

CHAPTER
NINE

*Representative
Government: The Black
Experience*

Declarations of Independence
Howard Zinn. 1990

Amid the enthusiastic celebrations in 1987 surrounding the Bicentennial of the Constitution, novelist James Michener wrote,

The writing of the Constitution of the United States is an act of such genius that philosophers still wonder at its accomplishment and envy its results. Fifty five typical American citizens . . . fashioned a nearly perfect instrument of government. . . . Their decision to divide the power of the government into three parts—Legislative, Executive, Judicial—was a master stroke.¹

In the abolitionist movement of the early nineteenth century, there was no such enthusiasm. William Lloyd Garrison, editor of *The Liberator*, held up a copy of the Constitution before several thousand people at a picnic of the New England Anti-Slavery Society and burned it, calling it “a covenant with death and an agreement with hell,” and the crowd shouted “Amen!”

Ex-slave Frederick Douglass, invited to deliver a Fourth of July speech in 1852, told his white audience,

The rich inheritance of justice, liberty, prosperity and independence, bequeathed by your fathers, is shared by you, not by me. The sunlight that brought light and healing to you, has brought stripes and death to me. This Fourth of July is yours, not mine. You may rejoice, I must mourn.

During our 1987 celebrations, former Chief Justice Warren Burger, chairman of the Bicentennial Commission, delivered the usual superlatives to the Founding Fathers and the Constitution. But the sole black Supreme Court Justice Thurgood Marshall spoke this way:

In this bicentennial year, we may not all participate in the festivities with flag-waving fervor. Some may more quietly commemorate the suffering, struggle, and sacrifice that has triumphed over much of what was wrong with the original document, and observe the anniversary with hopes not realized and promises not fulfilled.²

Historian Leon Litwack has written:

It had been the genius of the Founding Fathers to sanction, protect, and reinforce the enslavement of black men and women. . . . It had been the genius of the founders to build safeguards for slavery into the Constitution without even mentioning slavery by name. The legitimization of slavery was the price of the new federal union, and the Founding Fathers shared . . . the assumption that blacks were culturally and genetically unsuited for democracy.³

Today, Americans still celebrate the Constitution; they learn in school about checks and balances and what Michener called "the master stroke" of dividing the government into Executive, Legislative, and Judicial branches. We hold elections, vote for president and representatives in Congress, and think *that* is democracy. Yet for black people in this country, none of those institutions—not the Constitution, not the three branches of government, not voting for representatives—has been the source of whatever progress has been made toward racial equality.

Before we rush to conclude that representative government has worked for white people in this country, but not for blacks, we should consider it is the special gift of oppressed groups to reveal universal truths. French writer Fourier said that you could tell the state of progress in any society by looking at the condition of women, and George

Bernard Shaw said you could measure the condition of society by the treatment of its prisoners.

The history of blacks in the United States exposes dramatically the American political system. What that history makes clear is that our traditional, much-praised democratic institutions—representative government, voting, and constitutional law—have never proved adequate for solving critical problems of human rights.

Theories of representative government became prominent in the seventeenth and eighteenth centuries, when monarchies and feudal arrangements were being challenged by rising classes of merchants and manufacturers. People were moving into cities and the new middle classes wanted more power in government.

The new way of thinking was expressed by John Locke. He was an adviser to the Whig party, which wanted to diminish the power of the king and increase that of Parliament. Locke wrote about the advantages of representative government. His name is associated with the idea of the "social contract", under which the community—wanting more order, less trouble, and more safeguards for life, liberty, and property—agrees to choose representatives who would accomplish these purposes.

Locke said that in ancient times in "the state of nature" people got along quite well, but this was disrupted by money, commerce, and greed. Monarchy didn't help, because kings acted as if they were in a state of nature, not responsible to the community. Now, Locke said, you needed settled law, judges, and a stable society based on the will of the majority represented by the legislature.⁴ The legislature would be the supreme power, Locke proposed, but it had to abide by the terms of the contract, to promote peace, safety, and the public good. If the government ever seriously violated the contract, rebellion might be justified, Locke said.

Therefore, although written in the 1680s, Locke's statements almost have the idealistic ring of the Declaration of Independence. But there is something suspect about his theory. It pretends that there is some unified community that agrees to set up this constitutional government. In reality, there was no such unity, neither in England nor in the American colonies. There were rich and poor, and the poor are never in a position to sign a contract on equal terms with the rich. Indeed, they are not usually consulted when a contract is drawn up, after which they are told: "We agreed on this." So while it may sound good that property and liberty will be protected by representative government, in reality

it is the property and liberty of the wealthy and powerful that is most likely to be protected.⁵

We get a clue to the reality behind Locke's liberal theory when we look at his activities. In the 1660s, he was given the job of writing a constitution for the Carolinas (not yet North and South Carolina). His constitution set up a feudal-type system, in which eight barons would own 40 percent of the land; one of these barons would be governor. Locke's constitution also contained this clause: "every freeman of Carolina shall have absolute power and authority over his negro slaves, of what opinion or religion soever." This last part was to take care of the claim that Christianized slaves might be freed.

The American revolutionists had probably not read John Locke.⁶ They didn't have to. They were moved by similar circumstances: the necessity to overthrow monarchical rule, to put forth a rhetoric that would win popular support, and then to set up a government that would be more democratic than a monarchy. It would be a representative government (a revolutionary idea at that time), but one that would represent the interests of the wealthy classes most of all. And so, the Declaration of Independence, a masterpiece of rhetorical idealism, was followed by the Constitution, a masterpiece of ambiguous practicality.

That combination of rhetoric and ambiguity appeared in the Bill of Rights itself, in the Fifth Amendment, which says no person shall be deprived of "life, liberty, or property" without due process of law. The white person might be thankful that "liberty" was safe, but the black slave, knowing he or she was "property," might well be unimpressed. Indeed, when the Supreme Court in 1857 had to decide between Dred Scott's liberty and his former master's property, it decided for property and declared Dred Scott a nonperson, to be returned to slavery.

Those were not "fifty-five typical American citizens" (James Michener's phrase) who drew up the Constitution. At that convention, there was no representation of black people, who at that time numbered about one-fifth of the population of the states. There was no representation of women, who were about half the population, and certainly no representation of Indians, whose land all of the colonists were occupying.

The Indians, like blacks, were not looked on as human beings by those who were fighting a revolution in the name of freedom. Six months after the battles of Lexington and Concord, the Massachusetts legislature proclaimed monetary rewards for dead Indians: "For every scalp of a male Indian brought in . . . forty pounds. For every scalp of

such female Indian or Male Indian under the age of twelve years that shall be killed . . . twenty pounds."

The Constitution was blatant in its representation of the interests of the slaveholders. It included the provision (Article IV, Section 2) that escaped slaves must be delivered back to their masters. Roger Sherman pointed out to the Convention that the return of runaway horses was not demanded with such specific concern, but he was ignored.

In eighty-five newspaper articles (*The Federalist Papers*), arguing for the ratification of the Constitution among New York State voters (blacks, women, Indians, and whites without property were excluded), James Madison, Alexander Hamilton, and John Jay were quite frank. Madison wrote (as we noted in the chapter "Economic Justice") that representative government was a good way of calming the demand of people "for an equal division of property, or for any other improper or wicked object." It would accomplish this by creating too big a nation for a revolt to spread easily and by filtering the anger of rebels through their more reasonable representatives.

The authors of *The Federalist Papers* explained, more candidly than any other political leaders of the nation have done since, what the institution of *representative government* is really for. As they put it (it is not clear whether Madison or Hamilton wrote this), speaking of the usefulness of the Senate:

I shall not scruple to add that such an institution may be sometimes necessary as a defence to the people against their own temporary errors and delusions. . . . There are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, may call for measures which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice, and truth can regain their authority over the public mind?⁸

That passage suggests that whites as well as blacks, men as well as women, might look with suspicion on the claims of modern representative government—that while it indeed is an improvement over monarchy, and may be used to bring about some reforms, it is chiefly used by those holding power in society as a democratic facade for a controlled society and a barrier against demands that threaten their interests.

