Representative Government: The Black Experience

Among the enthusiastic celebrations in 1976 surrounding the Bicentennial of the Constitution, novelist James Michener wrote,

"The writing of the Constitution of the United States is an act of such grandeur 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, telling 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.
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 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—assumed it was the responsibility of the government 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 more 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.

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.

Therefore, although writings in the 1760s, Locke's statements almost the idealistic ring of the Declaration of Independence. But there is some substance behind him. There was an republicanism agrees to set up this constitutional government. There were rich and poor, and the poor were never consulted when a contract is drawn up, after which they are told: "We agree on this." So while it may sound good that property they will be protected by representative government, in reality...
such female Indian or Male Indian under the age of twelve years that shall be killed . . . twenty pounds."

The Constitution was blatanl 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 intrepor or wicked object." It would accomplish this by cresting too big a notion for a revolt to spread easily and by filtering the anger of rebels through their more reasonable representatives.

The author 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 attempt to add that such an institution must be sometimes necessary as a defense 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 afterward 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.

This 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 closely 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 creates 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. A free black man in Boston, David Walker, wrote the pamphlet "Walker's Appeal," 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 is coming to an end.

Georgia offered $1,000 to anyone who would kill David Walker. One summer day in 1829, 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 fierce 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 1836, 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, black periodicals, Freedom Journal, had appeared. Later, Frederick Douglass, ex-slave and aboli-
tionist owner, started his own newspaper, North Star. A conference of blacks in 1844 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 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, escaped slaves, joined by white friends, took the lead in defying the law, in harrowing stations. After the act was passed, Reverend J. W. Logan, who had escaped from slavery on his master's horse, had gone to college, and had become a minister in Syracuse, New York, spoke on a meeting in that city.

The time has come to change the tones of submission into tones of defi-
cence—and to tell Mr. Fillmore (President Millard Fillmore, who signed the 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 won't obey it! It overruns me, and I overrule it... I will not live a slave, and if force is employed to re-enslave me, I shall make prepara-
tions to meet the crisis as becomes a man.

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

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 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 preserving coffee to federal agents in a Boston coffeehouse. They voted and rushed him to the federal courthouse. A group of black men broke into the courtroom, took Shadrach from the federal marshals, and
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not waged . . . for any purpose of . . . overthrowing or interfering with the rights of established institutions of those states, but . . . to preserve the slavery (despite his personal inclination at its cruelty) had been made by votes 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 a social and political equality between the white and black races . . . I am as much as any other man am in favor of having the superior position assigned to the white race." 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 1865 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 1865, it had little practical effect. It only declared slaves free in states with rebellion against the Union. Lincoln used it as a threat to Confederate fighting, your slaves will remain. S0, slavery in the border states, on the other side, were left untouched by the proclamation. The London Times could not justify own another, but that he cannot own him unless he is loyal. It came from Lincoln's military needs, but also from the pressure of the anti-slavery movement.

The number of 1865 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 1867 the House Representatives, following the lead of the Senate, passed the Thirteenth Amendment, declaring slavery unconstitutional, and the modern democratic state, responsive for eighty years to the structural issue of mass enslavement, had now finally responded. It had
taken thirty years of anti-slavery 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 1877:

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 must 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 so 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 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 are 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 campaigns called the civil rights movement, which could roughly be dated 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 the protests of William Monroe Trotter; to the writings of W. E. B. Du Bois 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 radicals, pacifists, and labor leaders.

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 vision of "equal protection of the laws" meant that public schools had moved in that direction gives the Supreme Court too much credit. It had the Fourteenth Amendment already.

The amendment was no different in 1954 than it had been in 1866, context now, a new world. And there were new pressures. The Supreme Court did not by itself introduce the question of segregation in the public schools. The question came before it because black people brought 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 Monroe Trotter against Booker T. Washington. Washington, a black educator, founded Tuskegee Institute, favored peaceful accommodation to segregation. Trotter's arrest and his sentence of thirty days in prison sounded that extraordinary black intellectual W. E. B. Du Bois,
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." That "call to a few persons" started the Niagara Movement—a meeting in Niagara, New York, in 1909 that led to the founding of the NAACP in 1910.

Many years later, with the legal help of the NAACP, the Reverend Joseph DeLaine rallied the black community in Claremont 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.

