nam. Men from every region fought for us across the world 20 years ago. And in these common dangers and these common sacrifices the South made its contribution of honor and gallantry no less than any other region of the great Republic—and in some instances, a great many of them, more. And I have not the slightest doubt that good men from everywhere in this country, from the Great Lakes to the Gulf of Mexico, from the Golden Gate to the harbors along the Atlantic, will rally together now in this cause to vindicate the freedom of all Americans. For all of us owe this duty; and I believe that all of us will respond to it. Your President makes that request of every American.

The real hero of this struggle is the American Negro. His actions and protests; his courage to risk safety and even to risk his life, have awakened the conscience of this Nation. His demonstrations have been designed to call attention to injustice, designed to provoke change, designed to stir reform. He has called upon us to make good the promise of America. And who among us can say that we would have made the same progress were it not for his persistent bravery, and his faith in American democracy. For at the real heart of battle for equality is a deep-seated belief in the democratic process. Equality depends not on the force of arms or tear gas but upon the force of moral right; not on recourse to violence but on respect for law and order . . .

My first job after college was as a teacher in Cotulla, Texas, in a small Mexican-American school. Few of them could speak English, and I couldn't speak much Spanish. My students were poor and they often came to class without breakfast, hungry. They knew even in their youth the pain of prejudice. They

coming a professional man, twice as much chance of becoming unemployed, about one-seventh as much chance of earning \$10,000 a year, a life expectancy which is seven years shorter, and the prospects of earning only half as much.

This is not a sectional issue. Difficulties over segregation and discrimination exist in every city, in every State of the Union, producing in many cities a rising tide of discontent that threatens the public safety. Nor is this a partisan issue. In a time of domestic crisis men of good will and generosity should be able to unite regardless of party or politics. This is not even a legal or legislative issue alone. It is better to settle these matters in the courts than on the streets, and new laws are needed at every level, but law alone cannot make men see right.

We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution. The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities; whether we are going to treat our fellow Americans as we want to be treated. If an American, because his skin is dark, cannot eat lunch in a restaurant open to the public, if he cannot send his children to the best public school available, if he cannot vote for the public officials who will represent him, if, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed and stand in his place? Who among us would then be content with the counsels of patience and delay? One hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. They are not yet freed from the bonds of injustice. They are not yet freed from social and economic oppression. And this Nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free.

We preach freedom around the world, and we mean it, and we cherish our freedom here at home, but are we to say to the world, and much more importantly, to each other that this is the land of the free except for the Negroes; that we have no second-class citizens except Negroes; that we have no class or caste system, no ghettos, no master race except with respect to Negroes?

Now the time has come for this Nation to fulfill its promise. The events in Birmingham and elsewhere have so increased the cries for equality that no city or State or legislative body can prudently choose to ignore them. The fires of frustration and discord are burning in every city, North and South, where legal remedies are not at hand. Redress is sought in the streets, in demonstrations, parades, and protests which create tensions and threaten violence and threaten lives.

We face, therefore, a moral crisis as a country and as a people. It cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is time to act in

the Congress, in your State and local legislative body and, above all, in all of our daily lives. It is not enough to pin the blame of others, to say this a problem of one section of the country or another, or deplore the fact that we face. A great change is at hand, and our task, our obligation, is to make that revolution, that change, peaceful and constructive for all. Those who do nothing are inviting shame as well as violence. Those who act boldly are recognizing right as well as reality.

Next week I shall ask the Congress of the United States to act, to make a commitment it has not fully made in this century to the proposition that race has no place in American life or law. The Federal Judiciary has upheld that proposition in the conduct of its affairs, including the employment of Federal personnel, the use of Federal facilities, and the sale of federally financed housing. But there are other necessary measures which only the Congress can provide, and they must be provided at this session. The old code of equity law under which we live commands for every wrong a remedy, but in too many communities, in too many parts of the country, wrongs are inflicted on Negro citizens and there are no remedies at law. Unless the Congress acts, their only remedy is in the street. I am, therefore, asking the Congress to enact legislation giving all Americans the right to be served in facilities which are open to the public—hotels, restaurants, theaters, retail stores, and similar establishments. This seems to me to be an elementary right. Its denial is an arbitrary indignity that no American in 1963 should have to endure, but many do.

I have recently met with scores of business leaders urging them to take voluntary action to end this discrimination and I have been encouraged by their response, and in the last two weeks over 75 cities have seen progress made in desegregating these kinds of facilities. But many are unwilling to act alone; and for this reason, nationwide legislation is needed if we are to move this problem from the streets to the courts.

I am also asking the Congress to authorize the Federal Government to participate more fully in lawsuits designed to end segregation in public education. We have succeeded in persuading many districts to desegregate voluntarily. Dozens have admitted Negroes without violence. Today a Negro is attending a State-supported institution in every one of our 50 States, but the pace is very slow. Too many Negro children entering segregated grade schools at the time of the Supreme Court's decision nine years ago will enter segregated high schools this fall, having suffered a loss which can never be restored. The lack of an adequate education denies the Negro a chance to get a decent job.

The orderly implementation of the Supreme Court decision, therefore, cannot be left solely to those who may not have the economic resources to carry the legal action or who may be subject to harassment. Other features will also be requested, including greater protection for the right to vote. But legislation,

I repeat, cannot solve this problem alone. It must be solved in the homes of every American in every community across our country. In this respect I want to pay tribute to those citizens North and South who have been working in their communities to make life better for all. They are acting not out of a sense of legal duty but out of a sense of human decency. Like our soldiers and sailors in all parts of the world they are meeting freedom's challenge on the firing line, and I salute them for their honor and their courage.

My fellow Americans, this is a problem which faces us all—in every city of the North as well as the South. Today there are Negroes unemployed, two or three times as many compared to whites, inadequate in education, moving into the large cities, unable to find work, young people particularly out of work without hope, denied equal rights, denied the opportunity to eat at a restaurant or lunch counter or go to a movie theater, denied the right to a decent education, denied almost today the right to attend a State university even though qualified. It seems to me that these are matters which concern us all, not merely Presidents or Congressmen or Governors, but every citizen of the United States. This is one country. It has become one country because all of us and all the people who came here had an equal chance to develop their talents.

We cannot say to ten per cent of the population that you can't have that right; that your children cannot have the chance to develop whatever talents they have; that the only way that they are going to get their rights is to go into the streets and demonstrate. I think we owe them and we owe ourselves a better country than that. Therefore, I am asking for your help in making it easier for us to move ahead and to provide the kind of equality of treatment which we would want ourselves; to give a chance for every child to be educated to the limit of his talents. As I have said before, not every child has an equal talent or an equal ability or an equal motivation, but they should have an equal right to develop their talent and their ability and their motivation, to make something of themselves.

We have a right to expect that the Negro community will be responsible, will uphold the law, but they have a right to expect that the law will be fair, that the Constitution will be color blind, as Justice Harlan said at the turn of the century. This is what we are talking about and this is a matter which concerns this country and what it stands for, and in meeting it I ask the support of all our citizens.

From The American Promise

1965

This speech to Congress by President Johnson (1908-1973) points to the unkept promises of the Declaration of Independence and the Emancipation Proclamation. Existing federal anti-discrimination laws had never overcome state officials' resistance to the Fifteenth Amendment. In the 1890s, some states enacted disenfranchising laws: poll taxes, literacy tests, and disqualification of voters for "crimes of moral turpitude." White supremacist groups practiced violent intimidation, and election districts were gerrymandered. By 1910 nearly all black citizens in the former Confederate states were disenfranchised. In 1965, only a third of eligible African Americans, as opposed to two-thirds of eligible whites, were registered in these states.

Martin Luther King, Jr., desperately wanted the voting rights legislation to be enacted and planned a march in its support from Selma to Montgomery on March 7, 1965. But Johnson, who had advised King against the demonstration, called him to Washington, D.C., for a meeting. Six hundred marchers crossed the bridge over the Alabama River and were attacked on the other side by two hundred troopers and deputized "possemen" with clubs and tear gas. Seventeen marchers were hospitalized and a Boston minister died. Americans watched the televised violence and thousands headed to Selma to help the voter registration drive. Johnson gave his speech on March 15, and on March 21 the demonstration began again, with federal protection. On August 5, Congress passed the bill, parts of which follow the language of the Fifteenth Amendment. It provided for unprecedented federal intervention and ended the use of literacy requirements for voting in six states. Most southern states opened voter registration lists to blacks and control passed to the Justice Department in sixty-two counties that remained resistant. In Mississippi, black voting enrollment went from 6 percent in 1965 to 44 percent by 1968.

Johnson's speech acknowledges civil rights protest as the driving force behind the legislation, and he paid further tribute to protestors in an address of June 4, 1965. But the civil rights movement had been a training ground for several prominent antiwar protesters, and as Johnson escalated the Vietnam war effort between 1964 and 1968—sometimes using the language of his voting rights speech to explain America's presence in Vietnam ("We are there because we have a promise to keep . . . And I intend to keep that promise")—protesters turned against him. In 1966 the Student Nonviolent Coordinating Committee noted: "16% of the draftees from this country are Negroes called on to stifle the liberation of Vietnam, to preserve a 'democracy' which does not exist for them at home." King noted in 1967 that the Vietnam war had destroyed his Poverty Program, much as it came to hinder Johnson's Great Society program. In the wake of the My Lai

IMMEDIATE RELEASE

SEPTEMBER 30, 1962

Office of the White House Press Secretary

THE WHITE HOUSE

EXECUTIVE ORDER

11053

PROVIDING ASSISTANCE FOR THE REMOVAL OF
UNLAWFUL OBSTRUCTIONS OF JUSTICE IN THE
STATE OF MISSISSIPPI

WHEREAS on September 30, 1962, I issued Proclamation No. 3497 reading in part as follows:

"WHEREAS the Governor of the State of Mississippi and certain law enforcement officers and other officials of that State, and other persons, individually and in unlawful assemblies, combinations and conspiracies, have been and are wilfully opposing and obstructing the enforcement of orders entered by the United States District Court for the Southern District of Mississippi and the United States Court of Appeals for the Fifth Circuit; and

"WHEREAS such unlawful assemblies, combinations and conspiracies oppose and obstruct the execution of the laws of the United States, impede the course of justice under those laws and make it impracticable to enforce those laws in the State of Mississippi by the ordinary course of judicial proceedings; and

"WHEREAS I have expressly called the attention of the Governor of Mississippi to the perilous situation that exists and to his duties in the premises, and have requested but have not received from him adequate assurances that the orders of the courts of the United States will be obeyed and that law and order will be maintained;

"NOW THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333, and 334 thereof, do command all persons engaged in such obstructions of justice to cease and desist therefrom and to disperse and retire peaceably to their homes; and

WHEREAS the commands contained in that proclamation have not been obeyed and obstruction of enforcement of those court orders still exists and threatens to continue:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10, particularly Sections 332, 333 and 334 thereof, and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

Press Release:
Text of Telegram from President Kennedy
to Governor Barnett

September 30, 1962

IMMEDIATE RELEASE

September 30, 1962

Office of the White House Press Secretary

THE WHITE HOUSE

TEXT OF TELEGRAM FROM THE PRESIDENT
ADDRESSED TO THE HONORABLE
ROSS BARNETT, GOVERNOR, STATE OF
MISSISSIPPI

Hon. Ross Barnett
Governor
State of Mississippi
Jackson, Mississippi

To preserve our constitutional system the Federal Government has an overriding responsibility to enforce the orders of the Federal Courts. These courts have ordered that James Meredith be admitted now as a student at the University of Mississippi. These efforts by Federal law enforcement officials to give effect to the order have been unavailing because of your personal physical intervention and that of the Lieutenant Governor supported by State law enforcement officers. A fourth was called off at the last minute by the Attorney General on advice from you that extreme violence and bloodshed would otherwise result. By view of this breakdown of law and order in Mississippi and in accordance with our two telephone conversations today, I would like to be advised at once of your response to the following questions:

First, will you take action to see that the Court order is enforced and personally follow the Court's direction to you?

Second, if not, will you continue to actively interfere with enforcement of the orders of the court through your own actions or through the use of State law enforcement officials or in any other way?

Third, will State law enforcement officials cooperate in maintaining law and order and preventing violence in connection with Federal enforcement of the Court orders? In this connection, will you at once take steps to prohibit mobs from collecting in the Oxford area during this difficult period, and will you call on the University officials to issue regulations to prevent students from participating in demonstrations or mob activity? As Gover-

MORE

(over)

nor of the State of Mississippi, will you take the responsibility for maintaining law and order in that State when the Court orders are put into effect?

I would like to hear from you this evening by wire.

I hope for your complete cooperation and assistance in meeting our responsibilities.

John F. Kennedy
President of the United States

back to

September 28 or 29, 1962
Belt 4C: Excerpt of telephone conversation between Attorney General Robert Kennedy, Governor Ross Barnett, and President Kennedy

- 5 -

governor and I, both, I guess, we'll have to be up there to try to keep order, you know.

[Phone rings in background.]

RFK: Um.

Barnett: And, uh, we're to be up there pretty early Monday morning.

RFK: Will you?

Barnett: We'll be up there, uh, unless you ask us not to.

RFK: Yeah.

Barnett: Well, like, you see, we'll, we'll be up there and, uh, that's where the, all the people will be. Yeah. Yeah. I thought you and Watkins were going to talk about that kind of a situation, then what'd be the best thing to do under those conditions, you know.

RFK: Yeah. I think, uh, Governor, that, uh, the president had some, uh, questions that he, uh, wanted some answers to, uh, to . . .

Barnett: Well . . .

RFK: . . . make his own determination.

→ Barnett: . . . that's right. He wanted to know if I would, uh, obey the orders of the court, and I told him I, I'd have to do some, [study?] that over. That's a serious thing. I've taken an oath to abide by the laws of this state and our state constitution and the Constitution of the United States. [Clears his throat.] And, General, how can I violate my oath of office? How can I do that and live with the people of Mississippi? You know, they expecting me to keep my word. That's what I'm up against, and I don't . . .

JFK: Uh, oh, Governor, this . . .

Barnett: . . . understand why the court, why the court wouldn't understand that.

JFK: Governor, this is the president speaking.

Barnett: Yes, sir, Mr. President.

JFK: Uh, now, it's, I know that your feeling about the, uh, law of Mississippi and the fact that ya, you don't want to carry out that court order. What we really want to, uh, have from you, though, is some understanding about whether the state police will maintain law and order. We understand your feeling about the court order . . .

Barnett: Yes.

JFK: . . . and your disagreement with it. But what we're concerned about is, uh, how much violence is going to be and what kind of, uh, action

we'll have to take to prevent it. And I'd like to get assurances from you about, that the state police down there will take positive action to maintain law and order.

Barnett: Oh, they'll do that.

JFK: Then we'll know what we have to do.

Barnett: They'll, they'll take positive action, Mr. President, to maintain law and order as best we can.

JFK: And now, how good is . . .

Barnett: We'll have two hundred and twenty highway patrolmen . . .

JFK: Right.

Barnett: . . . and they'll absolutely be unarmed.

JFK: I understa- . . .

Barnett: Not a one of 'em'll be armed.

JFK: Well, no, but the problem is, well, what can they do to maintain law and order and prevent the gathering of a mob and, uh; action taken by the mob? What can they do? y

Barnett: Well? . . .

J. Can they stop that?

Barnett: Well, they'll do their best to. They'll do everything in their power to stop it.

JFK: Now, what about the suggestions made by the attorney general in regard to, uh, not permitting people to congregate and start a mob?

Barnett: Well, we'll do our best to, to keep 'em from congregating, but that's hard to do, you know.

JFK: Well, they just tell them to move along.

Barnett: When they start moving up on the sidewalks and . . .

JFK: Well? . . .

Barnett: . . . uh, different sides of the, uh, streets, what are you gonna do about it?

JFK: Well, now, as I understand it, uh, Governor, you would do everything you can to maintain, uh, law and order.

Barnett: I, I, I'll do everything in my power to maintain order . . .

JFK: Right. Now . . .

Barnett: . . . and peace. We don't want any shooting down here.

JFK: I understand. Now, Governor, what about . . .

Barnett: [Yes?].

JFK: . . . can you maintain this order?

Barnett: Well, I don't know.

JFK: Yeah.

Barnett: I, I, that's what I'm worried about . . .

JFK: That's . . .

Barnett: . . . you see. I don't know whether I can or not.

JFK: Right.

Barnett: I couldn't have the other afternoon.

JFK: You couldn't have?

Barnett: There was such a mob there, it would have been impossible.

JFK: I see.

Barnett: There were men in there with trucks and shotguns, and all such as that. Not, not a lot of 'em, but some we saw, and, uh, uh, certain people were just, uh, they were just enraged.

JFK: Well, now, will you talk . . .

Barnett: You just don't understand the situation down here.

JFK: Well, the only thing is I got my responsibility.

Barnett: I know you do.

JFK: This is not my order, I just have to carry it out. So I want to get together and try to do it with you in a way which is the most satisfactory and causes the least chance of, uh, damage to, uh, people in, uh, Mississippi. That's my interest.

Barnett: That's right. Would you be willing to wait awhile and let the people cool off on the whole thing?

JFK: 'Til how long?

Barnett: Couldn't you make a statement to the effect, Mr. President, uh, Mr. General, that under the circumstances existing in Mississippi, that,

uh, there'll be bloodshed; you want to protect the life of, of, of James Meredith and all other people? And under the circumstances at this time, it just wouldn't be fair to him or others, uh, to try to register him at this [time?].

JFK: Well, then at what time would it be fair?

Barnett: Well, we, we could wait a, I don't know.

JFK: Yeah.

Barnett: It might be in, uh, two or three weeks, it might cool off a [little?].

JFK: Well, would you undertake to register him in two weeks?

Barnett: Well, I, you know I can't undertake to register him myself . . .

JFK: I see.

Barnett: . . . but you all might make some progress that way, you know.

[JFK laughs.]

JFK: Yeah. Well, we'd be faced with, uh, . . . I'm, I, unless we had your support . . .

Barnett: You see . . .

JFK: . . . and assurance, we'd be . . .

Barnett: . . . I say I'm going to, I'm going to cooperate. Uh, I might not know, uh, when you're going to register him, you know.

