

Nathaniel Weyl

*The
Negro
in
American
Civilization*

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**THE NEGRO
IN
AMERICAN
CIVILIZATION**

By Nathaniel Weyl

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INTRODUCTION

The Negro in American Civilization is an original, challenging and, I believe, important contribution to a major problem of contemporary American society. It is a book which serious students of the Negro will neglect at their peril. The author has documented his statements excellently. While this book provides good reading, it is so well referenced that it would also be eminently suitable as a textbook.

College students today are plied with volumes on social theory which are loaded with one-sided, environmentalist argumentation. This book is a refreshing antidote. It could serve as a basic reference text in any scientific consideration of race and race difference. The author's survey of the historical aspects of the Negro's three centuries in America provides an excellent introduction to the unique American race problem.

From the standpoint of the scientist, the problem of race should be studied in an objective manner. Appeals to beliefs, morals, ethics or political philosophy are out of place; the issue is one of fact. From the subjective point of view of the propagandist, however, appeals to fact have much less utility than appeals to emotion. The scientist is interested in objective evidence and factual knowledge; the theory-ridden propagandist is interested in some kind of actual or supposed social good.

Certain groups delight in findings of innate race difference in the psychic area because these findings aid them in propagandizing for social orders based on race differentiation. While these people are at the opposite pole from the environmentalists who wish to deny such ethnic differences as a means toward a completely egalitarian social system, both groups are similarly motivated. Both "investigate" race in order to find supposedly scientific support for social and political ideologies. Neither group can, in terms of the nature and motivation of its inquiry, arrive at dispassionate and scientifically valid sets of findings.

I see no reason why we in this country need to rely on political ideologies or social propaganda for our understanding of any social phenomenon. Making emotional speeches, writing personal diatribes or censoring our antagonists (all too frequently by official edict or semi-official pressure) will not change facts. Ethnic differences are

facts. In the psychic area, these differences are important facts. It seems much more sane to face these differences and investigate their causes impartially than to play ostrich about them.

In fact, a free society best protects itself against the state-imposed and anti-scientific ideologies of totalitarian systems (and against the monstrous crimes against humanity which they generate) by refusing to consent to political limitations on scientific inquiry. The antidote to Nazi racist theories is not to deny that race differences exist, but to investigate their causation, range and significance in an objective and scientific fashion.

The present state of our knowledge about race and race difference is anything but complete. The weight of evidence clearly suggests that bio-genetic factors play a major role in causing psychic differences between races. This assertion is made, not because these bio-genetic factors have been isolated, but because the environmental factors which have been brought forward as exclusive causal agents have been found incapable of producing the effects claimed for them.

The issue is not whether significant differences exist between the observed and measurable mental performance of ethnically different populations. It is rather whether these differences are caused exclusively by environment or by a combination of environmental and hereditary forces. If environment is the sole cause, then it follows that a change in the relevant environmental factors will produce a comparable change in observed differences in the mental performance of the two races. The weight of evidence is that it does not do so.

If it were true that no inherited differences in the mentality of races existed, empirical study would be sufficient to show this. The attempted suppression of objective race-difference studies by environmentalists would be self-defeating.

And in a larger sense, suppression is always self-defeating. A free society is nourished by free scientific inquiry. A social science which begins its investigations with morally or politically imposed premises, which it refuses to submit to the acid test of evidence, must wither. Here as elsewhere, work in the social sciences should be judged solely on the basis of such considerations as honesty, objectivity, accuracy of scientific method and scrupulously fair examination of the evidence.

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PREFACE

Three and a half centuries have passed since the black man first appeared on the soil of the English mainland colonies of America. Specifically, it was in August 1619 that the nascent Jamestown settlement was visited by "a dutch man of warre that sold us twenty Negers." African slavery in the United States, therefore, is a year older than the Mayflower Compact for religious and civil freedom.

From 1619 to the present, the relationship of the Negro to American society has been complex, changing and frequently a source of conflict and schism. The problem of the terms of coexistence of the two races is one of the very few issues faced by the framers of the Constitution in 1787 which has arisen periodically to challenge each successive generation of Americans. Certainly, it is the only issue in the history of the Republic in which successive compromises proved so unstable that no recourse seemingly remained except civil war.

The first part of this book deals with the historic background of American efforts to define the relationship of the Negro to the nation. Historians and sociologists have devoted disproportionate attention to the extremist attitudes toward slavery and the Negro: on the one hand, to the ideology of abolitionism and total assimilation; on the other, to the Calhoun conception of a welfare state based on slavery and to the ignorant racism of post-bellum Southern Populists.

What has been either underemphasized or seriously misrepresented is the main body of American political thought on the Negro question. The views of Jefferson, Madison and Lincoln in particular have been distorted. These views were not the personal idiosyncrasies of great men, but reflected a deep-seated, perhaps dominant, national dilemma. Most American statesmen of the age opposed chattel slavery while, at the same time, fearing that emancipation would introduce an element into the American body politic which could not intelligently discharge the duties of citizenship in a free society.

This prevalent attitude yielded immediately after the Civil War to the doctrine that it was the duty of the Federal Government to strive for the incorporation of the Negro into American society as a full-fledged equal. The upsurge and eventual fate of radical Reconstruction are of particular interest in relation to the contemporary revolution in American race relations.

The present movement toward integration has more powerful forces behind it than the Reconstruction crusade. Among the more visible formative influences are the new international role of the United States, the increasing demand that our domestic conduct conform to the exigencies of our foreign policy and a subtle transformation of the American ideology in the direction of postulating *equality* rather than *liberty* as the basic national goal.

As for the Negro himself, the curtailment of European immigration has touched off a revolution in his economic, political and cultural status. This and other forces have generated a vast, continuing internal migration impelling the Negro both northward and cityward. Today, the typical American Negro is not a Southern cotton chopper, but a proletarian of the metropolis.

II

In contemporary America, the areas of disagreement concerning the Negro are broad; regional ideologies continue to be irreconcilable. If there is any area of national consensus, the value premise enunciated by President Eisenhower in his 1959 State of the Union Message perhaps defines it:

"The Government of a free people has no purpose more noble than to work for the maximum realization of equality of opportunity under law. . . . One of the fundamental concepts of our constitutional system is that it guarantees to every individual, regardless of race, religion of national origin, the equal protection of the laws." Or, as George Mason put the matter almost two centuries earlier in the Virginia Declaration of Rights, all men "are by nature equally free and independent."

Equality of opportunity and equality of ability, however, are two very different things. The question of whether ethnic groups are equal in innate mental ability is not a moral, but a factual, issue. This subject of ethnopsychology is so pivotal that the second part of the book is devoted to an examination of the available evidence. The concept of race is considered, not in terms of blood and soil mystique, but in relation to those evolutionary processes which shape and fix variations in species. The work of Dr. J. C. Carothers and Dr. Marcelle Geber, both while on United Nations projects in Africa, has made it possible for us to speak of the differences between African and Caucasoid ethnopsychology in much more meaningful terms than would have been possible ten years ago.

The purpose of the present inquiry is to shed light on the probable consequences of school integration and urban ethnic displacement and on the policies best designed to achieve harmony between the two races on a foundation of justice and freedom.

III

Finally, a personal note. When the idea of this book first assumed shape in my mind a few years ago, I planned merely to trace the Negro's changing status under the American Constitution. My beliefs and preconceptions on all the really large aspects of the race problem in the United States had been formed long before and I had no reason to believe I would have to re-examine or change them.

These formative influences included family background. A collateral ancestor, John Nevin, has been characterized as one of the first advocates of abolitionism in America. Others smuggled slaves to freedom along the underground railroad.

My knowledge of the Negro problem has been based on personal experience as well as research. All of my formal education took place in integrated schools and universities. While I have spent most of my life in Northern and Border cities with large Negro populations, I have also lived in the South and travelled through it extensively. It has been my privilege to observe interracial conflicts and adjustments in Latin America and in 1948 to investigate the primitive Djuka communities, consisting of the descendants of insurrectionary slaves, in the jungle hinterland of Surinam.

Time and a study of the evidence convinced me that an analysis of the Negro problem in the United States, based on dogmatic preconceptions concerning ethnopsychology, would serve no useful purpose. This book has expanded considerably in scope from the original plan. I have had to enter areas which I had intended to ignore. Sometimes the reason for this was the discovery that material which passed for the objective findings of social scientists could more accurately be characterized as rationalizations and propaganda wearing academic cap and gown. The acceleration of integration in the United States and the swift rise of independence movements throughout black Africa have brought the issue of the relationship of the Negro to Western society to the fore. The vast, panoramic sweep of these developments has convinced me that a broad and comprehensive analysis of the problem is essential.

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PART ONE: FROM SLAVERY TO DESEGREGATION

1

HISTORIC ROOTS OF SLAVERY

"From the hour of their birth, some are marked for subjection, others for rule."—ARISTOTLE, *Politics*.

The thinking of the American colonists concerning the legal and moral bases of slavery had its labyrinthine roots in the British common law, in Christian teachings and in that natural rights philosophy which, among the intellectuals, was beginning to displace revealed religion as the foundation stone of government, politics and law. The history of previous civilizations—their ethical attitudes and usage as to slavery—also formed part of this background.

Many ancient civilizations had been based on slavery; all had sanctioned it. The Jewish Essenes were virtually the only organized community or congregation of the classical world which unequivocally opposed slavery. While they had little influence on their times, the Essenes, as the forerunners of Christianity, would cast a long shadow. From the standpoint of slavery, it was a portentous development that, out of the welter of competing exotic cults, Christianity should have triumphed. For despite scattered passages to the contrary in St. Paul, the teachings of Jesus were basically incompatible with slavery as was the conception that He had given His life to redeem all of mankind.

Slavery in Greece. As for Greece, slavery had been firmly embedded in the social order by the Homeric Age and the main philosophical schools accepted it. Plato's ideal society was a caste system in which those who worked with their hands were excluded from citizenship. Aristotle looked forward to a future state in which all manual labor would be done by slaves and the free workers would disappear. By relegating all manipulation of objects, and hence the sum of the practical and mechanical arts, to the despised slave mass, the followers of Plato and Aristotle contributed to an intellectual climate in which the experimental sciences, which had had such brilliant be-

ginnings in Greece, came to be regarded as menial. The best minds avoided these disciplines. As in the more or less contemporary China of Confucius, words, rather than things and processes, became the concern of gentlemen. Greek natural science was thus deflected toward mysticism and aprioristic speculation. Conclusions were not tested and science was divorced from experiment.¹ Stagnation over a large domain of thought resulted.

The Platonic justification of slavery was the natural inferiority of most men, their unfitness to govern either themselves or others, and their inability to grasp truth. Plato opposed the enslavement of Greeks, but favored reducing (or perhaps advancing) barbarians to this condition. In the *Timaeus* he suggests that the relationship of soul to body and of mind to matter is parallel to that of master to slave. The mind imposes order upon the world of phenomena, the philosopher-king upon the state, the master on his bondsmen.

The Platonic justification was remote from the institution as it existed in Greece. The populations of the defeated cities in the Greek internecine wars were callously enslaved; the merchant voyager faced the danger of being captured and sold into slavery. There was little evidence that Greek slaves were of worse human material than Greek masters.

Aristotle: Natural Slavery. Aristotle reached conclusions similar to those of Plato. In his *Politics*, he observes that men are superior to women; human beings to animals; the soul to the body; reason to the passions. Similarly, "the lower sort are by nature slaves, and it is better for them as for all inferiors that they should be under the rule of a master." (1254^b 16-23.)

Aristotle distinguishes between those who are slaves by nature and by misfortune. It is wrong to enslave the latter. For this reason, Greeks use the word *slave* only when applied to barbarians: "Hellenes regard themselves as noble everywhere, and not only in their own country, but they deem the barbarians noble only when at home, thereby implying that there are two kinds of nobility and freedom, the one absolute the other relative." (1255^a 25-37.)

The slave is a mere instrument who needs a master to serve as his directing brain. "He who is by nature not his own but another's man, is by nature a slave; and he may be said to be another's man who, being a human being is also a possession. And a possession may be defined as an instrument of action, separable from the possessor." (1254^a 10-18.) The natural slave was not an animal, for he could understand the rationale of orders; he was not a free human being be-

cause he was incapable of formulating such orders. He was — and many generations of Southerners would repeat the thought — suspended somewhere between the human and the animal state.

In his *Economics* Aristotle discusses the proper treatment of the natural slave: "Three things make up the life of the slave: work, punishment and food. To give them food but no punishment and no work makes them insolent; and that they should have work and punishment but no food is tyrannical and destroys their efficiency. It remains therefore to give them work and sufficient food; for it is impossible to rule over slaves without offering rewards, and a slave's reward is his food." (1344^a 5 to 1344^b 4.)

The Epicureans — to deal briefly with the other main schools — did not condemn slavery. While such neo-Stoics as Dio Chrysostom and Seneca urged humane treatment of slaves, Stoicism, as a whole, regarded slavery as a mere accident of existence. Not freedom, but indifference, was the aim of conduct. A man could practice Stoicism whether slave or free. No man, moreover, need complain of being enslaved since he could always free himself from this condition by suicide. Greek dramatists and poets were less inclined to defend the institution than the philosophers. Euripides in particular revealed his "premature modernism" by his sympathetic portrayal of slaves. "Nature gave men the law of equal rights," he wrote and it was a motto that Thomas Jefferson would copy two thousand years later in his *Commonplace Book*.

Slavery in Rome. The Roman slaves were the captives and spoils of war. Enslavement of prisoners was represented as a forward step in civilization from the earlier practice of killing them. The word for servant was believed to derive from the verb, *servare*, to preserve: enslavement was conceived as an act of largesse. This etymology was perpetuated in St. Augustine's *De Civitate Dei* (xix, 15) and in the Justinian Code. (The word *slave*, incidentally, comes from Slav; it arose in the 8th century in eastern France at a time when princes and bishops were gluttoned with Slavonian bondsmen.)

The slave population of Rome provided much of the agricultural labor for the latifundia. From it were drawn artisans, gladiators, victims destined to be chained to posts and devoured by wild beasts in the sadistic spectacles that so delighted the Roman mob.

In addition, the slaves provided, to a varying degree in different periods, much of the brain power of the Empire. Slaves brought Greek culture to the Roman *nouveaux riches*. Slaves and freedmen dominated most of the free professions. Those who gained their freedom

served, especially during the reigns of Caligula, Claudius and Nero, as powerful elements in the managerial elite which ruled the Roman world.² This bureaucracy of freedmen and slaves was depicted by Suetonius, Petronius and others as gross, uncouth, degenerate and money-mad, but those who drew the caricature were linked to the envious remnant of a dying aristocracy.

Management of the Empire by men of slave origin was in part attributable to that same philosophy of mistrust which would later induce Islam to attempt a similar experiment with Mamelukes and Janissaries. Other factors were also involved. Incessant civil wars and conspiracies, the consequent proscriptions, exile and slaughter of the Roman upper classes—all this coupled with a low birth rate among the aristocracy, patronage and the adoption mania—meant that the most intelligent and capable elements were failing to reproduce.

The same phenomenon had appeared in Athens five centuries earlier. The Athenians had added to the social havoc caused by low fertility by the practice of having freemen fight and get killed in the incessant wars of the city-states. The toughness and durability of Roman imperial power rested in part on very different manpower policies and, in particular, on the decision to let aliens, and even barbarians, man the legions. To be sure, this barbarian element eventually succumbed or changed sides, but it nevertheless helped maintain the Empire in the West until the 5th century and in the East for another millenium.

Rome also recruited an intellectual and bureaucratic elite from the entire tributary Mediterranean civilization area. To a large extent, slavery was the institutional element by which this mass was collected and transported to the capital and its ablest elements absorbed into the bureaucracy.

The barbarity of the Roman slave system is well known. Its atrocious features were highlighted by those Christian propagandists of the age of Imperial decline from whom we indirectly draw our contemporary vision. Juvenal has a Roman lady of fashion have a slave crucified to satisfy a whim. The great Augustus sentenced a slave to the same painful death for having stolen and eaten a quail. Vedius Pollio entertained his guests by throwing slaves to voracious fish which he kept in a private pond.

Slaves could not lawfully marry. Their testimony could in general be taken only under torture. Many slept in the private prisons, or *ergastula*; they worked at times chained in the fields they had to sow or to the doors they were to open. Old and sick slaves were ex-

posed on an island of the Tiber to die of hunger. These were among the conditions — or, more accurately, among the dramatic abuses — of the institution at the dawn of the Empire.

Yet the *peculium*, or private property of slaves, was recognized by custom. Enfranchisement was frequent and, in Cicero's opinion, a hard-working slave could buy his freedom in six years. In fact, if not at law, the stable sexual unions of slaves were recognized. Bondage did not prevent men from rising to positions of power. Classical philosophers urged that slaves be treated with kindness and dignity. As one who had himself been a slave, Epictetus was understandably eloquent in urging humane treatment. The Roman Stoics adopted the Aristotelian distinction between natural and accidental slavery. Seneca advised masters to remember that chance might have made them slaves.

From Nero on, the trend of Roman law was to ameliorate the slave's position. Under Hadrian and his two successors, the whole character of the institution was changed. Masters were stripped of the right to kill their slaves, treat them with excessive sternness or sell them for gladiatorial combat. When a master was murdered, it was ruled that only those slaves who were in hearing at the time should be tortured. (The law had previously required that all not in chains or totally disabled be put to death.) Officers were appointed in all the provinces to hear the complaints of slaves. Under these later Antonines, moreover, the law accepted the Stoic conception of the essential equality of the human race. Lecky concluded that "the slave code of Imperial Rome compares not unfavorably with those of some Christian nations." *

Slavery and the Christian Church. The influence of Christianity alleviated classical slavery and further restricted its scope. The revolution effected was remarkable and basic, but neither as complete nor as rapid as is commonly supposed. To be sure, the first Christian emperors reinforced the rule established by the pagan Antonines that no master had the right to kill his slaves. They went further and called it murder. But murder implies intent. As in the case of Jewish law (which exculpated a master from the charge of murder if his slave lived two days after being punished), the first Christian legislation assumed that no man would wish to destroy his own property. Intent to kill could be established *prima facie* only if certain specified atrocious tortures had been inflicted. If the slave died under ordinary torture, death was presumed to have been accidental.

The Church outlawed crucifixion, which had previously been the

particular and infamous method of executing slaves, to avoid vulgarizing the mode of death of the Savior. Other cruel and discriminatory measures remained, however, in force. If a mistress had intercourse with a slave, the woman was put to death and the slave burned alive. Any slave who accused his master of any offense, other than high treason, was executed by burning without investigation of his charges and regardless of their truth. "In the fourth century," Sumner observes, "the church began to own great possessions, including slaves, and it accepted the standpoint of the property owner."⁴

Yet, from the outset, the Church emphasized the moral value of manumission. The many restrictions that had been imposed on this act were removed and the freeing of slaves was solemnized in the churches. It was regarded as an act of Christian virtue. St. Melania supposedly freed 8,000; St. Ovidius of Gaul, who lived early enough to be martyred, was credited with freeing 5,000; Chromatius, an official under Trajan, gave 1,250 their liberty. In the 13th century, when Christians found it hard to find slaves to free on high church festivals, they bought pigeons and let them fly off.

The Patristic Fathers defended the institution of slavery. They relied chiefly on Noah's curse upon Canaan for Scriptural authority, but did not apply it specifically to Negroes, who were a small minority among Roman slaves. They urged slaves to be docile and obedient.

The Church nevertheless created moral conditions which were destined to end classical slavery. It repudiated that attitude of scorn and contempt toward slaves which most Roman literature reflects and which seems, in the light of history, to be a necessary psychological attitude for an effective slave-holding class. In the spiritual realm, the Church sought to place slave and master on a footing of equality. Masters and slaves worshipped together, sat together at the *agape*, and together took communion. In theory, they suffered the same penalties under Canon Law and, again in theory, the priesthood and all other Church offices were open without discrimination to those born in servitude.

At the same time, Christianity inculcated what seemed to pagan contemporaries a slave morality at odds with the aristocratic ethos of the Graeco-Roman world. Hitherto, whatever pertained to those who served had been considered *servile* or *vile*. Cicero and Plautus, in pouring contempt on the slaves in their writings, had merely reflected the spirit of their age.

The classical virtues, such as honor, pride, magnanimity, valor, independence, dignity, intelligence and strength of will, were not quali-

ties which most rational men would wish, or even tolerate, in their slaves. Aristotle thought pride a lesser fault than modesty, for the proud man attempts more than he can attain, the meek man less. The classical conception of tragedy, that of the hero brought to his downfall for having arrogantly invaded the domain of the gods (*hubris*), automatically excluded the slave or the slavishly minded freeman. Compassion was alien to the classical mentality and Tarn goes so far as to claim that Alexander of Macedon was "perhaps the only character in Greek public life who is ever recorded to have felt pity."⁵ It might perhaps be said that the transition from the aristocratic to the Christian ethos is that from the tragic to the pathetic.

The Christian transvaluation of all moral values brought about major changes in social attitudes toward the slave class. This also applied to the slave's social function—to the physical labor which the classical world had considered so mean and degrading. One of the revolutionary implications of Christian monasticism was that the monks worked with their hands.

Economic and social forces operated in the same direction. Slavery was becoming unprofitable and hence institutionally obsolete. The Empire was first stabilized spatially, then subjected to the disintegrating assaults of barbarian hordes. Without new conquests, the sources of slave cohorts tended to dry up. More basic factors of disintegration forced the Roman imperial system to fragment in order to reorganize on cruder lines. Imperial power was transferred to barbarian successor states, some of them ephemeral and ineffective. Local manorial units became potent systems of economic cohesion and political allegiance.

The Empire was becoming depopulated; the cities in particular were shrinking; there was withdrawal to the land. In short, the continental economy of Rome—based on centralized government, good transportation, world trade and international division of labor—was breaking down into the cruder self-sufficiency of the medieval manor. In this vast, centuries-long retrogression of civilization, slavery was one of many institutional casualties. Slavery was transformed into serfdom. Previously slave-worked latifundia had fed the great cities while skilled slave artisans and domestic servants in the great houses had made the splendor of cosmopolitan Rome possible. Now, as the cities declined, Rome itself becoming a nest of bandits, the peasant drudge, bound to the land and harnessed to the crude tasks of the manor, succeeded the versatile and talented slave.

Justinian's Institutes. Justinian reigned two centuries after the

conversion of Rome to Christianity and more than a century after Alaric's sack of the Eternal City. His redintegration of the Empire was a political *tour de force*, the brief Indian summer of the Roman world state, its dying spasm. No later Caesar would be able to legislate for both the Empires of East and West. If Justinian's *Institutes* had little effect on an imperial system already demoralized by the barbarians, it would nonetheless have a major intellectual impact both on Canon Law and on the English Common Law.

In general, Justinian's experts codified the law and usage of the Empire. They lived in an age which considered tradition and form all-important, where originality was deemed a defect and where bureaucratization approached political arthritis.⁶ Yet, in respect to slavery, the Code contained important innovations and an extraordinarily humane attitude.

The Code embodies three major reforms in the status of slaves. The many restrictions on emancipation which had accumulated under the pre-Christian Caesars were abolished. All disabilities and invidious conditions which had heretofore burdened the freedmen were removed. Henceforth, this class was virtually merged with the free-born Romans. Finally, Justinian provided that a free woman might marry a slave if his owner consented and that men might marry their own slaves after emancipating them, the children of such unions to be the heirs of their free-born fathers.

During the centuries between Justinian's death and the Renaissance, slavery slowly died out in Europe even though Thomas Aquinas defended it and Saint Thomas More provided in his *Utopia* for enough slaves to do "all base business" and "laboresome toil." (II, 53.) In France, the enlightened Jean Bodin (1530-96) asserted that slavery had become extinct in the realm as early as the 12th century and that a slave became free merely by touching French soil.

In England, as early as Tudor times, a statute which enslaved idle vagabonds and provided they be fed on bread and water and worked in chains was repealed after much agitation, for, as Blackstone put it, the English spirit "could not brook this condition (of slavery) even in the most abandoned of rogues. . . ." In 1569, in the reign of Elizabeth, a certain Cartwright returned from Russia with a slave whom he habitually scourged. A British court freed the Russian because "England was too pure an air for slaves to breathe in."

The Rise of Negro Slavery. Simultaneously, a new form of slavery was arising on a more stupendous scale than its predecessors. The emergent institution was linked to the American plantations. The

slave hunting grounds of Christendom were now virtually confined to Africa south of the Sahara and the slave element to Negroes. Slavery in its plantation form would involve the transoceanic migration of about 15 million human beings.

African slaves were introduced into Portugal as early as 1444. They were used as agricultural labor in the south in such large numbers that Algarves became preponderantly Negro. By 1550 blacks outnumbered whites in Lisbon itself.⁷

In the New World, Columbus requested Negro slaves for the mines of Hispaniola as early as 1500. After las Casas' impassioned attack on the enslavement of Indians, Spain turned toward Africa for servile plantation labor.

Until the rise of cotton, the geographical distribution of Negro slavery in the Americas was determined by the sugar industry. Each mule-drawn mill required 30 to 40 Negroes; each water-powered mill at least 80.⁸ Accordingly, Latin American Negro slavery was concentrated in the West Indies and on the north coast of South America. Even in the sugar districts, Spain held the ratio of slaves to whites down to one to three. Thus the Spanish half of Hispaniola was spared the horrors of the slave uprising in French Haiti.⁹

Du Bois has estimated that 900,000 Negroes were imported into the New World in the 16th Century, 2,750,000 in the 17th, 7,000,000 in the 18th and 4,000,000 in the 19th.¹⁰ After a careful analysis of the available data, Myrdal and associates concluded that only about a million slaves were imported into the United States, both legally and illegally, from earliest times to the outbreak of the Civil War.¹¹

As a general rule, the living conditions of Negro slaves were far better on the North American mainland than in either the Antilles or Spanish America. Import statistics tell the story. Thus, some 676,000 Negroes were legally brought into Jamaica between 1655 and 1787. During the longer span of 1619-1808, the United States imported merely 333,500 according to Carey's estimates.¹² Only one-fifteenth of the Negroes shipped to the New World arrived in what is now the United States. Yet, according to Rosenblatt's estimates for about 1930, there were 31,000,000 Negroes and mulattoes in the Western Hemisphere, of whom 12,000,000, or about 40%, lived in the United States.¹³

The plantation created not only a demand for slaves but a specific demand for Negroes. Badly adapted for sustained work in the Tropics, the indigenous Amerindians were practically exterminated in the Caribbean within a generation. The Negroes, however, repre-

sented an extremely successful instance of race adaptation to survival in torrid climates.¹⁴

Moreover, there were no serious political obstacles in Africa to the spread of slavery. The institution was already ubiquitous south of the Sahara. Negro potentates not only had no scruples about selling their subjects to foreigners, but competed in man-stealing and waged tribal wars motivated solely by greed for vendible slaves. As for the slaves, there is no reason to assume they were worse off under white masters than black ones.

Negroes Deemed Inferior. The Negro came to be regarded as inferior to the other races. His color no doubt served to reinforce this opinion. In the Christian tradition, Satan was the Prince of Darkness and his symbols in religious art included the blackbird and the raven.¹⁵ An earlier Jewish tradition had Noah send the raven from the Ark to scout for land, then punish the bird for not returning by changing his feathers from white to black. The association of blackness with evil or inferiority was common in other areas. The pre-Soviet Russian phrase for the lower classes was "the black working people." The Norse thralls were described as "swarthy" in the *Rigsmal*. Among the Mongols, the rich and powerful tribes, such as the Jungirats, were known to the Chinese as "White Tartars," the poorer ones as "Black Tartars."¹⁶ As T. Peisker points out in his brilliant contribution to the *Cambridge Medieval History*, "the origin of despotism among the Altaians is to be traced to a subjugation by another nomadic horde, which among the Turkish Kazak-Kirghiz and the Mongol Kalmucks of the Volga developed into a nobility ('white bones,' the female sex, 'white flesh') in contrast with the common people ('black bones,' 'black flesh')."¹⁷ In India, the word for class or caste, *varna*, meant color. The oft-quoted promise of Mohammed to a Negro woman that even she might get into Heaven is testimony, not to the absence, but to the presence, of color differentiation in status within the Arab world.

The European explorers of the 16th and 17th centuries and the European rationalist philosophers of the 18th were by no means inclined to assume that ethnic difference necessarily meant inferiority. Montaigne (1533-92) denied that the Indians of Brazil were inferior; Montesquieu (1689-1755) sneered at Spanish chroniclers for calling the Carib Indians barbarian, while Rousseau (1712-1778) derived his theories of "the noble savage" from the uncritical reports of conquerors and clerics concerning the Amerindian peoples.

Spanish testimony concerning the virtues of Aztecs, Mayans, Incans

and other aboriginal Americans is massive. Thus, Bishop Vasco de Quiroga thought that the Europeans of his age were too degenerate to build a Christian society, but that this was entirely possible among the morally purer Tarascan Indians of Michoacan. In a report to his sovereign, Charles V of Spain, Rodrigo de Albornoz, Accountant of New Spain, observed in a matter of fact manner that the Aztecs till the soil like Spanish peasants, but are "much more subtle and quick."¹⁸ We find the upper classes of Incaic Peru and Mayan Yucatan intermarrying with the conquerors, writing histories of their native civilizations in Latin and distinguishing themselves as scholars of the Church.

The European reaction to the Negro was much more critical. At first, he was regarded as a curiosity. By the middle of the 17th century, the view that he was naturally inferior had become prevalent. The tolerant and internationally minded Montesquieu suggested that the native African corresponded to Aristotle's natural slave. David Hume eloquently urged that all men's minds are shaped by educational and social influences only to add in a footnote: "I am apt to suspect the Negroes to be naturally inferior to the whites. There scarcely ever was a civilized nation of that complexion, nor even any individual, eminent either in action or speculation." Symptomatic of the attitudes of the mid-18th century was Linnaeus' appalling blunder of classifying mandrills, true anthropoids and African Pygmies as "Tailless Apes."

SLAVERY VERSUS THE ENLIGHTENMENT

"Bad laws having made lazy men, they have been reduced to slavery because of their laziness."—MONTESQUIEU. *The Spirit of the Laws*.

Until about 1640, in the scattered, few and paltry settlements along the North Atlantic coast, there was no clear line of demarcation between slavery and other forms of servitude and service. Virginia recognized the rule that "a slave who had been christened or baptized became 'infranchised.'"¹ In 1624, the Negro, John Phillip, was permitted to testify against a white man in the general court of Virginia on the plea that baptism had made him a free man.

Sixteen years later the racial difference in status was crystallizing. Three bound servants in 1640 escaped and were captured. Of these, the two whites were sentenced to four more years of service, the Negro to lifetime servitude. By this time, the Colonists were getting into the habit of selling their Negroes.

During the latter part of the 17th century, the small population of Negro slaves was concentrated mainly in Virginia and Maryland. The statutes of these two colonies show a rising pressure for segregation of Negroes from white indentured servants, paupers or criminals. In 1664, Maryland legislated that a freeborn woman who married a slave be forced to serve the Negro's master during her husband's life. The children of such unions were slaves. Lord Baltimore had this law repealed, arguing that it gave planters an incentive toward "purchasing white women and marrying them to Negroes for the purpose of making slaves of them."² By the close of the century, racial intermarriage was a felony in both colonies. Thus Virginia in 1691 punished free white women with banishment and indentured white women with five additional years of service for marrying Negroes. Their children were deemed bastards to be bound out as apprentices until the age of thirty.

The pressures for race segregation were far stronger in the South than in the North. As late as 1704, Mrs. Knight found that the African slave in Connecticut lived as part of the family "and into the dish goes the black hoof as freely as the white hand."³

Scriptural Authority for Slavery. The moral justification for slavery was sought and found in the Bible. Like other ancient peoples, the Hebrews had recognized slavery as a form of labor. Scriptural

references to it as an existing institution were deemed proof of its endorsement by Providence. Thus, it is not surprising that, with the sole exception of a 1652 Rhode Island statute, slavery escaped legal attack in Puritan New England throughout the 17th century.

Scriptural authority for the possession of slaves was found in *Leviticus* 25: 44-45. Here the Israelites were told by the Lord to take bondsmen and bondswomen "of the heathen that are round about you," to buy as perpetual slaves "the children of the strangers that do sojourn among you," and to transmit them as property. Hebrew slaves were protected by the law as neither Greek nor Roman bondsmen would be. A Jewish man slave — taken in war, for unpaid debts or because of crimes — had to be freed after six years (*Exodus* 21: 2-6). Later, an ethically more sensitive generation of Jews would challenge the entire institution and ask about the slave: "Did not he who made me in the womb make him?" (Job 31: 15.)

A second justification for slavery was found in that famous, repetitious passage in the *First Epistle to the Corinthians* (13: 12-31) in which St. Paul says that, just as the body needs different organs, so does the body of Christ need and welcome men of various talents and capacities. The Pauline doctrine admirably fitted the Puritan belief in election and we find such theologians as John Saffin arguing that the abolition of slavery "would invert the order that God hath set in the World, who hath ordained different degrees and orders of men, some to be High and Honourable, some to be Low and Despicable. . . ." ⁴

The Curse of Canaan. That the Negroes and only the Negroes had been chosen from among the various races to fill the unenviable role of serving in bondage to others seemed to the religious mind of the 17th and 18th centuries abundantly proved in the Book of *Genesis* (9: 20-27).

After the Flood, Noah proceeded to settle down to cultivate grapes. His son, Ham, saw the patriarch drunk and asleep in his tent with his genitals exposed. He told his brothers, who, however, piously walked backward into the tent and covered Noah with a garment. When Noah awakened and discovered what had happened, he turned, not on Ham, but on Ham's son, Canaan, and declared: "Cursed be Canaan: a servant unto servants shall he be unto his brethren." ⁵

Upon these fragile foundations, an ideological justification for the perpetual servitude of the Africans was erected. That Ham was the ancestor of the Negro race seemed proved by the similarity between the name and *Khem*, the Egyptian word for black. In *I Chronicles*

1: 8, Ham's sons were listed as Cush (Ethiopia), Mizraim (Egypt), Phut and Canaan. An impartial textual analysis might have suggested that Ham (the Black), Mizraim (the Egyptian) and Cush (the Ethiopian) were exempt from the curse, as if to show that the African was not destined for bondage. The son doomed to slavery was Canaan, founder of the Canaanites, whose lands the Hebrews coveted.

Slavery and Soul Saving. Others saw the true justification for slavery, not in Biblical texts, but as an opportunity to place heathen under Christian guidance. Cotton Mather was one of the most tireless and influential proponents of this view. In his *Essays to Do Good* (1710), he asked slaveowners: "How if they should be the elect of God, fetched from Africa, or the Indies, and brought into your families, on purpose, that by the means of their being there, they may be brought home unto the Shepherd of souls?"

Mather preached that slavery was a trust and that the owners of the blacks must lead them to religion both by instruction and by an example of kindness and Christian conduct. No view fundamentally more subversive of plantation slavery could have been devised. Some nine years earlier, King William III had chartered a Society for the Propagation of the Gospel in Foreign Parts, which sent missionaries to the plantation colonies to save the souls of slaves. This work met widespread opposition. The belief was prevalent that the Negro was not entirely human. Thus, a devout lady of the Barbadoes told Godwyn, the humanitarian author of *Negro's and Indian's Advocate*, that it was as reasonable to ask her to baptize her puppies as her slaves. Planters would sometimes instruct their Negroes to avoid the rooms where religious services were being held for the white family on the grounds that the blacks "could not be expected to participate in the hopes and promises which the Christian religion extended" and because "as long as the slave remained unbaptized, he was not responsible for his acts in the sight of God, and, as he was incapable of leading a pure life, the administration of the sacrament would expose him to eternal damnation." ⁶

A more serious obstacle to the work of proselytizing was the slaveowners' fear that, once baptized, their chattel would become free. The theory behind this was that slavery was legitimate only as a punishment for man's original sin. As the sacraments washed away original sin, Christians could not rightfully be enslaved.

The legal argument parallel to this theological one had been powerfully stated by Chief Justice Sir Edward Coke in *Calvin's Case* (1608). Turning to the medieval law of war, Coke declared that

there is a perpetual state of warfare between infidels and Christians and that the former may lawfully be killed for they are subjects of the Devil. If it is just to kill heathen, then the less drastic action of enslaving them must also be just.

In 1667 Virginia passed a law stating that baptism in no way changed the status of slaves or that of their progeny. The pious purpose of the statute was "that diverse masters, freed from this doubt, may more carefully endeavour the propagation of christianity by permitting children, though slaves, or those of greater growth if capable, to be admitted to that sacrament."

Blackstone, who strongly opposed slavery, denounced the doctrine that a man can justly be enslaved because he is an infidel or freed because he becomes a Christian. He characterized "the infamous and unchristian practice of withholding baptism from negro servants, lest they should thereby gain their liberty" as "totally without foundation, as well as without excuse."⁷

Slavery and the Common Law. Meanwhile, a paradoxical development was occurring in England. In 1739, England went to war with Spain to force the latter to renew the *asiento* contract, by which British slave traders provided the Spanish colonies with 4,800 Negroes annually. By the close of the 18th century, English slave ships from Bristol and Liverpool alone had space for 47,000 Negroes in their holds. Bryan Edwards, the eminent historian of the West Indies, estimated that in 1790 England was shipping 38,000 blacks annually to the Americas as against 36,000 supplied by all the other European powers combined.

Despite the immense economic interests represented by slavery and the slave trade, British justices handed down decisions which undermined both institutions. Toward the end of the 17th century, Lord Chief Justice Holt, an indefatigable defender of English liberties, declared that "as soon as a Negro comes into England, he becomes free."⁸ Following this decision, members of the nascent anti-slavery movement would persuade Negro servants in England to abscond. Clergymen would be found to baptize them and anti-slavery whites to become their godparents. The abolitionists would then proclaim the Negroes free men and challenge their masters to try to put them in irons and return them to the Caribbean.

Toward the middle of the 18th century, West Indian planters buttonholed Lord Chancellor Hardwicke and Solicitor General Talbot at Lincoln's Inn where they had been dining and drinking. They received a convivial ruling that baptism does not free a Negro slave and

that "the master may legally compel him to return to the plantations." As a result, a slave market developed in England and by 1770 there were 10,000 Negro slaves in the realm.⁹

Up in arms, the abolitionists sought to free slaves, held in irons on British brigs, by writs of habeas corpus. In 1772, a test case came before Baron Mansfield, Lord Chief Justice of the King's Bench. After vainly seeking a compromise for five months, Mansfield announced a decision which he feared might cost English slaveowners £700,000. Mansfield observed that English law recognized only one form of slavery — villeinage. This had been extinct for centuries and could not be applied to Africans in any event. Hence, the only basis for considering the Negro plaintiff, Somerset, a slave and denying him habeas corpus would be English recognition of the laws of Virginia. This was a problem then of comity, the practice by which nations agree to honor each other's laws and institutions.

Extension of comity was always at the discretion of the sovereign power. Should England then extend comity to the slave codes of her American colonies? Baron Mansfield's answer was that the institution of slavery was "so odious that nothing could be suffered to support it but positive law." After this decision, slaves in England were free and for the most part destitute. Negroes wandered on London streets with no fixed occupations and little hope of gaining a livelihood.

Granville Sharp and other abolitionists proposed voluntary repatriation to Africa. Purchasing land from native chieftains in Sierra Leone on the slave coast, they persuaded 400 free English Negroes and American slaves who had won freedom by fighting on the Tory side in the War of the Revolution to make the experiment. These pioneers were supplied with thirty London whores. As the slaves freed by the Somerset decision were mostly house servants too old for field work in the West African rain forest, the experiment failed. Some of the Negro colonists were killed. Still others went into the slave trade and made money.¹⁰ The successful settlement of Sierra Leone was left for later waves of colonization.

Thus, by the time of the American Revolution, slavery had been abolished in England by judicial fiat. The nature of the freedom conferred upon the slave was not indelible. It lasted only as long as he remained in a place subject to the laws of England.¹¹

This evolution of English law toward freedom was contrary to the dominant interests of the plantation economy. It was the achievement of a small group of men, gifted to an unusual degree, strong-willed and intelligent, inflexible as to purpose but pliant as to means,

secure in the belief that they were doing God's work. The British anti-slavery movement, which had seemed insignificant at the time of Baron Mansfield's decision, became the *raison d'être* of English African policy 60 years later. "Men of monumental obstinacy and himalayan optimism" got Parliament to abolish the slave trade in 1807 and a few decades later ended slavery everywhere under the British flag.

The next step was to explore West Africa, place the slave coast under British protection and develop a local economy independent of the traffic in flesh. English police power was brought to bear on the primary sources of supply, making it increasingly difficult for the African chiefs to sell their subjects. Meanwhile, British squadrons patrolled the slave routes, commandeered slave ships, freed their human cargoes and hanged their captains and crews.

"The unwearied, unostentatious, and inglorious crusade of England against slavery," wrote the Irish historian, Lecky, "may probably be regarded as among the three or four perfectly virtuous acts recorded in the history of nations." ¹²

Natural Rights and Slavery. The intimacy of the relationship between the English attack on slavery in the 18th century and natural rights doctrine can easily be exaggerated. The British abolitionists tended toward a specifically religious motivation and Scriptural justification. Zachary Macaulay (father of the historian and first governor of Sierra Leone) thought the natural rights philosophy both eccentric and damaging to the cause. Wilberforce was unhappy when made an honorary citizen by the National Convention of revolutionary France. Jeremy Bentham considered the natural rights statement in the American Declaration of Independence mere "jargon" and characterized the ideology of the French Revolution as a "hodgepodge of fallacies." ¹³

In the American Colonies, a less scholarly and less critically minded intellectual elite tended to accept natural rights dogma with fewer reservations. The concept of a natural law underlying and superior to the law of usage was at least as old as Roman jurisprudence. The *jus naturale* was the law of man in his natural state; the *jus gentium* the law of nations. The first had moral validity of an absolute sort, was independent of space and time and comprised the legal essence of man's moral rights and duties. The latter was the bundle of rules that had in fact developed historically. Natural law was sanctioned by duty, the law of usage by force. Where the two systems conflicted, it was held that the courts should uphold the laws of usage

only to the bare minimum. They should interpret them strictly and, where possible, deny comity.

Some Christian philosophers believed that the natural law reflected actual rules in a bygone age of innocence and virtue. Saint Thomas More may have believed this; Bishop Vasco de Quiroga almost certainly did. When Rousseau dechristianized the Golden Age, he did not make it seem any the less real and the concept of a vanished utopia under natural law persisted. There was actually no reason to worry about the historicity of this mythical idyllic and primitive society for man's nature need not correspond to man in a state of nature.

The Influence of Locke. When we turn to America, the intellectual perspective narrows. Except for the Bible, the most massive single philosophical influence on the dawning republic was John Locke.¹⁴

Locke's views on slavery are the classic natural rights statement. In nature, he observed, all men are free. In society, as an observable fact, many are not. Is there any morally legitimate means by which the unfree might have surrendered their freedom or did slavery rest on mere naked force? Locke examined the proposition that men sold themselves into slavery rather than die of hardship or hunger. He replied: "Nobody can give more power than he has himself; and he that cannot take away his own life, cannot give another power over it."¹⁵

Slavery, Locke continued, "is nothing else but the state of war continued between a lawful conqueror and a captive." The alternative to the state of war is the relationship of contract. But once slavery becomes subject to a contract to which the slave is party, the bondage becomes conditional and to that extent ceases to be slavery. Pure slavery is absolute power over another man's liberty and life. Since no man has the right to sell either, it cannot be based on consent, but must rest on force alone. These libertarian principles did not prevent Locke from writing the "Fundamental Constitution of Carolina" in 1669 which provided that "every freeman of Carolina shall have absolute power and authority over his Negro slaves."

The Spirit of the Laws. Of almost comparable influence in the formation of the American political system was Montesquieu's *The Spirit of the Laws*. Among the shapers of the nation who had studied Montesquieu were John Marshall, Samuel Adams, Charles Carroll, Jefferson and Madison.¹⁶ While Jefferson excoriated the French baron as a reactionary apologist for the English aristocracy, this did not prevent him from appropriating several of Montesquieu's ideas.

The major influence of *The Spirit of the Laws* on the American Constitution was the doctrine of the separation of powers. However, Montesquieu's insight-rich chapter on slavery had an impact of its own.

Slavery, Montesquieu asserted, is not merely a moral, but a psychological, evil. It corrupts masters as well as slaves: "The state of slavery is in its own nature bad. It is neither useful to the master nor to the slave: not to the slave, because he can do nothing through a motive of virtue; nor to the master, because by having an unlimited authority over his slaves he insensibly accustoms himself to the want of all moral virtues and thence becomes fiery, hasty, severe, choleric, voluptuous and cruel."¹⁷

The Spirit of the Laws is historically oriented and, to that extent, provides a welcome relief from the aprioristic approach of Locke. Slavery, Montesquieu observes, is not a very great evil in despotic societies held together by fear since there "the condition of a slave is hardly more burdensome than that of a subject." Thus, in Russia, "the Muscovites sell themselves very readily; their reason for it is evident — their liberty is not worth keeping." In monarchies, aristocracies and democracies, however, "where it is of the utmost importance that human nature should not be debased or dispirited, there ought to be no slavery." Slavery undermines the virtues of a republic by providing "a power and luxury to the citizens which they ought not to have."

Montesquieu combats the theory that a man can justifiably be enslaved by contract more succinctly than Locke did: "Sale implies a price; now when a person sells himself, his whole substance immediately devolves to his master; the master, therefore, in that case, gives nothing. . . ." Moreover, "the freedom of every citizen constitutes a part of the public liberty. . . . If liberty may be rated with respect to the buyer, it is beyond all price to the seller."

The fifth chapter is entitled "Of the Slavery of the Negroes." After discussing the economic need for Negro slavery on the American plantations once the Europeans had exterminated the Caribs, Montesquieu proceeds:

"The negroes prefer a glass necklace to that gold which polite nations so highly value. Can there be a greater proof of their wanting common sense?

"It is impossible for us to suppose these creatures to be men, because, allowing them to be men, a suspicion would follow that we ourselves are not Christians."¹⁸

Montesquieu added, however, that there are "countries where the excess of heat enervates the body, and renders men so slothful and dispirited that nothing but the fear of chastisement can oblige them to perform any laborious duty: slavery is there more reconcilable to reason; and the master being as lazy with respect to his sovereign as his slave is with regard to him, this adds a political to a civil slavery."

Referring to the concept of natural slaves, Montesquieu observes that Aristotle's assertion does not prove that they exist. But: "If there be any such, I believe they are those of whom I have been speaking." In a passage of remarkable perspicacity, Montesquieu disputed the view that slavery was necessary to get work done which was exceptionally hard and disagreeable: "No labor is so heavy but it may be brought to a level with the workman's strength, when regulated by equity, and not by avarice. The violent fatigues which slaves are made to undergo in other parts may be supplied by a skillful use of ingenious machines. . . ."

Blackstone in America. A third thinker, who had an almost equally massive impact on American thinking on the slavery issue was Sir William Blackstone. His *Commentaries on the Laws of England* originated as notes for his Oxford lectures. Blackstone had them published because pirated and spurious versions were already on the market. While the *Commentaries* were brilliantly written and carefully organized, Blackstone regarded the law of gravitation and the laws of England as essentially similar. According to Austin, he borrowed copiously from Hale, but "blindly adopts the mistakes of his rude and compendious model; missing invariably with a nice and surprising felicity, the pregnant but obscure suggestions which it proffered to his attention, and which would have guided a discerning and inventive writer to an arrangement comparably just."¹⁹

Austin charged him with toadying to the evil purposes of those in power; Bentham accused him of the unscrupulous use of every sophistic trick by which reforms could be discredited and the powerful and opulent served. "Cold, reserved and wary, exhibiting a frigid pride" are the words which the great utilitarian used to characterize both book and author.

Even if the basic intellectual conceptions of the *Commentaries* were obsolete before they reached print, the work remained a superlative vehicle for indoctrination of the orderly and serious mind. The book was first published in the United States in 1772. One of the original subscribers was Thomas Marshall, who bought the volume for his son

John whom from infancy he had "destined for the bar."²⁰ Sixty years later, back from the Black Hawk War and smarting from a bad electoral defeat, young Abraham Lincoln found a tattered Blackstone in the bottom of a barrel which a man heading west in a covered wagon had sold him for half a dollar, boned over it hard and became a lawyer.²¹ Samuel Adams sneered at Blackstone as "that court writer," but nevertheless mastered what Blackstone had to say and Daniel Webster "recognized no higher law than the Constitution and Blackstone. . . ."²² For about a hundred years, this was the book with which young men learned the law. It made its mark on lawyers at an age when their minds absorbed clear, deep and comparatively indelible impressions. And the lawyers were the group which ran the American government.

Blackstone and Slavery. To Thomas Jefferson, Blackstone was an ogre of reaction. He and Hume were "making tories" of young Americans and confusing them with "wily sophistries." The *Commentaries* had done more than Napoleon's armies "towards the suppression of the liberties of man." Jefferson expressed the hope that Blackstone would have a bad time at the Last Judgment.²³ Be this as it may, Blackstone never wavered in his opposition to slavery. Here as elsewhere, he preserved Montesquieu's ideas, giving full credit to his master, "undefiled by any idea or originality of his own."²⁴

Slavery, according to Blackstone, is contrary to natural law. Where it exists, it is based exclusively on municipal law. "Liberty by the English law depends not upon the complexion; and what was said even in the time of queen Elisabeth is now substantially true,—that the air of England is too pure for a slave to breathe in." Blackstone argues that slaves on British ships are lawfully free (despite the enormous tonnage of slavers built, sailed and manned by Bristol merchants of his time). They are merely unable to actualize their freedom because the slave ships carry no judges aboard. Should any of these ships be forced into British ports, the theoretical freedom of their cargoes would become real as soon as the Negroes applied to the courts for writs of *habeas corpus*. If British overseas possessions thrived on slave labor, this was merely because they had chosen to enact municipal slave codes which violated both natural law and the English Constitution.

Anticipating the judgment in the *Case of the Slave Grace*, Blackstone stated that the liberty of a slave on English soil existed only as long as he remained there and could be forfeited by his departure. Moreover, whether a man was slave or free in no way depended upon

his religion. The fact that slavery was illegal in England, Blackstone added, did not mean that persons could not be subjected to labor for life, provided this subjection was the result of a contract. Here he was anxious to avoid writing anything which might undermine the harsh conditions of contemporary apprenticeship or contract labor. Slavery was an entirely different institution because no black code could, in the nature of things, make the slaves contractual parties to their servitude.

Locke, Montesquieu and Blackstone were with little doubt the three most influential secular writers shaping American constitutional and legal thought in the era of the emergence of the Republic. They spoke, as has been shown, not unanimously, but each in his own luminous and cogent fashion to repudiate the institution of chattel slavery.

Like other Colonials in other times and places, the American political leaders of the era accepted the dominant ideology of protest of the Mother Country without serious analysis or worthwhile original contribution. In slavery as in other matters, the new elements to be provided by American minds would lie mainly in the borderland between intellectual analysis and practical implementation. The giants of the Revolution and the Constitution achieved genius as actualizers. They were not the first to dream of a free society; they were merely among the first to make that dream incarnate in a republic.

THE NEGRO AND THE CONSTITUTION

"Why then will *Americans* purchase *Slaves*? Because Slaves may be kept as long as a Man pleases or has Occasion for their Labour; while hired Men are continually leaving their Masters (often in the midst of his Business) and setting up for themselves."—BENJAMIN FRANKLIN.

At the time of the Revolution, about half the white population of the Colonies consisted of indentured laborers and their descendants. Some were orphans, debtors, paupers, mental defectives. Others had committed petty crimes. Still others were whores. Children were stolen and spirited off to be sold under indenture.

The Irish in particular were victimized. Oliver Cromwell believed that they were admirably suited for slavery and saw to it that the survivors of the Drogheda massacre met that fate in Bermuda. His agents scoured Ireland for children to be sold to planters in the Americas. Between 1717 and 1775, 50,000 English felons were transported to mainland North America. For the most part, the indentured workers settled in the South where the demand for unskilled plantation labor was greatest. American writers and politicians protested against use of the Colonies as dumping grounds for the unwanted, the impoverished and, in some cases, the vicious and mentally inferior. Benjamin Franklin compared British emigration policy with sending American rattlesnakes to England to teach them manners. These protests went unheeded and deportation continued until the American Revolution stopped it and forced England to turn to Australia as a substitute destination.

The importation of Negro slaves became quantitatively significant by the end of the 17th century. At the eve of the Revolution, the black population equalled or exceeded the white in Georgia, the Carolinas, Virginia and Maryland. Delaware and Pennsylvania were one-fifth Negro; New York one-sixth so.

At the time of the Revolutionary War, opposition to slavery and to the continued importation of Negroes was widespread among the intellectual and political leaders of the nascent republic. George Wythe, Jefferson's teacher and friend, freed all his slaves on moral grounds. John Adams declared shortly before his death: I have, through my whole life, held the practice of slavery in such abhorrence, that I have never owned a negro or any other slave. . . ." Lafayette

was an ardent abolitionist as was Alexander Hamilton. John Jay, the first Chief Justice of the United States, was also president of the New York anti-slavery society. He was succeeded in the office by Hamilton. Benjamin Franklin was one of the founders of the abolitionist movement; one of the last acts of his long life was to submit a petition against slavery to a Congress which received it with abuse. "With what consistency or decency," Tom Paine asked,, "(do) they (the Americans) complain so loudly of attempts to enslave them, while they hold so many hundreds thousands in slavery; and annually enslave many thousands more. . . . ?"

The abolitionists of the era were, for the most part, Federalists. In the North, Federalist leaders, such as Alexander Hamilton, Rufus King and Gouverneur Morris, were in the forefront in opposing slavery and the slave trade.

Southern Federalists also openly opposed the institution. Introducing a bill in the state legislature to permit manumission, William Pinkney asked how Maryland could be both "the school for patriots and the mother of petty despots." In 1789 an anti-slavery society was founded in Maryland. Luther Martin, "the bulldog of Federalism," played a leading role in it as did Samuel Chase, later to be an Associate Justice of the Supreme Court. It is not accidental that Martin was Jefferson's lifelong enemy or that Chase was impeached by the Jeffersonian political machine. In Delaware, Bayard and Rodney were prominent opponents of slavery. Further south, in North Carolina, the astute and scholarly Federalist politician, Hugh Williamson, worked against any extension of slave power.

Opposition both to the African slave trade and to the slave-based plantation economy was grounded partly on moral considerations and partly on the belief that the African Negro was a savage who could not and should not be assimilated into American society. When American rationalists of the late 18th century spoke about the unalienable rights of man, it was tacitly understood that the Negro was not included.

If the institution of Negro slavery gained first a foothold, then an entrenched position, the greed of the British crown was largely responsible. As early as 1726, the planters of Virginia became alarmed at the growth of the Negro population and imposed a tax on imports of slaves. The Royal African Company interfered and had the law repealed. South Carolina restricted slave imports in 1760 only to be rebuked by London. In 1712, the Pennsylvania legislature moved to curb the increase in Negroes, but the law was annulled by the Crown.

Massachusetts in 1771 and again in 1774 passed laws designed to abolish the slave trade, but the colonial governors refused to approve them. Queen Anne, who personally held a quarter of the stock of the Royal African Company, the chartered organization which monopolized the slave trade, ordered it to provide New York and New Jersey with Negroes and directed the governors of these colonies to give it full support.

Jefferson charged the British crown with forcing Negro slavery on the colonies; Madison asserted that England had checkmated every attempt by Virginia "to put a stop to this infernal traffic"; Bancroft taxed Britain with "steadily rejecting every colonial restriction on the slave trade (and) instruct(ing) the governors, on pain of removal, not to give even a temporary assent to such laws." In the words of the rabidly anti-Southern historian and politician, Henry Wilson: "British avarice planted slavery in America; British legislation sanctioned and maintained it; British statesmen sustained and guarded it." ¹

George Washington and Slavery. When he took command of the Continental Army, George Washington held opinions on slavery and other matters that were fairly typical of the intelligent Virginia planters. At first, he opposed permitting Negroes, whether slave or free, to serve in the American armed forces. Later, expediency and Alexander Hamilton's powers of persuasion made him change his mind. He stated after the Revolutionary War that they had made good soldiers.

On February 3, 1783, with the war almost over, Lafayette wrote Washington, proposing a daring scheme "which might become greatly beneficial to the black part of mankind." His proposal was: "Let us unite in purchasing a small estate, where we may try the experiment to free the negroes, and use them only as tenants. Such an example as yours might render it a general practice; and if we succeed in America, I will cheerfully devote a part of my time to render the method fashionable in the West Indies. If it be a wild scheme, I had rather be mad in this way, than to be thought wise in the other task." Washington felt that the plan was "striking evidence of the benevolence of your heart." He added: "I shall be happy to join you in so laudable a work, but will defer going into a detail of the business till I have the pleasure of seeing you." ²

Lafayette visited Washington at Mount Vernon about a year later, but the record does not reveal whether they discussed the emancipation project. The Marquis bought an estate in Cayenne (French Guiana),

intending to free the slaves there. On May 10, 1786, Washington wrote, congratulating him on the experiment. He did not offer to lend his name to the venture, probably because a public stand against slavery would have jeopardized the greater task of forging a united nation under a constitution. (As for the Cayenne experiment, it became a casualty of the French Revolution, which expropriated the Lafayette estate and returned its liberated Negroes to slavery.)

There is no reason to believe that Washington later changed his views. As a man of great wealth who was also land poor, he found himself compelled to continue using slave labor, but did so reluctantly. "Were it not then, that I am principled against selling negroes, as you would cattle at a market," he wrote Alexander Spotswood in 1794, "I would not in twelve months from this date, be possessed of one as a slave." Two years later, he noted that, though land in Pennsylvania was no better than in Virginia, it fetched higher prices because it was cultivated by free labor.³

At his death, Washington owned 124 slaves with an additional 153 belonging to his wife, Martha, as part of her dower. In his will, Washington stated that he desired all the Negroes to be freed upon Martha's death. He made provision for the aged slaves and arranged to have the Negro children taught reading, writing, and some useful occupation. He explained that he had decided against emancipating his own 124 slaves during his wife's lifetime because this step, "though earnestly desired by me," would break up marriages and family relationships with the dower slaves. Washington's will represented the anti-slavery attitude of an enlightened Virginia gentleman with a strongly developed sense of responsibility toward his dependents.

Slavery and the Constitution. In contrast to the Declaration of Independence, which was essentially an eloquent instrument of psychological warfare, drafted without conspicuous circumspection because nothing it said could commit any government to any course of action, the Constitution was an enduring compact, made by sovereign states, every phrase of which was fraught with potentially important practical consequences. To achieve a national government able to maintain liberty and order and protect property, the states were prepared to sacrifice some of their vested economic and political interests. However, they came to Philadelphia in 1787 clearly aware of the interests they represented and of what they were seeking and prepared to surrender.

The nation was not at war. It was not necessary to insert into the Constitution phrases calculated to arouse ideological support among

European intellectuals. As for slavery, the Constitution avoided mentioning it by name, but dealt with it realistically and in comprehensive fashion.⁴

The Slavery Schism. When the Federal Convention met in 1787, the slavery conflict had already crystallized. However, it was not yet evident that this issue would cause the only grave and durable rift in the political fabric of the new nation, that the other sources of conflict would be resolved by compromise or blunted by time, whereas the issue of the relationship of the Negro to the American community would seethe for the next two centuries.

James Madison belonged to a prescient minority which had accurate forebodings concerning the future. On June 30th, he observed that the main cleavages between the states arose "from their having or not having slaves."⁵

The most hotly debated issue concerned the representation of slaves. Should they be counted in determining the number of Congressmen each state was entitled to and in measuring the extent to which states could be assessed taxes by the Federal Government? The underlying issue was the nature of the slave at law. Was he a *person* and as such entitled to representation? Or was he *property* and as such entitled to be considered merely for purposes of tax assessment? Or did he partake at law of the attributes of both a person and a thing?

Hugh Williamson of North Carolina, an anti-slavery moderate and a devout Presbyterian, proposed the compromise that was finally adopted: slaves should be counted as three-fifths of a person for both purposes. There was much objection. William Paterson of New Jersey said he could regard Negro slaves "in no light but as property . . . and if Negroes are not represented in the States to which they belong, why should they be represented in the Genl. Govt.?"⁶ The compromise plan was objectionable because it would reward those states which imported Negroes by increasing their representation in Congress, thus stimulating the African slave trade.

James Wilson of Pennsylvania, perhaps the finest lawyer at the Convention and the man chiefly responsible for drafting the Constitution, spoke in similar vein. Gouverneur Morris said bluntly that, if the two southernmost states refused to ratify the Constitution without protection of the slave interest, the United States should be organized without them. Slavery, Morris thought, "was the curse of Heaven on the States where it prevailed." He drew a contrast between the thriving economy and "rich & noble cultivation" in the northern and middle states with "the misery and poverty which overspread the

barren wastes of Va. Maryd. & the other States having slaves." As one travels south into slave country, every step "presents a desert increasing with ye increasing proportion of these wretched beings."⁷

The economic perceptions of Gouverneur Morris were considerably keener than those of most of his colleagues. John Adams, for instance, thought that the dispute was largely about words, not substance. He said "that in some countries the labouring poor were called freemen in others they were called slaves; but that the difference as to the state was imaginary only. . . . That the condition of the labouring poor in most countries, that of the fishermen particularly in the Northern States, is as abject as that of slaves."⁸

Oliver Ellsworth, a New Englander who had "never owned a slave" and a future Chief Justice of the United States, spoke in similar vein. "Let us not intermeddle," he urged. "As population increases poor laborers will be so plentiful as to render slaves useless. Slavery in time will not be a Speck in our Country." As to the danger of black insurrection, "that will become a motive for kind treatment of the slaves."⁹

Results of the Compromise. The voices of compromise were in the majority and the three-fifths rule was approved. As it turned out, the joke was on the North. The states were never assessed to finance the Federal Government and hence the South got increased representation without paying for it with taxes. Writing to Pickering on November 4, 1803, Rufus King characterized the compromise as a bad blunder and an injudicious concession.

The compromise had momentous political consequences. In every election between 1790 and the Civil War, the South was able to return from a quarter to a third more Congressmen than her free population entitled her to. The Hugh Williamson compromise brought Thomas Jefferson to the Presidency in 1801 and thus resulted in the destruction of the Federalist Party. A few careless historians have written as if this election had been a great upsurge of the common man against an entrenched aristocratic minority. The facts are that Jefferson beat Adams by 73 to 65 electoral votes. In the eight Northern states, Jefferson was crushed. His victory was due to the fact that the slave states, which were solidly behind him, had a voting power in the Electoral College which was inflated by counting their Negro slaves.

Thus the South became dominant in American politics. Plantation was welded to frontier. A new power configuration was created which would be in the saddle for half a century. Without the three-fifths

provision, Adams would have beaten Jefferson; the split within the Federalist Party would probably have been healed; the nation might have been dominated thereafter by an industry-minded and anti-slavery North allied with a West thirsty for subsidized transportation and other government favors.

But, as matters turned out, the compromise enabled the slave states with "doughface" Northern support to block changes in Congress. They were able to hold up the admission of new states hewn from free soil. Thus political power was frozen. A gradual and peaceful adjustment of that political power to changing patterns of population and economic power became impossible. The ultimate result was civil war.

Constitution and Slave Trade. The other great slavery issue before the Convention was the African slave trade. Here opposition was much deeper and more widely shared than on the issue of slavery itself. Delegates were prepared to compromise on slavery out of deference to states' rights, because of belief that the peculiar institution would die out anyhow or because of doubt that there was any real difference between slavery and wage labor.

The African slave trade was viewed very differently. It was deemed morally wrong, an abomination. It encouraged tribal warfare over half of Africa and made murder a large-scale industry. The horrors of the Atlantic passage in slave ships were well known and had aroused widespread indignation.

Delegates felt that continuation of the slave trade would perpetuate slavery. As long as new slaves could be procured cheaply in Africa, there would be no incentive to treat those already in the country kindly, to care for the old and sick, to refrain from working the able-bodied to death. Also, a continuing and unlimited infusion of a savage element into the American population would enhance Southern political power and might swamp the white population. It meant increasing the dangers of slave insurrection and making solution of the race problem, whether by assimilation, segregation or deportation, virtually impossible.

The division of economic interests on the slave-trade issue was different from what it had been on slavery. South Carolina and Georgia had suffered heavily during the Revolutionary War because the British had ravaged the plantations and absconded with thousands of Negroes. There was a crying need for plantation labor. The slaves in these two southernmost states worked largely in rice and indigo cul-

ture. That meant swamp lands and fever, high mortality and an incessant replacement demand.

These plantation states, therefore, waged a stubborn struggle for the right of unrestricted import from Africa. They were supported, to some extent, by Massachusetts and Rhode Island, which were anti-slavery in principle, but heavily involved in the African trade as financiers, merchants, shippers, shipbuilders and seamen.

The Middle Atlantic states opposed the trade. They were supported by Maryland and Virginia which had exhausted some of their best tobacco lands, had a surplus of Negroes, were engaged in selling this surplus further south and wanted no cheap competition from Africa. A more basic issue split the South. This was the sort of society that the whites wanted. Almost all opposed integration of the Negroes into the dominant culture, but there agreement ended. The aristocratic perspective of South Carolina and Georgia was a society where manual labor was performed by slave gangs owned by a culturally, economically and politically dominant white elite. The yeomanry of the South, however, wanted a white democracy. This might imply either the expatriation of the black population or its retention on a segregated or pariah basis. To the extent that this group was pro-slavery, it was nevertheless strongly opposed to the slave trade or to any other institutions increasing the Negro population. It tended to be hostile to the great plantations and to anything which debased manual labor and undermined the status of the mass of whites. This attitude was shared in essence by Jefferson, Madison and other Virginia leaders.

Early in the debates on the Constitution, representatives from the Deep South made an honest effort to dispel illusions, spread by Northern middle-of-the-roaders, that, left to itself, the South would abolish slavery. "If slavery be wrong, it is justified by the example of all the world," Charles Pinckney declared. "In all ages, one half of mankind have been slaves."¹⁰ His cousin, General C. C. Pinckney "thought himself bound to declare candidly that he did not think S. Carolina would stop her importations of slaves in any short time. . . ."

The South Carolina and Georgia delegates wanted a guarantee that the Federal Government would never take action against the slave trade. The most they were able to get was a guarantee of inviolability until 1808. This carefully drafted sentence referred to "Such Persons," since even the hard-headed James Madison thought the Constitution should not use the word "slave" and thus recognize "that there could be property in men."¹¹

To protect the institution further, the Constitution prevented Congress from imposing discriminatory taxes on slaves. There was also a "full faith and credit clause," designed among other things to force Northern states to extend comity to the black codes of the South.

The South obtained even more explicit protection. A motion to "require fugitive slaves and servants to be delivered up like criminals" was presented by Butler and Pinckney of South Carolina. Roger Sherman of Connecticut objected that "he saw no more propriety in the public seizing and surrendering a slave or servant, than a horse." It was absurd, he said, to encumber the Constitution with provisions relating to the return of stolen property. James Wilson added that he saw no reason why the Federal Government should bear the costs of catching runaway slaves for the Southern states. The Convention, however, had been in session for over two months and the delegates were tired. On August 29th, Pierce Butler's provision was adopted. It became the constitutional foundation for two fugitive slave acts and helped drive the nation to civil war.

Afterthoughts of the Delegates. Anti-slavery men tended to apologize for the compromises. On October 24, 1787, Madison wrote Jefferson, who was then in France, observing sorrowfully that "S. Carolina & Georgia were inflexible on the point of the slaves." In No. 49 of *The Federalist*, Madison directed his great powers of persuasion to convincing the New York electorate that a victory had been scored for human freedom. The power to end the slave trade in twenty years, "a traffic which has so long and so loudly upbraided the barbarism of modern policy," was "a great point gained in favor of humanity." Madison added: "Happy would it be for the unfortunate Africans if an equal prospect lay before them of being redeemed from the oppression of their European brethren!"

Moralists deplored the Williamson compromise which counted the slave as three-fifths of a "free Person" and thus seemed to declare that he was infra-human. The task of defending this arrangement in *The Federalist* fell to the reluctant pen of Alexander Hamilton, who as usual gave a brilliant and logical performance. "In being compelled to labor, not for himself, but for a master," Hamilton wrote; "in being vendible by one master to another master; and in being subject at all times to be restrained in his liberty and chastised in his body, by the capricious will of another, the slave may appear to be degraded from the human rank, and classed with those irrational animals which fall under the legal denomination of property."

Yet the law also protected the Negro against being murdered (even

where the murderer was his own master); moreover, it made the slave answerable for all violence he might commit against others. In these respects then, the law considered the slave "as a member of the society, not as a part of the irrational creation; as a moral person, not a mere article of property." The Constitution merely reflected the mixed legal status of the slave as both man and thing.