The experience of black people reveals this most clearly, but there is instruction in it for every citizen. The Constitution did not do away with slavery; it legalized it. Congress and the president (including later the antislavery but politically cautious Abraham Lincoln) had other priorities that came ahead of abolishing slavery. Billions of dollars were invested in southern slaves, and northern political leaders, wanting to keep what power they had, did not want to rock the national boat.

It became clear to those who wanted to abolish slavery that they could not depend on the regular structures of government. So they began to agitate public opinion. This was dangerous not just in the South, where blacks were enslaved, but in the North, where they were segregated and denied the right to vote, their children excluded from public schools, and they were treated as inferiors in every way.⁹

A free black man in Boston, David Walker, wrote the pamphlet *Walker's Appeal*, a stirring call for resistance, in 1829:

Let our enemies go on with their butcheries. . . . Never make an attempt to gain our freedom . . . until you see your way clear—when that hour arrives and you move, be not afraid or dismayed. . . . They have no more right to hold us in slavery than we have to hold them. . . . Our sufferings will come to an end, in spite of all the Americans this side of eternity. . . . 'Every dog must have its day,' the American's is coming to an end.

Georgia offered \$1,000 to anyone who would kill David Walker. One summer day in 1830, David Walker was found dead near the doorway of the shop where he sold old clothes. The cause of death was not clear.

From the 1830s to the Civil War, antislavery people built a movement. It took ferocious dedication and courage. White abolitionist William Lloyd Garrison, writing in *The Liberator*, breathed fire: "I accuse the land of my nativity of insulting the majesty of Heaven with the greatest mockery that was ever exhibited to man." A white mob dragged him through the streets of Boston in chains, and he barely escaped with his life.

The Liberator started with twenty-five subscribers, most of them black. By the 1850s, it was read by more than 100,000. The movement had become a force.

Black abolitionists were central to the antislavery movement. Even before Garrison published *The Liberator*, a black periodical, *Freedom's Journal*, had appeared. Later, Frederick Douglass, ex-slave and abolitionist orator, started his own newspaper, *North Star*. A conference of

blacks in 1854 declared "it is emphatically our battle; no one else can fight it for us."

The Underground Railroad brought tens of thousands of slaves to freedom in the United States and Canada. Harriet Tubman, born into slavery, had escaped alone as a young woman. She then made nineteen dangerous trips back into the South, bringing over 300 slaves to freedom. She carried a pistol and told the fugitives, "You'll be free or die."

When the Fugitive Slave Act was passed by Congress in 1850, blacks, joined by white friends, took the lead in defying the law, in harboring escaped slaves, in rescuing captured slaves from courtrooms and police stations. After the act was passed, Reverend J. W. Loguen, who had escaped from slavery on his master's horse, had gone to college, and had become a minister in Syracuse, New York, spoke to a meeting in that city:

The time has come to change the tones of submission into tones of defiance—and to tell Mr. Fillmore (President Millard Fillmore, who signed the law) and Mr. Webster (Senator Daniel Webster of Massachusetts, who supported the law), if they propose to execute this measure upon us, to send on their blood-hounds. . . . I received my freedom from Heaven, and with it came the command to defend my title to it. . . . I don't respect this law—I don't fear it—I won't obey it! It outlaws me, and I outlaw it. . . . I will not live a slave, and if force is employed to re-enslave me, I shall make preparations to meet the crisis as becomes a man.¹⁰

No more shameful record of the moral failure of representative government exists than the fact that Congress passed the Fugitive Slave Act, the president signed it, and the Supreme Court approved it.¹¹

The act forced captured blacks to prove they were not someone's slave; an owner claiming him or her needed only an affidavit from friendly whites. For instance, a black man in southern Indiana was taken by federal agents from his wife and children and returned to an owner who claimed he had run away nineteen years ago. Under the act more than 300 people were returned to slavery in the 1850s.

The response to it was civil disobedience. "Vigilance committees" sprang up in various cities to protect blacks endangered by the law. In 1851 a black waiter named Shadrach, who had escaped from Virginia, was serving coffee to federal agents in a Boston coffeehouse. They seized him and rushed him to the federal courthouse. A group of black men broke into the courtroom, took Shadrach from the federal marshals, and

saw to it that he escaped to Canada. Senator Webster denounced the rescue as treason, and the president ordered prosecution of those who had helped Shadrach escape. Four blacks and four whites were indicted and put on trial, but juries refused to convict them.¹²

Federal agents were sent to Boston right after the passage of the Fugitive Slave Law to apprehend William and Ellen Craft, who were famous escapees from slavery. They had disguised themselves as master and servant (she was light skinned and dressed as a man) and had taken the railroad north. Boston was full of defiance. White abolitionist minister Theodore Parker hid Ellen Craft in his house and kept a loaded revolver on his desk. A black abolitionist concealed William Craft. He stacked two kegs of gunpowder on his front porch. The local vigilance committee warned the federal marshals it was not safe to remain in Boston, and they left town.

In Christiana, Pennsylvania, in September 1851, a slaveowner arrived from Maryland with federal agents, to capture two of his slaves. There was a shoot-out with two dozen armed black men determined to protect the fugitives, and the slaveowner was shot dead. President Fillmore called out the marines and assembled federal marshals to make arrests. Thirty-six blacks and five whites were put on trial. A jury acquitted the first defendant, a white Quaker, and the government decided to drop the charges against the others.

Rescues took place and juries refused to convict. In Oberlin, Ohio, a group of students and one of their professors organized the rescue of an escaped slave; they were not prosecuted.

A white man in Springfield, Massachusetts, had organized blacks into a defense group in 1850. His name was John Brown. In 1858, John Brown and his band of white and black men made a wild, daring effort to capture the federal arsenal at Harper's Ferry, Virginia, and set off a slave revolt throughout the South. Brown and his men were hanged by the collaboration of the state of Virginia and the national government. He became a symbol of moral outrage against slavery. The great writer Ralph Waldo Emerson, not an activist himself, said of John Brown's execution: "He will make the gallows holy as the cross."

What Garrison had said was necessary—"a most tremendous excitement" was shaking the country. The abolitionist movement, once despised few, began to be listened to by millions of Americans, indignant over the enslavement of 4 million men, women, and children.

Nevertheless when the Civil War began, Congress made its position clear, in a resolution passed with only a few dissenting votes: "This war

is not waged . . . for any purpose of . . . overthrowing or interfering with the rights of established institutions of those states, but . . . to preserve the Union."

As for President Lincoln, his caution, his politicking around the issue of slavery (despite his personal indignation at its cruelty) had been made clear when he campaigned for the Senate in 1858. At that time he told voters in Chicago: "Let us discard all this quibbling about . . . this race and that race and the other race being inferior, and therefore they must be placed in an inferior position."

But two months later, in southern Illinois, he assured his listeners: "I will say, then, that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races. . . . I as much as any other man am in favor of having the superior position assigned to the white race."¹³

The abolitionists went to work. To their acts of civil disobedience and of armed resistance, they added more orthodox methods of agitation and education. Petitions for emancipation poured into Congress in 1861 and 1862. Congress, responding, passed a Confiscation Act, providing for the freeing of slaves of anyone who fought with the Confederacy. But it was not enforced.

When the Emancipation Proclamation was issued at the start of 1863, it had little practical effect. It only declared slaves free in states still rebelling against the Union. Lincoln used it as a threat to Confederate states: if you keep fighting, I will declare your slaves free; if you stop fighting, your slaves will remain. So, slavery in the border states, on the Union side, were left untouched by the proclamation. The *London Spectator* remarked drily, "The principle is not that a human being cannot justly own another, but that he cannot own him unless he is loyal to the United States."¹⁴ Still, the moral impact of the proclamation was strong. It came from Lincoln's military needs, but also from the pressures of the antislavery movement.

By the summer of 1864 approximately 400,000 signatures asking legislation to end slavery had been gathered and sent to Congress. The First Amendment's right "to petition the government for a redress of grievances" had never been used so powerfully. In January 1865 the House Representatives, following the lead of the Senate, passed the Thirteenth Amendment, declaring slavery unconstitutional.