JFK: I see. Well, now, Governor, why don't, uh, . . . Do you want to talk to Mr. Watkins?

Barnett: I might not know that, what, what your plans were, you see.

JFK: Do you want to, uh, do you want to talk to Mr. Watkins then . . .

Barnett: I'll be delighted to talk to him . . .

JFK: . . . the- . . .

Barnett: . . . and, uh, we'll call you back.

JFK: Okay, good.

Barnett: Uh, uh, Mr., uh, call the general back?

JFK: Yeah, call the general, and then I'll be around.

Barnett: All right.

"LETTER FROM BIRMINGHAM JAIL" (Edited)

April 16, 1963

Birmingham, Alabama

My Dear Fellow Clergymen:

While confined here in the Birmingham city jail, I came across your recent statement calling present activities "unwise and untimely." Seldom do I pause to answer criticism of my work and ideas. If I sought to answer all the criticisms that cross my desk, my secretaries would have little time for anything other than such correspondence in the course of the day, and I would have no time for constructive work. But since I feel that you are men of genuine good will and that your criticisms are sincerely set forth, I want to try to answer your statement in what I hope will be patient and reasonable terms.

I think I should indicate why I am here in Birmingham, since you have been influenced by the view which argues against "outsiders coming in." I have the honor of serving as President of the Southern Christian Leadership Conference, an organization operating in every southern state, with headquarters in Atlanta, Georgia. But more basically, I am in Birmingham because injustice is here. Just as the prophets of the eighth century B.C. left their villages and carried their "thus saith the Lord" far beyond the boundaries of their home towns, and just as the Apostle Paul left his village of Tarsus and carried the gospel of Jesus Christ to the far corners of the Greco-Roman world, so am I compelled to carry the gospel of freedom beyond my own home town. Like Paul, I must constantly respond to the Macedonian call for aid.

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly...

You deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails to express a similar concern for the conditions that brought about the demonstrations... It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community with no alternative.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self-purification; and direct action. We have gone through all these steps in Birmingham. There can be no gain saying the fact that racial injustice engulfs this community. Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of brutality is widely known. Negroes have experienced grossly unjust treatment in the courts. There have been more unsolved bombings of Negro homes and churches in Birmingham than in any other city in the nation. These are the hard, brutal facts of the case. On the basis of these conditions, Negro leaders sought to negotiate with the city fathers. But the latter consistently refused to engage in good-faith negotiation.

Then, last September, came the opportunity to talk with leaders of Birmingham's economic community. In the course of the negotiations, certain promises were made by the merchants -- for example, to remove the stores' humiliating racial signs. On the basis of these promises, the Reverend Fred Shuttlesworth and the leaders of the Alabama Christian Movement for Human Rights agreed to a moratorium on all demonstrations. As the weeks and months went by, we realized that we were the victims of a broken promise. A few signs, briefly removed, returned; the others remained.

As in so many past experiences, our hopes had been blasted, and the shadow of deep disappointment settled upon us. We had no alternative except to prepare for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of

the local and the national community. Mindful of the difficulties involved, we decided to undertake a process of self-purification. We began a series of workshops on nonviolence, and we repeatedly asked ourselves: "Are you able to accept blows without retaliation?" "are you able to endure the ordeal of jail?" We decided to schedule our direct-action program for the Easter season, realizing that except for Christmas, this is the main shopping period of the year. Knowing that a strong economic withdrawal program would be the by-product of direct action, we felt that this would be the best time to bring pressure to bear on the merchants for the needed change.

You may well ask: "Why direct action? Why sit-ins, marches, and so forth? Isn't negotiation a better path?" You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. My citing the creation of tension as part of the work of the nonviolent-resister may sound rather shocking. But I must confess that I am not afraid of the word "tension." I have earnestly opposed violent tension, but there is a type of constructive, nonviolent tension which is necessary for growth...

We know through painful experience that freedom is never voluntarily given by the oppressor, it must be demanded by the oppressed. Frankly, I have yet to engage in a direct-action campaign that was "well timed" in view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has almost always meant "Never." We must come to see, with one of our distinguished jurists, that "justice too long delayed is justice denied."

We have waited for more than 340 years for our constitutional and Godgiven rights. The nations of Asia and Africa are moving with jetlike speed toward gaining political independence, but we still creep at horse-and-buggy pace toward gaining a cup of coffee at a lunch counter. Perhaps it is easy for those who have never felt the stinging darts of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim; when you have seen hate-filled policemen curse, kick, and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society; when you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can't go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see ominous clouds of inferiority beginning to form in her little mental sky, and see her beginning to distort her personality by developing an unconscious bitterness toward white people; when you have to concoct an answer for a five-year-old son who is asking, "Daddy, why do white people treat colored people so mean?"; when you take a cross-country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by nagging signs reading "white" and "colored" when your first name becomes "Nigger," your middle name becomes "boy" (however old you are) and your last name becomes "John," and your wife and mother are never given the respected title "Mrs."; when you are harried by day and haunted by night by the fact that you are a Negro, living constantly at tiptoe stance, never quite knowing what to expect next, and are plagued with inner fears and outer resentments; when you are forever fighting a degenerating sense of "nobodiness" then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs over, and men are no longer willing to be plunged into the abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience.

We should never forget that everything Adolf Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. Even so, I am sure that, had I lived in Germany at the time, I would have aided and comforted my Jewish brothers. If today I lived in a Communist country where certain principles dear to the Christian faith are suppressed, I would openly advocate disobeying that country's anti-religious laws...

October 1966 Black Panther
Party Platform and Program

What We Want What We Believe

1. *We want freedom. We want power to determine the destiny of our Black Community.*

We believe that black people will not be free until we are able to determine our destiny.

2. *We want full employment for our people.*

We believe that the federal government is responsible and obligated to give every man employment or a guaranteed income. We believe that if the white American businessmen will not give full employment, then the means of production should be taken from the businessmen and placed in the community so that the people of the community can organize and employ all of its people and give a high standard of living.

3. *We want an end to the robbery by the white man of our Black Community.*

We believe that this racist government has robbed us and now we are demanding the overdue debt of forty acres and two mules. Forty acres and two mules was promised 100 years ago as restitution for slave labor and mass murder of black people. We will accept the payment in currency which will be distributed to our many communities. The Germans are now aiding the Jews in Israel for the genocide of the Jewish people. The Germans murdered six million Jews. The American racist has taken part in the slaughter of over fifty million black people; therefore, we feel that this is a modest demand that we make.

4. *We want decent housing, fit for shelter of human beings.*

We believe that if the white landlords will not give decent housing to our black community, then the housing and the land should be made into cooperatives so that our community, with government aid, can build and make decent housing for its people.

5. *We want education for our people that exposes the true nature of this decadent American society. We want education that teaches us our true history and our role in the present-day society.*

2

We believe in an educational system that will give to our people a knowledge of self. If a man does not have knowledge of himself and his position in society and the world, then he has little chance to relate to anything else. ...

6. *We want all black men to be exempt from military service.*

We believe that Black people should not be forced to fight in the military service to defend a racist government that does not protect us. We will not fight and kill other people of color in the world who, like black people, are being victimized by the white racist government of America. We will protect ourselves from the force and violence of the racist police and the racist military, by whatever means necessary.

7. *We want an immediate end to POLICE BRUTALITY and MURDER of black people.*

We believe we can end police brutality in our black community by organizing black self-defense groups that are dedicated to defending our black community from racist police oppression and brutality. The Second Amendment to the Constitution of the United States gives a right to bear arms. We therefore believe that all black people should arm themselves for self-defense.

8. *We want freedom for all black men held in federal, state, county and city prisons and jails.*

We believe that all black people should be released from the many jails and prisons because they have not received a fair and impartial trial.

9. *We want all black people when brought to trial to be tried in court by a jury of their peer group or people from their black communities, as defined by the Constitution of the United States.*

We believe that the courts should follow the United States Constitution so that black people will receive fair trials. The 14th Amendment of the U.S. Constitution gives a man a right to be tried by his peer group. A peer is a person from a similar economic, social, religious, geographical, environmental, historical and racial background. To do this the court will be forced to select a jury from the black community from which the black defendant came. We have been, and are being tried by all-white juries that have no understanding of the "average reasoning man" of the black community.

10. *We want land, bread, housing, education, clothing, justice and peace. And as our major political objective, a United Nations-supervised plebiscite to be held throughout the black colony in*

THE BLACK PANTHERS SPEAK

which only black colonial subjects will be allowed to participate, for the purpose of determining the will of black people as to their national destiny.

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But, when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.

Rules of the Black Panther Party

CENTRAL HEADQUARTERS, OAKLAND, CALIFORNIA

Every member of the BLACK PANTHER PARTY throughout this country of racist America must abide by these rules as functional members of this party. CENTRAL COMMITTEE members, CENTRAL STAFFS, and LOCAL STAFFS, including all captains subordinate to either national, state, and local leadership of the BLACK PANTHER PARTY will enforce these rules. Length of suspension or other disciplinary action necessary for violation of these rules will

Black Panther Party Platform, Program, and Rules

depend on national decisions by national, state or state area, and local committees and staffs where said rule or rules of the BLACK PANTHER PARTY WERE VIOLATED.

Every member of the party must know these verbatim by heart. And apply them daily. Each member must report any violation of these rules to their leadership or they are counter-revolutionary and are also subjected to suspension by the BLACK PANTHER PARTY.

The rules are:

1. No party member can have narcotics or weed in his possession while doing party work.
2. Any party member found shooting narcotics will be expelled from this party.
3. No party member can be DRUNK while doing daily party work.
4. No party member will violate rules relating to office work, general meetings of the BLACK PANTHER PARTY, and meetings of the BLACK PANTHER PARTY ANYWHERE.
5. No party member will USE, POINT, or FIRE a weapon of any kind unnecessarily or accidentally at anyone.
6. No party member can join any other army force other than the BLACK LIBERATION ARMY.
7. No party member can have a weapon in his possession while DRUNK or loaded off narcotics or weed.
8. No party member will commit any crimes against other party members or BLACK people at all, and cannot steal or take from the people, not even a needle or a piece of thread.
9. When arrested BLACK PANTHER MEMBERS will give only name, address, and will sign nothing. Legal first aid must be understood by all Party members.
10. The Ten-Point Program and platform of the BLACK PANTHER PARTY must be known and understood by each Party member.
11. Party Communications must be National and Local.
12. The 10-10-10 program should be known by all members and also understood by all members.
13. All Finance officers will operate under the jurisdiction of the Ministry of Finance.
14. Each person will submit a report of daily work.
15. Each Sub-Section Leaders, Section Leaders, and Lieutenants, Captains must submit Daily reports of work.
16. All Panthers must learn to operate and service weapons correctly.
17. All Leadership personnel who expel a member must submit

Directions:

Actively read each of these excerpts by Malcolm X. Fill in the chart with his methods and goals. Highlights a quotation (it could be just a few words) of each excerpt that makes an impact on you.

"Message to the Grass Roots" by Malcolm X (1963)

THE ONLY KIND OF REVOLUTION THAT IS NONVIOLENT IS THE Negro revolution. The only revolution in which the goal is loving your enemy is the Negro revolution. It is the only revolution in which the goal is a desegregated lunch counter, a desegregated theater, a desegregated park, and a desegregated public toilet; you can sit down next to the white folks – on the toilet. That's no revolution. Revolution is based on land. Land is the basis for all independence. Land is the basis of freedom, justice, and equality . . .

Revolution is bloody, revolution is hostile, revolution knows no compromise, revolution overturns and destroys everything that gets in its way. And you, sitting around here like a knot on the way, saying, "I'm going to love these folks no matter how much they hate me." No, you need a revolution. Whoever heard of a revolution where they lock arms....singing "We Shall Overcome?" You don't do that in a revolution. You don't do any singing, you're too busy swinging. It's based on land. A revolutionary wants land so he can set up his own nation, an independent nation. These Negroes aren't asking for any nation – they're trying to crawl back on the plantation.

Malcolm X Rejects Integration (1965)

I WOULD LOOK AROUND AT THOSE DEVILS AND THEIR TRAINED BLACK parrots staring at me, while I was catching my breath – and I had set my tone.

They would outdo each other, leaping in on me, hammering at Mr. Muhammad, at me, and at the Nation of Islam. Those "integration"-mad Negroes – you know what they jumped on. Why couldn't Muslims see that "integration" was the answer to American Negroes' problems? I'd try to rip that to pieces.

"No sane black man really wants integration! No sane white man really wants integration! No sane black man really believes that the white man ever will give the black man anything more than token integration. No! The Honorable Elijah Muhammad teaches that for the black man in America the only solution is complete separation from the white man! . . . The American black man should be focusing his effort toward building his own businesses, and decent homes for himself. As other ethnic groups have done, let the black people, wherever possible, however possible, patronize their own kind, hire their own kind, and start in those ways to build up the black race's ability to do for itself. That's the only way the American black man is ever going to get respect."

"Ballot or Bullets" by Malcolm X (1964)

YOU AND I IN AMERICA ARE FACED NOT WITH A segregationist conspiracy, we're faced with a government conspiracy. Everyone who's filibustering is a senator – that's the government. Everyone who's finagling in Washington, D.C., is a congressman – that's the government. You don't have anybody putting blocks in your path but people who are a part of the government. The same government that you go abroad to fight for and die for is the government that is in a conspiracy to deprive you of your voting rights, deprive you of your economic opportunities, deprive you of decent housing, deprive you of decent education. You don't need to go to the employer alone, it is the government itself, the government of America, that is responsible for the oppression and exploitation and degradation of black people in this country. . . . So, we're giving a new interpretation to the civil-rights struggle, an interpretation that will enable us to come into it, take part in it. And these handkerchief-heads who have been dillydallying and pussy footing and compromising – we don't intend to let them pussyfoot and dillydally and compromise any longer. . . .

Now you're facing a situation where the young Negro's coming up. They don't want to hear that "turn the-other-cheek" stuff, no. In Jacksonville, those were teenagers, they were throwing Molotov cocktails. Negroes have never done that before. But it shows you there's a new deal coming in. There's new thinking coming in. There's new strategy coming in. It'll be Molotov cocktails this month, hand grenades next month, and something else next month. It'll be ballots, or it'll be bullets. It'll be liberty, or it will be death. . . .

"To Mississippi Youth"

Malcolm X .

On December 31, 1964, Malcolm X spoke to a group of teenagers visiting Harlem from McComb, Mississippi. This is a brief excerpt from that speech.

In my opinion, the greatest accomplishment that was made in the struggle of the black man in America in 1964, toward some kind of real progress was the successful linking together of our problem with the African problem, or making our problem a world problem. Because now, whenever anything happens to you in Mississippi, it's not just a case of somebody in Alabama getting indignant, or somebody in New York getting indignant. The same repercussions that you see all over the world when an imperialist, or foreign power interferes in some section of Africa . . . nowadays, when something happens to black people in Mississippi, you'll see the same repercussions all over the world. I wanted to point this out to you because it is important for you to know that when you're in Mississippi, you're not alone. . . . We here in the Organization of Afro-American Unity are with the struggle in Mississippi one thousand per cent. We're with the efforts to register our people in Mississippi to vote one thousand per cent. But we do not go along with anybody telling us to help nonviolently. . . . You get freedom by letting your enemy know that you'll do anything to get your freedom; then you'll get it. It's the only way you'll get it.

Delivered October 1966, Berkeley, CA by Stokely Carmichael, the newly appointed Chairman of the Student Non-Violent Coordinating Committee (SNCC). (Excerpts)

Now we are now engaged in a psychological struggle in this country, and that is whether or not black people will have the right to use the words they want to use without white people giving their sanction to it; and that we maintain, whether they like it or not, we gonna use the word "Black Power" -- and let them address themselves to that; but that we are not going to wait for white people to sanction Black Power. We're tired waiting; every time black people move in this country, they're forced to defend their position before they move. It's time that the people who are supposed to be defending their position do that. That's white people. They ought to start defending themselves as to why they have oppressed and exploited us...

Now it is clear that when this country started to move in terms of slavery, the reason for a man being picked as a slave was one reason -- because of the color of his skin. If one was black one was automatically inferior, inhuman, and therefore fit for slavery; so that the question of whether or not we are individually suppressed is nonsensical, and it's a downright lie. We are oppressed as a group because we are black, not because we are lazy, not because we're apathetic, not because we're stupid, not because we smell, not because we eat watermelon and have good rhythm. We are oppressed because we are black...

And in order to get out of that oppression one must wield the group power that one has, not the individual power which this country then sets the criteria under which a man may come into it. That is what is called in this country as integration: "You do what I tell you to do and then we'll let you sit at the table with us." And that we are saying that we have to be opposed to that. We must now set up criteria and that if there's going to be any integration, it's going to be a two-way thing. If you believe in integration, you can come live in Watts. You can send your children to the ghetto schools. Let's talk about that. If you believe in integration, then we're going to start adopting us some white people to live in our neighborhood...

So it is clear that the question is not one of integration or segregation. Integration is a man's ability to want to move in there by himself. If someone wants to live in a white neighborhood and he is black, that is his choice. It should be his rights. It is not because white people will not allow him. So vice versa: If a black man wants to live in the slums, that should be his right. Black people will let him. That is the difference. And it's a difference on which this country makes a number of logical mistakes when they begin to try to criticize the program articulated by SNCC...

The political parties in this country do not meet the needs of people on a day-to-day basis. The question is, How can we build new political institutions that will become the political expressions of people on a day-to-day basis? The question is, How can you build political institutions that will begin to meet the needs of Oakland, California? And the needs of Oakland, California, is not 1,000 policemen with submachine guns. They don't

need that. They need that least of all. The question is, How can we build institutions where those people can begin to function on a day-to-day basis, where they can get decent jobs, where they can get decent houses, and where they can begin to participate in the policy and major decisions that affect their lives? That's what they need, not Gestapo troops, because this is not 1942, and if you play like Nazis, we playing back with you this time around. Get hip to that...

Now we maintain that we cannot have white people working in the black community, and we mean it on a psychological ground. The fact is that all black people often question whether or not they are equal to whites, because every time they start to do something, white people are around showing them how to do it. If we are going to eliminate that for the generation that comes after us, then black people must be seen in positions of power, doing and articulating for themselves, for themselves....