The South Triumphant. More than 30 years after the Convention during a congressional debate, Charles Pinckney of South Carolina described the constitutional settlement as a sweeping arrangement covering the entire institution of slavery in America. "It was an agreed point," Pinckney said, "a solemnly understood compact, that, on the Southern States consenting to shut their ports against the importation of Africans, no power was to be delegated to Congress, nor were they ever to be authorized to touch the question of slavery. . . ." ¹² C. C. Pinckney, a cousin of Charles, expressed similar views when, in January 1788, he urged South Carolina to ratify the Constitution. Concerning the slaves, he said:

"We have a security that the general government can never emancipate them, for no such authority is granted; and it may be admitted, on all hands, that the general government has no powers but what are expressly granted by the Constitution, and that all rights not expressed were reserved by the several states." ¹³

Abraham Baldwin of Georgia echoed these views when he declared in 1790 that the provisions of the Constitution concerning slavery were more "cautiously expressed, and more punctiliously guarded than any other part." On this issue, the Convention had gone to great pains to ensure that the footprints it made would "not easily be eradicated," for "the moment we go to jostle on that ground (slavery), I fear we shall feel it tremble under our feet." ¹⁴

Areas of Clarity and Ambiguity. The compromises of the Federal Government on slavery seemed to the men of that day to have settled, provisionally at least, the main sources of impending strife. The Founding Fathers had clarified certain issues once and for all. No doubt every statement ever made about the Negro has been challenged at some time and some place by someone. If we consider only the serious questioning of honest and thoughtful men, however, it is evidence that certain issues had been closed.

There could be no doubt that Congress had the future power to regulate or abolish the slave trade. Nor was there room for argument that Congress was powerless to modify or abolish slavery within the states, except perhaps under the war power. The right to im-

pose discriminatory taxes on slaves would never seriously be asserted. Nor could it be denied that the Constitution required free states to turn over fugitive slaves to their masters once their status as chattel had been proved. The framers of the Constitution clearly recognized the institution of slavery within the states as immune from Federal regulation.

Despite these clarifications, there were badly charted areas affecting slavery and the Negro in which the Founding Fathers had spoken tersely or in Delphian fashion. One area of uncertainty was the position of the free Negro. Was he a citizen? Or was he suspended between bondsman and freeman much as the slave was suspended between man and thing? Could free Negroes sue and be sued in the courts, testify under oath, assert the rights, privileges and immunities which the Constitution and Bill of Rights conferred on those beings variously designated as "persons," the "people," "citizens of each state" and citizens of the United States? Did the protection of the national judiciary system extend to the free Negro? Was he protected by the Bill of Rights against oppression by the Federal Government *and also* against tyranny by the states?

An equally broad issue was the limits of Federal jurisdiction over the Negro in Washington, D. C., and in the Territories. Did the United States wield plenary powers over these areas or was it merely a trustee for sovereign states with respect to the territorial domain, entitled merely to acquire and divest itself of land and maintain order on its properties? A related question was whether the Federal Government could impose freedom on its territories. Did it have the power to confiscate slave property when the latter was moved to free soil? Was any freedom thus conferred indelible or did it cease when the Negro returned to slave states?

Many of the delegates to the 1787 Convention foresaw the spatial expansion of the United States toward the Pacific. Yet the governmental issues incident to this expansion were not analyzed. The topic was avoided as a potent source of regional jealousies and schismatic desires. The process of expansion threatened the permanence of the power balance the Convention was negotiating. Future generations would have to grapple with the problems of organizing territories and incorporating them into states. The Federal Convention did not even settle the issue of whether or not Congress had power to create states from territories not part of the United States when the Constitution was adopted.

These questions involved the very nature of the nascent American

Republic. Was it to be a political body in which all those who were not slaves were free and equal under the law? Or was it to be a complexly articulated and hierarchic society with subtle gradations of status, caste differences in legal rights and different classes of citizenship? These were questions for the future to answer.

JEFFERSON AND THE NATURAL ARISTOCRACY

"Among the Romans emancipation required but one effort. The slave, when made free, might mix with, without staining the blood of his master. But with us a second is necessary, unknown to history. When freed, he is to be removed beyond the reach of mixture."—
Thomas Jefferson, *Notes on Virginia*.

Thomas Jefferson's attitude toward slavery and the Negro has been systematically misrepresented. He has been falsely depicted as an egalitarian, as a friend of the Negro and as a crusader against slavery. The politically partisan have joined hands with the unscrupulous and the misinformed in foisting upon the American people an image of Jefferson as a populist folk hero, a sort of premature New Dealer or perhaps even a Walt Whitman chanting about "Democracy; en Masse; One Identity."

Jefferson opposed slavery as morally indefensible, but he also opposed the incorporation of the Negro in the American social and political system. He considered the Negro inferior to other races, but thought that that circumstance should not deprive him of his freedom. He was, throughout his long life, in the politically uncomfortable position of wishing the slaves emancipated, but only on the condition that they be deported *in toto* beyond the present or potential frontiers of the United States. "Nothing is more certainly written in the book of fate," Jefferson wrote in his *Autobiography*, "than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government."

Of the men who shaped the American constitutional system, none played a larger role in articulating a doctrine on Negro slavery. As author of the Declaration of Independence, codifier of the Virginia laws, father of the Bill of Rights and champion of the rights of secession and revolution, his intellectual influence on the America of his age can scarcely be overestimated. He organized and effectively dominated a political party which controlled the Federal Government with few interludes from 1801 to the Civil War. Twice President of the United States, Jefferson overshadowed the office for the four succeeding terms of Madison and Monroe, thus establishing a record for length of *de facto* leadership that even Franklin D. Roosevelt would be unable to match. It was not until 1825 that the last of

Jefferson's handpicked Presidents relinquished office in the midst of the Era of Good Feeling.

Breeding the Natural Aristoi. For present purposes, the only aspect of Jefferson's immensely complex mind that need be considered is his attitude toward slavery and the Negro. His views on this subject were conditioned by his natural rights philosophy, his vision of a ruling elite of morally and mentally superior men and his practical experiences as a large slaveowner.

In his *Commonplace Book*, filled with the formative thoughts of his adolescence and young manhood, Jefferson quoted Euripides approvingly on the virtues and duties of the well-born. Although an aristocrat by birth and temperament, he soon abandoned this position in favor of the doctrine that the true elite was a small minority of exceptionally gifted people who arise in every generation and are produced by every social class.¹

When he wrote the Declaration of Independence, Jefferson may have had George Mason's Virginia Declaration of Rights before him with its preamble "of a fundamental nature," asserting that "all men are by nature equally free and independent."²

If Jefferson chose the cruder formulation that "all men are created equal," thus asserting a proposition he believed to be false, the reason probably was that he needed phrases able to move men's souls. His task was to wage psychological warfare, an area in which veracity plays a notoriously subordinate role.

Years after he had completed his presidential terms and retired to Monticello, Jefferson made a full and candid statement of his true beliefs concerning human equality, one which was in fundamental contradiction to the reverberating oratory of the Declaration. The occasion for this statement was a suggestion from his old friend, comrade-in-arms and political antagonist, John Adams, that "we ought not to die before we have explained ourselves to each other." At the time, Jefferson was 70, but in the fullness of intellectual vigor. He had withdrawn from politics and no longer had any reason to conceal or prettify his beliefs.

Writing Adams from Monticello on October 28, 1813, Jefferson endorsed eugenic control of human reproduction. He noted Theognis' observation that, while man is careful to choose the best studs in breeding cattle, when it comes to his own kind, he "pays no attention to the improvement of his own race, but intermarries with the vicious, the ugly or the old, for considerations of wealth and ambition." After citing Theognis' opinion that "the powers, the organs and desires for

coition have not been given by God to man for the sake of pleasure, but for the procreation of the race," Jefferson continued:

"The selecting of the best male for a Harem of well chosen females also, which Theognis seems to recommend from the example of our sheep and asses, would doubtless improve the human, as it does the brute animal, and produce a race of veritable *aristoi*. For experience proves that the moral and physical qualities of man, whether good or evil, are transmissible in a certain degree from father to son. But I suspect that the equal rights of men will rise up against this privileged Solomon and his Harem, and oblige us to continue acquiescence under the '*Amauredis geneos adton*,'³ which Theognis complains of, and to content ourselves with the accidental *aristoi* produced by the fortuitous concourse of breeders."

Since it was politically impossible to control human breeding and produce an elite group of rulers in that fashion, Jefferson argued that the next best thing was to have the sort of society which would choose the elite to govern it. This condition would best be achieved under democracy. Public education plus his own law for religious freedom, which "put down the aristocracy of the clergy and restored to the citizen the freedom of the mind," was raising the people toward "the great object of qualifying them to select the veritable *aristoi* for the trust of government. . . ."

Jefferson defined his natural elite as follows: "For I agree with you that there is a natural aristocracy among men. The grounds of this are virtue and talents. Formerly, bodily powers gave place among the *aristoi*. But since the invention of gunpowder has armed the weak as well as the strong with missile death, bodily strength, like beauty, good humor, politeness and other accomplishments, has become but an auxiliary ground of distinction. There is also an artificial aristocracy, founded on wealth and birth, without either virtue or talents; for with these it would belong to the first class. *The natural aristocracy I consider as the most precious gift of nature, for the instruction, the trusts, and government of society.* And indeed, it would have been inconsistent in creation to have formed men for the social state, and not to have provided virtue and wisdom enough to manage the concerns of the society. *May we not even say that that form of government is the best, which provides the most effectually for a pure selection of these natural aristoi into the offices of government.*"⁴

Faith in the natural aristocracy and its unique fitness to govern the masses was a constant navigational star in Jefferson's long and productive public life. Thus, in 1779, a generation before his letter to

John Adams, he drew up a statute for public education in Virginia. This bill has been rightly lauded by modern Jeffersonian scholars as remarkably audacious and visionary, for it provided that all free children, both male and female, should be taught arithmetic, reading and writing at public expense, the texts to be so selected that they should become familiar with Greek, Roman, English and American history.

The rest of Jefferson's plan is less commonly stressed by his latter day admirers. The best, and only the best, of these students should go on to grammar school (the equivalent of junior high school today). From the grammar school graduates, 20 outstanding minds should be chosen yearly for higher education. "By this means," Jefferson observed, "20 of the best geniuses shall be raked from the rubbish annually." While Jefferson avoided characterizing the mass as "rubbish" in the bill itself, the latter contains an exposition of the doctrine of the natural aristocracy fundamentally identical with the views he expressed to John Adams in 1813.⁵

Thus Jefferson made the inequality of man the cornerstone of his theory of politics. He was a republican because he thought that the people, having ousted or swept aside the false aristocracies of wealth and lineage, would give power to the creative minority. Like Plato and many others before him, Jefferson believed that the central problem of the good society was to ensure that it was always ruled by the true elite. He would probably have agreed with the message which Albert Einstein submitted for posterity and which was placed in the Time Capsule of the New York World Fair in the summer of 1938:

"Furthermore, people living in different countries kill each other at irregular time intervals, so that also for this reason any one who thinks about the future must live in fear and terror. This is due to the fact that the intelligence and character of the masses are incomparably lower than the intelligence and character of the few who produce something valuable for the community.

"I trust that posterity will read these statements with a feeling of proud and justifiable superiority."

The Negro and Human Freedom. The fact that Jefferson was convinced of the importance of human inequality helped shape his verdict on the Negro as a potential American citizen, but did not affect his belief that slaves of any color had the right to be free. As a young lawyer, Jefferson had ably defended Samuel Howell, an octaroon. The laws of Virginia punished intercourse between whites and Ne-

groes and bound their progeny to service until the age of thirty-one. This had happened to Howell's grandmother, a mulatto, and to his mother. Finally, Howell too was deprived of his freedom. The 27-year-old Jefferson told the court that by the law of nature "we are all born free" and urged that "it remained for some future legislature, if any should be found wicked enough, to extend it (slavery) to grandchildren and other issue more remote." ⁶ Given the prejudices of the time and place, Jefferson's case was so forlorn that the court did not even wait to hear the argument of associate counsel before ruling that Howell must remain bound to service.

In his pamphlet, *A Summary View of the Rights of British America*, comprising draft instructions for the Virginia delegation to the general Congress of 1774, Jefferson charged that the avarice of the British crown had prevented the Colonies from abolishing slavery: "For the most trifling reasons, and, sometimes for no conceivable reason at all, his Majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies, where, it was, unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet our repeated efforts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his Majesty's negative. . . ."

This strong anti-slavery statement was one of the chief reasons why Jefferson's draft was rejected by the delegates.⁷ Two years later, when he drafted the Declaration of Independence, he faced a similar conflict. Again he charged the British monarch with imposing the slave trade on the reluctant colonies: "He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation hither." This arraignment of the British king was stricken on the vehement plea of South Carolina and Georgia. There were, Jefferson recollected many years later, "some Southern gentlemen, whose reflections were not yet matured to the full abhorrence of that traffic."

Thomas Jefferson, Planter. Like Washington, Jefferson faced the problem of slavery both in its broad, political aspects and in his private capacity as a planter. At the time of his marriage, he had about 3,000 acres and was the fifth largest landowner in Albemarle County. Then in 1773, he inherited from his father-in-law, John Wayles, 11,000

acres and 135 slaves. For the next half century, he continued to operate and, where possible, expand and improve his Monticello property, using slaves and a few white artisans.

When he was in France in 1789, Jefferson wrote Bancroft about the emancipation schemes of the Virginia Quakers. He understood that, when the slaves had been transformed into tenants, the Quakers had to apply the lash to make them work. "A man's moral sense must be unusually strong," Jefferson commented, "if slavery does not make him a thief."

Despite this upshot, Jefferson toyed with a plan to test the reliance and industry of his Negroes under conditions of racial integration. He planned to import Germans into Virginia, to settle the German and Negroes on 50-acre farms "intermingled" as his share-croppers, and to bring up the children of both races "in habits of property and foresight." Nothing, however, came of the scheme.

Jefferson worked slave labor for over 50 years and was considered a model, in fact patriarchal, master. In his will, drafted a few months before his death, he provided for the manumission of five of his slaves—three of whom belonged to the Hemings family.⁸ No provision was made for the rest of the Monticello slaves and some were sold to the highest bidders. Jefferson was more eloquent in denouncing slavery than contemporaries such as George Mason, George Washington and the Marquis de Lafayette, but was more cautious when it came to actually bestowing freedom at financial cost to his estate.

Those whom he freed may have fallen into a very special category. A. W. Calhoun wrote that Jefferson "Bequeathed freedom to five of his children and the Assembly passed a law allowing them to remain in the state." In her uncharitable and frequently silly *Domestic Manners of the Americans*, published in 1832, six years after Jefferson's death, Mrs. Trollope expressed outrage because "the hospitable orgies for which his Montecielo (sic) was so celebrated, were incomplete unless the goblet he quaffed was tendered by the trembling hand of his own slavish offspring." She quoted an unidentified "democratical admirer of the great man" to the effect that when Jefferson's "children by Quadroon slaves were white enough to escape suspicion of their origin, he did not pursue them if they attempted to escape, saying laughingly, 'Let the rogues get off if they can; I will not hinder them.'"⁹ More weighty support comes from the correspondence of the pioneer abolitionist, A. E. Grimke.¹⁰

The accusation that the widowed Jefferson had liaisons with his slaves was rife during his lifetime. Doggerel in the worst possible

taste was published about his alleged affair with "Black Sally" and the character assassin, Callender, publicly charged that Jefferson had fathered a family by her. It is true that Callender was a scoundrel, but he was a scoundrel whom Jefferson had subsidized to attack political enemies. And when Callender turned against Jefferson (the latter having failed to appoint him postmaster at Richmond), it was the Monticello philosopher and not the Scottish scribbler who was caught in a bare-faced lie.¹¹

The Sally in question was Sally Hemings, described as very pretty and "mighty near white." Sally was supposed to be the illegitimate daughter of John Wayles, Jefferson's father-in-law. When Jefferson was in France as United States Minister, teen-aged Sally was sent along ostensibly as maid to one of his daughters. She had a son, who was named for Jefferson's closest colleague. This Madison Hemings "learned to be a great fiddler" and was one of the three Hemings slaves freed by Jefferson's will.¹²

Jefferson's views on eugenics and his belief that superior men should be supplied with harems for breeding purposes predispose one to accept the oral tradition that he engaged in miscegenation with his slaves. The question will probably remain unsettled largely because of Jefferson's hypersensitivity and secretiveness concerning his personal life.¹³

Freedom and Deportation. Jefferson had "humbly" begged the Virginia legislature to confirm his manumission of the Hemings and allow them to remain as free Negroes in the Commonwealth. This request was necessary because the Virginia Bill Concerning Slaves, which Jefferson had drafted in 1779, coupled freedom with instant deportation. According to this law any Negro who entered Virginia voluntarily "shall be out of the protection of the laws," that is, could be re-enslaved on sight. However, colored seamen could spend 24 hours in Dominion ports with their ships without losing their freedom. Jefferson's code provided that when Negroes were emancipated, they had to leave Virginia within a year or be re-enslaved. If a white woman had a child by a colored man, mother and child must "depart the commonwealth within one year." Should they fail to do so, "the woman shall be out of the protection of the laws" and the child bound out to labor. After his servitude, the child would have a year to leave Virginia or else be outlawed.

Jefferson's law prevented any colored person from testifying in any case to which a white man was a party. "Seditious speeches by a Negro or mulatto" were to be "punished with stripes at the discretion

of a Justice of the Peace." Jefferson's bill denied rights to Negroes and mulattoes on the basis of race alone. They could be outlawed or re-enslaved without due process. Unborn children could be condemned to labor because of the indiscretions of their parents. Freedom of speech and assembly were denied to free Negroes as well as slaves. Jefferson drafted this statute three years after he wrote the Declaration of Independence.

In his *Autobiography*, written in 1821, Jefferson explained that his slave bill had been "a mere digest of existing laws. . . ." He and his associates had had a plan for the Negroes to be introduced at a more auspicious time. The gist of this program was: ". . . the freedom of all born after a certain day, and *deportation at a proper age*. But it was found that the public mind would not yet bear the proposition, nor will it bear it even at this day. Yet the day is not distant when it must bear it and adopt it, or worse will follow."¹⁴

Notes on Virginia. Jefferson's *Notes on Virginia* were thrown together from his memoranda and private papers in response to a request for information from a M. de Marbois. The book was published in Paris in 1785 without giving the name of its author. While he sent copies to friends, Jefferson urged them to keep his authorship secret as "I fear the terms in which I speak of slavery and of our Constitution may produce an irritation which will revolt the minds of our countrymen against reformation. . . ." ¹⁵

In the *Notes*, Jefferson details the emancipation plan which he and his friends were working out. All slaves born after the passage of the law were to be freed. Minors would be trained at public expense in agriculture and useful trades. When the males reached 21 and the females 18, they were to be "colonized to such place as the circumstances of the time should render most proper" and given tools, seed and work animals. Their settlement would be protected by the United States and this country would then "send vessels at the same time to other parts of the world for an equal number of white inhabitants; to induce whom to migrate hither proper encouragements were to be proposed."

It was obvious that this plan involved prodigious expenses. There were about 750,000 Negroes in the United States in 1790, the year of the First Census, of whom about 304,000 lived in Virginia. Since the Negroes were to be replaced by white settlers, nothing less was entailed than moving a million and a half people across the ocean, raising and training several hundred thousand minors at public expense, supplying 750,000 colonists in Africa or elsewhere with the

necessities of work and survival. Jefferson realized this and anticipated Marbois' question: Why not leave the Negroes where they are, free them and give them American citizenship. He answered:

"Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances will divide us into parties, and produce convulsions, which will probably never end but in the extermination of the one or the other race. — To these objections, which are political, may be added others, which are physical and moral."

Jefferson on Race Difference. The first important race difference, Jefferson wrote, was color. White women could blush charmingly. This contrasted with "that eternal monotony, which reigns in the (Negro) countenances, that immovable veil of black which covers all the emotions of the other race." Nor was this aesthetic judgment confined to the whites; in Jefferson's mistaken opinion, the preference was universal. He even spoke of the Negroes' "own judgment in favour of the whites, declared by their preference of them as uniformly as is the preference of the Oran ootan for the black woman over those of his own species." (This item of folklore was written at a time when naturalists still mistook the anthropoid apes for human beings.)

Jefferson realized that Negroes sweat more than whites. Hence, he thought, they have a "very strong and disagreeable odour." He surmised that they were more tolerant of heat, but attributed this to racial differences in the respiratory organs. Associated with these physiological differences, there were in his opinion psychological ones: "They seem to require less sleep. A black after hard labour through the day, will be induced by the slightest amusements to sit up till midnight or later, though knowing he must be out with the first of the morning. They are at least as brave, and more adventuresome. But this may perhaps proceed from a want of forethought which prevents their seeing a danger till it is present. When present, they do not go through it with more coolness or steadiness than the whites. They are more ardent after their female; but love seems to them to be more an eager desire, than a tender delicate mixture of sentiment and sensation. Their griefs are transient. Those numberless afflictions, which render it doubtful whether heaven has given life to us in mercy or in wrath, are less felt, and sooner forgotten with them."

Jefferson next proceeded to a consideration of the Negro's mental capacity: "Comparing them by their faculties of memory, reason,

and imagination, it appears to me that in memory they are equal to the whites; in reason much inferior, as I think one could scarcely be found capable of tracing and comprehending the investigations of Euclid: and that in imagination they are dull, tasteless, and anomalous."

The Virginian made allowance for the condition of African barbarism from which the Negroes had sprung. He made further allowances for the degrading influence of slavery. Yet, "many have been so situated, that they might have availed themselves of the conversation of their masters; many have been brought up to the handicraft arts, and from that circumstance have always been associated with the whites. Some have been liberally educated, and all have lived in countries where the arts and sciences are cultivated to a considerable degree, and have had before their eye samples of the best works from abroad."

Jefferson, who knew a great deal about the Indians, believed that, although lacking the same advantages of cultural contact as the Negro, they often produced creative craftsmen and masters of oratory. By contrast: "... never could I find that a black had uttered a thought above the level of plain narration; never seen even an elementary trait of painting or sculpture. In music they are more generally gifted than the whites, with accurate ears for tune and time, and they have been capable of imagining a small catch. Whether they will be equal to a more extensive run of melody, or of complicated harmony, is yet to be proved. Misery is often the parent of the most affecting touches in poetry. — Among the blacks is misery enough, God knows, but no poetry. Love is the peculiar oestrus of the poet. Their love is ardent, but it kindles the senses only, not the imagination."

This bleak view of Negro capacity was based largely on Jefferson's personal observations over many years. But he was a man of too great mental breadth to condemn an entire race on largely subjective grounds. He advanced two further arguments in the *Notes*, one ethnic, the other historical. The ethnic factor was that it was a general observation that mulattoes were mentally superior to Negroes and that this proved that the inferior performance of the African was caused by race as well as by slavery.

Rome and Virginia. Jefferson's second point was that, while slavery always degrades, it does not abase intelligent and capable races to the extent that it has the Negro. The parallel he drew was between Roman and American slavery. He argued that the condition

of Roman slaves was "much more deplorable than that of the blacks on the continent of America." He pointed out that in Rome the two sexes had to live apart because it was cheaper to buy a slave than to raise one, that Cato advised that "old oxen, old waggon, old and diseased servants" be sold in the interests of economy, that enfeebled slaves were exposed to die, that a slave's evidence was taken under torture, etc.

"Yet notwithstanding these and other discouraging circumstances among the Romans, their slaves were often their rarest artists. They excelled too in science, insomuch as to be usually employed as tutors to their master's children. Epictetus, Terence and Phaedrus were slaves. But they were of the race of whites. . . ."

Despite the direction in which Jefferson thought the evidence pointed, he urged a partial suspension of judgment: "The opinion that they (the Negroes) are inferior in the faculties of reason and imagination, must be hazarded with great diffidence. To justify a general conclusion, requires many observations, even where the subject may be submitted to the Anatomical knife, to Optical glasses, to analysis by fire or by solvents. How much more then where it is a faculty not a substance we are examining . . . ; let me add too, as a circumstance of great tenderness, where our conclusion would degrade a whole race of men from the rank in the scale of beings which their Creator may perhaps have given them."

An anthropological investigation of the Negroes and Indians, the two non-white races of America, seemed most necessary to Jefferson. But in the interim political issues would arise and statesmen would be obliged to make decisions on the basis of the knowledge available to them. Jefferson emphasized later, in a letter to the Abbé Gringoire, that "whatever be their (the Negroes') degree of talent, it is no measure of their rights." The fact that Sir Isaac Newton was incomparably more intelligent than his contemporaries would not have entitled him to buy and sell them.

Rephrasing Montesquieu's thoughts, Jefferson added: "The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on one part, and degrading submission on the other." The corruption began its work with the very young. The child of slaveowners "puts on the same airs in the circle of smaller slaves, gives a loose to the worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped with odious peculiarities."

The Wiggins Theory. Speaking at Monticello on April 13, 1959,

J. R. Wiggins, Executive Editor of the *Washington Post*, advanced the interesting and novel theory that Jefferson changed his opinions concerning the Negro between 1776 and 1791, adopting "a more modern view" in his middle age. The evidence Wiggins adduced consists of two of Jefferson's letters. The first, written to Chastellux on June 7, 1785, states: "I believe the Indian then to be in body and mind equal to the white man. I have supposed the black man, in his present state, might not be so. But it would be hazardous to affirm that, equally cultivated for a few generations, he would not become so." This letter merely reiterates the cautious attitude and unwillingness to make an unqualified condemnatory judgment which Jefferson revealed in his *Notes on Virginia*. It is rather similar to his observation to the abolitionist, Fanny Wright, written the year before he died that: "We are not sufficiently acquainted with all the nations of Africa to say that there may not be some in which habits of industry are established and the arts practiced which are necessary to render life comfortable. . . ."

The other letter cited by Wiggins was written to the Marquis de Condorcet on August 30, 1791. "I am happy to be able to inform you," Jefferson wrote, "that we have now in the United States a negro, the son of a black man born in Africa, and a black woman born in the United States, who is a very respectable mathematician. I procured him to be employed under one of our chief directors in laying out the new federal city on the Patowmac, and in the intervals of his leisure, while on that work, he made an Almanac for the next year, which he sent me in his own handwriting and which I enclose to you. I have seen very elegant solutions of Geometrical problems by him. Add to this that he is a very worthy and respectable member of society. He is a free man. I shall be delighted to see these instances of moral eminence so multiplied as to prove that the want of talents observed in them is merely the effect of their degraded condition, and not proceeding from any difference in the structure of the parts of which intellect depends."

All this letter shows is that Jefferson hoped that his belief that the Negro was racially inferior would be refuted by events. He did not realize this hope nor did he find other Negroes of "moral eminence." Mr. Wiggins' hypothesis is refuted by a simple fact. Jefferson's letter to the Marquis de Condorcet was written in 1791. The Monticello philosopher lived 35 years longer, intellectually active years filled with a voluminous correspondence. During this period of a third of a century, Jefferson never revised the judgment on Negro

capacity expressed in the *Notes on Virginia* nor did he swerve from his primary political purpose of coupling emancipation with deportation.

Slavery and the West. Immediately after the victory at Yorktown, Jefferson headed a committee of the Continental Congress which drafted a plan for the organization of the national territories. The region covered was virtually the whole area between the Appalachians and the Mississippi and included the three future Confederate states of Alabama, Mississippi and Tennessee. Jefferson proposed that ten states be carved from this domain and given the euphonious names of Sylvania, Cherronesus, Michigania, Assenisipia, Metropotamia, Illinoia, Saratoga, Washington, Polypotamia and Pelisipia. He added the significant clause that after 1800 "there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes. . . ."

The Continental Congress split on this clause. Of the Southern delegates, only Hugh Williamson of North Carolina supported Jefferson and the motion failed of passage. Writing many years later, Jefferson claimed that "the voice of a single individual . . . would have prevented this abominable crime from spreading itself over the new country." The "fate of millions unborn" had been changed by the accident that delegate James Monroe had been ill and absent. Slavery was to be forever barred from the Northern tier of these states by the Northwest Ordinance of 1787. Whether a different decision in 1784 could have barred the invasion of the Gulf states by slavery is most doubtful. The economic pressures to be released with the development of the cotton gin were too powerful. At most, adoption of Jefferson's proposal might have delayed the spread of slavery into the mid-South by a few decades.

Economics of Deportation. Meanwhile, Jefferson pursued his plans to get rid of the nation's colored inhabitants. In 1801, Governor James Monroe of Virginia transmitted to President Jefferson a Commonwealth resolution urging that land be bought abroad to which colored people who had engaged in conspiracy or insurrection might be deported. Jefferson approved, provided Negroes were not sent to any place "within our limits" or which might in future "become part of our Union." As Jefferson had an unusually vivid conception of Manifest Destiny, his embargo on Negro settlement comprised most of the Western Hemisphere. Spanish America would be unsuitable, he wrote Monroe, because of the future day "when our rapid multiplication will . . . cover the whole northern, if not the southern conti-

ment . . . nor can we contemplate with satisfaction either blot or mixture on that surface."

By elimination, the ideal place would be the West Indies, and in particular Haiti, whose colored ruler, Dessalines, might regard acts as "meritorious" which are "deemed criminal by us." If Haiti refused to take them, the culprits should be shipped back to Africa.¹⁶ Almost twenty years later, during the Missouri Compromise controversy, Jefferson returned to his expatriation scheme. The dilemma of slavery, he said, was the conflict between justice and self-preservation. Justice commanded that all men be free; self-preservation that the whites remain separate.

Slaves were worth an average of \$200 apiece, Jefferson calculated, the newborn Negro infant being worth \$12.50. To buy all the slaves, send them to Africa and support them for a year would cost about \$900 million.

Who would pay the bill? Jefferson recalled that, at the time of the Revolutionary War, Virginia had ceded valuable Western lands to the nation, an act of outstanding generosity. Why should not the present and future inhabitants of these lands, all of them Northerners, pay the entire cost of the operation?

This ingenious suggestion would have aroused no enthusiasm among the Western farmers concerned had they been apprised of it. Possibly they would have suggested that the Southerners who profited from slavery should defray the costs of getting rid of it. To be sure, Jefferson's proposal would have cost the North much less than the Civil War, but the North had no way of knowing this.

The United States at the time had a national income of only \$855 million a year, of which less than \$300 million came from agriculture.¹⁷ To expect such a country, particularly one whose inhabitants had an ingrained hatred of government and distrust of taxes, to finance a \$900 million population transfer was not merely visionary, but chimerical.¹⁸ With this impractical plan as his only alternative to drift, Jefferson watched the gathering conflict over slavery from Monticello with growing foreboding and despair.

The Missouri Compromise. Jefferson was in his late seventies when the debates over the Missouri Compromise shook the country. The proposal was to establish an American Line of Tordesillas separating future slave from free territory. Specifically, Maine was to enter the Union as a free state, Missouri as slave. Chattel slavery was to be barred from all territory of the Louisiana Purchase north of 36° 30'.

Although Jefferson had fought to eliminate slavery from the Western territories in 1784, he took an opposite position on the Missouri Compromise. His explanation was that in 1784 there had been no restrictions on the slave trade; hence, to open additional slave territory meant to increase the supply of Negroes from Africa. In 1820, with the slave trade outlawed, defeat of the Missouri Compromise plan would merely spread the Negro population more evenly, dilute it and weaken the institution of slavery.

The Missouri Compromise, he wrote his old friend, Lafayette, on December 26, 1820, "is not a moral question, but one merely of power." Jefferson added: "All know that permitting the slave of the south to spread into the west will not add one being to that unfortunate condition, that it will increase the happiness of those existing, and by spreading them over a larger surface, will dilute the evil everywhere, and facilitate the means of finally getting rid of it. . . ."

This argument was persuasive, but it ignored the fact that the supply of Negroes could be increased. The stimulus of new slave land would surely encourage both contraband trading from Africa and vigorous slave-breeding at home. Slave numbers would grow and also the already immense vested interest in the institution.

If Jefferson saw the economic implications of the Compromise unclearly, he was prophetic in appraising its larger aspects. He saw the plan as the beginning of an irreparable fission of the Republic into two antagonistic blocs, as the harbinger of civil war. On January 22, 1821, Jefferson wrote John Adams concerning the dangers of congressional regulation of slavery within the states: "Are we then to see Athenian and Lacedominian confederacies? to wage another Peloponesian war to settle the ascendancy between them? Or is this the tocsin of merely a servile war? That remains to be seen; but not, I hope, by you or me."

At about the same time, he wrote Senator John Holmes of Massachusetts a long and important letter, fully explaining his views. He believed the American past had been betrayed and that the engineers of the Missouri Compromise had committed "treason against human hope." That free American society which he had once called "the world's best hope" faced suicide, in his opinion, because of its inability to digest, utilize or get rid of a Negro population it ought never to have acquired. The fate of these Africans was a paltry matter, he thought, in comparison with the destiny of the American experiment.

"I had," he wrote Holmes, "for a long time ceased to read news-

papers, or to pay any attention to public affairs, confident they were in good hands, and content to be a passenger in our bark to the shore from which I am not distant. But this momentous question, like a fire bell in the night, awakened me and filled me with terror. I considered it at once as the knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper. I can say with conscious truth that there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach in any *practicable* way. The cession of that kind of property, for so it is misnamed, is a bagatelle which would not cost me a second thought, if in that way, a general emancipation and *expatriation* could be effected; and gradually, and with due sacrifices, I think it might be. But as it is, we have the wolf by the ears, and we can neither hold him, nor safely let him go. Justice is in one scale and self-preservation in the other. . . .

"I regret that I am now to die in the belief, that the useless sacrifice of themselves by the generation of 1776, to acquire self-government and happiness to their country, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I live not to weep over it. If they would but dispassionately weigh the blessings they will throw away, against the abstract principles more likely to be effected by union than by scission, they would pause before they would perpetrate this act of suicide on themselves, and of treason against the hopes of the world." ¹⁹

Madison Faces the Issue. Jefferson's greatest disciple thought along similar lines, but characteristically with less emotional involvement. At the Constitutional Convention of 1787, Madison opposed extending the period during which Congress would be powerless to outlaw the slave trade by another eight years. Forty-three years afterwards, he explained to Lafayette that any allusion "to the subject you have so much at heart (emancipation) would have been a spark to a mass of gunpowder."

He was not an admirer of the Negro. He wrote a French correspondent who wished information about America that the free Negroes were "generally idle and depraved; appear to retain the bad qualities of the slaves, with whom they continue to associate, without acquiring any of the good ones of the whites." As early as 1791 he tried to discourage abolitionist petitioners. He suggested that, in

any request for manumission, they "clog it with a condition that the persons freed be removed from the country."

In 1819 he advanced a plan for expatriation of the Negroes which was similar to Jefferson's except for the significant concession that the extruded people might be settled in American "vacant territory." He thought the main difficulty was expatriation. "If emancipation was the sole object, the extinguishment of slavery would be easy, cheap, and complete." What the Government should do, in Madison's opinion, was to buy all female slaves at birth and prevent them from reproducing while in America. The really difficult problem would then be to find places to which the Negroes could be sent, *to secure their consent to the proposal*, and to finance the importation of free white labor to fill the vacuum.

"Is it (colonization) not preferable," Madison asked rhetorically, "to a torpid acquiescence in a perpetuation of slavery, or an extinguishment of it by convulsions more disastrous in their character and consequences than slavery itself?"

He dreaded the Missouri Compromise as a harbinger of sectional political parties. Afterwards, what would "control those great repulsive masses from awful shocks against each other?" He believed with Jefferson that the establishment of the Mason and Dixon line was an evil and that the expansion of slavery into free territories would create an "uncontrolled dispersion best for the nation and best for the slaves, whether considered from the standpoint of their economic condition or their prospects for future freedom."

Thus, the two greatest of the Virginia Republicans watched the impending crisis grow from small beginnings until it carried mortal danger to that Republic which each had done so much to create. They drifted toward this disaster torn in their minds between their acceptance of the moral right of all men to be free and their conviction of the incapacity of the Negroes to be citizens in a free society, seeking intellectual refuge in repatriation solutions that were politically impractical and left at the end with the small comfort that neither would live long enough to see the deluge.

THE FREE NEGROES — AMERICAN PARIAHS

"And this is the great advantage in being dead, that if you have no mouth with which to laugh, neither have you eyes with which to cry."—Machado de Assis, *Epitaph for a Smaller Winner* (translated from the Portuguese by William L. Grossman).

With the consolidation of slavery, a new class or caste arose in American society—the free Negroes. They inhabited a nebulous borderland between slavery and citizenship. They lived usually in ghetti. They were at worst pariahs, at best second-class citizens. They were a living denial of the American conception that those who were not slaves were free.

While there was a sectional cleavage of opinion on the issue of slavery, the national attitude toward the free Negroes was consistently negative. In general, the South wished them reduced to slavery; the North wanted them sent elsewhere. The broad area of agreement was that, as a distinct class within American society, they should not exist.

The Free Negro Population. Between 1790 and 1810, when slavery had not yet become a Southern article of faith, manumission was fashionable. During these twenty years, the free colored population increased three times as rapidly as the slave, rising from 60,000 to 186,000. State emancipation laws in the North and the enfranchisement of their mulatto offspring by white Southerners contributed to the growth. As late as 1850, 37% of the free Negroes were classed as mulatto by the Census as against only 9% of the slaves. During 1810-30 there was only a 72% rise in the free Negro population and a slightly more rapid increase in slave numbers. In the period 1830-60 the number of slaves doubled whereas the free Negroes increased only by one half.

Birth and death rates were more favorable to the slaves. Their owners had a strong economic incentive to breed them and often rewarded slave women for above-average fertility. The free Negroes, by contrast, consisted largely of urban slum dwellers who lived under conditions of filth and contagion where all mortality was high and infant mortality was appalling. Destitution, rootlessness and promiscuity retarded population growth. The difference in birth rates was indicated by an 1850 Census report that the average slave family

had 40% more children under five than the average free Negro family.

Opprobrium, Destitution, Criminality. The debased living conditions of the free Negroes were matched by the monumental hostility they encountered. The American Society for the Colonization of Free People of Color merely reflected public opinion when in 1816 it referred to the free Negroes as "a dangerous and useless part of the community," as "a horde of miserable people subsisting by plunder, as "a vile excrescence upon society," as "mentally diseased, broken spirited, acted upon by no motives of honorable exertion" and as "the most degraded, the most abandoned race on earth."

Nor was the American Colonization Society an organization of mindless bigots. On the contrary, it was sponsored by some of the most distinguished and liberal minds of the age. James Madison was its president and Henry Clay its vice-president.¹ Thomas Jefferson gave it his encouragement as did Bushrod Washington. Clay lauded the Society's efforts "to rid our country of a useless and pernicious, if not dangerous, portion of its population." The Society asserted that slave property was inviolable, pledged itself not to tamper with the peculiar institution, and dedicated itself to the export merely of that minority of the colored population which enjoyed a few of the blessings of liberty.

These men were not imbued with hatred of the Negro. On the contrary, they considered themselves his benefactors and it is true that they contributed time and money to encouraging Negro settlement in Liberia. They merely asserted that the Negro had nothing to hope for in the United States where he must be "forever debased, forever useless, forever a nuisance." The Society emphasized every negative feature of the free Negro's role, believing that the public had to be aroused enough to finance his emigration to Africa and be alarmed enough to agree to it.

Nor was the Society's presentation of the situation inaccurate. The condition of the free Negroes about 1825 was thus eloquently described by McMaster: "They form a class out of which no individual can be elevated, and below which none can be sunk. . . . Where can they ride in the same coach, or sit at the same table, or mingle in society with the white? Where will the white working-man labor at the same bench, or plough in the same field, or toil in the same building with a black man? . . . Looking forward to no honorable distinction, aiming at no excellence, the negro makes no efforts beyond such as are necessary to supply his daily wants. With loss of hope comes loss of desire, and the debasement which as a slave was compulsory

becomes habitual and voluntary with the free negro and his children after him." ²

Dozens of abolitionist tracts would echo essentially this version of the causes of the free Negro's miserable state. His failures would be attributed entirely to adverse circumstances and blind persecution. Few would pause to ask whether the free Negro met the few opportunities given him as well as might reasonably be expected.

Hatred of the free Negroes grew in the North as they became a significant part of the population of the great cities. Although their relative numerical importance dwindled with the rising tide of European immigration, their contribution to pauperism, vice and crime remained too substantial to be overlooked. In 1825, 1,340,000 whites in New York State furnished only 480 convicts, whereas 39,000 Negroes provided 150. In Philadelphia, the Negroes were less than 1/30th of the population, but accounted for more than a third of the inmates of penitentiaries. Again, in Massachusetts, the 1820 Census showed that Negroes formed 1/75th of the general population and furnished one-sixth of its criminals. Thus, the crime rate among free Negroes was about ten times that of whites in Northern cities.

An Ohio investigation of the 7,500 free Negroes there found them to be "ignorant, many of them intemperate and vicious." Instead of farming, they huddled in the cities and tried to live by casual labor. The Ohio committee reported these Negroes were heavily bonded against becoming public charges. When unable to raise the bond, they often lived underground and worked in shady and illegal occupations. In Cincinnati, Frances Trollope found that the free Negroes "herd together in an obscure part of the city called little Africa. . . ." ³ In 1829 mobs rioted for three days in an effort to expel them and 1,000 emigrated to Canada after being assured by its governor that "we royalists do not know men by their color."

Hostility toward the free Negroes was general and most intense among the whites of low status. "Singular is the degree of contempt in which the free blacks are held in all the free States of America," wrote that excellent observer, Captain Marryat. "They are deprived of their rights as citizens; and the white pauper, who holds out his hand for charity (and there is no want of beggars in Philadelphia), will turn away from a negro or coloured man with disdain." ⁴

In the South, hostility was most intense among the poor whites. In the North, the potato-famine Irish played a leading role. Living in squalid, urban slums, they gravitated to unskilled and underpaid jobs; they were scorned and persecuted with only slightly less inten-

sity than the free Negroes and on not dissimilar grounds. Their hatred reflected the fact that they were forced into closer association with the free Negroes than other whites and that they feared being dragged down to their level. By the middle 1850s, the *Irish-American* and the *Citizen* were among the most violent defenders of slavery in the North.⁵

During the Civil War, the Irish-American population in the North was largely pro-Confederate and militant Irishmen provided the Copperheads with a backbone they might otherwise have lacked. In the 1863 draft riots in New York City, in which hundreds of Negroes were brutally murdered, contemporary observers agreed that the mobs were predominantly Irish. Some wondered how crossing an ocean could transform the gentle, kindly people of the Emerald Isle into bloodthirsty killers.⁶ When Lincoln ordered troops sent to New York to put down the riots, wits quipped that they would be commanded by General Kilpatrick.

The Prosperous Minority. The conditions and prospects of the free Negroes were not sombre everywhere. Mrs. Trollope saw Negroes elegantly dressed in New York and noted that they had their own theatre, where only colored actors performed and where white spectators were relegated to a balcony. Marryat found that the free Negroes of Philadelphia had "extravagant funerals with numerous coaches." He "became convinced how very superior the free coloured people were in intelligence and ambition, to what, from my knowledge of them in the West Indies, I ever imagined them capable of. . . ." ⁷

There were similar prosperous and educated minorities in a few Southern cities. In Charleston, the free blacks monopolized some of the skilled trades and the state legislature worried because European artisan immigrants passed on to the West rather than stay and compete. In New Orleans, the free mulatto community had been well established long before the Louisiana Purchase. By 1861, it owned \$15,000,000 of property. Here, the legal barriers to the education of Negroes were seldom enforced. There were mixed schools, some of them parochial. The well-to-do mulatto minority, which occasionally owned plantations and slaves, sometimes sent its children to France for their education.

Laws Against Free Negroes. As a general rule, however, the mere presence of free Negroes came to be regarded as a social danger and state laws reflected this view. Every obstacle was placed in the way of manumission; devices were found by which the free could be re-

enslaved; fruitless efforts were made to induce them to depart for Africa. Those who remained were to be kept in a degraded condition which not even the slave mass would envy. These restrictions were also security measures — elaborately planned but haphazardly enforced — directed largely against the minority of educated mulattoes and Negroes, designed to curb their physical movements, prevent them from assembling without white surveillance, make it impossible for them to acquire firearms, and so forth. As the Civil War approached, these laws became stricter.

In Delaware, where slavery had always been mild and public opinion liberal, free Negroes and mulattoes were not allowed to enter the state or settle there. Violations were punished with fines and those unable to pay the fines were sold as slaves. Maryland gave similar treatment to free Negroes without work or legal residence; colored felons were banished after serving time.

Virginia refused residence to Negroes freed by other states. Her own free colored carried certificates, describing them and listing their scars, without which they could neither seek work nor move about. Tennessee laws were similar. In 1843 Mississippi passed a law that any white freeholder could demand that a Negro post a \$100 bond. On failure to do so, the Negro would be jailed and eventually sold to pay jail costs. In the District of Columbia and in several states, any colored person unable to prove he was free could be taken and sold as a slave.

Laws Against Manumission. Increasingly, the tendency was to consider freeing one's slaves as an anti-social act. Virginia required liberated slaves to quit the state within a year; North Carolina gave them three months, and Tennessee compelled them to depart immediately. Louisiana had similar deportation provisions and also stipulated that only adults with a record for good conduct could be freed. In the Deep South, the general practice was to permit manumission only as a reward for exceptional services as attested by the state legislature.

At the same time, the devices by which free Negroes could be enslaved were multiplied. They were fined for illegal entry into inhospitable states, jailed for failure to pay the fines, then sold to meet jail costs. The presumption was that a Negro was a slave. It was generally up to him to prove the contrary. Florida enslaved Negroes who were judged to be "idle" and "dissolute."⁸ A convention of slaveowners on the Maryland Eastern Shore unsuccessfully urged the legislature to reduce all free colored people to slavery.

Encouraging Self-Enslavement. The South also had laws which permitted free Negroes to choose prospective masters and enslave themselves. Harsh pressure against free people of color would sometimes drive them to this step, particularly when state deportation laws forced manumitted Negroes to choose between returning to slavery and deserting their families. A petition submitted by one William Bass to South Carolina authorities in 1859 reveals some of the motives for self-enslavement: "That as a free negro, he is preyed upon by every sharper with whom he comes in contact, and that he is very poor, though an able bodied man, and is charged with and punished for every offence, guilty or not, committed in his neighborhood; that he is without house or home, and lives a thousand times harder, and in more destitution, than the slaves of many of the planters of this district. . . ."

Denial of Civil Rights. So much for the legal machinery designed to abolish free Negroes as a class. Other laws kept them in an ignorant, insecure and degraded condition, denying them most of the rights proclaimed by the Constitution.

Most Southern states prohibited meetings of either slaves or free Negroes, their education, sometimes even their religious instruction. In some slave states, it was illegal for Negroes to assemble anywhere in gatherings of more than seven, to preach the Christian religion, to trade anywhere except in the town where they lived or to enter another state. Jefferson's native Virginia made schools for Negroes illegal. Free colored people who left the Commonwealth to get an education were forbidden to come back. The free Negro children of Virginia and South Carolina were punished with twenty lashes for attending schools of any sort.

Few states in the Union and none in the South permitted the free Negro to vote, to serve on juries or to testify in any case to which a white man was party. All public office was closed to him. He was usually subject to curfew, forced to show a pass on request, confined to certain areas and, in some cases, bonded. Acts which were misdemeanors when done by whites could be crimes if perpetrated by Negroes. No state in the Union desired the free Negro's presence and even such Northern states as Illinois, Iowa and Oregon barred his entry.

Yet he enjoyed everywhere some rights. If he established the fact that he was not a slave, he could acquire, hold and dispose of property. He could generally defend his property rights in court. He could be punished only by public authority acting under some sort of

legal process. As one moved north and east, his legal status perceptibly improved. In parts of New England, he had the franchise, could sue and testify without racial restrictions and could even marry members of the white race.¹⁰ In Massachusetts, he could send his children to unsegregated schools and in New England as a whole his formal condition approximated full-fledged citizenship.

The Fear of Slave Revolt. With the introduction of the cotton gin and the westward expansion of plantation slavery, attitudes toward the free Negro deteriorated and it was argued increasingly that his mere presence encouraged slave rebellion. In 1811 John Randolph reflected the prevailing aura of dread when he remarked that "the night bell never tolls for fire in Richmond, that the frightened mother does not hug her infants more closely to her bosom, not knowing what may have happened." De Tocqueville was equally impressed with the omnipresent Southern fear of a servile war. "The silence of the South concerning that matter is more frightening than the expressed fears of the North," he wrote. After the Nat Turner uprising, the South attempted to isolate the slave masses from any influences or ideas that might suggest the possibility of freedom.

This fear reaction seemed disproportionate to the picayune Negro conspiracies that provoked it and incongruous in a society which lived by a cult of valor. The Southern whites were never in real danger because they had a monopoly of weapons and military training, outnumbered the Negroes and could call on outside armed support if necessary.

The British West Indies provided an interesting contrast. Outnumbered seven to one, caught on small islands, with the bloody experience of slave risings in Haiti, Jamaica and Surinam behind them, the West Indian planters did not live in that continuous trepidation which John Randolph believed to be characteristic of Richmond. Bryan Edwards, the distinguished historian of the area, believed that the free Negroes were an excellent buffer between the planters and the slaves whose "loyalty and fidelity have not yet been either impeached or suspected."¹¹

Thus, the British West Indian planters lived calmly in the midst of real dangers, while the American South from about 1820 on became obsessed with a largely imaginary peril. The phobia concerning slave insurrection may have been at bottom little more than a pretext for the elimination of the free Negroes. This class was superfluous to the American South because the poor whites filled its economic and social role. In general, free Negro populations are tolerated in

slave societies with only a few poor whites, but suppressed in those which have a large number of them.

Hysteria Over Haiti. If all free Negroes were regarded by the South as a dangerous species, those from the island of Santo Domingo, where the Africans had revolted, killed the white planters, defeated one of Napoleon's armies and set up a Negro state, were classed with cholera germs. Extraordinary measures were taken to isolate the black labor force of the South from any knowledge of Haitian events or contact with Haiti.¹² This Southern belief that it needed an iron curtain around its slave property would warp United States policies toward Latin America.

Haiti was the first Latin American country to shake off European rule. The Federalist administration of John Adams assisted Toussaint l'Ouverture with naval power and food for the starving island. After Toussaint's defeat, American trade with the turbulent island reached such proportions that in 1804-5 a single convoy left New York carrying crews of 700 men and protected by 80 cannon.

Napoleon characterized the embattled Negroes as "that race of African slaves, the reproach and refuse of nature." He ordered Talleyrand to tell President Jefferson that every American ship found entering or leaving Haitian ports would be seized as a prize. Jefferson at once had a bill introduced which capitulated completely to Napoleon's demands, sacrificed American commercial interests and jettisoned the principle of freedom of the seas which the Virginian had been proclaiming. It was passed by a strict party vote "amid execrations against the Haytian negroes."¹³ John Bach McMaster's verdict was: "Never since the United States had a President and a Congress had she been so disgraced."¹⁴ Henry Adams found the Southern representatives "indifferent to the charge of servility to France" since "the opportunity to declare the Negroes of Hayti enemies of the human race was too tempting to be rejected. . . ." ¹⁵ The Haitian insurgents won their independence, but the United States refused to extend diplomatic recognition. Twenty years later, the spectre of the bygone slave insurrection on the island again rose and almost strangled the Monroe Doctrine in its cradle.

In 1825 Mexico, Colombia and Guatemala invited the United States to join them in what was to be the first Pan American Congress. Items on the agenda included implementing the Monroe Doctrine, thwarting Spanish invasion, the freedom of Haiti and the suppression of the slave trade. The House Foreign Affairs Committee pas-

sionately urged President John Quincy Adams not to send representatives. As for Haiti:

"We purchase coffee from her and pay for it, but we interchange no consuls or ministers. We receive no mulatto consuls or black ambassadors from her; and why? Because the peace of eleven States in this Union will not permit the fruits of a successful negro insurrection to be exhibited among them. . . . It will not permit the fact to be seen and told, that for the murder of their masters and mistresses they are to find friends among the white people in the United States." ¹⁶

In the upper house, Senator Hayne of South Carolina opposed any dealings with Latin American republics because: "These governments have proclaimed the principles of liberty and equality. They have marched to victory under the banner of universal emancipation. You find men of color at the head of their armies, in their legislative halls, and in their executive departments. . . ." ¹⁷ Hayne urged that the United States abandon the Monroe Doctrine, "protest against the independence of Hayti" and guarantee to suppress any Cuban revolution for independence. Senator Thomas Hart Benton of Missouri joined him in inveighing against the proposed Pan American conference.

Largely because of Daniel Webster's effective defense of the Administration, the United States delegation was voted funds, but it arrived after the conference had been adjourned. As for diplomatic recognition of Haiti and Liberia, that fateful step was not taken until 1862, at which time Southern representatives were not present in Washington to raise their usual objections.

The South Carolina Seamen. In May 1822, a Negro betrayed the Denmark Vesey conspiracy to the authorities, thus bringing 35 would-be insurrectionaries to their deaths. The trials of the plotters revealed that Vesey had sought support from Haiti and had used colored seamen on deep-water ships as his couriers.

South Carolina reacted with a law by which any Negro or mulatto serving on a ship in any capacity was to be seized by the sheriff as soon as the vessel touched a South Carolina port and held in prison until the ship departed. The nationality of the colored man was irrelevant, nor did it matter whether he wished to go ashore. The law further provided that, unless the ship's master paid the Negro's jail costs, he would be fined \$1,000 or jailed and the Negro would be sold as a slave. South Carolina proceeded to enforce this law with a vigor born of fear and soon 41 ships, many of them British, lay in Charleston harbor, stripped of their colored seamen, cooks and stewards. The law was challenged before the U. S. Circuit Court. The plaintiffs argued that South Carolina had no power to regulate inter-

state commerce and even less to pass laws which violated an American treaty with Great Britain. Counsel for South Carolina replied that if Massachusetts could bar the entry of European felons and New York that of disease carriers, then South Carolina had the right to exclude free Negro seamen who were carriers of far more dangerous spiritual diseases. The supreme justification of the law was necessity. South Carolina intended to enforce it and would secede rather than surrender.

The case was heard before Associate Supreme Court Justice William Johnson, a native of South Carolina. He held that the power of Congress to regulate interstate commerce was "paramount and exclusive." As for the theory that any state could flout an American treaty on grounds of convenience or necessity, it would make the Federal Constitution and the nation "a mere rope of sand." This opinion threw the South into turmoil. Among those who apparently upheld South Carolina's right to "pass such a moral quarantine law," even though it sold men into slavery without due process of law, was the author of the Declaration of Independence.¹⁸

Meanwhile, British Foreign Secretary Canning protested to Secretary of State John Quincy Adams, who requested a legal opinion from Attorney General William Wirt, a Virginian and a slaveholder. Wirt held that the South Carolina law "trampled on the Constitution . . . implied a direct attack upon the sovereignty of the United States" and tended toward "dissolution of the Union." South Carolina had no power to regulate interstate commerce and the statute was therefore null and void. The Secretary of State transmitted these documents to the Senate of South Carolina, which replied with a defiant diatribe, bristling with denunciations of England. Secretary Adams now found himself in the humiliating position of explaining to the British Government that the United States could neither control South Carolina nor honor its own treaties.

Judge Johnson resented defiance of the Federal court. Chief Justice Marshall observed more philosophically that "our brother Johnson . . . has hung himself on a democratic snag." He had preferred to duck the inflamed slavery issue, Marshall added, "as I am not fond of butting against a wall in sport."¹⁹

For over a generation the Palmetto State enforced its law against colored seamen as if the Circuit Court and the Attorney General had never held it unconstitutional. In 1842, Louisiana enacted a similar measure. Three years later, Florida applied for statehood with a proposed constitution which specifically empowered the legislature to

exclude free Negroes. These laws were enforced and, to that extent, the United States treaty with England was a dead letter.

The attitude toward Haiti and the laws against colored seamen revealed the intensity of the South's efforts to quarantine its slave population against doctrines of freedom. The immense amount of energy expended on this task indicated the depth of the Southern fear that the slave-owning system was precarious and that the threat of explosions from the bottom was always present.

THE SUPREME COURT AND THE SLAVE POWER

"The Judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundation of our federated fabric."—THOMAS JEFFERSON, 1820.

In 1819 Chief Justice Marshall's Supreme Court ruled that Congress had power to charter a national bank.¹ Brooding on this and similar decisions, Jefferson observed that, "aided by a little sophistry," the advocates of big government were usurping authority to do "whatsoever" they shall think or pretend will be for the public welfare."² He wrote Gallatin that the Federal Judiciary was "working without gravity, without intermission . . . to press us at last into one consolidated mass."³ And in still another letter, he proclaimed that the Judiciary "with noiseless foot . . . is ingulphing insidiously the special governments into the jaws of that which feeds them. . . ."⁴

These warnings reflected Southern fears that the Supreme Court was seeking to reduce the states to mere provinces and that this would eventually spell the outlawry of slavery. As a regional and institutional minority, the South began to consider every assertion of national power as a threat and every imaginative interpretation of the Constitution as a hostile act.

The Supreme Court in the 1820s was neither anti-Southern nor opposed to slavery. Of its seven members, five came from slave states, the Chief Justice among them. Five of seven had been appointed either by Jefferson or his disciple, Madison. The views of prospective justices on the slavery issue were always carefully scrutinized and men hostile to the Southern ideology were seldom named by Presidents or confirmed by Senates.

Nevertheless, Jefferson's fears were by no means groundless. The Court followed the nationalist views of John Marshall and was swayed, as long as he lived, by his luminous logic. Marshall's Court consistently construed the Constitution to permit the United States to exercise those powers implicit in the concept of sovereignty. This was John Marshall's consuming purpose. He avoided the slavery issue, not from moral cowardice, but because he considered it a by-road, a pitfall, a sterile, entangling area of controversy. A slave-owner himself, Marshall considered the institution a curse on the country. Like other intellectual leaders of the time, he thought the

slaves should be bought with public funds, liberated and sent to Africa.

The Commerce Clause. During the long years when the Supreme Court debated the extent of Federal power over interstate commerce, the real issue seemed to the South to be whether or not the nation could tamper with slavery.⁵ The commerce clause of the Constitution is, as Edward S. Corwin has pointed out, the chief weapon available to Congress and the Federal courts in peacetime to curb the sovereignty of the states.⁶

This, however, was not always the case. During the early decades of the Republic, James Madison's restrictive interpretation held sway. According to this, Congress had absolute power over foreign trade, but could regulate interstate commerce only to stimulate it. The political significance of the Madisonian interpretation was that it made Congress powerless to regulate the interstate slave trade.

In 1824, the Supreme Court was called upon to define the scope of the commerce clause. Marshall delivered one of his last and greatest decisions, an opinion⁷ "which has done more to knit the American people into an indivisible Nation than any other one force in our history, excepting only war."⁸

Marshall first ruled that *commerce* meant not only buying and selling, but economic intercourse in all its aspects. At the time of the Constitution, the word had signified "the economic order, the domain of political economy, the realm of a comprehensive public policy."⁹ Contemporary editors had criticized the commerce clause as giving the United States power over "the internal economy of the States."¹⁰ Marshall proceeded to define the scope of the commerce power granted the nation. It was "complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution." To rule otherwise would leave the Federal Government "a magnificent structure indeed, to look at, but totally unfit for use." Jefferson hit this decision without mentioning slavery. Other Southern spokesmen warned that it tended toward anti-slavery legislation which would "inevitably throw the country into revolution."¹¹

Taney and the Slave Power. Having dominated the Supreme Court for 34 years, Marshall died in 1835 and was succeeded by Roger Brooke Taney, a Maryland Catholic and a Jackson appointee. Because of his Dred Scott decision, Taney is often regarded as a diehard Tory spokesman for the Southern planter aristocracy. Actually, he was a radical. He opposed Eastern financial interests and feared a strong central government would be dedicated to the defense of pri-

vate property rights. He favored states' rights not merely because he championed slavery, but because he saw the states as potential instruments of social experimentation and social reform at the expense of the propertied classes.

Where Marshall had made sacrifices to get a unified Court, Taney permitted such complete freedom that the nine justices (two had been added in Jackson's administrations) rendered multiple opinions and almost turned the Court into a Tower of Babel. Harold Beryl Levy, the New Deal critic, believes this *laissez-faire* attitude reflected Taney's democratic temperament. Be this as it may, its practical upshot was to weaken the role of the Court as an instrument of that American nationalism which Taney feared.

As a young man, Taney had educated his slaves and freed them. He had supported Negro improvement societies and defended colored men in court. By middle age, however, his views hardened into a characteristic Southern pattern. No man in the history of the Supreme Court ever did more to divest the free Negroes of the few rights they had or to resist all efforts to curb slavery by constitutional means.

The first battleground was again the commerce clause. Two important cases reached the Court in 1841 and 1847.¹² Both were decided largely on technicalities. The Court was not yet dominated by the ultras of the slavery faction and any clear redefinition of the commerce clause was fraught with dangers. Broad issues were lost in labyrinthine legal subtleties and, in the 1847 case, the Justices managed to render nine separate opinions.

In the *Passenger Cases* (1849)¹³, the constitutionality of Massachusetts and New York laws, imposing head taxes on immigrants, was challenged. The basic issue was the old one of whether Federal power over interstate commerce was exclusive or concurrent. It was immediately evident that these complex cases also would determine the right of the Southern states to bar, deport, imprison or enslave free Negro immigrants and the power of the nation to destroy slavery by regulating the internal slave trade. If the challenged state laws were struck down, observed John van Buren, son of the ex-President and counsel for New York, the laws of fifteen states against the entry of free Negroes would automatically be held unconstitutional.

By a bare majority, the Court ruled the state laws invalid. Chief Justice Taney in his dissent repeated the arguments South Carolina had used in defending the colored seamen's law. It was for each state, he said, "to determine whether any particular class or descrip-

tion of persons are likely to produce discontent or insurrection in its territory or to taint the morals of its citizens, or to bring among them contagious diseases. . . . ” Two other Justices concurred, one of them adding that the slave states “have a constitutional right to exclude all such as are, from a common ancestry and country, of the same class of men.”

Marshall's assertion of exclusive and paramount national power over interstate commerce had been upheld merely by a five to four majority. The Southern hope was that time would make this majority a minority. With Fillmore, Pierce and Buchanan destined to occupy the White House during the next twelve years, this expectation was well grounded.

A Republican Form of Government. From time to time, abolitionists had alleged that the United States had constitutional power to replace pro-slavery by anti-slavery governments in the states. The authority to do this, they thought, derived from Section 4 of Article IV of the Constitution, which says: “The United States shall guarantee to every State in the Union a Republican Form of Government. . . . ” The Constitution does not specify which branch of government shall determine whether or not a state government is “republican.” Many assumed that the question was judicial and that decision was therefore vested in the Supreme Court. The issue was finally brought before Taney's tribunal as part of the tangled backwash of the so-called Dorr War in Rhode Island in the 1840s.

Thomas Wilson Dorr was a wealthy young lawyer who took the unexpected step of rallying the disfranchised masses in his native state — largely mill hands, Irish and Roman Catholics. He used revolutionary means to seize and hold power, proclaimed the regular state government illegitimate, got the support of New York Barnburners, trade unionists and professional brawlers, attacked the Providence arsenal, and was miserably defeated. A minor reign of terror followed.¹⁴ Dorr himself was captured in 1843, convicted of treason against the state and sentenced to life imprisonment. After twenty months in prison, he was released. He emerged physically and mentally destroyed, survived in a torpor for a decade and died before reaching 50. The conditions of prison life at the time can be inferred.

Dorr men and radical Democrats wanted the Supreme Court to decide which had been the rightful government of Rhode Island. In 1845 a suit for trespass against members of the Rhode Island militia reached the Supreme Court, the allegation being that in obeying the

duly constituted state government they had acted unlawfully, that government having ceased to be "republican."¹⁵ The case aroused great public excitement. The *Boston Post* hoped the Supreme Court would uphold "the great doctrine of popular sovereignty" for which Dorr was "suffering in the accursed dungeons of reprobate Rhode Island."

The substantive issue was whether a majority of the people in any state had the democratic right to alter its constitution and laws by mob violence. The Jeffersonian position was that this was the essence of political freedom. "I like a little rebellion now and then," the Sage of Monticello had said at the time of the Shays Rebellion. "God forbid we should ever be 20 years without such a rebellion," he had written Abigail Adams in 1787. " . . . The tree of liberty must be refreshed from time to time with the blood of patriots & tyrants. It is its natural manure."

A Democratic Supreme Court might have found it politically embarrassing to repudiate this Jeffersonian doctrine of permanent revolution. Yet it certainly could not endorse it. The Court postponed hearing the case, on one pretext or another, for five years.

When passions had cooled the Supreme Court spoke. It refused to declare which Rhode Island government had been the legitimate one. In an opinion which has been a landmark of American constitutional law for over a century, Taney declared for a unanimous court that the question lay beyond the province of the judiciary. All issues arising under the constitutional guarantee to the states of a republican form of government were political in nature. It was for "Congress to decide what government is the established one in a State . . . as well as its republican character." By the act of February 28, 1795, Congress had empowered the President to call out the militia when needed to protect the states from insurrection. Before performing this duty, the Chief Executive "must, of necessity, decide which is the government, and which party is unlawfully arrayed against it. . . ." Thus, Congress had delegated this particular power, not to the courts, but to the President.

The Supreme Court wisely put aside a power it could not safely have exercised, for it was scarcely credible that Congress or the President would have been prepared to invade states and upset their de facto governments whenever the judiciary so ordered.

The issue of "republican" government would arise frequently as the slavery struggle intensified. The Kansas-Nebraska strife brought with it crises of dual government. The Federal Government exer-

cised its powers under Article IV, Section 4, during the stormy years of Civil War and Reconstruction. The Supreme Court managed, however, to remain aloof to the benefit of its reputation and prestige.

Slavery in Washington, D. C. In 1801 Congress ruled that the laws of Maryland should apply in that part of the nation's capital north of the Potomac and those of Virginia in the much smaller area south of it. This meant that a Negro visiting Washington, D. C., was "by legal presumption an absconding slave," could be arrested as a runaway, jailed for three months on suspicion, and sold into slavery to meet jail costs even if he proved that he was free. The proof of freedom was virtually impossible since a Maryland law, enacted in 1717, prevented free Negroes and mulattoes from testifying in proceedings to which whites were parties.

"Not even upon the rivers upon the African coast is there as great and nefarious a slave market," John Randolph of Virginia told the House in 1816 when he demanded a congressional investigation of the slave trade in the nation's capital. Seizing savages in the African jungles, he added, was a mild offense in comparison with "tearing the civilized negro from his friends, his wife, his children, his parents." The investigation came to nothing. Renewed complaints and petitions from Washington, D. C., residents assailed Congress. Faced with this tumult, the South found itself on shaky constitutional ground. It could not plead states' rights or urge that Congress was merely a custodian of the District. The Constitution clearly empowered Congress: ". . . To exercise exclusive Legislation in all Cases whatsoever over such District. . . ." ¹⁶

In 1836 Henry Pinckney of South Carolina told the House that interference with the slave trade in Washington, D. C., would violate the spirit of the compromise under which the North had agreed to placing the nation's capital in Southern territory. A more important consideration which Pinckney advanced was that abolishing slavery in Washington, D. C., would violate the due process of law clause of the Fifth Amendment. Anticipating the Dred Scott decision, he asserted that it was flagrantly unconstitutional for the United States to confiscate a man's property solely because he took it into a region run by the Federal Government. The implication was that Congress had no power to ban slavery in the territories and that the Missouri Compromise was invalid.

These debates stimulated the anti-slavery forces to reinterpret the Constitution in their favor rather than rely on moral persuasion and the "higher law." They pointed out that the Constitution had been

established, not by the voters or citizens, but by "the People of the United States" to "establish Justice" and "secure the Blessings of Liberty to ourselves and our Posterity. . . ." Free Negroes were part of "the People" and were entitled to justice and the blessings of liberty.

The abolitionists urged and eventually popularized the view that Congress could not lawfully ordain or maintain slavery in the capital or the territories. Thus, the Free Soil Party platform of 1848 quoted the due process clause and added: "... Congress has no more power to make a slave than to make a king; no more power to institute or establish slavery than to institute or establish a monarchy."

From the outset the Republican Party held the same view. Its 1856 platform said that the establishment of slavery in "any Territory of the United States" was unconstitutional. Four years later, despite the Dred Scott decision, the platform guaranteed freedom for all men wherever the Federal Government had jurisdiction.

Thus, in the three decades prior to the Civil War, two diametrically opposite interpretations of due process of law became the rallying grounds of contending political factions. The anti-slavery forces regarded the Negro as a person and as such entitled to due process of law under the Constitution. The South proceeded from the assumption that the slave was primarily property. Hence, when he was emancipated by Federal authority, private property was being confiscated in violation of due process of law.

Actually, both the Free Soil forces and the ideologists of slavery probably read more into the due process clause than was historically warranted. *Due process* is generally considered equivalent in origin to "the law of the land" in Magna Carta.¹⁷ In other words, the purpose was to prevent the King from killing, maiming or expropriating his subjects at his pleasure and without any judicial procedure. Lord Coke in his *Institutes* defined due process as "by the indictment or presentment of good and lawful men . . . or by writ original of the Common Law."¹⁸ American understanding of the phrase in the age of the Constitution was similar. Alexander Hamilton defined it as "*indictment or presentment of good and lawful men*, and trial and conviction in consequence."¹⁹ Justice Story expanded this, but agreed that the protection was procedural.

When the South claimed that due process nullified laws abolishing slavery in the territories and anti-slavery forces asserted the opposite, both were stretching the concept from a guarantee of fair legal procedure to a guarantee of the equity of laws.