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 integration, the persistence of blacks and the risks they took became joined to a practical need of the government. The Supreme Court decision was made at the height of the cold war, when the United States was siding 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 grim for the communist propaganda mills, and it raises doubt, even among friendly nations, as to the intensity of our devotion to the democratic faith."11

In outlawing school segregation, the Supreme Court declared that integration should proceed "with all deliberate speed" and said 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 race of 1965, 1969, and 1970 that the Supreme Court finally said the "all deliberate speed" desegregation was no longer "constitutionally permissible" and then desegregation of schools in the Deep South began to speed up.12

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 who was asked if she was tired. She replied, "My feet is tired, but my soul is rested."13

In Montgomery the struggle for rights meant not only mass meetings, car pools, and walking. It meant going to jail. A hundred people were arrested, and the Montgomery boycott. Finally, the government responded. In November 1956, a year after the boycott began, the Supreme Court outlawed segregation on local buses in Montgomery under the "passive resistance" doctrine.14

Why did four black college students have to sit as "whites only" in Greensboro, North Carolina, on February 1, 1960, and arrested? Why did there have to be a "sit-in movement" to end "segregation"? Was it not the intent of the Thirteenth Amendment, as a "guarantee 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 the privileges and immunities of citizens in the several States?"15
DECLARATIONS OF INDEPENDENCE

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 state ("no state shall") and, therefore, private persons, businesses, and corporations could discriminate as they liked. (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 cities after southern city. There would be beatings and arrests. There would be in the year 1960 sit-ins and demonstrators 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 Southwester, "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-ins:

"The students in that picture had a certain look on their faces, sort of solemn, angry, determined. Before, the Negro in the South had always looked on the offensive, retreating. 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 Riders": whites and blacks rode together on long buses throughout the South to try to break their color code in interstate travel. The two buses that left Washington, D.C., on May 4, 1961, headed for New Orleans, seven got there. In South Carolina, riders were beaten. In Alabama, a bus was set afire. Freedom Riders were shot with fists and iron bars. The southern police did not interfere with any of this violence, nor did the federal government. FBI agents were not called in by the Justice Department.

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 classmates at Spelman College) told me about the phone call: "The Justice Department said no. They wouldn't protect anyone, but if something happened, they would investigate. You know how they do." 26

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. A black student from Nashville was knocked unconscious 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 nose.

The response of the federal government was less than adequate. The General Robert Kennedy made a deal with the governor of Mississippi: treated, bused after beaten arriving in Jackson; 300 were arrested by the end of the summer and sent to Parchman State Penitentiary, none of them beaten, all of them abused. It was a futile gesture by the most powerful government on earth, refusing to enforce its own laws, allowing police to neglect their function of protecting people against assault.

The law was clear. Presumably, representatives of government had done their job of protecting the law. In 1961 Congress had enacted the Interstate Commerce Act, which barred discrimination in interstate travel, and the Supreme Court and the embarrassing publicity surrounding them that went in November 1960, through the Interstate Commerce Commission, it issued specific regulations, asking the posters be put on all interstate buses 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, most demonstrations took place against racial segre-
gation, by black women and black alcoholics. One black woman
suffered a miscarriage at the local jail, and another was beaten
by the police. In one incident, a black woman was arrested for
walking in a white neighborhood. The police dragged her
across the street and into the police station.

Two FBI agents were later arrested in Albany for their involvement
in the demonstrations. One was charged with contempt of court
and the other with obstruction of justice. Both were acquitted
by a jury of white men.

The black community in Albany was divided over their
response to the demonstrations. Some supported the protesters;
others opposed them. The police were also divided, with some
supporting the protesters and others opposing them.

In July 1962, the Albany Movement was established to
coordinate the efforts of the black community in Albany.

The movement was led by a group of black leaders, including
the Reverend Hosea Williams, who was later elected to the
United States House of Representatives.

The movement was successful in achieving some of its
goals, including the desegregation of public schools and
the end of segregation in public housing. However, it also faced
some setbacks, including the arrest of many of its leaders and
the physical violence of the police.

Despite these challenges, the Albany Movement was
successful in its efforts to bring about change in Albany.

The movement's success was due in part to the support of the
black community, which was united in its desire for change.

The movement also benefited from the support of
outside organizations, including the Student Nonviolent
Coordinating Committee (SNCC), which provided
financial and logistical support.