It is impossible for white and black people to talk about building a relationship based on humanity when the country is the way it is, when the institutions are clearly against us. We have taken all the myths of this country and we've found them to be nothing but downright lies. This country told us that if we worked hard we would succeed, and if that were true we would own this country lock, stock, and barrel -- lock, stock, and barrel -- lock, stock, and barrel. It is we who have picked the cotton for nothing. It is we who are the maids in the kitchens of liberal white people. It is we who are the janitors, the porters, the elevator men; we who sweep up your college floors. Yes, it is we who are the hardest workers and the lowest paid, and the lowest paid...

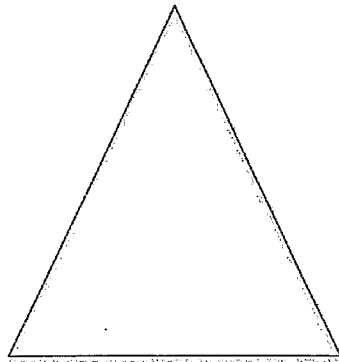
And that it is nonsensical for people to start talking about human relationships until they're willing to build new institutions. Black people are economically insecure. White liberals are economically secure. Can you begin to build an economic coalition? Are the liberals willing to share their salaries with the economically insecure black people they so much love? Then if you're not, are you willing to start building new institutions that will provide economic security for black people? That's the question we want to deal with. That's the question we want to deal with...

And that that is precisely what it seems to me that the Student Nonviolent Coordinating Committee is doing. We are raising questions about this country. I do not want to be a part of the American pie. The American pie means raping South Africa, beating Vietnam, beating South America, raping the Philippines, raping every country you've been in. I don't want any of your blood money. I don't want it -- don't want to be part of that system.

1. What does Black Power mean to Carmichael? (provide one supporting quotation)

The New Jim Crow

1. How does the conservative backlash compare and contrast to the conservative backlash during Reconstruction (the Redeemers)?
2. How is the spiral visual represented in the article? Be specific.
3. How are the interests of poor whites and blacks set up/become competitive?
4. What is Branch's most convincing evidence that the conservatives were about race inequality rather than crime?
5. How does this process undermine the gains of the Civil Rights Movement?
6. How do African-Americans accidentally and purposefully contribute to the popularity of the War on Drugs?
7. How is systematic hierarchy recreated post 1970? How is this similar or different to the Jim Crow triangle? How has hierarchy been perpetuated over time? (builds on itself)



8. What privileges are given to the people at the top of the hierarchy? How have these privileges been built on over time (not just starting in the 1970s/1980s?)

TABLE 6 – Prison & Jail Incarceration Rates, 2005, By BLACK-TO-WHITE RATIO
Rate of Incarceration per 100,000 Population

State	White	Black	B-TO-W RATIO	State	White	Black	B-TO-W RATIO
District of Columbia	56	1065	19.0	Virginia	396	2331	5.9
Iowa	309	4200	13.6	Oregon	502	2930	5.8
Vermont	304	3797	12.5	Arizona	590	3294	5.6
New Jersey	190	2352	12.4	West Virginia	392	2188	5.6
Connecticut	211	2532	12.0	NATIONAL	412	2290	5.6
Wisconsin	415	4416	10.6	Michigan	412	2262	5.5
North Dakota	267	2683	10.0	Maryland	288	1579	5.5
South Dakota	470	4710	10.0	Indiana	463	2526	5.5
Rhode Island	191	1838	9.6	North Carolina	320	1727	5.4
New York	174	1627	9.4	Missouri	487	2556	5.2
New Hampshire	289	2666	9.2	Kentucky	561	2793	5.0
Pennsylvania	305	2792	9.2	Texas	667	3162	4.7
Utah	392	3588	9.2	Louisiana	523	2452	4.7
Minnesota	212	1937	9.1	Nevada	627	2916	4.7
Illinois	223	2020	9.1	South Carolina	415	1856	4.5
Nebraska	290	2418	8.3	Florida	588	2615	4.4
Montana	433	3569	8.2	Oklahoma	740	3252	4.4
Massachusetts	201	1635	8.1	Alaska	500	2163	4.3
Maine	262	1992	7.6	Idaho	675	2869	4.3
Kansas	443	3096	7.0	Tennessee	487	2006	4.1
Colorado	525	3491	6.6	Arkansas	478	1846	3.9
California	460	2992	6.5	Alabama	542	1916	3.5
Washington	393	2522	6.4	Mississippi	503	1742	3.5
Ohio	344	2196	6.4	Georgia	623	2068	3.3
Delaware	396	2517	6.4	Hawaii	453	851	1.9

* Incarceration rates based on data from the Bureau of Justice Statistics, *Prison and Jail Inmates at Midyear 2005*. New Mexico and Wyoming have been excluded due to lack of data on race and ethnicity.

The New Jim Crow

Mass Incarceration in the Age of Colorblindness

Revised Edition

MICHELLE ALEXANDER



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Permissions Department, The New Press, 38 Greene Street, New York, NY 10013.

Published in the United States by The New Press, New York, 2012.

Distributed by Perseus Distribution.

ISBN 978-1-59558-643-8 (pbk.)

The Library of Congress has cataloged the hardcover edition as follows:

Alexander, Michelle.

The new Jim Crow : mass incarceration in the age of colorblindness / Michelle Alexander.
p. cm.

Includes bibliographical references and index.

ISBN 978-1-59558-103-7 (hc. : alk. paper)

1. Criminal justice, Administration of—United States.

2. African American prisoners—United States. 3. Race discrimination—

United States. 4. United States—Race relations. I. Title.

HV9950.A437 2010

364.973—dc22 2009022519

The New Press was established in 1990 as a not-for-profit alternative to the large,
commercial publishing houses currently dominating the book publishing industry.
The New Press operates in the public interest rather than for private gain, and
is committed to publishing, in innovative ways, works of educational, cultural,
and community value that are often deemed insufficiently profitable.

www.thenewpress.com

Composition by NK Graphics

This book was set in Fairfield LH Light

Printed in the United States of America

4 6 8 10 9 7 5

stood only a "brief moment in the sun." Conservative whites began, once again, to search for a new racial order that would conform to the needs and constraints of the time. This process took place with the understanding that whatever the new order would be, it would have to be formally race-neutral—it could not involve explicit or clearly intentional race discrimination. A similar phenomenon had followed slavery and Reconstruction, as white elites struggled to define a new racial order with the understanding that whatever the new order would be, it could not include slavery. Jim Crow eventually replaced slavery, but now it too had died, and it was unclear what might take its place. Barred by law from invoking race explicitly, those committed to racial hierarchy were forced to search for new means of achieving their goals according to the new rules of American democracy.

History reveals that the seeds of the new system of control were planted well before the end of the Civil Rights Movement. A new race-neutral language was developed for appealing to old racist sentiments, a language accompanied by a political movement that succeeded in putting the vast majority of blacks back in their place. Proponents of racial hierarchy found they could install a new racial caste system without violating the law or the new limits of acceptable political discourse, by demanding "law and order" rather than "segregation forever."

The Birth of Mass Incarceration

The rhetoric of "law and order" was first mobilized in the late 1950s as Southern governors and law enforcement officials attempted to generate and mobilize white opposition to the Civil Rights Movement. In the years following *Brown v. Board of Education*, civil rights activists used direct-action tactics in an effort to force reluctant Southern states to desegregate public facilities. Southern governors and law enforcement officials often characterized these tactics as criminal and argued that the rise of the Civil Rights Movement was indicative of a breakdown of law and order. Support of civil rights legislation was derided by Southern conservatives as merely "rewarding lawbreakers."

For more than a decade—from the mid-1950s until the late 1960s—conservatives systematically and strategically linked opposition to civil

rights legislation to calls for law and order, arguing that Martin Luther King Jr.'s philosophy of civil disobedience was a leading cause of crime. Civil rights protests were frequently depicted as criminal rather than political in nature, and federal courts were accused of excessive "lenience" toward lawlessness, thereby contributing to the spread of crime. In the words of then-vice president Richard Nixon, the increasing crime rate "can be traced directly to the spread of the corrosive doctrine that every citizen possesses an inherent right to decide for himself which laws to obey and when to disobey them."³⁷ Some segregationists went further, insisting that integration causes crime, citing lower crime rates in Southern states as evidence that segregation was necessary. In the words of Representative John Bell Williams, "This exodus of Negroes from the South, and their influx into the great metropolitan centers of other areas of the Nation, has been accompanied by a wave of crime. . . . What has civil rights accomplished for these areas? . . . Segregation is the only answer as most Americans—not the politicians—have realized for hundreds of years."³⁸

Unfortunately, at the same time that civil rights were being identified as a threat to law and order, the FBI was reporting fairly dramatic increases in the national crime rate. Beginning in the 1960s, crime rates rose in the United States for a period of about ten years. Reported street crime quadrupled, and homicide rates nearly doubled. Despite significant controversy over the accuracy of crime statistics during this period (the FBI's method of tracking crime was changing), sociologists and criminologists agree that crime did rise, in some categories quite sharply. The reasons for the crime wave are complex but can be explained in large part by the rise of the "baby boom" generation—the spike in the number of young men in the fifteen-to-twenty-four age group, which historically has been responsible for most crimes. The surge of young men in the population was occurring at precisely the same time that unemployment rates for black men were rising sharply, but the economic and demographic factors contributing to rising crime were not explored in the media. Instead, crime reports were sensationalized and offered as further evidence of the breakdown in lawfulness, morality, and social stability in the wake of the Civil Rights Movement.³⁹

To make matters worse, riots erupted in the summer of 1964 in Harlem and Rochester, followed by a series of uprisings that swept the nation following the assassination of Martin Luther King Jr. in 1968. The racial imagery

associated with the riots gave fuel to the argument that civil rights for blacks led to rampant crime. Cities like Philadelphia and Rochester were described as being victims of their own generosity. Conservatives argued that, having welcomed blacks migrating from the South, these cities "were repaid with crime-ridden slums and black discontent."⁴⁰

Barry Goldwater, in his 1964 presidential campaign, aggressively exploited the riots and fears of black crime, laying the foundation for the "get tough on crime" movement that would emerge years later. In a widely quoted speech, Goldwater warned voters, "Choose the way of [the Johnson] Administration and you have the way of mobs in the street."⁴¹ Civil rights activists who argued that the uprisings were directly related to widespread police harassment and abuse were dismissed by conservatives out of hand. "If [blacks] conduct themselves in an orderly way, they will not have to worry about police brutality," argued West Virginia senator Robert Byrd.⁴²

While many civil rights advocates in this period actively resisted the attempt by conservatives to use rising crime as an excuse to crack down on impoverished black communities, some black activists began to join the calls for "law and order" and expressed support for harsh responses to lawbreakers. As Vanessa Barker describes in *The Politics of Imprisonment*, black activists in Harlem, alarmed by rising crime rates, actively campaigned for what would become the notorious Rockefeller drug laws as well as other harsh sentencing measures.⁴³ Wittingly or unwittingly, they found themselves complicit in the emergence of a penal system unprecedented in world history. Black support for harsh responses to urban crime—support born of desperation and legitimate concern over the unraveling of basic security in inner-city communities—helped provide political cover for conservative politicians who saw an opening to turn back the clock on racial progress in the United States. Conservatives could point to black support for highly punitive approaches to dealing with the problems of the urban poor as "proof" that race had nothing to do with their "law and order" agenda.

Early on, little effort was made to disguise the racial motivations behind the law and order rhetoric and the harsh criminal justice legislation proposed in Congress. The most ardent opponents of civil rights legislation and desegregation were the most active on the emerging crime issue. Well-known segregationist George Wallace, for example, argued that "the same Supreme Court that ordered integration and encouraged civil rights legislation" was now "bending over backwards to help criminals."⁴⁴ Three other prominent

segregationists—Senators McClellan, Erwin, and Thurmond—led the legislative battle to curb the rights of criminal defendants.⁴⁵

As the rules of acceptable discourse changed, however, segregationists distanced themselves from an explicitly racist agenda. They developed instead the racially sanitized rhetoric of "cracking down on crime"—rhetoric that is now used freely by politicians of every stripe. Conservative politicians who embraced this rhetoric purposefully failed to distinguish between the direct action tactics of civil rights activists, violent rebellions in inner cities, and traditional crimes of an economic or violent nature. Instead, as Marc Maurer of the Sentencing Project has noted, "all of these phenomenon were subsumed under the heading of 'crime in the streets.'"⁴⁶

After the passage of the Civil Rights Act, the public debate shifted focus from segregation to crime. The battle lines, however, remained largely the same. Positions taken on crime policies typically cohered along lines of racial ideology. Political scientist Vesla Weaver explains: "Votes cast in opposition to open housing, busing, the Civil Rights Act, and other measures time and again showed the same divisions as votes for amendments to crime bills. . . . Members of Congress who voted against civil rights measures proactively designed crime legislation and actively fought for their proposals."⁴⁷

Although law and order rhetoric ultimately failed to prevent the formal dismantling of the Jim Crow system, it proved highly effective in appealing to poor and working-class whites, particularly in the South, who were opposed to integration and frustrated by the Democratic Party's apparent support for the Civil Rights Movement. As Weaver notes, "rather than fading, the segregationists' crime-race argument was reframed, with a slightly different veneer," and eventually became the foundation of the conservative agenda on crime.⁴⁸ In fact, law and order rhetoric—first employed by segregationists—would eventually contribute to a major realignment of political parties in the United States.

Following the Civil War, party alignment was almost entirely regional. The South was solidly Democratic, embittered by the war, firmly committed to the maintenance of a racial caste system, and extremely hostile to federal intervention on behalf of African Americans. The North was overwhelming Republican and, while Republicans were ambivalent about equality for African Americans, they were far more inclined to adopt and implement racial justice reforms than their Democratic counterparts below the Mason-Dixon line.

The Great Depression effectuated a sea change in American race relations and party alignment. The New Deal—spearheaded by the Democratic Party of President Franklin D. Roosevelt—was designed to alleviate the suffering of poor people in the midst of the Depression, and blacks, the poorest of the poor, benefited disproportionately. While New Deal programs were rife with discrimination in their administration, they at least included blacks within the pool of beneficiaries—a development, historian Michael Klarman has noted, that was “sufficient to raise black hopes and expectations after decades of malign neglect from Washington.”⁴⁹ Poor and working-class whites in both the North and South, no less than African Americans, responded positively to the New Deal, anxious for meaningful economic relief. As a result, the Democratic New Deal coalition evolved into an alliance of urban ethnic groups and the white South that dominated electoral politics from 1932 to the early 1960s.

That dominance came to an abrupt end with the creation and implementation of what has come to be known as the Southern Strategy. The success of law and order rhetoric among working-class whites and the intense resentment of racial reforms, particularly in the South, led conservative Republican analysts to believe that a “new majority” could be created by the Republican Party, one that included the traditional Republican base, the white South, and half the Catholic, blue-collar vote of the big cities.⁵⁰ Some conservative political strategists admitted that appealing to racial fears and antagonisms was central to this strategy, though it had to be done surreptitiously. H.R. Haldeman, one of Nixon’s key advisers, recalls that Nixon himself deliberately pursued a Southern, racial strategy: “He [President Nixon] emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to.”⁵¹ Similarly, John Ehrlichman, special counsel to the president, explained the Nixon administration’s campaign strategy of 1968 in this way: “We’ll go after the racists.”⁵² In Ehrlichman’s view, “that subliminal appeal to the anti-black voter was always present in Nixon’s statements and speeches.”⁵³

Republican strategist Kevin Phillips is often credited for offering the most influential argument in favor of a race-based strategy for Republican political dominance in the South. He argued in *The Emerging Republican Majority*, published in 1969, that Nixon’s successful presidential election campaign could point the way toward long-term political realignment and the building of a new Republican majority, if Republicans continued to campaign primar-

ily on the basis of racial issues, using coded antiblack rhetoric.⁵⁴ He argued that Southern white Democrats had become so angered and alienated by the Democratic Party’s support for civil rights reforms, such as desegregation and busing, that those voters could be easily persuaded to switch parties if those racial resentments could be maintained. Warren Weaver, a *New York Times* journalist who reviewed the book upon its release, observed that Phillips’s strategy largely depended upon creating and maintaining a racially polarized political environment. “Full racial polarization is an essential ingredient of Phillips’s political pragmatism. He wants to see a black Democratic party, particularly in the South, because this will drive into the Republican party precisely the kind of anti-Negro whites who will help constitute the emerging majority. This even leads him to support some civil rights efforts.”⁵⁵ Appealing to the racism and vulnerability of working-class whites had worked to defeat the Populists at the turn of the century, and a growing number of conservatives believed the tactic should be employed again, albeit in a more subtle fashion.

Thus in the late 1960s and early 1970s, two schools of thought were offered to the general public regarding race, poverty, and the social order. Conservatives argued that poverty was caused not by structural factors related to race and class but rather by culture—particularly black culture. This view received support from Daniel Patrick Moynihan’s now infamous report on the black family, which attributed black poverty to a black “subculture” and the “tangle of pathology” that characterized it. As described by sociologist Katherine Beckett, “The (alleged) misbehaviors of the poor were transformed from adaptations to poverty that had the unfortunate effect of reproducing it into character failings that accounted for poverty in the first place.”⁵⁶ The “social pathologies” of the poor, particularly street crime, illegal drug use, and delinquency, were redefined by conservatives as having their cause in overly generous relief arrangements. Black “welfare cheats” and their dangerous offspring emerged, for the first time, in the political discourse and media imagery.