Fugitive Slave Laws. Congress passed a fugitive slave law in 1793, providing that masters could seize suspected runaways, hail them before *state or federal* courts, and bring them back on proof of their identity. Federal and state jurisdiction were thus concurrent. For 30 years this system operated smoothly. Then, with the rising tide of abolitionist sentiment, Northern states began to pass personal liberty laws. Sometimes these were designed to curb the evil practice of kidnapping free Negroes, swearing they were slaves and selling them South. In other instances, the purpose of the laws was to nullify Article IV, Section 2 of the Constitution.

The constitutional issue came before Taney's Supreme Court in 1842. A certain Edward Prigg had seized a fugitive slave in Pennsylvania. Being denied aid by the state courts, he took the Negro south with him without a warrant. On his return to Pennsylvania, he was convicted of kidnapping.

His appeal eventually reached the Supreme Court, where Justice Story, an anti-slavery New Englander, delivered the majority opinion. Congress had exclusive power over the return of fugitive slaves, he declared, and only those state laws on the subject were valid which aided Federal authority.²⁰ The Pennsylvania law was unconstitutional and Prigg was freed. Thus, while Taney's Court was engaged in whittling down the powers expressly given the Federal Government to regulate interstate commerce, it was willing to expand the implied power of Congress to catch and return slaves.²¹

A more drastic fugitive slave law was part of the Compromise of 1850. The new act forced marshals to assist slave-owners to "pursue and reclaim" their property, made interference with enforcement a felony and denied the fugitives the right to testify in their own defense. Anti-slavery men claimed the new law was unconstitutional because it punished the fugitives without due process. The Southern answer was a legal quibble. The Negroes were not being punished. They were merely being returned to their native states and it was up to the latter to determine whether they were slave or free, whether runaways or innocent victims. This retort was logical, but the opportunities free Negroes had to defend themselves in Southern courts left much to be desired.

Throughout New England and the Middle West, this drastic law was openly defied. Fugitive Negroes were wrested from Federal marshals by mob action and spirited off to Canada. Far from assuaging sectional strife, the new law boiled resentment into violence, brought normally peaceful Northerners to the point where they re-

sisted law enforcement officers, oriented the anti-slavery movement toward purposive and dramatic action, and helped polarize both Northern and Southern opinion toward irreconcilable positions.

In 1854 a Negro named Joshua Glover was rescued from prison in Racine, Wisconsin, by a mob led by an anti-slavery vigilance committee. A newspaper editor, named Sherman M. Booth, who had taken part in these proceedings, was arrested by a United States marshal and convicted by a Federal court of obstructing enforcement of the fugitive slave law. He appealed to the Supreme Court of Wisconsin for a writ of *habeas corpus*. The state tribunal promptly reversed his conviction on the grounds that the Fugitive Slave Act was unconstitutional.

Thus, a state court had presumed to nullify the verdict of a Federal court and declare a Federal law unconstitutional. When the case came on appeal to the United States Supreme Court, Chief Justice Taney handed down a masterly decision. If Wisconsin had the right to pass on one Federal law, he observed, it was entitled to pass on all of them and all other states obviously enjoyed the same privilege. "No one will suppose," Taney continued, "that a government which has now lasted nearly seventy years, enforcing its laws by its own tribunals and preserving the union of the states, could have lasted a single year or fulfilled the high trusts committed to it, if offenses against its laws could not have been punished without the consent of the state in which the culprit was found." ²²

The Dred Scott Decision. In the Dred Scott case Chief Justice Taney and a majority of the Supreme Court gave a strictly sectional interpretation of the Constitution as the organic law of a slaveowning society. If it was a victory for the South, it was a Pyrrhic one for the decision elaborated a constitutional doctrine of states' rights and the sanctity of slave property which the nation as a whole was prepared to defy.

In 1834 Dr. Emerson, an Army surgeon, brought his Negro slave, Dred Scott, to the free state of Illinois and two years later to the free territory of Wisconsin. Dr. Emerson later took Scott back with him to Missouri, a slave state. Subsequently, Dred Scott became the property of John A. Sandford of New York, an anti-slavery man. There was thus good reason to believe that Scott's long legal battle to secure his freedom was a fabricated contest by anti-slavery forces in which plaintiff and defendant were in collusion. The Supreme Court of Missouri eventually decided against Scott on the simple grounds that he had lost whatever freedom he might have acquired

by returning to slave territory. This decision paralleled the British ruling in *The Case of the Slave Grace*.

In 1854 Scott's attorney reopened suit in the Federal courts, alleging Federal jurisdiction because of diversity of citizenship. Obviously, Sandford was a citizen of New York, but it was not at all clear that Scott was a citizen of Missouri. To be a citizen of any state he had to be free. Thus, the issue of Federal jurisdiction was the same as the substance of the suit.

The case came before the United States Supreme Court in February 1856 at a time of violent schism over slavery. A majority of the Court wanted to decide the case against Scott by declaring it was up to Missouri to determine who were its citizens. This disposition of the suit would have been brief, fairly non-controversial and based on a clear precedent.²³ However, the anti-slavery Justices, McClean and Curtis, informed the Court that they proposed to deliver a major constitutional opinion which would go into the basic issues at stake. Backed by five other Justices, Taney decided to accept the challenge. By firmly grasping the nettle, Taney was acceding to a strong political demand that the Court speak out fully and clearly on the slavery issue, thus removing it from public controversy. The belief that the Supreme Court could resolve a deep-seated crisis with a politically motivated opinion proved, however, to be tragically mistaken.

The basic issue was whether a Negro, all of whose ancestors had been slaves taken in Africa, could be a citizen of a state. Taney answered this question in the negative, denying that the Negro had been considered to be "part of the people" of the United States either in the Constitution or the Declaration of Independence.

"It is difficult at this day," wrote Taney, "to realize the state of public opinion in relation to that unfortunate race which prevailed in the civilized and enlightened portions of the world. . . ."

"They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior that they had no rights which the white man was bound to respect. . . ." ²⁴

As Justice Curtis pointed out in his powerful dissenting opinion, the allegation that Negroes had not been citizens of states was false. At the dawn of the Republic, all free, native-born inhabitants of New Hampshire, Massachusetts, New York, New Jersey and, for that matter, North Carolina were citizens of these states regardless of race or color. Subsequently, various Northern states had extended civil

rights to free Negroes and there was no sound constitutional reason for doubting the validity of that procedure.

Taney next asked whether or not Dred Scott had been freed by his residence in Wisconsin Territory. He argued that Congress held territory as "trustee of the people of the United States . . . for their common and equal benefit. . . ." Congress did not have unlimited police power over the territories; it could not rule them arbitrarily as mere colonies; it could not "infringe upon local rights of person or rights of property."

Under the Constitution slave property was no different from any other form of property. It was explicitly recognized there and nothing in the Constitution "entitled property of that kind to less protection than property of any other description." Taney concluded that "an act of Congress which deprives a citizen of the United States of his liberty or property, merely because he came himself or brought himself into a particular Territory of the United States . . . could hardly be dignified with the name due process of law." It followed that the Missouri Compromise and all other measures barring slavery from the territories were unconstitutional.

Thus, in the Dred Scott case, the Supreme Court conspicuously failed to show that circumspection and restraint which had guided it in the Dorr War litigation. It not only invalidated a Federal law, but set aside a fundamental national policy. The majority opinion of the Court, justifying these sweeping changes, sounded more like the partisan statement of a particular political ideology than an effort at dispassionate constitutional interpretation. Accordingly, the nation's Supreme Court brought on its head widespread opprobrium and its prestige sank to a nadir. Throughout the North it was assailed for resorting to thin sophistries, dishonesty and seeking to revise the Constitution rather than interpret it.

ABRAHAM LINCOLN, RELUCTANT EMANCIPATOR

"Your race suffers very greatly, many of them, by living among us, while ours suffers from your presence. In a word, we suffer on each side. If this be admitted, it affords a reason, at least, why we should be separated."—ABRAHAM LINCOLN to a Negro delegation at the White House, August 14, 1862.

The 1860s was a decade of prodigious change in the dominant American ideology on the Negro question. War was the chief catalyst, yet the great alteration in public opinion and governmental philosophy occurred after Appomattox. Among the impelling forces were the hatred and idealism generated by the struggle, the rise of politicians with an abolitionist past and the Republican fear that the South might win at the polls what it had lost on the battlefield.

The dominant attitude of the Republican Party toward the Negro immediately before and during the Civil War was perhaps best represented by the mind of Lincoln. Not even Jefferson's views on slavery and the Negro have been as systematically distorted as Lincoln's. The folk image of Lincoln as the Great Emancipator, the tireless fighter against slavery and the friend and father of the downtrodden Negroes is a perennially attractive subject for the dramatist and the poet turned historian.

The truth is more complicated. As one explores Lincoln's reactions to the Negro, one is impressed by the presence of conflict, uncertainty and ambivalence. Clearly, his moral condemnation of slavery was not associated with any admiration for its victims. Like Jefferson, Lincoln doubted that the Negro could or should be assimilated into the American nation and wanted the problem solved by the emigration of all persons of African descent. Yet, at the same time, he wrote and spoke publicly as if he accepted the dogma, "all men are created equal," in its literal sense.

Lincoln fought all his life against the extension of slavery to the Territories because, as he put the matter in a speech in Peoria in 1854: "We want them (the Territories) for homes for white people. This they cannot be . . . if slavery shall be planted within them. Slave states are places for poor people to remove from, not to remove to."¹ Lincoln believed that the Negro, like other men, had certain unalienable rights. He told Illinois audiences during the debates with

Douglas that this did not mean that he wanted "to vote, and eat, and sleep, and marry with the negroes." He reassured his audience on the touchy matter of miscegenation, saying: "Now I protest against the counterfeit logic which concludes that because I do not want a black woman for a slave, I must necessarily want her for a wife. I need not have her for either; I can just leave her alone. In some respects, she is certainly not my equal; but in her natural right to eat the bread she earns with her own hands, without asking leave of anyone else, she is my equal and the equal of all others."²

Stephen A. Douglas told Illinois audiences that God had never "intended the Negro to be the equal of the white man. . . . He belongs to an inferior race, and must always occupy an inferior position." Speaking on the same platform, Lincoln was more circumspect. "I have no purpose to introduce political and social equality between the white and black races," he observed. He doubted the two races would ever be "on the footing of perfect equality" and was "in favor of the race to which I belong having the superior position." He said the Negro was entitled, however, to the rights enumerated in the Declaration of Independence—life, liberty and the pursuit of happiness. These rights were minimal. They were inconsistent with chattel slavery, but they did not imply either the vote or equality before the law.

The most important speech Lincoln delivered before he became President was his address at Cooper Union in New York City on February 27, 1860. This speech gave him stature in the East as a national Republican leader and helped secure him the Republican nomination. Probably every American high school graduate has read *about* the Cooper Union address and its enthusiastic reception, but practically nobody remembers what Lincoln actually proposed there. He cited Jefferson to the effect that slavery was "an evil not to be extended, but to be tolerated and protected only because of and so far as its actual presence among us makes that toleration and protection a necessity." Slavery would die out of its own accord. Emancipation should be very gradual and should be accompanied by the removal of the freed slaves to some other country: "In the language of Mr. Jefferson, uttered many years ago, 'It is still in our power to direct the process of emancipation and deportation, peaceably, and in such slow degrees, as that the evil will wear off insensibly and their places be, *pari passu*, filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up.'"³

A Mind Divided. In the White House Lincoln became increasingly concerned about the future both of the free Negroes and of the slaves being liberated by the exigencies of war. He continued to urge the Jeffersonian solution of coupling freedom with expatriation and, during his four years in the Presidency, strove to arouse Congress and the public to the necessity for practical action.

As early as 1861 Congress had passed a law for the confiscation of slave property "used for insurrectionary purposes." In his First Annual Message, Lincoln recommended that these Negroes be "at once deemed free and that in any event steps be taken to colonize both classes . . . at some place or places in a climate congenial to them." He urged that free colored people of the United States, "so far as individuals may desire, be included in such colonization." The President added the familiar thought that "the emigration of colored men leaves additional room for white men remaining or coming here."

The second year of war found Lincoln still brooding about colonization. On August 14, 1862, for the first time in American history, a committee of free Negroes came to the White House to confer with the President at his request. Lincoln immediately broached his pet subject:

"Why should the people of your race be colonized, and where? Why should they leave this country? This is, perhaps, the first question for proper consideration. You and we are different races. We have between us a broader difference than exists between almost any other two races. Whether it is right or wrong, I need not discuss; but this physical difference is a great disadvantage to us both, as I think. . . . The aspiration of men is to enjoy equality with the best when free, but on this broad continent not a single man of your race is made the equal of a single man of ours. . . . Go where you are treated the best, and the ban is still upon you. I do not propose to discuss this, but to present it as a fact with which we have to deal. I cannot alter it if I would. . . .

"See our present condition — the country engaged in war — our white men cutting one another's throats . . . and then consider what we know to be the truth. But for your race among us there could not be war. . . . It is better for us both, therefore, to be separated." ⁴

It may have seemed unfair to the Negro delegation that Lincoln was in effect blaming them for the Civil War, since neither they nor their ancestors had come to America voluntarily. Lincoln, however, was not discussing a moral issue, but a set of stubborn facts, a relationship which, in his opinion, inevitably generated conflict. The

plan Lincoln advocated was Negro settlement of the Chiriqui territory on the Isthmus of Panama which then belonged to New Granada (Colombia). He had been assured by promoters that this land had vast deposits of coal and other fabulous mineral wealth. Later, Lincoln would discover that he was dealing with shady characters whose title to this El Dorado was nebulous.

If he could have 25 "tolerably intelligent men, with their wives and children," who were willing to "cut their own fodder," he told the Negro delegation, a start could be made, but it would be hopeless to base the project on those "whose intellects are clouded by slavery." Lincoln urged the free colored to take the leadership in this colonization plan. He thought the trouble was that they were more interested in their personal comfort than in the welfare of their race and that this was "an extremely selfish" attitude. "There is an unwillingness on the part of our people, harsh as it may be, for you colored people to remain with us. Now, if you could give a start . . . you would open a wide door for many to be free."

The Negro delegation agreed to think it over, but there was no enthusiasm for colonization among them. Slave or free, the average American Negro lived considerably better than the average Colombian and much better than the average Haitian or Liberian. If Lincoln's plan met apathy among free Negroes, it fared no better in the prospective host country. Torn by political dissension, New Granada was first lukewarm to the project, then refused to give the necessary guaranties. None of this swerved Lincoln from his purpose. In 1862 he remedied an old injustice by extending diplomatic recognition to the Negro republics of Liberia and Haiti.⁵ By winter of the same year, he was hopeful that American Negroes might be persuaded to settle in either of these places.

In his Second Annual Message to Congress, he had little to say about the Emancipation Proclamation, already issued in preliminary form, but plunged into the details of the expatriation project which was so close to his heart. Dr. Current points out that most Americans remember this message for its eloquent peroration: "Fellow-citizens, we cannot escape history. We of this Congress and this administration, will be remembered in spite of ourselves. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation." What they forget or never learned is that the appeal to history was preliminary to a proposal for the deportation, presumably compulsory if need be, of the entire Negro population of the United States.⁶

Lincoln told Congress that the Latin American Republics had protested against free Negro colonists, that only Haiti and Liberia were open to them on liberal terms and that American Negroes were not "so willing as I think their interest demands" to go to either place. He believed, however, that "opinion among them in this respect is improving." Lincoln added: "*Heretofore*, colored people to some extent have fled North from bondage, and *now*, perhaps, from both bondage and destitution. But if gradual emancipation and deportation be adopted, they will have neither to flee from."

There was a curious sequel. On December 31, 1862, the day before he issued the Emancipation Proclamation, Lincoln clothed a certain Bernard Kock with authority to recruit American Negroes and mulattoes and take them to Haiti. Four months later, the President issued a proclamation that Kock's letter of authorization was invalid, because, "while this was signed by me," the Great Seal was not affixed. Since then, Lincoln said, he had been "moved by considerations by me deemed sufficient to withhold my authority from affixing the said seal."

Lincoln had signed a contract with Kock, offering to pay him \$250,000 to settle 5,000 free Negroes on the Ile-à-Vache off the southern coast of Haiti. In signing this contract, Lincoln overruled his Attorney General who had been trying to convince him for more than a month that Kock was a swindler. Armed with Lincoln's letter of authorization, Kock rounded up several hundred ex-slaves and dumped them on the uninhabited island where most died of thirst. The end of this sorry story was that on February 1, 1864, Lincoln ordered a transport sent to the colony to rescue the handful of survivors and bring them back to the United States.

Lincoln's preoccupation with colonization reflected both his attitude toward the Negro and his belief that their removal would enable North and South to live in peace. After two years of war, Lincoln abandoned public advocacy of colonization or deportation. His preliminary steps in this direction had been unsuccessful and Congress was obviously reluctant to vote the vast sums necessary for a major population transfer. Nevertheless, Lincoln's aim remained unchanged. In March 1865, a month before his assassination, he called Ben Butler to the White House, according to the latter, to discuss removal of the entire colored population from the United States.⁷

Lincoln and Emancipation. Despite his "house divided" speech and his ethical repudiation of slavery, Lincoln could scarcely be termed an abolitionist. When he became President in 1861, the

record showed that he had not favored repeal of the Fugitive Slave Act or favored outlawry of the internal slave trade. He thought Congress should abolish slavery in the District of Columbia, but only on a gradual basis, with fair compensation and provided emancipation was approved by referendum. He thought Congress had no constitutional power to tamper with slavery in the South and that the wise course would be to wait until it died of its own accord.⁸

At the peace conference of February 1861 which vainly sought to avert the impending war, Lincoln offered a constitutional guarantee against Federal interference with slavery in any Southern state, in Washington, D. C., or in any military post in the South. As late as the summer of 1864, with the War half won, Lincoln assailed the radical Wade-Davis reconstruction bill and said he was unprepared "to declare a constitutional competency in Congress to abolish slavery in the States."

The first measures liberating slaves came, not from the President, but from Congress. A confiscation act of August 6, 1861, declared that masters who worked their slaves in military establishments and against the interests of the United States forfeited them. A year later, Congress legislated that slaves of rebels coming "within the lines of the army . . . shall be deemed captives of war, and shall be forever free. . . ." Another law freed slaves of rebels provided they rendered military service to the United States.

These measures were broad in scope. Scholars have pointed out that they were drafted without providing legal process by which the Negroes affected might secure their freedom.⁹ At this stage Congress seems to have been chiefly interested in psychological warfare and in providing some sort of statutory justification for acts of liberation by field commanders. However, when his generals took such action, Lincoln generally overruled them. Thus, he modified Fremont's order liberating slaves of rebels in Missouri and voided a political pronunciamento of General Hunter freeing the Negroes of Georgia, Florida and South Carolina.

Further impetus was given to emancipation by the recruitment of Negro troops, a step authorized by Congress on July 17, 1862, despite strong resistance by white troops from the large Northern cities and the Border States.¹⁰ Negro units first saw combat in October of the same year and, by the end of the war, 186,000 colored troops had fought in 198 engagements and suffered 68,000 casualties.¹¹ Approximately 400,000 Negroes served the Union forces in 1862-65, about half of them as civilian laborers. Army commanders began to urge

a vigorous emancipation policy in order to create a manpower crisis in the South. As the war progressed, the Army gained experience in receiving, handling, employing and feeding large masses of defected slaves.

Meanwhile, Lincoln pursued his cautious approach. He drafted a resolution which Congress passed on April 10, 1862, providing that the United States "ought to cooperate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid. . . ." On this understanding, all the loyal Border States except Kentucky and Delaware abolished slavery. The promised compensation was not forthcoming and the Fourteenth Amendment outlawed it as unconstitutional.

Lincoln was under steady and mounting pressure from the radical faction to promulgate an emancipation proclamation. He made up his mind in the summer of 1862. On July 13th, he told Secretary of the Navy Gideon Welles "that it was a military necessity absolutely essential for the salvation of the Union, that we must free the slaves or be ourselves subdued, etc., etc." Welles added that, in all his previous conversations with Lincoln concerning modification or abolition of slavery, "he had been prompt and emphatic in denouncing any interference by the General Government with the subject."¹² Interesting corroborative testimony comes from Edward Stanley, a pro-slavery Unionist whom Lincoln had named military governor of North Carolina on the understanding that Lincoln would not tamper with slavery in the states. When the Emancipation Proclamation was announced, Stanley went to the White House to resign. Lincoln, however, explained that the Proclamation "had become a civil necessity to prevent the Radicals from openly embarrassing the Government in the conduct of the war."¹³

The Emancipation Proclamation freed only those slaves who were in portions of Confederate territory not occupied by Union forces. "We show our sympathy with slavery," Secretary of State Seward observed caustically, "by emancipating slaves where we cannot reach them, and holding them in bondage where we can set them free." Nevertheless, the Proclamation gave a new ideological dimension to the War, committed the Federal Government to the principle of freedom and helped bring about a great proliferation of bureaucrats within the Northern armies to take care of the Negroes entering military lines.

Lincoln's caution on the issue of liberation was probably the resultant of many forces: inherent conservatism, a doubt that free Ne-

groes should be absorbed in American society, concern about the Border States and the Northern anti-Negro masses and qualms about constitutionality. As to the last point, Republicans in Congress believed they had power to free slaves under the international laws of war, but a precedent, established by John Quincy Adams when Secretary of State, seemed to refute that contention. Lincoln was equally skeptical about the reach of congressional power in this area. He believed the only constitutional power to free slaves lay in the hands of the President, acting in his capacity as Commander in Chief in time of war. "I suppose I have a right to take any measure which may best subdue the enemy," he once said, thus anticipating the modern concept of a virtually limitless presidential war power. "I felt," Lincoln explained, "that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the nation."

The Thirteenth Amendment. Thus the Emancipation Proclamation was a limited measure based on military expediency. The significance of this became abundantly clear during the tentative peace negotiations with the Confederacy in the summer of 1864. As for the 150,000 slaves who had come over to the Union side under promise of freedom, Lincoln was adamant. They must remain free men, he wrote, because "the promise being made must be kept." The status of the 3,000,000 Negroes who were still slaves in Confederate territory was a very different matter, however. "If Jefferson Davis wishes . . . to know what I would do if he were to offer peace and reunion, saying nothing about slavery," Lincoln wrote, "Let him try me."¹⁴ The Confederates failed to take up the challenge.

Nor was this an isolated incident. In April 1864, Senator Reverdy Johnson, one of the ablest lawyers in the Democratic Party, pointed out that if the South made immediate peace almost all of its slaves would "be decided by the courts to be slaves still."¹⁵ This too fell on deaf ears.

Lincoln recognized the need to settle the status of the Negroes permanently by means of constitutional amendment. In his Second Annual Message, delivered December 1, 1862, he proposed such an amendment. His program was characteristically conservative and solicitous of states' rights. Emancipation, he proposed, would be up to the individual states. The Federal Government would pay a fair price for all slaves thus emancipated, provided they received their freedom before January 1, 1900.

Lincoln advanced the curious economic argument that free Negroes

would do less work than slaves and thus emancipation would benefit white labor by leaving more jobs for them. All this was coupled with a fervent appeal for colonization of the emancipated Negroes outside the United States. "Reduce the supply of black labor by colonizing the black laborers out of the country," he said, "and by precisely so much you increase the demand for, and wages of, white labor."

Events outran this tortoise-like approach. In 1864, Lincoln approved the Thirteenth Amendment, providing for immediate, total and unconditional emancipation of all slaves without compensation and directed that it be made the fundamental issue in the Union Party platform and presidential campaign.

Even at this stage he left himself open lines of retreat. Lincoln made no political speeches in either of his presidential campaigns, but carried on an active correspondence. His letters in the 1864 campaign committed the Federal Government against permitting the re-enslavement of the minority of Negroes freed under the Emancipation Proclamation, but it carefully avoided going further.

In February 1865, Lincoln held peace talks aboard *The River Queen* with his old friend Alexander Stephens, Vice President of the Confederacy, and with two other representatives of the secessionist South, John A. Campbell of Alabama and R. M. T. Hunter of Virginia.

The war was virtually over. The military power of the South had been broken and defeat was merely a matter of a few weeks. The Southern representatives had no bargaining power and both they and Lincoln knew it.

Yet, even under these circumstances, Lincoln reverted to his earlier view that emancipation should be gradual and up to the states. Stephens asked whether the Emancipation Proclamation would be held to free all the slaves or only those who were free when the war ended. Lincoln's reply was that this was a question of law. "His own opinion was, that as the Proclamation was a *war measure*, and would have effect only from its being an exercise of the war power, as soon as the war ceased, it would be inoperative for the future. It would be held to apply only to such slaves as had come under its operation while it was in active exercise."¹⁶

Secretary of State Seward interjected that Congress had just approved the Thirteenth Amendment. If the Southern states returned to the Union promptly, he hinted, they could block ratification.¹⁷ Lincoln did not contradict him. After a pause, he suggested to Stephens that he return to his native Georgia, get the state legislature to with-

draw its troops from the Confederate armies, elect United States Senators and Representatives and ratify the Thirteenth Amendment "prospectively, so as to take effect — say in five years."¹⁸ In the long run, Lincoln added, slavery was dead and the best course for the leaders of the South in his opinion "would be to adopt such a policy as will avoid, as far as possible, the evils of immediate emancipation."¹⁹

With Malice Toward None. Lincoln's peace plan was for the Confederates to lay down their arms, bring their states back into the Union and even keep their slaves for the time being. General Sherman wrote that Lincoln "distinctly authorized me to assure Governor Vance and the people of North Carolina that, as soon as the rebel armies laid down their arms, and resumed their civil pursuits, they would at once be guaranteed all their rights as citizens of a common country; and that to avoid anarchy the State governments then in existence, with their civil functionaries, would be recognized by him as the government *de facto* till Congress should provide others."²⁰

Secretary of the Navy Gideon Welles reported to the same effect in his diary. Lincoln told his Cabinet that he wanted "the prominent and influential men" of the South to undo the rebellion, return to the Union and set up governmental authorities or else "society would be broken up, the disbanded armies would turn into robber bands and guerillas. . . ."

Lincoln was opposed to having "strangers" — that is to say, carpet-baggers — involved in governing the South. On the issue of giving Negroes the vote, he was characteristically cautious. "I barely suggest for your private consideration," he wrote Michael Hahn, newly elected Governor of Louisiana under a liberal reconstruction plan, on March 13, 1864, "whether some of the colored people may not be let in — as, for instance, the very intelligent and especially those who have fought gallantly in our ranks. They would probably help, in some trying time to come, to keep the jewel of liberty within the family of freedom." This hesitant proposal was directed to Hahn probably because the free mulattoes of New Orleans were an outstanding colored community, including highly educated men and even professionals.

Lincoln's doubts about the political capacity of the Negroes neither arose from nor reflected race prejudice. He had half a dozen meetings with Frederick Douglass, the ex-slave and abolitionist leader, and referred to him as "my friend Douglass." The latter wrote years

later: "In all my interviews with Mr. Lincoln I was impressed with his entire freedom from popular prejudice against the colored race."

During the last weeks of his life, Lincoln hurried to complete the edifice of reconstruction before the radicals in Congress could destroy his work. He thought it "providential" that Congress had been out of session when Lee surrendered at Appomattox and on April 14th he told his Cabinet that they must get "the Union re-established before Congress came together in December."²¹ On that same day, Abraham Lincoln was assassinated and thus the possibility of a liberal peace and an intelligent reconstruction program was destroyed.

THE WRATH OF RECONSTRUCTION

"Get thee glass eyes;
And, like a scurvy politician, seem
To see the things thou dost not."

—SHAKESPEARE, *King Lear*.

During the Reconstruction Revolution the torpid mass of Southern Negroes was given civil rights, the franchise, public office and, insofar as possible, political power. Behind the Negro stood the bayonets of the victorious Union Army ready to move into the South and impose martial law as the President directed. The intelligence, the wealth and the culture of the South had been almost entirely disfranchised on the theory that it was tainted with treason. The mood of vengeance, the thirst for plunder, the idealism of equality and the lust for unlimited political power ruled in Washington. The broad political strategy of the dominant radical coalition was to rule the nation for an indefinite time to come by means of Republican majorities in the North and carpetbag-scalawag-Negro majorities in the South.

Thus a fortuitous and unique combination of circumstances gave the Negro a golden opportunity. Between 1865 and 1877, he was pushed to the forefront throughout the South. During this long breathing spell, he had the chance of consolidating his new status as voter and citizen and transforming himself gradually into a man of economic status, if not of substance. To be sure, he was being used as a cat's paw by the revolutionaries, but he nonetheless had the opportunity to become a subject, and not merely a passive object, on the arena of human affairs.

In all this he failed. His *anabasis* was artificial; his *katabasis* abrupt and total. When the tides of the Reconstruction Revolution receded, the Negro gravitated in every respect and particular to the bottom of American society. The record of this swift rise and decline is the subject of this chapter and the one that follows it.

Opinion at the End of the War. Northern sentiment supported Lincoln's cautious approach to the Negro problem. A large majority of the Union (Republican) Party opposed Negro suffrage and three-fourths of the Northern states denied colored men the vote. The Negro was welcome nowhere. Broadly speaking, to the extent that

he was free, he was segregated. Racial hostility, which in the North was most intense among the urban workingclass, had erupted during the War in savage explosions of mob violence.

As one turns from the masses to the intellectuals, the dominant note is still inequality. Even the luminaries of New England liberalism voiced grave doubts concerning the Negro's potentialities. "The degradation of that black race, though now lost in the starless spaces of the past," wrote Ralph Waldo Emerson, "did not come without sin." Charles Francis Adams, the brother of Henry, characterized the Negroes as a "terrible inert mass of domesticated barbarism."¹ Professor Louis Agassiz of Harvard, considered at the time to be America's leading scientist, deemed social equality "a natural impossibility, from the very character of the negro race. . . ." He added: "While Egypt and Carthage grew into powerful empires and attained a high state of civilization; while in Babylon, Syria, and Greece were developed the highest culture of antiquity, the negro race groped in barbarism and *never originated a regular organization among themselves.*"²

Some friends of the Negro assumed his inherent equality, but denied his readiness to assume civic responsibilities. "Chattels personal may be instantly translated into freemen," declared the veteran abolitionist leader, William Lloyd Garrison, "but when were they ever taken at the same time to the ballot-box, and invested with all political rights and immunities?" And even Thaddeus Stevens, the breathing spirit of the Reconstruction Revolution, observed: "In my county, there are fifteen hundred escaped slaves. If they are specimens of the negroes of the south, they are not qualified to vote."³

Northern leaders, moreover, were appalled at what they saw in the defeated South. Thus General Sherman wrote Chief Justice Salmon Chase in May 1865: "To give all loyal negroes the same political status as white voters will revive the war. . . . I have never heard a negro ask for that and I think it would be his ruin." At about the same time, General Schofield wrote Grant from the South about the "absolute unfitness of the negroes as a class" and their belief that freedom means "they are to live in idleness and be fed by the Government." And even the iron-handed Governor Oliver P. Morton, who had implacably crushed the copperhead movement in his native Indiana, said that it was "impossible to conceive of instantly admitting this mass of ignorance to the ballot."⁴

The Road to Reconstruction. In 1860 Lincoln polled only 39% of the popular vote. In 1864, with the South not participating, he polled

only 55%. His opponents in both elections were more pro-Southern and pro-slavery than he was. The election returns indicate, therefore, that, both during and immediately after the Civil War, public opinion was at least as conservative as Lincoln on Reconstruction and the future status of the Negro. Events, however, combined to change the temper of public opinion. The assassination at Ford's Theatre and the indictment of Jefferson Davis for complicity in the crime helped fan popular hatred. Andrew Johnson's drunken tirade at the Second Inaugural and his reckless bombast thereafter did not help matters.

In the bleak winter of 1865 there was a harvest failure in the South and whites swarmed begging on the roads. With white labor dead and black labor free and idle, fields lay untended and famine loomed. The Freedmen's Bureau was organized and perpetuated. In 1865-69 it issued about 15 million rations to Negroes and some 6 million rations to whites. The Radical faction maneuvered successfully to control the Freedmen's Bureau and thus control the Negro vote.

In 1865-66 Southern legislatures enacted Black Codes. Their fundamental purpose was to compel three and a half million newly emancipated Southern Negroes, comprising the backbone of the agricultural labor force of a war-ravaged region, to get back to work and bring in the crops for their former owners. The codes fixed the Negro's status midway between bondage and freedom. Colored men were permitted to sue and testify; marriages between Negroes were recognized as legally valid; Negro parents were made legally responsible for their children. On the other hand, the freedmen were denied the right to vote, hold office, serve on juries or in the militia. They were subjected to discriminatory penalties. Idle Negroes could generally be arrested under vagrancy and peonage laws and hired out by the sheriff.

Harsh as they were, these laws were not much more severe than the statutes dealing with the poor and the unemployed in the North. Nevertheless, the Northern Radicals excoriated the Black Codes as brazen attempts to reestablish chattel slavery. "The men of the North will convert . . . Mississippi into a frog pond before they will allow any such laws to disgrace one foot of soil," the *Chicago Tribune* editorialized.⁵ Thaddeus Stevens proclaimed that the "whole fabric of Southern society must be destroyed."

The Black Codes were neither as unreasonable nor as unusual as the champions of Radical Reconstruction alleged.⁶ They sounded an alarm bell in the minds of revolutionaries such as Sumner and Stevens

primarily because they were a giant step toward resurrecting the antebellum economic and social order of the South. Restoring the plantations and legislating the Negro's subordinate position meant that the South would be ruled by the same class as before the War.

The True Revolutionaries. The great strategist of radical Reconstruction, the implacable Thaddeus Stevens, incessantly preached that the Republican Party was a minority. A soft Reconstruction policy meant that the reconstituted Southern States with their Northern Democratic allies would control Congress and win the Presidency. As early as May 2, 1864, Stevens warned the House against magnanimity: "Where does such doctrine lead you? It leads you into subjection to traitors and their Northern allies."⁷

Stevens demanded that treason be made odious. He thought that, for years to come, the Southern states must be ruled by Congress as "conquered provinces." Afterwards, they might be admitted as territories and, as such, "learn the principles of freedom and eat the fruit of foul rebellion." He would admit them into the Union as states if, and only if, there was assurance of the "perpetual ascendancy" of the Republican Party.

Anticipating that some of his fellow congressmen might be shocked at his scheme to impose a one-party dictatorship on a free country, Stevens continued: "Do you avow the party purpose? exclaims some horror-stricken demagogue. I do. For I believe, on my conscience, that on the continued ascendancy of that party depends the safety of this great nation." Unless the Negro vote were manipulated to curb the rebel white majorities in the South, Stevens declared, "you will be the perpetual vassal of the freetrade, irritated, revengeful South."

Stevens sought to justify congressional domination by a bizarre doctrine of American government: "In this country the whole sovereignty rests with the people. . . . Though the President is Commander-in-Chief, Congress is his commander; and, God willing, he shall obey. He and his minions shall learn that this is not a Government of kings and satraps, but a Government of the people and that Congress is the people."

Since Stevens was an able constitutional lawyer and a student of American history, it would be grossly unfair to his acute mind to assume that he actually believed in this preposterous interpretation of the American system. The point is that Stevens was above all a practical and fanatical revolutionary who prized power above legality and ends above means. In the brief era of Radical Reconstruction,

Congress was the pre-eminent vehicle of revolutionary change. The legislative bodies in three French and two Russian revolutions would play similar roles. If the doctrine of All Power to the Congress was constitutionally naive, it was nevertheless the only realistic political approach to the goal of dictatorship by the Radicals.

Stevens' appeal to the will of the people was also singularly modern. In practice, he and his faction took giant steps toward the suppression of American democratic institutions. They curbed freedom of speech and of the press, substituted martial law for due process, rigged elections and sought to destroy the independence of the Executive and the Judiciary. In judging these actions, it is well to remember that they did not revere the Constitution. They were the intellectual heirs of abolitionism and they remembered William Lloyd Garrison's characterization of that instrument as "a covenant with death and an agreement with hell."

Hate Thy Neighbor as Thyself. The revolutionists claimed to be crusaders for the rights of the oppressed Negroes. They believed the two races to be inherently equal and that the Negro's degraded condition was solely due to his heritage of slavery. They thought that the attainment of equality under law for all men, regardless of race, was a necessary foundation of any free society.

Yet these beliefs could be considered from a different standpoint. In the case of Thaddeus Stevens, at least, indignation over the wrongs inflicted upon slaves and freedmen served as a moral justification for the release of massive hostility and rancor. Stevens was characteristic of the true revolutionary.⁸ Since the plight of the Negro provided psychic justification for a destructive political role, it was not to be expected that he or, for that matter, his cronies and followers, would search for realistic compromises which might enable the Negro to live peacefully in the South and progress slowly but surely within its social order.

The new President, Andrew Johnson, did desire such a constructive solution, but his power to shape events was vitiated by his intemperate and violent character. He was in the habit of making "egotistical and commonplace harangues"; he was often revengeful in public and "almost bloodthirsty" in private.⁹ A former Jacksonian radical, he disliked the Southern gentry because he was no part of it, the rich because he had been poor, and the Negroes because, as a Southern workman, he had feared being dragged down to their level. He had grown up in squalor and poverty, working as a tailor and at other trades, with no opportunities for education or reading. Hence, he was not only

undertrained, but insecure and sensitive. As a Congressman, he had once construed something Jefferson Davis said as disrespectful to tailors and had replied with a denunciation of the South's "illegitimate, swaggering, bastard, scrub aristocracy."

The radical Republicans won support from an industrial North which was not willing to turn the clock back to Jacksonian economic policies. For over a generation, the giant latent forces of American industry had felt hobbled by a coalition of backwoods and planter politicians, states' rights theorists, enemies of the banks, and the like. Andrew Johnson seemed to be a characteristic specimen of this obsolete political tradition. Even if they were starry-eyed about the Negro and politically unscrupulous, the radical Republicans seemed to have the compensating virtue of actively supporting the growth of a business society.

The Fourteenth Amendment. During 1865-66 President Johnson was still the dominant figure. Four Southern states had already been reconstructed under Lincoln by white voters who swore loyalty to the United States. Between August 1865 and March 1866, President Johnson had the seven remaining Confederate states call conventions to form new governments on much the same basis. In every case except North Carolina, Johnson advocated allowing the minority of the Negroes who were literate and paid taxes to vote.

Deeply disturbed, the Radicals counterattacked. When Congress convened in December 1865, the Republican caucus ordered the clerks of House and Senate to omit the Southern states when reading the roll call. This maneuver was upheld by a simple majority vote, the Southerners obviously not voting. Thus the Southern Senators and Congressmen were deprived of their seats.

Meanwhile, the powerful Joint Committee on Reconstruction was created to define, plan and direct policy. The Committee was ruled by Thaddeus Stevens with the aid of such able radicals as Bingham, Boutwell and Roscoe Conkling. In the summer of 1866, it issued a report which declared that the Southern states had become dead and had forfeited their right to representation in the Federal government. Congress alone, the report added, had the constitutional right to resurrect these states: "The powers of conqueror are not so vested in the President that he can fix and regulate the terms of settlement and confer congressional representation on conquered rebels and traitors."

Attempted implementation began early in 1866. A bill extending the life of the Freedmen's Bureau indefinitely also provided that any person charged with depriving a freedman of his civil rights was to be

tried under martial law and that such formalities as presentment and indictment might be waived. The bill was in violation of the due process of law clause and probably of other sections of the Constitution. Navy Secretary Gideon Welles called it "a terrific engine . . . a governmental monstrosity" and President Johnson vetoed it, observing: "I cannot reconcile a military jurisdiction of this kind with the Constitution."

The next move of the Radicals was the Civil Rights Bill, passed by Congress on March 14, 1865. This made all persons born in the United States, except untaxed Indians, citizens. All citizens were to enjoy equal civil rights in a broad area, from which voting was conspicuously excluded. Penal sanctions were invoked against people who deprived others of these rights under color of law and by reason of race or previous condition of servitude. Again Johnson vetoed the bill as unconstitutional, but this time Congress overruled him. Some of the Radical leaders privately agreed with Johnson's constitutional scruples. Accordingly, the Joint Committee proceeded to consider a Fourteenth Amendment which would incorporate the essence of the Civil Rights Bill in the Constitution.

As it finally passed both Houses on June 13, 1866, the Fourteenth Amendment said nothing about the right of Negroes to vote. It pronounced them citizens of the United States and provided that no state might "abridge the privileges or immunities" of American citizens, deprive them "of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." The heart of this amendment had been drafted by Representative Bingham of Ohio. Judging by Bingham's speech introducing the measure in the House and that of his colleague, Howard, in the Senate, the purpose of the "privileges and immunities" clause was to ensure that the state governments, as well as the Federal government, should be bound by the Bill of Rights.¹⁰ This interpretation has been impressively advocated in Crosskey's important analysis of the Constitution.¹¹

In the summer and fall of 1866 the South was offered a compromise. Her Senators and Congressmen would be seated if she ratified the Fourteenth Amendment. Since the Amendment did not give Negroes the vote, the proffered compromise offered the South continued white rule. Tennessee ratified the Amendment, but the other seceded states rejected it. The Southern strategy evidently was to wait to see whether Johnson's moderate followers triumphed in the 1866 congressional elections and, if so, hold out for better terms.

As it happened, the moderates were swamped. The power to direct reconstruction was henceforth in the hands of a radical Congress and the President was fighting for bare political survival.

The Radicals in Power. The victory of Radical Reconstruction was signalled by the passage of three Military Reconstruction acts in 1867 and a fourth the following year. The first of these was primarily a Stevens brain-child. He defended it with a characteristic tirade against Republicans less vengeful than himself, charging them with "hugging and caressing those whose hands are red and whose garments are dripping with the blood of our and their murdered kindred." The bill provided that the Confederate territory be divided into military districts under generals appointed by the President and empowered to overrule the provisional governments and try civilians by martial law. The bill also provided that seceded states could call conventions to draw up state constitutions. Delegates to these conventions would be elected by the Negroes and by that minority of the whites which had not been disfranchised as former rebels. Thereupon, if the states ratified the Fourteenth Amendment, Congress might deign to readmit them. Andrew Johnson vetoed this unconstitutional law, but Congress, driven by the hate-drenched and dying Stevens, overrode the veto.

Registration for these conventions was completed by October 1, 1867. Virtually the entire educated and intellectual element in the South had been disfranchised. In five of the states, Negroes formed a majority of the electorate and in South Carolina there were 81,000 Negro to 47,000 white voters. The ignorance and incapacity of the Negroes has already been noted. As for the whites, "the illiterate were admitted, the intelligent excluded."¹²

The Third Reconstruction Act of July 19, 1867, solidified radical control over the South by tightening the disqualification of former rebels and empowering the military authorities to decide which whites could be registered. By 1868, the state conventions met and drew up constitutions, which were in many respects enlightened. Among their achievements were the establishment of tax-supported schools for both races, generally on a segregated basis; abolition of imprisonment for debt, the whipping post and the branding iron; abrogation of the Black Codes; reforms in taxation and finance, and enlargement of the rights of women.

The new constitutions were, to a large extent, the result of the extension of Radical Republican policies to the South. Since the end of the War the Union League clubs, directed by carpetbaggers and

scalawags, had worked to indoctrinate and whip into an invincible political machine the pro-Union white minority and the Negro mass. The result of this effort is frequently and somewhat erroneously termed Black Reconstruction. The Radical governments in the South were sustained by Negro votes. Yet, with the sole exception of South Carolina, the Negroes were never the dominant element in any Reconstruction government.

Nevertheless, the presence of Negro minorities in these state legislatures drove away the Southern Whigs who might have given constructive support to a realistic program of social transformation. Thus Benjamin H. Hill, the well-known Georgia Whig leader, told a committee investigating the Ku Klux Klan in 1871 how "after the war ended we, the old Whigs and Union men, expected to take control of affairs down here. . . ." However, the radicals in Congress lumped them "with the secessionists and said that they would punish us all alike; would put us all alike under the negro. That naturally created a sympathy between us and the secession Democrats."

Against Supreme Court and President. As early as 1866 the Supreme Court began to enunciate decisions limiting the scope of Radical Reconstruction and reasserting the supremacy of the Constitution and the Bill of Rights.

In the *Milligan* case, the Court freed an Indiana copperhead conspirator, who had been arrested without grand jury indictment, tried by a military tribunal appointed by President Lincoln and sentenced to hang. The Supreme Court held unanimously that civilians can be placed under martial law only if the necessity is "actual and present, the invasion real, such as effectually closes the courts and deposes the civil administration. . . . Martial rule . . . is also confined to the locality of actual war." ¹³

Stung to rancor by this decision which invalidated his scheme to rule the South by martial law, Thaddeus Stevens proposed to deprive the Supreme Court of its entire appellate jurisdiction by statute. In 1868 the *McCardle* case was before the Court and the same emotionally charged issue, the right of Congress to try American civilians by martial law in time of peace, was at the root of it. Congress passed a law stripping the Supreme Court of its power to review cases under the Habeas Corpus Act of 1867. The high tribunal bowed to naked force and surrendered to this presumptuous action.¹⁴

The Radicals also resorted to what might be called negative Court packing. They deprived Andrew Johnson of the normal presidential prerogative of appointing Justices by reducing the membership of the

Court from ten to eight. When Johnson was succeeded by the more pliant Grant, Congress cynically increased the Court's membership to nine.

Thus the Radicals had taken giant steps toward the suppression of American freedom and the creation of a centralized, despotic power. Throughout the South, due process of law and the Bill of Rights could be set aside at will by military commanders. Eleven states were represented in Congress and the Senate by handpicked radical politicians, elected by an ignorant Negro mass and an illiterate and unqualified white minority. Consequently, the Senate and House were padded. Both were dominated by a tight-knit Radical Republican machine which habitually resorted to sordid and unscrupulous tactics. Much had also been done to destroy the independence of the three coordinate branches of the Federal government. The Supreme Court had been degraded, intimidated and precluded from deciding a vitally important constitutional issue. Its membership had been inflated or shrunk to suit the political convenience of Stevens and his cronies.

The remaining independent branch of government was the Executive. Andrew Johnson was impeached for violating a Tenure of Office Act, which abridged the President's appointive powers and was patently unconstitutional. The story of that impeachment and of the refusal of the Senate to convict under it need not be retold here. The trial was the turning point; the acquittal marked the beginning of the recession of the tide of dictatorship and the slow return to the orderly processes of representative government.

The war of the Radicals against the Presidency brought to light some odious and sordid aspects of the Reconstruction Revolution which would cast long shadows on the post bellum South and the political and social role of the Negro there. A few examples are in order. The Congressional committee investigating the impeachment of President Johnson heard fabricated testimony naming him as an accomplice in Lincoln's assassination and charging him with trying to sell Tennessee to the Confederacy in return for money while its military governor. He was accused of being involved in a corrupt pardon racket and of receiving a prostitute in the White House at night.¹⁵ Thaddeus Stevens gleefully read to the House a New York *World* article which characterized Johnson as an "insolent drunken brute, in comparison with whom even Caligula's horse was respectable. . . ." ¹⁶ Before the Radicals realized that General Ulysses S. Grant would prove tractable to their plans, they plotted to spy on him and smear him as a drunkard.

Joseph Holt, the Judge Advocate General, assembled a preposterous group of witnesses in 1865 to the alleged fact that Jefferson Davis and other Confederate leaders had approved the plan to murder Lincoln, then rehearsed them in their perjurious testimony and paid them thousands of dollars from War Department funds for it. A year later, the paid delators confessed to a congressional committee that they had sworn to lies. The hard-pressed War Department submitted documents which presumably explained the criminal conduct of some of its highest officers in this matter. At this point, the powerful radical congressman, George S. Boutwell, took it upon himself to withhold these documents from all other members of the congressional committee and to hide or destroy them.¹⁷ The moral character of many of the leaders of Radical Reconstruction is further illuminated by the extent to which they subsequently gravitated toward corrupt and criminal activities.¹⁸

The Revolution in the South. The very instability and impotence of the local coalitions upon which radical Republican rule in the South was predicated drove its Northern supporters toward increasing reliance upon Federal intervention and naked military power. This in turn served to unite the white South in opposition to the new order, to strengthen existing regional intransigence and to reduce the chances of reasonable compromise. Denied constitutional rights and due process, some white Southerners resorted to violence which provoked further doses of military coercion or unofficial radical reprisals. Thus the moving vicious spiral gained momentum.

Plagued by the inconsistency of giving Southern Negroes the vote while denying it to Negroes in many Northern states, Congress approved the Fifteenth Amendment in 1869 and the necessary three-fourths of the states ratified it in March 1870. This Amendment did not, as is popularly supposed, guarantee Negroes the right to vote. Precisely what it accomplished was stated with admirable clarity by Senator Oliver P. Morton of Indiana, who shared with Sumner leadership of the Radical faction in the Senate. "This amendment," he said, "leaves the whole power in the States just as it exists now except that colored men shall not be disfranchised for the three reasons of race, color or previous condition of slavery. *They may be disfranchised for want of education or for want of intelligence.*" Morton proceeded to predict that the states might "require property or educational tests" and that these "would cut off the great majority of the colored men from voting. . . ."

Three Enforcements Acts of dubious constitutionality were passed

in 1870 and 1871. The first of these penalized local officials for denying Negroes the right to vote and contained strong provisions against nightriding and acts of terrorism designed to prevent Negroes from exercising their civil rights. This law was effective for six years until the Supreme Court reduced its scope and blunted its fangs.¹⁹

The Second Enforcement Act simply placed congressional elections under Federal control—a constitutionally valid procedure. The Third Enforcement Act, also known as the Ku Klux Klan Act, went much further. It declared that the outrages of the Klansmen and other bands of white Southerners had created conditions tantamount to rebellion in various parts of the South. The law authorized the President, wherever he found that a state of insurrection or conspiracy to violate the provisions of the Act existed, to suspend habeas corpus and impose martial law in the disaffected region. The law also authorized the Federal Government to prosecute persons conspiring to intimidate voters, interfere with Federal law enforcement, infringe the civil rights of private citizens and do various other reprehensible things.

The law was a characteristic product of the Radical Republican mentality. From the Southern standpoint, it was simply another invasion of the rights reserved to the states under the Constitution. It prescribed liberal doses of the favorite medicine of Stevens and his followers—martial law. Like Hegel's owl of Minerva, the Supreme Court waited until the tumult had subsided and the law had become a dead letter, the policies inspiring it having become discredited, before declaring it unconstitutional.²⁰

Contemporary observers differed sharply as to the seriousness of the conditions which had provoked the law and the latter's necessity. Senator John Sherman, younger brother of the general, believed the Klan was virtually an underground army of rebellion.²¹ However, Carl Schurz, a distinguished anti-slavery leader with intimate knowledge of the post bellum South, thought there was much less disorder in the South in 1871 than there had been in 1865. He added that "there are many social disorders which it is very difficult to cure by laws" and opposed the bill as an unconstitutional scheme to suppress local self-government. Democrats in the Senate called the measure a breach of the Constitution which gave the President despotic powers.²²

The Third Enforcement Act, as administered by President Grant, involved the use of Federal troops in hundreds of local disturbances throughout the South. In October 1871, the President declared nine

South Carolina counties to be in rebellion, sent in troops and ruled by martial law. Dual Louisiana state governments sprang up in 1872 and Grant sent in the army to back the Radicals. In Arkansas, there was actual civil war in 1874. Grant sent troops to Little Rock (as would another professional soldier in the White House under somewhat different circumstances more than 80 years later). Grant's Arkansas adventure was designed to prop up the shaky radical regime of Governor Elisha Baxter.

This rather frantic activity was in essence the last spasm, the Indian summer, of an unsound experiment. Theoretically, Federal troops were being used to quell hundreds of rebellions in the South. What was actually occurring was a struggle for political power in which a large majority of the embattled white South was pitted against carpetbag-scalawag minorities, backed by the dragooned or purchased black vote and the rifles of the United States Army.

Grant was interested in the Negro vote. In 1868, he had been elected President by a thin popular majority of 305,000 votes. In the South, 700,000 Negroes had voted for him almost to a man, whereas the hostile Southern white franchise had been shaved down to a bare 625,000.²³ Nevertheless, rifle rule in the South was nearing its unlamented end. In 1870, white Southern Democrats took over the state governments of Tennessee, Virginia, North Carolina and Georgia. Two years later, Congress softened the Test Oath and restored the franchise to former Confederates. In the same year, the Freedmen's Bureau, a primary Radical instrument of patronage and control over colored votes, was allowed to expire.

Radical Reconstruction was dying. In the South, the Redeemers were taking over the state governments. On the national scene, the stage was being set for the momentous Compromise of 1877.

The Negro Fiasco in Politics. Meanwhile, the brief era of carpetbag-colored rule in the Southern states had seared bitter memories into the minds of the white majority and hardened its resistance to accepting the Negro as a fellow citizen. "Such a Saturnalia of robbery and jobbery," Lord Bryce wrote concerning these regimes, "has seldom been seen in any civilized country, and certainly never before under the forms of free self-government."²⁴

While most of these state regimes were white-dominated none could have long survived without the regimented Negro vote. The classic instance of Negro rule in the South is the Reconstruction governments of South Carolina during 1868-74. These regimes were characterized by unabashed corruption combined with monumental ig-

norance. To the white citizenry of South Carolina, they were remembered not only as institutionalized theft, but as collective degradation.

During these six years there was universal Negro suffrage in the Palmetto State and colored voters decisively outnumbered white. Thus in 1872, the South Carolina Legislature had 94 Negro as against only 30 white members. While the Governor of the State was a white man, the Lieutenant Governor, Treasurer, President of the Senate, Clerk and Chairman of the Ways and Means Committee of the House were colored.

For six years "corruption and dishonesty ran riot" and no bill could be passed without bribing the legislature. Negro members of the House furnished their private lodgings and bought themselves flashy jewelry at public expense. State funds were used to furnish a brothel for the solons. When a Negro member lost \$1,000 betting on a horse race, he was reimbursed by the Legislature. Over half a million dollars was spent to buy land to be resold to freedmen on generous credit terms, but four-fifths of the money was squandered in corrupt purchases of "swamps, bays and ponds." The furniture which the Legislature bought for itself and its members cost \$200,000 and was appraised in 1877 at \$17,715. A vast pardon racket flourished in which the worst criminals were turned loose for a price to prey upon society.

"The Most Ignorant Democracy. . . ." James S. Pike of Maine, a pre-war abolitionist and staunch Republican, visited South Carolina in 1873. "It is the spectacle of a society suddenly turned bottomsides up," he wrote of the legislature. "The wealth, the intelligence, the culture, the wisdom of the State" had been cast aside for "the most ignorant democracy that mankind ever saw. . . . It is the dregs of the population habilitated in the robes of their intelligent predecessors and asserting over them the rule of ignorance and corruption. . . . It is barbarism overwhelming civilization by physical force. . . . At some of the desks sit colored men whose types it would be hard to find outside the Congo. . . ."

Pike was struck by "the endless chatter," the "gush and babble," the guffawing, grimacing and horseplay of the Negro legislators, their endless repetitions and incoherence. "Their struggles to get the floor, their bellowings and physical contortions, baffle description. . . . The Speaker threatens to call 'the gemman' to order. This is considered a capital joke and a guffaw follows. The laugh goes round and then the peanuts are cracked and munched faster than ever. . . ." ²⁵

Even harshly critical observers of these South Carolina colored politicians conceded that, while they plundered the state and turned rep-

representative government into a burlesque, they did so "without malice and without vengeance."²⁶ The corruption of the carpetbag-Negro regimes was by no means confined to the Palmetto State. Between 1868 and 1874, these governments added \$125,000,000 to the public debts of the Southern states. As a result, the South paid higher taxes than any other part of the nation. These taxes were often discriminatory against the planter class.

The main responsibility for the fiasco of the Negro in politics rested on the Radicals who had foisted universal manhood Negro suffrage on a reluctant South. The predictable result had been the rule of ignorance and irresponsibility. When the great experiment was over, the white South was outraged, resentful and averse to any cooperation between the two races.

The Forgotten Alternative. Yet none of this had been necessary. The responsible leaders of the defeated South had been prepared to accept the verdict of battle, return to the Union and work loyally to reunite the nation.

The attitude of the defeated South was eloquently expressed in a letter drafted by the Virginia lawyer, Alexander H. H. Stuart for General Robert E. Lee and also signed by Wade Hampton and 30 other Confederate leaders. The letter was widely publicized by the Democratic Party in the 1868 campaign as affording a sound and constructive basis for restoration of national unity. As such it is worth quoting at length:

"Whatever opinions may have prevailed in the past with regard to African slavery or the right of a State to secede from the Union, we believe we express the almost unanimous judgment of the Southern people when we declare that they consider these questions were decided by the war, and that it is their intention in good faith to abide by that decision. At the close of the war, the Southern people laid down their arms and sought to resume their former relations to the government of the United States. Through their State conventions, they abolished slavery and annulled their ordinances of secession; and they returned to their peaceful pursuits with a sincere purpose to fulfill all their duties under the Constitution of the United States which they had sworn to support. If their action in these particulars had been met in a spirit of frankness and cordiality we believe that, ere this, old irritations would have passed away, and the wounds inflicted by the war would have been, in a large measure, healed. As far as we are advised, the people of the South entertain no unfriendly feeling towards the government of the United States, but they complain that their rights under the Constitution are withheld from them in

the administration thereof. The idea that the Southern people are hostile to the negroes and would oppress them, if it were in their power to do so, is entirely unfounded. They have grown up in our midst, and we have been accustomed from childhood to look upon them with kindness. The change in the relations of the two races has brought no change in our feelings towards them. They still constitute an important part of our laboring population. Without their labor, the lands of the South would be comparatively unproductive; without the employment which Southern agriculture affords, they would be destitute of the means of subsistence and become paupers, dependent upon public bounty. Self-interest, if there were no higher motive, would therefore prompt the whites of the South to extend to the negro care and protection.

"The important fact that the two races are, under existing circumstances, necessary to each other is gradually becoming apparent to both, and we believe that but for the influences exerted to stir up the passions of the negroes, the relations of the two races would soon adjust themselves on a basis of mutual kindness and advantage.

"It is true that the people of the South, in common with a large majority of the people of the North and West, are, for obvious reasons, inflexibly opposed to any system of laws that would place the political power of the country in the hands of the negro race. But this opposition springs from no feeling of enmity, but from a deep-seated conviction that, at present, the negroes have neither the intelligence nor the other qualifications which are necessary to make them safe depositories of political power. They would inevitably become the victims of demagogues, who, for selfish purposes, would mislead them to the serious injury of the public.

"The great want of the South is peace. The people earnestly desire tranquillity and restoration of the Union. They deplore disorder and excitement as the most serious obstacle to their prosperity. They ask a restoration of their rights under the Constitution. They desire relief from oppressive misrule. Above all, they would appeal to their countrymen for the re-establishment, in the Southern States, of that which has justly been regarded as the birth-right of every American, the right of self-government. Establish these on a firm basis, and we can safely promise, on behalf of the Southern people, that they will faithfully obey the Constitution and laws of the United States, treat the negro populations with kindness and humanity and fulfill every duty incumbent on peaceful citizens, loyal to the Constitution of their country." 27

FROM RECONSTRUCTION TO JIM CROW

"The contact of two races and two civilizations cannot be settled by any dogma."—WILLIAM GRAHAM SUMNER, *Folkways*, 1906.

During the turbulent years of Reconstruction, no leadership worthy of the name emerged among the Negro masses to give them coherence, organization, directions and goals. Nor did the Negro mass itself meet the challenge of its new opportunities. It remained inchoate and uncreative, an instrument to be used by more intelligent and willful groups and to be discarded once it had ceased to be useful.

The theory that the Southern Negro was the logical political ally of the Republican Party was part of the Civil War's legacy of hate. With each passing year, this theory seemed increasingly untenable. Reliance on the Southern colored vote threatened to permanently alienate the intelligent, conservative white elements in the South which had traditionally voted Whig. These men were the logical spokesmen for the new nationalism and the new industrialism of the South. And it was abundantly clear that they would have nothing to do with a political party which depended on the Negro vote.

As long as the Republican Party nationally seemed to champion the cause of the Negroes, it was supported by a minority of the people and held power nationally merely by luck, force or fraud. It was noted earlier that Lincoln was a minority candidate in 1860 and would have been badly beaten in 1864 had the South been able to vote. Grant's election in 1868 was made possible by disfranchising qualified Southern whites and herding unqualified Southern blacks to the polls. In 1872, to be sure, Grant won a handsome victory, but four years later a Republican Presidential candidate with little military luster, Rutherford B. Hayes, received a quarter of a million less votes than his Democratic opponent amidst the stench of general corruption of Grant's second Administration.

Reconstruction came to an end with this controversial 1876 election. The electoral votes of four states, three of them Southern, were in dispute. Congress accepted the ballots corruptly certified by the Army-backed Radical machines in these Southern states, despite convincing evidence that majorities of the qualified voters had backed Samuel J. Tilden, the Democratic standard bearer.

Having won the Presidency in a discreditable manner, Hayes faced

a situation in which an outraged and cheated South was muttering about a second Civil War. The returns had clearly shown that the Radical Reconstruction gambit was finished, that no more elections could be won by waving the bloody shirt.

Hayes was a moderate, a man whose temperament was constructive, and a wise politician. In April 1877, he withdrew Federal troops from the South. He proceeded to enunciate a general program of national reconciliation, declaring that "the great mass of intelligent white men" in the South would have to be responsible for safeguarding the Negro's constitutional rights. The carpetbag governments in South Carolina and Louisiana promptly crashed. Throughout the South there was a swift transfer of political power.

The Negro now proceeded to lose most of the rights and privileges that the Reconstruction Revolution had conferred upon him. The processes by which this occurred and the reasons for it are a vital part of the history of the Negro in America.

The Supreme Court Constricts. Throughout the 1870s and the 1880s, the Supreme Court rendered basic decisions which reduced the scope and significance of Reconstruction and curtailed the power of the Federal Government to protect the Negro's newly acquired rights. Interestingly enough, the Court that made these decisions was overwhelmingly Northern and Republican. In 1873, the year of the *Slaughter-House Cases*, all of the Justices were Northerners and all but one were appointees of Republican Presidents. It was not until 1881 that a Southerner, William B. Woods of Georgia, would again be seen on the highest tribunal. The 1883 Court, which decided the *Civil Rights Cases*, consisted exclusively of nominees of Republican Presidents.

More than this. The memory of Taney's Supreme Court had rankled in the minds of the Radicals. They were, for the most part, lawyers of uncommon ability and, as such, aware of the power of the judiciary to erode. Since one of their chief weapons had been constitutional amendment, they went to considerable pains to get Justices appointed who would not reduce the significance of these amendments by ingenious or sophistic interpretations.

Within five years of the ratification of the Fourteenth Amendment, the Supreme Court was called upon to interpret it. The case concerned so-called sanitary regulations issued by the carpetbag legislature of Louisiana. These in effect deprived the butchers of New Orleans of their livelihood. They shut down independent slaughterhouses and gave a 25-year monopoly to a corporation controlled by

17 cronies of the state bosses. The health aspects of this scheme were, as Justice Field put it in his dissent, "a shallow pretense."¹

The independent butchers claimed that the state-created monopoly deprived them of "the privileges or immunities of citizens of the United States" guaranteed by the Fourteenth Amendment. The issue then was whether the Federal courts could intervene in the internal affairs of Louisiana and invalidate an unfair and corrupt bit of legislation.

By a five to four majority, the Supreme Court refused to assert this power. It held that the Fourteenth Amendment could not be used to protect private business against arbitrary state regulation. Terming the Reconstruction Amendments "events almost too recent to be called history, but which are familiar to all of us," Mr. Justice Miller for the Court majority stressed that their "one pervading purpose" had been "the freedom of the slave race . . . and the protection of the newly-made freeman and citizen from the oppressions of those who had formerly exercised unlimited dominion over him. . . ." Judge Miller would not go so far as to "say that no one else but the negro can share in this protection," but he thought that the absence of a race issue weakened the plaintiff's case.

The deeper objection of the Court was its fear of interpreting the Fourteenth Amendment in such broad terms as to make the Supreme Court "a perpetual censor upon all legislation of the States . . . with authority to nullify such as it did not approve. . . ." Justice Miller refused to believe Congress had intended "so great a departure from the structure and spirit of our institutions," one which would "fetter and degrade the State governments."

The majority escaped from the impasse by asserting that almost all the rights and privileges which Americans enjoy derive from their being citizens of the *states*, not of the Federal Government. In an eloquent dissent, Justice Field claimed that this interpretation reduced the Fourteenth Amendment to "a vain and idle enactment, which accomplished nothing and most unnecessarily excited Congress and the people on its passage." The majority opinion reduced the "privileges and immunities" clause to an empty phrase. It enabled the Southern states, for the time being at least, to pass laws which seemingly ignored the basic purposes which the framers of the Fourteenth Amendment had wished to effectuate.

The Civil Rights Cases. The Civil Rights Act of 1875 was the brainchild of Senator Charles Sumner; it was a last spasmodic twitch of Radical Reconstruction. As passed by the Senate, the law pro-

vided that everyone, regardless of race, was entitled to equal access to common carriers, hotels, inns, amusement places, schools and cemeteries. Sumner's justification of this measure was that all these institutions were quasi-public and hence subject to the Fourteenth Amendment. When Sumner's bill reached the House there was hot debate on the issue of integrated schools. Congressman Cain, a Negro from South Carolina, had all reference to schools stricken to maintain unity within the Republican Party. As finally approved, the law also excluded cemeteries.

In 1883 the constitutionality of this statute came before the Supreme Court. The cases involved the refusal of inns, theatres and hotels to give Negroes equal accommodation, the exclusion of a colored man from the New York Grand Opera House and the refusal of a railroad to seat a Negro woman in the ladies' car of a train. The majority opinion of the Court was delivered by Justice Bradley, a railroad lawyer from New Jersey, a Grant appointee and a judge of above-average ability. The Fourteenth Amendment, Bradley declared protected Negroes against discriminatory treatment by the states, but not by private individuals or companies. The cases before the Court merely concerned "private wrongs"; the Federal courts had no power to intervene and the plaintiffs should seek justice in the courts of their states.²

In his dissent, Mr. Justice Harlan accused the Court of nullifying the Reconstruction Amendments to the Constitution. "Constitutional provisions adopted in the interests of liberty," he proclaimed, "... have been so construed as to defeat the ends the people desired to accomplish, and which they supposed they had accomplished by changes in their fundamental law."

Liberal social historians have often followed this interpretation and assailed the Supreme Courts of the 1875-1900 era as hostile to the Reconstruction Revolution and eager to destroy its work.³ The Court has been accused of either seeking to push the Negro back to a semi-servile status or of serving the interests of an expanding capitalist system which no longer needed the dragooned votes of colored cotton pickers. The decision in the *Slaughter-House Cases* fits into this pattern of timidity, bad constitutional law and blindness to the wide implications of the Civil War and Reconstruction amendments to the Constitution.

Other Supreme Court decisions of the era, however, cannot be explained in these terms. A major issue was whether or not the Fourteenth Amendment empowered the Federal Government to supersede

state courts in the general area of civil rights and to operate within the states against private malefactors. Supreme Court majorities consistently held that the Amendment conveyed no such power and that it merely authorized the United States to correct or thwart *state action* of an unconstitutional character. This interpretation agreed with the clear language of the Amendment and in substance stands unchallenged by succeeding Supreme Courts.

A second major issue was the propensity of the Radicals to use martial law to assert and enforce Negro rights. Here again, the Supreme Court fought doggedly and at times with considerable courage, to uphold *habeas corpus* and other basic American liberties against laws which sought to suspend them either on the pretext of an emergency or on the theory that racial equality under the law must be attained regardless of the means employed.

Since Reconstruction legislation habitually flouted both states rights and the constitutional liberties of American citizens, Supreme Court decisions often nullified the challenged statutes or narrowed their scope. In 1876, the Court invalidated the Enforcement Act of 1870, which had given the United States power to protect Negro voters against Klan violence and night-riding.⁴ Another decision set aside a conspiracy conviction of Southern whites who had intimidated Negroes to prevent them from attending a lawful meeting. The Supreme Court held that the Federal Government had power to protect the right of assembly only if the meeting was "for the purpose of petitioning Congress for a redress of grievances" or to exercise some other right which derived from *national*, rather than state, citizenship.⁵

The South meanwhile was preventing Negroes from voting by a variety of devices, including literacy tests administered in a discriminatory fashion. Toward the close of the nineteenth century the Supreme Court upheld educational qualifications where there was no convincing evidence that they were designed to eliminate Negro voters.⁶ In an earlier case, however, the Court had served notice that, even if a law was "fair on its face and impartial in appearance," there would be a remedy under the Constitution if it were applied by public authority "with an evil eye and an unequal hand" so as to deny equal justice.⁷

In 1880 the Supreme Court ruled that laws barring Negroes from jury duty violated the equal protection clause of the Fourteenth Amendment.⁸ In the same year, the Court added that no man has a constitutional right to have a member of his race on the jury which tries him. It was up to the aggrieved person to prove that Negroes

had been deliberately excluded from the jury before the Federal courts would intervene.⁹

Thus, as the nineteenth century drew to a close the Supreme Court had constricted the scope of the Reconstruction Revolution, but it had not turned it back on the freedman. Supreme Court decisions gave the Negro protection against being systematically disfranchised or excluded from jury panels because of race. Under certain circumstances, the Federal Government would move directly into the states to protect the right of Negroes to peaceful assembly.