The representative system of government, the constitutional structure of the modern democratic state, unresponsive for eighty years to the moral issue of mass enslavement, had now finally responded. It had

taken thirty years of antislavery agitation and four years of bloody war. It had required a long struggle—in the streets, in the countryside, and on the battlefield. Frederick Douglass made the point in a speech in 1857:

Let me give you a word of the philosophy of reforms. The whole history of the progress of human liberty shows that all concessions yet made to her august claims have been born of struggle. . . . If there is no struggle there is no progress. Those who profess to favor freedom and yet deprecate agitation, are men who want crops without plowing up the ground. They want rain without thunder and lightning. They want the ocean without the awful roar of its many waters. The struggle may be a moral one; or it may be a physical one; or it may be both moral and physical, but it must be a struggle. Power concedes nothing without a demand. It never did and it never will.

A hundred years after the Civil War, Frederick Douglass's statement was still true. Blacks were being beaten, murdered, abused, humiliated, and segregated from the cradle to the grave and the regular organs of democratic representative government were silent collaborators.

The Fourteenth Amendment, born in 1868 of the Civil War struggles, declared "equal protection of the laws." But this was soon dead—interpreted into nothingness by the Supreme Court, unenforced by presidents for a century.

Even the most liberal of presidents, Franklin D. Roosevelt, would not ask Congress to pass a law making lynching a crime. Roosevelt, through World War II, maintained racial segregation in the armed forces and was only induced to set up a commission on fair employment for blacks when black union leader A. Philip Randolph threatened a march on Washington. President Harry Truman ended segregation in the armed forces only after he was faced with the prospect—again it was by the determined A. Philip Randolph—of black resistance to the draft.

The Fifteenth Amendment, granting the right to vote, was nullified by the southern states, using discriminatory literacy tests, economic intimidation, and violence to keep blacks from even registering to vote. From the time it was passed in 1870 until 1965, no president, no Congress, and no Supreme Court did anything serious to enforce the Fifteenth Amendment, although the Constitution says that the president "shall take care that the laws be faithfully executed" and also that the Constitution "shall be the Supreme Law of the land."

If racial segregation was going to come to an end, if the century of

humiliation that followed two centuries of slavery was going to come to an end, black people would have to do it themselves, in the face of the silence of the federal government. And so they did, in that great campaign called the civil rights movement, which can roughly be dated from the Montgomery Bus Boycott of 1955 to the riot in Watts, Los Angeles, in 1965, but its roots go back to the turn of the century and it has branches extending forward to the great urban riots of 1967 and 1968.

I speak of roots and branches, because the movement did not suddenly come out of nowhere in the 1950s and 1960s. It was prepared by many decades of action, risk, and sacrifice; by many defeats; and by a few victories. The roots go back at least to the turn of the century, to the protests of William Monroe Trotter; to the writings of W. E. B. Du Bois; to the founding of the National Association for the Advancement of Colored People (NAACP); to the streetcar boycotts before World War I; to the seeds sown in black churches, in black colleges, and in the Highlander Folk School of Tennessee; and to the pioneering work of radicals, pacifists, and labor leaders.¹⁵

It is a comfort to the liberal system of representative government to say the civil rights movement started with the Supreme Court decision of 1954 in *Brown v. Board of Education of Topeka*. That was when the Supreme Court finally concluded that the Fourteenth Amendment provision of "equal protection of the laws" meant that public schools had to admit anyone, regardless of color. But to see the origins of the movement in that decision gives the Supreme Court too much credit, as if it suddenly had a moral insight or a spiritual conversion and then read the Fourteenth Amendment afresh.

The amendment was no different in 1954 than it had been in 1896, when the Court made racial segregation legal. There was just a new context now, a new world. And there were new pressures. The Supreme Court did not by itself reintroduce the question of segregation in the public schools. The question came before it because black people in the South went through years of struggle, risking their lives to bring the issue into the courts.

Local chapters in the South of the NAACP had much to do with the suits for school desegregation. The NAACP itself can be traced back to an angry protest in Boston in 1904 of the black journalist William Monroe Trotter against Booker T. Washington. Washington, a black educator, founder of Tuskegee Institute, favored peaceful accommodation to segregation. Trotter's arrest and his sentence of thirty days in prison aroused that extraordinary black intellectual W. E. B. DuBois,

who wrote later, "when Trotter went to jail, my indignation overflowed. . . . I sent out from Atlanta . . . a call to a few selected persons for organized determination and aggressive action on the part of men who believe in Negro freedom and growth."¹⁶ That "call to a few persons" started the Niagara Movement—a meeting in Niagara, New York, in 1905 that led to the founding of the NAACP in 1911.

Many years later, with the legal help of the NAACP, the Reverend Joseph DeLaine rallied the black community in Clarendon County, South Carolina, to bring suit in the *Brown* case. Because of this, Reverend DeLaine was fired from his teaching job. So were his wife, two of his sisters, and a niece. He was denied credit from any bank. His home was set ablaze, while the fire department stood by and watched. When gunmen fired at his house in the night, he fired back, and then, charged with felonious assault, he had to flee the state. His church was burned to the ground, and he was considered a fugitive from justice.¹⁷

It seems a common occurrence that a hostile system is made to give ground by a combination of popular struggle and practicality. It had happened with emancipation in the Civil War. In the case of school desegregation, the persistence of blacks and the risks they took became joined to a practical need of the government. The *Brown* decision was made at the height of the cold war, when the United States was vying with the Soviet Union for influence and control in the Third World, which was mostly nonwhite.

Attorney General Herbert Brownell, arguing before the Supreme Court, asked that the "separate but equal" doctrine, which allowed segregation in the public schools, "be stricken down," because "it furnishes grist for the communist propaganda mills, and it raises doubt, even among friendly nations, as to the intensity of our devotion to the democratic faith."¹⁸

In outlawing school segregation, the Supreme Court declared that integration should proceed "with all deliberate speed," and indeed, the executive branch was very *deliberate* in enforcing the decision. Eleven years later, by 1965, over three-fourths of the school districts in the South remained segregated. It was not until the urban riots of 1965, 1967, and 1968 that the Supreme Court finally said the "all deliberate speed" injunction was no longer "constitutionally permissible" and then desegregation of schools in the Deep South began to speed up.¹⁹

By the provision of the Fourteenth Amendment for equal protection, there should have been no segregation of the buses in Montgomery, Alabama, in 1955. If the amendment had meaning, Rosa Parks should not

have been ordered out of her seat to give it to a white person; she should not have been arrested when she refused. But the federal government was not enforcing the Constitution. The checks and balances were check-mated and out of equilibrium, and the black population of Montgomery had to get rid of bus segregation by their own efforts.

They organized a citywide boycott of the buses. Black people, old and young, men and women, walked miles to work. One of those people, an elderly lady who walked several miles to and from her job, was asked if she was tired. She replied, "My feet is tired, but my soul is rested."²⁰

In Montgomery the struggle for rights meant not only mass meetings, car pools, and wearying walks. It meant going to jail. A hundred leaders of the boycott were indicted by the city. It meant facing daily violence and the threat of violence. Bombs exploded in four black churches. A shotgun blast was fired through the front door of the home of twenty-seven-year-old Martin Luther King, Jr., a minister and a leader of the Montgomery boycott. Later King's home was bombed.

Finally, the government responded. In November 1956, a year after the boycott began, the Supreme Court outlawed segregation on local bus lines.²¹ A glimmer of what went on that year is conveyed in a journalist's account of one of the mass meetings in Montgomery during the boycott:

More than two thousand Negroes filled the church from basement to balcony and overflowed into the street. They chanted and sang; they shouted and prayed; they collapsed in the aisles and they sweltered in an eighty-five degree heat. They pledged themselves again and again to "passive resistance". Under this banner they have carried on . . . a stubborn boycott of the city's buses.