Liberals, by contrast, insisted that social reforms such as the War on Poverty and civil rights legislation would get at the “root causes” of criminal behavior and stressed the social conditions that predictably generate crime. Lyndon Johnson, for example, argued during his 1964 presidential campaign against Barry Goldwater that antipoverty programs were, in effect, anticrime programs: “There is something mighty wrong when a candidate for the highest office bemoans violence in the streets but votes against the War on Poverty,

votes against the Civil Rights Act and votes against major educational bills that come before him as a legislator."⁵⁷

Competing images of the poor as "deserving" and "undeserving" became central components of the debate. Ultimately, the racialized nature of this imagery became a crucial resource for conservatives, who succeeded in using law and order rhetoric in their effort to mobilize the resentment of white working-class voters, many of whom felt threatened by the sudden progress of African Americans. As explained by Thomas and Mary Edsall in their insightful book *Chain Reaction*, a disproportionate share of the costs of integration and racial equality had been borne by lower- and lower-middle-class whites, who were suddenly forced to compete on equal terms with blacks for jobs and status and who lived in neighborhoods adjoining black ghettos. Their children—not the children of wealthy whites—attended schools most likely to fall under busing orders. The affluent white liberals who were pressing the legal claims of blacks and other minorities "were often sheltered, in their private lives, and largely immune to the costs of implementing minority claims."⁵⁸ This reality made it possible for conservatives to characterize the "liberal Democratic establishment" as being out of touch with ordinary working people—thus resolving one of the central problems facing conservatives: how to persuade poor and working-class voters to join in alliance with corporate interests and the conservative elite. By 1968, 81 percent of those responding to the Gallup Poll agreed with the statement that "law and order has broken down in this country," and the majority blamed "Negroes who start riots" and "Communists."⁵⁹

During the presidential election that year, both the Republican candidate, Richard Nixon, and the independent segregationist candidate, George Wallace, made "law and order" a central theme of their campaigns, and together they collected 57 percent of the vote.⁶⁰ Nixon dedicated seventeen speeches solely to the topic of law and order, and one of his television ads explicitly called on voters to reject the lawlessness of civil rights activists and embrace "order" in the United States.⁶¹ The advertisement began with frightening music accompanied by flashing images of protestors, bloodied victims, and violence. A deep voice then said:

It is time for an honest look at the problem of order in the United States. Dissent is a necessary ingredient of change, but in a system of government that provides for peaceful change, there is no cause that

justifies resort to violence. Let us recognize that the first right of every American is to be free from domestic violence. So I pledge to you, we shall have order in the United States.

At the end of the ad, a caption declared: "This time . . . vote like your whole world depended on it . . . NIXON." Viewing his own campaign ad, Nixon reportedly remarked with glee that the ad "hits it right on the nose. It's all about those damn Negro-Puerto Rican groups out there."⁶²

Race had become, yet again, a powerful wedge, breaking up what had been a solid liberal coalition based on economic interests of the poor and the working and lower-middle classes. In the 1968 election, race eclipsed class as the organizing principle of American politics, and by 1972, attitudes on racial issues rather than socioeconomic status were the primary determinant of voters' political self-identification. The late 1960s and early 1970s marked the dramatic erosion in the belief among working-class whites that the condition of the poor, or those who fail to prosper, was the result of a faulty economic system that needed to be challenged. As the Edsalls explain, "the pitting of whites and blacks at the low end of the income distribution against each other intensified the view among many whites that the condition of life for the disadvantaged—particularly for disadvantaged blacks—is the responsibility of those afflicted, and not the responsibility of the larger society."⁶³ Just as race had been used at the turn of the century by Southern elites to rupture class solidarity at the bottom of the income ladder, race as a national issue had broken up the Democratic New Deal "bottom-up" coalition—a coalition dependent on substantial support from all voters, white and black, at or below the median income.

The conservative revolution that took root within the Republican Party in the 1960s did not reach its full development until the election of 1980. The decade preceding Ronald Reagan's ascent to the presidency was characterized by political and social crises, as the Civil Rights Movement was promptly followed by intense controversy over the implementation of the equality principle—especially busing and affirmative action—as well as dramatic political clashes over the Vietnam War and Watergate. During this period, conservatives gave lip service to the goal of racial equality but actively resisted desegregation, busing, and civil rights enforcement. They repeatedly raised the issue of welfare, subtly framing it as a contest between hardworking, blue-collar whites and poor blacks who refused to work. The not-so-subtle

message to working-class whites was that their tax dollars were going to support special programs for blacks who most certainly did not deserve them. During this period, Nixon called for a "war on drugs"—an announcement that proved largely rhetorical as he declared illegal drugs "public enemy number one" without proposing dramatic shifts in drug policy. A backlash against blacks was clearly in force, but no consensus had yet been reached regarding what racial and social order would ultimately emerge from these turbulent times.

In his campaign for the presidency, Reagan mastered the "excision of the language of race from conservative public discourse" and thus built on the success of earlier conservatives who developed a strategy of exploiting racial hostility or resentment for political gain without making explicit reference to race.⁶⁴ Condemning "welfare queens" and criminal "predators," he rode into office with the strong support of disaffected whites—poor and working-class whites who felt betrayed by the Democratic Party's embrace of the civil rights agenda. As one political insider explained, Reagan's appeal derived primarily from the ideological fervor of the right wing of the Republican Party and "the emotional distress of those who fear or resent the Negro, and who expect Reagan somehow to keep him 'in his place' or at least echo their own anger and frustration."⁶⁵ To great effect, Reagan echoed white frustration in race-neutral terms through implicit racial appeals. His "color-blind" rhetoric on crime, welfare, taxes, and states' rights was clearly understood by white (and black) voters as having a racial dimension, though claims to that effect were impossible to prove. The absence of explicitly racist rhetoric afforded the racial nature of his coded appeals a certain plausible deniability. For example, when Reagan kicked off his presidential campaign at the annual Neshoba County Fair near Philadelphia, Mississippi—the town where three civil rights activists were murdered in 1964—he assured the crowd "I believe in states' rights," and promised to restore to states and local governments the power that properly belonged to them.⁶⁶ His critics promptly alleged that he was signaling a racial message to his audience, suggesting allegiance with those who resisted desegregation, but Reagan firmly denied it, forcing liberals into a position that would soon become familiar—arguing that something is racist but finding it impossible to prove in the absence of explicitly racist language.

Crime and welfare were the major themes of Reagan's campaign rhetoric. According to the Edsalls, one of Reagan's favorite and most-often-repeated

anecdotes was the story of a Chicago "welfare queen" with "80 names, 30 addresses, 12 Social Security cards," whose "tax-free income alone is over \$150,000."⁶⁷ The term "welfare queen" became a not-so-subtle code for "lazy, greedy, black ghetto mother." The food stamp program, in turn, was a vehicle to let "some fellow ahead of you buy a T-bone steak," while "you were standing in a checkout line with your package of hamburger."⁶⁸ These highly racialized appeals, targeted to poor and working-class whites, were nearly always accompanied by vehement promises to be tougher on crime and to enhance the federal government's role in combating it. Reagan portrayed the criminal as "a staring face—a face that belongs to a frightening reality of our time: the face of the human predator."⁶⁹ Reagan's racially coded rhetoric and strategy proved extraordinarily effective, as 22 percent of all Democrats defected from the party to vote for Reagan. The defection rate shot up to 34 percent among those Democrats who believed civil rights leaders were pushing "too fast."⁷⁰

Once elected, Reagan's promise to enhance the federal government's role in fighting crime was complicated by the fact that fighting street crime has traditionally been the responsibility of state and local law enforcement. After a period of initial confusion and controversy regarding whether the FBI and the federal government should be involved in street crime, the Justice Department announced its intention to cut in half the number of specialists assigned to identify and prosecute white-collar criminals and to shift its attention to street crime, especially drug-law enforcement.⁷¹ In October 1982, President Reagan officially announced his administration's War on Drugs. At the time he declared this new war, less than 2 percent of the American public viewed drugs as the most important issue facing the nation.⁷² This fact was no deterrent to Reagan, for the drug war from the outset had little to do with public concern about drugs and much to do with public concern about race. By waging a war on drug users and dealers, Reagan made good on his promise to crack down on the racially defined "others"—the undeserving.

Practically overnight the budgets of federal law enforcement agencies soared. Between 1980 and 1984, FBI antidrug funding increased from \$8 million to \$95 million.⁷³ Department of Defense antidrug allocations increased from \$33 million in 1981 to \$1,042 million in 1991. During that same period, DEA antidrug spending grew from \$86 to \$1,026 million, and FBI antidrug allocations grew from \$38 to \$181 million.⁷⁴ By contrast, funding

for agencies responsible for drug treatment, prevention, and education was dramatically reduced. The budget of the National Institute on Drug Abuse, for example, was reduced from \$274 million to \$57 million from 1981 to 1984, and antidrug funds allocated to the Department of Education were cut from \$14 million to \$3 million.⁷⁵

Determined to ensure that the "new Republican majority" would continue to support the extraordinary expansion of the federal government's law enforcement activities and that Congress would continue to fund it, the Reagan administration launched a media offensive to justify the War on Drugs.⁷⁶ Central to the media campaign was an effort to sensationalize the emergence of crack cocaine in inner-city neighborhoods—communities devastated by deindustrialization and skyrocketing unemployment. The media frenzy the campaign inspired simply could not have come at a worse time for African Americans.

In the early 1980s, just as the drug war was kicking off, inner-city communities were suffering from economic collapse. The blue-collar factory jobs that had been plentiful in urban areas in the 1950s and 1960s had suddenly disappeared.⁷⁷ Prior to 1970, inner-city workers with relatively little formal education could find industrial employment close to home. Globalization, however, helped to change that. Manufacturing jobs were transferred by multinational corporations away from American cities to countries that lacked unions, where workers earn a small fraction of what is considered a fair wage in the United States. To make matters worse, dramatic technological changes revolutionized the workplace—changes that eliminated many of the jobs that less skilled workers once relied upon for their survival. Highly educated workers benefited from the pace of technological change and the increased use of computer-based technologies, but blue-collar workers often found themselves displaced in the sudden transition from an industrial to a service economy.

The impact of globalization and deindustrialization was felt most strongly in black inner-city communities. As described by William Julius Wilson, in his book *When Work Disappears*, the overwhelming majority of African Americans in the 1970s lacked college educations and had attended racially segregated, underfunded schools lacking basic resources. Those residing in ghetto communities were particularly ill equipped to adapt to the seismic changes taking place in the U.S. economy; they were left isolated and jobless. One study indicates that as late as 1970, more than 70 percent of all blacks work-

ing in metropolitan areas held blue-collar jobs.⁷⁸ Yet by 1987, when the drug war hit high gear, the industrial employment of black men had plummeted to 28 percent.⁷⁹

The new manufacturing jobs that opened during this time period were generally located in the suburbs. The growing spatial mismatch of jobs had a profound impact on African Americans trapped in ghettos. A study of urban black fathers found that only 28 percent had access to an automobile. The rate fell to 18 percent for those living in ghetto areas.⁸⁰

Women fared somewhat better during this period because the social-service sector in urban areas—which employs primarily women—was expanding at the same time manufacturing jobs were evaporating. The fraction of black men who moved into so called pink-collar jobs like nursing or clerical work was negligible.⁸¹

The decline in legitimate employment opportunities among inner-city residents increased incentives to sell drugs—most notably crack cocaine. Crack is pharmacologically almost identical to powder cocaine, but it has been converted into a form that can be vaporized and inhaled for a faster, more intense (though shorter) high using less of the drug—making it possible to sell small doses at more affordable prices. Crack hit the streets in 1985, a few years after Reagan's drug war was announced, leading to a spike in violence as drug markets struggled to stabilize, and the anger and frustration associated with joblessness boiled. Joblessness and crack swept inner cities precisely at the moment that a fierce backlash against the Civil Rights Movement was manifesting itself through the War on Drugs.

No one should ever attempt to minimize the harm caused by crack cocaine and the related violence. As David Kennedy correctly observes, "[c]rack blew through America's poor black neighborhoods like the Four Horsemen of the Apocalypse," leaving behind unspeakable devastation and suffering.⁸² As a nation, though, we had a choice about how to respond. Some countries faced with rising drug crime or seemingly intractable rates of drug abuse and drug addiction chose the path of drug treatment, prevention, and education or economic investment in crime-ridden communities. Portugal, for example, responded to persistent problems of drug addiction and abuse by decriminalizing the possession of all drugs and redirecting the money that would have been spent putting drug users in cages into drug treatment and prevention. Ten years later, Portugal reported that rates of drug abuse and addiction had plummeted, and drug-related crime was on the decline as well.⁸³

Numerous paths were available to us, as a nation, in the wake of the crack crisis, yet for reasons traceable largely to racial politics and fear mongering we chose war. Conservatives found they could finally justify an all-out war on an "enemy" that had been racially defined years before.

Almost immediately after crack appeared, the Reagan administration leaped at the opportunity to publicize crack cocaine in an effort to build support for its drug war. In October 1985, the DEA sent Robert Stutman to serve as director of its New York City office and charged him with the responsibility of shoring up public support for the administration's new war. Stutman developed a strategy for improving relations with the news media and sought to draw journalists' attention to the spread of crack cocaine in inner-city communities. As Stutman recounted years later:

The agents would hear me give hundreds of presentations to the media as I attempted to call attention to the drug scourge. I wasted no time in pointing out its [the DEA's] new accomplishments against the drug traffickers. . . . In order to convince Washington, I needed to make it [drugs] a national issue and quickly. I began a lobbying effort and I used the media. The media were only too willing to cooperate, because as far as the New York media was concerned, crack was the hottest combat reporting story to come along since the end of the Vietnam War.⁸⁴

The strategy bore fruit. In June 1986, *Newsweek* declared crack to be the biggest story since Vietnam/Watergate, and in August of that year, *Time* magazine termed crack "the issue of the year." Thousands of stories about the crack crisis flooded the airwaves and newsstands, and the stories had a clear racial subtext. The articles typically featured black "crack whores," "crack babies," and "gangbangers," reinforcing already prevalent racial stereotypes of black women as irresponsible, selfish "welfare queens," and black men as "predators"—part of an inferior and criminal subculture.⁸⁵ When two popular sports figures, Len Bias and Don Rogers, died of cocaine overdoses in June 1986, the media erroneously reported their deaths as caused by crack, contributing to the media firestorm and groundswell of political activity and public concern relating to the new "demon drug," crack cocaine. The bonanza continued into 1989, as the media continued to disseminate claims that crack was an "epidemic," a "plague," "instantly addictive," and extraordinarily dangerous—claims that have now been proven

false or highly misleading. Between October 1988 and October 1989, the *Washington Post* alone ran 1,565 stories about the "drug scourge." Richard Harwood, the *Post's* ombudsman, eventually admitted the paper had lost "a proper sense of perspective" due to such a "hyperbole epidemic." He said that "politicians are doing a number on people's heads."⁸⁶ Sociologists Craig Reinman and Harry Levine later made a similar point: "Crack was a god-send to the Right. . . . It could not have appeared at a more politically opportune moment."⁸⁷

In September 1986, with the media frenzy at full throttle, the House passed legislation that allocated \$2 billion to the antidrug crusade, required the participation of the military in narcotics control efforts, allowed the death penalty for some drug-related crimes, and authorized the admission of some illegally obtained evidence in drug trials. Later that month, the Senate proposed even tougher antidrug legislation, and shortly thereafter, the president signed the Anti-Drug Abuse Act of 1986 into law. Among other harsh penalties, the legislation included mandatory minimum sentences for the distribution of cocaine, including far more severe punishment for distribution of crack—associated with blacks—than powder cocaine, associated with whites.

Few criticisms of the legislation could be heard en route to enactment. One senator insisted that crack had become a scapegoat distracting the public's attention from the true causes of our social ills, arguing: "If we blame crime on crack, our politicians are off the hook. Forgotten are the failed schools, the malign welfare programs, the desolate neighborhoods, the wasted years. Only crack is to blame. One is tempted to think that if crack did not exist, someone somewhere would have received a Federal grant to develop it."⁸⁸ Critical voices, however, were lonely ones.

Congress revisited drug policy in 1988. The resulting legislation was once again extraordinarily punitive, this time extending far beyond traditional criminal punishments and including new "civil penalties" for drug offenders. The new Anti-Drug Abuse Act authorized public housing authorities to evict any tenant who allows any form of drug-related criminal activity to occur on or near public housing premises and eliminated many federal benefits, including student loans, for anyone convicted of a drug offense. The act also expanded use of the death penalty for serious drug-related offenses and imposed new mandatory minimums for drug offenses, including a five-year mandatory minimum for simple possession of cocaine base—with no evidence

of intent to sell. Remarkably, the penalty would apply to first-time offenders. The severity of this punishment was unprecedented in the federal system. Until 1988, one year of imprisonment had been the maximum for possession of any amount of any drug. Members of the Congressional Black Caucus (CBC) were mixed in their assessment of the new legislation—some believed the harsh penalties were necessary, others convinced that the laws were biased and harmful to African Americans. Ultimately the legislation passed by an overwhelming margin—346 to 11. Six of the negative votes came from the CBC.⁸⁹

The War on Drugs proved popular among key white voters, particularly whites who remained resentful of black progress, civil rights enforcement, and affirmative action. Beginning in the 1970s, researchers found that racial attitudes—not crime rates or likelihood of victimization—are an important determinant of white support for “get tough on crime” and antiwelfare measures.⁹⁰ Among whites, those expressing the highest degree of concern about crime also tend to oppose racial reform, and their punitive attitudes toward crime are largely unrelated to their likelihood of victimization.⁹¹ Whites, on average, are more punitive than blacks, despite the fact that blacks are far more likely to be victims of crime. Rural whites are often the most punitive, even though they are least likely to be crime victims.⁹² The War on Drugs, cloaked in race-neutral language, offered whites opposed to racial reform a unique opportunity to express their hostility toward blacks and black progress, without being exposed to the charge of racism.

Reagan's successor, President George Bush Sr., did not hesitate to employ implicit racial appeals, having learned from the success of other conservative politicians that subtle negative references to race could mobilize poor and working-class whites who once were loyal to the Democratic Party. Bush's most famous racial appeal, the Willie Horton ad, featured a dark-skinned black man, a convicted murderer who escaped while on a work furlough and then raped and murdered a white woman in her home. The ad blamed Bush's opponent, Massachusetts governor Michael Dukakis, for the death of the white woman, because he approved the furlough program. For months, the ad played repeatedly on network news stations and was the subject of incessant political commentary. Though controversial, the ad was stunningly effective; it destroyed Dukakis's chances of ever becoming president.