The Negroes, however, failed to take advantage of these decisions. For more than half a century after Appomattox, they were too indifferent to their civil rights or too badly led and misinformed to create powerful organizations and employ effective legal talent to defend their constitutional rights in the Federal courts.

Plessy v. Ferguson.¹⁰ It was not until the close of the century that state laws segregating the races became important enough for their constitutionality to be challenged in the Supreme Court. In 1896 this issue arose in a railroad case. Louisiana law required conductors to seat the races in separate coaches or compartments and provided that persons who deliberately moved into areas reserved for the other race would be fined or imprisoned.

Plessy, who was seven-eighths white and only one-eighth Negro and who claimed "that the mixture of colored blood was not discernible in him," was assigned to a colored compartment, but went into a white one. Arrested, convicted and sentenced, he appealed on the grounds that the race segregation law was contrary to both the Thirteenth and Fourteenth Amendments and his appeal finally reached the Supreme Court. Speaking for the majority, Justice Brown made an ineffectual attempt to distinguish between the legal and social equality of the two races. He said:

"The object of the (Fourteenth) amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinct from political equality, or a commingling of the two races upon terms unsatisfactory to either. . . .

"Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences. . . . If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane."

To all this, Mr. Justice Harlan replied in his dissenting opinion

that the fact that two men ride in the same railroad compartment does not make them social equals.

The Court majority was by now convinced that Southern mores required legally enforced separation of the races. Following the line of certain earlier decisions,¹¹ it now held that any law which segregated *both* races and which punished whites and Negroes *equally* for invading each other's segregated areas satisfied the constitutional requirement and was non-discriminatory.

Segregation laws, Justice Brown said, "do not necessarily imply the inferiority of one race to the other." If the Negroes chose to put that construction on the matter, that was up to them. Justice Harlan replied in an impassioned dissent that everyone knew that the purpose of the Louisiana law had been to exclude colored people from white coaches because of the supposed inferiority of the former. The segregation law was "cunningly devised" to defeat the results of the Civil War. "Our Constitution," he added, "is color-blind, and neither knows nor tolerates classes among citizens. . . ." It was difficult to reconcile the American boast of freedom with a law "which, practically, puts the brand of servitude and degradation upon a large class of our fellow citizens, our equals before the law."

Justice Harlan was supported by nobody. The other members of the Court agreed that race segregation on the basis of "separate but equal" facilities satisfied the demands of the Fourteenth Amendment. The fact that the Louisiana legislature had probably been motivated by a desire to relegate its colored citizens to an inferior social status did not seem to the majority sufficient reason for nullifying the law.

The fact that the web of legally imposed racial segregation was as yet largely unspun was revealed by another facet of Justice Harlan's dissent. In an effort to reduce the whole principle to absurdity, he asked why it wouldn't be constitutional for the states to "compel white citizens to keep on one side of a street and black citizens on another?" Or to separate the races in courthouses and at public meeting places? And if segregation of Negroes were constitutional, why not that of Roman Catholics?

Applying the logic of the *Plessy* decision, the Court in 1899 tacitly approved laws separating the races in Southern public schools.¹² Nine years later, it refused to throw out a state law which made it illegal for a private school to teach pupils of both races.¹³

Thus, in the *Plessy* decision, the Court had established the broad principle that race segregation was constitutional provided the facilities offered each group were substantially equal. For the next thirty

years, this separate but equal yardstick would remain unchallenged; during the next twenty, it would be eroded; in 1954, it would be destroyed.

The Redeemers and the Negro. Within the South, the movement to disfranchise, degrade and segregate the Negro developed fairly slowly. The Redeemers, who overthrew carpetbag rule, were not consumed by hatred of the Negro nor did they fear him.

Thus, Wade Hampton, the South Carolina aristocrat who led the Redemption in his native state, claimed to have been "the first white man in the South" to advocate letting Negroes vote. "As the negro becomes more intelligent," he wrote in 1879, "he naturally allies himself with the more conservative of the whites." Alexander H. Stephens, the former Vice President of the Confederacy, argued that responsible Southerners neither wished to disfranchise the freedman nor thought it possible to do so.¹⁴

Educated and wealthy Southerners were often inclined to tolerance. "The old slave owner," wrote a Southern editor in 1879, "... feels no desire to maltreat and browbeat and spit upon the colored man." Governors, such as Wade Hampton of South Carolina and Nicholls of Louisiana, appointed Negroes to numerous minor public offices. As late as the 1890s, Southern Senators recommended Negroes to the President for Federal patronage jobs in the South.

Nor was the Southern Negro generally mistreated. In his stimulating study of the rise of segregation,¹⁵ Woodward gives numerous instances of racial tolerance under the Redemption. Thus, in 1878, Colonel Thomas Wentworth Higginson, who had plotted with John Brown and commanded colored troops during the Civil War, toured the South in search of exposé material for the *Atlantic Monthly*. He found to his surprise that the Southern Negro got better treatment in courts and trains, on police forces and at the polls than his New England counterpart.

Again we find the *Richmond Dispatch* editorializing on October 13, 1886 — ten years after the Hayes Compromise — as follows: "We repeat that nobody here objects to sitting in political conventions with negroes. Nobody objects to serving on juries with negroes. No lawyer objects to practicing in court where negro lawyers practice. . . . Colored men are allowed to introduce bills into the Virginia legislature; and in both branches of this body negroes are allowed to sit as they have a right to sit."¹⁶

Populism and Racism. The disfranchisement and subordination of the Negro got its greatest impetus from the rise of Populism. In

fact, in the South, racism and radicalism would become virtually synonymous. Among the roots of the hatred of poor whites for Negro labor was the sharecropping system, which had flourished under the Freedmen's Bureau and which managed to preserve vestiges of the plantation system through the holocaust of Reconstruction. Sharecropping meant inefficient, poorly supervised labor, working on a cash and keep basis. It reflected the lack of currency or investment funds in the post-bellum South. Future crops would be mortgaged at usurious interest rates and the sharecroppers, colored or white, often sank into a hopeless morass of debt. White croppers tended to blame their poverty on Negro competition. Their rancor was increased by the open preference some planters voiced for Negro hands as more docile and tractable. "Pitchfork Ben" Tillman called the sharecropper system a "lazy 'descent into hell'" for the croppers. Tom Watson spoke of them as "powerless — oppressed — shackled."

Convict labor was another grievance. Under Black Codes or their later equivalents, the cash-hungry Southern states would pick up Negro "vagrants" and hire them out to private contractors at cheap rates. This provided competition which white labor could not meet except by working for little more than bare subsistence.

The Populist movement in the South was a product of these conditions and of the long depression in farm prices in the 1880's and the 1890's. At first, Populist leaders appealed for the Negro vote on the basis of common class interests. But the influential mass leaders of Southern insurgency, men such as Watson of Georgia and Tillman of South Carolina, preferred to rouse the powerful latent emotions of race enmity among their poor white followers.

Disfranchisement moved slowly. In 1889 there were only three Negroes in Congress and Henry W. Grady, spokesman for the industry-minded New South, could boast that "the negro as a political force has dropped out of serious consideration." Three years later, however, Southern Populists and conservative Democrats were still buying black votes wholesale for a dollar each. In the black counties of Georgia, barrels of free beer and whiskey were provided and, after all-night dances, the colored revellers were marched to the polls "by beat of drum, carefully guarded lest some desert in search of another reward."¹⁷

The Populist failure to develop solid or worthwhile support among the Negroes helped turn the movement toward a fanatical racism. White supremacy slogans had a seemingly irresistible appeal, particularly to the under-educated and less successful whites. Disfranchise-

ment of the Negro, whether by lawless violence or by more acceptable methods, became so much a part of the mores of the South that its political leaders openly bragged of their exploits. Thus in 1899, Ben Tillman, at the time a United States Senator from South Carolina, boasted: "We have done our level best; we have scratched our heads to find out how we could eliminate the last one of them. We stuffed ballot boxes. We shot them. We are not ashamed of it."¹⁸

In other instances Negroes were kept away from the polls by making them deposit their ballots in the boxes set aside for their candidates — a difficult operation for illiterates. Some communities kept them from voting by bribery or threats. One town distributed free tickets to a circus to qualified Negro voters and saw to it that the time and place of the performance made attendance incompatible with voting. "I would stuff a ballot-box," a prominent Southerner told Bryce, "in order to have a good, honest government."¹⁹

Southern race radicalism included political leaders of distinctly higher calibre than Tillman and Watson. James F. Byrnes of South Carolina began his political career as a white supremacy advocate. Carter Glass of Virginia, who would later serve with distinction as Woodrow Wilson's Secretary of the Treasury and play a great role in establishing the Federal Reserve System, was also a leader in the movement to disfranchise colored people. Even Josephus Daniels of North Carolina applauded the Red Shirt rallies of the turn of the century which united all factions in the sacred cause of keeping the black man from the polls.

The Rise of Jim Crow. The patrician South had tended to regard the demand for total race segregation as characteristic of the white lower classes. The triumph of Jim Crow symbolized the new political power of the masses. It was preeminently the achievement of that Southern popular movement which had so successfully combined the appeal of social reform with the emotions of class and race hatred. The epidemic of segregation laws followed the growth of Southern cities and the migration of Negroes to them. Such laws were scarcely needed in rural areas where status was more firmly fixed and where interracial relationships tended to be fixed by custom.

The Jim Crow system was not merely an expression of a sense of resentment and defective status among the poor whites. For centuries, de facto separation of the races had existed in the North. Throughout the slavery period, the South had kept the white and free colored populations apart by means of law and social pressure. Thus the segregationist proposals were not new. Their underlying prem-

ise was that basic differences between the two races made social intercourse between them undesirable. Prior to the Fourteenth Amendment, the solution that had greatest appeal to liberal American statesmen was physical separation by means of the colonization of the Negro population outside the United States. After the Negroes were granted American citizenship by constitutional amendment, the impracticality of mass emigration became clear to most political leaders.²⁰ Segregation — legally imposed separation within the frontiers of the nation — was relied upon to accomplish a similar purpose.

To the extent that it was a substitute for deportation, the Jim Crow system did not give the Negro status or a stabilized position in society. The premise was that he was inferior and unwanted. The quarantine was often progressively extended to new fields, thus increasing the pressures upon, and enhancing the insecurity and isolation of, its victims. Once a barrier had been set up, even if it was foolish and unnecessary, there was seldom a disposition to lower it. In short, Jim Crow was a dynamic movement of demotion and subordination by law, supported by the vast majority of the white South.

By 1920 the South had a large body of segregation laws designed to restrict interracial contacts to a bare minimum and to sanction only those which recognized the servile status of the Negro. Residential areas, schools, hospitals, and public institutions of all sorts, factories, offices, hotels, restaurants, toilets, parks and other recreational areas — all were minutely regulated. The Southern legal mind devoted its ingenuity to such issues as whether factories should have racially segregated windows. New Orleans segregated white and Negro prostitutes in separate quarters of the city. Atlanta provided separate Bibles to swear witnesses with. Oklahoma ordered racially separate telephone booths. Virginia and North Carolina outlawed fraternal organizations in which colored and white members might have occasion to address each other as "brother."²¹

The most obvious area of quarantine was residential. Soon Negro inhabitants of Southern cities were almost universally confined to *ghetti*. Various legal devices were employed to define and maintain these segregated areas until the Supreme Court declared their existence unconstitutional in 1917.²² Smaller towns sometimes prevented Negroes from living anywhere within their jurisdiction and Woodward reports that in 1914 there were six such towns in Texas, five in Oklahoma and two in Alabama. The policy of total exclusion was more characteristic of the West than of the Deep South, of the borders of the Negro settlement area than of its core,

By the end of the nineteenth century, the condition of the Negro nationally was one of segregation and subordination. Since the large majority of colored people were manual laborers, the trade unions should have been basic organizations for them. The Knights of Labor had brought Negro workers into mixed locals, but the more conservative American Federation of Labor, which succeeded it, left this issue to its constituent organizations. Some unions excluded Negroes entirely; others organized them in segregated locals and confined them to low grade and unskilled jobs. The railroad brotherhoods generally either barred Negroes or blocked their promotion on a merit basis. Then as now, the membership of the trade unions, particularly in the South, often served as a spawning ground for ignorant, virulent and violent racist policies.

Throughout the South churches and schools were openly segregated; in the North they were often tacitly divided on race lines. Unable to gain equal footing in white fraternal and professional associations, the Negroes were often forced to form their own rump groups.²³ Lord Bryce noted that both the Women's Christian Temperance Union and the Grand Army of the Republic accepted Negro members, but placed them in racially separate chapters.

Negroes were highly successful in getting lower-grade Federal Government jobs and Harvard at about this time went out of its way to name a colored student as class orator. Yet, in the North as a whole, there was virtually no social intercourse between the two races. As Lord Bryce saw the situation, the burdens of subordination and exclusion weighed particularly on the mulattoes, who furnished most of the educated, talented and professional minority. These suffered the full brunt of insult and injury mainly, he thought, because of the peculiar nature of Protestant (or perhaps Nordic) race consciousness: "In Latin America, whoever is not black is white; in Teutonic America, whoever is not white is black."²⁴

Sociologists and the Negro. Thus, in the wake of Reconstruction had come disenchantment. The abolitionists had expected that, given reasonable opportunities and a breathing spell of a few decades, the Negro would stand on his own feet. They had hoped that with education he would catch up with the white man intellectually, that he would win property and solid economic status, that he would hold enough political power to defend the civil rights that had been bestowed upon him. Half a century after Appomattox it was painfully evident that these expectations had not been realized. The submergence of the Negro when left to his own devices generated wide-

spread disbelief in his equality and doubt as to his capacity for full-fledged citizenship.

Former abolitionists were voluble in expressing their disillusionment. Between 1877 and 1890, the main organs of American educated opinion, such as the *Atlantic Monthly*, *Harper's Weekly*, the *Nation* and the *North American Review*, frequently published articles on the Negro's lack of either ambition or capacity.²⁵

Among sociologists a typical verdict was that of Leroy-Beaulieu, who wrote of "a block of 9,000,000 people belonging to an inferior and unassimilable race, or a race that must prove unassimilable for a long time to come."²⁶ Lord Bryce, in a passage probably written in 1910, characterized the Negroes as evincing "no capacity for abstract thinking, for scientific inquiry, or for any kind of invention."²⁷

Among the independent radical social scientists of the day, the egalitarian dogmatism of the Reconstruction era had been supplanted by a much more questioning and uncertain temper. Thus, Walter Weyl feared that the denial of civil rights to the Negroes would create in them "a dark sense of outraged racial dignity" and might cause "an inconceivably savage race war," leading to "a backwash of civilization, a recurrence of barbarism. . . ." Yet Weyl was skeptical about the Negro franchise. "We look at the Negro vote in Philadelphia and Cincinnati," he wrote, "and wonder whether it is worth while to lay aside other problems to secure a Negro vote in Atlanta and Charleston." He thought the issue could be tabled with good conscience "if we can honestly believe that the denial to the Negro of the vote is advantageous, not only to us, but to him."²⁸

The dominant mood of skeptical realism encouraged the viewpoint that the Negro's future would have to be shaped by the Southern whites among whom he lived and that "outside interference" was, at best useless, at worst pernicious. This viewpoint was advanced by environmentalists, among whom the most conspicuous and influential was William Graham Sumner of Yale. Professor Sumner's favorite refrain was that "stateways" cannot change "folkways." The laws of militant reformers were always futile when they ran counter to a society's mores, for the latter were the very fabric of the social order. "Each individual is born into them as he is born into the atmosphere, and he does not reflect on them, or criticize them any more than a baby analyzes the atmosphere before he begins to breathe it."

The failure of the attempt to raise the Negro to civic equality by legislation and constitutional amendments was one of Sumner's favorite examples of the omnipotence of folkways. He contrasted the

past of "peace and concord" under slavery with a new situation defined by laws that were openly flouted and mores that had not yet crystallized, since folkways "do not form under social convulsion and discord." As Sumner saw the situation: "The two races are separating more than ever before. The strongest point in the new code seems to be that any white man is boycotted and despised if he 'associates with negroes.' Some are anxious to interfere and try to control. They take their stand on ethical views of what is going on. It is evidently impossible for anyone to interfere. We are like spectators at a great natural convulsion. The results will be such as the facts and forces call for. We cannot foresee them. They do not depend on ethical views any more than the volcanic eruption on Martinique contained an ethical element."²⁹

Sumner emphasized that folkways shaped men, but sometimes seemed to forget that men also reshape folkways. He spoke on occasion as if mores were immutable and as if every major clash of group mores must cause hostility and war.

Applying his theories to the Negro, Sumner argued strongly for a hands-off policy. The Negro lived in the South as a minority. Under slavery, conflict had been resolved because he was "forced to conform to the white ways."³⁰ Under the new conditions the Negro could form a large community, living by its own mores, only at the cost of degradation and continuous conflict. For him to conform to white mores, however, meant that the white South must be free to impose its will upon him by force and that the North must not interfere.

Emergent Ethnic Theories. During the long retreat from Reconstruction, belief in the inherent racial inferiority of the Negro became widely prevalent among social scientists. Shortly after the Civil War, Sir Francis Galton, the founder of eugenics, hypothesized that, if one assumed 16 grades of mental capacity between an Aristotle and an idiot, the average Negro would probably fall two grades below the average white. F. Manetta (1864), E. B. Taylor (1881), G. Stanley Hall (1905), H. W. Odum (1910) and various others advanced the view that the Negro's mental growth was arrested earlier than that of other races. This served to explain observational and early intelligence test findings to the effect that the mental lag of the Negro behind the white was apparently least in childhood and greatest at maturity.

Various causal explanations were offered for the supposed inferiority. Galton sought to apply the theory of natural selection, developed by his cousin, Charles Darwin, to human populations. To him,

race differences, therefore, were dynamic and changing. The Italian ethnologist, Manetta, suggested that the Negro's cerebral development was "arrested by the premature closing of the cranial sutures and lateral pressure on the frontal bone."⁸¹ Lothrop Stoddard suggested that Negro mental inferiority was demonstrated by a unique historic failure of the race to create an autonomous higher civilization.

The Screaming Eagle. Some modern "liberal" historians have urged that turn-of-the-century American imperialism generated a "racist" social science. On this hypothesis, the increasingly negative attitude toward the Negro was less the result of the latter's shortcomings than of the ideological needs of an era of American overseas expansion. Thus C. Vann Woodward writes in his able book on the rise of Jim Crow:

"As America shouldered the White Man's Burden she took up at the same time many Southern attitudes on the subject of race. 'If the stronger and cleverer race,' said the editor of the *Atlantic Monthly*, 'is free to impose its will upon "new-caught, sullen people" on the other side of the globe, why not in South Carolina and Mississippi?' "⁸²

While this analysis has some validity, it can easily be overstressed. The "little brown brother theory" of American colonialism did not necessarily assume that the peoples newly brought under the flag were inferior, but merely that they needed teaching. When the Filipinos were pacified, American social scientists did not rush forward with theories of Asiatic ethnic inferiority. Nobody suggested that there was a premature closing of the sutures of the Asiatic skull; on the contrary, industrious anthropologists showed that the average brain weights of Mongols from the Gobi exceeded those of white Americans. Nor did Lothrop Stoddard suggest that the Asian peoples had failed to develop great autonomous civilizations.

In short, the negative verdict reached concerning the Negro was not indiscriminately extended to other ethnic groups. Madison Grant and Lothrop Stoddard were obsessed by notions of race purity and held the unscientific view that all hybridization causes regression,⁸³ but they were not representative. The theory, today frequently advanced, that an entire generation of American social scientists shared a blind prejudice against non-Nordics will not bear serious examination.

Yet in a recent book a distinguished young American historian indicts half a dozen social scientists of the era for racist theories and implies that they asserted the inferiority of Negroes, Jews and Italians. Probably all of the men cited held strongly negative views concerning

the innate mental ability of Negroes. However, they held no such viewpoint concerning Italians and Jews. Ellsworth Huntington, the most original and important of the social scientists named, was so far from being an anti-semite that he wrote: "The Jews are probably the greatest of all races."⁸⁴ And as for John R. Commons, his closest colleagues and disciples included Jews.

In cold, sober fact, the revolution in Northern educated opinion was not a surrender to "racism," an assertion of Nordic supremacy or a prevue of Nazi ideology. It was a negative judgment concerning the potentialities of the Negro, specifically applying to the African race. The temper of American sociology, during this era of disenchantment with the Negro's rise from slavery, is well illustrated by a comparison of Jews and Negroes penned by Huntington in 1919:

"Both have endured most bitter persecution, but the Jew has always bobbed up, as one may say, while the Negro has stayed down. Look through any scientific bibliography, or any list of business leaders in a city like New York and see how thickly the Jewish names are sprinkled. Make what allowance you will for opportunities and environment. Perhaps southern slavery was worse than the repression and *pogroms* of the Russian Pale. In New York, however, it is hard to see wherein the Jews whose parents were slain and tortured in the Russian massacres have any greater advantage than the Negroes whose grandparents were whipped in Louisiana. Yet see how the Negroes drop out of the upper grades in the elementary schools, and disappear from the colleges. See how the Jews, on the contrary, elbow the Gentiles out of Columbia, New York University, and other higher institutions. Scores of these same Jews will later sit in high seats as business men, professors, diplomats, and philanthropists. To be sure there are about ten times as many Jews as Negroes in New York, but in the higher walks of life there must be a hundred Jews for one Negro."⁸⁵

The Retreat of the Negro. As we survey the process of retreat from Reconstruction, a significant generalization which emerges is that the Negro, with rare exceptions, remained passive and disorganized while he was stripped of his power and his rights and relegated to a legal status of subordination and quarantine.

It is also interesting that, during this slow process of degradation and decline lasting over a generation, the Negro remained physically and economically immobile, a field hand in a backward agricultural system which demanded mere muscle and offered practically nothing in return. Reconstruction had swept away the laws confining the

Negro people to specific places. Yet prior to World War I, the Negro took practically no part in the settlement of the West, the creation of Northern industry, the building of the Northern metropoli or in any of the other challenging economic ventures of the era.

During the hothouse period of Northern military protection, the Negro had failed to dig in, to attain any solid or defensible position. Perhaps understandably, he had used or misused, or, more plainly, sold, his vote in such a flagrant manner that soon there was no Southern faction of any standing or power that would bargain for it or even allow him to keep it.

The last Negro Congressman from the South, George H. White of North Carolina, delivered his valedictory speech in 1901. Thus, there was a period of 35 years — more than a generation — in which Southern Negroes held high political office. During Reconstruction, two Negroes served as United States Senators and 13 as Congressmen. Some of these men had been born free and hence had had educational opportunities. Of those born slaves, most could have educated themselves to meet their new responsibilities with intelligence and integrity. Thus, their shortcomings cannot be attributed solely to the institution of slavery.

James Ford Rhodes, the historian, considered that the 15 Negroes who served in Congress "left no mark on the legislation of their time" and that "none of them, in comparison with their white associates, attained the least distinction."⁸⁶ Although the Negroes in the North had had the ballot since the Reconstruction era and in some states earlier, no Negro was elected to Congress from outside the South until Oscar De Priest was returned from a colored Chicago district in 1928. Surveying the situation in 1912, Rhodes noted that few colored men in the North sat in state legislatures or on city councils.

"The negro's political activity," Rhodes wrote, "is rarely of a nature to identify him with any movement on a high plane. He takes no part in civil service or tariff reform; he was not a factor in the contest for honest money; he is seldom, if ever, heard in advocacy of good municipal government and for him Good Government Associations have no attraction. He is greedy for office and emolument; . . . and he has had remarkable success in securing offices under the Federal government. In a word he has been politically a failure . . . he was started at the top and, as is the fate of most such unfortunates, he fell to the bottom."⁸⁷

THE SLOW ASCENT — 1895-1945

"All animals are equal, but some animals are more equal than others."—GEORGE ORWELL, *Animal Farm*.

At the approximate low-water mark of the Negro's status under freedom, Booker T. Washington emerged from comparative obscurity to become the acknowledged spokesman of his race. The occasion was Washington's brief and brilliant address before the Cotton States Exposition in Atlanta in 1895. Its theme was simple and immediately popular: "In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress."

The speech had an immediate, nation-wide impact. President Cleveland conveyed his "enthusiasm" to the 37-year-old principal of Tuskegee Institute and Harvard University broke precedent by awarding him an honorary M.A. In the South as well as the North liberals hailed the Atlanta "Compromise Speech" as a constructive and realistic approach in refreshing contrast with the almost exclusively political preoccupation of other Negro leaders.

"The wisest of my race," Washington said at Atlanta, "understand that the agitation of questions of social equality is the extremest folly, and that progress in the enjoyment of all the privileges that will come to us must be the result of severe and constant struggle rather than artificial feeding. No race that has anything to contribute to the markets of the world is long in any degree ostracised. It is important and right that all the privileges of the law be ours, but it is vastly more important that we be prepared for the exercise of those privileges. The opportunity to earn a dollar in a factory just now is worth infinitely more than the opportunity to spend a dollar in an opera house."

Washington explicitly rejected the radical Republican ideology of the Reconstruction era with its preoccupation with politics and egalitarian dogmas, its stress on rights and disinterest in discipline and responsibility. "It is not strange that in the first years of our new life," he said, "... the political convention or stump speaking had more attractions than starting a dairy farm or a truck garden." He told his fellow Negroes that "the masses of us are to live by the productions of our hands, and we shall prosper in proportion as we

learn to dignify and glorify common labor, and put brains and skill into the common occupations of life. . . . It is at the bottom of life we must begin, and not at the top. Nor should we permit our grievances to overshadow our opportunities."

To the Southern whites Washington stressed the docility and loyalty of the "8,000,000 Negroes whose habits you know, whose fidelity and love you have tested in days when to have proved treacherous meant the ruin of your firesides." The Negroes were "the most patient, faithful, law-abiding, and unresentful people that the world has ever seen." Washington spoke sentimentally of Negro servants following their masters "with tear-dimmed eyes to their graves." He then added the more practical comment that Negro workers, unlike white immigrants, did not seem to be interested in trade unions or strikes.

A later generation would accuse Booker T. Washington of "Uncle Tomism." The specific charge is that he sought the cooperation of white Southerners instead of defying them. The vast majority of his people lived in the South; their status was subordinate; their future depended largely on the good will of the white South.

Washington stressed that "there is no defense or security for any of us except in the highest intelligence and development of all." He urged a massive effort to make the Negro "the most useful and intelligent citizen." While he accepted segregation as a social reality, he reminded white Southerners that the two races were bound to each other: "We shall constitute one-third and more of the ignorance and crime of the South, or one-third of its intelligence and progress; we shall contribute one-third to the business and industrial prosperity of the South, or we shall prove a veritable body of death, stagnating, depressing, retarding every effort to advance the body politic." These words would prove prophetic.

While Washington emphasized economic advance and trade school education as the most urgent needs of the day, he was not oblivious to basic issues of constitutional rights. When Louisiana introduced a grandfather clause in its constitution in 1898, Washington endorsed the disfranchisement of ignorant Negroes provided equally ignorant whites were also disfranchised.

The era of Booker T. Washington's acknowledged leadership of educated American Negroes was one of stagnation in the political sphere. Thus, Theodore Roosevelt gave serious consideration to eliminating Negro influence from the Republican Party in order to build an effective Republican organization among Southern whites.

His successor, William Howard Taft, broke precedent by appointing a Negro to be Assistant Attorney General, but he established the more important precedent of ceasing to name Negroes to fill Federal Government jobs in the South. Speaking to Negro students at Biddle University in Charlotte, North Carolina, in May 1909, Taft said bluntly: "Your race is adapted to be a race of farmers, first, last, and for all time."¹

Meanwhile American philanthropists were beginning to support Booker T. Washington's program by financing Negro basic, technical and higher education. These contributions helped train Negro lawyers and other professionals; they educated cadres of talented Negro students, some of whom would later rise to leadership in militant Negro pressure organizations.

The most important of these philanthropic groups was the Rosenwald Fund. Beginning in 1911 Rosenwald offered to pay up to one-third of the cost of building Negro schools in the South provided the balance was found elsewhere. During 1912-32 about 5,350 Negro schools were built with Rosenwald aid in 15 Southern states and the Rosenwald construction program covered one-fifth of all Negro schools built in the 12 Southern states for which data are available.² It was noteworthy and encouraging that some 17% of the funds needed came from "a flood of small contributions from the Negroes themselves."³

Rosenwald money also established libraries and aided Negro universities and colleges. The Carnegie Foundation gave a significant impetus to Negro education. In the area of industrial and teacher-training schools, the John F. Slater Fund pioneered. Rockefeller money paid for state supervisors of Negro education in the South. These men had no official standing, but they worked effectively and persistently to improve the standards of Negro education.

Birth of the N.A.A.C.P. By 1905 some of the younger Negro intellectuals were prepared to break with the Booker T. Washington philosophy of teaching the Negro useful trades, economic responsibility and how to get along with the white South. Under the leadership of W. E. Burghardt Du Bois, the first colored man to get a Ph.D. from Harvard, they formed the Niagara Movement for full equality.⁴ "We claim for ourselves every single right that belongs to a freeborn American, political, civil and social," Du Bois explained, "and until we get these rights we will never cease to protest and assail the ears of America."⁵

In 1908 savage lynchings occurred in Springfield, Illinois, within a

mile of Abraham Lincoln's home. In protest, William English Walling, a prolific writer and social reformer widely known as the millionaire socialist, appealed publicly for a revival of the abolitionist spirit and a crusade to secure freedom and justice for the Negro.⁶ Following this, Oswald Garrison Villard, biographer of John Brown and grandson of William Lloyd Garrison, issued a call for a conference to meet on the centennial of Lincoln's birth. At this gathering, the National Association for the Advancement of Colored People was formed.

The new organization consisted of white liberals and radicals, together with the militant Negro followers of Du Bois who condemned the Booker T. Washington approach as one which "sold out Negroes' rights for a pittance and even broke their courage to protest."⁷ The N.A.A.C.P. pledged itself to work for laws against peonage and lynching; to support equal opportunity for Negroes in jobs and unions, and to strive for the abolition of segregation, discrimination or humiliation by reason of race in all its forms.

Dr. Du Bois, one of the ablest Negro sociologists and historians of the century, became editor of the N.A.A.C.P. house organ, *Crisis*, and in that capacity was highly influential in shaping the Association's philosophy for the first 22 years of its life. He resigned in 1932 at the age of 64 and a few years later became prominent in a large number of Communist fronts.

The N.A.A.C.P. rapidly developed into the most effective of the Negro pressure organizations. It had a particularly powerful appeal to colored intellectuals. A 1938 survey by Charles S. Johnson showed that of 5,512 colored college graduates from all parts of the country, fully a third were members of the Association. N.A.A.C.P. membership stood at 85,000 in 1940 and would increase fourfold by the mid-1950's.

From the outset, exceptionally able white lawyers — among them Moorfield Storey, Clarence Darrow, Louis Marshall and Arthur Spingarn — gave their services to the N.A.A.C.P. In 1915, the organization waged its first major constitutional battle by having Storey file an *amicus curiae* brief in the *Guinn* case.⁸ The issue was the constitutionality of the so-called grandfather laws, enacted in seven Southern and Border states between 1895 and 1910. In essence, these laws waived all literacy tests and other qualifications in the case of voters lineally descended from persons who had been qualified voters in 1866. Since all Negroes had been disfranchised at that time, these laws barred ignorant colored men from the polls, while admitting ig-

norant white men. When the Supreme Court finally heard the *Guinn* case, it ruled unanimously that these statutes were unconstitutional subterfuges perpetuating "the very conditions which the (Fifteenth) Amendment was intended to destroy."

During the 1920's and 1930's, the N.A.A.C.P. became involved in half a dozen major struggles in the Federal courts to affirm the Negro's right to vote in Democratic primaries, to compel his equitable representation on Southern jury panels, to strike down residential segregation and to chip at the structure of biracial public education.

The *Guinn* case had proved to be a turning point into an era of increasingly active judicial intervention to secure equal treatment for Negroes under state laws. For 40 years, the scope and reach of the Fourteenth and Fifteenth Amendments had seemed to shrink under the scrutiny of the Supreme Court. For the next 40 years, the Court's interpretations would extend the frontiers of these Amendments to and beyond the horizons which the leaders of radical Reconstruction had envisaged.

The Negro, Violence and the Law. In little more than a generation, the N.A.A.C.P. and other like-minded groups and individuals managed to transform the procedures and conduct of Southern justice toward the Negro. The most common vehicle of change was appeal to the Federal courts to overrule decisions of state tribunals. The main areas of change prior to 1954 were discrimination in criminal justice, denial or abridgment of voting rights and racial segregation.

Slavery left as its heritage a double standard, based upon race, in crime and punishment. With trivial exceptions, the slave formed no part of the judicial or punitive machinery of society. He had no rights at law that he could assert. Racial discrimination in the definition of crimes, in the processes of legal decision and in the punishments imposed was an essential attribute of the slaveowning system.

These manifestations of the racial double standard in justice were outlawed by the Fourteenth Amendment, but this outlawry produced no corresponding revolution in the mores of the white South. The gap between law and custom was bridged by a variety of illegal or pseudo-legal expedients, ranging from the lynch mob to covert and systematic discrimination by judges, law officers and juries. Thus, in an area highly charged with anxiety such as rape, the supreme penalty would be regularly imposed on Negroes assaulting white women, sometimes on white men attacking white women, hardly ever on Negroes or white men violating colored women. The preservation

of a system of consistent race discrimination in the administration of justice presupposed that Negroes must be excluded from the grand juries which indicted and the petit juries which acquitted or convicted. Nor would the white South tolerate a situation in which Negro judges could sentence white prisoners.

As Myrdal saw the matter, the exclusion of Negroes from the judicial administrative processes left them completely vulnerable to the Southern "spirit of relative lawlessness." With characteristic exaggeration, the Swedish socialist wrote: "Any white man can strike or beat a Negro, steal or destroy his property, cheat him in a transaction and even take his life without much fear of legal reprisal."⁹

The roots of the Southern attitude toward violence lay in slavery and the backwoods environment. The frontier was a species of jungle in which sparseness of population, the need for self-reliance and the absence of more than a rudimentary machinery of law and order loosed the social bonds and created a stark and terrible individualism, characterized not by any real development of the human personality, but rather by mere readiness to repel with violence any attempt at social restraint and any practice condemned by majority usage.

The dominant element in this white Southern tradition was "an intense distrust of, and, indeed, downright aversion to any actual exercise of authority beyond the bare minimum essential to the existence of the social organism. This feeling, common to the American backcountryman in general, had, in truth, reached its apogee in the Southern coon-hunter."¹⁰

The peaceful revolution in the white South in the last quarter of the nineteenth century displaced a somewhat aristocratic leadership by elements much closer to Cash's conception of the backwoodsman. At about the same time, the lynching of Negroes became prevalent in the rural South and was often condoned by Southern racist politicians of the poor white class.¹¹

Obviously, as industry, urbanization and mass communications media welded the nation into a community of more or less uniform manners and morals, the backcountry mentality of the South receded and retracted. Yet it did not entirely disappear. When exposed nerves were prodded, particularly in rural areas, the reaction was likely to be explosive violence.

Prior to the Franklin D. Roosevelt administrations, the Supreme Court had avoided deep involvement in the relation of the Negro to Southern criminal justice. Two 1880 cases enunciated the general

principle that it was unconstitutional to bar Negroes from juries on racial grounds, but demanded proof of malign intent.¹²

Half a century later the Supreme Court was scrutinizing individual cases and setting aside death sentences against Negroes on the grounds that they had been convicted by juries chosen in an unconstitutional manner. In a leading case, the Court reversed a conviction after hearing evidence that, while the county in which the trial took place had a large colored population, it had never called up a Negro for jury service.¹³ A rape conviction in Dallas was set aside by the Supreme Court in 1942 on similar grounds.¹⁴ More recently, the Court went much further afield. It intervened in a situation in which Negroes were serving on juries and threw out the criminal conviction of a colored man solely because the index cards of potential jurors were coded according to race.

The Supreme Court under Roosevelt showed equal zeal in protecting other aspects of due process. It was prompt to intervene against confessions extorted from Negroes by third degree, holding prisoners incommunicado, failing to give the prisoner or his counsel adequate opportunities for defense, etc. Great vigor was shown in setting aside convictions obtained by these or other improper methods. In 1936, Chief Justice Charles Evans Hughes declared for the Supreme Court: "The rack and the torture chamber may not be substituted for the witness box."¹⁵

As a result a gradual revolution was encompassed in Southern criminal justice. By the mid-20th century, the American Negro, with few exceptions and for the first time in his history, was enjoying the full benefits of due process of law.¹⁶

Early Segregation Skirmishes. The Supreme Court soon moved to curtail the scope of race segregation in transportation. As early as 1914, it invalidated a state law which provided for separate coaches and dining cars for whites only on the grounds that there was little colored demand for the latter facility.¹⁷ In 1946, the Court struck a powerful blow against segregation in transportation by holding that state laws forcing race separation within their frontiers could not be applied to passengers going from one state to another.¹⁸ Four years later, the Court held that racially segregated dining cars were illegal on interstate carriers.¹⁹

Direct residential segregation was outlawed as early as 1917. Unable to restrict Negroes to certain areas by city ordinances, communities resorted increasingly to the racially restrictive covenant. This was simply a private agreement among property owners, generally

of indefinite duration, binding them not to sell to members of certain excluded races. The covenant was part of the sale. Hence violation of its terms meant that the owner forfeited his right to the property. These agreements were invariably directed against Negroes, but sometimes also included Asiatics, Jews, American Indians and other minority racial groups.

In 1926 the Supreme Court held that these restrictive covenants were private agreements and as such had nothing to do with the Fourteenth Amendment.²⁰ Twenty-two years later, a Court which was considerably more radical on the Negro question reconsidered the same issue and in effect reversed its earlier finding. To be sure, the covenant was a private agreement, it now asserted, but it was state action of a discriminatory and unconstitutional character for any court to enforce it.²¹

This decision destroyed the racial covenants root and branch. The social policy aspects of the Court's action were clear enough. It was argued that the racial covenant was more reprehensible than other exclusive devices because it was frequently self-perpetuating. To this extent, it perpetuated policies of ethnic exclusion even after community attitudes toward the putatively undesirable minority group had changed.

Considered as constitutional law, the Supreme Court's decision was difficult to understand. It embodied a radically new, far-reaching and unprecedented concept of state action. As such, it gave new dimensions to the power of the Federal Government to regulate inter-racial relationships. The Fourteenth Amendment had in essence barred state action of a racially discriminatory character. In the case of the racial covenant, the private contract was discriminatory; the action of the courts in enforcing the contract clearly was not. The history of the adoption of the Fourteenth Amendment offers no evidence that the original intention of those who framed, approved and ratified it was to prevent the courts from enforcing private contracts of this sort.

The Right to Vote. The N.A.A.C.P. took equally vigorous legal action to enforce and enlarge the Negro franchise. Its main strategy was to extend the right to vote backwards from the election to the primary and from the primary to the private political association. Here also, the Association was floating on the tide of larger political and social forces and hence was signally successful.

A Texas statute read: "... in no event shall a Negro be eligible to participate in a Democratic (primary) election." Nixon, an El Paso

Negro, brought suit with N.A.A.C.P. aid and was beaten in the lower courts. In 1927, however, the Supreme Court voided the Texas law. Mr. Justice Holmes characterized it as a "direct and obvious infringement" of the guarantee of equal protection of the laws.²²

Texas promptly repealed the obnoxious law and passed a new one which left it to the Democratic State Committee to decide who was eligible to vote in its primaries. The Committee then met and resolved that the vote should be confined to white Democrats in good standing.

Nixon brought suit a second time. The new law raised a more difficult constitutional question. If the Democratic Party in Texas was a private, voluntary organization, the Federal Government had no right to interfere with its internal rules. If, however, it was an agency of state government, it was bound by the Fourteenth and Fifteenth Amendments. The Supreme Court split five to four, the majority holding the Texas law to be unconstitutional.²³

The South refused to accept this second defeat as final. Various Southern states reorganized their political parties as "private clubs" free to admit or reject anybody they chose. The Supreme Court held this device to be constitutional.²⁴ Then in 1944, it reversed itself. No state could nullify the Negro's full participation in the electoral process, Mr. Justice Reed said for the majority, "through casting its electoral process in a form which permits a private organization to practice racial discrimination in the election."²⁵

What was probably the final effort to exclude Negroes from Democratic primaries by legal devices was tested before the Supreme Court in 1953. An organization called the Jaybird Democratic Association, which existed for the avowed and sole purpose of excluding Negroes, operated in a few Texas counties. The Association regularly polled its members on a straw vote basis and the winner invariably won the Democratic Party nomination. These straw polls were not official primaries. There was nothing on the ballot to show whether a candidate had Jaybird endorsement. The state of Texas did not recognize or deal with the Association. The parties to the litigation conceded that Negroes were perfectly free to vote or run for nomination in the areas where the Jaybirds operated.

The Supreme Court split four ways in this case.²⁶ Eight of the nine justices submitted or supported involved, hair-splitting arguments purporting to show that the Jaybird Association was not the private and voluntary association it seemed to be, but, in some occult

and metaphysical fashion, was an instrumentality of the state of Texas.

In his lone dissent, Justice Minton injected a breath of common sense. He said that the Court's opinion was "not in accord with the Constitution" and that private pressure groups were a traditional part of the political life of the nation. "In this case," Minton said, "the (Court) majority have found that this pressure group's work does constitute state action. The basis of this conclusion is rather difficult to ascertain. Apparently, it derives from a dislike of the goal of the Jaybird Association. I share that dislike. I fail to see how it makes state action."

Whatever one might think of the Court decision as constitutional law, one important point had been clarified. From here on out, the Supreme Court would lean over backward to render decisions favorable to Negro claims. Between 1938 and 1955, Thurgood Marshall, the most prominent of the N.A.A.C.P. attorneys, would argue 20 cases before the Supreme Court and win 18 of them.

Karl Marx and the Negro. The relationship between Negro protest movements and Communism has been complex and changing. As early as the Civil War, Karl Marx became interested in the American Negro as a potential instrument for his revolutionary plans. Before and during that war, Marx contributed political articles to the *New York Tribune* which were strongly pro-North and pro-Negro. Marx's small band of international socialists sent organizers and activists to the United States. A few of these men rose to positions of influence in the Union armies, notably Brigadier General August Willich and Colonel Joseph Wedemeyer who commanded the St. Louis district. Marx hoped a prolonged Civil War and blockade of Southern cotton would create enough misery and unemployment among English textile workers to drive them to social revolution. He portrayed the Negroes in a favorable light and even wrote: "Labor cannot emancipate itself in the white skin where, in the black, it is branded."²⁷

In his private correspondence with his lifelong friend and collaborator, Friederich Engels, however, Marx revealed a hostile and prejudiced attitude. Here he habitually used the derogatory English epithet "nigger" instead of the correct German word *Neger* (Negro). Thus Marx wrote abusively about his German socialist rival, Ferdinand Lassalle, commenting on his oblong head and kinky hair. Lassalle's shortcomings as a socialist theoretician, Marx alleged, were due to the fact that he was a "Jewish nigger . . . descended from the Negroes

who joined the exodus of Moses from Egypt (assuming his mother or grandmother did not cross on the paternal side with a nigger.)" ²⁸

Nine years after the publication of *The Origin of Species*, Marx hailed an obscure French social scientist named P. Tremaux as "much more important and rewarding than Darwin." Tremaux's great discovery was "that the common Negro type is merely a degeneration of a much higher type." ²⁹ Engels scoffed at Tremaux's theory that soil and climate could cause race formation. If Tremaux were right, how explain the fact that "we Rhinelanders, on our Devonian transitory mountains, did not become idiots or niggers a long time ago. . . ." ³⁰

The N.A.A.C.P. and Communism. From the outset the American Communist Party attacked the N.A.A.C.P. and its leaders as "traitors . . . lickspittles . . . betrayers of the Negro people . . . black handmaidens of Wall Street imperialism." ³¹

The future Nobel Prize winner, Ralph J. Bunche, asserted that the white sympathizers in the leadership of the N.A.A.C.P. tended to be "either cautious liberals or mawkish, missionary-minded sentimentalists on the race question." Bunche complained that these men were often motivated by "a sense of 'fair play' and a desire to see the ideals of the Constitution lived up to. . . ."

As for the Negro leaders of the N.A.A.C.P., Bunche characterized them as "not infrequently, forthright reactionaries." He criticized the organization for fostering middle class illusions that the Negro could solve his problems within the American democratic framework. "Therefore," Bunche preached, "white and Negro workers must cast aside their traditional prejudices, in their own welfare; they must lock arms and march shoulder to shoulder in the struggle for the liberation of the oppressed working masses." ³²

The Communists used the courts as sounding boards for revolutionary propaganda and made the trials of Negroes occasions for "mass pressure." The most notorious Communist "defense" was that of the so-called Scottsboro boys, nine adolescent Negroes accused of raping two white women while riding a freight train through Alabama. The Communist defense did everything possible to depict the defendants as martyrs to "American race injustice" and even telegraphed the presiding judge that he would be held "personally responsible unless the defendants were immediately released." ³³ These tactics of mob action and intimidation stimulated the jury to convict the alleged rapists and the judge to sentence them to death. The Supreme Court, however, overruled the verdict; ³⁴ the N.A.A.C.P. re-entered the case

and, after nineteen years of bona fide legal struggle, got the last of the prisoners freed.⁸⁵

The albatross that hung around the neck of the Communist Party — as far as its work among Negroes was concerned — was the theory that they were not merely an oppressed racial minority, but an *oppressed nation*. The corollary, as elaborated by Soviet theorists who had no knowledge of American conditions and as promulgated in 1928 at the Sixth World Congress of the Communist International, was that the American Communist Party must fight for “self-determination in the Black Belt.” In other words, the Negroes were to establish a separate republic of their own in the hundred or so Deep South counties where they formed a majority.

The reception of this Moscow-imposed platform by American Negro radicals was catastrophic to the immediate hopes of the Communist Party. The so-called black republic would be entirely surrounded by white Southern territory. It could be established only by acts of treason: insurrection or betrayal of the United States to an enemy in time of war. Any intelligent Negro could see that a race uprising of this sort would be suppressed by every means available to the nation. The self-determination plan also ran counter to American Negro aspirations. The black republic smacked of total segregation, of a huge rural ghetto for the Negroes. Ralph J. Bunche summed up the critical view of radical Negroes as follows:

“It is conceivable that conditions might become so intolerable for Negroes in the United States that the black man would seek refuge on other shores. . . . However, the glamour of a black state, either here as a 49th state or in Africa, as an independent nation, has not caught the imagination of the Negro — either of the Negro intellectual or of the Negro in the mass. The Negro, in his customs, in his thinking, and in his aspirations is an American, and he regards America as his home. He lacks even those religious ties which would attract the Jewish refugee to Palestine. If the Negro is to be gotten out of America, he will have to be driven out.”⁸⁶

As the popular front strategy evolved, the Communist Party changed its tune. By 1937 N.A.A.C.P. leaders were no longer “black Judases”; they were “honest liberals” ready to cooperate in the struggle against fascism.⁸⁷ The self-determination doctrine, while not formally rescinded, was ditched.

A period of cordiality and some common action followed. Wilson Record claims that the cooperation was generally on a local level only and that the N.A.A.C.P. continued to criticize the Red dictatorship.

He tends to minimize the influence of the Communist Party over Negro intellectuals. While few of the latter compromised themselves by open Party membership, many worked under Party discipline.

During the popular front era the Communist Party was singularly successful in organizing mass united front organizations to struggle for Negro demands and against race discrimination. Of these Red transmission belts, the National Negro Congress and the Southern Conference on Human Welfare were the most important. Gunnar Myrdal hailed the latter in lyric terms³⁸ and N.A.A.C.P. leaders were active in both.

The Hitler-Stalin Pact in 1939 shattered this honeymoon. The Communist Party reverted to leftist revolutionary dogmatism, became interested in sabotaging American defense plants and prepared to go underground. The Negro mass organizations it had built with so much trouble and hard work were dragged into the malodorous Red "peace movement" with its overtones of disloyalty and overt support of Nazism. The Communists urged Negroes to refuse military service because of segregation and withhold blood donations to the Red Cross because Negro blood was stored separately.³⁹ The spectre of self-determination in the Black Belt was resurrected and the N.A.A.C.P. was assailed with "a fury unparalleled in two decades of Communist activity."⁴⁰

After almost two years of this, Hitler invaded Russia and there was a new *volte face*. "Negroes, this is our war," the Party proclaimed. The "black handmaidens of Wall Street imperialism" who ran the N.A.A.C.P. were again lauded as honest, liberal anti-fascists. The N.A.A.C.P. was pushing what it termed the double V plan: victory abroad for the United States and victory at home for the Negro. Walter White of the N.A.A.C.P. and A. Phillip Randolph of the Pullman porter's union threatened a march of 50,000 Negroes on Washington in June 1941 unless President Roosevelt established a Fair Employment Practices Committee. This Roosevelt did by Executive Order 8802 three days after the Nazi invasion of Russia. In 1943 the Negro leaders again threatened trouble unless stronger measures were taken against race discrimination in war plants and again Roosevelt issued the order they requested.

The Communist Party regarded this N.A.A.C.P. activity as a species of blackmail, even as treasonable sabotage of the war effort. The Party urged prominent Negroes to write the President and the Attorney General, protesting the inflammatory tenor of the Negro press and implying that it should be censored. The Communists de-

nounced Randolph as "a traitor to his country" and his proposed march on Washington as an effort to create chaos.

After the War, the Communist Party again approached the N.A.A.C.P. with proposals for a united front. The reason the Association gave for rejecting the offer was not so much Communist disloyalty to the United States as the Red decision during 1941-45 to subordinate Negro demands to winning the War. As Roy Wilkins, then acting secretary of the N.A.A.C.P., put the matter in a 1950 letter to the Red-controlled Civil Rights Congress: "We of the N.A.A.C.P. remember that during the war, when Negro Americans were fighting for jobs on the home front and fighting for decent treatment in the armed services, we could get no help from organizations of the extreme left. They abandoned the fight for Negro rights on the ground that such a campaign would 'interfere with the war effort.' As soon as Russia was attacked by Germany, they dropped the Negro question. During the war years, the disciples of the extreme left sounded very much like the worst of the Negro-hating Southerners. American Negroes and especially the N.A.A.C.P. cannot forget this." ⁴¹

The leadership of the N.A.A.C.P. showed its strongly anti-communist attitude by firing the 80-year-old W. E. Burghardt Du Bois, who had rejoined the staff as Research Director in 1944. Du Bois had actively supported the Henry Wallace Progressive Party in 1948, had many communist-front affiliations and objected to N.A.A.C.P. support of President Truman's foreign policy.

Red Infiltration and the Future. Summarizing the tangled record, the Communist Party has been able to influence, and sometimes to lead, Negro intellectuals and politicians whenever it has compromised with its basic revolutionary aims and sought to unite existing Negro pressure groups behind struggle for immediate racial demands. Its success under these conditions has been partly attributable to skillful organization, astute propaganda techniques and dedicated leadership cadres.

On the other hand, when it sailed more openly under its own colors, the Party usually failed. The Communists were unable to build a Negro mass movement around any political program broader than race grievances. They could not convince Negroes to move from race conflict to class conflict. The unwillingness of the N.A.A.C.P. to take this step was the basic reason for Communist scorn and contempt.

Following Stalin's death, the Communist Party again abandoned the inane demand for self-determination and announced a policy of redoubled concentration on the Negro. On a world scale, the Soviets

had learned a great deal in Asia and Africa about the strategy and tactics of bending the aspirations of underprivileged nations and peoples to their purposes.

Against this, there was the decisive fact that the Communist Party in America carried the kiss of death and the stigma of treason. As long as both major political parties supported the N.A.A.C.P. demands for full equality, Negroes had no reason to embroil themselves with a despised, ostracised and virtually outlawed element.

On the other hand, world developments would continue to increase the prestige of the Soviet system among American Negroes. The more the "colored" world seemed to be led by the U.S.S.R. and the "white" world by the United States, the greater the potential influence of the Kremlin among the Negroes. These processes of reorientation were evidenced by such straws as the eulogies of the Bandung Conference by Negro writers and the unreserved acclamation of the Soviet Union by leading Negro social scientists.⁴²

The translation of this Soviet ideological influence into more substantial organizational influence might be expected under any of several not improbable conditions: (a) growth of Soviet influence among colored peoples and a disintegration of Western influence in their areas; (b) a compromise between the Administration and the white South, leaving the Negro pressure organizations to fight their own battles; (c) substantial achievement of the goal of racial equality before the law, a development which would leave the N.A.A.C.P. free to pursue more radical programs which most white liberals would not support.

Any drift of Negro groups toward Communism will probably not take the form of relations with the discredited and quasi-illegal Communist Party. Rather the basic problem is the extent to which organized American Negroes feel part of the contemporary nationalist upheavals in Africa and Asia and the extent to which they regard these as led and inspired by the Soviet Union.

ECONOMIC AND CULTURAL REVOLUTIONS

"The colour I think of little moment; and am of opinion with our friend Foote, respecting his negro friend, that a good dog, like a good candidate, cannot be of a bad colour."—PETER BECKFORD, *Thoughts Upon Hare and Fox Hunting*.

The second American race revolution began in 1917. It is still going on. Two decisive events occurred in that year which the Negro did nothing to shape, but which would have massive influence on his future. The first was American entry into World War I. The second was the Bolshevik Revolution in Russia.

Wilson's declaration of war against Imperial Germany served to shake Negroes out of the stagnant rural slums of the South. Four hundred thousand of them were inducted into the armed forces; 200,000 went to France. Perhaps half a million other colored people trekked North to take advantage of the war boom and industrial labor shortage. Thus, about a tenth of the Negro population was physically moved, placed in new environments, exposed to stimuli calculated to broaden horizons. The northward migration catalyzed by World War I, while interrupted during the depression years, would prove to be a continuing trend, radically transforming the social and economic characteristics of the Negro population.

The effect of the Bolshevik Revolution in Russia would not become manifest for 30 years. Once the United States was engaged in a struggle with the Soviet Union for world leadership, American race policies would cease to be formulated with primary reference to social realities and national interests at home. The decisive consideration would be the effect on foreign public opinion. The American public would be told that it was of paramount importance to accept the Negro as a brother in order to win over the dark-skinned peoples of the earth not as yet wedded to the anti-communist crusade.

The Role of Immigration. As long as the gates of European immigration were open, the Negro remained in the rural South. Between 1860 and 1910, over 22 million European immigrants came to the United States, settling for the most part in the North and providing labor for an American industrial revolution. These immigrants often encountered hostility, hatred and violence; yet they persevered, advanced in status and were assimilated. During these same 50 years,

the proportion of the Negro population outside the South rose merely from 5.1% to 10.4% of the total. Negro inertia was monumental and, as late as 1910, there were less than a million colored people in the North and West, comprising a bare 1.6% of the population of those areas.

The Negro's economic and geographical status was transformed by the immigration quota act of 1924, part of the backwash of World War I and the fear reaction against Bolshevism. Under the quota policy, only four million immigrants entered the United States during the 30-year period 1925-55. The restrictions bore down primarily on South and East Europeans and Orientals, who had gravitated, as a whole, toward unskilled and semi-skilled labor.

The Negro, accordingly, and, to a lesser extent, the Puerto Rican and Mexican became the new American reservoir of common labor. As long as the economy was expanding more rapidly than labor supply, these groups would tend to better their economic condition.

Another formative influence was the development of social welfare programs and policies of economic levelling under the Roosevelt, Truman and Eisenhower Administrations. During the era of the Negro's most spectacular economic advance, the period from 1940 forward, the key phenomenon would be colored migration *en masse* into the great Northern cities. As will be shown in more detail later on, it was in these metropoli that public subsidy of the underdog had been most elaborately developed and was being most lavishly practiced.

Thus the economic revolution in the status of the Negro resulted largely from his belated decision to move into areas of opportunity. His road up from poverty was eased by an immigration policy which excluded European and Asiatic labor with which he had never been able to compete. His position in the Northern cities was improved by large public subsidies toward the cost of which he made only minimal contributions as a taxpayer.

The Negro Economic Upheaval. The flow of Negro population has been from rural to urban areas and from South to North. Between 1900 and 1956, the proportion of Negroes on Southern farms declined from 68% to 16% of the total.¹ The long blight in agriculture played a role. Particularly after 1940, rapid advances in the mechanization of cotton and other crop cultures helped make colored field hands superfluous. In 1920 only 15% of the Negroes lived north of the Mason and Dixon line. Twenty years later, the proportion was still under 25%. By 1956, however, 6,300,000 of 17,300,000 Negroes — more than a third — lived in the North and West.

In 1954 the median cash income of Negro families in Northern cities was \$3,243, in Southern cities \$2,425, on Southern farms only \$763. Thus, the migration from farm to city was more important in lifting Negro income than the trek from South to North.

Urbanization of the Negro population has been most rapid in the North. In 16 major Northern cities, estimated Negro population rose from 1,964,000 in 1940 to 4,293,000 in 1957 — an increase of 115%. As a result, these Northern metropolitan areas changed from 10.9% to 20.9% Negro.² In 16 major Southern cities the Negro population increased during 1940-57 from 910,000 to 1,362,000 — or 50%. Here, the gain in white population was greater. Hence these cities were 32.3% Negro in 1940, only 29.6% Negro in 1957.³

The proportion of Negroes in semi-skilled and skilled jobs and in clerical and service trades has about doubled since 1940.⁴ Evidence concerning Negro progress in the professions is more ambiguous. *Fortune* reported a modest increase. Of male Negro workers, 1.8% were professionals in 1940, 2.0% in 1956. The corresponding figures for Negro women were 3.9% and 6.3%, the gain being due to the expansion of segregated colored schools employing Negro teachers in the South.

Census data show a decline in the proportion of Northern Negro workers who were professionals between 1940 and 1950. In the latter year there were proportionately four times as many white as Negro professionals. This understates the true difference, since two-thirds of the Negro professionals in the South are either preachers or teachers in colored schools.⁵ The Negro professional, generally speaking, is more poorly trained than his white colleague and less qualified.

The Negro has made considerable progress in business. By the mid-1950's, there were a few Negro millionaires, Negro insurance companies with assets as high as \$50 million, Negro finance companies, real estate firms and even a Negro brokerage house. For the most part, they catered to colored customers. The small Negro upper class, like its paler counterpart, enjoyed yachts and mutation minks.

The extent of the Negro advance is indicated by Ralph J. Bunche's 1942 prediction that the "parasitical" Negro business community had no future. The Nobel Prize winner-to-be thought it "impossible to wring much wealth out of the already poverty-stricken Negro ghettos of the nation. Moreover, it should be clear that Negro enterprise exists only on the sufferance of that dominant white business world which completely controls credit, basic industry, and the state. . . . In this sense, Negro business looms as a parasitical growth on the

Negro society, in that it exploits 'the race problem.' It demands for itself special privileges and parades under the chauvinistic protection of 'race loyalty,' thus further exploiting an already downtrodden group. It represents the welfare of the pitifully small Negro middle class group, though demanding support for its ideology from the race conscious Negro masses. . . ."⁶

By the mid-1950's, the Negro upper class, economically speaking, also comprised groups which were not connected with business enterprise directly. The criminal component of this elite was generally associated with gambling, dope and prostitution. Organized racketeering and financial swindling, however, were forms of criminal activity in which the Negro was under-represented. The Negro was prominent in major fields of sport. Negro singers, dancers and comedians rose to stardom and fame. However, as late as 1959, Sidney Poitier, Negro co-star of the award-winning film, *The Defiant Ones*, would be described in a laudatory profile as the only Negro dramatic actor of the first rank and certainly the only Negro actor who was not also a dancer or singer.⁷

Negroes also reached the top in music, sometimes as composers, more frequently as performers. Here again, their chief sphere would be jazz and folk music. In the more demanding area of classical music, very few would be represented. By the mid-1950's, there were some Negro artists and a few capable Negro novelists. In science, particularly theoretical science, the Negro lagged behind other groups. The profile of the Negro elite revealed high achievement in those fields requiring kinesthetic and acoustic mental ability, low achievement in fields requiring superior development of the visual centers of the brain. The potential significance of this distinction will be explored when we discuss the African mind in the light of recent neurological, psychiatric and psychological research.

Where the Negro Stands Economically. The transformation of the Negro from pauper to property-owner got under way during World War I, but it was not until a quarter of a century later that the upward movement gained impressive momentum.

According to estimates by *Fortune*, per capita Negro income increased from a prewar \$384 to \$1,070 in 1956 — an almost threefold rise in a decade and a half. The Negro did not merely share in American material progress, he increased his share of it. Where his per capita income was 30% of the white American average in the pre-war era, *Fortune* placed it at 53% of that level in 1956.⁸ Using a

somewhat different measuring rod, Ginzberg estimated Negro per capita income at 54% of the white level in 1954.⁹

Considered in relation to the United States population as a whole, the Negro is impoverished. However, when his condition is measured on a global scale, it becomes apparent that he is among the affluent minority of the world's inhabitants. In 1956, average Negro per capita income in the United States was higher than that of West Germany and four times as high as that of Japan.¹⁰ The American Negro is much better off than members of his race living in other countries and, for that matter, probably always has been.

The American Negro is thus economically fortunate. He ranks among the wealthiest ethnic and national groups in the world. Negro economic progress in America is a direct result of United States citizenship. Forces which the Negro never shaped have placed him in a singularly fortunate position, one which bears little relationship to his abilities. From this standpoint, it could be claimed that the American Negro is not underprivileged, but overprivileged.

The rise of the Negro was accelerated by the ethos of the new Rooseveltian capitalism. Increasing income taxes, growing social welfare programs and state-supported trade unionism combined to equalize income in the United States, dissociate economic reward from either effort or ability, and swell labor's share of the total. The political, legal and social struggles of the American Negro in the past quarter of the century have been waged against a background of rising income and well-being. By the mid-1950's, the Negro represented about \$15,250,000,000 of purchasing power. This solid fact explained much of his success in attaining equality under the law. As the currently much deprecated Booker T. Washington observed: "No race that has anything to contribute to the markets of the world is long in any degree ostracized." Business enterprise is usually color-blind as to its customers and prepared to accept any dollar provided it is green.

Cultural Reappraisals. Another formative influence, shaping the Negro's status in 20th century America, was a cultural revolution in the attitude of intellectuals toward the African race. The development of photographic techniques was one of the causes of this transvaluation of values. The future of the plastic arts was threatened. In their flight from realism, creative painters and sculptors engaged in feverish innovation and search.

Old styles, rules and genres were discarded. There was a rediscovery and reappraisal of the art forms of non-Western civilizations

and of human communities which had never reached the level of civilization. The art of native Africa south of the Sahara fell into the latter category. Until about 1900, it had been generally regarded as the crude efforts of untalented craftsmen with primitive tools and rudimentary imagination. To modern art critics, however, West African art seemed to contain brilliant and mature masterpieces forged within a style of disciplined, self-conscious abstraction. This laudatory attitude was encouraged by a sort of nihilism in art criticism which in effect asserted that it was provincial to consider one culture higher than another.

Thus, writing about the West African art of the Benin, the Bakuba tribe and the statues of the Bushongo kings, André Malraux, perhaps the most prominent representative of this nihilistic viewpoint, claimed to find "an art of collective subjectivism, so to speak, in which the artist invents forms deriving from his inner consciousness, yet recognizable by all, thus mastering with his art not only what the eye perceives but what it cannot see."¹¹ Similarly, Herbert Kuehn, an eminent German prehistorian, explains the apparent dearth of imagination and impoverished technique of primitive African art as a movement from representational realism to symbolism and abstraction.¹²

Anthropologists, psychologists and psychiatrists who know Africa and the African generally take a different attitude. They often explain the plastic art forms of the Negro as being tentative advances toward pictorial writing. The quality of African art is sometimes appraised in terms of a possibly defective development of his visual brain centers. In the fundamental study of the African mind he prepared for the World Health Organization in 1953, J. C. Carothers states: "Thanks perhaps to the large parts played by sound (in speech and song), the visual arts (plastic and graphic) have played a minor role. These arts are highly formal; and it has seldom been the conscious aim of the African craftsman to express himself in his art, but rather to express concepts (of a magical and religious type) by symbols that were comprehensible to all his group. As in other fields, therefore, African art is social and impersonal. Indeed, the statuettes, masks, and decorations that have so inspired certain European schools of art seem really to be 'agglutinations' in the Kretschmerian sense, and to represent perhaps the first step on the road to writing."¹³

The "talented tenth" of the American Negro population, to use Du Bois' phrase, began to make an imprint on American literature after World War I. By the 1920's, Harlem was recognized as an Afro-American cultural center. Negro spirituals and Negro jazz were

studied as authentic forms of folk culture. These evidences of Negro creativity were magnified particularly by bohemian and left-wing groups who viewed the Negro as a symbol of class exploitation and wished to give him heroic stature. Northern attitudes toward the Negro gradually changed and, with greater acceptance, the Negro's political and social position improved.

The Intelligentsia of Timbuktu. A group of social scientists soon began to explore the Negro's past in an effort to show that it was comparable in terms of civilization level, ethical values and creativity with that of other major ethnic groups. Some of this work helped correct the previously prevailing picture of unrelieved barbarism. However, the animus and propagandistic motive tended to be uppermost and this resulted in exaggerated claims and findings of questionable validity. Melville J. Herskovits, probably the most able non-Negro in the group, openly conceded that his aim was to endow the Negro "with the confidence in his own position in this country and in the world which he must have. . . ." ¹⁴

The movement to re-examine the Negro's African heritage dates from W. E. Burghardt Du Bois' pathbreaking 1903 study, *The Souls of Black Folk*. Thirteen years later, the *Journal of Negro History* appeared under the editorship of Carter G. Woodson, a Negro social scientist whose professional life was dedicated to stressing the positive aspects of the past of his race.

These Negro social scientists sometimes set themselves exacting standards of scholarship and accuracy which non-Negro writers on the subject of African culture did not always emulate. One unfortunate example of the latter tendency will suffice. The author is Professor Clyde Kluckhohn of Harvard, a social anthropologist who has done distinguished and valuable work in directing Harvard's Russian studies. In his popular book on anthropology, *Mirror for Man*, Kluckhohn writes: "The twelfth-century Negro university at Timbuktu compared favorably with contemporary European universities — as did the general level of civilization in the three great Negro kingdoms of that time. The iron working which is so important a base of our technology may be a Negro creation." ¹⁵

The only one of these statements which is true is that iron working is important to modern technology. First, consider the supposed university at Timbuktu, which Kluckhohn equates with contemporary Western centers of learning, that is to say, with Salerno, Bologna, Oxford, Cambridge and the Sorbonne. That there should be such an institution of higher learning in a salt and gold trading city in the

Sahara, ruled by the barely literate Mandingos of the kingdom of Mele, would be remarkable. What is even stranger is that contemporary observers did not notice it and reputable surveys of Islamic culture do not mention it.

To be sure, the *Encyclopaedia Britannica* does refer to a "university" (the quotation marks are in the original) in the Sankoré Mosque at Timbuktu, but places it in the sixteenth century, as does Du Bois.¹⁶ Dr. Kluckhohn has mistaken a mosque with a few religious teachers attached for a university and has dated this institution four centuries earlier than the facts warrant. Kluckhohn's allegation that the three main Negro kingdoms of the twelfth century "compared favorably" with Europe in their "general level of civilization" is also inaccurate. Twelfth century Europe was engaged in building Notre Dame de Paris, evolving the theory of the universal Papacy and creating scholastic metaphysics with Peter Lombard and Peter Abelard. By contrast, the Negro peoples of West Africa were illiterate except for a handful who had been taught Arabic as part of the process of religious conversion. They had no jurisprudence, no natural science, no history, no literature, no philosophy. When the indefatigable Arab merchant-traveller, Ibn Batuta, visited the Timbuktu area in the fourteenth century, his chief cultural finding was that the women were naked and the men ate dog meat and carrion.

Kluckhohn's third quoted assertion is that the African Negroes may have invented "iron working." This idea is probably borrowed from the late Franz Boas who stated, with greater precision, that they probably discovered the art of "reducing iron ores by smelting." This was a reasonable belief in the light of the knowledge available in Boas' time, but it is not so today.

Actually, we first find iron smelting in Asia Minor around the fifteenth or fourteenth centuries B.C. It is not until 2,500 years later that it reaches the Bantu country.¹⁷ The history of iron metallurgy, in so far as it is known and relevant, offers evidence, not of Negro inventive genius, but of Negro slothfulness in borrowing the ideas invented by others.

Unfortunately, the cultural history of Negro Africa is sometimes treated, not as a field for objective historic inquiry, but as an arena in which "prejudice" must be combatted and racial equality proved. As Myrdal put it, "there has been a definite distortion in the emphasis and the perspective given the facts: mediocrities have been expanded into 'great men'; cultural achievements which are no better —

and no worse — than any others are placed on a pinnacle; minor historical events are magnified into crises.”¹⁸

Cultural developments paralleled the economic trend and both set the stage for a resurgence of the demand of the Radicals of Reconstruction that the Negro be totally integrated in American life. The admiration for African plastic art may have been partly based on a misconception of its nature and function;¹⁹ the craze for Negro jazz may have been primarily a symptom of a continuing revolution in sexual mores; the fables palmed off as history concerning indigenous Negro civilizations may have been the product of commendable sympathy for the ethnic underdog.