Why did four black college students have to sit at a "whites only" lunch counter in Greensboro, North Carolina, on February 1, 1960, and be arrested? Why did there have to be a "sit-in movement" to end discrimination in restaurants, hotels, and other public places throughout the South?²² Was it not the intent of the Thirteenth Amendment, as Justice John Harlan said back in 1883, to remove not only slavery but the "badges" of slavery? Was it not the intent of the Fourteenth Amendment to make all blacks citizens, and did not the Constitution (Article I, Section 2) say that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States"?²³

But Harlan was alone in his opinion. He was overruled by the other members of the Supreme Court, who said that the Fourteenth Amendment was directed at the *states* ("no state shall") and, therefore, *private* persons, businesses, and corporations could discriminate as they like. (But did not the *state* enforce discrimination by arresting people who protested it? The court was silent on that.)

So it would take a struggle to relieve black parents of the problem of telling their little children that they could not sit at *this* lunch counter, use *this* water fountain, enter *this* building, or go to *this* movie theater. It would take sit-ins in city after southern city. There would be beatings and arrests. There would be in the year 1960 sit-ins and demonstrations in a hundred cities involving more than 50,000 people, and over 3,600 demonstrators would spend time in jail.

Columnist for the *Atlanta Constitution* Ralph McGill was at first wary of the sit-in movement as too provocative. Later, however, he wrote in his book *The South and the Southerner*, "No argument in a court of law could have dramatized the immorality and irrationality of such a custom as did the sit-ins."²⁴

There was an electric effect of all this on black people around the country. Bob Moses, who would later become an organizer of the movement in Mississippi, told how, sitting in his Harlem apartment, he saw on television the pictures of the Greensboro sit-in:

The students in that picture had a certain look on their faces, sort of sullen, angry, determined. Before, the Negro in the South had always looked on the defensive, cringing. This time they were taking the initiative. They were kids my age, and I knew this had something to do with my own life.²⁵

The young black veterans of the sit-ins from the Deep South, along with some blacks from the North and a few whites, formed a new organization, the Student Nonviolent Coordinating Committee (SNCC). They became the "point" people (to use a military term: those who go ahead into enemy territory) for the civil rights movement in the Deep South.

In the spring of 1961 the Congress of Racial Equality (CORE) organized the "Freedom Rides": whites and blacks rode together on buses throughout the South to try to break the segregation pattern in interstate travel. The two buses that left Washington, D.C., on May 4, 1961, headed for New Orleans, never got there. In South Carolina, riders were beaten. In Alabama, a bus was set afire. Freedom Riders were

attacked with fists and iron bars. The southern police did not interfere with any of this violence, nor did the federal government. FBI agents watched, took notes, did nothing.

CORE decided to call off the rides. SNCC, younger, more daring (more rash, some thought) decided to continue them. Before they started out, they called the Department of Justice in Washington to ask for protection. A SNCC staff member, Ruby Doris Smith (one of my students at Spelman College) told me about the phone call: "The Justice Department said no, they couldn't protect anyone, but if something happened, they would investigate. You know how they do."

The Kennedy administration, in touch with Governor John Patterson of Alabama, accepted his promise that he would protect the Riders. He broke his promise; his police did not show up until the Riders were beaten bloody. A black student from Nashville was knocked unconscious by a group using baseball bats. A young white man was pounded with fists and sticks, was left bleeding, and was given no medical attention for two hours. Ruby Doris Smith recalled that SNCC organizer John Lewis (who was to go through this many times, and years later would be elected to Congress) was beaten, blood coming from his mouth.

The response of the federal government was less than adequate. The Riders, despite all that, were going on to Jackson, Mississippi. Attorney General Robert Kennedy made a deal with the governor of Mississippi: Don't let the Freedom Riders get beaten; just arrest them. So they were arrested, busload after busload arriving in Jackson; 300 were arrested by the end of the summer and sent to Parchman State Penitentiary, some of them beaten, all of them abused. It was a feeble act by the most powerful government on earth, refusing to enforce its own laws, allowing mobs to do violence to citizens peacefully riding buses, allowing local police to neglect their function of protecting people against assault.

The law was clear. Presumably, representative government had done its work by enacting the Fourteenth Amendment, which called for equal protection of the law. In 1887 Congress had enacted the Interstate Commerce Act, which barred discrimination in interstate travel, and the courts had reinforced this in the 1940s and 1950s. But it took the Freedom Rides and the embarrassing publicity surrounding them that went around the world to get the federal government to do something. In November 1961, through the Interstate Commerce Commission, it issued specific regulations, asking that posters be put on all interstate terminals and establishing the right of travel without segregation.

Even that was not seriously enforced. Two years later, in Winona, Mississippi, a group of blacks who used the white waiting room were arrested and brutally beaten. Constitutional government did not exist for them.

In the small southwest Georgia town of Albany, in the winter of 1961 and again in 1962, mass demonstrations took place against racial segregation. Of the 22,000 blacks in Albany, 1,000 of them went to jail. The Southern Regional Council, a research group in Atlanta, sent me down to Albany to do a report on the events there.

I found that blacks were doing no more than exercising their constitutional rights—marching, assembling, and speaking. Yet they were jailed and beaten—a pregnant black woman was kicked and lost her baby, a white civil rights worker had his jaw broken, a black lawyer was clubbed bloody by the local sheriff—and the U.S. government did nothing to interfere.²⁶

I knew what the Constitution said, and that was enough to make me sure President John Kennedy and his brother Attorney General Robert Kennedy were not abiding by their oaths of office. I looked up the statutes. There was a law passed after the Civil War, now in the books as Title 18, Section 242 of the U.S. Code, which made it a crime for any official to willfully deprive any persons of their constitutional rights. That law was not being used to protect blacks in the South.

I had another opportunity to see if the federal government would enforce its own laws in November 1963 when I traveled to Selma, Alabama, to participate in Freedom Day. It was a day when black people in Dallas County were being organized to come to Selma, the county seat, and register to vote. It was a dangerous thing for a black person to do in Dallas County, and so a mass meeting was held the evening before in a black church, with speeches designed to build people's courage for the next day. Novelist James Baldwin came and so did comedian Dick Gregory, who tried to diminish fear with laughter. And there were the thrilling voices of the Selma Freedom Singers.

The next day, black men and women, elderly people, and mothers carrying babies lined up in front of the county courthouse where the voting registrar had his office. The street was lined with police cars. Colonel Al Lingo's state troopers were out in force, carrying guns, clubs, gas masks, and electrified cattle prods. Sheriff Jim Clark had deputized a large group of the county's white citizens, who were there also armed. It looked like a war.

courthouse. When two SNCC workers climbed up on the steps of the building and held up signs facing the courthouse that read Register to Vote, Sheriff Jim Clark and his deputies mounted the steps and dragged them off into police cars.

That federal building also housed the local FBI. Two FBI agents were out on the street taking notes. Two representatives of the Justice Department's Civil Rights Division were also there. We were all watching the arrest of two men for standing on federal property urging people to register to vote, I turned to one of the Justice Department lawyers. "Don't you think federal law has just been violated?" I asked.

The Justice man said, "Yes, I suppose so."

"Are you going to do something about that?"

"Washington is not interested."

A few moments later, two SNCC fellows—Chico Neblett and Avery Williams—tried to bring food and drink to people on the line who had been waiting a long time in the hot sun. They were intercepted by state troopers, knocked to the ground, jabbed with electric prods (I watched their bodies jump with each jolt), and taken off to jail. (Months later Avery Williams showed me the burns, which were still there on his leg.)

James Baldwin and I walked into the FBI office, whose windows looked out on the street and could take in the whole scene. We asked the FBI man in charge if he was going to arrest any of the state troopers or deputies for violating federal law. He shrugged and said he had no power to make an arrest.