Once in the Oval Office, Bush stayed on message, opposing affirmative action and aggressive civil rights enforcement, and embracing the drug war

with great enthusiasm. In August 1989, President Bush characterized drug use as “the most pressing problem facing the nation.”⁹³ Shortly thereafter, a New York Times/CBS News Poll reported that 64 percent of those polled—the highest percentage ever recorded—now thought that drugs were the most significant problem in the United States.⁹⁴ This surge of public concern did not correspond to a dramatic shift in illegal drug activity, but instead was the product of a carefully orchestrated political campaign. The level of public concern about crime and drugs was only weakly correlated with actual crime rates, but highly correlated with political initiatives, campaigns, and partisan appeals.⁹⁵

The shift to a general attitude of “toughness” toward problems associated with communities of color began in the 1960s, when the gains and goals of the Civil Rights Movement began to require real sacrifices on the part of white Americans, and conservative politicians found they could mobilize white racial resentment by vowing to crack down on crime. By the late 1980s, however, not only conservatives played leading roles in the get-tough movement, spouting the rhetoric once associated only with segregationists. Democratic politicians and policy makers were now attempting to wrest control of the crime and drug issues from Republicans by advocating stricter antiracist and antidrug laws—all in an effort to win back the so-called “swing voters” who were defecting to the Republican Party. Somewhat ironically, these “new Democrats” were joined by virulent racists, most notably the Ku Klux Klan, which announced in 1990 that it intended to “join the battle against illegal drugs” by becoming the “eyes and ears of the police.”⁹⁶ Progressives concerned about racial justice in this period were mostly silent about the War on Drugs, preferring to channel their energy toward defense of affirmative action and other perceived gains of the Civil Rights Movement.

In the early 1990s, resistance to the emergence of a new system of racialized social control collapsed across the political spectrum. A century earlier, a similar political dynamic had resulted in the birth of Jim Crow. In the 1890s, Populists buckled under the political pressure, created by the “redeemers,” who had successfully appealed to poor and working-class whites by proposing overtly racist and increasingly absurd Jim Crow laws. Now, a new racial caste system—mass incarceration—was taking hold, as politicians of every stripe competed with each other to win the votes of poor and working-class whites, whose economic status was precarious, at best, and who felt threatened by racial reforms. As had happened before, former allies

of African Americans—as much as conservatives—adopted a political strategy that required them to prove how “tough” they could be on “them,” the dark-skinned pariahs.

The results were immediate. As law enforcement budgets exploded, so did prison and jail populations. In 1991, the Sentencing Project reported that the number of people behind bars in the United States was unprecedented in world history, and that one fourth of young African American men were now under the control of the criminal justice system. Despite the jaw-dropping impact of the “get tough” movement on the African American community, neither the Democrats nor the Republicans revealed any inclination to slow the pace of incarceration.

To the contrary, in 1992, presidential candidate Bill Clinton vowed that he would never permit any Republican to be perceived as tougher on crime than he. True to his word, just weeks before the critical New Hampshire primary, Clinton chose to fly home to Arkansas to oversee the execution of Ricky Ray Rector, a mentally impaired black man who had so little conception of what was about to happen to him that he asked for the dessert from his last meal to be saved for him until the morning. After the execution, Clinton remarked, “I can be nicked a lot, but no one can say I’m soft on crime.”⁹⁷

Once elected, Clinton endorsed the idea of a federal “three strikes and you’re out” law, which he advocated in his 1994 State of the Union address to enthusiastic applause on both sides of the aisle. The \$30 billion crime bill sent to President Clinton in August 1994 was hailed as a victory for the Democrats, who “were able to wrest the crime issue from the Republicans and make it their own.”⁹⁸ The bill created dozens of new federal capital crimes, mandated life sentences for some three-time offenders, and authorized more than \$16 billion for state prison grants and expansion of state and local police forces. Far from resisting the emergence of the new caste system, Clinton escalated the drug war beyond what conservatives had imagined possible a decade earlier. As the Justice Policy Institute has observed, “the Clinton Administration’s ‘tough on crime’ policies resulted in the largest increases in federal and state prison inmates of any president in American history.”⁹⁹

Clinton eventually moved beyond crime and capitulated to the conservative racial agenda on welfare. This move, like his “get tough” rhetoric and policies, was part of a grand strategy articulated by the “new Democrats” to appeal to the elusive white swing voters. In so doing, Clinton—more than

any other president—created the current racial undercaste. He signed the Personal Responsibility and Work Opportunity Reconciliation Act, which “ended welfare as we know it,” replacing Aid to Families with Dependent Children (AFDC) with a block grant to states called Temporary Assistance to Needy Families (TANF). TANF imposed a five-year lifetime limit on welfare assistance, as well as a permanent, lifetime ban on eligibility for welfare and food stamps for anyone convicted of a felony drug offense—including simple possession of marijuana.

Despite claims that these radical policy changes were driven by fiscal conservatism—i.e., the desire to end big government and slash budget deficits—the reality is that government was *not* reducing the amount of money devoted to the management of the urban poor. It was radically altering what the funds would be used for. The dramatic shift toward punitiveness resulted in a massive reallocation of public resources. By 1996, the penal budget doubled the amount that had been allocated to AFDC or food stamps.¹⁰⁰ Similarly, funding that had once been used for public housing was being redirected to prison construction. During Clinton’s tenure, Washington slashed funding for public housing by \$17 billion (a reduction of 61 percent) and boosted corrections by \$19 billion (an increase of 171 percent), “effectively making the construction of prisons the nation’s main housing program for the urban poor.”¹⁰¹

Clinton did not stop there. Determined to prove how “tough” he could be on “them,” Clinton also made it easier for federally assisted public housing projects to exclude anyone with a criminal history—an extraordinarily harsh step in the midst of a drug war aimed at racial and ethnic minorities. In his announcement of the “One Strike and You’re Out” Initiative, Clinton explained: “From now on, the rule for residents who commit crime and peddle drugs should be one strike and you’re out.”¹⁰² The new rule promised to be “the toughest admission and eviction policy that HUD has implemented.”¹⁰³ Thus, for countless poor people, particularly racial minorities targeted by the drug war, public housing was no longer available, leaving many of them homeless—locked out not only of mainstream society, but their own homes.

The law and order perspective, first introduced during the peak of the Civil Rights Movement by rabid segregationists, had become nearly hegemonic two decades later. By the mid-1990s, no serious alternatives to the War on Drugs and “get tough” movement were being entertained in mainstream

political discourse. Once again, in response to a major disruption in the prevailing racial order—this time the civil rights gains of the 1960s—a new system of racialized social control was created by exploiting the vulnerabilities and racial resentments of poor and working-class whites. More than 2 million people found themselves behind bars at the turn of the twenty-first century, and millions more were relegated to the margins of mainstream society, banished to a political and social space not unlike Jim Crow, where discrimination in employment, housing, and access to education was perfectly legal, and where they could be denied the right to vote. The system functioned relatively automatically, and the prevailing system of racial meanings, identities, and ideologies already seemed natural. Ninety percent of those admitted to prison for drug offenses in many states were black or Latino, yet the mass incarceration of communities of color was explained in race-neutral terms, an adaptation to the needs and demands of the current political climate. The New Jim Crow was born.

2

The Lockdown

We may think we know how the criminal justice system works. Television is overloaded with fictional dramas about police, crime, and prosecutors—shows such as *Law & Order*. These fictional dramas, like the evening news, tend to focus on individual stories of crime, victimization, and punishment, and the stories are typically told from the point of view of law enforcement. A charismatic police officer, investigator, or prosecutor struggles with his own demons while heroically trying to solve a horrible crime. He ultimately achieves a personal and moral victory by finding the bad guy and throwing him in jail. That is the made-for-TV version of the criminal justice system. It perpetuates the myth that the primary function of the system is to keep our streets safe and our homes secure by rooting out dangerous criminals and punishing them. These television shows, especially those that romanticize drug-law enforcement, are the modern-day equivalent of the old movies portraying happy slaves, the fictional gloss placed on a brutal system of racialized oppression and control.

Those who have been swept within the criminal justice system know that the way the system actually works bears little resemblance to what happens on television or in movies. Full-blown trials of guilt of innocence rarely occur; many people never even meet with an attorney; witnesses are routinely paid and coerced by the government; police regularly stop and search people for no reason whatsoever; penalties for many crimes are so severe that innocent people plead guilty, accepting plea bargains to avoid harsh mandatory sentences; and children, even as young as fourteen, are sent to adult prisons.

surveillance by the police, and unable to integrate into the mainstream society and economy. Unless the number of people who are labeled felons is dramatically reduced, and unless the laws and policies that keep ex-offenders marginalized from the mainstream society and economy are eliminated, the system will continue to create and maintain an enormous undercaste.

The Color of Justice

Imagine you are Emma Faye Stewart, a thirty-year-old, single African American mother of two who was arrested as part of a drug sweep in Hearne, Texas.¹ All but one of the people arrested were African American. You are innocent. After a week in jail, you have no one to care for your two small children and are eager to get home. Your court-appointed attorney urges you to plead guilty to a drug distribution charge, saying the prosecutor has offered probation. You refuse, steadfastly proclaiming your innocence. Finally, after almost a month in jail, you decide to plead guilty so you can return home to your children. Unwilling to risk a trial and years of imprisonment, you are sentenced to ten years probation and ordered to pay \$1,000 in fines, as well as court and probation costs. You are also now branded a drug felon. You are no longer eligible for food stamps; you may be discriminated against in employment; you cannot vote for at least twelve years; and you are about to be evicted from public housing. Once homeless, your children will be taken from you and put in foster care.

A judge eventually dismisses all cases against the defendants who did not plead guilty. At trial, the judge finds that the entire sweep was based on the testimony of a single informant who lied to the prosecution. You, however, are still a drug felon, homeless, and desperate to regain custody of your children.

Now place yourself in the shoes of Clifford Runoalds, another African American victim of the Hearne drug bust.² You returned home to Bryan, Texas, to attend the funeral of your eighteen-month-old daughter. Before the funeral services begin, the police show up and handcuff you. You beg the

officers to let you take one last look at your daughter before she is buried. The police refuse. You are told by prosecutors that you are needed to testify against one of the defendants in a recent drug bust. You deny witnessing any drug transaction; you don't know what they are talking about. Because of your refusal to cooperate, you are indicted on felony charges. After a month of being held in jail, the charges against you are dropped. You are technically free, but as a result of your arrest and period of incarceration, you lose your job, your apartment, your furniture, and your car. Not to mention the chance to say good-bye to your baby girl.

This is the War on Drugs. The brutal stories described above are not isolated incidents, nor are the racial identities of Emma Faye Stewart and Clifford Runoalds random or accidental. In every state across our nation, African Americans—particularly in the poorest neighborhoods—are subjected to tactics and practices that would result in public outrage and scandal if committed in middle-class white neighborhoods. In the drug war, the enemy is racially defined. The law enforcement methods described in chapter 2 have been employed almost exclusively in poor communities of color, resulting in jaw-dropping numbers of African Americans and Latinos filling our nation's prisons and jails every year. We are told by drug warriors that the enemy in this war is a thing—drugs—not a group of people, but the facts prove otherwise.

Human Rights Watch reported in 2000 that, in seven states, African Americans constitute 80 to 90 percent of all drug offenders sent to prison.³ In at least fifteen states, blacks are admitted to prison on drug charges at a rate from twenty to fifty-seven times greater than that of white men.⁴ In fact, nationwide, the rate of incarceration for African American drug offenders dwarfs the rate of whites. When the War on Drugs gained full steam in the mid-1980s, prison admissions for African Americans skyrocketed, nearly quadrupling in three years, and then increasing steadily until it reached in 2000 a level *more than twenty-six times* the level in 1983.⁵ The number of 2000 drug admissions for Latinos was twenty-two times the number of 1983 admissions.⁶ Whites have been admitted to prison for drug offenses at increased rates as well—the number of whites admitted for drug offenses in 2000 was eight times the number admitted in 1983—but their relative numbers are small compared to blacks' and Latinos'.⁷ Although the majority of illegal drug users and dealers nationwide are white, three-fourths of all people imprisoned for drug offenses have been black or Latino.⁸ In recent

years, rates of black imprisonment for drug offenses have dipped somewhat—declining approximately 25 percent from their zenith in the mid-1990s—but it remains the case that African Americans are incarcerated at grossly disproportionate rates throughout the United States.⁹

There is, of course, an official explanation for all of this: crime rates. This explanation has tremendous appeal—before you know the facts—for it is consistent with, and reinforces, dominant racial narratives about crime and criminality dating back to slavery. The truth, however, is that rates and patterns of drug crime do not explain the glaring racial disparities in our criminal justice system. People of all races use and sell illegal drugs at remarkably similar rates.¹⁰ If there are significant differences in the surveys to be found, they frequently suggest that whites, particularly white youth, are more likely to engage in illegal drug dealing than people of color.¹¹ One study, for example, published in 2000 by the National Institute on Drug Abuse reported that white students use cocaine at seven times the rate of black students, use crack cocaine at eight times the rate of black students, and use heroin at seven times the rate of black students.¹² That same survey revealed that nearly identical percentages of white and black high school seniors use marijuana. The National Household Survey on Drug Abuse reported in 2000 that white youth aged 12–17 are more than a third more likely to have sold illegal drugs than African American youth.¹³ Thus the very same year Human Rights Watch was reporting that African Americans were being arrested and imprisoned at unprecedented rates, government data revealed that blacks were no more likely to be guilty of drug crimes than whites and that white youth were actually the *most likely* of any racial or ethnic group to be guilty of illegal drug possession and sales. Any notion that drug use among blacks is more severe or dangerous is belied by the data; white youth have about three times the number of drug-related emergency room visits as their African American counterparts.¹⁴

The notion that whites comprise the vast majority of drug users and dealers—and may well be more likely than other racial groups to commit drug crimes—may seem implausible to some, given the media imagery we are fed on a daily basis and the racial composition of our prisons and jails. Upon reflection, however, the prevalence of white drug crime—including drug dealing—should not be surprising. After all, where do whites get their illegal drugs? Do they all drive to the ghetto to purchase them from somebody standing on a street corner? No. Studies consistently indicate that drug markets,

like American society generally, reflect our nation's racial and socioeconomic boundaries. Whites tend to sell to whites; blacks to blacks.¹⁵ University students tend to sell to each other.¹⁶ Rural whites, for their part, don't make a special trip to the 'hood to purchase marijuana. They buy it from somebody down the road.¹⁷ White high school students typically buy drugs from white classmates, friends, or older relatives. Even Barry McCaffrey, former director of the White House Office of National Drug Control Policy, once remarked, if your child bought drugs, "it was from a student of their own race generally."¹⁸ The notion that most illegal drug use and sales happens in the ghetto is pure fiction. Drug trafficking occurs there, but it occurs everywhere else in America as well. Nevertheless, black men have been admitted to state prison on drug charges at a rate that is more than thirteen times higher than white men.¹⁹ The racial bias inherent in the drug war is a major reason that 1 in every 14 black men was behind bars in 2006, compared with 1 in 106 white men.²⁰ For young black men, the statistics are even worse. One in 9 black men between the ages of twenty and thirty-five was behind bars in 2006, and far more were under some form of penal control—such as probation or parole.²¹ These gross racial disparities simply cannot be explained by rates of illegal drug activity among African Americans.

What, then, does explain the extraordinary racial disparities in our criminal justice system? Old-fashioned racism seems out of the question. Politicians and law enforcement officials today rarely endorse racially biased practices, and most of them fiercely condemn racial discrimination of any kind. When accused of racial bias, police and prosecutors—like most Americans—express horror and outrage. Forms of race discrimination that were open and notorious for centuries were transformed in the 1960s and 1970s into something un-American—an affront to our newly conceived ethic of colorblindness. By the early 1980s, survey data indicated that 90 percent of whites thought black and white children should attend the same schools; 71 percent disagreed with the idea that whites have a right to keep blacks out of their neighborhoods; 80 percent indicated they would support a black candidate for president, and 66 percent opposed laws prohibiting interracial marriage.²² Although far fewer supported specific policies designed to achieve racial equality or integration (such as busing), the mere fact that large majorities of whites were, by the early 1980s, supporting the antidiscrimination principle reflected a profound shift in racial attitudes. The margin of support for colorblind norms has only increased since then.

This dramatically changed racial climate has led defenders of mass incarceration to insist that our criminal justice system, whatever its past sins, is now largely fair and nondiscriminatory. They point to violent crime rates in the African American community as a justification for the staggering number of black men who find themselves behind bars. Black men, they say, have much higher rates of violent crime; that's why so many of them are locked up.

Typically, this is where the discussion ends.

The problem with this abbreviated analysis is that violent crime is *not* responsible for mass incarceration. As numerous researchers have shown, violent crime rates have fluctuated over the years and bear little relationship to incarceration rates—which have soared during the past three decades regardless of whether violent crime was going up or down.²³ Today violent crime rates are at historically low levels, yet incarceration rates continue to climb.

Murder convictions tend to receive a tremendous amount of media attention, which feeds the public's sense that violent crime is rampant and forever on the rise. But like violent crime in general, the murder rate cannot explain the growth of the penal apparatus. Homicide convictions account for a tiny fraction of the growth in the prison population. In the federal system, for example, homicide offenders account for 0.4 percent of the past decade's growth in the federal prison population, while drug offenders account for nearly 61 percent of that expansion.²⁴ In the state system, less than 3 percent of new court commitments to state prison typically involve people convicted of homicide.²⁵ As much as half of state prisoners are violent offenders, but that statistic can easily be misinterpreted. Violent offenders tend to get longer prison sentences than nonviolent offenders, and therefore comprise a much larger share of the prison population than they would if they had earlier release dates. In addition, state prison data excludes federal prisoners, who are overwhelmingly incarcerated for nonviolent offenses. As of September 2009, only 7.9 percent of federal prisoners were convicted of violent crimes.²⁶

The most important fact to keep in mind, however, is this: debates about prison statistics ignore the fact that most people who are under correctional control today are not in prison. As noted earlier, of the nearly 7.3 million people currently under correctional control, only 1.6 million are in prison.²⁷

This caste system extends far beyond prison walls and governs millions of

people who are on probation and parole, primarily for nonviolent offenses. They have been swept into the system, branded criminals or felons, and ushered into a permanent second-class status—acquiring records that will follow them for life. Probationers are the clear majority of those who are under community supervision (84 percent), and only 19 percent of them were convicted of a violent offense.²⁸ The most common offense for which probationers are under supervision is a drug offense.²⁹ Even if the analysis is limited to people convicted of felonies—thus excluding extremely minor crimes and misdemeanors—nonviolent offenders still predominate. Only about a quarter of felony defendants in large urban counties were charged with a violent offense in 2006.³⁰ In cities such as Chicago, criminal courts are clogged with low-level drug cases. In one study, 72 percent of criminal cases in Cook County (Chicago) had a drug charge, and 70 percent of them were charged as class 4 felony possession (the lowest-level felony charge).³¹

None of this is to suggest that we ought not be concerned about violent crime in impoverished urban communities. We should care deeply, and as discussed in the final chapter, we must come to understand the ways in which mass imprisonment increases—not decreases—the likelihood of violence in urban communities. But at the same time, we ought not be misled by those who insist that violent crime has driven the rise of this unprecedented system of racial and social control. The uncomfortable reality is that arrests and convictions for drug offenses—not violent crime—have propelled mass incarceration. In many states, including Colorado and Maryland, drug offenders now constitute the single largest category of people admitted to prison.³² People of color are convicted of drug offenses at rates out of all proportion to their drug crimes, a fact that has greatly contributed to the emergence of a vast new racial undercaste.