All this is unimportant. What is important is the aggregate effect. The American mind, in so far as it was formally educated outside the South, was changed. The doctrine of the absolute equality of the races in talents soon seemed to be both the keystone of American democracy and unassailable scientific fact. A climate of opinion was being created which would be propitious to the things that were to come.

PART TWO: THE ETHNIC ISSUE

12

THE AFRICAN HERITAGE

"Unto everyone that hath shall be given, and he shall have abundance: but from him that hath not shall be taken away even that which he hath."—*St. Matthew, xxv: 29.*

Are there fundamental biological differences between the minds and psychic growth patterns of Caucasians and Negroes?

The answer to this question may be of considerable importance to the future prospects of massive race integration, particularly in the public schools. Given intelligence and good will, cultural differences can be overcome. Biological differences generally cannot except over a span of thousands of years.

In this chapter, we seek a general answer to the question in Africa. If ethnic psychic differences are present, it should be easier to detect them in areas where the native population is of comparatively unmixed stock. Such differences should show up more clearly when whites are compared with trans-Sahara African natives than when they are compared with the nominally Negro, but actually Afro-european, population of the United States.

A search for biologically caused psychic differences between the two races is not necessarily an effort to establish the superiority of either. Value judgments may have their place in religion, but not in science. There superiority and inferiority are always relative to specific frames of reference. When the pattern of culture and education is set by one race and adapted to its own needs and potentialities, deviant mental behavior in another race will probably seem to be evidence of inferiority. However, seeming and being are generally very different things. If the biologically determined psychic patterns of Africans are found to be different, the constructive task will be to ascertain the nature of these differences and their implications in terms of such institutions as public education.

A Unique African Development Pattern? A decade ago it would have been difficult, perhaps impossible, to state whether or not these innate psychic differences exist. Since then, fundamental studies,

some of them under United Nations auspices, have cast entirely new light on the problem.

On June 15, 1957, Drs. Marcelle Geber and R. F. A. Dean published an article of great importance in the authoritative British medical journal, *The Lancet*, showing that Uganda native infants had development rates "equal to that of European children twice or three times their age."¹

The 107 infants tested were born in July and August 1956. The babies and their mothers were without known disease. All births were normal and unassisted; twins and caesarian and forceps births were excluded from the tabulation. Except for one 10½ pound baby, birth weights ranged between 5½ and 9 pounds. Sixty per cent of the subjects were from the local Bantu-speaking tribe, the Ganda. Others were Bantu, Nilotic and Hamitic. No difference in development rates between the various tribal, linguistic and ethnic groups was found.²

Almost all of the children were examined in the Mulago Hospital where they had been born. Of the 107 babies, 37 were examined during the first two days of life and 45 between the second and fourth days. The median age at examination was slightly less than three days. No child over eight days old was tested.

The examination techniques are taken from standard French treatises on infant development by Koupernik (1954) and Thomas *et al.* (1955). Strictly speaking, they are not tests, but quantitative observations of the time of transition from uterine and neonatal kinesthetic reactions to more advanced forms of muscular control. They were designed for European subjects and "are normally considered to be applicable only to children more than one month old. . . ."

Geber and Dean reported that the African infants' eyes were "wide open and had a lively look." In some cases, moving objects would be followed with the eyes even in the first days and this would be accompanied by a rotation of the head. The European norm is to follow moving objects with the eyes at two weeks and to rotate the head at 3-4 weeks.

One of the infants, only one day old, continuously fingered the bandage covering a small, birth-incurred scalp wound in the occipital area. When placed on its belly, this child at once "turned to one side or (even more remarkable) raised his head, propping himself on his arms."³

When drawn to a sitting position, 90 of the 107 babies would prevent their heads from falling back. These 90 infants, most of them under

four days old, were also able to keep their trunks straight. (By contrast, head control and ability to straighten the back when sitting are acquired by normal European children in the 8th to 12th week.)

The Moro reflex, which persists among white children till the 6th to 8th *week*, was not found in any African child after the 4th *day* of life. The article was accompanied by photographs of African infants tested. A 48-hour-old baby was shown lying on his stomach and raising his chin from a table. Another photograph showed a baby, 9 hours old, sitting up and able to prevent his head from falling forward.

The African infants had an entirely different muscle tone from European babies. At rest their "flexion was much less accentuated" and they had remarkable head and neck muscle control. "So far as could be determined in this series, the results did not vary with the sex of the child, its birth weight, or the parity of the mother."

The broad conclusion drawn by the writers was: "There seems to be no doubt that these African children had been born at a more advanced stage of development, judging by the method used, than the normal European child. The results of the examination were so consistent, and the degree of advance was so great, that there was little room for uncertainty. Much of the activity corresponds to an age of 4-6 weeks. Some was even more precocious. . . ."

These results were "not entirely unexpected because clinical observations of African children in the first year of life had already shown that the accepted 'milestones' of development—raising the head, sitting, standing, walking, and so on—were passed at an earlier age than in European children."

It was conceivable, but "in our opinion unlikely, Drs. Geber and Dean wrote, that some of the findings might be due to local conditions at Kampala, a town virtually on the Equator and at 3,500 feet above sea level. This hypothesis was refuted by giving the same tests to 15 European children (all available at the European Hospital) and to 60 Indian children at the Asian hospital, Kampala: "The European children gave exactly the results that have been found in Europe, and the Indian children gave almost similar results. Neither group showed any great degree of overlap with the African children."

New-born African children in Uganda show rates of development in the first days of life which are attained by normal European children only after the first month of life.⁴ These differences between the developmental paces of the two races in infancy are much too large to be attributed to chance. Since they appear in salient form

as early as the ninth hour of life, they obviously cannot be attributed to socioeconomic conditions or other environmental factors.

Finally, the superior performance of the African infants occurs *despite* a uterine environment which is inferior and possibly grossly so. Protein deficiency and neglect of fruit and green vegetables is general. "The best food may be kept for the men, though it is a recognized principle of modern dietetics that the relative need for many items is greatest in pregnant and lactating women and in children."⁵ It is possible that malnutrition may hamstring foetal development and cause cortical deficiency.⁶

The amazing precocity of the African infant in passing the conventional developmental milestones occurs, accordingly, despite congenital handicaps or, at best, in the absence of any congenital advantage.

Development of the African Child. In the case of Uganda infants, however, this precocity is not fated to last. The development pattern of Kampala children from the age of 6 months to 6 years was traced in a report which Dr. Geber published a year earlier in the international journal of UNESCO.⁷

Using Gesell tests, she measured the psycho-motor development of 131 native children, mostly from Bantu tribes. Of these subjects, 43 were the children of students of theology who lived in a village with a day nursery staffed with an English directress and African assistant. The others were the children of village people and plantation workers, groups with little education; as a rule poor and living under primitive conditions. Generally the children were examined in the hospital with their parents present.

"The remarkably dynamic behavior and the sociability of the very young children," wrote Dr. Geber, "was in strong contrast to the quietness and timidity of the older children."

The conclusion of the report is worth quoting at length:

"The results showed that the young African child was precocious in development when compared with European or American children of the same age. The precocity was generally lost in the 3rd year and after that time the African children were retarded.

"The advance was found to be particularly remarkable in the first months. The head was raised at a very early age, sitting and standing were also early. Manual development was remarkable for its precision and dexterity. The test objects, *although completely new to all the children* — toys and objects that might have an educational value being rare in the homes — were manipulated and used with

pleasure. The children showed a very lively interest, and their adaptivity was greatly superior to that corresponding to their age. *Language was also highly developed, as much in expression as in comprehension.* Even the very young children were interested by the examiner and attempted to communicate with her. Personal social relations were surprisingly good. Behavior in front of the mirror was remarkable. From 6 weeks onward, the child smiled at his image." 8

Using Gesell's Development Quotients (D.Q.s), Geber found that 93% of the children less than 1 year old scored above 100. Above-average scores were made by 80% of the 1-to-2-year-olds; 61% of the 2-to-3-year-olds, but by only 34% of those over 3. The children of the theological students did somewhat better. Up to the age of 2, all had D.Q.s above 100. Between 2 and 3, the percentage was 56%, and after 3 it was 55%.

The children were best at the adaptation and coordination portions of the test, almost as good in social relations (for instance, feeding without assistance), not as good in language. Nevertheless, half of the infants less than 1 year old had D.Q.s of 120 or better in the language sections of the test. At 44 weeks, one child was able to identify her front and rear image in the mirror, point to the mirror image of a ball she was holding, and say papa, mama, goodbye, etc.

The linguistic abilities of these infants apparently persevere into adult life. At least, the Uganda natives have developed a music of their own which is described as impressive and they transmit orally and intact the laws and traditions of their tribes from one generation to the next.

Dr. Geber has avoided offering any firm explanation of the marked difference between the African and European patterns of child development. She does suggest, however, that qualitative differences may exist between the structure and development of European and African brains.

Discussion and Significance. At this stage only a few points need be made concerning causal factors and significance.

There is difference of opinion as to the relationship between speed of infant development and subsequent intelligence. Gesell admits that a high rating on his developmental tests in early infancy is not necessarily predictive of subsequent mental superiority, but urges that the tests show up morons and other mental defectives as early as the 28th week.⁹

However, a long-range, continuing study at the University of Cali-

fornia by Nancy Bayley has shown that infant tests given during the first year of life "are useless for predicting later intellectual status" and that "the correlations of first-year tests with later intelligence measures, though very close to zero, tend to be *negative* rather than positive."¹⁰ One hypothesis advanced is that the Gesell schedules test precocity in muscular and kinesthetic development which does not reveal at these early ages whether the cortex or more primitive brain centers are responsible.

Comparing different ethnic or national groups, investigators have found that the supposedly more primitive groups lead in early infancy, but afterwards fall behind. Tests of large samples of white and Negro infants of similar socioeconomic status showed that, until the 30th week, the developmental pace was more rapid among the colored children.¹¹ An earlier comparative study of California infants and Tartar and Russian neonates at Kazan showed the American children lagging.¹²

In the epochal study of the mental capacities, psychology and psychiatry of the African Negro which he did for the World Health Organization in 1953, Carothers expounded the biological basis for the rule that length of infancy is related to ultimate mental development as follows: "The difficulty of early learning is mainly one of cerebral complexity, and it is the rule in all mammalian life for full mental stature to develop early in direct relation with cerebral simplicity. The rat, for instance, is fully competent to deal with his relevant environment within three months of birth, whereas the chimpanzee takes several years. Whenever the central nervous system is enlarged out of proportion to its sensory supply and has many alternative pathways and opportunities for choice, much time is taken in growing up. In Hebb's phraseology, where the association-sensory ratio is high, the learning must be slow, though the final ability to handle complex relations will be great. The long time taken in growing up in the higher animals may be in part a question of maturation, but is mainly due to the need for learning to be piecemeal and unintegrated at first. This does not last, however; and sooner or later, the animal makes the larger synthesis and becomes competent to cope at any moment with its total situation."¹³

Applying these generalization to comparative European and African psychology, Carothers points out that cerebral simplicity cannot explain the "unintegrate thinking" of the African adult. He leaves open the question of "whether or not the African brain is relatively simple. . . ." ¹⁴ Dr. Carothers published his monograph in 1953 and

hence was not aware of the major discrepancies between the developmental paces of European and trans-Sahara Negro infants as demonstrated by Geber.

The African Brain. Three authoritative studies of African cranial capacity, as summarized by Carothers, reveal averages for adult males of 85%, 91% and 95% of the corresponding European averages.¹⁵ One of these studies gives a frequency distribution of brain weights in the form of a bar graph, from which it appears that only 25 of 351 East African brains examined equalled the average European adult male weight.¹⁶ Another of the studies indicated that the brains of 51 educated Bantu-speaking subjects were about midway between average European and African weights.¹⁷ Investigations of American Negro brains also revealed somewhat lower average cranial capacities.¹⁸

Since brain size is correlated both with body build and with intelligence, the lesser cranial capacity of the Africans is not invariably significant. Various investigations in the United States concluded that the cerebral cortex forms a smaller part of the Negro than of the white brain.¹⁹

In summarizing more recent literature, Carothers cites studies which conclude that the African brain is smaller mainly because it has less height than the European. One American authority found the frontal and occipital regions proportionately smaller in African than in European brains, a conclusion which, if corroborated, would support the theory that "many of the peculiarities of African psychology and psychiatry could be seen (in terms of physiology) as frontal idleness. . . ."²⁰

Those writers who believe that significant differences in brain structure exist tend to agree that the European brain has proportionately larger frontal areas than the African and that the differences tend to concentrate in those cortical areas devoted to the organization of visual and spatial perception and to abstract thought.

African Brain Histology. Two brief papers by Dr. F. W. Vint of the Medical Research Laboratory in Kenya, published over 20 years ago, present findings concerning the histology (or minute tissue structure) of the African brain which, if correct, are of fundamental importance.²¹ Carothers' appraisal of Vint's work is that it "stands in an isolation as complete as it is surprising" and that it "deserves most serious attention." As a former Kenya hospital director, Carothers was "familiar with the quality of Vint's work in general." The sum-

mary which follows is taken largely from Carothers' synopsis and evaluation.

Vint took sections from the prefrontal cortexes of 35 brains in the first study and of 100 in the second. His subjects were adult males available for autopsy in the native hospitals of Nairobi, excluding the prison and mental hospitals. About half of the subjects were Kikuyu (the tribe of Mau Mau fame or infamy). They were described as being in poor physical condition and about 70% of native autopsies in Kenya at the time suffered from cirrhosis of the liver, caused less by alcoholism than by protein deficiency.

On the other hand, the Kikuyu are an outstanding native group by any standard. To quote Ian Henderson:

"The Kikuyu are the Germans of tribal Kenya. This tribe of 1,500,000 is noted for its devotion to education, its ability to work hard, and its intelligence. The tribal reserves, which are potentially fertile and most strategically placed, lie close to Nairobi and the European settlement areas.

"In the last 50 years, the Kikuyu have had closer contact with European civilization than any other tribe in Kenya."²²

Vint determined the thickness of the various layers of the cortex in his African subjects and compared the measurements with those of normal European adult males as determined by Van Economo. He found that the most recent part of the brain from an evolutionary standpoint, the supragranular layer, was only 84% as large among Africans as the European average. The significance of this finding of Vint is that the supragranular layer of the cortex is believed by specialists to be primarily concerned with the organization of the more intricate and abstract aspects of intelligence. Vint also found that the cells were "smaller in the native brain . . . and . . . many of the cells are only partially differentiated."²³

Postnatal increases in brain size must occur primarily in the supragranular layer which is only half as thick at birth as at maturity. These increases are "due almost entirely to the process of myelination (sheathing) of the nerve axons."²⁴ Those embryonic cells which fail to develop into nerve axons are not sheathed. Therefore, brain growth after birth consists mainly of sheathing, reflects the maturation of neurons, and occurs in those association areas which are very recent from an evolutionary standpoint and which are concerned with the so-called higher processes of thought. Carothers finds Vint's analysis in accord with the thinking of more modern specialists.²⁵

Vint drew the following major conclusion from these histological

studies: "Thus from both the average weight of the native brain and from measurements of its pre-frontal cortex I have arrived, in this preliminary investigation, at the conclusion that the stage of cerebral development reached by the average native is that of the average European boy of between 7 and 8 years of age."²⁶

In a review of Vint's work, the distinguished dermatologist, Dr. Sequeira, suggested that the discovery of major histological differences between the African and the European brain might have been anticipated on general evolutionary grounds: "Both the cerebral cortex and the epidermis are derived from the same elementary embryonic layer — the epiblast. Ethnologists tell us that the characters of the skin and hair afford better criteria for the differentiation of the various races of mankind than any other feature. It should therefore not be surprising on embryological grounds to find differences in the characters of the cerebral cortex in different races."²⁷

Additional studies of brain histology seem urgently needed to ascertain whether Vint's findings apply generally to trans-Sahara Africa or merely to Kenya. Another vital question is whether the observed failure of cerebral development to advance beyond the 7-to-8-year-old European level is caused by specific pathological conditions or is an hereditary racial condition.

Electroencephalographic Studies. A third area of promising investigation is the electrical physiology of the African brain. Electroencephalography is a very new and rapidly growing science. It studies the living and functioning brain by analysing its wave emissions, their cerebral location and the brain's electrical responses to various stimuli. While it is vastly more complex, each "brainprint" is as individual and unique as each fingerprint.

In 1949 the French neuropsychiatrist, Dr. Gallais, pioneered in the use of this new technique to compare the EEG patterns of different races.²⁸ He took EEG readings of 100 Negro soldiers from French Guinea, all apparently normal and healthy, in a well-equipped Marseilles laboratory. Dr. Gallais and his associates found that, whereas only 13.8% of European subjects showed abnormal EEG patterns, the percentage of abnormality among the Africans was 58%.

Among the more important deviant findings were the following: (1) 78 Africans showed visible theta waves; in 31 cases, it was the dominant rhythm in one or more brain areas; in 11 cases, it was the only basic rhythm. (2) Alpha rhythm was widely diffused on the cortical surface and there was a relative abundance of poorly defined low-volt tracings. (3) 36 subjects showed no flicker response.

The presence of theta waves in over three-fourths of the subjects and its dominant position in 30% of the cases is highly suggestive. The normal European experience is that theta waves are dominant at the 2-to-5-year-old age-level and become very small or intermittent by the age of 10. The theta waves are associated with frustration at the withdrawal of pleasure in children or in adults devoid of self-control. "In bad-tempered adults," writes Dr. W. Grey Walter, one of the great pioneers of electroencephalography and an editor of the *International EEG Journal*, "especially those with an unusual tendency to aggressive behavior, the theta rhythms are often prominent and may sweep through a large area of the brain. Their childish intolerance, selfishness, impatience and suspicion are mirrored in the juvenile appearance of their brain patterns."²⁹

For the interpretation of persistent alpha rhythms, we turn to Dr. Walter again: "It was shown in 1943," he writes, "that individuals with persistent alpha rhythms which are hard to block with mental effort tend to auditory, kinesthetic or tactile perceptions rather than visual imagery. In this group of persons the alpha rhythms continue even when the eyes are open and the mind is active or alert."³⁰ And again: "Recent experimental and statistical studies have confirmed earlier claims that visual imagination and alpha rhythms are mutually exclusive."³¹

In their first paper, Gallais and associates concluded that the anomalies in the brainprints of their West African subjects indicated a high degree of cortical immaturity combined with paroxysmal outbursts. They thought that instability or lability of the higher brain centers was indicated. In a subsequent paper, they suggested that EEG abnormality among Africans was due to racial differences in the "level of psycho-biological integration."³²

Intrigued by the Gallais report, Carothers induced the distinguished electroencephalographer, Mundy-Castle, to run a control study of Bantu brainprints.³³ Mundy-Castle took a sample of 66 Bantu-speaking natives, 53 of them male and averaging 34.9 years of age. Most of the subjects came from kraals and mud huts in the villages, but had lived in the city from one to 15 years. Only 26 had an education better than that of the average nine-year-old European. They appeared to be free from disease. A large proportion had, of course, suffered head injuries from brawls, but brain damage was not indicated.

While Mundy-Castle and his associates did not confirm Gallais' findings of preponderant African EEG abnormality, they did agree

with the French investigator that the alpha rhythms of their African subjects were widespread and anterior on the surface of the skull. Another significant variation from European normal response was that, during light stimulation, a large proportion of the Africans did not react at all. Those that did react gave crude or banal responses. Of the 66 subjects, only one gave a non-visual description of his reaction to flicker. He said it made him feel drunk.

Contrast the following description of photic stimulation by the English novelist Margiad Evans in *A Ray of Darkness*: "Lights like comets dangled before me, slow at first and then gaining a fury of speed and change, whirling colour into colour, angle into angle. They were all pure ultra unearthly colours, not deep visual ones. There was no glow in them but only activity and revolution."

A few words of explanation. The flickers are caused by high-speed electronic stroboscopes. Through electrical contacts to the brain surface and a feedback mechanism, the frequency of the light flashes is generally adjusted to the rhythmic components of the waves of the brain which is being studied.

These synchronized light stimuli apparently have the power "to overwhelm the brain's channels of communication with their barrage of rapid, repetitive impulses."⁸⁴ They are insistent and urgent enough so that a directing mechanism alerts the entire brain and the response given is a measure both of cerebral complexity and stability. The stroboscope tunes in to a brain system described in a classic metaphor of Sir Charles Sherrington as an "enchanted loom where millions of flashing shuttles (the nerve impulses) weave a dissolving pattern, always a meaningful pattern, though never an abiding one; a shifting harmony of sub-patterns."

The characteristics of a brain with creative imagination obviously include "the structural basis for an immense range of patterns of activity . . . an immense wealth of engrams . . . (and) a peculiar potency for unresting activity, weaving the spatio-temporal patterns of its engrams in continually novel and interacting forms. . . ."⁸⁵

According to this reasoning, the significance of a null response or impoverished response to flicker might well be a failure of the brain to develop, in the areas of imagination, visualization and power of conceptual thought, toward anything approaching maturity. "Our main impression," wrote Mundy-Castle, "was that they (the Africans) reacted in a far more simple way than did the European group."⁸⁶

The Non-Visual Mind. In interpreting the Mundy-Castle findings

concerning African EEG patterns, Dr. Geber considers that the basic difference is the frontal displacement of alpha waves. Since alpha rhythm is closely related to visual perception, she infers that this racial difference may explain the lesser role played by sight in African mental processes.³⁷

The theory that the African brain is primarily auditory rather than visual had been advanced by psychologists many years before it received evidential support from the work of Gallais, Mundy-Castle, Geber and others.

Carothers points out that every member of a tribe is expected to know virtually its entire culture, that the average African's vocabulary is extensive, that he is often a gifted linguist and that his love of discussion and powers of expression are often "so dramatic as to disguise the essential triviality, inconsequence, or even falsity of his theme."³⁸ Complex, frequently changing musical patterns; intricate dances; drum messages; choral singing, and extemporized music, singing, narration and the dance are other characteristic cultural activities which suggest auditory, rather than visual, development.

In 1949 Bourdel published the results of a study of the mental aptitudes of the Oubangien people of the French Sudan. While their capacity for concentrated attention was significantly inferior to that of Europeans, all but the lowest 20% of the tribesmen equalled the white average in respect to long-term verbal memory. In immediate memory, the Oubangien were even more superior.³⁹

"African education, using the latter word in its widest sense," Carothers writes, "is verbal, musical, dramatic, and emotional; and the African lives largely in the world of sound, in contrast to the European, who lives largely in the world of sight."⁴⁰

The perception of the world in terms of sight, rather than sound, is essential to an understanding of cause and effect and hence to that process of scientific thought upon which all modern civilization is based. The importance of a primarily visual, rather than auditory perception can hardly be overstated. To quote Carothers again: "An understanding of the world we live in, and the development of an objective attitude and of mature responsibility depend on a well-developed sense of spatial, temporal and causal relationship and these in turn on a habit of visual as opposed to auditory synthesis. . . . It is by no accident that the word 'foresight' has a visual connotation, and by no accident that vision, unlike hearing, is dependent on cortical integrity, and it is clear that verbal and musical ability alone must

fail to develop most of those faculties that make man pre-eminent. . . ." ⁴¹

The excellent rote memory of Africans does not contradict, but rather reinforces, this negative judgment. As general concepts develop in the mind, the individual observations on which they are based are often forgotten. New learning involves building up "cell-assemblies," or groups of cerebral neurons which correspond to perceptions. These assemblies become integrated in increasingly complex patterns as the higher functions of the brain develop. Rote memory, therefore, of a meaningless sort, is easier for the simple or more immature brain which has not developed complex articulations of cell-assemblies.⁴² In fact, memory retentiveness seems to be the only mental faculty in which there is little difference between mental defectives and normal people.⁴³ *Idiots savants* frequently show outstanding superiority in rote memory.

Connected with this auditory and tactile orientation of the African Negro mind is a tendency toward paroxysmal outbursts, uncontrolled explosions of crude emotion which rise and subside with equal suddenness and without rational cause. "With the Negro, emotional, momentary and explosive thinking predominates," Westermann wrote, ". . . dependence on excitement, on external influences and stimuli, is a characteristic sign of primitive mentality. Primitive man's energy is unstable and spasmodic." ⁴⁴

Summarizing representative European concepts of the psychology of the trans-Sahara African, Carothers speaks of the African as "conventional; highly dependent on physical and emotional stimulation; lacking in spontaneity, foresight, tenacity, judgment and humility; inapt for sound abstraction and for logic; given to phantasy and fabrication . . . ," but also as "having an excellent memory, a large vocabulary, and an aptitude for music and the dance." ⁴⁵

As we have shown elsewhere, the development of African plastic and graphic arts does not necessarily constitute an exception to the generalization that the African mind is primarily auditory. For these visual arts are unimportant in native life; they are highly formalized, and their purpose is to express magical concepts rather than esthetic creation.

African Frontal Idleness? Carothers makes the interesting point that in many respects the normal African Negro resembles the normal European after frontal leucotomy: "The main function of the frontal lobes seems to be the integration of stimuli arriving from other parts of the brain (thalamus and cortex); it may well be that integrative

functions are subserved by the whole cortex; but, even so, when integration is lacking, the frontal lobes would still be relatively idle since they alone subserve no other function. The African, with his lack of total synthesis, must therefore use his frontal lobes but little, and all the peculiarities of African psychiatry can be envisaged in terms of frontal idleness." ⁴⁶ Gallais and Planques are saying much the same thing when they note the characteristic African "fragility of higher psychic functions. . . ." ⁴⁷

Speaking of mental disturbances among Africans, Gallais and Planques call attention to the frequency with which patients, following a crisis and furious paroxysm, will calmly and spontaneously deny all their previous assertions, offering no rational explanations or arguments. This and other aspects of the psychopathology of the African "seem to indicate that his activity is above all limited to sensory-motor and sensory cortical functions and to the brainstem. . . . His brain is an organ as developed as ours, but everything happens as if he used only certain parts of it. It is as in the child, the feeble-minded, and those primitive people who exist in the most civilized societies." ⁴⁸

Schizophrenia is the pre-eminent form of African, as well as western, insanity. However, the African cases tend to be amorphous with few instances of paranoia. Manic states are common among African psychotics; the depressed state, however, is rare. Similarly, the suicide rate among Africans is about one-tenth that prevailing in England and the United States.

The suggested explanations are again entirely consistent with the picture delineated by other evidence. "The development of depression in standard forms," writes Carothers, "is linked in high degree with personal integration, with a sense of personal continuity, and with a sense of responsibility for one's sins. Tooth⁴⁹ says: 'One of the most characteristic elements in the depression of European psychopaths is self-reproach . . . but it is certainly true that self-reproach is very rarely met with in the content of the African psychoses.'" ⁵⁰

African Intelligence Tests. Since World War II, four colonial powers have had carefully controlled investigations made of the psychometric intelligence of the Negro inhabitants of their colonies. Using the methods of Gelb, Goldstein and Scheerer, tests were used which were adjusted to the African cultural environment and which made a qualitative appraisal of African Negro mentality possible.⁵¹

In 1946-48 Antonio Augusto psychotested 629 Mozambique Negro adult males, belonging to 16 different tribes, for the Portuguese gov-

ernment. Specially adapted tests were used and the hardest questions discarded. Augusto reported that the average score of the black males was 58.7 (maximum 100) as against an average score of 81.5 for a control group of Portuguese soldiers. The 149 Negro women tested were markedly inferior to the men and made a median score of 45.4.⁵² V. B. Gonzales made a similar investigation of 273 Negro males and 146 Negro females from the Spanish African colonies. A battery of 20 tests was administered. The average mental age of the Negroes tested was 10.9, their chronological age range being 15 to 20. Gonzales reported that the Negroes were significantly inferior to whites in all tests, that there was little difference in the I.Q.s of members of different tribes and that I.Q. decreased markedly with age.⁵³

In a similar investigation made in French West Africa and in French Equatorial Africa, Miss Barbé found that, according to one test, the average mental age of her 10-to-11-year-old subjects was five. Maistriaux, who was charged by the Belgian government to investigate the psychometric intelligence of Congo natives, concluded that the average adult living in the bush had the mental age of a normal five-year-old.⁵⁴

"Interpreted in the light of the data made available by Goldstein," Wintringer summarized, "this evidence forces us to place the majority of African blacks in the same mental category as retarded European children, with all the implications that such a classification conveys." ⁵⁵

African Patterns and American Negroes. The environment of the American Negroes is vastly different from that of tribal trans-Sahara natives. Genetically speaking, however, the American Negroes are primarily African despite their large admixture of Caucasian genes. Thus, to the extent that the deviations of brain, psychology and psychiatry of the African from the European norm are environmental in origin, we should not expect to encounter them at all, or hardly at all, among American Negroes. To the extent that they are inherited, on the other hand, we should expect to find them in the American Negro, though to a lesser extent.

The fact that the American Negro brain (like the African) is generally smaller than the European brain has already been noted.⁵⁶ Various investigators have also reported that the American Negro has proportionately less frontal brain than the white American.⁵⁷ We have also shown that American studies reveal greater precocity among Negro than white infants in the United States, particularly in kinesthetic development. The racial difference in the United States,

however, is not nearly as marked as the differences discovered by Dr. Geber in Uganda.

Experts believe that American Negro EEG patterns correspond to those of American whites. This conclusion seems to be based on personal judgment, however, rather than controlled experiment.⁵⁸

Comparative intelligence tests of African Negroes and whites reveal that as few as 1.2% of the former attain the white average scores. Even when tests were given which minimized the importance of familiarity with Western culture, the bulk of the Africans made scores similar to those of educable defectives.⁵⁹ Intelligence tests on American Negroes show consistently lower median scores than those of comparable white groups. The median I.Q. of the American Negro is typically about 85% of the white. This places him perhaps midway between the African Negro and the white American in psychometric intelligence.

The theory that the American (as well as the African) Negro is more auditory and less visual in mental structure and function than the white man is supported by evidence. In comparative intelligence tests of white and Negro Americans, the shortfall of the latter is greatest in the portions of the tests which call for abstract thought or spatial perception. In linguistic and verbal tests, by contrast, the Negro lag is significantly less and, in questions calling for rote memory, it may disappear. The evidence from intelligence tests "fit(s) in with the hypothesis of a (Negro) perceptual defect."⁶⁰

The occupational patterns of Negro professionals in America is also consistent with ethnic orientation toward the world of sound. Perhaps 90% of Negro professionals in the South are either preachers or school teachers. The outstanding Negro cultural achievements are not in such visual fields as science and the plastic arts, but in such non-visual areas as musical performance, acting, dancing and sports.

The classic study of the prevalence of mental disease among American Negroes is by Malzberg who found "a fundamental difference with respect to the incidence of mental disease" and speculated as to whether it was racially caused.⁶¹ Heyman reported that Georgia Negroes were singularly incapable of introspection and self-analysis and noted that Negroes were brought into the emergency clinic almost daily in paroxysmal, semi-conscious states "with head lolling and arms and legs making jerky, convulsive movements."⁶² Another investigator commented on the fact that, within the manic-depressive group, "the Negro suffers chiefly from the manic form (the excited phase) and rarely from the depressive phase."⁶³

Myrdal pointed out that the 1940 suicide rate for American Negroes was 4.0 per 100,000 as against 15.5 for whites and 45.2 for Chinese. This difference seemed to him particularly significant because few Negroes were Catholics and as such indoctrinated against self-destruction.

A 1952 study of schizophrenia among a largely Negro institutionalized population in San Salvador, Brazil, also provided striking corroboration of Carothers' analysis. Paranoia, paraphrenia and even paranoid schizophrenia were very rare among the Negro patients. Depressed reactions were also rare and no lower-class patient had been a suicide in the hospital for a decade.⁶⁴

The infrequency of both suicide and the depressive phase of manic-depressive psychosis reflects lack of guilt sense, little awareness of ego continuity or introspection — hence a low level of personality integration. The insanity pattern also jibes with the African observations in the prevalence of paroxysmal outbursts among American Negroes. There are further similarities between African and American Negroes in respect to auditory abilities, apparent perceptual defect, precocity in neonatal development, but developmental lag after infancy, brain size and shape, frontal characteristics, etc.

The fundamental nature of the differences between the European and African mind, as reported by Carothers, Geber, Gallais, Vint, Mundy-Castle and others, the emergence of such radical differences at the moment of birth, their presence in the cell structure of the brain itself, all this indicates that we are dealing with ethnic characteristics which must be at least partially determined by genetic structure.

ETHNIC DIFFERENCES IN THE LIGHT OF EVOLUTION

"Whoever wishes to investigate medicine properly, should proceed thus: in the first place to consider the seasons of the year, and what effects each of them produces for they are not at all alike, but differ much from themselves in regard to their changes. Then the winds, the hot and the cold, especially such as are common to all countries, and then such as are peculiar to each locality."—HIPPOCRATES, *On Airs, Waters and Places* (about 400 B.C.)

The differences between the Caucasian and Negro mind reported in the last chapter strongly suggest a genetic causation. What is known about human ethnic groups that sheds light on the probability of any such basic innate psychic difference? Are racial differences confined to such superficial and fundamentally unimportant characteristics as pigmentation, hair type and blood group frequency or do they apply to the mind as well as the body?

Most social anthropologists propagate the view that race is fundamentally "just a paint job."¹ Thus, Ashley Montagu, in a brief and popularized survey of anthropology, placed the word *race* between quotation marks, urged that it be discarded and denied that race and culture are associated.² Myrdal minimized the existence of innate psychic differences between Negroes and whites and urged social scientists to cease investigating ethnic differences and study the causes of race prejudice instead.³ The normally intelligent and objective *Columbia Encyclopedia* defined race as an "obsolete division of humanity," explained that there was once "supposed(!) to be a 'Caucasian' or 'white' race," declared that the concept of race served to buttress British colonialism and added, as a crowning absurdity, "it is now generally held that all men are descended from the same single couple."⁴

The theory that race is "a paint job" is held primarily by social, not physical, anthropologists. The former are concerned with human social behavior—mores, institutions, folkways. Some of them lack the scientific discipline of the physical anthropologists, and mix value considerations and moral preconceptions with their findings.

The physical anthropologists frequently writhe at the hazy, well-meaning generalizations about race enunciated by their social anthropologist cousins. As early as 1929, the late Professor Earnest Hooton of Harvard deplored the fact that "anthropologists . . . who

oppose racial injustice have tended to go beyond the legitimate statement that racial psychological differences have not been demonstrated and have alleged that they do not exist." ⁵

One of the most eminent of living American physical anthropologists recently put the matter considerably more sharply: "More serious are the activities of the academic debunkers and soft-pedalers who operate inside anthropology itself," wrote Carleton S. Coon. "Basing their ideas on the concept of the brotherhood of man, certain writers who are mostly social anthropologists, consider it immoral to study race, and produce book after book exposing it as a 'myth.' Their argument is that because the study of race once gave ammunition to racial fascists, who misused it, we should pretend that races do not exist. Their prudery about race is equalled only by their horror of Victorian prudery about sex. These writers are not physical anthropologists, but the public does not know the difference." ⁶

Where social anthropologists and sociologists urge that science has proved the races of man to be substantially equal in innate mental ability, physical scientists generally regard the issue as open. William C. Boyd contends that the proposition that "great physical differences imply the existence of great differences in mental and other abilities . . . has not as yet been demonstrated." ⁷ Dunn and Dobzhansky state that the question "for the time being must be regarded as open." ⁸ Julian Huxley observed: "it is to be presumed on general grounds, though it has not yet been proved, that some at least of the racial groups will, if proper techniques and methods can be devised, be found to differ in average level of intelligence." ⁹

The presumption is strongly in favor of innate psychic differences. As Geoffrey Morant put the matter in a study for UNESCO: "There seems to be no reason why the general rule regarding variation within and between groups should not apply to mental, as well as to physical, characters. If variable characters of the former kind showed identical distributions for all racial populations that would be a situation unparalleled, as far as is known, as regards any physical character in man or in any other animal. It seems to be impossible to evade the conclusion that some racial differences in mental characters must be expected." ¹⁰

In other words, races are subspecies of mankind which have been kept sufficiently isolated from each other to make crossbreeding the exception rather than the rule. Their habitats have generally differed from each other. The physical characteristics, defining each ethnic group, have arisen and become stabilized through evolutionary adap-

tation to environment. Now it is Morant's argument, and one that several other scientists have expressed, that psychic characteristics may be more important than physical to group survival and hence that the same forces which impose genetic variations on the latter must do so on the former. If so, through selective breeding and selective survival, those psychic characteristics must become predominant in each ethnic gene pool which are most conducive to its survival under the specific environmental conditions that define its habitat. Thus, some psychic differences, like some somatic ones, are genetically determined.

In using the term *race*, we have the major ethnic divisions of mankind in view. There is no implication that any of these "races" are pure and there is certainly no implication that they cannot intermarry with other races or that the progeny of these intermarriages need be inferior in any way. In so far as possible, the races of man will be considered in the same fashion as a naturalist might consider races of humming birds or an agronomist races of oats.

The Emergence of Human Races. Races obviously emerged very early in the history of the human species. In fact, the chief races of mankind may possibly have begun to form during a pre-hominid evolutionary stage. In 1950 Schultz defended the hypothesis of pre-hominid riation on the grounds that the great apes have a capacity for variation equal to that of man.¹¹ "In other words," Coon summarized, "a Negro may have become black before he became a man, a Nordic's ancestor blond and blue-eyed while his brain was still half its present cortical size."¹² Weidenreich, the great German emigré physical anthropologist, believed that Mongoloid features began to emerge with *Sinanthropus* — perhaps a quarter of a million years ago.

Coon observes that the major races of mankind "have failed to change since the beginning of written history because no further changes were needed." He adds: "Thus racial differentiation arose not by chance alone but by a natural Procrustean process in which the environment shaped the man to the heat or cold, to the drought or damp, and to the light or shade of the landscape he inherited."¹³

As far as Africa is concerned, there is evidence that it is the cradle of mankind and that it has been continuously occupied by man for almost a million years.¹⁴ Jeffreys believes that the Negro began to diverge from the Caucasoid stock between the last two ice ages and that he was the last of the major races to appear.

Even if the Negro race differentiated as recently as 30,000 years ago,¹⁵ this presupposes about 1,500 generations of more or less diver-

gent Negro evolution. Thus the physical characteristics which differentiate the Negro from other ethnic groups had ample time to become fixed. These variations resulted chiefly from evolutionary adaptations to a specific environment, stabilized by natural selection and inbreeding.

Race as Adaptation to Climate. Contemporary physical anthropologists, of whom Coon is the outstanding American representative, have developed a theory of race as adaptation to climate. According to this, the Negro represents evolutionary adaptation to intense heat, the Mongoloid to polar cold, the Caucasoid to intermediate climatic ranges.

From our standpoint the pigmentation aspects of this adaptation are less important than those of size and structure. The central problem of temperature adaptation is to conserve body heat in cold climates and to lose it in warm ones. Failure in the first respect may mean freezing to death. Failure in the second will mean continuous rises in body temperature, culminating in loss of consciousness and death.

The first aspect of this adaptation is size. "The smaller-sized geographical races of a species, according to Bergmann's Rule in biology, "are found in the warmer parts of the range, the larger-sized races in the cooler districts." The logic of this is that the heat stored by the body is proportionate to its mass, whereas heat loss by evaporation is proportionate to skin surface. Body mass is related to the cube of a dimension; body surface to its square. Hence, large animals tend to be adjusted to the polar function of heat conservation; small ones to the tropical function of heat loss. As far as man is concerned, there is a rough inverse correlation between his weight and the mean temperature of his habitat. Tropical man is generally lighter and smaller than polar man.¹⁶

A more important mode of adaptation (still following Coon's argument) is not size, but physical structure. "Protruding parts, such as tails, ears, bills, extremities, and so forth," Allen's Rules states, "are relatively shorter in the cooler parts of the range of the species than in the warmer parts."

So it is with the races of man. The Mongolian's sturdy, barrel-chested physique, short limbs and small extremities expose a minimum of skin surface in proportion to mass. In short, his is a pre-eminent instance of structural adaptation to intense cold. In addition, he is generously endowed with subcutaneous deposits of fat. His nose — an exposed organ, inadequately protected by the blood circulation

against frost bite — protrudes only slightly from the flat plane of his face. Structurally speaking, he is a rounded man. And, as some readers may remember from calculus, the sphere offers the smallest possible ratio of surface to mass.¹⁷

If the Mongolian is a fleshy man, the Negro is a skinny man. He represents adaptation to intense solar heat. Hence, the Negroes, as well as the partially Negro and non-Negro denizens of the hot deserts of Arabia, the Sahara and northern Australia, have tended to be lightly built and exceptionally well endowed with sweating surfaces.

Survival in tropical heat requires maintenance of thermal homeostasis by cooling the blood. Body temperature must be maintained at or near normal (98.6° F). As long as outside temperature is below 81 degrees, the human body can lose heat by radiation and convection. With greater heat, perspiration becomes the main means of thermal control. At 93 degrees in a completely saturated atmosphere, the whole body surface must sweat. If the air is dry, total utilization of the body surface for sweating becomes necessary only at 106 degrees.¹⁸

Once the whole body surface is perspiring, no further heat loss is possible. Body temperature will rise. The ability of the human organism to function will be destroyed and death will eventually ensue. The Negro is admirably adjusted to meet these heat-loss demands because of his narrow body structure, attenuated limbs and long hands and feet. He has an extraordinary amount of skin surface in proportion to body weight. The length of his fingers, hands and forearms is particularly significant since 20% of the human sweating potential is concentrated there. His capacity to adjust to polar conditions is correspondingly poor. During the Korean War, the incidence of frost-bite among Negro troops was seven times the average. Moreover, studies of racial basal metabolism made at the Arctic Aeromedical Laboratory near Fairbanks, Alaska, in 1957 revealed that the Negro's rate of energy production fell more rapidly than that of other ethnic groups.

The Negro is able to sweat more than the other two major races. When working in intense heat, he must drink as much water daily as his total blood supply to compensate for fluid losses through evaporation. This massive fluid circulation imposes a heavy work-load on the heart. Since the maintenance of body temperature below fever level is critically important, blood is directed to the extremities to supply the sweat glands with the water they need. The brain may thus be deprived of some of its oxygen requirements. When outside tem-

peratures rise above 83 degrees, Coon states, "the emergency network supplies the sweat glands copiously, and thus the blood moving to the internal organs is cooled." When normal white men are exposed to these conditions: "Little blood gets to the brain, which may be why it is difficult for some white men to do creative work in hot weather."¹⁹

Tropical Adaptation and Mental Ability. These facts may provide a clue to the observed differences between the mental performance of Negroes, on the one hand, and Caucasians and Mongolians, on the other.

The first and most important series of considerations follows directly from Coon's analysis of thermal equilibrium and the blood flow to the brain. Under normal temperature conditions, primitive man must have been generally subject to a type of natural selection which favored the survival of the more intelligent individuals. The keen-witted would have had the advantage in finding game, protecting themselves against animal and human enemies and making the right adjustments to changes in their environment. Proportionately more of them would have survived childhood and brought their progeny to maturity. Thus continuous improvement in the human gene pool with respect to brain power could have been anticipated.²⁰

However, it seems very doubtful that any such processes would operate with comparable efficacy in tropical areas. For here the survival advantages of superior brain power would be either less or nonexistent.

In the Tropics, much of man's activity is conducted in intense heat. Hence, his blood circulation is often channeled along the emergency route to serve the sweat glands at the extremities rather than to meet the blood needs of the brain for effective thinking.

Torrid climates, in other words, may prevent individuals with superior minds from using them efficiently, not only most of the time, but in such critical survival situations as hunting and war. The reasonable inference is that natural selection for intelligence would operate in the Tropics with vastly impaired efficiency.²¹

The hypothesis suggested is that in the Tropics climate destroys the normal social and survival advantages of superior brain-power. Hence the races exposed longest to torrid climates would be those in which least natural selection for intelligence had occurred. If this is so, such races should show, on the average, less cortical development than other ethnic groups. While they might produce some individuals of outstanding mental ability and even of genius, they would prob-

ably furnish fewer of them proportionately than the non-tropical races.

The Superior Brain as a Survival Handicap. Moreover, under tropical conditions, an exceptionally active and well-developed brain may be a disadvantage in the struggle for survival because of the exorbitant demands it makes on the heart. The human brain has evolved to the point where it uses up about 25% of the oxygen which man inhales. Anthropoid apes channel only about half that proportion to their brains.

The bloodstream barrier ensures that the pint of blood which circulates through the brain every 60 seconds releases those substances needed for healthy brain activity and little else. The brain burns glucose specifically, which builds up electrical charges in the nerve cells. It uses large quantities of blood-borne oxygen to assist in this combustion process. Body mechanisms are such that, during emergency shortages of glucose, the whole supply will be routed to the brain. This is necessary as the brain's reserves of sugar are sufficient to last less than a minute.²² Thus, even brief interruptions in the blood flow to the brain, such as those caused by stroke, will frequently be associated with gross impairment of brain cells and of mental capacity.

Under tropical conditions, where the heart must also compensate for extraordinary fluid losses through the sweat glands, mentally superior individuals, who require abnormally large supplies of blood-borne oxygen and glucose, may be at a survival disadvantage. This handicap would follow from the inability of the heart to simultaneously perform all the duties demanded of it. Strain on the heart, heat prostration or, for that matter, inability to function effectively in stress situations, would be among the possible manifestations of this hypothetical survival disadvantage.

Brain Size and Race. We have already pointed out that Negroes and certain other tropical ethnic groups tend to have smaller brains than Caucasoids or Mongoloids. This racial difference might have been anticipated from what has already been said about man's structural adaptation to climate.

The smaller Negro brain is possibly a result of the narrower Negro pelvis. The narrow pelvis in turn is part of the tropical human bodily configuration of long limbs, slender physique and high surface-mass ratio necessary to effective thermostasis in intense heat.

Generally speaking, brain size seems to be positively associated with racial adaptation to cold and negatively associated with racial adaptation to heat. The squat Mongoloid groups (particularly those

of northern Asia) tend to have broader pelves and larger brains than the white ethnic groups. Similarly, the climatically intermediate Caucasoids have larger brains than the pelvically narrower Negroid groups.

Otto Klineberg reproduces a large number of brain measurements of different ethnic and national groups in his 1935 study, *Race Differences*.²³ His table of brain capacities, using the seed and water method,²⁴ shows an average of 1,447 cc. for 13 European white groups as against an average of only 1,330 cc. for Negroes. The figures suggests a definite decrease in brain size as one moves from colder to warmer areas. Thus, the Eskimos, with an average of 1,563 cc. have the largest brains of any of the 37 groups tabulated. The four Arctic peoples in the study (Eskimo, Buriat, Kalmuck and Greenland Eskimo) average 1,496 cc. By contrast, 16 tropical groups average only 1,361 cc., despite the fact that their performance is inflated by the inclusion of three Polynesian (Caucasoid) groups with average brain capacities of 1,464 cc.

The relationship between brain size and intelligence is clearest where very large differences and major evolutionary processes are concerned. Coon points out that, when we consider the brain as a flattened-out square, rather than as a cube, we can discern two successive doublings in the course of man's evolution: from 600 square cc. in the case of the earliest known hominids (such as South African *Plesianthropus*) to 1,200 for *Sinanthropus*, to 2,400 for modern man. This would mean two great evolutionary leaps easily explicable in terms of genetic theory.²⁵

When we consider the relationship of brain-size to total size, man is easily pre-eminent among the animals. "Natural selection," writes Dobzhansky, "has brought about the evolutionary trend toward increasing brain power because brain power confers enormous adaptive advantages on its possessors. It is obviously brain power, not body power, which makes man by far the most successful biological species which living matter has produced."²⁶

Moreover, microcephalic individuals are always mentally defective and it has been suggested that no primate with a brain capacity of less than 900 cc. can be capable of true symbolization.²⁷

The association between brain size and intelligence within the human species, however, is more a tendency than a law. There are perhaps two reasons for this. In the first place, we are really interested, not in gross brain capacity, but in the size, structure and functioning of the "new brain." Determination of the latter happens to

be a difficult and time-consuming process. Few investigators have had the patience and perseverance of Vint. Secondly, intracranial damage at birth may transform a large-brained individual from a potential genius to an average or even subnormal person. Thus the largest brain found as of 1939 belonged to an ordinary workman and an idiot was once discovered with a 60-ounce brain.²⁸

Yet the broad tendency is for brain size and intelligence to vary together. At the beginning of the 20th century, Paul Moebius compared the brain sizes of 100 educated persons with those of 100 mentally defective convicts. Forty per cent of the educated, but only 3% of the convicts, had unusually large brains; 10% of the convicts, but only 1% of the educated, had undersized brains.

Soviet investigators found that Lenin's cerebral cortex had about 25% more cells and association fibers than the brain of a peasant. Hans von Buelow, the pianist, conductor and mnemonic genius, had so many convolutions in his cerebral cortex that they could not be recorded. The orator and politician, Gambetta, had two speech convolutions instead of one.²⁹

Among the largest brains on record, we find geniuses such as Turgenev and Jonathan Swift (2,000 cc. and over), Cuvier (64½ oz.), Goodsir (57½ oz.), the French lawyer and memory wizard, Bouny, and the Japanese anatomist, Noguchi (around 64 oz.).

When one considers that people of exceptionally high intelligence comprise only an insignificant proportion of the human race, their preponderant representation in the list of known persons with huge brains seems highly significant. The fact that the average Negro brain is materially smaller than that of temperate and cold-climate races would seem *prima facie* significant in relation to the Negro's lower performance in controlled intelligence test experiments and other measurements of mental functioning.

It would be useful to have more precise data on the comparative range and distribution of Negro and European brain sizes. How large is the overlap? Do very large brains occur among Negroes and, if so, with what frequency? To what extent does the narrower Negro pelvis operate as a barrier, damaging or killing at birth infants with exceptionally large brains?

We know that 93% of the 351 brains of Kenya natives studied by Vint were below the European average and that their smallness was associated with a degree of cortical development no greater than that of the normal, white pre-adolescent child.³⁰ But Vint's work, unfortunately, stands almost alone in its comprehensiveness and far-

reaching implications. If a few more comparative brain studies of similar quality were made, we could perhaps answer with greater confidence the question of whether or not the observed differences between Negro and Caucasoid mentality are largely biological in origin.

Other Theories. J. P. Mackey has suggested that the evolution of the Negro in his African habitat has been dominated by the large variety of parasitic species which prey upon man. In other words, those individuals have best survived who were best able to tolerate parasites. Needless to say, natural selection of this sort would be unlikely to bring forth high intelligence. Mackey suggests that "the hormonal make-up of the East African is genetic, and has been brought about, at least to some extent, by a process of selective survival in hyper-endemic parasitic areas of those best able to tolerate their parasitic infections."⁸¹

Carothers suggests that a similar evolutionary approach might be applied to protein deficiency. In other words, the African may have evolved physiologically and neurophysiologically to his present condition "because those children that survived were often those who were better able to do with little protein."⁸² He adds that medical investigators have found *kwashiorkor* in non-African tropical areas and that a similar ailment was once common in Europe. The theory would then be that protein malnutrition, as a force guiding natural selection, is not unique to Africa, but has merely operated there with greater duration, urgency and ubiquity than elsewhere.

On general theoretical grounds, it can be concluded that the mental differences between Negroes and Caucasians are probably at least partially innate and biological in origin. The same evolutionary forces which fashion and stabilize the inherent *physical* characteristics of races should logically be expected to fashion and stabilize their inherent *psychic* characteristics.

Race is neither "just a paint job" nor a concept invented by bigots. It is a term for the major subspecies of mankind. These subspecies differ from each other because they represent evolutionary adaptation to different physical environments.

Considering the Negro race in terms of successful adaptation to heat and the Mongolian race in terms of successful adaptation to cold, the structural differences between these two groups can be explained rationally. The possession of an exceptionally complex brain may be a survival disadvantage in the Tropics because it places too heavy a work-load on the heart, forcing the latter both to feed it large quantities of oxygen and glucose and to circulate massive quantities

of fluid to the sweat glands in order to maintain thermal equilibrium. If exceptional brain-power ceases to be a survival advantage, biological evolution toward more complex cortical development cannot be expected.

THE NEGRO AND CIVILIZATION

"Southern Boundary. Raised in the eighth year of the reign of Sesostriis III, King of Upper and Lower Egypt, to whom be life throughout all ages. No Negro shall cross this boundary by water or by land, by ship or with his flocks, save for the purpose of trade or to make purchases in some post."—Inscription on a stele above the Second Cataract of the Nile. Pharoah Sesostriis III imp. 1887-49 B.C.

A generation ago most sociologists believed that the most significant thing about the Negro's past was his failure to create an alphabet, a literature, a history or a civilization. The Negro was characterized as the only one of the great racial divisions of mankind which had never risen by his own efforts to this level. This failure was attributed to biological incapacity and it was one of the many considerations which seemed to explain and justify the fact that, throughout a large part of history, the Negro had been relegated to an inferior and servile status.¹

This attitude may sound harsh and condemnatory to modern ears. Yet there is really little disagreement as to the facts among informed, honest and scholarly people. Take the characterization of the cultural accomplishments of the inhabitants of Africa south of the Sahara given by Sir Philip Mitchell, G.C.M.G., before the 1954 Conference on Africa of the School of Advanced International Studies.

In Africa south of Nigeria and west of the Abyssinian massif, declared Sir Philip, "the West found itself in control of millions of people who had never invented or adopted an alphabet or even any form of hieroglyphic writing. They had no numerals, no almanac or calendar, no notation of time or measurements of length, capacity, or weight, no currency, no external trade except slaves and ivory (and on the west coast palm oil and mahogany, made accessible by the navigable rivers), no plough, no wheel, and no means of transportation except human head portage on land and dugout canoes on rivers and lakes. These people had built nothing, nothing of any kind, in any material more durable than mud, poles, and thatch. The spade of the archaeologist might unearth the skeleton of primitive man a million years old, or stone implements alleged to date from 30,000 years back, but after that — nothing: nothing at all before the rubbish dumps of modern colonial towns."²

The salient difference between the modern outlook and that of Lothrop Stoddard is that modern writers, while they agree that the Negroes of Africa created nothing or almost nothing, seek to explain these shortcomings as due to environmental, rather than ethnic, factors.

Thus, in his monumental study of the history of civilizations, Arnold J. Toynbee ruefully reports the Negro's seemingly unique failure to participate in the march of human creativity: "It will be seen that when we classify Mankind by colour," Toynbee writes, "the only one of the primary races, given by this classification, which has not made a creative contribution to any one of our twenty-one civilizations is the Black Race."³

Toynbee hastens to add, however, that the "single exception" of the Negro should not prevent the conclusion that "the capacity for civilization . . . is the universal birthright of Mankind." Here, as is not infrequently the case with Toynbee, the conclusion is a pious hope which does not follow from the evidence.⁴

The Culture and its Limitations. African Negroes can probably be credited with the development of art, technics and social institutions comparable to those of various other primitive peoples. But one cannot go much beyond this. The belief that they were the true originators of the Iron Age is, as we have shown elsewhere, unwarranted. Du Bois' claim that they created fortified cities similar to those of ancient Crete is exaggerated. Kluckhohn's panegyric on the intellectual life of medieval Timbuktu is fantasy.

The most conspicuous default of the African Negro was his failure to evolve or borrow a written language. The fact that he did not take this most necessary step toward symbolization and conceptual thought fits in with the theory, advanced by Carothers, Geber and others, that the African mind can be understood in terms of frontal idleness and failure of the visual centers of the brain to develop.

Illiterate societies have histories — that is to say, group self-consciousness — but only to the extent that their traditions can be remembered and transmitted orally. The Negro cultures of Africa lacked literature, science, architecture. Crafts and folk techniques took the place of technology; therapeutic magic that of medicine; animism that of religion. Generally speaking, their towns were mere villages and their chieftaincies merely tribes.⁵ Neither their settlements nor their social institutions attained the complexity characteristic of civilizations.

The picture that presents itself, in short, is of simple tradition-

bound social organizations. Man has not risen far enough to ask the questions, let alone answer them, that would enable him to perceive that patterned interconnections and causal relationships prevail in the world in which he lives. Man seems to be on the immediate, auditory and kinesthetic level. His emotions are spasmodic, intense, but ephemeral. Whether because of stultification or merely because of latency, he has not developed a visual and conceptual mind. The resulting condition is aptly characterized by Sonia Cole who speaks of the "mental stagnation of Black Africa (which) may be due to climatic and biological causes" and refers to "the lethargy of the inhabitants of East Africa after stone-age times."⁶

The Fortress at Zimbabwe. The most important apparent exception to the general rule of Negro failure to develop the institutions of civilization in Africa is the fortress at Zimbabwe. This is the most impressive of almost 300 ruined structures found scattered over the Rhodesian plain. It is surrounded by an exterior wall 12 feet thick and contains conical towers, close joined, made with stones that were fitted together without the use of mortar.⁷ The building of this fortress required sufficient engineering skill to raise granite megaliths, weighing hundreds of tons, up steep escarpments and to set them in place. Zimbabwe was probably built in the 8th century A.D. This can be inferred from the fact that Chinese coins, dated 713-42 A.D., circa 845 A.D., 1068-86 A.D. and 1131-63 A.D., have been found in the ruins.

The physical labor of building the fortress was done by Bantu. The ruling class, however, was not Bantu, Zulu or Barotse.⁸ Theories that Zimbabwe was the work of Phoenician or Arabic colonists have similarly been exploded. Contemporary scholars admit perplexity as to the identity of the ethnic group which planned and ruled this and other fortress cities of the area. These rulers were perhaps similar to the Amhara who govern Abyssinia.

The wealth of Zimbabwe and of the Manamatapa kingdom of which it was the capital was based on the gold mines of the Zambesi. These mines were exploited by the Egyptians as early as the 11th century B.C. and more or less continuously thereafter. Father Paul Schebesta believes that Zimbabwe was the center of a vast "Eritrean culture zone," stretching from East Africa to Borneo. Following Frazer, he characterizes Zimbabwe culture as "the land and times of the ritual murder of kings."⁹

Despite its wealth and power, Zimbabwe culture was basically non-creative and even non-adaptive. The English archaeologist, Ger-

trude Caton-Thompson, drove diagonal shafts into the buildings at Zimbabwe to rock level and removed core samples. The findings were monotonous. There were a vast number of weapons: ax heads, iron arrowheads, spear tips. The women — there were 3,000 in the royal harem — left behind beads and potsherds.

The Zimbabwe people merely mined the gold ore; it was left for others to smelt and refine it. The women of the king were clothed in silk, but this was imported. The division of labor was simply that the men hunted and the women farmed. There was no evidence of development of crafts, arts and technology. The society was preliterate. The rulers and the ruled at Zimbabwe lived in these bare, crude stone buildings. The art of Zimbabwe consisted largely of small, crudely shaped phallic objects, which were found in great profusion. The great tower was itself a penis symbol.

We know also that the death of the king was celebrated by what the Schreibers call "ghastly human sacrifices."¹⁰ that chiefs were sacrificed at various times and that the king's bodyguard served as executioners. From the fact that they shouted "*nyam, nyam*," meaning "meat, meat," when they were given work to do, it is deduced that they were allowed to eat whomever they killed.

Theories About the Failure. Discarding mystical, religious and teleological explanations, we are left with two broad groups of attempted explanations of the allegedly unique failure of the Negroes to create or contribute to a civilization. Environmental theories attribute the lapse to defects in the physical habitat or to disadvantageous contacts with other ethnic groups. Genetic explanations attribute it to innate differences in the mental capacity of human races.

That portion of the African continent which lies south of the Sahara and which constitutes the Negro's domain *par excellence* occupies an area greater than that of Europe. It may seem strange that a continental land mass of this size should contain no large areas suitable for the development of a civilization, yet this view has been advanced by historians and social scientists of unquestionable scholarship.

One explanation advanced is soil infertility. It is argued that poverty of the African soil prevented the degree of population density which urban civilization requires, that a sparse labor force made impressive architecture impossible, that food surpluses adequate to support an intellectually specialized priesthood and bureaucracy could not be amassed. Forced by soil exhaustion to migrate frequently, the African Negro remained for the most part semi-nomadic. "Over

immense areas the African soil lacks the constituents which make possible a continuous occupation for agricultural or even pastoral purposes," wrote Lord Hailey, "'shifting cultivation' is less a device of barbarism than a concession to the character of a soil which needs long periods for recovery and regeneration. . . ." ¹¹

Yet there are parts of Africa, Hailey concedes, which support dense populations and which he therefore assumes must have rich soils. The issue is not the average fertility of the African continent, but whether or not enough reasonably good land exists to support a sedentary civilization. Thus, Toynbee asks pertinently how it happens that "the East African highlands can show no civilization to match the civilization of the Andean Plateau."

Moreover, peoples endowed with energy, intelligence and creative ability have managed to erect great civilizations on the precarious foundation of swiftly leaching soils. The Old Mayan Empire of Guatemala and the New Mayan Empire of Yucatan both rested on a milpa agriculture which was almost the exact equivalent of the *shifting cultivation* of which Lord Hailey speaks.

Other students have attributed the Negro civilization failure to the lack of rivers able to provide the basis for irrigation tillage. Yet this handicap applied equally to the Mayans and Incas. Others have pointed to the Rift barrier as the villain in the piece. Yet the Amerindian civilizations arose despite the much more formidable barriers of Andes and Sierra Madre.

Du Bois blames African inertia and barbarism on "the absence of interior barriers—the great stretch of that central plateau which placed practically every budding center of culture at the mercy of barbarism, sweeping a thousand miles, with no Alps or Himalayas or Appalachians to hinder, although the Congo forest was a partial barrier." ¹²

This theory too seems untenable. Negro Africa is not one of the great thoroughfares of historic migration and invasion. These are—as Huntington and Toynbee have shown—the avenues from the steppes into the settled agricultural communities. Moreover, gifted peoples have again and again managed to build civilizations athwart these paths of periodic nomad incursion—the North Chinese, the Iranians, the peoples of Northwest India and of the Tigris-Euphrates, to mention only a few. Finally, it has been established that tribal warfare in trans-Saharan Africa, except during the few centuries of the plantation slave trade, did not cause any great loss of life and

hence would not have prevented vigorous tendencies toward civilization from asserting themselves had they in fact existed.

The Historic Isolation of Africa. The reason most frequently alleged for Africa's failure to spawn civilizations is her topography which allegedly blocks maritime access to the interior. On this matter, Lord Hailey writes: "That it should have remained the 'dark continent' until so late a period of history finds a ready explanation in its physical characteristics. The greater part of its coast-line has little safe harbourage, and its rivers afford no easy access to the interior; the larger of them are blocked by sand bars, and it is only the Congo which has an estuary of deep water. On both the east and the west, thousand-mile stretches of sand-barred, surf-beaten coast are to be found, and the high cost of artificial works, such as Takoradi or Beira, reflects the difficulties which retarded the early penetration of the continent." ¹³

A less eminent authority has stated the case for the historic isolation of the Negro much more strongly: "The African Negroes offer this spectacle, one without doubt unique in the world, of an entire race which was never able to rely on any group other than itself for its progress and which has received nothing from the outside, or rather has received from there as many, if not more, ferments of retrogression than elements of progress." ¹⁴

Although this statement is quoted approvingly by Toynbee, it is historically false. Trans-Saharan Africa was not isolated. Had it been so, this isolation would not have been "without doubt unique." The Amerindians, who built the three great civilization complexes of the Toltec-Aztec, the Mayan and the Quechua-Inca, were obviously far more isolated. So were the Polynesians.

Actually, a large variety of contacts have historically linked the African Negro with the civilizations which flourished to the north and east of him. These persisted since the dawn of history. They were as frequently commercial as bellicose. The decisive fact is that these contacts did not serve to stir the Negroes from their millennial torpor, to quicken their minds and prod their curiosity, to induce them at least to borrow if not to invent.

Perhaps the first documentary record of such contacts concerns the decision of the great empress, Hatsheput, to re-establish the trade in myrrh, costly woods, gold-silver alloys and dwarfs for religious ceremonies which had flourished between Egypt and Punt in the third millennium before Christ and then lapsed. The location of Punt was a mystery until a German scholar analyzed the rouge found in the

tomb of an Egyptian court lady of the VIth Dynasty and proved that the antimony it contained came from Transvaal or Rhodesia. This was confirmed when the Harris Papyrus was deciphered with its accounts of Egyptian exploitation of the gold and antimony mines of the Zambesi and of the large Egyptian mining colony established there in 1180 B.C.

We know from Herodotus that Africa was circumnavigated by a combined Phoenician and Egyptian expedition in the reign of Necho II of Egypt (609-594 B.C.) Solomon's trading expedition to Ophir probably went to the gold-rich littoral of East Africa.

The purple dye, which was the insignia of Roman Imperial rank, had been obtained from the juice of the purple fish (*Murex*). As myriads of these gastropods had to be killed to color a single garment, the dye was fantastically expensive. Clever Phoenicians, and later Carthaginians, discovered that a substitute purple dye could be obtained from lichens and dragon trees native to the Madeira and Canary Islands. The search for these vegetable dyes brought their ships to the West African coast.

Under Admiral Hanno (about 530 B.C.), the Carthaginians sent a formidable naval expedition down the west coast of Africa which penetrated at least to the Equator and set up six colonies. The Romans under Scipio explored this coast as far south as Senegal, while by land Roman centurions crossed the Atlas mountains, searched for the sources of the Nile and traversed the Sahara to Lake Chad.

At the same time, East Africa was in contact with the civilizations of the Orient. Indian seamen had learned to sail, in ships scarcely larger than modern Arab *dhow*s, across the 1,250 miles of blue water separating Asia from Africa. A hundred vessels used the monsoons yearly on this course in the time of Julius Caesar and, for the next 15 centuries, the Indian Ocean was plied by Graeco-Egyptian, Arab, Indian and Chinese ships.¹⁵ Some touched at Somali ports. The finding of Chinese coins in the debris of Zimbabwe has already been mentioned. Before the Christian era, waves of emigrants from Oceania (Indonesians, Polynesians and perhaps Melanesians) began to arrive in Madagascar, having made a sea voyage of some 4,000 miles in a fashion entirely unknown to us.

Still another link with the true civilizations was provided by the religious and economic interest in Abyssinia. Trade between Rome and Ethiopia was extensive because the latter was the chief supply source for war elephants. As a result of Roman penetration, the African kingdom became christianized. The Vatican managed to

send missionaries there until at least the mid-13th century. Throughout the Middle Ages, there was an extensive trans-Saharan caravan trade between Europe and Africa, with the latter supplying gold, pepper, ivory and slaves, the former specie.

While the Europeans of the Middle Ages were less intrepid seafarers than most of the civilized races that had gone before them, the Arabs did not share their fears. Muslim merchants conducted a thriving trade in gold and slaves with East African Negro tribes and saw to it that Negro Africa, along its vast land and sea perimeters, kept contact with civilization. Ibn Batuta, the prodigious 14th century merchant-traveller of Tangier, went overland from Algeria to Mecca and crossed the Sahara to Timbuktu and the Niger.

These culture contacts were multiple: they were widely extended in both time and space. The representatives of the higher cultures were chiefly interested in trade. They were tolerant of racial and religious differences as they were concerned with the Negroes' commodities, not their souls.

Yet the contacts did little to raise the Negro from his barbarism and sloth. The stimuli did not inspire him to create or even to adapt and copy. In these relationships, the African appears passive, as mere object rather than as subject. For example, although European and Asian merchant ships sailed thousands of miles to land on inhospitable African shores, we do not hear of Negroes being stimulated to build ships to carry their own products and slaves to foreign markets.

Lethargy and Parasitism. A more realistic approach to the civilization failure of the Negro in tropical Africa stresses climate and parasitism.

"When they were not basking idly in the sun," writes Sonia Cole, "the energies of the early inhabitants of East Africa were absorbed by endless internecine warfare, and by intense preoccupation with witchcraft and superstition. They were also absorbed in contending with big game, and in fighting the ravages of insect-borne diseases. . . . The lethargy of the inhabitants of East Africa after stone-age times, then, may be accounted for paradoxically by a climate that made the satisfaction of elementary needs too easy, animal and insect pests that made anything more too difficult, and geographical isolation that prevented the stimulus of fresh ideas from penetrating, whether by competition or invasion."¹⁶

This analysis is nearer the mark than the others. In addition, there is the hostility of the Tropics itself to vigorous human life. As Sir Harry Johnston put it: "Africa is the chief stronghold of the

real Devil—the reactionary forces of Nature hostile to the uprise of Humanity. Here Beelzebub, King of the Flies, marshals his vermiform and arthropod hosts—insects, ticks and nematode worms—which more than in other continents (except Negroid Asia) convey to the skin, veins, intestines, and spinal marrow of men and other vertebrates the micro-organisms which cause deadly, disfiguring, or debilitating diseases, or themselves create the morbid condition of the persecuted human being, beast, bird, reptile, frog, or fish.”¹⁷

The hostility of the Tropics to the development of advanced civilizations can scarcely be challenged and not many have been born or survived there. Yet enough have done both to refute the claim that jungle heat or tropical parasites by themselves are insuperable barriers to human creativity.

Generally, the tropical civilizations have been built by ethnic groups which became racially stabilized in temperate or cold climates. This again suggests that the fundamental barrier is less the action of climate on the living generation, than its cumulative action, over an immense time-span, in forming the race.

Thus, despite its sea-level, equatorial rain forest habitat, Kmer civilization built Angkor Wat on the Mekong. Tropical heat did not prevent the southward thrust of Indian civilization to Travancore and Ceylon. The Shailendra dynasty was able to build the incomparable temple at Borobudur, with its three miles of bas-reliefs celebrating the life of Buddha, in equatorial Java.