It was a lie. The FBI has the power to make arrests when federal law is violated before its eyes. Would its agents let a bank robber do his work and just watch and take notes? They would apprehend a bank robber, but not a local southern policeman violating a black man's constitutional rights. When I wrote an article for the *New Republic* on what happened in Selma, pointing to the failure of the U.S. government to enforce its own laws, Burke Marshall of the Justice Department replied. He defended the federal government's inaction, speaking mystically of "federalism," which refers to the division of power between states and federal government. But the Fourteenth Amendment had made a clear statement about that division of power and gave the federal government the right to forbid the states from doing certain things to its citizens. And a number of laws were on the books to buttress the Fourteenth Amendment.

Indeed there was a powerful statute, going way back to the Revolutionary period and then reinforced after the Civil War. I found this

when I was puzzling over the inaction of the federal government. This was Title 10, Section 333 of the U.S. Code, which says,

The President, by using the militia or the armed forces, or both *or by any other means* shall take such measures as he considers necessary to suppress, in a State, any . . . domestic violence, unlawful combination, or conspiracy, if it . . . opposes or obstructs the execution of the laws of the United States (emphasis added).

There was no real need for more laws. The ones already on the books might well be enough, if there were a president determined to enforce them. But the passage of new laws is always an opportunity for a politician to make a statement to the public that says, Look, I'm doing something.

Kennedy had not planned to introduce new civil rights legislation. But in the late spring of 1963 he put his force behind a new, sweeping civil rights law, designed to outlaw segregation in public accommodations, eliminate segregation in state and local facilities, provide for fair employment regardless of race, and also put a bit more teeth into the federal government's actions against discrimination in schools and in voting.

What had changed Kennedy's mind was the mass demonstrations in Birmingham, Alabama, in the spring of 1963. These were organized by Martin Luther King and the Southern Christian Leadership Conference, along with local black leaders like Fred Shuttlesworth. Thousands of children marched in the streets, against firehoses and billy clubs and police dogs. The photos of police brutality, of children being smashed against the wall by high-power hoses, of a boy being attacked by a police dog, went around the world.

The demonstrations spread beyond Birmingham. In the ten weeks following the children's march, over 3,000 people were arrested in 75 demonstrations in 75 southern cities. By the end of 1963, protests had taken place in 800 cities across the country. Congress debated furiously the provisions of the new civil rights law, which it finally passed, after a year of debate and filibuster—the longest debate on any bill in history. That became the Civil Rights Act of 1964.²⁸

The same summer that the new law was being debated, events in Mississippi revealed the limits of the federal government's commitment to racial equality, how little meaning there was to that end product of representative government, the federal statute.

The civil rights groups working together in Mississippi—SNCC, CORE, and SCLC—decided that they needed help and that they should call on young people from all over the country to come to Mississippi in the summer of 1964. The plan was to engage in an all-out effort to end segregation, to register black Mississippians to vote, to encourage local black people by showing how much national support they had.

Everyone connected with the plan knew it would be dangerous. Black people in Mississippi faced that danger every day, all their lives. In early June 1964, on the eve of what was to be called "The Mississippi Summer," movement organizers rented a theater near the White House, and a busload of black Mississippians traveled to Washington to tell a "jury" of prominent citizens (writers Paul Goodman, Joseph Heller, Murray Kempton, Robert Coles, Sarah Lawrence President Harold Taylor, black community activist Noel Day, and others) about the violence they had experienced in Mississippi.

Constitutional lawyers testified at that hearing. They pointed out that the federal government had sufficient legal authority—in the Constitution and in the statutes—to protect the civil rights workers and black Mississippians, from harm.

The transcript of the hearing was sent to President Lyndon Johnson and to Attorney General Robert Kennedy, along with a request to send federal marshals to Mississippi to protect all those working there for civil rights. There was no response from the White House. The busload of Mississippians went back home.

Twelve days after the hearing, three young people with the summer project—a black Mississippian named James Chaney and two whites from the North, Michael Schwerner and Andrew Goodman—disappeared while on a trip to Neshoba County, Mississippi, to investigate the burning of a black church. Chaney and Schwerner were staff members of CORE. Goodman was a summer volunteer and had just arrived in Mississippi hours before.

Two days later their burned station wagon was found, but no trace of the three men. On August 4, forty-four days after their disappearance, their bodies were found buried on a farm. James Chaney had been brutally beaten, so badly that a pathologist examining him said he had never witnessed bones so severely shattered, except in tremendously high speed accidents such as airplane crashes." All three had been shot to death.²⁹

In 1988 a film called *Mississippi Burning* was seen throughout the country. It was the story of the FBI search for the murderers of Chaney,

Goodman, and Schwerner. It portrayed the FBI as the heroes of the investigation that led to the discovery of the bodies and the prosecution of a number of Neshoba County men. One of those prosecuted was Deputy Sheriff Cecil Price, who had arrested them for speeding and then released them from jail in a prearranged plan to have them murdered. Price and several others were found guilty, spent a few years in prison.³⁰

Those of us who were involved in the Mississippi Summer were angered by the movie. We knew how the FBI, again and again, had failed to do its duty to enforce federal law where the rights of black people in the South were at stake, how many times they had watched bloody beatings and done nothing, how the law had been violated before their eyes and they made no move. And we knew how outrageously they had behaved, along with the entire federal government, when the three young men disappeared.

Mary King worked in the SNCC office in Atlanta in those tumultuous times. In her book *Freedom Song*, she gives a detailed account, almost hour by hour, of the communications between the Atlanta office of SNCC and the FBI, the Department of Justice, and the White House. Mary was in charge of the Communications Office in Atlanta that Sunday, June 21, 1964, when the telephone call came in that the three men were hours overdue on their return from Philadelphia.

Her chronology makes clear how maddeningly cold and unresponsive were the FBI and the Department of Justice in what was a matter of life and death for three men in the hands of murderous racists. On hearing that Goodman, Chaney, and Schwerner were hours overdue, she phoned every jail and detention center in the counties surrounding Philadelphia, phoned the FBI and the Justice Department. She worked at this until 2:30 A.M. Monday, then was relieved by another SNCC worker, Ron Carver, who kept phoning through the early hours, until Mary arrived again at 8:00 A.M. She says:

An attorney in the Civil Rights Division of the Justice Department . . . said quite bluntly that he wasn't sure there was any federal violation and therefore wouldn't investigate the matter. . . . A call to John Doar (of the Justice Department's Civil Rights Division) . . . resulted in this response: 'I have invested the FBI with the power to look into this.' But FBI agent H.F. Helgesen in Jackson denied there had been any word from John Doar. . . . He could do nothing until contacted by the New Orleans FBI office. . . . An hour later . . . he said he had called New Orleans but had received

no orders to investigate. . . . We got in touch with an FBI agent named Mayner in New Orleans, who said he had received no orders from Washington. . . . Between 1:45 P.M. and 2:45 P.M. on Monday, I attempted to contact John Doar and Burke Marshall (Assistant Attorney General in charge of the Civil Rights Division), but to no avail. . . . The FBI agent in Meridian still insisted that he had no orders to initiate an investigation. . . . At 5:20 P.M. John Doar finally called me back. . . . But he did not specifically address the question of whether the FBI was investigating.

Mary King continues, "Finally, at 10:00 P.M. on Monday, June 22, thirty-seven hours after they were last seen alive by a member of our staff, UPI carried a story that . . . the FBI was being ordered into the case."³¹

It may well be that there was no way of saving the lives of the three young men after their disappearance. But there had certainly been a way of *preventing* what happened, if the government had only met the movement's request that it station federal marshals in Mississippi, to be on the spot, to accompany people into dangerous situations like Neshoba County. Don't they send police to guard the payrolls of banks? Most of all, the behavior of the FBI and the Justice Department in that situation tells something about the moral and emotional remoteness of liberal constitutional government from the deepest grievances of its citizens. It tells us how important is Frederick Douglass's admonition that those who want the rain of freedom must themselves supply the thunder and lightning.

Later that same summer the Democratic party refused to seat a black delegation from Mississippi that claimed 40 percent of the seats (the percentage of blacks in the state). Instead the Credentials Committee voted to give 100 percent of the Mississippi seats to the official white delegates. It was representative government for whites, exclusion for blacks.