The Albany Movement was one of many
demonstrations that took place throughout the
South in the 1960s, as black Americans
worked to bring about change and
achieve their civil rights.

The movement's success inspired
other black leaders throughout the
South, who continued to fight for
change and equality.

The Albany Movement was
successful in its efforts to
achieve change in Albany, and
it served as a model for other
movements throughout the
South.
when I was puzzling over the inaction of the federal government. This was Title 10, Section 133 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 1965 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 at 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 hilly 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 3,400 people were arrested in 38 demonstrations in 75 southern cities. By the end of 1965, 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 1964.12

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 be in the summer of 1964. The plan was to engage in an all-out effort to local black people by showing how much national support they had. Black people in Mississippi faced that danger every day, all their lives. Summer," movement organizers rented a theater near the White House, "jury" of prominent citizens (writers Paul Goodman, Joseph Heller, Taylor, Robert Coles, Sarah Lawrence President Harold Nunn, 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 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, one from the North, Michael Schwerner and Andrew Goodman—disappear, 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 the burned station wagon was found, but no trace of the three men. On August 4, forty-four days after their disappearance, badly burned, badly a pathologist examining him said he had high speed accidents such as aeroplane crashes. All three had been shot. In 1968 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 focus 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 these 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.

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, 1962, when the telephone call came in that the three men were hours overdue on their return from Philadelphia.

Her chronology makes clear how misleadingly low and irresponsible 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 Carter, 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 had invested the FBI with the power to look into this.' But FBI agent J.F. Helgeson 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...

Mary King continues, "Finally, at 10:00 P.M. on Monday, June 22, staff of UPI carried a story that... the FBI was being ordered into the field.

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 movement's request that a station federal marshals in Mississippi to be deployed... on the spot to accompany people into dangerous situations like Neshoba County. Don't they send police to guard the payrolls of banks? That situation tells something about the moral and emotional remonstrance.

Later that same summer the Democratic party refused to seat a black delegation from Mississippi that claimed 40 percent of the seats... Instead the Credentials Committee voted to give 100 percent of the Mississippi seats to the official white delegates... It was a clear statement of the white, exclusionary, fearful state of affairs.

By 1968 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 the right to vote, 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 of that state can be reduced. This would be the job of the

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May 1971 New Orleans, who said he had received no orders from Washington.

John Doar and Burke Marshall (Assistant Attorney General in charge of the Civil Rights Division), to no avail... The FBI agent in Meridian still insisted that he had no orders to initiate an investigation... At 7:00 P.M. John Doar finally called me back... But he did not specifically address the question of whether the FBI was investigating.

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Later that same summer the Democratic party refused to seat a black delegation from Mississippi that claimed 40 percent of the seats... Instead the Credentials Committee voted to give 100 percent of the Mississippi seats to the official white delegates... It was a clear statement of the white, exclusionary, fearful state of affairs.

By 1968 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 the right to vote, 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 of that state can be reduced. This would be the job of the

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represeatives 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 practice. At least 20 Negroes were beaten bloody. Troopers stood by while bystanders beat up cameramen.12

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.”13 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.”14

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.15

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 set of class, however disguised it is by the procedures of modern liberal societies.

Representative government does not solve the problem of race. It
money who supported them. They must be good to the people who voted for them, but be good to those who financed them. Voting is most certainly overstated as a guarantee of democracy. The anarchist thinkers always understood this. As with Rousseau, we might put it more directly: women, but did want to warn against excessive expectations:

Our modern fetish is universal suffrage... I see neither physical, psychological, nor mental reasons why a woman should not have the equal right to vote with men. But that can not possibly blind me to the absurd notion that a woman will accomplish what a 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 way. 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.

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 property classes, solely for the profit and privilege of the few? They use millions to help them into power. They tell us, like so many children, that if we are not voting for them they will use us in their fight. We lose the chance of concession to make in the interest of the nation that is not for us, but for those interests which they represent. We are not voting for the candidates whom we want to see in office. Why should women be the exception?

In Chapter 6 of this book I noted the vote for the president means so little in terms of foreign policy; after the president is elected he does as he likes. We should note that voting for members of Congress is meaningless in the most important issues of life and death. That is not just because of the foreign policy crisis. It is also because Congress is a feeble, nonexistent factor in decisions on war and peace, usually follow-
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. Fiscuring 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.

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.