In Negro Africa below the Equator, we find no architectural evidence of bygone urban civilizations within the tropical rain-forest.¹⁸ As we pass into the more invigorating uplands, the few architectural ruins that exist (such as those at Zimbabwe) are crude, esthetically impoverished and of undetermined origin. What the Negroes left behind them architecturally in this enormous southern half of their African habitat may be, to quote Sir Philip Mitchell again, “nothing, nothing of any kind.”¹⁸

By contrast, the thousand-mile-long island of Madagascar only 260 miles distant from the African mainland was inhabited chiefly by Malayo-Polynesians. Despite similar environmental handicaps, the non-Negro inhabitants of this island “achieved a state of civilization far in advance of the African mainland.”¹⁹

The barriers imposed by the physical geography of Africa are not sufficient to explain the failure of the Negroes to create any sort of civilization there. As for the historic isolation of the so-called Dark Continent, it is greatly exaggerated. No one need assert that

Africa was ideal, or even propitious, soil for a great civilization. All that need be said and emphasized is that peoples gifted with creative powers have built civilizations on worse terrain and in greater isolation.

THE EVIDENCE OF INTELLIGENCE TESTS

"Men are by nature unequal. It is vain, therefore, to treat them as if they were equal."—JAMES ANTHONY FROUDE, *Short Studies on Great Subjects*.

Over a period of 44 years more than 240 experimental studies have been made comparing Negro and white psychometric intelligence. These studies have consistently shown Negro average I.Q.s to be markedly lower than white.

Less than 20% of the Negroes normally equal the white median and there are proportionately six times as many retarded Negroes (I.Q. below 70) as retarded whites among school children selected at random. The investigations have revealed the existence of very superior Negro subjects, including one girl with an I.Q. of over 200 and hence in the genius category. From the available data, however, it appears that very superior intelligence (I.Q.s of 140 or better) occurs only one-third to one-seventh as frequently among Negroes as among whites in proportion to the size of the two populations.

Army intelligence and aptitude tests, covering millions of subjects and spanning three American wars, showed that over three-fourths of the Negroes were in the two bottom (inferior and very inferior) mental groups and that only 10% to 14% of the Negroes scored as high as the average white man. The lag of Negroes behind whites in I.Q. is least among school children and increases thereafter with age and academic level. Although Negro college students are much more highly selected than white, their I.Q. inferiority is striking.

Early Investigations. The first comprehensive intelligence tests were introduced by Binet in 1905. Enthusiastic social scientists hoped that this new tool would place the study of man on an objective and quantitative foundation comparable to that of the physical scientists.

From the outset, intelligence testing was applied to the American Negro more assiduously than to all other minorities combined. A major reason for this was that, within the swarming, polylingual American melting pot, the Negro seemed to many observers to be the only sizeable population group which was unable to advance. The issue of whether or not the Negro was mentally equal to other races was controversial both in the social sciences and in politics. It was

hoped that the intelligence test would substitute cold facts for both prejudices and wishful thinking. To suggest, as Myrdal does, that the experimental psychologists who pioneered in investigating comparative racial I.Q.s were driven by a desire to prove Negro inferiority is to cast a false and gratuitous slur on American scholarship.¹

Even as early as the 1930's, a vast literature existed on the comparative psychometric intelligence of American whites and American Negroes.² The earlier studies, like the later ones, showed major differences in the I.Q.s of the two races. These differences uniformly favored the whites. Summarizing all such comparative studies up to 1930, Pintner pointed out that "not more than 25 per cent of the Negro children scored above the median of the white distribution."³

In 1958 Dr. Audrey M. Shuey published a definitive summary of the results of all such interracial I.Q. comparisons in the United States up to that time.⁴ Her book covers "approximately 170 publications devoted completely or in part to *original investigations* of Negro intelligence," including 71 M.A. and Ph.D. theses. Tests of some 55,000 colored children and 25,000 Negro high school and college students are reported. Because of its broad coverage and high technical proficiency, the Shuey book is basic to any intelligent study of the subject.

The I.Q. Gap Increases with Age. At least 26 investigators in studies spanning a period of 41 years have noted that the psychometric intelligence of Negro children tends to decline as they grow older. Since this tendency does not exist among white children, the racial gap widens as one moves from primary school to high school and to college. This applies both to I.Q. scores and scholastic performance.

The studies summarized by Shuey revealed this trend clearly. At the pre-school level, the Negro children scored lower than the white in 8 out of 9 investigations, but their lag was not too serious. The colored two-to-six-year-olds had averages of 92.5 to 100.8 on Stanford-Binet tests as against white averages ranging from 103 to 112. The coverage was 12,700 white and 1,200 colored small children.

Some 30 investigations, in which 11 different intelligence tests were given individually to 6,337 colored school children, were reviewed by Shuey. Eighteen of these studies compared Negro and white school groups. In 17 of these, the Negroes had lower median scores; the exception was a test in which a third of the white subjects spoke a foreign language at home. In these studies, the average Negro I.Q. ranged from 72 for children in the rural South to 89 in two Border

cities.⁵ A review of 31 non-verbal group tests of 10,900 Negro school children gave similar results. Shuey writes: "...it seems that typically 75 to 80 per cent of the whites tested equalled or surpassed the medians of the colored groups."⁶

Dr. Shuey also tabulated and summarized 72 group tests of psychometric intelligence, employing 15 different verbal tests and covering 28,000 urban and 8,000 rural Negro children. In each of the 35 tests which included both white and colored subjects, the Negro average score was lower. The best Negro showing was a test in which 31% of the colored equalled the average score of the white group. The worst showing was an experiment in which no Negro subject equalled the average score of the white group. Summarizing the results of these 101 different investigations of the psychometric intelligence of Negro school children, Shuey finds that normally only from 10% to 20% of the colored equal the average scores of the whites.

Tests of College Students. Intelligence tests of Negro college students provide evidence of increasing inability to compete at higher educational levels. Shuey summarizes intelligence tests of some 15,000 colored college and university students. About 80% of these subjects were given the American Council Psychological Examination for College Freshmen (ACE). Most of the rest took Otis S-A Tests.

On the ACE Tests, the fact emerged that the average colored college student scored only 60% of the norm. The largest of these investigations reported on the ACE scores of 3,684 Negro college freshmen in 1942, about one-third of the total number entering institutions of higher education. Here the Negro median score was 56 as compared with a nationwide median score for freshmen of both races of 104. The range of Negro scores was from 4 (inability to learn anything at all) to 165 (very superior). The score of the average Negro freshman was equalled or excelled by 96% of the nation's freshmen.

At Howard University, probably the outstanding Negro institution of higher education in the United States, all students in the College of Liberal Arts during 1938-45 were given ACE tests. No median was reported for the 4,105 subjects tested. The Howard median score was stated, however, to be surpassed by 75% to 80% of the nation's college students. Only about 2.58% of the Howard students made scores which placed them in the first 10% of the nation's college students.⁷

The poor showing of these students is fairly noteworthy when one considers that proportionately only about a third as many colored as white students of college age went to institutions of higher learning

during the period covered by the tests. Thus, the Negro sample of college men was considerably more selective than the white, a factor which might have been expected to narrow or obliterate the racial gap in I.Q.

It must also be pointed out that a much larger proportion of Negro college students than of the general Negro population is racially mixed. This is particularly true of elite colored institutions of higher education such as Howard. Furthermore a minority of the students at Howard are white. Therefore the disturbing results reported by Shuey concerning the Negro lag in I.Q. at the college level may understate the real differences between the psychometric intelligence of the two races. However, it should be remembered that some of the outstanding Negro students go to integrated Northern universities.

Searches for an Explanation. The poor showing of Negroes on intelligence tests is sometimes attributed to the cumulative effect of poor early schooling and growth in a simpler, more restrictive environment. These factors, however, cannot adequately explain the rapidity with which the Negro falls behind when confronted with more exacting intellectual tasks.

"One explanation for the increased discrepancy in white and Negro scores at the college level," Shuey writes, "may lie in the abstract nature of the test material used on college groups. In connection with the testing of school children, several authors were quoted as finding the colored relatively better on commonsense concrete material than on tests involving abstract concepts. Some observations of a similar nature have been made on college subjects. Derrick (1920) found Negro students to be better in memory and in concrete and routine problems than in problems involving mental abstraction and reconstruction. Patrick and Sims (1934) believed that Negro college subjects function on a lower level than whites in situations of an abstract nature; in concrete social adjustments to everyday life, the white superiority was not consistently evident. Stainbrook and Siegel (1944) reported that colored students tested by them on the group Rorschach were more rigid and less fluent in their responses. In Graham's study (1930), furthermore, where a variety of less abstract tests was used, the differences appear to have been considerably less than those usually obtained between white and Negro students." ⁸ These findings are consistent with the peculiarities of the African mind, as noted by Carothers, Geber and others and reported in Chapter 12.

Klineberg has attempted to explain the Negro's poor performance

as due to language and cultural difficulties. While English is his only tongue, the Negro often "speaks it so badly that he is placed at a great disadvantage in intelligence tests involving anything like a precise discrimination of the meaning of terms." ⁹ One trouble with this theory is that linguistic poverty in one's mother tongue, as John Dewey once observed, is less a cause of mental inferiority than one of its manifestations.

The more fundamental objection to Klineberg's explanation is that it is contradicted by the evidence. Negroes do relatively better on linguistic tests than on tests of reasoning power. Negro retardation in the non-verbal Draw-a-Man Test was found to be as great as elsewhere. A 1954 investigation revealed that Negroes scored worse on the non-language than on the language sections of the California Mental Maturity Test.¹⁰ Many investigators have reported that Negro school children do best on tests which measure *rote memory* or *immediate memory*. While some examiners have referred to the language difficulties of Negro subjects, a 1954 study showed that colored children made higher scores on the verbal than on the performance sections of the Wechsler Intelligence Scale for Children.¹¹ Two other surveys — those of Hammer in 1954 and Love and Beach in 1957 — revealed higher Negro scores on the performance than on the verbal portions of the California Mental Maturity tests.¹²

McGurk has investigated this particular problem more exhaustively than other psychologists. In 1951 he administered tests to 213 Negro seniors from New Jersey and Pennsylvania high schools and a white control group of 213 seniors from the same institutions.

To eliminate the effect of environment in so far as possible, each Negro was matched with a white whose socioeconomic status, as measured by 11 items on the Sims Record Card, was equal to or lower than his. Having thus chosen samples from the two races in which the white control group was environmentally equal to or inferior to the Negro, McGurk had 78 judges help him divide his test questions into: *least cultural*, *neutral* and *most cultural*.

The first question was whether the Negro group would score as well as the white control group, visible environmental differences having been eliminated. The answer to this was negative. Negro performance was markedly inferior on the entire test and no Negro student scored as high as the top 9% of the whites.

The second question was whether the Negroes would score relatively better on the more cultural or on the less cultural questions. They did better on the cultural section. On this part of the test, the

Negro overlap was 39%¹³ and the best Negro score was exceeded by only 5% of the whites. On the non-cultural part of the test, however, the Negro overlap was only 29% and no Negro scored as high as the top 10% of the whites.

In other words, the greatest shortfall of Negro test subjects occurs, not in tests calling primarily for information and linguistic proficiency, but in tests of reasoning power. The conclusion suggested by McGurk is that the lower score of the Negro, even where visible socioeconomic influences have been equalized, reflects a less favorable mental endowment.¹⁴

Significance of Intelligence Tests. The practical importance of the widening of the I.Q. gap between the two races hinges on the significance of intelligence tests. Correlating I.Q.s with other measures of human performance has yielded rather precise knowledge of what the former do and do not measure.

What the tests do measure is "basic educational aptitude." They reveal "how far along [the child] is in the mental *development* that goes with growth toward maturity. We know that tests predict with a fair degree of accuracy how successfully individuals, children or adults, will be able to grasp the complex and difficult ideas that are presented in school."¹⁵

The intelligence tests were devised by psychologists and they are chiefly oriented toward formal learning ability within the educational system. The I.Q. may assist in predicting school success and success at any task requiring abstract thought. Thus Tyler cites studies showing that each stage in the educational process requires, on the average, a substantial increase in I.Q. The mean Stanford-Binet I.Q.s of college entrants in the late 1940's was 118, of college graduates 123 and of Ph.D.s 141.¹⁶

In adult life, there are significant differences between the average test scores of different occupational groups. Professional men are highest, followed by business, then white collar, then skilled workers, then semi-skilled and unskilled. In the higher occupational groups, success is more closely correlated with I.Q. In lower groups, which are not mentally exacting, I.Q. has less to do with job or financial status provided psychometric intelligence is above a minimum threshold.

The I.Q. does not measure the speed with which certain mental tasks can be mastered, but whether the mind is capable of mastering them at all. To quote Tyler again, if the dull child "seems to have taken two years to master what his brighter class mates mastered in one, this

is not because he learned more slowly, but because it took him longer to reach the level of mental development at which these things could be learned at all. This change in interpretation fits in with the fact, quite familiar to teachers, that at the high-school and college ages which correspond to the levelling-off period in mental growth no amount of time spent by the dull on the same materials which the bright grasp with ease seems to produce mastery of them. There probably is a fair proportion of the adult population which is incapable of understanding integral calculus, Platonism or international finance."¹⁷ On this basis the widening gap between white and Negro I.Q.s at higher educational levels suggests that increasing proportions of the Negro group are reaching their saturation points, that is to say, the levels at which further mental development becomes impossible for them.

The Negro Gifted. The fact that Negro I.Q.s average considerably lower than the corresponding white averages obviously does not preclude the emergence of mentally gifted Negroes and for that matter Negroes at the genius level. What we would expect to find is Negro individuals of outstanding intellectual ability, but proportionately fewer of them than in other races. This expectation is borne out by a series of investigations.

The best known of the studies directed at finding the upper limits of Negro intellectual ability was that of M. D. Jenkins in 1935-36. A systematic search for Negro children of outstanding intelligence in the Chicago public schools yielded 18 cases with Stanford-Binet scores of 160 or better, seven above 170, four above 180 and one above 200. These children had the same characteristics as the exceptionally gifted of other races: originality of expression, creative ability, pre-eminent scholastic performance. Two of these students entered college at 13 and got their diplomas and Phi Beta Kappas at 16. All were from Northern or Border states. As of 1948, when Jenkins published an important article on the subject, no Southern Negro had been found with an I.Q. of 160 or over.¹⁸

The young Negro girl with an I.Q. of over 200 was apparently no more racially mixed than most American colored people and her discovery was hailed as proof that "Negro blood is not always the limiting specter so universally proclaimed."¹⁹

Although the range of mental ability among Negroes thus seems to equal that of other races, the occurrence of high intelligence is more infrequent. Jenkins himself found that, among 3,500 Howard freshmen, only 101 (as against the expected 350) were among the first

tenth of the U.S. college population in I.Q. In 27 Negro colleges, mostly Southern, only 23 students (as against a theoretical expectation of 368) were in the first decile. "There appears little doubt," Jenkins wrote, "that the number of very bright Negro children is relatively smaller than the number of bright white children in the total American population."²⁰

Dr. Shuey summarizes the various investigations which show the proportion of gifted Negro children, defining *gifted* as having an I.Q. of 140 or better. In six studies which were primarily searches for intellectually outstanding children, 72 gifted Negroes were found in a colored population of 49,000. The gifted were 0.15% of the total. Sixteen other studies, covering 18,039 colored and 40,515 white children, showed that 0.14% of the colored and 0.95% of the white children were gifted.²¹ On the basis of all the evidence currently available, it appears that gifted children occur three to seven times more frequently among whites than among Negroes.

Environmentalist Explanations. Most contemporary American sociologists and psychologists seek to explain the consistently inferior Negro performance on intelligence tests as exclusively due to an unfavorable environment.

Dr. Otto Klineberg, who has been particularly diligent in this effort, once suggested that Negroes scored lower than whites because they had less incentive to do well on intelligence tests. To test this theory, prizes and even cash were offered to those Negro children who scored high.²² These incentives, however, had little or no effect on the low I.Q.s of the colored group.

Another apriori theory that has been advanced is that Negro children do poorly when tested by white examiners because of lack of rapport. Dr. Shuey compared Negro I.Q.s in test situations with both white and colored examiners and found that there were no significant differences in scores.²³ Hypotheses have also been advanced that the Negro failure is due to lack of speed or to general "neuroticism." To the extent that these have been weighed, they have been found wanting.

The problem of motivation has also been approached at a different level. What stimulus does the Negro have to use his mind, it is asked, when he faces discrimination in the professions, in scholarship and in science? The shortest answer to this attempted explanation is that Jews, Chinese, Japanese and others have faced race discrimination in America, but this handicap has not prevented them from

developing their minds; rather it has spurred them to greater than average effort.

Equating Environments. We cannot magically make the socio-economic environments of white and Negro population groups identical. What we can do is to narrow the difference in environment. As we do so, we can see whether the I.Q. gap between the two races closes correspondingly. If it does, we can infer that the Negro shortfall is solely due to a bad environment. If it does not, we can conclude that both heredity and environment must be causal factors.

Psychologists have narrowed the environmental gap in two ways. The first is to find natural populations of the two races in which the Negro environmental handicap is at a minimum. The second is to compare a group of Negroes with a control sample of whites. In the control sample, each individual is chosen because his measurable environmental status is equal or inferior to that of the Negro individual with whom he is paired.

Regardless of which road is chosen, all these studies have yielded similar results. No matter how much the environmental gap is closed, Negro psychometric intelligence remains substantially lower than white. Moreover, the difference between the I.Q.s of the two races is most marked when the Negro intellectuals and upper class are compared with their white counterparts.

We shall summarize three of these vitally important experiments because they are almost totally ignored by sociologists and psychologists dedicated to the achievement of race integration.

Ontario and Virginia. In 1939 Tanser published his classic study of comparative white and Negro psychometric intelligence in Kent County, Ontario.²⁴ The Negro population consisted of the descendants of men and women who had fled to Canada via the underground railway before and during the Civil War. They had struck deep roots in these Canadian communities and racial hostility was at a minimum. Since 1890 the authorities had worked persistently to provide true educational equality. The Negroes worshipped in the same churches, ate in the same restaurants and worked at the same jobs as the whites. They could sit where they wanted to in public conveyances and own land where they pleased. The schools were completely integrated and some of the teachers were colored. Very few Negroes had moved in from outside Kent County over the past 50 years.

In this milieu, Tanser gave four different intelligence tests to all white and Negro pupils in the first to eighth grades inclusive of one urban and six rural public schools. The average I.Q. of the white

children was 105.4, that of the Negroes 89.6. In every one of the tests, regardless of whether it stressed cultural or other factors, the Negroes lagged 15 to 19 points behind the whites.²⁵ The Negro performance was only slightly better than that of unselected Negro school children in the Northern U.S.A. Summarizing results on one of the non-verbal tests, Tanser said: "From the evidence presented, the deduction follows that, according to the Short Scale of the Pintner-Paterson Performance Tests, the Negroes as a group are low in intelligence and considerably lower than the Whites tested."²⁶

In the one urban school included in the survey, the Negro socio-economic level was below that of the whites. The children of the two races in the six rural schools, however, were generally from homes of equal status. Tanser found that the Negro children were significantly over-age and the white children under-age in their classes. "In the light of the present findings," he concluded, "it is now readily clear that the main factor responsible for the over-ageness of the Negroes is their low level of intelligence."²⁷

A year later Bruce published her doctoral dissertation on comparative Negro-white intelligence test scores in an impoverished area in rural southern Virginia.²⁸ If Tanser's Ontario communities were an example of environmental equalization at a high point in the socio-economic scale, the Bruce study analyzed equalization caused by common poverty, backwardness and dearth of opportunity. Almost a thousand children from nine matched pairs of segregated schools, aged 6 through 12.9, were given group intelligence tests. Representative samples from both races were then given individual Stanford-Binet and Arthur Performance Tests. The average white score was 90.7, the average for the Negroes was 75.0. In each of the three tests, the colored children lagged 14 to 17 points behind the whites.

While both racial groups lived under substandard conditions, there was always the possibility that the Negroes were worse off than the whites and that this difference might explain their poorer test scores. To correct for this possibility, Miss Bruce used the Sims Score Card Method to pair off white and Negro children of similar socio-economic status. The result was to narrow the gap by about a third. Depending on the test used, the Negroes averaged from 9 to 12 points lower than the whites. Their overlap was only 15%. Thus, the Bruce study, like that of Tanser, indicated that, even when steps are taken to find environmentally similar or equal samples, the Negro I.Q. distribution remains markedly inferior to the white.

Both Tanser and Bruce further tested the hypothesis of hereditary

race differences in intelligence by comparing the I.Q.s of the more racially mixed and more full-blooded Negro children. Relying on information furnished by teachers and local residents of both races, Tanser divided 54 Negro children into full-bloods and mixed-bloods. The median I.Q. of the former was only 79.1, that of the latter 86.4. Making a similar division on the basis of skin color, Bruce found a less significant difference. Her darker group had a median I.Q. of 73, her lighter group, one of 76.

The Negro Elite. McGurk's 1951 investigation of the comparative test scores of paired white and Negro high school seniors in Northern public schools has already been discussed. In 1953, McGurk used the same pairing method to investigate a somewhat different question. He wanted to see whether the Negro lag was more pronounced among the ignorant and underprivileged or among the educated and well-to-do. He took a Negro test population and divided it into four numerically equal classes on the basis of income, living standards, education, social status, etc. Using 14 basic socio-economic factors from the Sims Score Card, he obtained a similar test population of white paired subjects. Thus he had four numerically equal sets of Negro and white subjects in which each set corresponded to a socio-economic class and in which each white was paired with a Negro as to visible environment.²⁹

The interesting conclusion that emerged from this experiment was that it is the upper class, educated Negroes who lag most decisively behind their white counterparts. In the group at the bottom, the Negro overlap was 41%, or enough for one to say that, at this low socioeconomic level, racial differences in psychometric intelligence were of little statistical significance. In the top group, however, the Negro overlap was only 18% as against the 50% that would denote equality in test performance.

Wartime Testing. The armed forces tests of comparative white and Negro mental aptitude are an invaluable and unique source. These tests were given to millions of recruits; hence sampling errors due to size can be ignored. Because of the comprehensive nature of the testing venture, all states and districts in the nation are fully represented. Even more important is the fact that the data have been published for 1917-19, 1943-45 and 1951. Thus, it is possible to study the extent to which the gap between white and Negro psychometric intelligence has changed during a period of three decades in which the Negro's environmental and educational opportunities have been prodigiously increased.

World War I Tests. World War I provided the first real opportunity to make mass tests of comparative white and Negro psychometric intelligence. The basic examination was known as the Alpha Test. In addition, a Beta Test was given to the illiterates of both races and to soldiers whose mental level was too low for them to understand the questions asked on the Alpha. In his epochal report on these tests, Robert M. Yerkes commented on the difficulty of holding the attention of many of the colored subjects who tended "to lapse into inattention and almost into sleep."³⁰

These tests cast light on the then prevailing differences in the intelligence of the two races. Of 18,891 Negroes tested on a carefully distributed nationwide basis, almost four-fifths fell into the bottom categories of D and D- as against only one-fourth of the whites. Correspondingly, 12.1% of the whites, but only 0.7% of the Negroes, were in the two top grades of A and B. In other words, there were proportionately more than 17 times as many superior whites as Negroes.

The Negro overlap in these tests was 13.5%, which meant seven-eighths of the Negro recruits were below the white average. The tests showed that median white scores were significantly higher than median colored scores in every state in the Union. The tests also showed significant regional differences in favor of the North. The median score in five Northern states was 60.0 for whites and 40.5 for Negroes on the Alpha Test. In eight Southern states, the median for whites was also 40.5, but the median for Negroes was only 19.6.

During World War II, Benedict and Weltfish, Ashley Montagu and others used this data to attempt to show that Northern Negroes scored higher than Southern whites, that the observed differences between the two races were therefore solely due to differences in environment and that the evidence pointed to the absence of inherent differences in the intelligence of white and colored.³¹ The point these writers sought to drive home was that the generally inferior Negro showing could be attributed entirely to environmental handicaps and "Southern backwardness."

These conclusions were sharply criticized as unwarranted inferences from the evidence. Montagu was accused of having hand-picked his states to magnify Negro achievement.³² In several articles, H. E. Garrett claimed that Montagu had handled his material in a slipshod fashion, inflated Negro performance by excluding Beta Test scores, misinterpreted his data, ignored sample size, used unweighted means and made arithmetic errors.³³ As for the Benedict and Welt-

fish study, its objectivity came into question when Miss Weltfish was queried by a Senate Committee concerning past membership in the Communist Party and took the Fifth Amendment.³⁴ Despite the dubious character of these interpretations, Dr. Shuey found in 1958 that 8 of 13 recent textbooks on general psychology referred to the World War I comparisons, apparently ignoring the far more precise and revealing comparisons made in World War II and the Korean conflict.

G. O. Ferguson, Jr. separated Negroes by skin color in Camp Lee, Virginia, to see whether pigmentation was correlated with I.Q. When eight companies of literate Negro draftees were divided into darker and lighter, the median of the light-skinned was 51, that of the dark-skinned only 40. Eight other companies of literates were divided into three pigmentation categories and given a battery of intelligence tests. The median of the "yellow" group was 59, of the "brown" 45, and of the "black" 39. In Alpha Tests, Ferguson found the darker Negroes scored only 60% as high as the lighter ones. When 727 Negro illiterates were given the Beta Test, the darker group scored only 80% as well as the lighter.³⁵

World War II and Korea. While the World War I tests are generally cited, even in texts written in the 1950's, to show that environment is the decisive cause of Negro mental backwardness, psychologists have largely ignored the rich material obtained by comparative intelligence and aptitude testing of the two races in World War II and the Korean War.

Between 1917 and 1943 the Negro made enormous gains in his material and educational environment. Of the World War I Negroes, 97% in the South and 86% in the North had not gone beyond grade school. By contrast, in World War II, 63% of the Northern and 33% of the Southern colored had attended high school.

These great advances in Negro educational opportunity were not reflected in corresponding gains in I.Q. and aptitude scores. Thus, a comparison of Army General Classification Test scores of white and Negro enlisted men in military service in March 1945 shows that 6.3% of the whites, but only 1.0% of the Negroes, were in Group I (very superior) and that 39.7% of the whites, but only 7.4% of the Negroes, were in the first two (better than average) categories. On the other hand, only 26.9% of the whites, as contrasted with 77.7% of the Negroes (more than three-fourths of them), were in the two bottom (inferior and very inferior) groups.³⁶

In World War I the Negro overlap had been 13.5% — that is to say,

only 13½ Negroes in 100 had scored as well as the average white man. In World War II, this overlap had changed slightly and stood at 12%. The overlap figure for Korea would also be 12%. This marked stability in Negro performance, moreover, was noteworthy in view of the fact that the data for the two periods were not strictly comparable.

As a result of World War I experience, the Army in 1941-45 insisted on minimum standards of education and native intelligence. Of 18 million men examined for selective service, 700,000 were rejected as mental or educational defectives. Although Negroes constituted less than 12% of those examined for military service, they comprised 45% of the mental rejects. If these rejects are included in the frequency distribution of World War II test scores, the Negro overlap shrinks from 12% to 10%.

The assertion that Northern Negroes scored as well as Southern whites may have had validity in World War I. By World War II, however, the Northern Negroes had fallen decisively behind. In investigating this question, the distribution of A.G.C.T. scores among Negro inductees in the First Command Area (New England) was compared with the score distribution among whites in the Fourth Command Area (Southern).³⁷ These commands were chosen because the First is the command where Negroes scored highest and the Fourth is the command where the whites scored lowest.

This comparison shows that 3.1% of the Southern whites, but only 0.6% of the New England Negroes, scored very superior. Some 20.8% of the Southern whites, but only 8.9% of the New England Negroes, were in the two above average groups. The two below average intelligence groups contained 51.1% of the whites and 58.6% of the Negroes. Thus, the New England Negroes contained only slightly larger percentages of retarded than the Southern whites. However, proportionately five times as many Southern whites as New England Negroes were very superior and more than twice as many were in the superior and very superior categories combined.

There are similar figures for whites and Negroes examined for military service in December 1951 during the Korean conflict. On a nationwide basis, only 3.9% of the Negroes examined were in the first two mental groups in 1951, whereas 81% of all Negroes and 91% of Southern Negroes were in the inferior and very inferior groups.³⁸

Other Ethnic Groups. The material concerning intelligence testing of other ethnic and national groups in the United States is not as voluminous or precise as that dealing with the Negro. There are, however, several studies which warrant summary.

Intelligence tests of American Indian children, as summarized by Pintner in 1931, revealed I.Q. means ranging from 69 to 97 and justified the conclusion that "Indians as a group average considerably lower than whites on standard intelligence tests."³⁹ However, the Indians, unlike the Negroes, suffered from a real language handicap. Thus, one investigator found that average Amerindian scores on two verbal tests were only 78 and 80, whereas, on two non-verbal tests,⁴⁰ they averaged 92 and 97. A 1942 study of Hopi children showed average I.Q.s, as measured by the Draw-a-Man Test, of 108.3, a few points above the white average. In 1935, Professor T. R. Garth of the University of Denver found that Indian children in white foster homes had an average I.Q. of 102, whereas their siblings, who remained on reservations, averaged only 87.5.⁴¹ Moreover, J. H. Rohrer of the University of Oklahoma tested Osage Indians, whose living conditions are very similar to those of whites, and found they averaged 100 on language and 104 on non-language intelligence tests.⁴²

The indication from this evidence is that the poor showing of American Indians on intelligence tests can be entirely explained by the linguistic handicap and the constricting effect of tribal life on the mind. However, in view of the large number of Indian tribes and slight amount of research done, dogmatism is out of place.

Chinese-American and Japanese-American children grew up under formidable socio-economic handicaps in the United States at and before the time of the Pintner survey (1931). Since their native languages were entirely different from English in structure, these Oriental children could not have been expected to equal white American average scores on standard I.Q. tests. Under the circumstances, their Binet average scores of 85 to 98 were very impressive. Perhaps more impressive was Pintner's finding that "all work on non-language tests show(ed) the Orientals to be equal to or above the American norms."

In 1923 and 1929, Porteus made extensive tests of the intelligence of different racial groups in Hawaii. He concluded that racial differences do exist, but that "it is extremely difficult to interpret these differences in terms of all-round superiority or inferiority. For example, the superiority of the Chinese in the more literary tests can be demonstrated; but, on the other hand, in performance tests involving manipulative ability or mechanical aptitude and the perception of spatial relationships, the Japanese seem to have a significant advantage. This may indicate that the Chinese do better in the world of books and the Japanese in the world of things or machines. As

regards visual memory, the Chinese have an advantage, but in rote memory the Japanese are better endowed." ⁴³ In most of the tests, both Japanese and Chinese scored higher than Portuguese and native Hawaiians.

Intelligence tests of Puerto Ricans and Mexicans in the United States have shown both groups to be low scorers. Studies prior to 1950 showed that the I.Q.s of Mexican children averaged between 11 and 22 points below the performance of other white American children. In 1950, Hilding and Henderson tested Mexican-American children in Los Angeles under carefully controlled conditions designed to minimize or eliminate the effect of their environmental handicaps. In three different tests, the Mexicans averaged from 8.6 to 14.7 points below the American control group. The Mexican average score on the linguistic portions of the California Test of Mental Maturity was 13.9 points below the American average; on the non-linguistic portions, the Mexicans were 14.5 points lower. The data of this and other investigations "indicate that there are intellectual differences between 'races' or national groups, at least in so far as intelligence is measured by the tests involved in this study." ⁴⁴

In Recapitulation. Between World War I and Korea, revolutionary improvements occurred in the Negro's economic, social and educational opportunities. This environmental betterment did not, however, produce corresponding gains in Negro intelligence as measured by I.Q.

Discrimination and inferior opportunities cannot be *sufficient* explanations for the Negro I.Q. shortfall since other handicapped minorities have consistently equalled or surpassed national I.Q. averages. Specifically, American Jews generally score higher than any other group and Japanese-Americans and Chinese-Americans do as well as native white Americans when the language handicap is eliminated. However, other groups within the American population also show low psychometric intelligence. Tests of Mexican-Americans and Puerto Ricans, in particular, indicate consistently low average I.Q.s. Specific explanations proffered for the Negro's poor showing, such as lack of incentive or speed or rapport or linguistic proficiency, have been found to be without validity when tested.

Numerous tests have shown that the gap between white and Negro I.Q. is greater in examinations requiring abstract reasoning and visualization than in those calling for information, language ability or rote memory. This and other material support Carothers' hypothesis that the Negro mind is primarily auditory rather than visual.

When controlled tests are made of whites and Negroes of similar

socioeconomic levels, substantial differences between the I.Q.s of the two ethnic groups remain. After considering the evidence, Dr. Tyler concluded that there was "a lower average level of intellectual functioning among Negroes than among whites in the American population" ⁴⁵ and Dr. Shuey observed that the tests "all point to the presence of some native differences between Negroes and whites. . . ." ⁴⁶

We have surveyed evidence concerning the mind and psychology of the Negro in Africa, scientific theories of race and its relationship to intelligence, the Negro and civilization and, finally, the evidence of comparative white and Negro intelligence tests. The provisional conclusion suggested by these various interrelated, but independent, lines of inquiry is that structural differences in the mentality of the two races exist which cannot be wholly explained by environment.

THE NEGRO AND THE SCHOOLS

"There is no rational life, therefore, without intelligence and things are good only in so far as they assist man to enjoy that life of the mind which is determined by intelligence. Those things alone, on the other hand, we call evil which hinder man from perfecting his reason and enjoying a more rational life."—BENEDICT SPINOZA, *Ethics*.

The issue of equality of ability that most contemporary social scientists seek to dodge or meet with platitudes lies at the root of the controversy concerning the social implications of the gap between the learning ability of white and Negro youth. Is this gap so large that the egalitarian assumptions underlying the American public school system become unrealistic once representative populations of the two races are mixed in the classrooms?

Search for Talent. A 1952 survey cast light on whether desegregation can bridge the scholastic gap between the races. Ferguson and Plaut, both staunch integrationists, made a survey of the graduating classes of 32 public schools in 11 Northern states which had been desegregated for decades. The senior classes in these schools had 7,100 white and 3,300 Negro pupils. Of the students in the first quarter of their classes scholastically, 2,550 were white, only 53 Negro. The educational performance of the whites was 22 times better than that of the colored. Only one in a hundred of these Negro seniors in integrated Northern high schools could qualify for college entrance.¹

Surveys of Southern segregated high schools yield equally negative results. The National Scholarship Service and Fund for Negro Students has been making a prodigious effort to find Southern Negro seniors who qualify for Northern inter-racial colleges, to persuade them to apply, and to provide them with scholarship assistance even where their mental level is considerably below the white college average. In 1953-54 and 1954-55, the Fund canvassed Negro high schools in 45 Southern cities. It had the Scholastic Aptitude Test of the College Entrance Examination Board given to 3,178 Negro seniors, representing the cream of the graduating classes in over 70 Southern high schools. "The NSSFNS testing program," wrote Plaut, "was limited only to the strongest schools and to the top tenth of the students who were already pursuing a college preparatory course."² Of this elite element, only 1,732 students, or somewhat more than half, made scores

indicating that they might be capable of absorbing a college education at a non-segregated Northern institution.

Each year some two million Americans reach the age of 18 and about 500,000 of them, or 25%, enter colleges. As Negroes constitute 10% of the population, one would expect to find 50,000 of them going to college yearly. Actually, 4,000 (2%) enter inter-racial colleges and another 20,000 (10%) matriculate in the markedly inferior segregated colleges of the South. Plaut argues that this poor showing is due to deficient educational preparation and other environmental factors. However, this line of reasoning cannot explain the fact that proportionately more Southern, than Northern, Negroes go to college.

By contrast: "In recent years, well over 50 per cent of all Chinese-American boys and girls have been winning college degrees, and have been competing successfully for professional status in almost every branch of industry." ³ Another ethnic minority, the Japanese-Americans, sends a considerably larger proportion of its youth to and through college than native-born white Americans.

The poor competitive position of the Negro is equally evident at the highest levels of intellectual attainment. Over 500 high school graduates, selected from over 60,000 contestants, go to American colleges annually on National Merit Scholarships. This group represents the cream of the nation's young scientific potential. Forward-looking corporations, such as General Electric, provide similar scholarships for other thousands of young scientists.

It is noteworthy that Plaut fears these awards "may further widen instead of close the gap" between white and Negro higher educational opportunity. He adds: "Under present conditions, it is unlikely that more than 1 in every 1,000 of these nationally competitive awards is going to Negroes, who comprise 10% of the population. (Naturally, the scholarship sponsors do not ask if a candidate is white or Negro. The exact number of Negro winners is not known until they are visited on the college campuses.)" ⁴

The inability of the mass of Southern Negro pupils to qualify for college is partly due to the poor academic ability of the average Negro teacher.⁵ This was revealed in a 1954 study carried out by Arthur L. Benson of the Educational Testing Service. Test scores of white and Negro freshmen were compared in Southern teachers colleges and in those Southern colleges where a large proportion of the freshmen planned to teach. Thirty-five per cent of the Southern whites equalled the average score made by all U.S. freshmen; only 5% of the Negro freshmen, however, came up to the national average.⁶

This record cannot be explained simply as part of the heritage of discrimination and oppression. Consider the Chinese Americans again. They were brought to California to do menial work during the Gold Rush and later to lay track for the railroads and build canals and levees to reclaim land for agriculture. Even though the Chinese railroad crews outworked the Irish, race prejudice among the white workers forced the companies to lay them off. The extent to which they were swindled, beaten up and murdered is indicated by the expression: "He doesn't stand a Chinaman's chance." Maisel writes:

"Barred from one agricultural opportunity after another, they sought their living in the cities, only to find themselves up against implacable opposition. Increasingly they were restricted to restaurant work, gardening, domestic service and the laundry trade. The California legislature enacted discriminatory taxes to discourage their immigration. Courts declared them ineligible for citizenship, denied them the right to give testimony, even in their own defense."⁷

About 120,000 Chinese and Chinese-Americans, mostly descendants of these victimized immigrants, today live in the United States. They account for 800 of the teachers in American colleges and 80 of them are full professors. In industry, research, science, architecture, the professions and the arts, the small Chinese group makes outstanding contributions. And in 1957 the Nobel Prize in physics was awarded to two young Chinese professors on American campuses for a major theoretical contribution.⁸

Integration in Washington, D. C. These differences in ethnic response to the challenge and opportunity of education necessarily affect the results of massive race mixture in any public school system. The only comprehensive study of the impact of desegregation on the public school system of a great American city was made by a special subcommittee of the House Committee on the District of Columbia during the 1956-57 school year.

Five of the six members of the Subcommittee came from segregationist or formerly segregationist states. However, careful scrutiny of the testimony shows that the Subcommittee gave the pro-integration heads of the Washington, D. C., school system full opportunity to testify and that the latter did so. Thus, Dr. Carl Hansen, later to be named Superintendent of the Washington, D. C., public schools, told Subcommittee chairman, James C. Davis: "Mr. Davis, may I thank you for permitting me to be so frank and to express my mind in this situation."

The main factual findings of the Subcommittee were either accepted

at the time as valid by the school administrators who took the stand or were not successfully rebutted by them. The Subcommittee performed its work under conditions of hardship, suppression of evidence, genteel intimidation of witnesses and raucous demands that it be muzzled.

Critical to the Subcommittee's work was a determination of the comparative I.Q.s and educational levels of the two racial groups. Fortunately, standardized educational achievement and I.Q. tests had been given all D.C. public school pupils for the first time in the history of the city in the preceding (1955-56) school year. When the Board of Education discovered that the performance of the Negro school children was grossly inferior on both types of tests, it suppressed the results as likely to cause "difficulties in desegregation." After vehement public protest against this action, the Board compromised and published average test scores for each grade in each school, concealing the identity of the schools, however, by a coding system. The Subcommittee was now able to move in and secure the key to the code. Thus, for the first and last time, the taxpayers of Washington, D. C., were given factual data on the comparative educational performance of the integrated, preponderantly white and preponderantly Negro schools.

The N.A.A.C.P. apparently considered that the disclosure of the Subcommittee's data, even in this circuitous form, was dangerous to its pretensions and purposes. A mass meeting was held to demand that the investigation be stifled. President Eisenhower, candidate Adlai Stevenson and key leaders of the House were urged to prevent the Subcommittee from probing a school system which it is the responsibility of Congress to supervise.

When principal after principal testified concerning the decline and disorganization of the Washington public school system under desegregation, Wesley Williams, Negro member of the Board of Education, publicly demanded that "Dr. Corning (the Superintendent of Schools) should reexamine the competency of some of the principals. . ." Williams alleged that certain school principals had "made severe admissions of inadequacy." These statements were interpreted by witnesses yet to testify as threats that they would be discharged if they gave answers displeasing to the N.A.A.C.P. The Subcommittee got Dr. Corning to promise to protect all witnesses against "reprisal" or "retribution."⁹

Washington: the I.Q. Breakdown. The elementary schools were divided into three groups: white schools with 11,230 pupils, of whom

only 120 were Negro; Negro schools with 27,039 pupils, of whom only 240 were white; integrated schools with 30,100 students, 11,800 whites and 18,300 Negroes.

The Stanford Achievement Tests showed that at the third grade level the white students were on the national average, the Negroes were one year behind and the integrated schools were half a year behind. This gap increased rapidly. By the 9th grade, the whites were a year ahead of the national average and the Negroes were almost three years behind it.

Other tests showed similar results. When the Iowa Test of Educational Development was applied to ninth graders, the white schools placed in the first 6% of the nation's schools, whereas the Negro schools were in the lowest 5% of the nation. Some colored schools were in the bottom 1%. Although the integrated junior high schools were only 51% Negro, they placed in the lowest quarter of the nation's schools.¹⁰ The pattern at senior high school level was similar. Stanford Achievement Tests showed the white schools were in the top 5% and the Negro schools in the bottom 5% of the nation.

The I.Q. score differences between whites and Negroes, as measured by the California Mental Maturity Tests, ranged from 17 to 22 points between the third and ninth grades. Twelfth graders were given the American Council on Education (ACE) psychological examination. Here the white schools scored 92.3 (as against a national average of 89), the mixed schools 77.7, and the Negro schools 51.6. The two latter scores suggested that the average Negro pupil was virtually unteachable. The gap between white and Negro averages had stretched to 40 points and the indicated mental age of the typical 18-year-old Negro high school senior was 10½.

The practical significance of this gap was revealed by testimony. One school principal said: "You are supposed to teach Canada and South America and that sort of thing in the sixth grade, and my sixth grade teachers said, 'Well, they don't know where Washington is.' And it really isn't funny. It is tragic."¹¹

Lawson J. Cantrell, Assistant Superintendent of Schools, explained: "If we can bear in mind that most of these children — not all of them by any means — who are 14 years of age and in the fourth grade have not the mental capacity to go much above the fourth grade if we keep them in school forever, then we can understand it is not necessarily the school's fault when they do not measure up and progress from class to class in accordance with their age."¹²

Some of the schools, Cantrell testified, had classes in junior high

school which were using fourth grade textbooks and teaching fourth grade subjects. The retarded elements were regularly promoted each year. The alternative would be to leave sexually mature Negro adolescents in the primary grades until they became "real social or behavior problems."

The principal of Davis Elementary School testified that, when she demoted a Negro child from first grade to kindergarten, the head of the N.A.A.C.P. educational committee in Washington phoned to demand that the decision be reversed, adding: "I will give you three days and then you will hear from me again."

Under persistent crossexamination, Dr. Carl F. Hansen reluctantly conceded that a high school diploma in the nation's capital no longer was evidence of any academic or educational attainment.¹³

Washington: Palliatives and Patterns. Confronted with the disastrous effects of mixing masses of pupils, who were incompatible as to intelligence, aptitude and moral standards, in the same classrooms, the Washington school authorities developed a so-called track system and applied it at the tenth grade level. This approach consisted essentially of dividing the pupils into a "highly select" honors group, which was given a comprehensive and advanced education, two intermediate groups, and a basic curriculum "designed for the severely retarded child. . ." ¹⁴ At the time of the hearings, 41.5% of the Negroes, as against only 8.2% of the whites, were in the retarded group. On the other hand, the honors track contained 16.4% of the white, but only 1.5% of the colored pupils.

The system was gradually extended. By 1958, it included merely the 10th, 11th and 12th grades, covering 13,377 of about 140,000 public school pupils.¹⁵ In 1959, Hansen succeeded in getting a three-track system (honors, average and retarded) applied to elementary and junior high school.¹⁶ This step was taken over the voluble opposition of School Board President Walter N. Tobriner, who alleged that the system would "stratify children well before their patterns of ability can be discerned even by experts" and added that "the dunce of today is the brilliant student of tomorrow." ¹⁷

According to Superintendent Hansen, students in the honors track are enabled to keep a year ahead of the ordinary classes. Moreover, they are given a better education, including four years of foreign languages, three of high-school mathematics, three of a major science and one of advanced mathematics. Russian courses have been introduced and laboratory facilities improved. These measures are un-

doubtedly in the right direction, but they are not being applied very vigorously.

The track system is not based entirely on I.Q. It is plain from a study of published statistics that a substantial proportion of the mentally retarded have not been placed in the basic track where they belong, but have been left in the general track to slow down the education of more capable pupils. Dr. Hansen admits that students with I.Q.s below 115 have been put in the honors track and that teachers have complained that these pupils are unable to keep up with the work and slow down the others.¹⁸

A second limitation of the four-track approach is that it segregates pupils on a classroom basis, rather than on a school basis. The minority of pupils of average or above-average ability in the heavily integrated or preponderantly Negro schools must live, mature and study in an anti-intellectual environment which is hostile and stultifying.

Finally, the Washington, D. C., school authorities have worked on the assumption that the best teaching resources available should be devoted to the mentally retarded. This view was expressed by witness Lawrence J. Cantrell, Assistant Superintendent of Schools, who thought it was supremely important that classes be reduced to 18 to 20 for pupils ranging between 50 and 75 in I.Q. and had nothing to say about giving individual attention to gifted students who were crowded 39 to the class. Cantrell's reason was that "it takes individual assistance with those children constantly to bring them up perceptibly at all."¹⁹ Fear that Russia may take leadership in science becomes quite understandable when one realizes that public education in great American cities is sometimes directed by officials who believe that a democratic society should concentrate its teaching effort, not on the gifted, but on the mentally defective.²⁰

The voteless residents of Washington, D. C., voted against school integration with the only ballot available to them — their feet. The movement of whites to the suburbs got under way considerably before the Supreme Court's desegregation decisions and for different reasons. School desegregation, however, has enormously accelerated what had been a gradual process. Its role was revealed by the gathering momentum of the white emigration from Washington, D. C., and by the fact that the emigrants were primarily school-age children and their parents. The nation's capital became the only preponderantly Negro metropolis outside of Africa. The City of Magnificent Vistas came to be referred to as Harlem on the Potomac.

In 1934 the District's public schools had 59,000 white and 32,000 colored pupils. In the next 20 years, the white public school population declined by 17,000, while the Negro component increased by almost 32,000. Four years of integration followed. In this brief time span, 20,000 more Negro children entered the public school system, while 12,000 more whites left it. In 1958 the public school population was 74.1% colored. The Negro ratio was even higher in the elementary grades, suggesting that displacement of whites was a dynamic, continuing process.

Within the public school system, legally imposed desegregation was being counteracted by de facto segregation. Between 1957 and 1958, the number of all-colored elementary schools rose from 13 to 16, because all the white pupils left three schools that had become preponderantly Negro. In the school system as a whole in 1958, 94 schools were over 90% Negro, 25 were more than 90% white and only 51 out of 170 were substantially mixed. Probably less than 15,000 white students were in substantially integrated institutions.

The speed with which this process of racial change occurs is illustrated by the case of Davis Elementary School, which was all-white before the 1954 desegregation decision. In 1955, it became 55% colored and in 1956, it became 90% colored. The principal's prediction that it would soon be an entirely Negro institution was confirmed by the October 1958 school census which revealed that only 2% of its student body was white.

Teachers College, which furnishes most of the elementary school teachers in the District, was also rapidly becoming a Negro institution. In 1958, only 272 of its 1,189 students were white, a drop of 100 whites in a single year. As experience elsewhere in the nation indicated, this change in the race composition of teachers was associated with marked deterioration in academic ability. As of 1958, the deficiencies of Teachers College were so glaring that it was threatened with loss of accreditation.

In 1959, 62% of the teachers in Washington's public schools were Negro, 38% of them white. Of the 4,287 teachers in the system, 1,092 were on a temporary basis, i.e. they were unable to qualify for permanent positions. The academic caliber of applicants for teaching posts in the District deteriorated markedly after desegregation. Thus, in 1957, only 40 of 177 applicants managed to pass the examination; in 1958, only 52 of 216 passed. More than 30% of elementary school teachers and more than 35% of mathematics teachers were temporary in 1958-59.²¹

Advocates of integration had urged that elimination of the dual school system would result in a major reduction of operating costs. This prediction has proved false. In 1953, the last year of segregated schools, the school budget was \$25.7 million, whereas the 1959 estimated budget was \$43.7 million. This 70% increase in costs occurred despite deterioration in the caliber of teaching staffs.

President Eisenhower's directive for swift and orderly desegregation of Washington, D. C., public schools was carried out, but at the cost of impairment of educational standards. An element for the most part markedly inferior in learning ability was injected in massive doses into previously white schools. The result was that the white students suffered educationally. In many schools, the influx of Negroes brought with it vandalism, vice and violence to such an extent as to force white parents to withdraw their children en masse and move elsewhere.

Alleged Improvement in Aptitude. The strongly pro-integration school authorities claim that achievement test scores have improved markedly since desegregation. It is difficult to examine these claims critically as Dr. Hansen has presented his data in summary form only and has consistently refused to release the median test scores for individual schools.

In April, 1959, Dr. Hansen released data which purported to show that the scores of the 1958-59 senior class on the Iowa tests of educational development were consistently better than the test scores of the same group in 1957-58. It was claimed that the median score of the honors group had advanced from 90 to 93, that of the college preparatory group from 64 to 68, that of the general group from 31 to 36, while the basic track median score had declined from 18 to 14.

Since we lack the details necessary for a thorough examination only a few comments can be made. In the three years ended in 1959, the number of pupils in Washington, D. C., senior classes declined from 5,100 to 2,481. If the drop-outs consisted primarily of Negroes unable to make the grade academically, this would by itself boost the median score. Moreover, achievement test improvement was reported for the honors and college preparatory groups, which were overwhelmingly white, and for the general group, which was racially mixed. In the basic, or retarded, group, which consisted preponderantly of Negroes, there was no improvement, but rather deterioration.

On June 26, 1959, Dr. Hansen made public detailed statistics on standardized achievement test median scores for the 3rd, 5th, 6th, 8th and 9th grade children in the District. Despite massive increases in

the number of colored children and the flight of tens of thousands of white students, these statistics purported to show "a significant trend upward in scores" since 1955. While the Washington public schools were still below the national average, the gap had allegedly been narrowed to a marked degree.

Experienced educators have stated frankly that they do not believe these claims. The *apriori* reasons to suspect that these figures have been erroneously reported have already been adumbrated. The most important of these is the massive change in the ethnic composition of the pupil population since desegregation, a change which is withdrawing students with high I.Q.s and displacing them with a Negro mass of inferior educational background and psychometric intelligence. At the same time, the quality of the teaching staff has been declining. Finally, first-hand observation of the educational level of the Negro pupil masses in the District suggests that it is low.

When schools furnish test returns which the Washington, D. C., school authorities consider anomalous, the latter may order that the tests be given again. We have no detailed knowledge of the frequency and conditions of retesting. Obviously, even retarded pupils score higher as they become familiar with the test questions and answers.

Moreover, statistical analysis of the test score medians reveals a pattern which is hard to reconcile with reality. In 1958-59, the median fifth grade score was 14.5% below the national average. By the sixth grade, this profound lag had miraculously disappeared and the D. C. median score was only 0.5% below the national median. At the 8th grade level, however, the pupils had again fallen significantly behind. In every one of the four years covered by the figures released by Dr. Hansen, there is a dramatic improvement between the 5th and 6th grades and a relapse thereafter. This pattern is not consistent with any known conditions prevailing in the Washington, D. C., public school system or elsewhere in the nation.

Flight and Future. In Washington, D. C., as elsewhere, the white population with school-age children has frequently preferred flight to integration. The exodus has occurred mainly in poor to middle-income residential areas where Negro encroachment is serious. The professional classes and the more affluent whites are seldom personally affected and hence feel free to criticize the "prejudice" and "ignorance" of the economically less fortunate members of their race. In 1956-57 only 32 of 435 U. S. Congressmen had children in any Washington, D. C., public school and hardly any had children in schools which were

heavily integrated. In appearing before the Davis Subcommittee, Dr. Hansen had the candor to testify that he would not have chosen a home or a school in the heart of a colored area.

If race residential patterns were stabilized, one could expect white public school enrollment to drop from its current level of about 29,000 to roughly 15,000, representing the number of white pupils in virtually all-white schools. However, the lower-class Negro invasion of previously white residential areas is continuing and dynamic. It is becoming a significant force even in affluent white neighborhoods. Hence schools today white will be mixed tomorrow and black the day after tomorrow. Thus cycles of withdrawal and flight are generated. The large majority of the white population of the area, particularly that part with school-age children, will inhabit the suburbs, areas far more recalcitrant to massive Negro encroachment than the city.

New York — the Cult of Incompetence. New York City has a long history of desegregated public education. The Supreme Court decisions merely affirmed a principle which had long been accepted by all major New York political parties.

Since the Supreme Court spoke, New York City schools have deteriorated to a marked extent and the school system has been plagued by an epidemic of vice and violence. Both phenomena are associated with the massive changes which have been occurring in the ethnic composition of the city's population and with the campaign of the N.A.A.C.P. and other influential groups to proceed from desegregation to "racial orchestration" of the public schools.

The city has about 8,000,000 inhabitants of whom approximately 850,000 are Negroes and 575,000 Puerto Ricans. New York City has been losing whites at the rate of around 80,000 a year.

In contrast to the Washington, D. C., situation, the Negroes are highly mobile within the Greater New York area and its suburbs. Newark (34.7% Negro) is more colored than the metropolis. Negroes form a larger proportion of Westchester County than of Brooklyn. In New York City, the concentration area of colored populations is Manhattan. Here 34.5% of the school children are Negro; 32.0% Puerto Rican, and the remaining 33.5% primarily white. These figures do not reflect the Borough's population as the non-white families have more children than the white.

Puerto Rico has estimated its population as roughly half white and half Negro.²² The white population is concentrated in the interior uplands where the small farmers of Spanish origin moved to escape competition with slave labor on the plantations. The Puerto Rican

migration to New York is more recent than the Negro and more congested in ghetto-like districts. There is intense hostility between the two groups. Puerto Ricans enjoy higher social status than Negroes and the latter sometimes learn Spanish to pass for islanders.

Most intelligence tests of Puerto Rican children in the United States have yielded I.Q.s markedly lower than those of mainland white American children. To a certain extent, this poor showing can be attributed to the language handicap.²³ Generally speaking, the Puerto Ricans in New York are not interested in education. As a New York social worker summed up: "The Puerto Rican kids here dream of quick money, not of intellectual attainment."²⁴ About half of the Puerto Rican children in New York schools need language assistance and 17% can't speak English.²⁵

Racially Balanced Schools. Faced with the problem of educating these three culturally different and reciprocally hostile ethnic groups, the New York City Board of Education in 1957 committed itself to "promote racially balanced schools." This was to be accomplished by moving children out of their neighborhoods in city buses to distant schools. Superintendent of Schools William Jansen announced that through this reshuffling 5,000 New York City school children had already been racially reassigned.

Commenting on this demand for racially orchestrated schools, Mrs. Agnes E. Meyer, a staunch supporter of Negro aspirations, wrote:

"In other words, every school in Manhattan should be one-third Negro, one-third Puerto Rican and one-third white. As more Negroes and Puerto Ricans are pouring into New York every month, both groups would soon predominate over whites in every school.

"One gets the impression from this report that the minority of white children exists only as pawns to achieve what are called 'ethnically balanced' schools."²⁶

The ideal, in short, seems to be to place the white minority among groups markedly inferior in diligence, aptitude and I.Q. The theory is that the presence of white students will improve the educational performance of the Negro and Puerto Rican mass. Regardless of whether this aim is achieved, the white students are deprived of the normal stimulus of studying among their mental equals and their education is being correspondingly impaired.

Several examples of this Mad Hatter approach to education could be given. A recent report of the New York City committee on integration complained that the Negro schools were inferior. Why was this the case? Because they contained a high proportion of borderline

and retarded pupils and because the best teachers shunned them. Instead of suspecting that the backwardness of this element might be hereditary and irremediable, the Commission cried race discrimination. Its solution was to distribute these retarded Negro children according to the theory of the racially blended school. This meant that normal white children would have to be taught at the tortoise pace appropriate to the retarded colored group.

Again, in his 256-page report, "The Puerto Rican Study," Dr. Cayce Morrison made various recommendations which were promptly approved by New York School Superintendent Theobald. One was to distribute non-English-speaking Puerto Ricans so they would form 30% to 35% of school classes. This might help the Puerto Ricans by forcing them to speak English in class, but it meant holding back the mainland Americans to the teaching pace of a foreign-language group. A more hard-headed school superintendent might have considered the fact that Puerto Rico has been under the American flag for 60 years and wondered whether it was not the responsibility of Puerto Ricans to learn English before leaving their island.

Intimidating the Teachers. As early as 1956, the integrationist forces began to apply pressure for the forced transfer of teachers to preponderantly Negro and Puerto Rican schools. Lester B. Granger, executive director of the National Urban League, stepped into the breach and assailed the organized teachers. In a sharply worded reply, Charles Cogan, president of the New York Teachers' Guild, stated that teaching was virtually impossible in the problem schools and that "forced transfers of teachers to these schools will not remedy the basic difficulty; on the contrary they will tend to perpetuate them." He added that nothing would be gained "by calling the teachers bad names and by imputing to them unprofessional motives of bias and hostility." The fact that Cogan and his trade union supported both integration and rezoning of pupils did not save him from the hostility of the Negro organizations and their readiness to answer all criticism with the cry of race prejudice.

Mr. Cogan's protests had no effect. School principals were given coercive powers to assign teachers "where they are needed." According to the New York Teachers Guild, some promptly used this power to get rid of teachers they disliked. The Commission on Integration made no suggestion that this reassignment be placed on a voluntary basis or that the teachers sent to hoodlum-infested schools with retarded student bodies be given incentive pay. On the con-

trary, the program was advanced in an authoritarian fashion characteristic of its sponsors.

As Mrs. Meyer put the matter: "the morale of the teaching staff was given no more consideration in the report than the rights of the white students who are to be pushed around arbitrarily to suit the commission's purpose. If the plan for racial zoning goes through to shunt students all over the city by bus, the arbitrary transfer of teachers won't be necessary. Instead of a few difficult schools, they will all be difficult and the teachers might as well be left where they are. . . . *Whether in the North or the South, we must not allow the process of desegregation to wreck our public school system.*"²⁷

In an appeal for gradualness, Mrs. Meyer pointed out that immediate and radical integration exposes the backward Negro mass to new psychological pressures. Whether or not they are demoted, they discover in the racially mixed schools that they cannot do the work which most white students can and do do. They see themselves as mental failures. Many drop out of school. Unlike Washington, D. C., New York City has been unwilling to approach this problem by a track system. Such proposals are often attacked by Negro leaders and their white allies as undemocratic and un-American. Actually, of course, they are nothing of the sort. They are an application of the principle of equality of opportunity which is pre-eminently democratic and American.

"The teachers and the Negro parents are keenly aware of these psychological problems," wrote Mrs. Meyer, "but the leaders of the N.A.A.C.P. ignore them in deciding their policies." Regardless of what course educational authorities pursue vis-a-vis the Negro problem, they are likely to invite abusive attack. In February 1959, charges were publicized by Chicago school principals that the public school authorities allowed the N.A.A.C.P. to downgrade curriculum standards in schools where Negroes predominated, presumably so integration would appear to be a "miraculous adjustment" and a howling success. This action was branded as race discrimination of "the most vicious and damaging kind," implying that the educational authorities must bear responsibility for the lower scholastic achievements of the Negro group.

Wrecking the Schools for the Gifted. The destruction of the New York City public school system is also extending to the special schools for the gifted. These schools select outstanding potential scientists, artists and musicians and give them advanced training. They have made a magnificent contribution to the education of many of the nation's best creative minds and at least two of them have a coast-to-coast reputation.

The trouble with these schools is that they have hardly any Negro pupils. They do not even begin to meet the doctrinaire demand of the integrationists that each school reflect the racial composition of the boroughs. Hence the Subcommittee on Zoning for these institutions recommended that "present admission requirements be studied with a view to determining a method to identify potentially able students who have been environmentally disadvantaged." This may require "program adjustment . . . for integration." In translating these bureaucratic circumlocutions into honest English, one must remember that "environmentally disadvantaged" means colored and program adjustment means emasculating educational standards. Here again we cannot do better than quote Mrs. Meyer's valuable and courageous article:

"In other words, the special examinations for these superior high schools are to be circumvented and the curriculum adjusted for badly prepared Negroes and Puerto Ricans, although thousands of 'environmentally handicapped' white children who could not pass the examinations have been refused admittance. Breaking down the standards of these high schools would deprive the bright Negroes who now go to them, as well as the white children, of an education worthy of their capacities.

"In short, educational standards are of no concern to this Commission on Integration."

Zealots of Equality. The levelling forces in public education dominate the political life of New York City to a much greater extent than elsewhere in the United States. A program to concentrate educational effort on the comparatively unpromising Negro and Puerto Rican groups was approved by the Board of Education in 1958 without an audible dissenting voice. The *New York Times* endorsed this decision and demanded editorially that the city "compensate by improving and enriching every 'difficult' school with the installation of the most able, experienced teachers, reduced class sizes, guidance and counselling personnel, modern equipment and teaching aids."²⁸ This would entail "sacrifices," but these were necessary "to satisfy the community's conscience. . ."

Fortunately the sacrifices would not have to be made by the owners and editors of the *Times*, who neither live in areas subject to lower-class Negro residential invasion nor send their children to crime-infested schools. The editorial, however, did not make this point. The editorial in question was characteristic because of its tacit assumption that the white children, or their parents, should feel guilty

because their educational achievements are so much higher than those of the Negroes and Puerto Ricans.

As a matter of fact, Northern attitudes on the race issue often involve deeply embedded guilt feelings. Secret attitudes of hostility and superiority toward Negroes are rejected on the conscious level as immoral and there is an effort to atone for this reaction by emotional involvement in the Negro's problems. The goal of total integration and racial blending is particularly attractive to those "friends" of the Negro whose attitudes toward him are characterized by repression and conflict and who wish that he would resolve their psychic difficulties by disappearing as a race. Negro intellectuals are often aware of these ambivalent attitudes on the part of their white champions and to that extent contemptuous of them.²⁹

As the egalitarians see it, if the Puerto Ricans and Negroes fail to take advantage of America's unmatched opportunities as other immigrant groups did and still do, then it is the fault of the native-born white majority for not cleaning up their slums more vigorously, giving them even larger subsidies and concentrating the most brilliant teachers on their somewhat duller minds. If all racial groups are equal in mental capacity, then the shortcomings of any of them must be solely due to underprivilege, discrimination and oppression.

In 1956 Eli Ginzberg and associate published a valuable and authoritative study of the Negro's educational and occupational status.³⁰ Their book was a dismal record of Negro substandard performance in social promotion, scholastic attainment and psychometric intelligence. Curiously, it was entitled, *The Negro Potential*. The reason for the title was that Ginzberg started with the apriori assumption of Negro-white equality in innate mental aptitude.³¹ Since all groups are equal, all would do equally well if their environment were the same. Thus, failure, not success, is the measure of potentiality.³²

The egalitarian philosophy of education we have been discussing is destructive of the teaching profession, for the instruction of retarded minds offers little challenge and provides few creative opportunities. It is destructive of the desegregated public schools because, despite the breast beating and exhortation of the entrenched propagandists of equality, the intelligent whites and, for that matter, the intelligent Negroes and Puerto Ricans as well, will take their children out of these schools as soon as they can. The removal of the yeast leaves a torpid mass with which teachers can do little or nothing.

The philosophy expressed is contrary to the ideals of any free, individualistic society. For it rewards failure and punishes success.

Thus it teaches the nation to do little and do it badly. It concentrates effort on the most poorly endowed instead of on the average, the gifted and the outstanding. Obviously, an educational system run on these principles can do nothing more than polish a dull mediocrity. It cannot develop and equip the creative minority which alone has the power to make outstanding contributions to the nation and the world.

The obvious solution is to resegregate pupils, not on the basis of race, but on the basis of intelligence, knowledge and the will to learn. This proposal has no present chance of adoption in the public school systems of cities such as New York where the Negro pressure organizations and their supporters are politically dominant. However, elsewhere in the North and in the Border states, this approach is eminently practicable. The northward and cityward trek of Negroes is arousing many communities to the impending crisis in their public schools.

"There is nothing so unequal as the completely equal treatment of children with unequal ability," Charles E. Bish of the National Educational Association pointed out in his keynote address before the Virginia Education Association.³³ Dr. Bish, who heads the N.E.A. project on talented students, exploded the fallacy that the gifted can "take care of themselves" and hence need little pedagogic assistance. He observed that some children grow mentally 14 months in every year while others grow only 10 months each year and can't help it. Bish said that American education will have to give up the unsound notion that all of the various I.Q. groups can be taught in the same classroom. "Thank God, we're beginning to do something about it," he added. "Bright kids will repay society tenfold for whatever we put into their education."

At about the same time, Columbia University reported "amazing results" at the conclusion of the first year of its Science Honors Program for gifted high school students. Over 150 high school sophomores and juniors spent their Saturdays in university classes and laboratories and at luncheons with professors and distinguished scientists. Professor Henry B. Linford of the Department of Chemical Engineering announced that his group of high school students had passed a final examination with averages equal to those of college juniors majoring in the subject. "Not only were the students stimulated by such company," Donald Barr, Dean of the Columbia Faculty of Engineering, stated, "but the scientists were challenged and charmed by the students. One professor of mathematics reported that the five boys at his table were more perceptive than most graduate students

and that one of them had in five minutes been able to grasp and develop, from definitions scribbled on a napkin, some concepts it had taken two weeks to teach in a post-graduate class." ²⁴

"Normal" egalitarian schooling, quite aside from the Negro question, had managed to hold these talented children about four years behind their mental capacity.

Quietly, attempting to avoid stirring up political opposition, many American communities are reorganizing their school systems to adjust training to the mental capacity of each group and to provide special, accelerated courses and schools so that the gifted of all races may finally get an even break.

THE BLACKBOARD JUNGLES

"Banish wisdom, discard knowledge,
 "And the people will be benefited a hundredfold.
 "Banish human kindness, discard morality,
 "And the people will be dutiful and compassionate.
 "Banish skill, discard profit,
 "And thieves and robbers will disappear."
 —LAO TZU, *The Way and the Power* (240 B.C.?)

Integration and increased racial mixture in the classrooms have focussed nationwide attention on apparent epidemics of crime in Northern city schools. Gang warfare and terrorism struck major areas of racial integration and race stress in 1957-58.

Within New York City newspapers generally refused to identify the race of the offenders and the city educational authorities were vigorous in imposing a blackout on such information. Such a simple item as the racial breakdown of the inmates of the so-called "600," or disciplinary, schools was withheld by the Board of Education even from such pro-integrationist writers as Harrison E. Salisbury of the *New York Times*.

Official records do reveal, however, that the most crime-infested schools are the overwhelmingly non-white institutions. Teachers interviewed generally shied away from any discussion of race factors, though a few blamed the crime wave on Negro aggression and hostility. One school official told a reporter that about half the inmates of the "600" schools were Negroes.¹ Moreover, on September 24, 1959, Judge Samuel Leibowitz released figures from a variety of sources on the racial breakdown of New York juvenile crime and proposed that further Negro and Puerto Rican immigration into the city be discouraged. The figures showed that Negroes accounted for about 50% of juvenile crime and Puerto Ricans for about 21%. Since the breakdown of New York's one million school children was approximately 72% white, 18% Negro and 10% Puerto Rican, this indicated that the Negro juvenile crime rate was 7 times, and the Puerto Rican rate 5 times, that of the whites. In other words, two racial or linguistic minorities, comprising only 18% of the city's population

and only 28% of its school population, accounted for over 70% of its serious teen-age crime.

During the 1957-58 school year, teachers were slugged and threatened in New York City; knife fights occurred in classrooms; students were robbed at gun or knife point. There were murders, rapes and suicides. During 1957, over 2,000 complaints were made to the police concerning crimes committed in or around the public schools. There were two arrests in the schools for murder, 9 for rape, 183 for burglary (in 62 instances with dangerous weapons) and 143 for felonious assaults. This did not include over 2,500 cases of less heinous acts of delinquency which were handled by the Juvenile Aid Bureau.