These facts may still leave some readers unsatisfied. The idea that the criminal justice system discriminates in such a terrific fashion when few people openly express or endorse racial discrimination may seem far-fetched, if not absurd. How could the War on Drugs operate in a discriminatory manner, on such a large scale, when hardly anyone advocates or engages in explicit race discrimination? That question is the subject of this chapter. As we shall see, despite the colorblind rhetoric and fanfare of recent years, the design of the drug war effectively guarantees that those who are swept into the nation's new undercaste are largely black and brown.

This sort of claim invites skepticism. Nonracial explanations and excuses for the systematic mass incarceration of people of color are plentiful. It is the genius of the new system of control that it can always be defended on nonracial grounds, given the rarity of a noose or a racial slur in connection with any particular criminal case. Moreover, because blacks and whites are almost never similarly situated (given extreme racial segregation in housing and disparate life experiences), trying to “control for race” in an effort to evaluate whether the mass incarceration of people of color is really about race or something else—anything else—is difficult. But it is not impossible.

A bit of common sense is overdue in public discussions about racial bias in the criminal justice system. The great debate over whether black men have been targeted by the criminal justice system or unfairly treated in the War on Drugs often overlooks the obvious. What is painfully obvious when one steps back from individual cases and specific policies is that the system of mass incarceration operates with stunning efficiency to sweep people of color off the streets, lock them in cages, and then release them into an inferior second-class status. Nowhere is this more true than in the War on Drugs.

The central question, then, is *how* exactly does a formally colorblind criminal justice system achieve such racially discriminatory results? Rather easily, it turns out. The process occurs in two stages. The first step is to grant law enforcement officials extraordinary discretion regarding whom to stop, search, arrest, and charge for drug offenses, thus ensuring that conscious and unconscious racial beliefs and stereotypes will be given free rein. Unbridled discretion inevitably creates huge racial disparities. Then, the damning step: Close the courthouse doors to all claims by defendants and private litigants that the criminal justice system operates in racially discriminatory fashion. Demand that anyone who wants to challenge racial bias in the system offer, in advance, clear proof that the racial disparities are the product of intentional racial discrimination—i.e., the work of a bigot. This evidence will almost never be available in the era of colorblindness, because everyone knows—but does not say—that the enemy in the War on Drugs can be identified by race. This simple design has helped to produce one of the most extraordinary systems of racialized social control the world has ever seen.

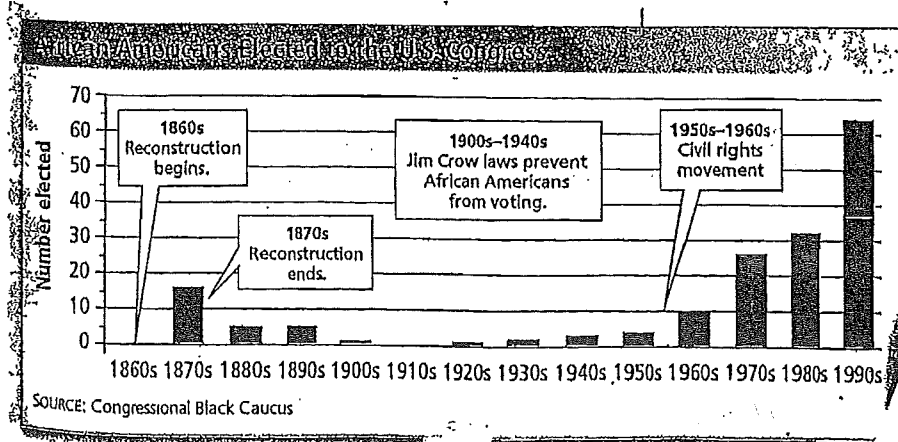
III *Estimates of Statewide Ballot Rejection Rates by Race in 2000 Florida Presidential Election*

	Invalid votes		Overvotes		Undervotes	
	Black voters	Nonblack voters	Black voters	Nonblack voters	Black voters	Nonblack voters
Punch card & central-record counties	19.4%	2.2%	17.1%	0.8%	2.4%	1.3%
Precinct-record counties	5.2%	0.4%	2.5%	0.2%	2.1%	0.1%
All counties combined	14.4%	1.6%	12.0%	0.6%	2.3%	1.2%

THE RATES FOR REJECTED VOTES ARE NOT EXACTLY EQUAL TO THE sum of rates for overvotes and undervotes. Some invalid votes were not subdivided into either of these two categories. Also, 13 counties do not separate recorded overvotes and undervotes. Estimates for all counties are weighted means of estimates for punch card and central-record counties and for precinct-record counties.

Source: Data provided by Allan J. Lichtman, professor, Department of History, American University, June 2001.

IV



"America's Debt to Blacks"

by *Randall Robinson* (2000)

WELL BEFORE THE BIRTH OF OUR COUNTRY, EUROPE AND THE eventual United States perpetrated a heinous wrong against the peoples of Africa and sustained and benefited from the wrong through the continuing exploitation of Africa's human and material resources. America followed slavery with more than a hundred years of legal racial segregation and discrimination of one variety or another. It was only in 1965, after nearly 350 years of legal racial suppression, that the United States enacted the Voting Rights Act. . . .

But when the black living suffer real and current consequences as a result of wrongs committed by a younger America, then contemporary America must shoulder responsibility for those wrongs until such wrongs have been adequately righted. The life and responsibilities of a nation are not limited to the life spans of its mortal constituents. Federal and state governments were active participants not only in slavery but also in the exclusion and dehumanization of blacks that continued legally up until the passage of key civil rights legislation in the sixties. Black calls for reparations began almost from the moment that slavery officially ended in 1865. However, although our calls far predate those of either the Japanese or the Jews, only the latter two communities have been responded to in a spirit of sober compassion and thoughtful humanity. . . .

America has made an art form by now of grinding its past deeds, no matter how despicable, into mere ephemera. And African-Americans, unfortunately, have accommodated this amnesia all too well. It would behoove African-Americans to remember that history forgets first those who forget themselves. To do what is necessary to accomplish anything approaching psychic and economic parity in the next half-century will require a fundamental shift in America's thinking. Before the country in general can be made to understand, African-Americans themselves must come to understand that this demand is not for charity. It is simply for what they are owed on a debt that is old but compellingly obvious and valid still. (Do not be fooled by individual examples of conspicuous black success. They have closed neither the economic nor the psychic gaps between blacks and whites, and are statistically insignificant.)

The blacks of Rosewood, Florida, and Greenwood, Oklahoma, have successfully brought their case for reparations to national attention. Indeed, in Oklahoma a biracial commission has just concluded that justice demands that reparations be paid

continued—

to the victims of Oklahoma's Greenwood massacre. Congressman John Conyers has introduced HR 40, a bill "to examine the institution of slavery," subsequent "de jure and de facto discrimination against freed slaves and their descendants," the impact of these forces "on living African-Americans" and to make recommendations to Congress on "appropriate remedies." Passage of this bill is crucial; even the making of a well-reasoned case for broader national restitution will do wonders for the spirits of blacks.

This is a struggle that African-Americans cannot lose, for in the very making of it we will discover, if nothing else, ourselves. And it is a struggle that all Americans must support, as the important first step toward America's having any chance for a new beginning in which all its inhabitants are true co-owners of America's democratic ideals.

but when we pressed them about how they got down payment monies for their first homes, they invariably cited parental help in giving them a head start. Their parents supplied assets that leveraged subsequent moves up to bigger homes and into better-off communities. It is reasonable to assume that many of our first-time homebuyers will follow a similar path. For example, the Toppines of St. Louis were living in their third home, moving up each time, and I inquired if they needed help for the down payment on their first.

SHERYL: Yes.

DENNIS: Well, we did. Yeah, we did. We got a little family loan thing to help set us up on that one.

SHERYL: Well, the down payment on our first house, they [my parents] helped with that

INT: How much?

SHERYL: It was five thousand dollars.

INT: Was that a gift or a loan?

SHERYL: I would say it was a loan.

INT: Did you pay it back?

SHERYL: We've been working on it for eleven years. Basically. So it's a gift/loan.

Alan and Marry Thurber, who live in the Jamaica Plain area of Boston, relate a different kind of family help that allowed them to buy their home five years ago. "My mother was looking to get rid of her house," Marry explains. "Real estate in Jamaica Plain was going up again, and so when we saw what people were asking, compared to what my mother was asking, we said, 'Let's do it, it's the right time.' When I asked how much they paid for it, she replied 'a hundred and thirty-five thousand.' What is it worth now? 'Definitely twice that,' Marry said. "We could probably get at least twice that."

The valuing of homes and home equity is color-coded. The value of the typical home owned by white families increases \$28,605 more than the rise in value of homes owned by blacks. Moreover, there is strong evidence that region, length of ownership, purchase price, and date of purchase do not explain the racial differential in home equity.¹⁹ This \$28,000 difference is a compelling index of bias in housing markets that

costs blacks dearly. My analysis includes only those currently still paying off home mortgages, excluding families who have paid off their mortgages entirely. My estimate is therefore very conservative because it excludes wealth built by home equity among all those who own their homes free and clear.

Our research finding that home equity is color coded corroborates recent research using different methods that calculates that homes lose at least 16 percent of their value when located in neighborhoods that are more than 10 percent black. Furthermore, homeowners require much steeper compensation for living in neighborhoods more heavily black. The dynamic of property values decreasing as black families move in and white flight takes hold is a common part of the American real estate story. A 2001 Brookings study reported that home values for black homeowners were 18 percent less than values for white homeowners. For every dollar of income, white homeowners owned \$2.64 worth of house. By contrast, black homeowners owned only \$2.16 worth of house. Black homeowners, according to this study, pay an 18 percent "segregation tax," and residential segregation is the culprit.²⁰ The segregation tax visits black homeowners in depressed home values and reduced home equity in highly segregated neighborhoods. The Brookings study found that the higher the segregation, the wider the black-white home value gap; that lower levels of residential segregation produce narrower gaps. The only prudent conclusion from these studies is that residential segregation costs African American homeowners enormous amounts of money by suppressing their home equity in comparison to that of white homeowners. The inescapable corollary is that residential segregation benefits white homeowners with greater home equity wealth accumulation.

Many homeowners know that another value of homeownership is that families may borrow money against equity built up by rising property values and regular monthly mortgage payments. The more a house increases in value, the larger the size of a potential home equity loan. The interest charged on home equity loans is tax deductible, as opposed to interest charges on personal loans and credit card debt.

Why do homes in African American communities not rise in value as much as homes in white communities? The explanation lies in how residential segregation affects housing markets. Only market forces—that

is, economic affordability—limit a white family attempting to sell their house in a predominantly white community. A similar African American family attempting to sell their home in a community that is more than 20 percent nonwhite faces normal market limits as well as a racial “surcharge.” The pool of potential buyers is no longer 100 percent of the affordable market, because for all practical purposes potential white buyers shun such neighborhoods.²¹ The potential buyers are now mainly other black Americans who can afford the home and possibly other minorities. This economic detour shows how the marketplace for whites is the entire society while the marketplace for blacks has geographic and product restrictions. In turn, this helps explain why housing values do not rise nearly as quickly or as high in predominantly African American communities or even in communities more than 20 percent nonwhite. The Andrews family reminds us again that the comparatively low value of their home results from its location in an African American section of St. Louis. This is an example of the “segregation tax” extracted from black homeowners.

White flight from integrating communities has been going on since the passage of fair housing laws in the 1960s. In justifying their moves, whites commonly cite declining property values, deteriorating schools, and fear of crime. Our interviews expose an uneasy connection between racist attitudes and self-interest, which is to say, the reasons whites find not to live with blacks are commonly rooted in their perceived self-interest, whether their concerns are real or not. Patricia and James Keady are 38 and 44 years old and have two children, ages 6 and 3. Patricia describes herself as a homemaker, and James is a construction laborer and a union member. They are white and have been married for nine years. Patricia grew up in Maplewood, Missouri, in a working-class family—her father worked in construction as a pipefitter, and her mother was a homemaker. When he died three years ago, Patricia's father left them \$50,000 and a coin collection worth another \$40,000. James grew up in Shrewsbury just a couple of blocks from where they now live. His father worked in construction and then later went into the life insurance business. His mother was a secretary.

Although their neighborhood is predominantly white, they are worried about the possibility of “too many black families” moving in. They already have decided to leave if this happens, because they want to

“get out” before property values go down. They reason that if they move out before it's too late they will not lose as much equity or even take a loss on their house investment. In other parts of our conversation, James and Patricia express overtly racist attitudes, but we can also see here that their thinking about community choice takes place in a context that ultimately “rewards” them for acting on those attitudes. They think that the only way they can retain the money they have built up in their home is to sell—and sell quickly before the neighborhood becomes integrated and whites will no longer move in. While it is fair for families to worry about losing value, assuming that black neighbors lower property values and acting as if it were true makes it more likely to happen. This comes out when I ask them if there is anything about the neighborhood that concerns them. Patricia says, “Just that there are a lot of homes going for sale, a lot of homes.” When I ask what concerns them about that, she replies, “Who might move in.” James picks up the conversation when I ask who they are concerned about.

Well, the blacks in the city are slowly moving to south St. Louis. The whites move out, the blacks move in, it turns into a pretty rough neighborhood. Deteriorates and so on. You know the old story. It seems to be moving in this direction. We're concerned how fast it's going to get here. Nothing against blacks, I work with them. The ones that I work with are telling me that “we can screw up a neighborhood.”

I ask if they really say that. “They admit it, yeah,” James replies. I then ask if their neighborhood is declining.

JAMES: Don't ask me. I'm getting out before it gets bad.... I think people need to kind of stay where they're in place.

INT: You mean like stay with the same incomes, same races?

JAMES: Oh, yeah.... I'm telling you, if there's too many black families on the street, when you go to sell this house, you're not going to get what you think, you know? I mean, they don't do anything for property values.... You know, we try to stay with our own type of people.

After the interview, I drove through their neighborhood expecting to see black neighbors and plenty of For Sale signs. I did not. I returned

to this neighborhood three times since our interview and did not observe much change. On my last visit, in the fall of 2002, I systematically crisscrossed their neighborhood several times, noticing one For Sale sign, and did not see any African American neighbors. The Keadys live a half block away from a large, well-kept park equipped with several soccer fields and baseball diamonds, batting cages, and children's play structures. On a bright, sunny, clear fall Saturday morning, I did not observe any African Americans at the park. U.S. Census Information for 2000 confirms my observations: Whites comprise 97 percent of the Shrewsbury census tract they live in, and less than 2 percent of the neighbors on their block and the surrounding ones are blacks. It seems that the Keadys' alarm comes more from what they have heard or fear than from what is actually happening. This combination of attitude and behavior is a driving force in residential segregation.²²

Charlene and Andrew Quinlin and their teenage son live in a white working-class part of Dorchester, a section of Boston. She is a homemaker, and he is unemployed; their income this year is about \$15,000. Charlene explains why African Americans moving into their part of Dorchester concerns them.

There's a lot of blacks that moved in. That I was starting to worry about, because I was afraid it was going to go down. I'm not prejudiced, but it's just that once a certain type comes in, that's it! My concern when a lot of blacks started moving in was with the drugs, the pushing of the drugs on your kids. Maybe getting stabbed or something. Or shot. A lot of people did move out because of that. . . . I'm just worried about it going down more. . . . I know a lot of whites moved out because of that problem—"I'm moving out, the blacks are moving in"—you know? All of them I met, they started selling their house.

Mary and Tony Kruger, a well-educated middle-class couple from St. Louis, worry about the "type" of people moving into Maplewood, Missouri. Mary is a yoga instructor, and Tony is a criminal investigator; their combined income is \$46,000. They say their neighborhood is "on the edge," and it may "slip" at any moment because people of "different values" are moving in. Mary says:

We wouldn't mind people that move in that have education or a little bit of money, or some sort of value system. I'll tell you quite frankly, what I would look for is more people who look—regular. Because I go to the shopping centers, and there's just a lot of people there that I probably wouldn't end up relating to. I feel a little bit sometimes like a fish out of water, like when I'm in the shopping center, I feel like I'm more in an inner-city slum.

I don't know whether their concerns are reasonable or not, but in the context of St. Louis, moving to a community where people have education, a little bit of money, and similar values and look regular will lead them to an all-white middle-class suburb.

Our interviews underscore the gap between whites' general attitudes on race and whites' behavior in the specific context of homeownership and community. The explanations just given by the Keadys, Quinlins, and Krugers help us understand the thinking, actions, and interests behind white flight. The rationale is like a Dutch auction of race: The logic is that the first sellers receive the highest price for their homes, while waiting only ensures that property values will continue to fall. As a result, just when neighborhoods need stability, moving brings instability and perpetuates residential segregation.

Homeownership is a crossroads that separates owners from renters as it sorts owners into racially and economically segregated communities. For young families in particular, head-start assets are crucial to homeownership aspirations. Within the current context of pressures around homeownership, opportunities for homeownership, and concern about race, the way we acquire homes and anxieties about property values exacerbate community racial divisions, racial disparities in family well-being and education, and the racial wealth gap.

sewage treatment and clean drinking water, and a system for isolating hardened criminals from nonviolent inmates and first offenders.