The experience of black people in America (and Indians, women, Hispanics, and the poor) inculcates 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 is a greater 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.
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 Rent (Putnam, 1977).


22. William E. Cleaver, in his book Civics and Civil Rights: Greensboro, North Carolina, and the Black Struggle for Freedom (Oxford University Press, 1988), makes clear how "citizenship" was not enough to change social practices in Greensboro, how proof brought some progress (by the spring of 1962 approximately 1,000 Greensboro blacks were marching in the streets, at one point 1,500 were in jail).


28. In the course of the passage of the 1964 Civil Rights Act, The Longest Debate (Seven Lucky Pros, 1946), Charles and Berthia Whalen make clear that these demonstrations played a crucial role in changing Kennedy's mind about the need for a new civil rights law.


30. See Seth Cogin and Philip Dray, We Are So Afraid. The Story of Goodman, Schwerner, and Chaney and the Civil Rights Campaign for Mississippi (Macmillan, 1988).


33. Ibid., 136.

34. Ibid., 212.


38. From the election of 1960 (Kennedy vs. Nixon) to the election of 1968 (Dukakis vs. Bush), there was a steady decline in voting: from 55 percent of the eligible voters to exactly 5 percent.


43. It is the anarchists (Kropotkin, Bakunin, Emma Goldman, and Alexander Berkman) who have been the most eloquent critics of traditional representative government.

CHAPTER NINE
Representation Government: The Black Experience


6. This point is made in John Dunn, The Political Thought of John Locke (Cambridge University Press, 1969).

7. Federalist 43.

8. Federalist 46.


10. Various statements of black defiance in this and other periods of America-whiteness can be found in Herbert Aptheker, A Documentary History of the Negro People in the United States (Garden City, 1973).


12. For excellent accounts of the struggle to the Fugitive Slave Act, see James McPherson, Battle Cry of Freedom (Oxford University Press, 1988), 94-95.


19. Alexander Loew, Holmes County Board of Education, 346 U.S. 15 (1953). The Supreme Court had agreed to delay court-ordered desegregation of thirty-three Mississippi school districts, and the Supreme Court was unanimous in judging that segregation must be ended "at once."
CHAPTER ELEVEN

Communism and Anti-communism

1. Boston Globe, May 20, 1948: "It is hard to understand why McFarlane was hesitant to speak to Regan, considering a statement he made to the New York Times: "I had countless times with the President when I felt he wasn't talking what I was calling him.'"


3. Ronald Rasch and Jervis Milton, in their book The Rosenbergs Tell (Holm, Rinnehart & Winston, 1958), separate themselves from the left defenders of the Rosenbergs, and insist the Rosenbergs were members of a spy ring. However, even Rasch and Milton point to the quislingship of whatever it was the Rosenbergs may have passed to the Russians. They quote (p. 449) the statement by Coates, and agree with I. F. Stone's comments, written in 1956, that "the way the Daily News (of execution) was scattered-to the Supreme Court rushed back to Washington to override Douglas so the executions could go ahead on schedule" was scandalous; the death sentence—even if they were guilty—was a crime" (p. 450). See the Walter and Miriam Schneir, Inquisition on an Inquest (Douglas, 1966).


5. Many of the absurdities of that period are recorded in David Cottle, The Great Faux (Simon & Schuster, 1963).


10. Ibid., 115.

11. Martin Duberman, Paul Robeson (Knopf, 1980).


13. Between 1947 and 1953, over 5 million Americans were investigated by Truman's Loyalty Board, and 500 people were dismissed from their jobs.


21. That the revolution itself was a real social revolution from below and not simply a Communist party coup, is argued in Marx Feen, October 1917: A Social History of the Russian Revolution (Bantam & Regan Paul, 1965).


28. Eric Beutin, Thirty Years of Trauma, 233.

CHAPTER ELEVEN

The Ultimate Filler

1. Statistics on war deaths from 1700 to 1914 can be found in Ruth Skovd, World Military and Social Expenditure 1501-1975 (World Priorities, 1975), 29-30.


4. These components of military spending and social needs come from Skovd, World Military and Social Expenditure, 1975-77, 31.


6. New York Times, Jan. 17, 1988. Up to 1971 there had been over a thousand nuclear tests by the six countries possessing bombs, the overwhelming majority of them, of course, by the United States and the Soviet Union.


15. Ibid., 792.