Efforts to keep the worst offenders in jail broke down. New York City has completely inadequate custodial facilities. Moreover, social workers, teachers, municipal officials and political leaders of pressure groups are often imbued with an incorrigibly sentimental attitude toward the young Negro criminal. The problem was approached with the premise that the disciplinary schools must be schools not prisons. However, competent teachers could not be found who were willing to staff these institutions.²

When a delinquent was haled before Children's Court, the latter would generally return him to the public schools where he would be "treated as a hero."³ In a Brooklyn grammar school, a 14-year-old suspected homosexual with a long record of delinquency was apprehended at a kangaroo court over which he presided "while placing a noose over the head of a student defendant, carrying out the edict of his court — death by hanging."⁴ The young would-be murderer was returned by the court to the school which he had terrorized one week earlier. The conduct of some of these New York courts has helped destroy the prestige of the school authorities among the pupils and has made the decent, law-abiding elements increasingly fearful of reporting the crimes of the delinquents.

Following a careful on-the-spot survey of juvenile delinquency in the New York City schools, the Kefauver Subcommittee found that the Polyanna estimates of the city educational authorities that there were only 356 hard-core cases needing custodial care was a gross understatement. After detailing the reign of terror prevailing in some of the schools and the gross failure of the courts, the custodial institutions and the psychiatric and social welfare institutions to cope with the problem, the Subcommittee stated: "The members of the subcommittee have had one great truth impressed indelibly on their minds; that is, our educational system in many areas is being overwhelmed by masses of students, and portions of these students are being incited to incorrigible and criminal behavior by predelinquent, psychopathic,

and psychotic children. These types of children have been foisted on the school system. . . .”⁵ In other words, schools are meant to be educational institutions, not dumping grounds and practice areas for incorrigible criminals.

In October 1959, Msgr. Joseph A. McCaffrey, pastor of the Holy Cross Roman Catholic Church, charged that the “unbridled terrorism” of the juvenile criminals was encouraged by “the leniency of the courts and the soft treatment by the police.” He added: “Most of these young criminals come from broken homes presided over by either drunken fathers or careless or immoral mothers who neither have nor teach respect for authority. . . . These teen-agers have no fear of imprisonment in institutions where they are coddled and pampered with advantages that are sometimes denied well-behaved boys or girls.”

This is not merely a New York City phenomenon. It has simply achieved more ominous proportions — or, one might say, has advanced more rapidly toward full maturity — in New York than in most American cities. Thus, in Kansas City in 1958, gangs of hoodlums extorted lunch money from the younger schoolchildren, slashed the belly of a child who refused to pay for protection and threatened their teachers with knives. An aroused press described Central High School as the core of Kansas City juvenile terrorism. Gangs operated both inside and outside the building, creating an “aura of fear” among the law-abiding. Here crime was so rife that whole classes had to be lined up against the blackboards daily and searched for weapons. Central High was 60% Negro.

In Chicago, by 1958, fighting with knives had become common in the largely colored schools. Detroit was the scene of interracial fights that sent white pupils to the hospital. In Los Angeles County, which was acquiring Negro immigrants at the net rate of 20,000 a year, some 5,000 youths were organized in white and Negro gangs, some of which engaged in daily forays and assaults.

The Philadelphia Story. With an estimated Negro population of 600,000, the City of Brotherly Love has become 30% colored and the Negro vote, as of 1959, was the most important single force in Philadelphia politics. The Negro influx helped break the political power of Republican administrations. These have been succeeded by strongly pro-integration Democrats, who have seen to it that Negroes are heavily represented in municipal jobs and who have been accused of treating Negro delinquency as a social uplift problem and of trying to use the municipal Public Housing Authority for “blockbusting” purposes. In this political environment, Philadelphia is being trans-

formed into a crime-infested metropolis in which public schools are terrorized and a spreading "jungle" of Negro slums, covering seven square miles, constitutes a breeding ground for savage crimes of violence.

In the first three quarters of 1958, Negroes accounted for 32 of 38 murders committed and 340 of 437 aggravated assaults. Eighty per cent of the inmates of Philadelphia's two prisons were Negro. Of the 9,027 juveniles under 18 arrested for offenses ranging from truancy to murder, 70% were Negro.⁶ During a 19-day period in October 1958, 53 assaults occurred with such weapons as lead pipes, blocks of wood and bare fists. Of these, 45 were committed by Negro delinquents. Police Commissioner Tom Gibbons expressed alarm over "the growing evidence in many instances of a wanton disregard for human life. . . . almost as if there were a deliberate desire to kill or maim."⁷

It is estimated that Negroes account for 90% of all Philadelphia residents receiving aid to dependent children. In 1957 there were 3,477 illegitimate births among colored as against only 642 among whites. Of the 1956 Negro illegitimacies, 102 of the mothers were aged 14 or under. In the same year Negroes accounted for 5,675 new venereal disease cases appearing for treatment at public clinics — over 90% of the total.⁸

This spreading contagion of sexual delinquency, physical assault, robbery, gang warfare and murder has inevitably invaded the public school system. Mixed schools are plagued by extortion rackets in which older Negro boys rob younger children of their lunch money at knife point. Children who reported the hoodlums to the authorities have been punished with razor slashes. The criminal problem in the Philadelphia school system has been controlled by having police stationed in the corridors of the more difficult institutions and having prowl cars patrol the mixed and colored school areas in the afternoons. One prowl car operation caught a Negro gang as it was about to attack pupils, confiscated knives, lead pipes and straight-edge razors.

Every year hundreds of young criminals on probation are assigned back to the public school system by harassed or over-sentimental judges. Young hoodlums, including murderers, are sent to Philadelphia's Youth Study Center where psychiatrists try to find out what makes them tick, but where no representative of the D.A.'s office is allowed to be present. This institution is known to the delinquents as "Buckingham Palace" or "the Lollipop Factory."⁹

White parents are not able to avoid mixed schools, as they can in New York and Washington, D. C., by moving out of Negro-infiltrated

residential areas. Pupils can enroll in secondary schools outside their districts provided vacancies exist. Thus, there is a more or less continuous game of hide and seek. Negro parents register their children in white schools in white neighborhoods; white parents transfer their children to non-neighborhood schools to avoid heavily race-mixed institutions with a major emphasis on crime and a minimal stress on the love of knowledge.

In the preponderantly Negro and heavily mixed schools, a marked lowering of educational standards has been reported. The stress is on vocational courses; science classes with 30 or so students in white schools attract only a dozen or so of the pupils in the Negro institutions. Teachers resign rather than be assigned to colored schools and Philadelphia in late 1958 had a shortage of 700 public school teachers.

Faced with a seemingly uncontrollable rise in crime and disintegration of public education, white citizens have been making extremist proposals to Mayor Dillingworth, ranging from the revival of stocks and public whipping posts to the establishment of an American Devil's Island for young hoodlums somewhere in the Pacific. A group of Negro ministers made the sensible suggestion that teachers be authorized to use corporal punishment to bring troublemakers into line.¹⁰

Washington, D. C. — Delinquency. "Prior to the integration of the schools in the District of Columbia," reported the Davis Subcommittee of the House of Representatives, "there were very few unusual disciplinary problems in either of the school systems." Shortly after desegregation, the schools were plagued by rapid increases in "fighting, lying, stealing, vandalism, obscene writing, vulgar talking, absenteeism, tardiness and truancy."

The principal of Eastern High School swore that he retired in 1955 because of ill health directly attributable to the chaos and vice that reigned in the school after integration. He testified that Negro pupils put a knife to a white girl's back, that there were a dozen Negro pregnancies during his last year at the school and that all social activities had to be abandoned. Many other white teachers and school officials retired before their fixed retirement date or indicated their intention to leave the school system as quickly as possible.

"For the first time in the history of some of the schools, teachers were required to police the corridors and playgrounds and cafeterias. Disorder in the classrooms greatly reduced teaching efficiency, and retarded the ability of the students to learn. Police were called on numerous occasions to the various integrated schools."¹¹

"Innumerable cases" of stealing were reported. Confiscation of

knives was testified to by several witnesses. Complaints about the breakdown of school discipline were general. The principal of McFarland Junior High School testified: "During 1955 I imagine we called the police about 50 times. However, the newspapers claimed only 4 incidents in 3 years."¹² Another witness testified that thefts became so frequent that teachers were ordered not to bother to report them to the school administration.¹³

"Serious fights" were reported between whites and Negroes. Unlike New York City, however, Washington had no organized gang warfare and no murders in the public schools. Because of intelligent police handling of the situation, citizens' cooperation, improved playground facilities and other factors, delinquency rates among Washington, D. C., Negroes aged 5 to 17 decreased significantly between 1954 and 1958. However, despite all these efforts, there was a 21% rise in serious crime in the District during the 12 months ended September 1959. Mrs. Donald Quarles, widow of the Deputy Director of Defense, was beaten and yoked in one of the better residential areas. A Texas Congressman called for Marines to maintain order in the capital. Representative Charles C. Diggs, a Negro from Michigan, compared six young colored hoodlums whom he saw in action with "a pack of wolves."

The school situation under desegregation reflects the living conditions of the two races in Washington, D. C. In the fiscal year 1955, 12,621 cases of venereal disease were reported by the D. C. Department of Public Health among colored; only 646 cases among whites. In the same year, the schools reported 854 cases of gonorrhea. Of these, 834 were colored; only 20 white. Seventeen of the gonorrhea cases occurred among colored children under ten years of age.¹⁴

One out of four Negro births in the District is illegitimate. Some 1,170 illegitimate live births occurred among school age Negroes in Washington, D. C.; only 100 such births among white.¹⁵ Translated to the school situation, there were 27 pregnancies in Jefferson Junior High School, for instance, only two of which were white. One occurred in the fifth grade.¹⁶

The D. C. police reported that most calls to schools were because of illegal acts committed by Negro pupils. This could have been predicted on the basis of the general crime situation in the District. Although Negroes then constituted a minority of the population, they accounted in fiscal 1955 for 79% of the 1,811 felonies committed by juveniles under 18. Negroes accounted for all the murders and rapes reported and for 97% of the 300 robberies and attempted robberies.

The Frustrated Pupil. Frustration because of inability to compete would seem to be a basic causal factor in Negro delinquency both inside and outside the public school. Whether he is automatically promoted and sits dumbly through classes he cannot follow or is held back and forced to sit with small children, the retarded pupil accumulates resentment.

Even where they recognize this situation and face facts honestly, educational officials are often powerless to take remedial action since they must pretend, for political reasons, to believe that people are equal, not only in rights, but in mental capacity. This may prevent school authorities from segregating classes and schools in terms of intelligence and learning ability. To send low-I.Q. pupils to manual training and trade schools, where they can learn the few skills they are capable of mastering and thus acquire some self-respect, means running the risk of being denounced as an enemy of democracy.

Nor do educators find it safe to attack the school attendance laws. These generally provide that young people must sit at school desks until their 16th birthdays regardless of whether they are learning anything or not. In California, the school-leaving age is 18. Ralph Wright and Heman Stark of the California Youth Authority have had the courage to attack this requirement as responsible for 95% of all disciplinary problems among school pupils. They urge that youth incapable of further learning be given "honorable discharges" from the school system.

The racial implications of the problem stem from the fact that the Negro population contains an abnormally large proportion of mentally retarded youth who are incapable of school work beyond primary or secondary grades. Discussing this aspect of delinquency with refreshing candor, Dr. W. C. Kvaraceus, Professor of Education at Boston University and a nationally recognized authority on the subject, pointed out that the classroom hoodlum or trouble-maker is generally the boy who is incapable of doing his school work. "This is the youngster who gets 'poor' or 'failure' marks. He is no success story. When he gets his report card, he's a bankruptcy case — so declared by the school." ¹⁷

Kvaraceus added that these pressures build up under integration because colored children generally have much lower achievement levels than white and are thrust into competitive situations in which they habitually fail. The generally higher Negro delinquency rate and poorer aptitude for school work is characteristic of "a marginal subculture group."

Following through on this approach, it is easy to see that desegregation imposes a variety of pressures on the backward Negro element which were not previously present. Particularly in the North, the integrated school is often widely heterogeneous in the mental range of its student body. Here the difference between the school performance of the two races is made visible daily. The Negro is exposed to galling failure. He is simultaneously indoctrinated with a philosophy which asserts his full intellectual equality. The inference must be that his failure is due to environmental wrongs inflicted on him, for which he may understandably seek revenge, or because he doesn't try hard enough. Either explanation leads to frustration and resentment.

The all-Negro school imposes less psychic pressure. The student body is fairly homogenous and at a low mental level. The teachers are, on the average, markedly inferior. The school operates within a Negro culture which places a very low valuation on intellectual attainment. It is an element in a segregated society which expects very little of the mass of Negroes intellectually. If it offers Negroes less opportunities, it imposes on them fewer conflicts and tensions.

We recognize without hesitation that there are vast innate differences between the physical potentialities of different individuals and even that there are similar innate physical differences, though less in scope, between racial averages. To admit analogous innate differences in the mental ability of ethnic groups, however, would offend an ideology which likes to believe that ambition conquers all, that natural limitations exist only to be surpassed and that all frontiers are endless. Hence, we move from desegregation to random integration and from there toward the racially balanced school, recklessly disregarding the psychic and educational havoc caused by mixing the intellectually incompatible and succeeding merely in doing injustice to everybody.

Injustice is done to the brighter students of both races because they are denied the sort of education that could stimulate their minds, because they are forced into association with their mental inferiors, because they are compelled to study in a school atmosphere which is overwhelmingly anti-intellectual and because they may be exposed to abuse, violence, extortion and even murder, inflicted by retarded minds which dimly perceive and bitterly resent the situation in which they find themselves.

The injustices done the retarded are of much less social importance, but are nevertheless considerable. These young people are given tasks which they cannot perform; they are made to fail publicly day after

day, and in this way their self-respect is undermined or destroyed. If they were taught with a group of similar I.Q. range and taught only those subjects and practical crafts they are capable of understanding, they would be more likely to develop into decent, law-abiding and even productive members of society.

When the problem of juvenile delinquency is seen from the standpoint of society at large, rather than from that of the school, different solutions may suggest themselves. The Kefauver Subcommittee in its 1957 report pointed out that school dropouts have the hardest time finding jobs and make the biggest proportionate contribution to crime. The report endorsed compulsory school attendance until 16, but made the sensible proposal that schooling for problem children and potential dropouts be combined with work.¹⁸

The fact that dropouts often become criminals does not necessarily mean that the problem can be solved by keeping them in school. It is more likely that both abandonment of school and failure to find a niche in society are common symptoms of a mentality too retarded for successful functioning in a technologically advanced economy. If one accepts the hypothesis that such a threshold exists and is probably rising, it follows that the element which is unable to cross it may be driven by failure to crime.

The fundamental point is that the public schools should have no responsibility for the housing, care, rehabilitation, education or punishment of habitual criminals and delinquents, whether moronic, psychoneurotic or psychotic. The task of the public schools is to educate. This implies an environment in which education is possible; an environment of order, which should automatically exclude the delinquents; an environment of common pursuit of knowledge, which should automatically exclude the mentally incompetent. Nevertheless, the misuse of the public school system for rehabilitation of criminals continues at the cost of jeopardizing the mental development, morals and even the physical security of the decent and normal majority of the coming generation of Americans, both Negro and white.

NEGRO CRIMINALITY

"If the census after this next one, that is the census of 1970, shows no increase in productivity, no decrease in crime, no perceptible rise in the level of intelligence among American Negroes, the effect will be serious, and possibly disastrous, not only here, but throughout the world."—GOVERNOR THEODORE R. MCKELDEN of Maryland, addressing Negro leaders at Morgan State College in Baltimore, September, 1958.

For well over a century the Negro has been responsible for an alarmingly disproportionate share of American crime. In 1950 his felony rate was almost three times the national average. Thirty per cent of the two million persons arrested for major crimes in 1957 were colored.

While his contribution to all types of crime, except political crime, has been excessive, the Negro has gravitated particularly toward the most serious offenses and, above all, toward crimes of violence. In recent years he has accounted for well over half the nation's murders, non-negligent manslaughters, aggravated assaults and robberies.

The felony rate of Northern Negroes is markedly higher than that of Southern Negroes. Part of the difference is probably due to the more urbanized conditions in the North. Nevertheless, it is noteworthy that the Negro has tended to be less law-abiding in the regions where the two races are more closely associated and on a more equal basis.

Negro Crime — Historical Background. During much of American history free Negroes have been criticized for forming such a large part of the criminal class. In the 1820's they were compared with the Spartan Helots, denounced as a source of social corruption and attacked as a burden on local communities. There was a strident demand that they be scattered or driven out of the North.

In five leading Northern states, free Negroes accounted for one-fourth of all major crimes even though they comprised only 3% of the population. Judging by prison census statistics, their crime rate was 11.9 times that of the whites.¹

Writing in the first decade of the twentieth century, Lord Bryce found that about 70% of the convicts in Southern jails were colored, but made allowance for the fact that "they are the poorest part of the population and that the law is probably more strictly enforced

against them than against the whites. . .” Since Negroes comprised about a third of the South at the time, their crime rate was roughly $4\frac{1}{2}$ times that of the Southern whites.

In 1913 Monroe N. Work of Tuskegee Institute, who would later edit the *Negro Year Book*, found Negro crime rates far above the national average. He noted that the colored crime rate in the North was three times as high as in the South and attributed the regional difference, which has persisted to the present, to Northern urbanization. Other writers thought that harsh repression of the Southern Negro contributed to his lower crime rate and, during the period 1894-1905, there was evidence that Negro crime was not increasing and might even be on the wane.²

A study in Pennsylvania showed that in 1906-35 almost 10 times as many Negroes in proportion to population as whites were committed to Western State Penitentiary. During 1916-25, a period of heavy northward Negro migration, the ratio rose to 15 to one. For crimes of violence, the Negro commitment rate was 30 times the white. This survey indicated that Negro criminality in the North had decreased little, if at all, since the 1820's.

Over the years the Negro's contribution to major crime has held remarkably constant at about three times the national average. During the present century, he has constituted about a tenth of the American population. In 1910, 34% of all the convicts committed to jails and prisons were colored; in 1923, 26% were.³ Turning to more recent years, we find that between 1942 and 1950, the Negro has furnished between 28.7% and 31.2% of all male felony prisoners received from the courts.⁴

Patterns of Negro Crime. The patterns of Negro crime are also rather consistent. Myrdal showed that the Negro crime rate in the South in 1939 was 185% of the average for the region, whereas in the North and West it was 463%.⁵ A similar calculation for 1950 shows a Negro crime rate of 206% in the South and 429% in the North and West.⁶

Thus the northward movement of Negro population is associated with an increase in crime. The consistency of the regional data between 1939 and 1950 suggest that Southern Negroes will adapt to the more permissive Northern urban environment by committing more major crimes. This propensity will be marked among recent immigrants, but not among the stable and law-abiding element of both regions.

The Negro crime pattern is directed toward violence primarily and

also toward sex,⁷ liquor and drug offenses. The Negro also makes excessive contributions to burglary and larceny. He is less frequently implicated in fraud and forgery, offenses which presuppose more calculation and planning.

Of the male felony prisoners received by penal institutions from the courts in 1950, 29.2% were Negroes. These Negroes accounted for 53% of the murders, 56% of the manslaughters, 54% of the aggravated assaults and 53% of the robberies committed. Some 47% of drug law violations punished by prison commitments were perpetrated by Negroes. The share of the colored in burglary was 30%, in larceny other than auto 31%, in auto theft 15%. A quarter of the rapes were committed by Negroes. The Negro percentage fell to 18% for forgery and 13% for fraud and embezzlement.⁸ Even these lower percentages indicated higher Negro crime rates than the national average.

For 1958 we have F.B.I. data for arrests for major crimes. In the 1,586 towns and cities where detailed records are kept, the police made 2,340,000 arrests, of which 696,209 were Negro. These Negroes accounted for 62% of the arrests for murder and non-negligent manslaughter, 63% of the arrests for aggravated assault, 59% for narcotics, 54% for robbery and 31% for larceny.⁹

Negro propensity to commit major crimes is also shown in the figures for executions. Of the 2,803 men put to death for murder between 1930 and 1953 inclusive, 1,381, or 49.3%, were Negroes. In the 23 years covered, the Negro percentage was never lower than 31% and was once as high as 93%.¹⁰

Search for Causes. Pro-integrationist social scientists have tried to explain the race differential in criminality as due to inaccurate statistics, miscarriages of justice, justifiable Negro resentment of the white oppressor and the Negro's underprivileged environment.

One of the more ingenious apologies is contained in Myrdal's Carnegie-financed study, *An American Dilemma*. Myrdal (or perhaps his American assistant, Arnold Rose, who is credited with having drafted this chapter) is surprisingly candid in stating that his primary interest is not to present the evidence objectively, but to indoctrinate his readers. Because the data on Negro crime have been used to "buttress stereotypes of Negro criminality and to justify discriminatory practices," writes Myrdal, ". . . it becomes more important to criticize the statistics than it is to present them."¹¹

His "criticism" of the statistics is on the following general lines: "Some major crimes (such as violation of the Sherman Anti-Trust Act and avoidance of certain tax payments) are even respectable and

are committed in the ordinary course of conducting a business. . . ." ¹² The chain of reasoning seems to be that capitalists are generally ipso facto criminals, but get away with it. Since Negroes are seldom capitalists, their criminality is statistically overstated. Any critical comment on this "analysis" would seem superfluous.

The Myrdal volume makes the valid point that poverty, ignorance of the law, lack of influential connections and, for that matter, stupidity all combine to get Negroes in more trouble with the law than whites and to make it harder for them to extricate themselves. Myrdal and associates then proceed with the ridiculous statement that white criminals habitually blacken their faces to throw suspicion on innocent Negroes and add that the Negro's crime record is distorted because he is generally too poor to bribe the police!

The pro-Soviet sociologist, E. Franklin Frazier, declares: "Because of race prejudice and the social subordination of the Negro, the Negro is more likely to be fined and imprisoned than the white man." Frazier's evidence for this statement is taken from a 1931 study by Ira DeA. Reid which applies to Alabama only. This showed that 30.9% of convicted Negroes, as against only 15.5% of convicted whites, were sentenced to prison. A comparison of overall conviction rates of this sort is necessarily inconclusive since the Negroes tend to commit more serious offenses.

About 33% of the persons arrested for crimes and misdemeanors are Negroes and about 30% of felons sent to prison or reformatories are Negroes. This suggests that, once arrested, a Negro is less likely to be given a prison sentence than a white man. The comparison, however, is subject to the same objection that applies to Dr. Reid's. ¹³ There is an undeniable racial bias in the definition and prosecution of certain types of crime. Throughout most of the South a Negro invites stern punishment for any sexual approach to a white woman. Sexual approaches to Negro women by white men have not been punished with equal severity in the past. However, in 1959, four white men were sentenced to life imprisonment in Florida and a white Marine was sentenced to death in South Carolina for raping Negro women.

Where discrimination exists, as even Myrdal admits, ¹⁴ the Southern attitude results in considerable under-reporting of crime by Negroes against members of their own race. In the South, the Negro is not generally expected to be as law-abiding as the white man, nor is the law always as concerned in protecting the colored, as the white, victim. If the Negro's delinquent activity is not flagrant and is confined to

victims of his own race, there is a fair chance that it may go unpunished.

The Negro criminal pattern runs to impulsive acts of violence or theft. The sheer fact of segregation ensures that most victims, in the South at least, will be colored. Hence, Negro crime in the South is probably more under-reported than white crime. Thus, the true racial difference in criminality is presumably understated.

The Negro Criminal as Hero or Victim. In the Myrdal study, the Negro criminal is either a hero or a victim. Colored people steal because "Negroes know that their white employers are exploiting them."¹⁵

Similar apologetics are offered for the Negro assassin. Most people think that the gangs of hoodlums, whether colored or white, who mug, yoke, maim and rob their defenseless victims in the dark, belong to a peculiarly despicable breed. However, Myrdal and associates explain that yoking by Negroes may have originated as a chivalrous effort to protect Negro women against white men on the prowl.

Crimes of violence against whites may be committed because "a Negro suddenly feels that he has stood enough in the way of deprivation and insults. . . ."¹⁶ This depiction of the Negro thug as a Spartacus resisting intolerable injustice fits the socialist prejudices of Myrdal and associates, but not the facts. The simplest answer to this hypothesis is that Negro crimes of violence against whites occur much less frequently under conditions of racial oppression than in highly permissive inter-racial environments in which many Negroes develop feelings of frustration and inferiority.¹⁷

When they come to the crime of rape, Myrdal and his associates display extraordinary virtuosity in demonstrating that it is the rapist and not the raped who is the victim. "White women may try to extricate themselves from the consequences of sexual delinquency by blaming or framing Negro men," the Myrdal volume asserts; "*a white woman who has a Negro lover can get rid of him or avoid social ostracism following detection by accusing him of rape. . . .*"¹⁸

Thus we are to believe that white Southern women habitually enter into liaisons with Negro men and terminate them by sending their lovers to the electric chair or the gallows. This grotesque view of American life apparently comes from a sociologist who was born in the United States, has spent his life here and teaches at an American university. If this theory is worthy of any refutation at all, perhaps the shortest answer is that most interracial rapes occur under cir-

cumstances which make it perfectly obvious that the assailant and his victim had not previously known each other.

The Underdog Approach to Negro Crime. The false and foolish justifications of the Negro criminal proffered by Myrdal and associates have been discussed at some length, not because they have any evidential merit, but because they typify an American school of sociology which is little more than a propaganda vehicle for underprivileged social and racial groups. It happens that Myrdal's lavishly financed study was shaped by the socialist prejudices and communist sympathies of members of its staff, but the fatuous justifications of Negro criminality and other Negro defects are repeated in other studies by writers who do not necessarily have leftwing commitments. The Myrdal approach to Negro crime illustrates the futility of a so-called social science which is little more than a lawyer's brief for the underdog.

An inferior environment — poverty, insecurity, slums, congestion and segregation — this is alleged by many reformers to be the root cause of Negro delinquency. These adverse factors, however, have confronted other ethnic groups in America which did not turn to crime as a safety valve or solution.

Half a century ago New York's Lower East Side swarmed with impoverished Russian Jews who lived in tenements and slums, worked long hours in sweat shops, were underpaid, underprivileged, poor, insecure and ill-housed. Their living conditions and real incomes were substantially lower than those of Northern Negroes today. Yet they did not become criminals. Thus the 1910 statistics for commitments to prisons and jails for all offenses show that the commitment rate for the Russian-born (a preponderantly Jewish group) was less than three-fifths that of the foreign-born from Northwestern Europe and significantly below the national average.¹⁹

The Oriental population of the United States is also a case in point. During the early days of Chinese immigration the Chinatowns were associated in the popular mind with gambling, opium dens and murderous tong wars. Today, although all Chinatowns either are slums or are becoming slums, the Chinese-American delinquency rates are amazingly low. In San Francisco, for instance, the crime rate in Chinatown is less than half that for the rest of the city.²⁰

American immigrants, as a whole, even though they have been subjected to discrimination, poverty and hardship have not had very high crime rates. The McCarran report on immigration, although somewhat unsympathetic in its general tenor, stated that the foreign-born

do not commit "an amount of crime disproportionate to their part of the total population."²¹ The Wickersham Commission went further and declared that proportionately the foreign-born commit considerably fewer crimes than the native-born.²² Taft found that immigrants as a whole are "much less criminal than natives as a whole."²³ and Haynes added that "the native-born commit more serious crimes than the foreign-born. . . ."²⁴

In 1950 the commitment rate of felony prisoners to both Federal and state penal institutions was 14 per 100,000 for Japanese-born, 54 for Chinese-born, 30 for whites and 114 for Negroes. On the other hand, it would be quite unfair to imply that the Negroes are the only American population group which is unusually prone to lawlessness. The felony commitment rate in 1950 was 83 for Mexicans and rose to 174 for American Indians! There is general agreement among informed people that Puerto Rican crime rates in the United States are also exceedingly high.

In the Union of South Africa, the Negro has displayed according to J. C. Carothers, similar propensities toward criminal conduct.²⁵ In a psychiatric examination of African lawlessness, Carothers imputed the prevalence of homicide and other crimes of violence to immature personality structure, lack of guilt sense, inability to control primary emotions and subjection to paroxysmal seizures.²⁶ Laubscher found that the homicide rate among South African natives was 171 per 100,000 in 1935.²⁷ This is about 25 times the British rate and is considerably higher than the commitment rate for all felonies of American Negroes. The Union of South Africa has proportionately more people in prison than any other free-world nation and the overwhelming bulk of the convicts are Negro.²⁸ In the Witwatersrand area alone, murders almost trebled between 1945 and 1951. In the latter year, 158,000 persons were arrested for "serious crime" in a district with less than 5,000,000 inhabitants. In Johannesburg, a city of over a million, women hesitate to drive to the suburbs alone at night for fear of being waylaid, householders often keep fierce dogs and guns, "lovers do not dare to sit on park benches after dusk, and . . . nobody would dream of taking a lonely hike."²⁹ A more recent study of Johannesburg states:

"Homicide is such a common occurrence that it attracts scarcely any attention. Such crimes as extortion, robbery and assault are rampant. The black African areas, in fact, are lorded over by 'zoot suited' gangsters armed with switchblade knives and automatic pistols. Says one white police colonel:

“ ‘There’s no law in the native townships once the sun goes down — anarchy just breaks loose.’ ”⁸⁰

The murder rate in Greater Johannesburg with 1.7 million people was 895 in 1955 (the latest year for which data are available.) This compares with 315 homicides among New York City’s 8 millions and 30 murders in London. Johannesburg gangs of young Negro “tsotsis” rob entire bus queues and buses at knife point. Daytime robberies of white messengers carrying money in the downtown business district are a commonplace.

“White Johannesburg is becoming an armed camp,” the report continues. “Whites have taken out licenses for 100,000 weapons. That averages out to one firearm for every four whites in the city — women and children included.”⁸¹ Much of the crime can be attributed to race hate. But the race hate is not necessarily the result of the stern segregationist policies and legislated Negro subordination of the South African Government. Two facts militate against this facile sociological explanation: Johannesburg is known to African Negroes as “Goli”, the City of Gold. Despite stringent “influx controls,” the Negro population of “Goli” has been steadily rising, reaching 550,000 by mid-1956 and giving the metropolis a black majority. The second point is that a similar, but as yet much less ominous, situation of rising Negro crimes of violence and wholesale urban terrorism is developing in Philadelphia and other American cities which have sought to assuage racial tensions with tolerance, understanding, liberal public aid and psychiatric treatment of homicidal juveniles.

On the other hand, homicide and other crimes of violence are comparatively rare in the British West Indies. Renzo Sereno attributes this to the heritage of slavery with its swift, implacable punishment of all acts of violence by the servile race and to the compensatory outlets provided by *obeah*. Moreover, the islands have been homogeneous, isolated and stagnant societies in which the Negro population has not been subjected to undue tension, stress, anxiety, frustration and failure.

The theory that there is a direct relationship between tangible aspects of physical environment and crime was more popular a generation ago than it is today. For, in the interim, Negro real income has shot upward. The colored population has benefitted by a prodigious expansion of public housing facilities.⁸² Yet the Negro still accounts for proportionately three times as much crime as the national average. “Very few students of the subject,” writes Seligman, “now believe that the slums create crime and vice and disease, it is now

considered more likely that the slums simply attract problem families."

Ironically, the vast, institutionalized, city-within-a-city housing developments offer promising new terrain for gang warfare and systematized terrorism. They often become strongpoints for juvenile mobs. As Robert Moore Fisher puts it in his restrained book, *Twenty Years of Public Housing*: "Supporters of public housing — who originally promoted the federally aided low-rent program by claiming that it would eliminate social disorders — now complain that juvenile delinquency and problem families are so prevalent in certain public-housing projects that something must be done."

In December 1957, a psychiatrist added the interesting suggestion that slum clearance and the substitution of public housing labyrinths for the tenements created rootlessness, anxiety and hence increased delinquency.

Family Structure, Feminization, Delinquency. The Chinese family is a major force, even in the slums, combatting delinquency. It is a cohesive and large social organization in which children receive a great deal of love, but where the father imposes discipline, exerts authority and commands respect. The Chinese-American child normally acquires a strong father image and sense of family obligation.³³ Attitudes of voluntary obedience and respect for authority are in due course transferred to social authority in general.

While many Negro families are stable relationships of this sort, the disorganized or disintegrated Negro family is so widespread that it sometimes seems to be the prevailing pattern. Here the dominating force is generally the mother or grandmother. The role of the father is sexual, but not paternal. The mother often drifts promiscuously from one lover to the next, taking care of the children haphazardly until they become too big for her to handle.

Frazier was one of the first to recognize the key role of the broken family in Negro life. In his *The Negro Family in the United States*, he traced this disorganized familial pattern, in which the man has little authority or dignity, to the heritage of slavery, where Negro marriages were not recognized at law and the resulting children belonged to the master.³⁴

Others have argued that matrilineal African traditions help explain the contemporary pattern. The historic causes of the irresponsibility of Negro males are less relevant than the reasons for its persistence. The African heritage lies centuries in the past and the American Negro has been free for almost a century.

A 1930 study by Richard Sterner shows that 29.6% of Negro, as

against 19.5% of white, families were "broken" in the sense that one spouse was absent or the head of the family was single. Such families ranged from 57% to twice as frequent among Negroes as among whites in the South, the lower figure applying to farm families.³⁵

Often the problem is not that the family is broken, but that it never existed. In such cases, the females are often sexual delinquents since puberty or before. They copulate with one man after another, producing broods of up to a dozen children, most of them by different fathers. They spend their relief checks on liquor and men, letting their children prowl the streets, sleep in cars and grow up to be delinquents, thieves and muggers. Such children grow up in total neglect without any father or father image, with no respect for law and no moral sense.

But it would be unrealistic to assume that the only problem in these cases is lack of paternal or maternal care. The irresponsible, indiscriminately promiscuous parents of these unwanted, relief-supported children are generally the dregs of the Negro population, both mentally and morally. Hence, their progeny are generally inferior in mental ability, not merely in relation to the white population, but in relation to the Negro average as well.

White social workers, when they first make contact with the Negro relief and delinquency problem, are often appalled both at the absence of a super ego and at the unrestrained and undirected character of the sexual drive. Thus, the practice of *fellatio* not only seems to be common among lower-class, urban, male Negro children, but they often show no embarrassment in discussing it with adults, either colored or white, and reveal no guilt about the matter.

The prevalence of homosexual prostitutes among American Negroes has frequently been noted by social workers. These men sometimes combine sodomy and *fellatio* for hire with established heterosexual relationships, producing illegitimate children to be supported by relief. Social workers express amazement at the fact that these prostitutes alternate between men and women with apparent indifference and at the fact that their women are seemingly unconcerned about their homosexuality.

It is possible that there is a biological or endocrinological basis for this sexual versatility. When considering the Negro in Africa, Carothers concluded that "physical feminization, though far from universal, is an undeniable fact in the life of many African men."³⁶ The manifestations of this are multiple. Thus, carcinoma of the breast, while unusual in Caucasians, is not at all rare in Africa. In x-ray studies

of African adolescents, Dean found that the bone development among Negro boys resembled that of European girls rather than boys.³⁷ Such feminine physical characteristics as knock-knees, flexible joints, soft skin and slender build have been observed and commented upon as frequent among both African and American Negroes. Vint showed that the African Negro pituitary gland in the male "has a ratio of acidophil to basophil cells closely similar to that which obtains in European females."³⁸ According to Davies: "The hormonal effects seen in liver disease — gynaecomastia, testicular atrophy, alterations in hair distribution, and other changes — imply feminization and correspond broadly with the changes produced by administration of estrogens."³⁹ Testicular atrophy is common among African males and one medical investigator found that 5% of 500 African Negro railroad workers had feminization of the breasts (gynaecomastia).⁴⁰

A Fundamental Enigma. The pattern of Negro criminality has been amazingly consistent over the past century in America. Not only has the Negro committed many times his pro-rata share of offenses against society, but he has gravitated specifically toward major crimes of violence and acts of sexual delinquency. In the Union of South Africa, Negro criminality is similar in pattern, but has reached monstrous and alarming proportions.

A variety of environmentalist explanations have been offered for the high crime rates of American Negroes. The belief that poverty is at the root of his anti-social behavior seems refuted by the fact that the Negro's spectacular economic gains in recent decades have brought no improvement in his crime rates. Myrdal's view of Negro crime as revenge against racial oppression was weighed and found wanting.

Certainly, environmental factors play an important role in this situation and Ellsworth Huntington's suggestion that homicide is positively correlated with climate, being most frequent in torrid countries, is the sort of hypothesis that should be carefully investigated.⁴¹ Nevertheless, one is left with a residuum of constitutional or character patterns, presumably largely genetic in origin. When the Negro broken family is scrutinized as a force generating crime, the question arises of why this amorphous and irresponsible sexuality persists within civilized communities.

The exorbitant homicide rate of American Negroes and their general affinity for impulsive major crimes of violence is precisely what would be expected in terms of Carothers' analysis of the paroxysmal and explosive character of the African mind and its immature cortical development. Similarly, the low suicide rates among Negroes re-

flect absence of guilt sense and deficiency of ego continuity. Ascertaining the role of these persevering psychic factors in the causation of Negro crime is a task fundamental to better American law enforcement.

INTERMARRIAGE AND POPULATION TRENDS

"In those days also I saw the Jews who had married women of Ashdod, Ammon, and Moab; and half of their children spoke the language of Ashdod, and they could not speak the language of Judah, but the language of each people. And I contended with them and cursed them and beat some of them and pulled out their hair. . ."—*Nehemiah* 13: 23-6 (RSV).

Northern liberals hope and white Southerners fear that through intermarriage the Negro will merge into the general United States population and vanish as a recognizable race.

This expectation is a product of emotional thinking. For the Negro to "disappear," racial intermarriage would have to occur on a large enough scale to offset the natural increase of the Negro population. The most cursory consideration of Negro birth and death rates reveals that any such expectation is illusory.

The Balance of Negro Births and Deaths. In 1955 the net reproduction rate of American non-whites was 2.097 as against 1.613 for whites. This meant that the Negro population was doubling approximately every 33 years whereas the American population as a whole was doubling only every 40 years.¹ If these specific age-fertility and mortality rates continue, the present American Negro population of 18.8 million will reach 150.4 million in a century.

While the entire American population has been increasing rapidly since World War II, Negro demographic expansion has been accelerated by specific causal factors which do not affect the whites. Antibiotics, improved public health, better diet and higher living standards and education have slashed Negro mortality. In 1900 the white death rate was 17.0 per thousand, the non-white 25.0. By 1956 the mortality rate for whites had fallen to 9.3 and for non-whites to 11.0. Thus the gap between the mortality of the two races had virtually disappeared. During the same half century, the Negro life span almost doubled, rising from 33.0 years in 1900 to 63.2 years in 1956.

Negro fertility has been higher than white since at least the end of slavery. From the 1890's to the great depression of the 1930's, the Negro birth rate seemed to be falling more rapidly than the white. Sociologists thought both races were responding similarly to such

socio-economic forces as urbanization, industrialization and improved education. However, the decline in Negro fertility may have been caused more by venereal disease in the cities than conscious family planning.²

After World War II earlier marriages and larger families became the vogue among white Americans. The declining birth trend was reversed. White natality rates rose from 20.6 per thousand in 1930 to 23.0 in 1950 and 24.1 in 1956.

The rise in non-white birth rates became most marked during the last decade of this period. In 1945 the crude natality rate for American non-whites was 26.5 per thousand, not much above either the depression level or the national average. But by 1956 the colored birth rate was up to 35.2.

The non-white birth rate, which was only 5 points above the white in 1947, was 11 points higher in 1957. In 1930 non-whites were increasing 1.4 per 10,000 more rapidly than whites. By 1956 they were multiplying 8.6 per 10,000 more rapidly.³

A highly significant fact about the Negro birth rate is that it has scored its most impressive gains during an era of massive Negro urbanization. By 1950 almost 47% of the American colored population lived in city areas and the percentage has risen significantly since. Yet both American and European experience teach that urbanization is normally associated with large declines in birth rates. Higher living standards, better education, awareness of birth control techniques, the fact that large families are usually economically disadvantageous in cities — all these factors have tended to dissuade city dwellers from uncontrolled reproduction.

Up to the present the Negro has constituted an apparent exception to this rule. In the District of Columbia, for instance, the 1955 Negro birth rate was estimated at 32.5, which was close to the national Negro average of 34.7.

The causes of the rising Negro birth rate are multiple. Fertility among the Negro masses has been driven upward by advances in prevention and cure of venereal disease, better nutrition and higher income. Promiscuity and sexual irresponsibility are also major stimuli. "The distinguishing characteristic of the Negroes," writes Taeuber, "is not the age at marriage or the percentage who ever marry, but, rather, the fluidity of the marriage relationship." In 1957, about four times as many Negro as white women proportionately were separated from their men, the primary cause being desertion. If there is a trend toward more monogamy and family stability

among the Negro population, it is hard to discern it. The ratio of broken non-white to broken white families was about 3 to 2 in 1930 and approximately 17 to 10 twenty-six years later.

The significance of "the fluidity of the marriage relationship" among Negroes, to use Taeuber's tactful euphemism, is that there is little incentive for family limitation. In the great Northern cities, the new concentration points of Negro population, elaborate social welfare provisions make ordinary precautions, let alone such a sophisticated approach as planned parenthood, of dubious economic advantage. When the Negro father refuses to support his children, the taxpayer must.

It would perhaps be unfair to suggest that a large proportion of Negro women in the Northern cities procreate to increase their relief and welfare subsidies.⁴ But the knowledge that public assistance will be available reduces whatever incentive might otherwise exist to behave in a responsible fashion toward one's children.

Unlimited reproduction, particularly on the part of the more backward, unintelligent and amoral elements in a population, is a serious social problem. Municipalities can deny relief to applicants who continue to produce children whom they have no intention or reasonable expectation of supporting. Where the prospective parents are mentally so retarded that there is little likelihood of their producing normal children, it is in the public interest to make relief aid contingent on birth control.

The Gesell Institute pointed out in June 1959 that the United States spends vast sums for the care and training of mentally retarded children, but there is virtually no institutional framework to warn parents with hereditary mental defects against reproduction. There is the more basic difficulty that the people who are most likely to produce mentally retarded children are seldom sufficiently responsible to seek such advice or act upon it. On the other hand, sterilization of the mentally unfit is a drastic remedy which invades private rights and destroys a basic freedom.

Fortunately, oral contraceptives have been developed capable of producing sterility for a limited period of time. The financial cost of caring for the mentally unfit, the social cost of coping with their acts of crime and delinquency, not to mention the tragedy to the individual of living in a world which has no need for him and facing situations he cannot cope with — all these considerations point to the desirability of rewarding the mentally unfit for not reproducing. It

is surely better to pay such parents for not multiplying than to punish them, and hence their children, for having done so.⁵

Further improvement in the economic and cultural level of the American Negro should reduce excess births resulting from ignorance, irresponsibility and reliance on relief. How rapidly this will occur is anybody's guess. Perhaps the colored birth rate will move downward sufficiently to equal the national average in a generation. This would still mean a doubling of the Negro population every 40 years on the basis of current birth and death rates.

From all this, it follows that visible race differences will not disappear from the American scene in the foreseeable future. Racial intermarriage cannot be anticipated on a scale equalling or approximating the predictable natural increase of the colored population. Hence, the number of Negroes resulting from intra-racial unions will continue to rise.

Race Mixing in the Past. Miscegenation means racial interbreeding. Many American Negroes consider the term offensive in the belief that it implies a stigma, a moral judgment that the breeding is amiss. The root, however, is the Latin verb, *miscere*, meaning to mix. The noun is descriptive, not invidious.

Race mixing was more prevalent under slavery than thereafter. Slave women were at the complete disposal of their masters. Those selected as concubines enjoyed superior status, leisure and power. Hence, there was eager competition for the role, a torrent of sentimental literature about the wronged female slave to the contrary. From the master's standpoint, white women were not readily available outside the marriage relationship. In the absence of effective birth control devices, sexual *mores* were straight-laced and the chastity of unmarried white women was zealously safeguarded.

That miscegenation was common can be inferred from the number of eminent American politicians who were accused of practicing it. Thomas Jefferson probably lived with the slave girl, Sally Hemings, and had five children by her. According to Professor Davie of Harvard, Patrick Henry had a mulatto son (named Melancthon after Martin Luther's coadjutor) and Alexander Hamilton sired two colored children.⁶ Vice-President Richard Mentor Johnson kept three Negro mistresses in succession and, when one of them ran off with an Indian, sold her. Thaddeus Stevens' relationship with his mulatto housekeeper may well have been chaste, but few of his contemporaries thought so.

The mulattoes were concentrated in the Border States, in the Vir-

ginia Tidewater and the Piedmont from Maryland to North Carolina. They gravitated toward the cities. According to the 1850 Census, three-eighths of the free Negroes, but only one-twelfth of the slaves, were of mixed blood. Manumission during the first generations of the American Republic often was the bestowal of freedom by a father upon his children.

Miscegenation tended to concentrate selectively on mulatto women, since they were regarded by most white males as more attractive than full-blooded Negroes. Through successive matings with white men, mulatto children would emerge who were lighter with each succeeding generation until eventually some would claim to be white and pass into the white race. Others would remain stigmatized as Negroes despite a preponderance of white genes.

The main element in the contemporary intellectual and political leadership of American Negroes consists of light skinned individuals of mixed ethnic origin. This fact is evident to the naked eye and generally conceded. The dominant position of the mulatto within Negro society is sometimes advanced as evidence of the innate mental superiority of the Caucasian race. Others point out that the social premium on lightness of skin has induced many of the most able and successful Negroes to marry light. Thus a process of sexual selection has been going on for generations by which the mulattoes have absorbed some of the best genes of the Negro race.

There is general agreement that miscegenation has declined substantially during the 20th century. The reasons include a relaxation of American sexual *mores*, making it easier for white men to enter into extra-marital liaisons with women of their own ethnic group and greater social prejudice, in the South at least, against interracial unions.

The biologically significant issue is not the frequency with which whites and Negroes have sexual intercourse, but the number of children resulting from it. There has been so much emotional rant and puerile cant on the miscegenation issue that even this elementary point is sometimes overlooked.

Actual marriages between Negroes and whites are most infrequent. Moreover, the fertility of marriages between members of different ethnic groups or subgroups is generally lower than the average fertility of either component group.⁷ The reasons for this are social, not biological. The child of a racially mixed marriage does not "belong" to either group; he faces a hostile world. Parents hesitate to bring children into an environment of insecurity and lack of status.

Moreover, the alp of social disapproval weighs on the marriage itself and hence the divorce rate for the ethnically mixed marriage is almost invariably well above the average.

In addition, psychological inhibitory forces may be at work. Roger J. Williams cites the work of Wright and Strandkov to the effect that "the tendency to pick mates on the basis of similarity of phenotype (like choosing like) has played and is playing a very important role in evolution; in mate selection top rating biologically would go to a receptive female of the same or at least closely related racial stock. . . ." ⁸

Everybody has noticed how often married couples "look alike." Part of this resemblance may be caused by unconscious mimicry. But a major underlying factor is that the person whose ego-image is strong literally loves himself and therefore admires and chooses a mate who closely resembles him physically. Obviously, these factors do not prevent inter-racial marriages, nor do they prevent some of them from being eminently satisfactory. The tendency to search for one's own phenotype in the marriage relationship probably does mean, however, that a large majority of both whites and Negroes will prefer, other things being equal, unions within their own racial groups.

The Afrocaucasians. How much miscegenation has already occurred? To what extent is the American Negro of today racially mixed? Herskovits studied a supposedly representative sample of 1,551 Negroes. He found that 71.7% knew, or claimed to know, of white ancestors, and that 27.2% claimed Indian ancestors.⁹ Ignoring the issue of Indian admixture, 28.3% of Herskovits' sample claimed no white blood, 31.7% claimed more Negro than white, another 25.2% claimed to be equally mixed, while 14.8% said they were more white than Negro.¹⁰ On the basis of this tabulation, one might infer that the average American "Negro" was about one-third Caucasian.¹¹

The limitations of Herskovits' study are that his sample is overweighted with middle- and upper-class Negroes, who tend to be much more racially mixed than the average, and that he relied on the statements of the persons interrogated. Some Negroes probably claimed white ancestors for prestige reasons. On the other hand, Franklin Frazier found light mulatto students at Howard and Fisk universities who claimed they were pure-blooded Negroes.¹²

A 1954 analysis of comparative blood group distributions by Curt Stern concluded that "about two-thirds of the genetic building material of the United States Negro comes from Africa and about one-

third from Europe." ¹³ Writing four years later, Stern thought that perhaps 25% of the genes in the American Negro population were of Caucasian origin.¹⁴

Racially integrated public schools may stimulate both white-Negro marriages and mulatto offspring. This might be expected in the South where segregated areas are being broken down and also in the North where Negro immigration makes integration not merely a legal right, but a practical reality. The question, however, is not really whether the curve will rise, but whether miscegenation will become prevalent enough to be a phenomenon of real social significance.

The Intransigent South. To the political and intellectual leaders of the old South preventing miscegenation seems paramount to the preservation of their way of life. They are not interested in the numbers involved. They are defending a dogma and a principle. They are doing so with the passion, unanimity and intolerance of Fundamentalists championing the literal truth of Scripture. These extreme views are voiced, not merely by rabble rousers, but by the statesmen and literary leaders of the South.

The late Herbert Ravenel Sass of Charleston wrote that the evil of school integration and of teaching "the virtual identity of the races" was that it exposed "the adolescent and therefore defenseless (?) mind . . . to brain washing . . ." and destroyed "the salutary instinct of race preference which keeps the races separate, as in Nature. . . ." ¹⁵ Sass urged that preventing intermarriage was "even dearer than its life" for the people of the South.

It is not hard to point out that this sort of argument is illogical and emotionally motivated. Sass' belief that Nature prevents the races from interbreeding is erroneous. And if race preference is an instinct, then surely it cannot be swept aside by egalitarian propaganda or by having white and colored children sit together in the schools.

The Negro writer James Weldon Johnson used to maintain that sexual obsessions lay at the root of the American race problem. There is some truth in this observation as applied to the mind of the white South. Sociologists point out that the real fear of the South is not miscegenation, but merely miscegenation involving white women.¹⁶ Southern white men have been having sexual relations with Negro girls and producing light babies for generations without causing any community anxiety or Cassandra warnings that Western civilization was about to crumble. These unions do not threaten the myth of race purity because their progeny have no status as members of the

dominant race unless they manage to "pass." When the race of the sexual partners is reversed, however, the resulting progeny create a status problem which the South will not face. Paternity is a supposition, maternity a fact.

Schools have been integrated in the North for generations. Yet "the number of inter-racial marriages has been very low. The indications are that the rate has been decreasing."¹⁷ Dr. Robert MacIver, the distinguished Columbia University sociologist, agrees that the Southern fear of miscegenation is "really greatly exaggerated," that mere propinquity in the classroom will have little influence unless such basic barriers as tradition and social hostility to racial amalgamation are lowered.¹⁸ Dr. Guy Johnson of the University of North Carolina joins his fellow sociologists in characterizing Southern miscegenation phobias as "unrealistic and irrational."¹⁹

Miscegenation—the Negro Attitude. Despite expert testimony that the issue is unimportant, it bulks large in the Southern mind. The power of an idea to shape human conduct has little relationship to its truth or falsity. As to the Negro attitude toward miscegenation, the evidence is conflicting. For the orthodox Southern view, we quote Sass:

"The Negro leaders want racial amalgamation; they not only want the right to amalgamate through legal inter-marriage, but they want that right to be exercised widely and frequently.

"It is only natural and human that they should feel this way. The truth is that these ambitious, intelligent, often amalgamated, and often genuinely dedicated Negro men and women feel about this matter exactly as white men and women would feel if they were similarly constituted and circumstanced—fusion of the two races would solve the Negro's problem at once."²⁰

Against this view there is Myrdal's statement (based apparently on personal and staff investigation) that of six areas of race discrimination in America, Southern whites ranked "the bar against inter-marriage and sexual intercourse involving white women" as the most important, whereas Negroes ranked it least important.²¹

Roy Wilkins, Executive Secretary of the N.A.A.C.P., recently stated: "We have no feeling one way or the other on intermarriage. . . . If they [the white Southerners] are talking about intermingling, then it strikes me they are a couple of hundred years too late."²² According to Walter White, a past N.A.A.C.P. national leader, his organization has opposed anti-miscegenation laws, not in order to foster racial amalgamation, but because these statutes "deny the women

of a so-called minority group protection of their person, and it also is an improper and immoral thing to do. It really places a premium on extramarital relationships on both sides of the racial fence. If two people wish to live together, it is most un-Christian to say they must live together in sin instead of holy wedlock."²³

Biological Facts and Fables. The most commonly advanced reasons for opposing miscegenation are the allegations that the progeny of racially mixed unions are inferior to both parent stocks and that all civilizations which have permitted race mixture have collapsed. Neither proposition is tenable.

The only serious biological argument advanced against miscegenation is that, since each race represents an evolutionary adaptation to a specific environment, their mixture creates physical disharmonies of a biologically useless or harmful sort. This view was vigorously advanced by Davenport and Steggerda in their 1929 Carnegie report on Jamaica.²⁴ Applying a variety of tests and observations to the White, Brown and Black population groups of the island, they concluded that the Browns fell short of both parent stocks in vigor, physical harmony, psychic adjustment and various mental aptitudes. These conclusions are questionable because of major errors and omissions in sampling methods and other procedures.²⁵ Most of the "disharmonies" observed are trivial. Thus Davenport and Steggerda were impressed by the fact that the Browns do not inherit the long arms of the Black parent stock. They solemnly asserted that this must be a survival disadvantage when it comes to picking things off the ground.

White Southerners often have a contradictory attitude toward race mixture. Since they fear it, they are quick to assert that the mulatto is unnatural and inferior. On the other hand, their belief in Caucasian superiority makes them assume that all outstanding "Negro" leaders have white blood. The theory that the mulatto is inferior to the true Negro would seem abundantly refuted by the high proportion of outstanding Negro leaders who are the product of race mixture. Machado de Assis, Alexandre Dumas and Alexander Pushkin were mulattoes. On the other hand, Toussaint l'Ouverture, regarded by some as the greatest figure produced by the Negro race, was apparently of pure African descent.

The result of any mixture depends on what is mixed and in what proportions. In the present instance, the national proportions are 90% white, 10% Negro (ignoring the fact for the moment that the "Negroes" are 25% to 33% white). Even if one cared to assume

that *all* the difference between white and Negro psychometric intelligence was due to race, a total random mixture of the two ethnic groups would have little effect on the national I.Q. Thus, taking the average white I.Q. as 100 and the average for the Negro as 85, the mean resulting from total mixture would be $98\frac{1}{2}$ — a decline of only $1\frac{1}{2}$ points. Similar considerations apply in evaluating Southern nightmares that miscegenation will change America from a white to a brown nation. Writes geneticist Curt Stern: "If there were complete intermingling of races, we would hardly notice the difference between now and then, because there are only 10% Negroes, and those 10% have only 75% African genes. Therefore, the color of a mixed race would be only very slightly darker than now and other differences too would hardly be noticeable."²⁶

A few other misconceptions need exploding:

First. Total intermarriage of the races would not mean a population of the same uniform pigment. Genes mix like stones in a mosaic, not like differently colored fluids. The result of total mixture would be a large number of swarthy or olive whites. But there would still be pure blacks and pure whites as at present.

Second. Miscegenation is not a random process. The minority that marries outside its race (particularly the minority from the superior status group) is unusually independent of social pressure. Some of these independent individuals are unassimilated, rootless, unskilled and uneducated — independent of the dominant *ethos* because they are outside of and below the society in which they live. But a more common reason for independence of societary conventions is that the minority marrying outside its ethnic, religious or class group consists of artists, intellectuals, individualists and members of the upper class, people who ignore herd demands because of internal strength, rebelliousness or superior status. Intermarriage between whites and Negroes is probably more prevalent among artists and intellectuals than any other group. Hence it is a process which is highly selective for intelligence and attracts the most gifted among the Negroes.²⁷

Third. It is generally hoped (or feared) that miscegenation will narrow the gulf between the two races. It may also widen it. Whites who marry Negroes generally choose light mulattoes. The progeny of these unions may move into "the talented tenth" of the Negro population, but they may also "pass" into the white race. In the latter case, the end-result of miscegenation may be to siphon off some

of the best Negro genes and leave the mass of Negroes less favorably endowed in hereditary potential than before.

Finally, there is the common Southern opinion that race amalgamation always causes the doom and disintegration of those civilizations that permit it. India is often adduced as an example of this alleged process. While this view is seldom advanced by men who are both well educated and intellectually honest, it is prevalent enough to deserve a short answer.

It can be argued that almost all civilizations have both risen and fallen. Therefore, it is generally possible to point to those which are ethnically mixed and allege that the mixture caused the decline. We know of no instance, however, in which this causal relationship would be seriously asserted by any competent historian.

If *race* means such groups as Alpines, Mediterraneans and the Nordics, then all the nations of Europe and their overseas projections are the result of race mixture. This also applies to the United States and the British Dominions.

If by *race*, however, we mean such very broad groups as Caucasians, Mongolians and Negroes, then the situation is complicated by the fact that very little race mixture on a large scale is known to have occurred. Much of Latin America is *mestizo* (a mixture of Caucasian and Amerindian) and it can be argued that the civilization level in these mixed Latin lands is below that of Spain and Portugal. On the other hand, it is worth noting that the intelligent and gifted Hungarians and Finns are also products of race mixture in this very broad sense, their populations being a blend of Caucasian and Mongoloid.

Laws Against Intermarriage. In late 1957, 25 of the 48 states had laws prohibiting inter-racial marriages. There was no uniformity in this legislation. The barred racial groups mentioned by the laws included, not only Negroes, but Mongolians, Malays, Hindus, Chinese, Japanese, Ethiopians, American Indians, Cherokees, Mestizos, Half-breeds and the Brown Race.²⁸ The only marriage prohibited by all 25 laws was between whites and Negroes. The definition of Negro varied from "any Negro blood whatever" in Arkansas to one-eighth or more in Florida. In Oklahoma, any person not of "African descent" was magically transmuted into a white man.

The sweep of these state laws varies greatly. Five states simply provide that such marriages are void.²⁹ Eight others make them a misdemeanor³⁰ and twelve other states declare them to be a felony.³¹ Some laws declare the offspring of such marriages illegitimate; others

deny a spouse the privilege of not testifying against her husband and strip children of inheritance rights under the laws of intestacy.⁸² Mississippi passed a criminal statute in 1930 which punished "publishing, printing or circulating any literature in favor of or urging inter-racial marriage or social equality."⁸³ Many states punish ministers who knowingly officiate at such weddings. Georgia forbids colored clergymen to marry white people. And in Virginia, an inter-racial marriage outside the state by persons domiciled in the Commonwealth and intending to return there is deemed evasion of the law and a felony.

Anti-miscegenation laws were general throughout the United States at the close of the Civil War. Even during the high water mark of radical Reconstruction no Southern state repealed these statutes. While Texas in 1866 and Arkansas in 1867 voided all laws relegating Negroes to an inferior status, an exception was made in favor of the statutes against miscegenation.⁸⁴

Constitutionality of the Laws. Regulating sexual behavior and marriage has traditionally been a responsibility of the several states. As the Supreme Court of Indiana put the matter: "In this State, marriage is treated as a civil contract, but it is more than a mere civil contract. . . . The right of all the States to regulate and control, to guard, protect, and preserve this God-given, civilizing and Christianizing institution is of inestimable importance, and cannot be surrendered, nor can the States suffer or permit any interference therewith."⁸⁵

This refrain has been repeated by state courts even in recent years. Yet the jurisdiction of the states is not inalienable; it is defined by a Constitution which can be changed by amendment. Nor is the issue whether the states can regulate marriage, but the narrower one of whether or not the anti-miscegenation laws are a type of regulation which is prohibited by the Fourteenth Amendment.

The question was considered by the Supreme Court in 1883. Alabama punished "adultery or fornication" as a misdemeanor when both partners were of the same race; as a penitentiary offense when not. A Negro man and a white woman were convicted and sent to prison. The Negro appealed, claiming that the law conflicted with the equal protection clause of the Fourteenth Amendment. The Supreme Court conceded that, had the law imposed unequal punishments on the white and Negro sexual partners, it would have been unconstitutional. But this was not the case. The law discriminated racially, not between individuals, but between offenses. Hence it was constitution-

al.³⁶ The decision was of considerable importance. In *Plessy v. Ferguson*, it was used to justify Supreme Court approval of Jim Crow laws.³⁷ When the Court finally outlawed local statutes establishing residential areas which excluded Negroes, it hastened to add that the decision did not invalidate statutes designed "to prohibit the amalgamation of the races."³⁸

The anti-miscegenation laws were assumed to be constitutional until a California court, in a four-to-three decision, struck down the state law. The court majority held that marriage was one of the basic rights contemplated under the concept of liberty protected by the Fourteenth Amendment and was "as fundamental as the right to send one's child to a particular school or the right to have an offspring. . . ." ³⁹ To deny this basic right solely because of color or in deference to popular prejudice was a breach of the Constitution and odious to a free nation.⁴⁰

In contesting miscegenation laws, petitioners have sometimes claimed that they interfere with the practice of their religion. In the California case, it was urged that the Roman Catholic Church has no rules against miscegenation and maintains that partners have a moral right to choose their spouses. The miscegenation laws, therefore, denied full participation in the sacrament of marriage. Since marriage was a basic right of man, it could be abridged only in cases of demonstrated clear and present danger.⁴¹

When the Supreme Court outlawed race segregation in public schools in 1954, it seemed self-evident that the anti-miscegenation laws of the states were also doomed. The right to marry the person of one's choice is more basic than the right to attend a mixed school. Where the segregated school merely excludes the colored child from a certain free institution, the anti-miscegenation laws deprive citizens of their liberty by imprisoning them, denying the protection of the law to their wives and stripping their children of the rights of inheritance.

For quite understandable reasons, the N.A.A.C.P. has avoided either sponsoring legal challenges to the anti-miscegenation laws or trying to force matters. Whether because of politics or some more judicial reason, the Supreme Court has been equally cautious.

A year after school desegregation, a miscegenation case came before the Supreme Court of Appeals of Virginia. Ham Say Naim, a Chinese, had left Virginia for North Carolina where he married a white woman. Their purpose was to evade the Virginia anti-miscegenation statute and they returned to the Commonwealth and re-

sided there. Later, the wife, Ruby Elaine Naim, brought suit for annulment. The Virginia court in its opinion pointed out that over half the states had anti-miscegenation laws and that the presumption must be in favor of the constitutionality of a statute. Thus, the law was held to be valid and the inter-racial marriage automatically void.

The Chinese husband then appealed to the U.S. Supreme Court, which stated that the record was insufficiently clear to permit deciding the constitutional issue "in clean cut and concrete form." The case was remanded to the Virginia high tribunal for clarification. The latter replied that the facts had never been in dispute, that the record had been clear enough for the Richmond court and the latter was under no obligation to retry the case for the benefit of the U.S. Supreme Court. This tart opinion gave Chief Justice Warren and associates an opportunity to get off the hook by dismissing the case.

The Supreme Court, the two major political parties and for that matter the N.A.A.C.P. have no present desire to stir up the miscegenation issue and add to the sense of outrage which the white South already feels. The issue is of moral, but not political, importance. The laws are seldom enforced; very few people wish to marry inter-racially and those who do can always move to states which permit the ceremony.

Sooner or later, however, the issue will have to be faced squarely by the Federal courts. When that day comes, it can be predicted that the state laws against racial intermarriage will be struck down as unconstitutional.

PART THREE: THE GATHERING CRISIS

20

THE END OF SCHOOL SEGREGATION

"By not exalting merit the people are kept from rivalry. By not valuing what is hard to obtain the people are kept from theft, by not contemplating what is desirable the heart is kept untroubled. Therefore the government of the sage empties the hearts of the people, and fills their stomachs. He weakens their ambitions, but strengthens their bones. Always he keeps the people without knowledge and without desire, so that the crafty do not dare to act. By non-action nothing is ungoverned."—*Tao Te Ching (The Way and the Power)* attributed to Lao Tzu (240 B. C.).

The school desegregation decisions handed down by the Supreme Court on May 17, 1954, culminated a long legal struggle first to erode, then to shatter the principle of legally imposed separation of the races.

Prior to the Truman Administration, the Supreme Court had consistently upheld the constitutionality of race segregation in public schools. This was affirmed in 1927 by a unanimous Supreme Court which numbered among its members such giants of the law as Holmes and Brandeis.¹ In another case, Chief Justice Hughes declared for the Court that the issue of the constitutionality of state segregation laws could "no longer be considered an open one."

Under these circumstances the Negro organizations abandoned frontal attacks on segregation and fought in the courts to ensure that public schools for colored were substantially equal to those of the whites. The *Gaines* case was one of these pioneer legal battles. Lloyd Gaines, a Negro, was refused admission to the all-white University of Missouri Law School, but was offered state-subsidized tuition at an equally good Northern law school instead. The N.A.A.C.P. challenged the constitutionality of this solution to the problem. In a seven to two decision, delivered by Chief Justice Hughes, the Court held that Missouri must provide equal educational facilities for Negroes within her own borders.²

A decade later Ada Lois Sipuel was refused admission to the University of Oklahoma Law School because of her race. The N.A.A.C.P. took the case. The Supreme Court brushed aside Oklahoma's declared intention of building a Negro law school, said that Miss Sipuel's right to an education was "personal and present" and ordered Okla-

homa to provide qualified Negroes with law training "as soon as it does for the applicants of any other group."³

In 1950 the N.A.A.C.P. argued the McLaurin case before the Supreme Court. Here the issue was whether the requirements of the Fourteenth Amendment could be met by admitting a Negro student to a white institution under discriminatory and invidious conditions.⁴ After a long legal battle, the N.A.A.C.P. had forced the Oklahoma legislature to authorize the admission of McLaurin, a Negro, to the previously all-white University of Oklahoma on "a segregated basis." Accordingly, McLaurin was forced to "sit apart at a designated desk in an anteroom adjoining the classroom . . . and to sit at a designated table and to eat at a different time from the other students in the school cafeteria."⁵ At one time, McLaurin's part of the classroom was railed off with the sign "Reserved for Colored."

In a unanimous decision the Supreme Court held that the invidious conditions imposed on McLaurin "impair and inhibit his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession. . . ." The Court, in other words, was strongly hinting that the bare fact of segregation precluded equality. It was not so much trying to strike down the principle of "separate but equal" as to suggest that it could never be attained.⁶

On the same day the Court announced a similar and equally revolutionary decision. Heman Marion Sweatt, a Negro, had obtained a Federal District Court order commanding the University of Texas Law School either to admit him or to provide equal segregated facilities. Accordingly, three rooms in a basement were christened a law school, books and teachers were made available, and Sweatt was ordered to report. Instead, Sweatt appealed to the courts, denying that this improvised and isolated study area could by any stretch of the imagination be deemed "substantially equal" to the impressive white law school at Austin. After a series of defeats in the lower courts, the N.A.A.C.P. got the case before the Supreme Court.

At this point something occurred which shattered the complacency (or whatever was left of it) of the Southern advocates of segregation. The United States, through the Attorney General, filed a brief *amicus curiae* in support of Sweatt and the N.A.A.C.P. In this brief, as in others that would follow it, the Federal Government asserted that "racial segregation imposed or supported by law is *per se* unconstitutional."

The opinion of the Court, again delivered by Chief Justice Vinson,

went beyond the issue of equality of facilities and hovered on the brink of declaring race segregation *inherently* unequal and hence *inherently* unconstitutional. The segregated Negro law school "excludes from its student body members of the racial group which numbers 85% of the state" and comprises most of its lawyers, witnesses, jurors and judges. "With such a substantial and significant segment of society excluded, we cannot conclude that the education offered petitioner is substantially equal to that which he would receive if admitted to the University of Texas Law School."⁷

The Court was saying that education included free association with members of the majority race. Hence segregated schools could be truly equal only if they were desegregated. This reasoning was ingenious and worthy of Justice Vinson's acute and subtle intelligence. It made nonsense of 40 years of constitutional precedents while seeming to follow them. Obviously the logic of the *Sweatt* decision would be applied to other areas of higher professional education and it could be applied to the public school system if the Court wanted to. Thus, by 1950 the Supreme Court had expressed unanimous hostility to race segregation in public education and had revealed its desire to abolish it.

The South Reacts. Southern officials were quick to perceive the reach of these two decisions. The University of Maryland decided to admit Negroes on a non-discriminatory basis. The University of Virginia offered token opposition to N.A.A.C.P. demands, but was overruled after a ten-minute hearing before a Federal court. North Carolina and Florida followed suit. By 1951 race segregation in American public institutions of higher learning seemed about to die a painless death.

Meanwhile the South had committed itself to a tremendous drive to equalize white and Negro public school facilities. Whether the motivation was to secure justice or to save the threatened institutions of segregation is in dispute. As to the magnitude of the effort, there is no dispute.

When James F. Byrnes became Governor of South Carolina in 1951, he announced: "It is our duty to provide for the races substantial equality in school facilities. We should do this because it is right." South Carolina authorized a \$75,000,000 bond issue, 70% of which was allocated to Negro schools. After these funds had been spent, Byrnes could state: "On the whole, the Negro school buildings are superior to the white schools because they are more modern." In 1956, South

Carolina employed 7,500 colored public school teachers, about as many as in all the Northern states east of the Mississippi combined.