"The court reserves the power to issue further and supplemental orders in aid of the provisions of this injunction," Keady concluded. To speed the process and ensure its success, he directed the state to pay more than \$50,000 in attorneys' fees to Roy Haber and his team, a figure that would rise dramatically in the coming years. Whatever the future held for this prison, the old days were gone. No longer would Parchman match the apt description that Haber and Nazareth Gates had used when the case began: "a farm with slaves."

H

Epilogue

I

Reform came slowly to Parchman. Prison officials did all they could to derail the *Gates* decision, forcing endless compliance orders from the federal district court. In one instance, they "desegregated" Parchman by placing a single black inmate in an all-white camp and a single white inmate in an all-black camp. In another, they encouraged "goon squads" to roam the cages, beating "radical" inmates. "There was a lot of obstinacy," Judge Keady recalled. "There were some dark days because of the ineptitude [of officials] running the penitentiary."¹

Yet Keady prevailed. Mixing threats with patience, he helped give Mississippi a "constitutional prison," staffed by true penologists and civilian guards. Along the way, he closed the worst camps, ordered an inmate classification system, established a prison law library, upheld the right of Black Muslims to meet and worship, and required at least fifty square feet of living space for each new convict. In 1976, Mississippi created a Department of Corrections to oversee Parchman and other facilities. "It is safe to say that no other state has come such a long way with its prisons," said one authority, "although perhaps no other state had such a long way to go."²

These reforms had inevitable consequences—some unintended,

many quite severe. A step forward in one area often caused a step backward in another. The end of racial segregation; for example, led to a surge of gang activity in the cages, as whites and blacks squared off to protect themselves, boost their status, and gain territorial control. Integrating a prison was not like integrating a high school or a restaurant, a Parchman official complained: "In most cases we are dealing with the scum of the earth. . . . Power is the game. It is won in two ways: by physical force and by appeals to the worst prejudices. . . . That builds black and white gangs that stalk each other, do horrible shit to each other, and hold together with constant reminders of the blood that flows."³

The average convict was safer from violence after the *Gates* decision than before. The number of homicides dropped as civilian guards took the place of gun-toting trustees. Yet in an odd way, the federal court had shifted the balance of terror from the keepers to the inmates—from Black Annie and trusty-shooters to homemade weapons and prison gangs. In 1990 alone, the Parchman emergency room treated 1,169 inmate-on-inmate and 1,136 inmate-on-staff assaults. "I've sat and watched a young man cry," wrote a Mississippi prison activist, "begging me to get the officials to keep him in the Maximum Security Unit after he had been brutally raped by men in an open dormitory unit. I sent condolences to his family a few months later when another prisoner stabbed him to death in a rage because he was sitting on somebody's bed."⁴

Inmate violence has been a problem in all prisons, of course, including the Parchman of old. Yet many believed that Keady aggravated the problem by encouraging an end to forced labor in the fields. Following *Gates*, the great bulk of Parchman's prime land—more than 13,000 acres—was leased to local growers. The prison no longer fed and clothed its inmates with home-grown crops. The once-profitable, self-sufficient plantation disappeared.

Nothing fully took its place. Prison support jobs, such as maintenance and cooking, did not provide inmates with nearly enough

work. Well-intentioned efforts at adult education and vocational training were poorly funded, and attempts to create small prison industries ran into strong opposition from competing private firms. The result was too many convicts with too little to do. "You stay in these cages all day, you build up a lot of hostility," said one inmate, "and it's got to get out somehow."⁵

II

When Judge Keady made his first ruling in 1972, Parchman seemed to offer unique possibilities for change. Unlike other prisons, it did not have much invested in a paid workforce or a physical plant. The prison had few sturdy buildings, few cell blocks, few guards. "Mississippi had a clean slate to write on," noted one observer, and a federal court to push things along.⁶

In 1973, a group of national prison experts drew up a master plan for the state. It called for "decentralized reform": the growth of regional facilities and community programs, which threatened to make Parchman obsolete. Their plan, however, faced strong opposition from the start: Most localities did not want a prison in their midst. And the people of Mississippi still conceived of Parchman as the perfect place for convicts, especially blacks. "I don't want prison facilities lost and scattered all over the state," said one political leader. "If you're sent to prison, you should feel you're going away somewhere. And when you come out, you should feel you're going back towards society."⁷

The plan faced other obstacles as well. In the 1970s, the belief that prisons should embrace rehabilitation was seriously challenged by studies concluding, as one author put it, that "nothing works." Counseling, job training, education—all seemed futile in getting inmates to change their criminal ways. At the same time, Mississippi began to toughen its sentencing policies in response to public outcries about drugs and violence in a slowly urbanizing culture. Along with other states, it passed laws providing mandatory sentences,

tougher penalties for repeat offenders, and tighter controls on probation and parole.⁸

These changes put tremendous pressure on the prison system. There was no room for the growing number of convicts, with their required fifty square feet each. Caught in the crossfire between a fearful public and a determined federal court, the Mississippi legislature opened the coffers of America's poorest state, allocating huge sums for the construction of new facilities at Parchman. Between 1904 and 1970, the prison had housed between 1,800 and 2,500 inmates—the ideal number for a plantation of that size. Between 1970 and 1995, that figure more than tripled, to 6,500 with thousands more expected down the line. Parchman's budget rose to almost \$60 million a year. As Mississippi's only major state prison, it became one of the largest penal institutions in the United States.

III

Parchman remains a distant, isolated place, known through legend and folklore, far removed from public view. Along the side of the Delta's flat, two-lane Route 49, a small sign appears telling motorists that they have entered prison land and warning them not to pick up hitch-hikers. Several miles later, one sees a brick-and-glass guard booth and a single "security gate" with large letters reading: "Mississippi State Penitentiary." The gate stands alone, attached to nothing. Down the road a few yards is a weathered billboard from an earlier time. "WELCOME TO PARCHMAN MS," it says. "Coke is it!"

Parchman today is a mixture of the present and the past. The convict population remains about 70 percent black, stable since the 1930s, while the rate of recidivism—a depressing 49 percent—is slightly higher than before. Parchman is now an all-male prison; convict women were moved to a separate facility near Jackson in the 1980s. The all-white prison staff is a thing of the past. Today the majority of guards, and a large percentage of administrators, are black. They come

from all over the Delta, and few would ever think of living on the prison grounds. Parchman is a job to them, not a way of life.

To become a guard, an applicant must pass a written test and be a high school graduate, at least twenty-one years old. These are tough restrictions in the Delta, where the high school drop-out rate exceeds forty percent. Those who qualify are given a quick month's training in the basics of corrections and prison life. Almost half the guards at Parchman are black women, mainly single, heading households on their own. "They are the ones who graduate high school in the Delta," said a black official. "They are the ones who can pass the written exam and will work an eight-hour shift for less than \$20,000 a year." He added: "It's a shameful procedure—not just here, but all over. Corrections is not a discipline to most of them. The work is hard and stressful, and they do their best. But can you think of another job where someone with this salary, this level of education, and this sort of training has so much power over the lives of others?"

From Highway 49, the prison seems little more than a maze of gravel roads and dusty fields. Yet further inside, the new Parchman appears. There is a sweeping administration building with thick carpets and bustling computer rooms. There is a modern hospital, a handsome Spiritual Life Center, a fully equipped gymnasium, and a sizeable law library, perhaps the most popular spot of all. Some of the ancient cages are still in use. Drab but clean, they are filled with minimum security inmates, often the elderly, who tend the camp grounds. The old maximum security unit—Little Alcatraz—now houses parole violators as well as the gas chamber and an adjoining room for lethal injections. Mississippi changed its method of execution after a series of mishaps involving the chemical gas mixture led to the slow torture of two condemned men.*

* In 1983, convict Jimmy Lee Gray, convicted of raping and killing a child, died in an agonizing death in the gas chamber; his mouth foaming, his eyes rolling, his head slamming into an iron pipe by the chair. The following execution had problems as well. To prevent further trouble,

Parchman has a new maximum security unit, a "state-of-the-art" facility where more than a thousand inmates spend twenty-three hours a day in their individual cells; with a bunk, a sink, and a seatless toilet, leaving once each morning to shower alone, and once each afternoon for a short stay in an exercise yard surrounded by razor-wire. All meals are eaten in their cells; radio and television are banned. Some of these convicts are too dangerous to be housed anywhere else. Others have been moved there temporarily for violating prison rules. Most are serving long (often fixed) sentences for serious crimes, with few privileges or incentives, and faint hope of parole.

The majority of Parchman convicts live between these two extremes. They are the medium security inmates, housed in crowded barracks with barred doors and pillbox windows, sharing their space with seventy or more men. They can leave for meals, medical problems, special classes, legal visits, or work details. But much of their day is spent in the "cage," sleeping, watching television, killing time. It is here that most of the trouble occurs. "You don't sit on another man's bunk unless he says okay," an inmate explained. "Don't even walk up the aisle of his bed. You're liable to get stabbed or get your brains knocked out. You live in your own world. . . . It's a cautious way of life. You learn a lot about survival."¹⁰

A Parchman official agreed. "These are not submissive inmates," he said. "Those days are long gone. A lot of the people we get have no roots. They have no discipline. They are very angry. They resent us more than they fear us, and they need more help than a prison can provide."¹¹

Mississippi is not standing still. It has opened a number of branch facilities and community work centers across the state for minimum

the executioner tested two rabbits and a turtle in the chamber before his next job. "The bunnies went *poom*," he recalled, "but that turtle was one tough sunbird. He held his breath or something. We took him back, and he just swam off into the sunset. You cannot gas a turtle. Mississippi went to the lethal injection shortly thereafter.

security inmates, and it is experimenting with privatization, the currently popular idea of allowing private companies to operate prisons as a business venture. At Parchman itself, the prison industries program has been revitalized, and large-scale farming—in hogs, poultry, and vegetables, not in cotton—is being resumed in the hope of cutting costs and putting convicts back to work. Parchman's most heralded new program is Regimented Inmate Discipline (RID), a six-month boot-camp operation for nonviolent offenders staffed by drill instructors, job counselors, and teachers. "It's small and shabby and we don't know its long-run results," said a prison official, "but it's a lot better than Alabama with its chain-gangs breaking rocks."¹²

A group of old-timers at Parchman spoke recently about the changes they had seen. These men, three black, two white, are veterans of Black Annie, hand-picked cotton, and dawn-to-dusk labor in the fields. They can recall the beatings and shootings by the trustees, and the raw sewage that ran through their camps. One of them was a plaintiff in the *Cates* case, and all are grateful for the good it did. Yet these men also insisted that the new Parchman can learn something from the old. What is missing today, said Horace Carter, a prisoner for almost fifty years, is "the feeling that work counted for something," that the farm had a rhythm, "awful bad as it was in most camps, that kept us tired and kept us together and made me feel better inside."

"I'm not looking to go backwards," he said. "I know the troubles at old Parchman better than any man alive. I'm seventy-three years old. But I look around today and see a place that makes me sad."¹³

I. *Employment Status by Race, 1975-2004*

Year	Employment rate			Unemployment rate		
	White	Black	Hispanic	White	Black	Hispanic
1975	56.7	50.1	53.4	7.8	14.8	12.2
1980	60.0	52.3	57.6	6.3	14.3	10.1
1985	61.0	53.4	57.8	6.2	15.1	10.5
1990	63.7	56.7	61.9	4.8	11.4	8.2
1995	63.8	57.1	59.7	4.9	10.4	9.3
2000	65.1	60.8	64.7	3.5	7.6	5.7
2001	64.4	59.7	64.9	4.2	8.7	6.6
2002	63.4	58.1	63.9	5.1	10.3	7.5
2003	63.0	57.4	63.1	5.2	10.8	7.7
2004	63.1	57.2	63.8	4.8	10.4	7.0

II. *Voter Registration Rates (1965 vs. 1988)*

	March 1965			November 1988		
	Black	White	Gap	Black	White	Gap
Alabama	19.3	69.2	49.9	68.4	75.0	6.6
Georgia	27.4	62.6	35.2	56.8	63.9	7.1
Louisiana	31.6	80.5	48.9	77.1	75.1	-2.0
Mississippi	6.7	69.9	63.2	74.2	80.5	6.3
North Carolina	46.8	96.8	50.0	58.2	65.6	7.4
South Carolina	37.3	75.7	38.4	56.7	61.8	5.1
Virginia	38.3	61.1	22.8	63.8	68.5	4.7

Senate Apology to Victims of Lynching

(Passed June 13, 2005)

WHEREAS THE CRIME OF LYNCHING SUCCEEDED SLAVERY AS THE ultimate expression of racism in the United States following Reconstruction;

Whereas lynching was a widely acknowledged practice in the United States until the middle of the 20th century;

Whereas lynching was a crime that occurred throughout the United States, with documented incidents in all but 4 States;

Whereas at least 4,742 people, predominantly African-Americans, were reported lynched in the United States between 1882 and 1968;

Whereas 99 percent of all perpetrators of lynching escaped from punishment by State or local officials;

Whereas lynching prompted African-Americans to form the National Association for the Advancement of Colored People (NAACP) and prompted members of B'nai B'rith to found the Anti-Defamation League;

Whereas nearly 200 anti-lynching bills were introduced in Congress during the first half of the 20th century;

Whereas, between 1890 and 1952, 7 Presidents petitioned Congress to end lynching;

Whereas, between 1920 and 1940, the House of Representatives passed 3 strong anti-lynching measures;

Whereas protection against lynching was the minimum and most basic of Federal responsibilities, and the Senate considered but failed to enact anti-lynching legislation despite repeated requests by civil rights groups, Presidents, and the House of Representatives to do so;

Whereas the recent publication of "Without Sanctuary: Lynching Photography in America" helped bring greater awareness and proper recognition of the victims of lynching;

Whereas only by coming to terms with history can the United States effectively champion human rights abroad; and

Whereas an apology offered in the spirit of true repentance moves the United States toward reconciliation and may become central to a new understanding, on which improved racial relations can be forged: Now, therefore, be it

Resolved, That the Senate -

(1) apologizes to the victims of lynching for the failure of the Senate to enact anti-lynching legislation;

2) expresses the deepest sympathies and most solemn regrets of the Senate to the descendants of victims of lynching, the ancestors of whom were deprived of life, human dignity, and the constitutional protections accorded all citizens of the United States; and

(3) remembers the history of lynching to ensure that these tragedies will be neither forgotten nor repeated.

MICHAEL SLATE

*From AmeriKKKa 1998:**The Lynching of James Byrd*

1998

It must have seemed like a time warp: thousands gathered at the funeral of a black man brutally lynched by several whites, just as thousands had gathered for the same reason forty-three years earlier. The earlier funeral was for Emmett Till, murdered in Mississippi in 1955, reportedly for whistling at a white woman. The second was for James Byrd, Jr., murdered in Texas in 1998 by three white men with ties to the Aryan Nation. Ranking behind only Mississippi and Georgia in the number of lynchings between 1882 and 1968, with 493 incidents, Texas is a big feature on the landscape of the "AmeriKKKa" described by Michael Slate (b. 1950) in the article reprinted here. Anti-racist activists characterized Byrd's murder as the worst racist hate crime since Till's, and Slate, a writer for *Revolution* (the magazine of the Revolutionary Communist Party), refers to antebellum America in order to show how little progress has been made. In response to the murder, Dread Scott, a revolutionary Maoist and a founding member of the Artists Network of Refuse & Resist!, produced a protest-art installation, *Historic Corrections*, that connected lynching to police brutality and the death penalty. In 2001 Scott mounted another protest installation, this time explicitly about the Byrd murder. Called *Jasper the Ghost*, it traced a historical line from slavery to lynching.

In May 2001, Texas signed into law the James Byrd Jr. Hate Crimes Act. This amended the previous hate crimes law to include targeting race, color, disability, religion, national origin or ancestry, age, and gender or sexual orientation. The last element was important because, four months after Byrd's death, Matthew Shepard, a gay student in Wyoming (a state without a hate crime law), was lynched and left for dead. The passerby who discovered him the next morning—unconscious, mutilated, burned, hypothermic, and tied to a fencepost—at first thought he was a scarecrow. Journalists pointed to the symbolism of the fencepost, calling Shepard's death a crucifixion. Shepard died a few days later, just as Terrence McNally's play *Corpus Christi* opened on Broadway. This featured a gay Christ-like Texan, an uncanny blend of Byrd and Shepard. The following year, McNally's preface to the published play observed: "Jesus Christ died again when Matthew Shepard did." But outside the theater during the play's first performance, religious activists protested the depiction of Jesus as a gay man. They didn't see the irony: a gay man had apparently just become Jesus.

I wanted to stand on a corner, in the middle of skyscrapers, open my mouth and let loose a roar from hell. I wanted to spit flames and burn Babylon to the ground. A horrible image was seared onto the lens of my eyes. A blacktop road in the rural Texas town of Jasper stretched out to the horizon. Little white chalk circles gave the road a weird polka dot pattern. A newscaster calmly explained that the circles marked the spots where pieces of James Byrd Jr., a 49-year-old Black man, were found . . .

On Saturday, June 6, James Byrd went to, and sang at, a couple of family get-togethers. At the end of the night he was walking home from his niece's bridal shower. Born and raised in Jasper, it seemed like everyone knew him. Although he was now divorced and lived alone, he was the father of three children. He had six sisters, and in his family he was known as "Toe" because he had lost one of his toes in a childhood injury. He was formerly a vacuum cleaner salesman who now depended on disability because of a crippling job-related injury to his left arm. And, like many Black people in Texas, or for that matter in the U.S. as a whole, James had done some prison time for minor crimes. His daughter described him as a "people person," "an entertainer always trying to tell jokes." Byrd's sister said he was one of those people who was always outgoing and friendly, somebody that everyone in town seemed to like. He often walked where he was going because he suffered from a medical disorder that brought on seizures and that prevented him from driving. So it helped that he was so well known and liked because people would often help him out by offering him a ride.