By 1965 it was clear that despite the Fifteenth Amendment, which said that citizens could not be denied the right to vote on grounds of race, and despite the civil rights acts of 1957, 1960, and 1964, all concerned with voting in some way, blacks in the Deep South were still not being allowed to vote.

A little-noticed clause of the Fourteenth Amendment, Section 2, says that if citizens are unfairly denied the right to vote, the representation in Congress of that state can be reduced. This would be the job of the president, who officially gets the census and decides on the number of

representatives from each state. But no president, liberal or conservative, Republican or Democrat, had ever invoked this part of the Constitution—although it would have been a powerful weapon against racial discrimination in voting.

In the spring of 1965 the Southern Christian Leadership Conference began a campaign for voting rights in Selma, Alabama, around the same time that President Lyndon Johnson was discussing with Congress a new voting rights bill. Martin Luther King, Jr., went to Selma to join the action.

On March 7, later called "Bloody Sunday," a column of civil rights activists, beginning the long walk from Selma to the state capital in Montgomery, was confronted by state troopers demanding they turn back. They continued to walk, and the troopers set on them with clubs, beating them viciously, until they were dispersed and the bridge was splattered with blood.

During that campaign in Selma, Jimmie Lee Jackson, a black man, was shot in the stomach by a state trooper and died hours later. James Reeb, a white minister from the North, was clubbed to death by angry whites as he walked down the street.

News of the violence occurring in Selma was carried across the nation and around the world. One of the incidents, described by a reporter for United Press International, conveys the atmosphere. The fact that it appeared in the *Washington Post* suggests that the government could not be oblivious to what was going on:

Club-swinging state troopers waded into Negro demonstrators tonight when they marched out of a church to protest voter registration practices. At least 10 Negroes were beaten bloody. Troopers stood by while bystanders beat up cameramen.³²

The Voting Rights Act of 1965, for the first time, took the registration of blacks out of the hands of racist registrars in areas with a record of discrimination and put the force of the federal government behind the right to vote. David Garrow, in his book *Protest at Selma*, calls the new law "a legislative enactment that was to stimulate as great a change in American politics as any one law ever has."³³ It resulted in a dramatic increase in black voters and the election of black officials all through the Deep South.

What is clear from Garrow's careful study is how the protest movement in Selma was crucial in bringing about the Voting Rights Act. He

gives some credit to the federal courts, but he says, "black southerners were unable to experience truly substantial gains in voting rights until, through their own actions, they were able to activate the federal executive and Congress." Furthermore, "the national consensus in favor of that bill . . . was primarily the result of the very skillful actions of the SCLC in Selma."³⁴

Voting brought some black Americans into political office. It gave many more the feeling that they now had political rights equal to that of whites. They were now *represented* in local government and in Congress, at least more than before.

But there were limits to what such representation could bring. It could not change the facts of black poverty or destroy the black ghetto. After all, black people in Harlem or the South Side of Chicago had the right to vote long ago; they still lived in Harlem or the South Side, in broken-down tenements, amid rats and garbage. Thirty to 40 percent of young blacks were unemployed. Crime and drugs are inevitable in that atmosphere.

So it is not surprising that almost exactly at the time the Voting Rights Act was being enacted in 1965, the black ghetto of Watts, Los Angeles, erupted in a great riot. Or that in 1967 there were disorders, outbreaks, and uprisings in over a hundred cities, leaving eighty-three people dead, almost all blacks. And in 1968, after Martin Luther King was assassinated, there were more outbreaks in cities all over the country, with thirty-nine people killed, thirty-five of them black.³⁵

But riots are not the same as revolution. The *New York Times* reported in early 1978: "The places that experienced urban riots in the 1960s have, with a few exceptions, changed little, and the conditions of poverty have spread in most cities."

The constitutional system set up by the Founding Fathers, a system of representation and checks and balances, was a defense in depth of the existing distribution of wealth and power. By arduous struggle and sacrifice, blacks might compel it to take down its "whites only" signs here and there. But poverty remained as the most powerful barrier to equality.

That is the barrier Madison spoke of when he said the system being set up in the new United States of America would prevent "an equal division of property or any other improper or wicked object." It is the fact of *class*, however disguised it is by the procedures of modern liberal societies.

Representative government does not solve the problem of race. It

does not solve the problem of class. The very *principle* of representation is flawed, as Jean Jacques Rousseau, living in prerevolutionary France in the mid-eighteenth century, pointed out. His book *The Social Contract* was a confusing, contradictory, difficult search for a more direct democracy, in which a majority could not vote a minority into slavery or poverty. "How have a hundred men who wish for a master the right to vote on behalf of ten who do not?"

Rousseau was typical of many political philosophers, in that no one could be sure what he meant. As one commentator notes: "Robespierre . . . the great revolutionary, always expressed love and admiration for the philosopher. . . . Marie Antoinette, whom Robespierre guillotined, loved and admired Rousseau. The Thermidorians, who guillotined Robespierre, loved and admired Rousseau."³⁶ Despite the confusion, Rousseau provokes us to think critically about the whole idea of representation. It is an idea that we grew up to accept without question because it was an advance over monarchy and is today much preferable to dictatorship.

But it has serious problems. No representative can adequately represent another's needs; the representative tends to become a member of a special elite; he has privileges that weaken his sense of concern over his constituents' grievances. The anger of the aggrieved loses force as it is filtered through the representative system (something Madison saw as an advantage in *Federalist #10*). The elected official develops an expertise that tends towards its own perpetuation. Representatives spend more time with one another than with their constituents, become an exclusive club, and develop what Robert Michels called "a mutual insurance contract" against the rest of society.³⁷

We can see the difficulties in the United States, which has one of the most praised systems of representative government in the world. People have the right to vote, but the choices before them are so limited, they see so little difference between the candidates, they so despair of their vote having any meaning, or they are so alienated from society in general because of their own misery that roughly 50 percent of those eligible to vote do not vote in presidential elections and over 60 percent do not vote in local elections.³⁸

Money dominates the election process. The candidate for national office either has to have millions of dollars or have access to millions of dollars. (In 1982 a senator from Minnesota spent \$7 million on his campaign.) Money buys advertising, prime time on television, a public image. The candidates then have a certain obligation to those with

money who supported them. They must *look* good to the people who voted for them, but *be* good to those who financed them.³⁹

Voting is most certainly overrated as a guarantee of democracy. The anarchist thinkers always understood this. As with Rousseau, we might not be sure of their solutions, but their critique is to the point. Emma Goldman, talking to women about their campaign for women's suffrage, was not *opposed* to the vote for women, but did want to warn against excessive expectations:

Our modern fetish is universal suffrage. . . . I see neither physical, psychological, nor mental reasons why woman should not have the equal right to vote with man. But that can not possibly blind me to the absurd notion that woman will accomplish that wherein man has failed. . . . The history of the political activities of men proves that they have given him absolutely nothing that he could not have achieved in a more direct, less costly, and more lasting manner. As a matter of fact, every inch of ground he has gained has been through a constant fight, a ceaseless struggle for self-assertion, and not through suffrage.⁴⁰

Helen Keller, who achieved fame for overcoming her blindness and deafness and displaying extraordinary talents, was also a socialist, and wrote the following in a letter to a woman suffragist in England:

Are not the dominant parties managed by the ruling classes, that is, the propertied classes, solely for the profit and privilege of the few? They use us millions to help them into power. They tell us, like so many children, that our safety lies in voting for them. They toss us crumbs of concession to make us believe that they are working in our interest. Then they exploit the resources of the nation not for us, but for the interests which they represent and uphold. . . . We vote? What does that mean? It means that we choose between two bodies of real, though not avowed, autocrats. We choose between Tweedledum and Tweedledee.⁴¹

In Chapter 6 I noted how the vote for president means so little in matters of foreign policy; after the president is elected he does as he likes. We should also note that voting for members of Congress is meaningless for the most important issues of life and death. That is not just because it is impossible to tell at election time how your representative will vote in a future foreign policy crisis. It is also because Congress is a feeble, often nonexistent factor in decisions on war and peace, usually follow-

ing helplessly along with whatever the president decides. That fact makes a shambles of "representative" government.