But there were some people among the 8,000 residents of Jasper who didn't like James Byrd, not because of anything he did or said but because of the color of his skin. On June 6 three of these beasts—supporters of the Ku Klux Klan complete with KKK tattoos and racist posters in their houses—offered him a ride. Who knows why James Byrd took that ride. Maybe it was because he recognized one of the men as somebody who had the same parole officer. Maybe he just never thought that there was any danger facing him in a town he thought he knew so well. But before the night was over, these modern-day slave catchers beat James Byrd senseless. They wrapped him in a chain and attached it to the back of their pick-up truck. Then they dragged James Byrd for three miles on this lonely blacktop country road. Byrd's body broke into 75 pieces. His torso was found in a ditch on the side of the road, at the end of a long trail of blood and near empty beer cans and a cigarette lighter that belonged to one of the killers—the lighter had the word "possum" inscribed on it along with a triangular symbol, which is a KKK symbol. James' head, neck and right arm were found more than a mile from his torso. Pieces of James Byrd, including his dentures, were scattered over more than 10,000 feet of roadway. Pieces of his body were lodged up in the underbody of the truck. His

body was so grotesquely mauled that he could only be identified by his fingerprints . . .

The murder of James Byrd, Jr. didn't happen just because three white men got into a drunken rage. This was a crime birthed and nurtured in the cradle of AmeriKKKa. Lawrence Brewer, Sr., the father of one of the men who killed James Byrd, spoke to this as he repeatedly stressed his sympathy for the victim in this case, "If the color of your skin is gonna cause you to be killed, there is something wrong with society."

In the hours after hearing about the murder of James Byrd, Jr., I spoke to many friends about it. A lot of white friends expressed their horror and disgust at the murder. What they were saying reminded me of the Refuse & Resist! slogan: "I used to be a white American but I gave it up in the interests of humanity." A few Black friends... wanted to know if, in the face of all this—all the insane cruelty and hatred crammed into the murder of James Byrd Jr.—I still believed that things can and will change.

As I thought about my answer to this challenge, I was reminded of a statement Frederick Douglass made back in 1852 about the meaning of July 4th to the slave and how, in many ways, very little has changed over the last 150 years. At the end of this statement Douglass declared, "Go where you may, search where you will, roam through all the monarchies and despotisms of the old world, travel through South America, search out every abuse, and when you have found the last, lay your facts by the side of the every-day practices of this nation, and you will say with me, that, for revolting barbarity and shameless hypocrisy, America reigns without a rival."

AmeriKKKa may have no rivals, but its horrific oppression has produced hundreds of millions of enemies inside its borders and around the world. Can we really change things? Yes, a million times over, yes! More than that, we, the enemies of AmeriKKKa, have to do this. But it can only be done through our struggle, our all-out revolutionary struggle to completely overthrow this society, finally opening up the possibility of digging out all the sick and twisted diseases it gives rise to. And on that day, the story of James Byrd, Jr.—along with all the slave stories—will be told to the children to teach them why we must never again allow a society as sick as this one to torture humanity.

TUPAC SHAKUR

Panther Power

1989

"It's time to fight back that's what Huey said," rapped Tupac Shakur (1971–1996) in his posthumously released song "Changes" (1998). Referring to the Black Panther Huey Newton, the song expresses a post-civil rights philosophy: "The old way wasn't working so it's on us to do what we gotta do." As Newton and the Black Panthers had pointed out, the black agenda after 1965 needed to move beyond civil rights reform. Tupac, the son of two Black Panthers, who sometimes said he could easily have been a preacher, picked up where the Black Panther Party had left off.

His songs question Abraham Lincoln's motives for signing the Emancipation Proclamation and lay out the legacy of slavery and racism: poverty, wage-slavery, mass incarceration, privatized prison labor, death row, and police violence. Other hip-hop artists compared police officers to slave overseers. KRS-One's "Sound of Da Police" (1993) observes: "They both ride horses, after 400 years I've got no choices." The history of black oppression is unbroken in Onyx's "Getto Mentalitee" (1995) as well: "They traded in the white sheets, for badges and blue suits." White supremacy has just changed its costume.

James Baldwin once wrote, "It is only in his music . . . that the Negro in America has been able to tell his story." Spirituals and blues had long been a form of black protest, and hip-hop emerged as the late 20th century's protest music in the wake of "Black Power" anthems like James Brown's "Say It Loud—I'm Black and I'm Proud" (1968). It began as rap music in the 1970s, when deejays at parties would speak words over the beats of rock, disco, and soul tracks, and was born at a particular moment: during Reaganism, amid shrinking job and housing markets, and as racial profiling, police brutality, and mandatory minimum sentencing made African Americans "prisoners of war," as some activists put it. Revolutionary and reactionary, serious and playful, hip-hop responded to a whole culture of oppression and became a culture itself, extending beyond rap to incorporate break dancing, deejaying, graffiti, and fashion, and ultimately becoming a tool deployed in the name of marketing and conspicuous consumption. Noting this shift, the rap artist Chopsmaster J released Tupac's *Lost Tapes* in 2000, which included "Panther Power." Tupac, a hyper-representation of urban outlaw manhood, had been killed in a drive-by shooting in September 1996, amid a highly publicized East Coast–West Coast hip-hop rivalry. Now the liner notes to *Lost Tapes* read: "I thought that Tupac's fans would like to hear what his first recordings sounded like back when . . . socially conscious themes ruled Hip-Hop."

As real as it seems the American Dream
Ain't nothing but another calculated scheme
To get us locked up, shot up, back in chains
To deny us of the future, rob our names
Kept our history a mystery but now I see
The American Dream wasn't meant for me
Cause lady liberty's a hypocrite, she lied to me
Promised freedom, education, and equality
Never gave me nothing but slavery
And now look at how dangerous you made me
Calling me a mad man cause I'm strong and bold
With this gumbo of knowledge of the lies you told
Promise me emancipation and a free nation
All you gave my people was starvation
The fathers of this country never cared for me
They kept our ancestors shackled up in slavery
Uncle Sam never did a damn thing for me
Except lie about the facts in my history
Now I'm sitting here mad cause I'm unemployed
But the government's glad cause they enjoy
When my people are down so they can screw us around
Time to change the government now, panther power

[chorus]

Panther power

Panther power

Panther power

Coming straight from the place that resides within

Go toe to toe with a panther and you just can't win

Self proclaimed best suppressed the rich

The rich get richer and the poor take less

The American Dream was an American nightmare

You kept my people down and refused to fight fair

The Ku Klux Klan tried to keep us out

With signs that state "No Blacks Allowed"

With intimidation and segregation

Once would wait for our freedom

But now we're impatient

Blacks, the others, they yell sell out,

Freedom, equality, then I'll yell out

"Don't you ever be ashamed of what you are

It's ya panther power that makes you a star"

Panther power [chorus]
 My Mother never let me forget my history
 Hoping I was set free, chains never put on me
 Wanted to be more than just free
 Had to know the true facts about my history
 I couldn't settle for being a statistic
 Couldn't survive in this capitalistic government
 Cause it was meant to hold us back with ignorance,
 Drugs, sneak attacks in my community
 They killed our unity
 But when I charged them, tried to claim immunity
 I strike America like a case of heart disease
 Panther power is running through my arteries
 Try to stop me homeboy you'll get clawed to death
 Cause I'll be fighting for my freedom till my dying breath
 Do you remember that's what I'm asking you?
 You think you're living free, don't make me laugh at you
 Open your eyes realize you've been locked in chains
 Said you wasn't civilized and stole your name
 Cause some time has passed we seem to all forget
 There's no liberty for me and you we ain't free yet
 Panther power [chorus]

Directions: Paraphrase Section 2 of the Voting Rights Act of 1965 (below)

“SEC. 2. No voting qualifications or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.”

Directions: Read through cases that claim a violation of Section 2 of the Voting Rights Act. For the cases, write down the ways that people’s right to vote under the 15th amendment and the Voting Rights Act were violated. Answer the questions at the end in groups.

Cases Raising Claims Under Section 2 Of The Voting Rights Act

United States v. State of North Carolina (M.D.N.C. 2013)

On September 30, 2013, the United States filed a complaint against the State of North Carolina. The complaint alleges that at least four provisions of the North Carolina House Bill 589 (2013) were adopted with the purpose, and will have the result, of denying or abridging the right to vote on account of race, color, or membership in a language minority group, in violation of Section 2 of the Voting Rights Act. The complaint asks the court to prohibit North Carolina from enforcing these requirements of HB 589, and also requests that the court order bail-in relief under Section 3(c) of the Voting Rights Act. The press release is available [here](#).

United States v. State of Texas (W.D. Tex. 2013)

On September 25, 2013, the United States filed a complaint against the State of Texas, as a plaintiff-intervenor in *Perez v. Perry* (W.D. Tex.). The complaint seeks a declaration that Texas' 2011 statewide redistricting plans for the Texas State House of Representatives and for Texas' delegation to the U.S. House of Representatives were adopted with the purpose of denying or abridging the right to vote on account of race, color, or membership in a language minority group in violation of Section 2 of the Voting Rights Act, and also requests that the court order bail-in relief under Section 3(c) of the Voting Rights Act. The Department had moved to intervene as a party on August 22, 2013, and the court granted that motion to intervene on September 24, 2013. The Department had earlier participated as amicus in the *Perez* case. The press release is available [here](#).

United States v. State of Texas (S.D. Tex. 2013)

On August 22, 2013, the United States filed a complaint against the State of Texas. The complaint alleges that Texas Senate Bill 14 (2011), which is Texas' photo voter identification law, was adopted with the purpose, and will have the result, of denying or abridging the right to vote on account of race, color, or membership in a language minority group in violation of Section 2 of the Voting Rights Act. The complaint asks the court to prohibit Texas from enforcing the requirements of SB 14, and also requests that the court order bail-in relief under Section 3(c) of the Voting Rights Act. The press release is available [here](#).

United States v. Town of Lake Park, FL (S.D. Fla. 2009)

D

On October 26, 2009, the Court entered a consent judgment and decree replacing the current at-large method of election with a limited voting plan providing for the election of four Commissioners with concurrent terms. On March 31, 2009, the Department filed complaint against the Town of Lake Park in Palm Beach County, FL for violations of Section 2 of the Voting Rights Act. The complaint alleges that the Town's at-large system of electing its Commissioners denies black voters an equal opportunity to elect representatives of their choice. Although black voting age citizens compose 38% of Lake Park's total citizen voting age population, no black candidate ever has been elected to office since the Town's founding in 1923.

United States v. Salem County and the Borough of Penns Grove, NJ, et al (D.N.J. 2008)

E

On July 28, 2008, the Department simultaneously filed a complaint and proposed consent decree against Salem County and the Borough of Penns Grove, NJ alleging that the parties violated the Voting Rights Act against Latino voters with disparate treatment, lack of Spanish-language materials and the denial to voters of the right to choose their assistor of choice. On July 29, the court entered the settlement agreement.

United States v. The School Board of Osceola County (M.D. Fla. 2008)

F

On April 23, 2008, the court approved a consent judgment and decree in this suit challenging the districting plan for electing Osceola County's school board under Section 2 of the Voting Rights Act. The complaint, filed on April 16, 2008 simultaneously with the agreement, alleged that the boundaries of the existing single-member districts diluted Hispanic voting strength by dividing the largest Hispanic population concentration between two districts such that none of the five districts was majority Hispanic in eligible voters. The consent judgment and decree, in which the parties stipulated that the existing districts violated Section 2, provides for a new plan which includes one district with a Hispanic voter registration majority. Voters in the Hispanic majority district will elect a school board member in 2008.

United States v. City of Philadelphia, PA (E.D. Pa. 2007)

G

On October 13, 2006, the United States filed a complaint against the City of Philadelphia, PA, under Sections 203 and 208 of the Voting Rights Act for failing to establish an effective Spanish bilingual program and for denying limited-English proficient voters their assistor of choice. On April 26, 2007, the United States filed an amended complaint, contemporaneously with the signing of a settlement agreement. The amended complaint further alleged violations of Sections 2 of the Voting Rights Act as the election system and procedures denied minority voters equal access to the election process, and 4(e) of the Voting Rights Act for its failure to provide election information to citizens educated in Spanish in American flag schools in Puerto Rico; violations of the Help America Vote Act of 2002 for failing to provide alternative-language information; and a violation of Section 8 of the National Voter Registration Act of 1993 for failing to remove deceased voters from the rolls. The settlement agreement, among other things, requires the defendants to establish an effective bilingual program, including bilingual interpreters and alternative-language information; to allow limited-English proficient voters to utilize assistants of choice; to provide alternative-language information; and to undertake a program of voter list maintenance. On June 4, 2007, the Court entered an order retaining jurisdiction to enforce the terms of the settlement agreement until July 1, 2009. On July 14, 2008, the settlement agreement was amended.

United States v. Village of Port Chester, NY (S.D.N.Y. 2006)

H

On April 21, 2011, the court entered the final judgment and order. On December 22, 2009, the Court signed and entered a consent decree regarding the implementation program for cumulative voting. On January 17, 2008, the Court issued a decision and order for the United States in its Section 2 case against the Village of

Port Chester, NY. On December 15, 2006, the Department filed a complaint against the Village of Port Chester, NY, alleging that Port Chester's at-large system of electing its governing board of trustees dilutes the voting strength of the Village's Hispanic citizens, in violation of Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973. On March 2, the Court granted the United States' motion for preliminary injunction, enjoining the election of two trustees scheduled for March 20, 2007. In recent years, Hispanics have consistently voted cohesively together, and their preferred candidates for the Board of Trustees and other local offices, whether Hispanic or not, usually have been defeated by white bloc voting.

United States v. City of Euclid, et al (N.D. Ohio 2006)

I On July 10, the Department filed a complaint against the City of Euclid, Ohio under Section 2 of the Voting Rights Act. The complaint alleges that the mixed at-large/ward system of electing the city council dilutes the voting strength of African-American citizens. In the course of the investigation, it was found that while African-Americans compose nearly 30% of Euclid's electorate, and although there have been eight recent African-American candidacies for the Euclid City Council, not a single African-American candidate has ever been elected to that body. Further, in seven recent elections for Euclid City Council, African-Americans voted cohesively and white voters voted sufficiently as a bloc to defeat the African-American voters' candidates of choice.

United States v. Long County, GA (S.D. Ga. 2006)

I On February 8, 2006, the United States filed a complaint against Long County, Georgia under Section 2 of the Voting Rights Act. The complaint alleged that Long County officials required 45 Hispanic residents whose right to vote had been challenged on the grounds that they were not U.S. citizens to attend a hearing and prove their citizenship, even though there was no evidence calling into question their citizenship and even though similarly situated non-Hispanics were not required to do so. According to the complaint, the defendants' conduct had the effect of denying Hispanic voters an equal opportunity to participate in the political process and to elect candidates of their choice. On February 10, 2006, the district court entered a consent decree that requires defendants to train their election officials and poll workers on federal law, to maintain uniform procedures for responding to voter challenges, and to notify Hispanic voters who were challenged that no evidence was presented to support the challenges against them and that they are free to vote.

United States v. City of Boston, MA (D. Mass. 2005)

K On July 29, 2005, the United States filed a complaint against the City of Boston under Sections 2 and 203 of the Voting Rights Act. The complaint alleged that the City's election practices and procedures discriminate against members of language-minority groups, specifically persons of Spanish, Chinese, and Vietnamese heritage, so as to deny and abridge their right to vote in violation of Section 2. The suit also alleged that the City has violated Section 203 by failing to make all election information available in Spanish to voters who need it. On October 18, 2005, the three-judge court issued an order authorizing federal examiners through December 31, 2008; retaining the court's jurisdiction through expiration of the federal examiner designation and the agreement, both to occur on December 31, 2008; and providing that either the Department or the City may petition to the court to resolve any disputes during the life of the agreement.

United States v. Osceola County (M.D. Fla 2005)

L This suit challenged the at-large system for electing the county's Board of Commissioners under Section 2 of the Voting Rights Act. Although Hispanics comprise more than one-third of the county's electorate, the county never elected a Hispanic candidate to the Board under the at-large system or to any county-wide office. The complaint, filed July 18, 2005, alleged that the existing electoral system operated to dilute Hispanic

voting strength, and that Osceola County had adopted and maintained the at-large method of election with a discriminatory purpose. On June 26, 2006, the court issued a ruling from the bench granting the Department's motion for a preliminary injunction, enjoining the scheduled 2006 county commission elections. On October 18, 2006, after a trial on the merits, the Court issued a memorandum opinion ruling that the at-large method of election violated Section 2. On December 8, 2006, the court entered its remedial order rejecting the county's proposal of a mixed system of five single-member districts and two at-large seats, and adopting the five single-member district map submitted by the United States and agreed to by the parties. The court ordered a special election in 2007 in two districts, including the majority Hispanic district, under the court-approved plan.

United States v. Ike Brown and Noxubee County (S.D. Miss. 2005)

M On August 27, 2007, the Court entered a remedial order in *United States v. Brown* (S.D. Miss). On June 29, 2007, the Court entered judgment for the United States. The Court's 104 page opinion held that the Voting Rights Act is a colorblind statute and protects all voters from racial discrimination, regardless of the race of the voter. The Court then ruled that Defendants had an illegal discriminatory intent to discriminate against white voters. In its complaint, the United States alleged that the practices of local election and party officials discriminate against whites in violation of Section 2 of the Voting Rights Act. The United States entered in a consent decree with the Noxubee County superintendent of general elections, administrator of absentee ballots, registrar, and the county government. The consent decree prohibits a wide range of discriminatory and illegal voting practices, and requires these officials to report such incidents if they receive information that they are continuing. This consent decree was approved by the district court and filed simultaneously with the filing of the complaint.

United States v. Berks County (E.D. Pa. 2003)

N The United States alleged in its complaint that the county violated several sections of the Voting Rights Act. The facts showed that the county discriminated against Hispanic individuals, primarily Puerto Rican voters, through hostile treatment at the polls, failure to provide adequate language assistance, and by not permitting Hispanic voters to bring assistants of their choice into the polling place. These actions resulted in violations of Sections 2, 4(e), and 208 of the Voting Rights Act. The court granted a preliminary injunction on March 18, 2003, and permanent relief on August 20, 2003. Both decisions resulted in increased protection for Hispanic voters. Since the court entered its decision, the Department has monitored elections, utilizing federal observers pursuant to a provision of the order, to ensure compliance with the court's order.

<http://www.justice.gov/crt/cases-raising-claims-under-section-2-voting-rights-act-0#ncarolina>

1. What trends exist in the violations of section 2 of the Voting Rights Act?
2. What solutions could you propose that would end these violations?