One of the more creative political philosophers of this century, Hannah Arendt (*The Origins of Totalitarianism, Eichmann in Jerusalem*), aware of the flaws in representative government, argued in her book *On Revolution* for something called the "council system" of government. Its basis was not voting, but neighborhood councils all over, with anyone who wanted to join the discussion invited to do so, and then these councils would form a kind of federation to make regional and national decisions.⁴²

At various points in history there have been brief experiences with this direct democracy. In ancient Athens (except that women, slaves, and foreigners were excluded) all citizens had a chance to participate in decision making. For three months in Paris in 1871, while the elected Commune of Paris met constantly, there were also continuous meetings of people all over the city to discuss issues and then register their views with the Commune. On the eve of the Russian revolution, there were Soviets (councils) of workers, peasants, and soldiers—whoever wanted to join the discussion—but the Soviets were replaced by the rule of the Communist party and the new Soviet Constitution provided for elections to a legislative body.

Direct democracy is possible in small groups, and a wonderful idea for town meetings and neighborhood meetings. There could be discussions in offices and factories, a workplace democracy that neither the commissars of the Soviet Union nor the corporate executives of the United States and often not even the trade union leaders in these countries allow today.

To make national decisions directly is not workable, but it is conceivable that a network of direct democracy groups could register their opinions in a way that would result in some national consensus. Lively participation and discussion of the issues by the citizenry would be a better, more democratic, more reliable way of representing the population than the present stiff, controlled system of electoral politics.

There is already experience with special democratic procedures. Many states have provisions for initiatives and referenda. Citizens, by petition, can initiate legislation, call for general referenda, change the laws and the Constitution. That leads to a lively discussion among the public and something close to a real democratic decision. Except that so long as there are wealthy corporations dominating the media with

their money, they can virtually buy a referendum the way they now buy elections.

There is also the idea of proportional representation, so that instead of the two-party system of Democrats and Republicans monopolizing power (after all, a two-party system is only one party more than a one-party system), Socialists and Prohibitionists and Environmentalists and Anarchists and Libertarians and others would have seats in proportion to their following. National television debates would show six points of view instead of two.

The people who control wealth and power today do not want any real changes in the system. For instance, when proportional representation was tried in New York City after World War II and one or two Communists were elected to the City Council the system was ended.) Also, when one radical congressman, Vito Marcantonio, kept voting against military budgets at the start of the cold war era, but kept getting elected by his district time after time, the rules were changed so that his opponent could run on three different tickets and finally beat him.

Someone once put a sign on a bridge over the Charles River in Boston: If Voting Could Change Things, It Would Be Illegal. That suggests a reality. Tinkering with voting procedures—proportional representation, initiatives, etc.—may be a bit helpful. But still, in a society so unequal in wealth, the rich will dominate any procedure. It will take fundamental changes in the economic system and in the distribution of wealth to create an atmosphere in which councils of people in workplaces and neighborhoods can meet and talk and make something approximating democratic decisions.⁴³

No changes in procedures, in structures, can make a society democratic. This is a hard thing for us to accept, because we grow up in a technological culture where we think: If we can only find the right mechanism, everything will be okay, then we can relax. But we can't relax. The experience of black people in America (also Indians, women, Hispanics, and the poor) instructs us all. No Constitution, no Bill of Rights, no voting procedures, no piece of legislation can assure us of peace or justice or equality. *That* requires a constant struggle, a continuous discussion among citizens, an endless series of organizations and movements, creating a pressure on whatever procedures there are.

The black movement, like the labor movement, the women's movement, and the antiwar movement, has taught us a simple truth: The official channels, the formal procedures of representative government have been sometimes useful, but never sufficient, and have often been

obstacles, to the achievement of crucial human rights. What has worked in history has been *direct action* by people engaged together, sacrificing, risking together, in a worthwhile cause.

Those who have had the experience know that, unlike the puny act of voting, being with others in a great movement for social justice not only makes democracy come alive—it makes the people engaged in it come alive. It is satisfying, it is pleasurable. Change is difficult, but if it comes, that will most likely be the way.

108. Brian Glick, "Neutralizing the Underground Press," Oct. 1984 (an unpublished paper in my files).
109. *New York Times*, Apr. 29, 1975.
110. Alan F. Westin, *Whistle Blowing! Loyalty and Dissent in the Corporation* (McGraw-Hill, 1980).

CHAPTER NINE *Representative Government: The Black Experience*

1. James Michener, "The Secret of America," *Parade*, Sept. 15, 1985.
2. "Remarks of Thurgood Marshall at the Annual Seminar of the San Francisco Patent and Trademark Law Association in Maui, Hawaii," May 6, 1987.
3. Leon Litwack, "Trouble in Mind: The Bicentennial and the Afro-American Experience," *Journal of American History* (Sept. 1987).
4. John Locke, *Second Treatise of Government*, of which there are many editions. One of them is Peter Laslett, ed., *Locke's "Two Treatises of Government"* (Cambridge University Press, 1969).
5. The political philosopher C. B. Macpherson analyzed Locke as a theorist of bourgeois property rights in his book *The Political Theory of Possessive Individualism* (Oxford University Press, 1962).
6. This point is made in John Dunn, *The Political Thought of John Locke* (Cambridge University Press, 1969).
7. *Federalist* #10.
8. *Federalist* #63.
9. See Leon Litwack, *North of Slavery* (University of Chicago Press, 1961).
10. Various statements of black defiance in this and other periods of American history can be found in Herbert Aptheker, *A Documentary History of the Negro People in the United States* (Citadel, 1973).
11. *Ableman v. Booth*, 21 Howard 506.
12. For excellent accounts of the resistance to the Fugitive Slave Act, see James McPherson, *Battle Cry of Freedom*, (Oxford University Press, 1988), 82-83.
13. Quoted by Richard Hofstadter, *The American Political Tradition* (Vintage, 1974), 148.
14. *Ibid.*, 169-170.
15. Alden Morris, *The Origins of the Civil Rights Movement* (The Free Press, 1985), traces the complex and fascinating roots of the civil rights movement.
16. Article on W. E. B. DuBois by Bob Hayden, *Bay State Banner*, Oct. 18, 1979.
17. For the description of DeLaine and the story of the *Brown* case, see Richard Kluger, *Simple Justice* (Knopf, 1976). See also William Strickland, "The Road Since *Brown*," *The Black Scholar*, (Sept.-Oct. 1979).
18. Quoted by John Hope Franklin, *From Slavery to Freedom* (Knopf, 1967), 556. Also in Strickland, "The Road Since *Brown*."
19. *Alexander v. Holmes County Board of Education*, 396 U.S. 19 (1969). The Nixon administration had tried to delay court-ordered desegregation of thirty-three Mississippi school districts, and the Supreme Court was unanimous in insisting that segregation must be ended "at once."

20. This was reported by Martin Luther King, Jr. The phrase became the title of an excellent volume of oral histories of participants in the civil rights movement by Howell Raines, *My Soul Is Rested* (Putnam, 1977).
21. *Browder v. Gayle* 352 U.S. 903 (1956).
22. William H. Chafe, in his book *Civilities and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom* (Oxford University Press, 1980), makes clear how "civility" was not enough to change racial practices in Greensboro, how protest brought some progress (by the spring of 1963 approximately 2,000 Greensboro blacks were marching in the streets; at one point 1,400 were in jail).
23. *Civil Rights Cases* 109 U.S. 3 (1883).
24. Ralph McGill, *The South and the Southerner* (Little, Brown, 1964).
25. See the chapter "Out of the Sit-ins" in Howard Zinn, *SNCC: The New Abolitionists* (Greenwood Press, 1985).
26. Howard Zinn, *Albany: A Study in National Responsibility* (Southern Regional Council, 1962).
27. Howard Zinn, "Registration in Alabama," *New Republic*, Oct. 26, 1963.
28. In their account of the passage of the 1964 Civil Rights Act, *The Longest Debate* (Seven Locks Press, 1985), Charles and Barbara Whalen make clear that these demonstrations played a crucial role in changing Kennedy's mind about the need for a new civil rights law.
29. *Post Mortem Examination Report of the Body of James Chaney*, by David Spain, M.D. (in my personal files).
30. See Seth Cagin and Philip Dray, *We Are Not Afraid: The Story of Goodman, Schwerner, and Chaney and the Civil Rights Campaign for Mississippi* (Macmillan, 1988).
31. Mary King, *Freedom Song* (William Morrow, 1987), 377-398.
32. Quoted by David Garrow, *Protest at Selma: Martin Luther King, Jr. and the Voting Rights Act of 1965* (Yale University Press, 1978), 61.
33. *Ibid.*, 236.
34. *Ibid.*, 235.
35. On the Watts riots, see Robert Conot, *Rivers of Blood, Years of Darkness* (William Morrow, 1968). On the 1967 and 1968 uprisings, see the report of the National Advisory Committee on Civil Disorders. (Bantam, 1968).
36. Conor Cruise O'Brien, "Virtue and Terror," *New York Review of Books*, Sept. 26, 1985.
37. Robert Michels, *Political Parties* (Free Press, 1966).
38. From the election of 1960 (Kennedy v. Nixon) to the election of 1988 (Dukakis v. Bush), there was a steady decline in voting, from 63 percent of the eligible voters, to exactly 50 percent.
39. See Philip M. Stern, *The Best Congress Money Can Buy* (Pantheon, 1988).
40. Emma Goldman, "Woman Suffrage," in *Anarchism and Other Essays* (Dover, 1969), 195-211.
41. Philip Foner, ed., *Helen Keller: Her Socialist Years* (International Publishers, 1967).
42. Her approach is evaluated, pro and con, in John F. Sitton, "Hannah Arendt's Argument for Council Democracy," *Polity* (Fall 1987).
43. It is the anarchists (Kropotkin, Bakunin, Emma Goldman, and Alexander Berkman) who have been the most eloquent critics of traditional representative government

as falling short of democracy and who have been the strongest advocates of direct action. Note Goldman's dismissal of the Woman's Suffrage Amendment and her insistence that women have to achieve equality by asserting themselves directly in every immediate situation—family, work, society—they find themselves in.

Marx himself, I believe, would agree with the anarchist critique, and be dismayed by what so-called socialist societies have instituted as methods of government—representative assemblies that are many steps removed from direct popular rule. Marx's most interesting writing in this area is in his *Critique of Hegel's Philosophy of Right*. His language is somewhat difficult: Political life "is the scholasticism of a people's life. . . . The republic is the negation of alienation within alienation." But he clearly wants to end "political life" as a separate sphere, wants what he calls "civil society" to merge with "the political state." He speaks of "the greatest possible universalization of voting, of active as well as passive suffrage."

CHAPTER TEN *Communism and Anti-communism*

1. *Boston Globe*, May 17, 1987. (It is hard to understand why McFarlane was hesitant to speak to Reagan, considering a statement he made to the *New York Times*: "I had countless times with the President when I felt he wasn't absorbing what I was telling him.")
2. *Congressional Record*, Jan. 25, 1949, pp. 542-43.
3. Ronald Radosh and Joyce Milton, in their book *The Rosenberg File* (Holt, Rinehart & Winston, 1983), separate themselves from the left defenders of the Rosenbergs, and insist the Rosenbergs were members of a spy ring. However, even Radosh and Milton point to the unimportance of whatever it was the Rosenbergs may have passed to the Russians. They quote (p. 449) the statement by Groves, and agree with I. F. Stone's comments, written in 1956, that "the way the Douglas stay [of execution] was steamrollered [the Supreme Court rushed back to Washington to overrule Douglas so the executions could go ahead on schedule] was scandalous; the death sentence—even if they were guilty—was a crime" (p. 453). See also Walter and Miriam Schneir, *Invitation to an Inquest* (Doubleday, 1965).
4. *Washington Post*, Nov. 20, 1954.
5. Many of the absurdities of that period are recorded in David Cauter, *The Great Fear* (Simon & Schuster, 1978).
6. Sterling Hayden, *Wanderer* (Knopf, 1963).
7. Eric Bentley, *Thirty Years of Treason* (Viking, 1971), contains extensive transcripts of the Hollywood hearings.
8. *New York Daily News*, Dec. 6, 1949.
9. Howard Fast, *The Naked God* (Praeger, 1987), 114.
10. *Ibid.*, 115.
11. Martin Duberman, *Paul Robeson* (Knopf, 1989).
12. Martin Esslin, *Brecht: The Man and His Work* (Doubleday, 1960).
13. Between 1947 and 1952, over 6 million Americans were investigated by Truman's Loyalty Board, and 500 people were dismissed from their jobs.
14. Tom Hayden, *Rebellion and Repression* (World, 1969).
15. *New York Times*, Nov. 4, 1988.
16. Thomas McCann, *An American Company: The Tragedy of United Fruit* (Crown, 1976).

17. Treverton's statement appears on p. 15, and Inderfurth's on p. 11 of U.S. Senate, *Hearings before the Select Committee to Study Governmental Operations With Respect to Intelligence Activities*, Vol. 7, "Covert Action," 1976.
18. *Boston Globe Magazine*, Mar. 20, 1983.
19. *New York Times*, Sept. 16, 1981.
20. *New York Daily Tribune*, Feb. 18, 1853.
21. That the revolution itself was a real social revolution from below and not simply a Communist party coup, is argued in Marc Ferro, *October 1917: A Social History of the Russian Revolution* (Routledge & Kegan Paul, 1980).
22. Maxim Gorky, *Untimely Thoughts* (Paul Eriksson, 1968), 123-124.
23. *Novaya Zhizn*, 207-208.
24. See Elzbieta Ettinger, *Rosa Luxemburg: A Life* (Beacon Press, 1987).
25. *New York Times*, Dec. 10, 1986. One of the more famous victims of psychiatric abuse was the Soviet scientist Zhores Medvedev, who, with his historian brother Roy Medvedev, wrote about his own experience in *A Question of Madness* (Knopf, 1972). Roy Medvedev wrote a comprehensive history of Stalin's brutal leadership in his book *Let History Judge* (Knopf, 1972).
26. George Orwell, *Homage to Catalonia* (Harcourt Brace Jovanovich, 1952), 4-5.
27. *New York Times*, Feb. 7, 1990.
28. Eric Bentley, *Thirty Years of Treason*, 223.

CHAPTER ELEVEN *The Ultimate Power*

1. Statistics on war deaths from 1700 to 1987 can be found in Ruth Sivard, *World Military and Social Expenditures 1987-88* (World Priorities, 1988), 29-31.
2. John A. Osmundsen, "Elephant Repellant," *New York Times*, Jan. 2, 1988.
3. Harry Rositzke, *Managing Moscow, Guns or Words* (Morrow, 1984).
4. These comparisons of military spending and social needs come from Sivard, *World Military and Social Expenditures, 1987-88*, 35.
5. Jeffrey A. Merkeley, "The Stealth Fiasco," *New York Times*, Feb. 1, 1989.
6. *New York Times*, Jan. 17, 1988. Up to 1977 there had been over a thousand nuclear tests by the six countries possessing bombs, the overwhelming majority of these, of course, by the United States and the Soviet Union.
7. See Nick Kotz, *Wild Blue Yonder* (Pantheon, 1987), for the story of the B-1 bomber.
8. *New York Times*, Nov. 29, 1985.
9. The story of the four lost hydrogen bombs is told by Tad Szulc, *The Bombs of Palomares* (Viking, 1967).
10. *Boston Globe*, Dec. 22, 1980.
11. *Boston Globe*, Nov. 15, 1981.
12. *New York Times*, June 18, 1980.
13. *New York Times*, Mar. 10, 1980.
14. Theodore Sorensen, *Kennedy* (Harper & Row, 1965), 770.
15. *Ibid.*, 795.
16. Steven Kull, "Mind-Sets of Defense Policy Makers," *Psycho-History Review* (Spring 1986): 21-23.