The gap in educational facilities was closing throughout the South. In 1912 it had been estimated that the per capita expenditure on Negro school children nationally was \$1.71 as against \$15.00 for whites.⁸ By the early 1930's the gap had narrowed to between two to one and four to one.⁹ By 1952, however, in twelve Southern states, colored teachers averaged 87% as much pay as white. The Negro teacher averaged 3.5 years of college training; the white teacher 3.8 years. Per capita expenditures on Negro school children were 60% of the white average in Alabama, 80% of it in North Carolina. "In per cent of enrolled pupils attending schools, in average number of days attending, and in average length of school term," wrote a Negro government official who ardently favored integration, "Negroes and whites are practically equal. . . ." ¹⁰

This enormous improvement in physical plant and financial outlay was not paced by equivalent gains in the quality of Negro education. "Negro education in Georgia is a disgrace," the Speaker of the Georgia House observed in the early 1950's. "What the Negro child gets in the sixth grade, the white child gets in the third grade." ¹¹

Poor home environments, a basically anti-intellectual tradition and lower aptitude as well, contributed to the racial gap. Another basic cause was that, in the South, Negro pupils were taught by colored teachers. "On the average," wrote a strong supporter of integration in 1956, "Negro teachers are much less able than white teachers in spite of the fact that they have about the same amount of formal education." ¹² As equalization of school facilities failed to bring about the expected gains in Negro education, the colored organizations and their white supporters were increasingly driven to the conclusion that the obstacle was segregation itself and that race mixing in the schools was the only practical means of enabling the colored pupils to catch up.

Battle for Desegregation. Prior to the 1950's, the N.A.A.C.P. pursued a cautious strategy. Its main court battles on desegregation concerned institutions of higher education. Since most Negroes were automatically excluded on scholastic grounds, there was no general Southern alarm. Moreover, the N.A.A.C.P. had tended to concentrate on the Border states where public opinion on the race issue was more fluid.

Immediately after the Sweatt and McLaurin decisions, this was changed. N.A.A.C.P. lawyers held a conference in New York City and decided on "a bold, all-out, frontal attack upon educational segre-

gation" wherever it existed in the public schools.¹³ Negroes were induced to sue for admission to all-white public schools in Delaware, Kansas, South Carolina, Virginia and the District of Columbia. In the Delaware and Kansas cases, the colored schools were equal to or better than the white in physical facilities. These suits were designed to force the Supreme Court to rule on the constitutionality of segregation itself. Suit was brought in Washington, D. C., so the Supreme Court would render judgment on segregation both when imposed by the states and when enforced by the Federal Government.

Pressure from Truman and Acheson. When it launched this all-out effort the N.A.A.C.P. knew it could confidently rely on the backing of the Truman Administration. As early as December 1947, Truman had named a 15-man President's Committee on Civil Rights with two Negro members. The Committee recommended Federal intervention in the South to protect the Negro in his vote and other civil rights. It also favored abolition of the poll tax, ending of race discrimination in the armed forces, and "the elimination of segregation, based on race, color, creed, or national origin, from American life." Although the Committee consisted more of politicians and representatives of pressure organizations than of constitutional lawyers, it went out of its way to declare that "the separate but equal" doctrine, which at the time represented the Constitution as interpreted by the Supreme Court, was "a failure" and un-American.¹⁴

Truman publicized this report widely. In his memoirs, he wrote that he backed these recommendations because: "We could not endorse a color line at home and still expect to influence the immense masses that make up the Asian and African peoples."¹⁵

President Truman soon showed that he would fight for desegregation regardless of immediate political expediency. In the 1948 campaign, a reporter asked Dixiecrat presidential candidate J. Strom Thurmond what the difference was between Truman's civil rights program and that of Roosevelt. "Truman really *means* it," Thurmond replied.¹⁶

The South had enough political strength to block implementation of the Civil Rights Report by Congress and to keep the Washington, D. C., public schools racially segregated. Where presidential powers sufficed for change, however, the story was different. Desegregation of the armed forces was accomplished primarily by the Truman Administration. Through its various agencies, the Federal government directed its power to support of the N.A.A.C.P. program.

The desegregation cases came before the Supreme Court for argu-

ment in December 1952. The Southern case was argued by John W. Davis, Democratic candidate for President in 1924 and a man who had handled more Supreme Court cases than any other American living or dead. The N.A.A.C.P. retained several lawyers, of whom Thurgood Marshall was the most prominent.

Although the Democratic Party had just been soundly thrashed at the polls and Truman was a lame-duck President spending his last month in the White House, Attorney General James P. McGranery intervened in the case with an *amicus curiae* brief. The reason given for this move was "the national importance of the constitutional questions presented."¹⁷

These *amicus curiae* briefs had become standard procedure of the Truman Administration in Negro rights cases. The immense legal and financial resources of the Federal Government would be thrown into the task of preparing these massive and erudite documents. They would also frequently contain appeals to the Court in terms of national security and American foreign policy. With the majesty of the United States seemingly committed in support of the N.A.A.C.P. position, the impression was created that the respondent Southern states were supporting a cause contrary to American interests if not downright un-American.

"Racial discrimination," McGranery's brief declared, "furnishes grist for the Communist propaganda mills, and it raises doubts even among friendly nations as to the intensity of our devotion to the democratic faith." The Attorney General then incorporated what he called an "authoritative statement" from the outgoing Secretary of State, Dean Acheson. This read in part: "The hostile reaction among normally friendly peoples, many of whom are particularly sensitive in regard to the status of non-European races, is growing in alarming proportions. In such countries, the view is expressed more and more vocally that the United States is hypocritical in claiming to be the champion of democracy while permitting the practice of racial discrimination here in this country."¹⁸

Under the traditional American conception of an impartial judiciary, independent of the Executive Branch and duty-bound to interpret the Constitution without regard to the political interests of the Administration, these were considerations which no Supreme Court had the right to weigh. A generation ago, Mr. Acheson's plea would probably have been considered an impropriety.

If the Court of 1952 was prepared to weigh political factors in making a constitutional interpretation, Acheson's memorandum was sub-

ject to criticism because of its oversimplification and calculated omissions. It was true that Southern treatment of the Negro was resented abroad. The Supreme Court knew this. What it did not know and was in no position to judge was the total effect of a desegregation decision in terms of the world position and prestige of the United States.

Would it split or unite the country? Would it convince the world that the United States was the champion of racial equality? Or would it focus international attention for years to come on race struggle and race hatred in the United States, placing these ugly aspects of American life under a global spotlight? These were questions which an American Secretary of State should have attempted to answer provided he thought it was proper for him to inject himself into the case at all.

From Truman to Eisenhower. Obviously nothing that Dean Acheson had to say could commit the incoming Eisenhower Administration. The General's personal views on segregation were unclear. In 1948, when already under serious consideration for the Presidency, Eisenhower had testified publicly before the Senate Armed Forces Committee in support of continued segregation of Negro troops.¹⁹ Military segregation was nevertheless virtually abolished by the time of the Korean conflict. General Eisenhower moved with the times and in 1952 made a campaign pledge to "end segregation" for Americans in uniform.

In the autumn of 1953 the Supreme Court asked counsel to submit briefs on five questions, the most important of which was whether the original intent of the Congress which submitted the Fourteenth Amendment and the state conventions which ratified it was to outlaw race segregation in public schools.

Anxious to get political guidance from the new Administration, the Supreme Court not only invited the Republican Attorney General, Herbert Brownell, to submit a new *amicus curiae* brief, but begged him "to take part in the oral argument if he so desires."

On September 8, 1953, Chief Justice Vinson died. President Eisenhower appointed Earl M. Warren of California to fill the vacancy. The new Chief Justice was known for political astuteness, liberalism and a clean record as state governor. Nothing in his record suggested that he had the legal knowledge or the intellectual distinction characteristic of the great Chief Justices. There is no reason to believe that President Eisenhower canvassed Warren's views on desegregation before appointing him. It is clear, however, that the

President made this critically important appointment under the impression that Governor Warren was moderately conservative and opposed to the rampant growth of Federal power.²⁰

The Quest for Historic Roots. As we have seen, Judge Vinson's Court had decided to base the school segregation decision chiefly on the historic issue of original intent. A mountain of briefs and appendices took shape. Probably no Supreme Court case ever evoked a like amount of historic research.²¹

The background situation that emerged was fairly clear. Immediately after the Civil War, free, tax-supported public schools were generally accepted in the North, but not in the South. There they were commonly called "pauper schools." As Dr. Darden put it, "the facilities were miserable; they were restricted to whites."²²

The immediate Reconstruction concern was to improve the education of Southern whites and initiate some sort of education for colored. There was little interest in the theoretical issue of integration and the debates on the Civil Rights bills and the Fourteenth Amendment allude to it only sketchily.

Nevertheless, the answer which history gives to the main question propounded by the Supreme Court is clear and unequivocal. Neither the framers nor the ratifiers of the Fourteenth Amendment imagined for an instant that it barred segregation in public schools.

The evidence supporting this conclusion is massive:

First. Eight Northern states²³ had racially segregated public school systems at the time the Fourteenth Amendment was ratified. None abandoned segregation because of the Amendment.

Second. During militant Reconstruction, seven former Confederate states adopted constitutions which were silent concerning school segregation. While Louisiana, South Carolina and Florida at first imposed racially mixed schools, the experiment was abandoned when the Negro-carpetbag governments were thrown out. Throughout the Reconstruction period, school segregation in the South was never seriously challenged as in violation of the Constitution.

Third. The Fourteenth Amendment, as finally adopted, had been a victory for the moderates, a "shilly-shally, bungling thing," as Thaddeus Stevens put it, but "all that can be obtained in the present state of public opinion." These moderates were adamantly opposed to forcing mixed public schools on the nation; in fact, only a handful of radicals favored the idea.

Fourth. The history of the public school system in the District of Columbia is conclusive. Less than two months after voting for the

Fourteenth Amendment, Congress legislated for the "colored schools" of Georgetown and the District of Columbia.²⁴ When the Fourteenth Amendment was ratified, Congress provided that white and Negro children must have equal school facilities within a segregated system.²⁵ Since these Congresses were composed of the men who framed, approved and submitted the Fourteenth Amendment, it is impossible to assume that they believed it illegalized race separation in the schools. Moreover, from 1866 to 1954, the schools of Washington, D. C., remained racially segregated and Congress regularly appropriated funds for them and controlled them on that basis.

In short, history gave a clear negative to the contention of the N.A.A.C.P. that desegregation of public schools was part of the original intent of the Fourteenth Amendment. As Alexander M. Bickel, a law clerk for Justice Frankfurter during part of the time the cases were heard and later a contributing editor to the *New Republic*, put the matter: "The obvious conclusion to which the evidence, thus summarized, easily leads is that section 1 of the fourteenth amendment, like section 1 of the Civil Rights Act of 1866, carried out the relatively narrow objectives of the Moderates, and hence, as originally understood, was meant to apply neither to jury service, nor suffrage, nor anti-miscegenation statutes, nor segregation." ²⁶

The N.A.A.C.P.'s attempt to refute this interpretation would not stand serious examination. However, the brief for the United States as *amicus curiae* was more formidable. Brownell's lawyers took the ground that the framers and ratifiers of the Fourteenth Amendment *may* have intended to make it broad enough to empower some *future* Supreme Court at some *undisclosed* time to outlaw school segregation. Of course, there "was no direct evidence" of this.²⁷ In fact, it was the quintessence of iffyness.

In interpreting a Constitutional Amendment, the Supreme Court often assumes there is an implied line of growth. Thus the Court had protected the right of Negroes to be tried by juries chosen in a racially non-discriminatory fashion despite the fact that the original intention of the Fourteenth Amendment was to exclude jury service from its scope. Constitutional Amendments try to effectuate broad purposes. The proper areas of implementation of these purposes expand or contract with the development of society. Proceeding on reasoning of this general sort, the Brownell brief urged the Supreme Court to dismiss the historical evidence as "equivocal and inconclusive."

The Court Decides. The Supreme Court handed down its decisions on May 17, 1954. In each case Chief Justice Warren spoke for a unanimous tribunal. The first decision declared segregated schools unconstitutional within the states as violating the "equal protection" clause of the Fourteenth Amendment.²⁸ The second found segregation in Washington, D. C. incompatible with the "due process of law" clause of the Fifth Amendment.²⁹

Warren's opinions were brief and studded with sociological generalizations. They would have a more revolutionary impact on American race relations than any event since Reconstruction.

The way Warren handled the complex mass of historical material, which the Court had itself requested, was characteristic of his mental processes. He simply brushed it aside as "inconclusive" and then proceeded to make a moral judgment: "In approaching this problem, we cannot turn the clock back to 1868 when the (Fourteenth) Amendment was adopted, or even to 1896 when *Plessy v. Ferguson* was written. We must consider public education in its full development and its present place in American life throughout the Nation."

The Southern reaction to this line of reasoning was voiced by ex-Governor Byrnes:

"The function of the Court is to interpret the Constitution, not amend it. Heretofore, whenever in doubt about the proper interpretation of the Constitution or a statute, the Court has turned the clock back to the time of adoption to ascertain the intent of the draftsmen. When the Court states, 'We cannot turn the clock back to 1868,' will it ever consider the intent of the framers of the Constitution in 1787?

"If the age of a constitutional provision is to be held against its soundness, what about the age of our religion? If time invalidates truth in one field, will it not do so in another?

"If the Court could not turn the clock back in these cases why did it ask counsel for the litigants and the attorneys general of all interested States to file briefs as to the intent of the Congress in 1868, in submitting, and the States, in ratifying, the amendments?

"And why were counsel asked to argue whether the Court was bound by its previous decisions, such as *Plessy v. Ferguson*?

"It is apparent that, when the Court found the legislative history it requested was overwhelmingly against the conclusions it had reached, it declared the evidence 'inconclusive,' disregarding the Constitution and—invading the legislative field—declared that segregation would retard the development of Negro children."³⁰

Even had the historic evidence of intent in fact been "inconclusive," the Court's decision would have been hard to justify. For the burden of proof rests on the side which wishes to reverse previous Supreme Court decisions and declare existing laws unconstitutional. In the school segregation cases, the Supreme Court invalidated the laws of a dozen or so Southern and Border states; it illegalized sections of their state constitutions, and it reversed rulings which had been unchallenged for over half a century.

The Sociologists. As Byrnes observed, the Supreme Court rested its case, not on the Constitution or precedents, but on sociology. Here Chief Justice Warren voiced large generalizations which were ill-defined and unsubstantiated.

There was sociological evidence, Warren asserted, that segregation of colored children "solely because of their race generates a feeling of inferiority" and that this may "deprive them of some of the benefits they would receive in a racial(ly) integrated school system." These findings, the Court alleged, were "amply supported by modern authority." Consequently, "separate educational facilities are inherently unequal" and the Negro plaintiffs were being deprived of their rights under the Fourteenth Amendment. The cases were restored to the docket. The Court announced it would hear further argument on the methods and procedures by which all public education in the South could be desegregated.

The "sociological" argument Warren advanced was thin and superficial. No factual evidence was presented. It was very possible, as Warren's "modern authority" alleged, that Negro children felt humiliated by segregation and that this interfered with their education. But was this the sentiment of all of them? A majority? Or a minority? Or were there many situations in which colored children felt more at ease and hence learned better among members of their own race?

By implication the Court's opinion contrasted the psychological attitudes of Negro pupils in segregated schools with those in racially mixed schools where they were accepted by the white students. The comparison was unrealistic because acceptance could not be assumed in the Southern and Border states. The Court chose to ignore the effect of race integration on Negro scholastic standards in areas where its imposition might create a school atmosphere of race hatred. Nor did the Court consider the effect on Negro pupils of being mixed in classrooms with scholastically more advanced white children.

Since none of these pertinent issues was explored, it was natural

that people familiar with the subject should be curious as to the antecedents and qualifications of the sociologists cited as authorities by the Court and the way they got into the case.

The names of these putative authorities and the titles of their publications are listed in a footnote to Chief Justice Warren's opinion.³¹ Several observations are worth making on this matter.

In the first place, the writings which Warren cited had never been before the Court and formed no part of the Court record. This meant that the Southern respondents had had no opportunity to investigate the qualifications of these writers or to challenge their conclusions. If a constitutional decision was to be based on the private reading of nine Justices and their law clerks, the year and a half of argument by the litigants before the Court had seemingly been superfluous.

Moreover, as recently as 1952, the Supreme Court in a unanimous decision, read by Justice Frankfurter, had refused to consider sociological evidence, stating: "It is not within our competence to confirm or deny claims of social scientists as to the dependence of the individual on the position of his racial or religious group in the community."³² This strong disclaimer seemed warranted in view of the lack of scientific discipline in the field of sociology and the tendency of many sociologists to substitute their value judgments and ideological commitments for objective analysis.

If Justice Warren's acceptance of sociological and psychological "modern authority" was unprecedented, his choice of social thinkers was unfortunate. Nine such "authorities" were cited in the Court's opinion. Of these, K. B. Clark, a Negro, was an employee of the N.A.A.C.P. Three others — Chein, Frazier and MacIver — were listed by the N.A.A.C.P. Legal Defense and Educational Fund as "consulting authorities." These men went around testifying for the N.A.A.C.P. Fund as experts in court cases.³³ Normally such testimony is paid for.

It is happily unusual for our courts to cite as disinterested authorities men who are on the payroll of one of the litigants, particularly when what they are paid to do is to testify. When the highest court in the land goes beyond this and so arranges matters that the other side has no opportunity to challenge the character and impartiality of such "experts," it brings the entire American system of justice into disrepute.

The Communist Thread. To make matters even worse, Warren had managed to pick sociologists who would be characterized shortly

thereafter by the Chairman of the Senate Judiciary Committee as "people who have a long record of affiliations with anti-American causes and . . . agitators who are part and parcel of the Communist conspiracy to destroy our country."⁸⁴ Senator Eastland's charges were broadcast throughout the South and widely quoted by Governor Byrnes and others. They made millions of Americans wonder whether the Supreme Court had become the dupe of pro-communist forces. An investigation of the accuracy of these charges therefore seems to be in order.

One of Warren's nine cited authorities was Theodore Brameld. Senator Eastland charged that Brameld had been cited for membership in ten Communist or Red-dominated organizations over the period 1938-52. Another authority was Professor E. Franklin Frazier of Howard University, an N.A.A.C.P. consultant. Eastland devoted three pages to listing Frazier's alleged communistic activities over the period 1937-51 and stated that Frazer's 1949 book which the Supreme Court cited, *The Negro in the United States*, was officially endorsed by the American Communist Party.⁸⁵

The remainder of Eastland's attack was devoted to Myrdal's massive volume, *An American Dilemma*, which apparently was the main ideological source of the Supreme Court decision. The Senator was, of course, right in considering this book hostile to the American Constitution.⁸⁶ When he made the further charge that "16 of these so-called scholars and experts, who contributed no less than 272 different articles and portions of the (Myrdal) book, have been cited numerous times as members of Communist and subversive organizations," he was wrong in detail, but not necessarily wrong in substance.⁸⁷

The Myrdal study was carried out by a carefully selected group of leftist sociologists who shared a common ideology. Within that group there was a hard core of Communists and Communist sympathizers who strove to influence the report on issues crucial to the Communist movement. Unfortunately, the Myrdal study, because of its scale, lavish financing and scholarly value, became a dominant influence on American sociology as far as Negro problems were concerned. This influence extended to the Supreme Court when the Justices sought wisdom from social science.

Segregation in Washington, D. C. The second unanimous decision handed down by the Supreme Court on May 17, 1954, outlawed segregation in the public schools of the District of Columbia. Chief Justice Warren found that the racially separate schools deprived colored

children of "liberty" without "due process of law" and hence violated the Fifth Amendment.

Here there was no pretense that the original intent of the framers of the Fifth Amendment might have been to outlaw school segregation. In fact, history was avoided in the opinion. The reason for this was obvious. The Fifth Amendment was drafted by James Madison, whose views on the Negro have already been summarized. It was ratified in 1791 at a time when most Negroes were slaves and few free Negroes enjoyed basic civil rights either in Washington, D. C., or elsewhere. Nobody could pretend that the framers of the Fifth Amendment had intended to legislate race equality before the law.

Instead of history, Warren appealed to fairness. Both the due process clause and the Fourteenth Amendment stemmed "from our American ideal of fairness." From this trite thought, he seemed to draw the illogical conclusion that the Fifth Amendment empowered him to outlaw as unconstitutional anything which he and his eight colleagues considered "unfair."³⁸

Approaching the issue from a different tack, Warren said: "In view of our decision that the Constitution prohibits the states from maintaining racially segregated public schools, it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government."³⁹ Actually, there was nothing at all "unthinkable" about the decision of a Radical Reconstruction Congress to impose curbs on Southern state governments which it refused to impose upon itself. It trusted future Congresses; it did not trust the South.

On these slender, if not specious, grounds, the Supreme Court nullified acts of Congress which had maintained school segregation in Washington, D. C., for almost a century. Judge Frankfurter joined in the unanimous decision. Yet eight years previously, in another opinion, Frankfurter had spoken eloquently against usurpation of the powers of the legislature by the Supreme Court. "Particularly when Congressional legislation is under scrutiny," Frankfurter declared for the Court, "every rational trail must be pursued to prevent collision between Congress and the Court. For Congress can readily mend its ways, or the people may express disapproval by choosing different representatives. But a decree of unconstitutionality by this Court is fraught with consequences so enduring and far-reaching as to be avoided unless no choice is left in reason."⁴⁰

Reactions to the Decisions. The first reaction to the school de-

segregation decisions was highly favorable in the North. The change in attitude would develop slowly with time and reflection.

The *New York Times* hailed Chief Justice Warren's opinion as a "monumental constructive stride in constitutional law and fundamental justice." To the less influential *Washington Star*, however, the Court had struck "a blow at fundamental American institutions." The Luce publications congratulated the Supreme Court for having "at one stroke immeasurably raised the respect of other nations for the U. S." *Newsweek* applauded on the grounds that "segregation in the public schools . . . has also been a weapon of world Communism. Now that symbol lies shattered." *Ebony* and other Negro publications intoned the same chant concerning the rights of man and the effect of Warren's words on the uncommitted minds of over a billion darker people in foreign lands.

South of the Mason and Dixon line the reaction was expectedly different. Congressman John Bell Williams of Mississippi accused the Supreme Court of driving "a knife into the heart of the U.S. Constitution." Former Associate Justice of the Supreme Court James F. Byrnes asked: "If the Court can disregard the process of amendment of the Constitution and add a prohibition as to segregated schools, why can it not add prohibitions on other subjects, destructive of the rights and liberties of the people?"⁴¹

Nor was critical concern confined to Southerners. In its 1956 meeting, which did not deal directly with the desegregation decision, the Conference of Chief Justices, an organization of the highest judicial officers of the 48 states, charged Warren's Supreme Court with destroying the separation of powers that is a foundation of the Constitution. Chief Justice Edmund Flynn of Rhode Island urged the Court to recognize that it is "within and not above the Constitution" and has no right to frame policy. Chief Justice John R. Dethmers of Rhode Island declared that recent decisions had departed so far from precedents that the United States today no longer "has a written constitution any more than England."⁴² The consensus of the panel decision seemed to be that a cause of the evil was the appointment of unfit and unworthy men to the highest tribunal, "prima donnas who think more of their own philosophies and interests than the welfare of the Court."⁴³

In 1958 a committee of state chief justices, headed by Chief Judge Frederick W. Brune of Maryland, reported on the conduct of the Supreme Court and found no improvement in the two-year interval. The Court was urged to wear the badge of "judicial restraint" and to

cease arrogating to itself "almost unlimited policy-making powers." The state chief justices added: "It has long been an American boast that we have a government of laws and not of men. We believe that any study of recent decisions of the Supreme Court will raise at least considerable doubt as to the validity of that boast." ⁴⁴

Criticism of the Court continued to mount. In November 1958, retired Federal Judge Dozier A. DeVane, observed that the Court had jettisoned the principle of *stare decisis* and that the nation was consequently threatened with the "danger of a judicial oligarchy." "What the Supreme Court has done in these later cases," he added, "is to assert its right not to be bound by its own prior decisions whenever it desires to construe the Constitution or an act of Congress otherwise. If this is the 'law of the land,' then the Constitution and acts of Congress mean nothing." ⁴⁵

Until its 1959 annual meeting the American Bar Association refrained from a direct, frontal attack on Chief Justice Warren and his associates. On February 24, 1959, however, the A.B.A., representing 200,000 American lawyers, cited 24 recent Supreme Court decisions as probably "unsound" and charged that Warren's tribunal "too often has tended to adopt the role of policy maker without proper judicial restraint." The A.B.A. felt that the Supreme Court had contributed effectively to "the paralysis of our internal security. . . ." The fear that Warren's Court was dedicated to shielding subversives was adumbrated as follows:

"Many cases have been decided in such a manner as to encourage an increase in Communist activity in the United States through invalidation of State sedition statutes, and limitation of State and federal investigating powers in the field of subversion, although these cases might readily have been disposed of without so broadly limiting national and State security efforts."

Probably for the first time in the history of the United States, the Supreme Court had lost the respect of a large minority, if not the majority, of the bench and the bar.⁴⁶ It had been subjected to stinging rebuke by men whose professional life was dedicated to upholding the Constitution and the laws. Increasingly, the burden of criticism was shifting from the palpable ground of technical incompetence to the graver accusations of dishonesty and unpatriotic purpose.

The Court decisions were defended by lawyers favoring integration, by radicals and by others. The burden of the defense was generally that the decisions realized social justice or asserted American democratic idealism. Analysis of Justice Warren's opinions as constitu-

tional law would usually be avoided. The point stressed would be the moral rightness of desegregation, rather than the rightness or wrongness of the Supreme Court's assumption of power. The champions of the Court would stress the need for public confidence in the Supreme Court as an aid to national unity and orderly democratic processes. They would seldom make the related point that the Court should act in such a way as not to destroy that confidence.

Intelligent liberal historians of American constitutional law have characterized the school segregation decisions as highly culpable. Thus, Kelly and Harbison in their standard college text, state: "In a very real sense, Warren's opinion amounted to a piece of judicial legislation. The Court had dismissed the historical question of congressional intent with a wave of the hand; it had disregarded or reversed long-standing precedents supporting school segregation; and it had conspicuously refused to support its conclusion with any subtle constitutional analysis. Instead it had presented a simple sociological argument on the impact of segregation on the status of the Negro."⁴⁷

A young law clerk with shrewd eyes observed how a modern American Supreme Court prepares a politically adroit opinion during a great national crisis. The clerk, Alexander Bickel, the same who had served under Justice Frankfurter during part of the case, thought in retrospect that the guiding rule was to say very little and thus hope to avoid attack. With evident approval for the Machiavellian processes he described, Bickel wrote:

"The Court knew that its judgment would have an unparalleled impact on the daily lives of a very substantial portion of the population, and that the response of many of those affected would be in varying degrees hostile. It was necessary, therefore, if it ever had been, to exert to the utmost its prestige, the oracular authority of the institution. To this end, it was desirable that the Court speak unanimously, with one voice from the deep. And the less said, the less chance of internal disagreement. By the same token, it was wise to present as small a target as possible to marksmen on the outside. In sum, without imputing to the Court aspirations to a form of art it does not profess to practice,⁴⁸ one may be entitled to surmise that here was a decision which, like a poem, 'should not mean/But be,' and that the Court saw this and acted on it. Considerations of this order, applicable only to so extraordinary a case, are sufficient, in any event, to explain the brevity of the reference to the history of the fourteenth amendment's adoption and the briskness of the transition

from an apparent assumption of that history's relevance to the statement that the clock cannot be turned back." 49

If Bickel is to be believed, the mental processes of the Supreme Court in these cases were more reminiscent of Madison Avenue than of Marshall. If so, the Court apparently made a strategic error. Evidence soon mounted up that the public preferred a tribunal more scholarly in the law and less well versed in the arts of public opinion formation. Chief Justice Warren's carefully contrived sociological opinions did not ward off attack. On the contrary, they did much to impair the reputation for dispassionate intellectual integrity which the Supreme Court had painstakingly earned under other Chief Justices.

The school decisions were great turning points in the tides of events. They recreated sectional and racial strife on a disturbing scale and unleashed mighty forces of discord, the effects of which cannot at this time be fathomed. They drew the attention of thoughtful Americans to the depth of the cleavage between the North and the South on the fundamental issues which lie at the root of the relationship between the two races. Of these issues, perhaps the most important was appraisal of the inherent mental capacity of the Negro, his aptitude, and his actual and potential role in America.

THE SOUTH BELEAGUERED

"It's always been my belief that the white folks and colored folks simply don't like one another."—WILLIAM FAULKNER as quoted by the *New York Times*, March 8, 1958.

The South soon discovered that it was not merely being required to reorganize its public school system, but to destroy segregation root and branch wherever it was upheld by state or local government. The Supreme Court's original decision had been based on sociological evidence concerning the nature of the educational process and its crucial role in modern life. The extension of the desegregation principle to municipal golf links, swimming pools and other facilities of this sort seemed hardly warranted if the criterion was social importance. What the Court had in mind in making these extensions we shall never know since it did so by *per curiam* decisions, that is to say bare statements of a finding not supported by any opinion or line of reasoning.¹

In November 1955, the Interstate Commerce Commission ruled that race segregation in all railroad cars, buses and waiting rooms under its jurisdiction was illegal. About a year later, the Supreme Court found segregation in city buses also contrary to the Fourteenth Amendment. This decision was the climax of an inspiring struggle by the Negroes of Montgomery, Alabama, to force desegregation of buses by means of the Gandhian tactics of passive resistance. The leader of the movement, Reverend Martin Luther King, a Negro, induced up to 42,000 colored people to refuse to ride the segregated buses and to meet with folded hands and without retaliation the boycott, arrests and bomb outrages to which they were subjected.

Nevertheless, bus and streetcar desegregation continued to meet resistance in the Deep South. The Negro car pools organized by Dr. King's followers in Montgomery were illegalized. Under similar circumstances, Tallahassee took criminal action against colored car pool sponsors, enjoined the local bus company from violating segregation laws and tried to revoke its franchise.

Municipal golf courses were rapidly desegregated. In Pensacola, Fort Lauderdale, Miami, Atlanta, Greensboro, Nashville and Portsmouth, Negroes sued successfully to use these greens without discrimination. The decision in the Greensboro case was important be-

cause here the city merely owned the golf course, leasing it to a private corporation.

The record was similar as to publicly owned or operated parks, swimming pools and beaches. In all these areas the Federal courts applied the principle of the school desegregation decisions. In the Border States, the general reaction was compliance. In the Deep South, compliance alternated with resistance or evasion. Recreational facilities might be sold to private organizations which would then be legally free to practice segregation. When sale was out of the question because the park, pool or beach could not make profits, it might be closed, as in the case of Edisto Beach State Park in South Carolina. Alternately, the city might announce the end of race discrimination, but continue to practice it covertly. Delray Beach, Florida, opened its swimming pool to Negroes, but issued "emergency ordinances" which allegedly made it impossible for them to use it.

A major action area for Negro pressure groups was public housing. The Federal courts have consistently sustained Negro demands for equal, non-discriminatory access to public housing facilities. This has often resulted in white tenants moving out and the developments becoming entirely colored. Race riots have occurred in Northern public housing developments and Southern opposition to public housing has been stiffened.

A major decision by the U.S. District Court in Pennsylvania held that the Federal courts could not force private builders to sell or rent to Negroes merely because the apartments were sold under F.H.A. and V.A. mortgages. State legislation, however, frequently closed this gap. As of April 1959, 13 Northern states were considering or strengthening anti-bias laws. These often barred race discrimination in all housing rentals or sales and, in some cases, applied to restaurants, motels and rooming houses as well.²

The desegregation decisions have had some impact on employment and trade union action. Once a union has been certified under the National Labor Relations Act as an exclusive bargaining agent, it cannot negotiate a racially discriminatory contract. However, unions can and do exclude Negroes from membership. In key Northern states, race discrimination by private employers is generally curbed by fair employment laws of varying stringency.

Schools as the Battleground. Desegregation of parks, golf courses, swimming pools, streetcars and restaurants merely affected occasional and non-intimate inter-racial contacts. To be sure, the more diehard white Southerners resisted change in these areas as they had tradi-

tionally resisted all efforts to relax the Jim Crow system. But segregation in these peripheral institutions could not, in the nature of things, arouse the massive and protracted resistance of the majority of the white South.

The public schools were a very different matter. White Southerners feared that the integrated school would necessarily bring about love affairs and marriages between students of different races. Moreover, they feared the integrated school might educate a new generation of white Southerners in habits of inter-racial cooperation, thus destroying both the tradition of segregation and the creed of white supremacy. Other white Southerners were concerned about the impact of desegregation on educational standards and morals.

Meanwhile, the Federal courts proceeded to define the exact scope and meaning of the Supreme Court decisions. In South Carolina, Chief Circuit Judge Parker explained what desegregation meant with brevity and precision. The Supreme Court, he said, "has not decided that the federal courts are to take over or regulate the public schools of the states. *It has not decided that the states must mix persons of different races in the schools or must deprive them of the right of choosing the schools they attend. What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains.* This, under the decision of the Supreme Court, the state may not do directly or indirectly; but if the schools which it maintains are open to children of all races, no violation of the Constitution is involved even though the children of different races voluntarily attend different schools, as they attend different churches. *Nothing in the Constitution or in the decisions of the Supreme Court takes away from the people freedom to choose the schools they attend. The Constitution, in other words, does not require integration. It merely forbids discrimination. It does not forbid such segregation as occurs as the result of voluntary action. It merely forbids the use of governmental power to enforce segregation.*"³

The South was slow to grasp the implications of this statement. Thus, Louisiana introduced new segregation laws after the Supreme Court decision, urging that race separation in the public schools was justified by the "disparity between the two races as to intelligence ratings, school progress, incidence of certain diseases, and percentage of illegitimate births. . . ." The Federal Court replied that any or all of these factors might be proper reasons for excluding individual

Negroes from white schools, but they could not be applied against the entire race.⁴

A year after its original decision, the Supreme Court announced the procedures by which desegregation was to be carried out. The courts would judge whether or not local school authorities were proceeding in "good faith" to carry out the newly stated constitutional principle. They were to recognize that the Negro children had a personal right to be admitted promptly to previously white public schools under non-discriminatory conditions.

Since transformation of a school system was a major task beset with difficulties, educational authorities might be allowed additional time to desegregate provided they convinced the courts they were making "a prompt and reasonable start toward full compliance" and provided they submitted a school desegregation plan.

Delay was permissible where the difficulties were physical and organizational. "But it should go without saying," Chief Warren declared, "that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them." Moreover, the change-over to desegregation must occur "with all deliberate speed."⁵

The chief obstacles to desegregation were not physical; they resulted from community hostility to the principle proclaimed by the Supreme Court. The Court had made it plain that it would not tolerate procrastination for the purpose of nullifying the decision nor would it consider community resistance to mixing of the races a valid reason for delay.

During the next four years, Federal courts took action against communities such as Arlington, Charlottesville, Newport News and Norfolk, which had taken no steps toward compliance and revealed no intention of doing so. The courts disapproved "vague and indefinite" desegregation plans in Adair County, Kentucky. Early court orders in the Border States demanded desegregation within a year; later ones permitted much longer periods of transition. Once the basic principle had been firmly established, the Court was prepared to be flexible concerning the tempo of compliance.

The School Integration Balance Sheet. Despite Federal court decisions the progress of school desegregation slackened between 1956 and 1957 and came to a virtual halt between 1957 and 1958. The nationwide picture as the 1958-59 school year began was briefly this:

Desegregation was complete in Washington, D. C. It was approaching completion in West Virginia. Race mixing had begun in

over 90% of Maryland's school districts and in 86% of Missouri's. In Oklahoma 85% of the school districts had some mixed schools, in Kentucky 67%, in Delaware about 30%. In Texas 123 of 722 school districts containing Negroes had begun desegregation.

In short, a good deal had been done in the Border States. In the Deep South, however, only 15 of 1,534 school districts had begun any desegregation at all. In Arkansas, North Carolina and Tennessee, about 270 Negroes were actually in mixed classes. In the seven remaining states of the Deep South,⁶ race segregation was absolute and total.

In population terms, the balance sheet five years after the desegregation decisions was even less impressive. Seventeen Southern and Border states and the District of Columbia had had racially segregated public school systems prior to 1954. These schools had contained about 2,800,000 colored children. By mid-1957, only some 145,000 of these children were in racially mixed schools, while about 2,650,000 of them remained in virtually all-Negro schools.⁷ Furthermore, of the 145,000 Negro children who were integrated, all but 35,000 were in the five main Border cities: Washington, D. C., Baltimore, Louisville, St. Louis and Kansas City, Mo.

Southern Public Opinion. Many Northern political leaders had expected the South to become reconciled to the inevitable and to compliance with the Court's desegregation order. By 1959 this reconciliation was not visible.

The year before, strongly pro-segregation candidates had won major electoral victories in Alabama, Arkansas, Tennessee and Virginia. The moderates had lost ground through the area and the dominant attitude of Southern state governments was to yield only inch by inch and as compelled to do so.

Between 1942 and April 1956, the National Opinion Research Center conducted systematic polls of Southern and Border state opinion on race issues. One of the more interesting results to emerge was that by 1956 most Southerners believed Negroes to be equal to whites in mental capacity. In 1942 only 50% of white Northerners and 20% of white Southerners had held this opinion. Fourteen years later 80% of the Northerners and 60% of the Southerners assumed mental equality.⁸

This fundamental change in Southern convictions, however, had little influence on Southern attitudes on practical issues. Thus, in 1942, only 2% of the white Southerners favored racially integrated schools; only 4% approved of integrated transportation; only 12%

had no objection to residential proximity. By 1956 the corresponding figures were 14% for schools, 27% for transportation and 38% for residential mixing.

In other words, between 1942 and 1956 about 40% of the white Southerners had changed their minds about racial equality; some 25% had shifted on the issue of mixed buses and neighborhoods; but only 12% had changed to favor desegregated schools. The younger and better educated white Southerners were more tolerant of mixed schools. Yet almost three-fourths of white Southern college graduates opposed them. This survey indicated that the long run trend was toward acceptance of inter-racial contacts. But the trend was glacially slow.

In March 1959, the Gallup Poll queried Northerners and Southerners concerning mixed schools. In the North only 7% of the parents objected to sending their children to schools with some Negroes, but 34% objected if the schools were half Negro and 58% objected if the Negroes were in a majority. In the South 86% expressed opposition to sending their children to schools where more than half the pupils were colored.

The Gallup Poll studied changes in public reaction to the Supreme Court's school desegregation decision between July 1954 and July 1959. Despite a great deal of propaganda over the five-year period, attitudes had remained remarkably constant. In the North the percentage opposing the decision had dropped from 30% to 23%. In the South, the percentage approving it had declined from 24% to 22%. The one really significant public opinion shift was that only 13% of the Southern Negroes opposed the Court's decision in 1958, whereas 36% had been against it two years earlier.

In March 1959, Dr. Ernest Q. Campbell of the Sociology Department of the University of North Carolina delivered an important report on Southern race attitudes prepared for the Committee on Desegregation of the American Orthopsychiatric Association. His most important conclusion was that Southern hostility toward the Negro had hardened since the Supreme Court desegregation decision. "We bid fair to breed a generation more rigid than its elders, independent of whether this new generation has gone to school with Negroes," he declared.

Despite legal gains for Southern Negroes, Dr. Campbell pointed out, "race consciousness seems heightened as never before, and a new generation of youth is acutely sensitized to the nature of assumed race differences. There is the prospect that legal gains for Negroes will have less value than they seem to have."

Southern race attitudes among the youth were found to be much less tolerant than in the late thirties, forties and fifties. "A fierce hate literature and language finds its way into the life-space of most Southern people, and of all its readers and listeners none are more susceptible than youth."⁹ Campbell's conclusions were based on interviews of a sample of 673 Norfolk adults and questionnaires filled out by approximately 2,000 junior and senior high school students. He found that 41% of the white adults believed that God favored segregation and that 59% of the students thought so. A recent study of reactions to desegregation propaganda in South Carolina by Howard H. Quint confirms this picture of monolithic Southern unanimity.¹⁰

The Southern Manifesto. The segregationist South rapidly developed an ideological justification for resistance. Perhaps the most pithy and well-reasoned of the numerous statements made on the subject was the so-called Southern Manifesto, introduced in both Houses on March 12, 1956, by the distinguished Senator Walter George of Georgia, Chairman of the Foreign Relations Committee. Nineteen of the 22 Senators from the former Confederate states (and no Senator from any other state) signed the Manifesto, among them Senator Fulbright of Arkansas and Senator Sparkman of Alabama, Adlai Stevenson's 1952 running mate.

The Manifesto charged the Supreme Court with "substitut(ing) naked power for established law," seeking to destroy the constitutional system of checks and balances, engaging in "a clear abuse of judicial power" and substituting its "personal political and social ideas for the established law of the land."

The charges of misfeasance in the Manifesto covered familiar ground. The Supreme Court had allegedly disregarded and misinterpreted the original intent of the framers of the Fourteenth Amendment. It had arbitrarily reversed its own prior decisions.

The signatory Senators and Congressmen pledged themselves "to use all lawful means to bring about a reversal of this decision . . . and to prevent the use of force in its implementation." What did "lawful means" signify in terms of the fait accompli of the Court's decision? Some 103 lawyers and legal scholars signed a statement, drafted by Professor Paul A. Freund of the Harvard Law School, which stated: "To appeal for 'resistance' to decisions of the Court 'by any lawful means' is to utter a self-contradiction, whose ambiguity can only be calculated to promote disrespect for our fundamental law."

This and other similar pronouncements sought to depict the Southern Senators and Congressmen as agitators for violent resistance to

the laws. However, Southern legislators did make specific proposals, designed to nullify the Supreme Court decision to which they took exception, and these were by no means lawless in character. Thus, James F. Byrnes urged that Congress "deny to the Supreme Court the power to invalidate the provisions of a State Constitution affecting schools. . . ." And, on June 14, 1956, Representative Vinson of Georgia introduced a bill to prevent the Supreme Court from reviewing any of its decisions which had been in effect 50 years or longer. This measure was to be retroactive to January 1, 1954, and hence would have automatically invalidated the school desegregation decisions.

There is no doubt that Congress has power to shrink or expand the power of the Supreme Court in its one vitally important area of operations. Article III, Section 2, Clause 2, of the Constitution states that the appellate jurisdiction of the Supreme Court shall be "with such Exceptions and under such Regulations as Congress shall make" and one of the earliest constitutional decisions of the Court made it clear that these words mean precisely what they say.¹¹

The Supreme Court's protection against having its appellate power shattered in this way is, in the last analysis, public confidence in its integrity.

Defiance and Delay. Meanwhile, the South talked of interposing the "sovereign authority" of the states between their agents and Federal law. By the spring of 1956, five states had passed acts or resolutions which committed the police power of the states to thwarting school desegregation.

These resolutions were, for the most part, reiterations of a constitutional doctrine that dated from the era of Jefferson and had been swept into the dustbins of history by the military decision of the Civil War.¹² Attempts were made to implement them by ill-considered and, in certain instances, outrageous state legislation. Mississippi passed a law in 1956 which would have punished any state or Federal official with up to five years imprisonment for attempting to integrate schools, buses or other facilities, but the state governor had the good sense to veto it. More flagrant was the proposal by Eugene Cook, Attorney General of Georgia, that assistance to Federal authorities in bringing about race integration within the state be punished by death.

For a few years after the Supreme Court's desegregation decision, "massive resistance" was the watchword of the South. Six states refused to yield an inch on the principle of mixing races in the public

schools. The sophisticated leaders of the South realized, however, that outright defiance was no answer to the problem. They concentrated on devices designed to postpone and bog down intervention by the Federal courts. The process of reaching a constitutional decision concerning state legislation is always tortuous and slow. The Southern states added to the natural inertia of the appellate process by a variety of techniques, of which the most important was the pupil placement system.

Eight Southern states passed pupil placement laws between 1954 and mid-1957. These provided for the establishment of boards to assign pupils to schools. These boards were to weigh a large variety of considerations, ranging from availability of transportation to "the psychological effect of the attendance of such pupil at a particular school." Legal machinery was provided by which the pupils might appeal the decisions of these placement boards. The appeals system was always time consuming and generally expensive.

The purpose was to buy time. There is a standing legal doctrine that a man must exhaust his administrative remedies before appealing to a Federal court to reverse the wrongful action of state officials. When the N.A.A.C.P. tried to go directly to the Federal courts in a North Carolina pupil placement case, it was chided for proceeding "as if the pupil enrollment act had never been enacted."

On the other hand, there is also a legal doctrine that the law never compels a petitioner to "do a vain thing." For a Negro to appeal under these placement acts seemed to be a vain thing because their avowed purpose was to prevent desegregation. This purpose had been made clear in the debates in the legislatures at the time of their enactment. The laws were passed by states which required race segregation in their public schools, which maintained it in practice and which sometimes had laws providing for the automatic closing of any public school which was desegregated by court order.

The pupil placement boards almost invariably found reasons why *all* white pupils should be assigned to white schools and *all* colored pupils to Negro schools. Thus, as early as January 1957, a Federal court in Virginia ruled that colored students in Norfolk and Newport News could challenge the constitutionality of the state law without exhausting the remedies it offered.

Pupil placement laws were generally only part of a so-called defense in depth by which the South scheduled a series of moves, each planned in advance, to follow successive integrationist victories in the Federal courts. Virginia, for instance, ruled that, if any school

became racially mixed, it would have to be closed while the Governor tried to reorganize it on a segregated basis. Should he fail, the school might be returned to the district school board to be operated on an integrated plan. If the school should be racially mixed, however, it would get no financial support from the Commonwealth. North Carolina enacted a pupil placement law without the usual blind alley. That is to say, there was no legal requirement that schools be closed or deprived of state support if integrated.

On the eve of the Little Rock crisis, three Southern states (Georgia, North Carolina and Virginia) had passed laws authorizing the closing of public schools and the payment of tuition grants to enable students to attend private schools. Seven states had provided for repeal or suspension of compulsory school attendance laws. Five had passed laws prohibiting the state from financing desegregated schools either absolutely or under certain conditions.¹³

Persecuting the N.A.A.C.P. Meanwhile, Southern states resorted to drastic repressive measures designed to drive the Negro pressure groups out of business or underground. In Alabama the Attorney General demanded that the N.A.A.C.P. produce various records. The Negro organization furnished all data requested, but balked at production of its membership lists on the grounds that this would simply expose its individual members to boycott and other forms of persecution. The Alabama courts found the N.A.A.C.P. to be in contempt and fined it \$100,000. Being in contempt, the organization was prevented under Alabama law from fighting a court order barring it from doing business in the state.

The U.S. Supreme Court upheld the N.A.A.C.P. refusal to surrender membership lists and ordered the Alabama Supreme Court to expunge the contempt finding. The latter delayed for almost a year, then defied the Supreme Court and refused to obey its order.

Georgia demanded N.A.A.C.P. records for tax purposes and held its state officers guilty of contempt when they failed to produce the records the day they were requested. Other Southern states took similar action.¹⁴

Other laws are broader and do not single out the N.A.A.C.P. by name. A 1957 Tennessee statute compels the registration of all persons and organizations "whose activities cause or tend to cause racial conflict or violence" or who promote laws or lawsuits for or against any race. Louisiana laws make advocacy of integration grounds for discharge of public school teachers. Four Southern states — Georgia, Mississippi, South Carolina and Tennessee — enacted laws against

barratry. Barratry is defined (*Webster's New International Dictionary*, 1943 edition) as: "Practice of exciting and encouraging or maintaining lawsuits or quarrels; persistent incitement of litigation." Needless to say, barratry is an almost archaic offense, refurbished by the South to make it impossible for N.A.A.C.P. lawyers to initiate desegregation suits.¹⁵

The legal measures taken by Southern states against the N.A.A.C.P. and kindred organizations are generally designed to outlaw them, bankrupt them with exorbitant fines and force production of their membership lists so that members can be blacklisted, boycotted or otherwise victimized.

Thus the machinery of legal resistance slowly crystallized during the first years following the Supreme Court's decision. Defiant proclamations of nullification and interposition were superseded by a carefully worked out Fabian strategy.

The South was prepared to lose a series of legal battles. In the course of these defeats, Southern political leaders hoped that moods of resistance would be hardened in Dixie, whereas the North would become increasingly impatient with the seemingly perennial Negro problem. Thus, the upshot might be another victory of attrition over law like the retreat from Reconstruction or the inglorious end of Prohibition. Meanwhile, in 1957, the conflict exploded in dramatic form in Little Rock, Arkansas.

THE ROAD TO LITTLE ROCK

"Nothing doth more hurt in a state than that cunning men pass for wise."—FRANCIS BACON, *Essays*, #22.

Why Orval Eugene Faubus, Governor of Arkansas, became an international symbol of Southern diehard intransigence on the race issue isn't entirely clear.

Faubus came from the Ozarks where there are practically no Negroes. "I'm not a segregationist"; he claimed, "never was, don't plan to be." He sent his only son to the desegregated University of Arkansas. He won his first Democratic nomination for Governor in 1954 by capturing an overwhelming majority of the Negro vote. A large part of what little formal education Faubus possessed was acquired in a Communist-dominated training school.

The eldest son in a large hillbilly family, Faubus worked as rural school teacher, migratory strawberry picker and "burn man" for a logging crew. He was 27 and had been married six years before he got his high school diploma. He went into local politics and was classified 3-A in the World War II draft. Faubus "beseeched" the draft board to reclassify him. He served overseas as flank scout and combat officer, returning to Arkansas as a major who had been under fire for over 300 days.¹ From then on, his political rise was rapid and similar to that of several other young men — Richard M. Nixon and Joseph R. McCarthy to name two — who were being elected to high public office largely on the basis of their war records.

Faubus' brush with Communism occurred in 1935 when he enrolled as a student at Commonwealth College in Mena, Arkansas. This institution was a training ground for left-wing organizers. In the year Faubus attended, the Director of Commonwealth, Lucien Koch, shocked an Arkansas legislative investigating committee by asserting that the Soviet Government was superior to the American. Another legislative committee, this time in 1938, found that Commonwealth "received extensive donations from the Communist-supporting Garland Fund" and that its "teachers have included prominent Communists and even a member of the Central Committee, Communist Party, U.S.A." By 1944, the Arkansas Legislature found Commonwealth to be a "Communist enterprise" and, on April 27, 1949, it

was cited as a subversive organization by the Attorney General of the United States.²

The 25-year-old Faubus was not merely a student at Commonwealth. He was chosen president of the student body and delivered the main May Day Address at the college. Commonwealth was apparently the only higher education he was able to get.

Like many others who were attracted toward Communism during the depression, Faubus soon became disillusioned and emerged as a liberal in terms of the spectrum of Southern politics. In 1954 he won the Democratic gubernatorial primary by a narrow 5,000 vote margin, having won "an overwhelming majority" of the 65,000 Negro votes cast. After the Little Rock crisis had erupted, Mrs. C. L. Bates, head of the Arkansas N.A.A.C.P., stated: "It is unfortunate that Negroes put Faubus in office. We hope the Negro won't be so quick to sell his vote in the future."

Beginnings of Strife. In the mountains of northern and western Arkansas there are few Negroes and Southern race attitudes are not dominant. In Fayetteville the state university admitted Negroes six months before the Supreme Court's desegregation decision. The decision to integrate the Fayetteville high school was taken five days after the Supreme Court spoke.

The situation was very different in eastern Arkansas. These are cotton counties. Many of the Negroes are sharecroppers, living in shacks and hovels. In some school districts, colored outnumber white two to one. Here rigid segregation prevails and there is overwhelming opposition to mixed schools. In mid-1955, integration was tried at Hoxie, a town close to the cotton counties. White supremacy groups organized and the community was split by bitter battles.

During these first skirmishes, Governor Faubus remained silent, stating that desegregation was a local matter. Then, on January 28, 1956, Faubus released a public opinion survey showing that 85% of the people of Arkansas opposed racially integrated schools. "I cannot be a party to any attempt to force acceptance of a change to which the people are so overwhelmingly opposed," he said. A month later he recommended that Arkansas pass a pupil placement law modelled on the moderate North Carolina statute.

Little Rock — the Courts. Little Rock, the capital and largest city of the state, was 30% Negro. Here the parents of colored children brought an action in Federal court to force desegregation. The Little Rock school board offered a plan for the gradual integration of pub-

lic schools over a six-year period beginning in September 1957. The court approved the plan as a "prompt and reasonable start."

On August 30 the Little Rock *Southern Mediator Journal* editorialized: "The integration of Negroes in the Twin City High Schools this fall, heretofore segregated, will in all probability be the crucial test of integration, and it will also set the pattern for Arkansas, and possibly the entire South." Segregationist forces began to move into Little Rock in the late summer of 1957 and white citizens organized into militant pro-segregationist groups. Governor Faubus alleged that Superintendent of Schools Virgil T. Blossom told him: "We've got to get something done to stop the school integration, because there's going to be trouble."

A white mother brought action in the State Chancery Court to direct the Little Rock school board not to proceed with integration. At this hearing, Faubus testified that a drawer full of pistols had been taken from both white and Negro students and presented other evidence of preparation for race war. He predicted that "violence, bloodshed and riots" would be the result of carrying out the integration plan.

The next day, U.S. District Judge Ronald N. Davies, a North Dakotan serving temporarily in the state, set aside the Chancery Court order postponing desegregation. Judge Davies heard arguments of counsel, but no testimony, for one hour and five minutes; then distributed a court order overruling the state tribunal. Faubus alleged that the Federal court order "had already been drawn up and ready before the meeting was held."³ After a second hearing lasting four minutes, Judge Davies ordered the Little Rock high school to integrate forthwith.

The National Guard Moves. The school board decided to comply. It announced that Central High School would open on September 3 on a racially desegregated basis.

On September 2 Governor Faubus crossed his Rubicon with an act of defiance. He mobilized units of the Arkansas National Guard and sent them to Little Rock to enforce segregation. The next day, the guardsmen surrounded the school and turned away the nine Negro children who were scheduled to attend. Faubus claimed this action was necessary to avert bloodshed. He alleged that caravans were converging on Little Rock from various parts of the state and that Dr. Blossom had told him that 150 or so segregationist agitators and activists from outside areas had already arrived in the state capital.⁴

Woodrow Wilson Mann, the lame-duck mayor of Little Rock, insisted the local police could have handled the situation and vehemently attacked Faubus' "unwarranted interference . . . to create tension where none existed." The two men were political enemies.

The balanced and dispassionate Walter Lippmann believed that the threat of violence was imaginary and the whole thing a plot, that "Arkansas was picked for an experiment and that Governor Faubus was horn-swoggled into providing a test case for an adventure in nullification." Drew Pearson went much further. He suggested that Faubus himself had had the segregationist mobs stirred up.

During the ensuing year, the deep-seated, unrelenting hostility of the vast majority of the whites to school desegregation became painfully apparent. The Administration was indignant because Faubus had called out the National Guard, not to enforce a court order, but to flout it. The Arkansas Governor replied: "Then we would have had all the trouble with the populace that the local authorities have had when they tried the same thing. And there would have been the expenses of maintaining armed troops on duty indefinitely against my own people. . . ." ⁵

The *Washington Post* reacted to the Governor's conduct with an editorial entitled "Faubus in Rebellion." Senator Wayne Morse of Oregon charged that Faubus "betrays his public trust and uses his office to inflame and excite extremists." The basic issue was the legality or illegality of the Governor's actions. A large part of the Northern press took the forthright view that a State Governor "has no right to frustrate the lawful order of a Federal judge." ⁶

The answer given by Southerners was that the primary constitutional duty of a State Governor is to protect the state against insurrection. Here he has large and perhaps not always clearly defined powers. To quote the mild and non-authoritarian Justice Holmes, speaking for a unanimous Supreme Court: "That means that he [the State Governor] shall make the ordinary use of the soldiers to that end; that he may kill persons who resist and, of course, that he may use the milder measure of seizing the bodies of those whom he considers to stand in the way of restoring peace. Such arrests are not necessarily for punishment, but are by way of precaution to prevent the exercise of hostile power. So long as such arrests are made in good faith and in the honest belief that they are needed in order to head the insurrection off, the Governor is the final judge. . . . When it comes to a decision by the head of a State upon a matter involving its life, the ordinary rights of individuals must yield to what he

deems the necessities of the moment. Public danger warrants the substitution of executive processes for judicial processes." 7

Compromise, then Schism. Within the Administration and the two political parties, there was division. The N.A.A.C.P. favored full and immediate assertion of Federal power to enforce desegregation. It was backed in this position by most national trade unions and the more "liberal" wing of the Democratic Party.

In the Republican Party, Vice-President Nixon seemed to be the intellectual leader of a group which favored a hard line toward the South. In the Cabinet, Attorney General Brownell was equally uncompromising. The influential Arkansas Congressman, Brooks Hays, arranged a face-to-face meeting between Faubus and the President. This occurred at Newport where Eisenhower was vacationing. Faubus told the Chief Executive some things he had not known about the Arkansas situation. He mentioned that there were Negroes on both the Republican and Democratic State Committees in an effort to break down any preconceived picture in President Eisenhower's mind of Arkansas as a citadel of bigotry and reaction.

When Attorney General Brownell entered the room, the President asked him if the Federal court couldn't be requested to stay its integration order to provide for a cooling off period. Brownell replied that he could do nothing. Faubus challenged that statement, but the Attorney General remained inflexible.

At first Eisenhower had seemed swayed by Faubus and ready to agree to have desegregation postponed for a year. When Brownell entered the discussion, the President seemed to fall under his influence. The meeting ended amicably, but inconclusively.

Eisenhower wanted a cooling-off period on the theory that the problem was one of temporary passions. Both Brownell and Faubus saw the problem in terms of basic, durable, deep-rooted antagonisms. On the latter theory, the question was whether the Federal Government should throw in the towel in those Southern states where white sentiment was massively hostile to mixed schools.

Meanwhile, Judge Davies bombarded Faubus and the National Guard with court orders to cease their "defiance." Faubus asked the Judge to disqualify himself because of "personal bias," but the latter refused. On September 20, Governor Faubus announced compliance with the court's directive and withdrawal of the National Guard. He then proceeded to Sea Island, Georgia.

Woodrow Wilson Mann, Little Rock's lame-duck mayor, now had his opportunity to prove that Faubus' fear of violence had been irra-

tional and that the city police were able to cope with the situation. He announced that "a strong police detail" would be on hand to protect Negro students entering the high school under the new desegregated set-up. The full weight of Federal power was behind him, Mann said, adding: "I feel confident that city authorities have the complete support of this community on the issue of mob rule as opposed to law and order."

The next morning the nine Negro students entered Central High School. A mob of about a thousand persons assembled, smashed through heavy cordons of State and city police and forced withdrawal of the colored pupils by a side entrance. A few hours later President Eisenhower characterized the rioting as "disgraceful" and pledged he would "use the full power of the United States, including whatever force may be necessary, to prevent any obstruction of the law and to carry out the orders of the Federal court."

The Army in Little Rock. The next day, Regular Army paratroops were flown into Little Rock and the entire Arkansas National Guard was placed under Federal orders.

The paratroops were fully armed and combat ready. They swiftly broke up the gangs of white teen-age delinquents who had begun to prowl the streets in search of Negroes to beat up, searched them for weapons and took some into custody. When menacing crowds formed, they were kept moving. A few Little Rock citizens who were slow about obeying military orders were jabbed with bayonets or hit on the head with rifle butts. These measures prevented significant mob violence. The nine Negro children were able to go to and from school under paratroop protection.

The Southern reaction was vehement. President Eisenhower had raised the ghost of Reconstruction and the South talked as if it stood with its back to the wall. Dixie was again threatened by Yankee invaders.

Senator Olin Johnston of South Carolina typified extremist reactions of hostility and fear: "If I were Governor and he (Eisenhower) came in, I'd give him a fight such as he's never been in before. I'd proclaim a state of insurrection and I'd call out the National Guard and then we'd find out who's going to run things in my State. . . ." Senator Byrd of Virginia foresaw "far-reaching and terrible consequences" and Senator Talmadge of Georgia compared Eisenhower's paratroops in Little Rock with Krushchev's tanks in Budapest.

One of the few Southern voices which approved the President's action, at least to the extent of calling it "inevitable" and blaming

Governor Faubus, was Harry Ashmore's *Arkansas Gazette*. "And so," it editorialized, "the reckless course the Governor embarked upon three weeks ago has raised old ghosts and tested the very fiber of the Constitution. And, the greatest irony of all, he has by his acts and words dealt a major and perhaps lethal blow to the cause of segregation which he purported to uphold." While this prediction turned out to be inaccurate, it helped Ashmore win a Pulitzer Prize, proving that false prophets are honored when far from home.

Moderates like Adlai E. Stevenson supported the President's action as unavoidable under the circumstances despite the clear prospect that it would reopen old wounds and launch a new era of sectional strife. The radicals played a different tune. Senator Morse of Oregon denounced Faubus as a disloyal agitator. Cartoonist Herblock of the *Washington Post* portrayed him as the blood-stained leader of a lynch mob. Governor Averell Harriman of New York predicted new troubles and blamed them on President Eisenhower's "complacency and policy of appeasement. . . ." Harriman apparently interpreted the President's reluctance to send troops to occupy American cities as evidence of gutlessness. Other radical elements sought to drive the Democratic Party to the advocacy of swift, generalized and ruthless use of military force against the South.

The legality of the President's action was conceded by most qualified observers.⁸ The Debs case seemed a clear precedent. There the issue had been President Cleveland's decision to send troops to Illinois to break the Pullman strike and keep the trains running over the protests of State Governor Peter Altgelt. "The strong arm of the national government," the Supreme Court had then held, "may be put forth to brush away all obstructions to the freedom of interstate commerce or the transportation of the mails."⁹ If Federal troops could be deployed into states to enforce the interstate commerce clause without statutory authority, why not to enforce the Fourteenth Amendment?

Regardless of the constitutionality of the troop movement, Southern bitterness persisted. This was intensified by the memory of the many assurances Eisenhower and Brownell had given that they would not enforce school desegregation with the military. Thus, in testifying before the Senate Judiciary Committee on this matter on February 16, 1957, Brownell had said: "There is not the slightest suggestion on the part of any responsible public official of bringing in matters of the militia into the civil-rights area." Brownell testified that he was "rather disturbed" that he should even be questioned

about such matters and "I frankly think that the only reason it can be brought into the discussion at all is to confuse the issue."

Brownell went even further. As the chief legal adviser to the President, he told the Senate Judiciary Committee he thought the general rule was that troops could not be moved into a state unless the State Governor asked for them. When queried further as to what the President might do in the realm of military enforcement, he answered tartly: "The President is presumed to act in a constitutional way, and I do not think that there is any indication that he is not going to."

Probably as a result of coaching by Brownell, President Eisenhower also made strong pledges against troop use in the civil rights field. On September 11, 1956, he told newsmen: "In a place of general disorder the Federal Government is not allowed to go into any State unless called upon by the Governor. . . . That is the thing that keeps the Federal Government from just going around where he (sic) pleases to carry out police duties."

The International Reaction. What had happened at Little Rock? The worst violence occurred on September 23rd, the day before Federal troops were sent in. On that day, the nine Negroes were hurried into the formerly white high school by a side entrance. A menacing mob of about a thousand whites formed. Members of this mob manhandled and kicked Negro reporters. Fights broke out and at least one Negro youth was knocked down. Inside the school, the colored students were exposed to taunts and jeers, but there was no fighting among the pupils.

Little Rock was the most sensational of the mob struggles over integration. It resembled previous episodes of the same sort in that colored students in hostile communities were harassed, insulted and tormented when they entered previously all-white schools. In Little Rock, the small band of Negro students in the white high school was shoved, spat upon and insulted. School Superintendent Virgil T. Blossom was harassed by anonymous death threats, called a "traitor," a "nigger-loving son of a bitch" and "a card-carrying Communist." Bomb threats were made against the school and bombs and dynamite were found in the building.¹⁰

Disgraceful as these episodes were, nobody had been seriously hurt in Little Rock. In fact, over a period of five years, the attempt to impose a detested social revolution on the South had caused at most half a dozen fatalities. Considering the Southerner's traditional readiness to resort to force and his past record of race intimidation and

lynching of Negroes, Southern resistance to integration had been comparatively law-abiding.¹¹

Moreover, all responsible Southern segregationist leaders had urged that resistance be confined to legal means. The most notorious of the inciters to violence, John Kasper, was a Northerner. His inspiration came largely from Ezra Pound, the Wyoming-born poet who escaped being tried and perhaps electrocuted for wartime treason because a jury chose to believe him insane. While Kasper recruited a following of sorts from the rabble in the Southern areas of race conflict, a Tennessee jury found him guilty and he was sent to prison.

Neither in Little Rock nor elsewhere had there been school violence comparable to the yokings, mutilations and murders which occurred in 1957-58 in the New York City public school system. Yet dramatic press coverage, capitalizing on latent hostility to the United States, managed to present Little Rock to the world as a ghastly atrocity.

A woman wrote a Washington newspaper that she was ashamed of the white race and wished she could resign from it. The morally sensitive leaders of the Soviet Union, fresh from their Hungarian blood bath, saw to it that pictures of scowling Arkansas teen-agers with spitballs were widely enough disseminated so that the world would realize that Americans are barbarians. A year after the event, a play about Little Rock was filling capacity audiences in Soviet East Germany. The dramatist had added the detail of a Negro student swinging from an improvised gallows.

The so-called uncommitted millions of Asia and Africa were deluged with pictures of Clinton and Little Rock. They were suitably impressed. Indignation ran high in India and Pakistan. One tended to forget that a mere ten years before these two nations had been born in the midst of ghoulissh communal riots in the course of which millions of their own people were castrated, hacked to death or burned alive because of prevailing religious and dietary differences. Evidently, a remarkable advance in moral sensitivity had occurred in India and Pakistan during the decade. Either that or it was the familiar story of the "mote that is in thy brother's eye . . . and . . . the beam that is in thine own eye."¹²

The Aftermath. On November 27th President Eisenhower removed the paratroops from Little Rock, replacing them with federalized National Guardsmen who continued to protect the Negro pupils throughout the 1957-58 school year. On February 20, 1958, the Little

Rock school authorities filed a petition in the Federal courts for a 2½-year moratorium on desegregation.

The district court handed down its decision on June 20, 1958. It found that the academic year just passed had been characterized at Central High School by "chaos, bedlam and turmoil," by "repeated instances of more or less serious violence directed against the Negro students and their property," that the education of students had suffered and under desegregation would continue to suffer, that there was "tension and unrest among the school administrators, the classroom teachers, the pupils, and the latter's parents, which inevitably had an adverse effect upon the educational program" and, finally, that, in view of the pervasiveness of community hostility to the presence of Negroes in the high school, the local police department would not be able to protect them and continued "military assistance or its equivalent" would be necessary.¹⁸ The court found that these conditions justified abandoning desegregation attempts for an indefinite period to come.

When the case reached the Supreme Court on appeal, the latter conceded that the facts were as stated by the district court. It attributed the breakdown of desegregation in Little Rock, as had the school board and the superintendent of schools, to the misconduct of Faubus and other Arkansas officials. Specifically: "The legislative, executive and judicial departments of the State government opposed the desegregation of Little Rock schools by enacting laws, calling out troops, making statements villifying federal law and federal courts, and failing to utilize State law-enforcement agencies and judicial processes to maintain public peace." The Supreme Court issued a ringing statement that constitutional "rights are not to be yielded to violence and disorder" and joined the Circuit Court of Appeals in overruling the District Court.

Mr. Justice Frankfurter issued a concurring opinion of his own in which he denounced "the illegal, forcible interference by the State of Arkansas with the continuance of what the Constitution demands. . . ." This eloquent opinion emphasized the deep emotional commitment of the Massachusetts Associate Justice to desegregation and other Negro causes. On September 29, 1958, the New Bedford, Mass., *Standard-Times*, disclosed that Mr. Justice Frankfurter had been an unpaid top legal adviser to the N.A.A.C.P. during the ten years immediately prior to his appointment to the Supreme Court. Upon appointment, he immediately resigned from the N.A.A.C.P. and from other organizations. Within months after his appointment, however,

he wrote a Supreme Court decision, which reversed the U.S. Circuit Court of Appeals and was hailed by the N.A.A.C.P. as a great "victory." Despite his long and intimate associations with the Negro organization, Frankfurter did not consider it necessary to disqualify himself from cases in which the N.A.A.C.P. appeared as plaintiff.

The hearings cast an interesting sidelight on the condition of the Executive Branch of the United States Government. President Eisenhower had made it quite clear that he wanted a moratorium on desegregation at Little Rock. Nevertheless his Solicitor General submitted an *amicus curiae* brief to the Supreme Court upholding the opposite position. The President did not discharge this subordinate. Under persistent press questioning, it later appeared that he had been told by eager underlings that he had no right to decide whether his Solicitor General should appear before the Supreme Court or what he should say there!

Arkansas closed the high schools in Little Rock.¹⁴ Throughout the South, anger spread and prospects for compromise dimmed. Several Southern states passed "Little Rock" laws, providing for the automatic closing of public schools when Federal troops appeared on the scene. Faubus was re-elected overwhelmingly on a segregationist platform. By 1959-60, however, the pendulum seemed to be swinging somewhat in the opposite direction and Little Rock attempted a mixed school system in which some institutions would be racially separate and other desegregated.

After Little Rock, the South worked out new tactics of apparent accommodation coupled with actual recalcitrance. After five years of practically no progress in mixing the schools of the Deep South, the Eisenhower Administration and the moderates of both parties realized the futility of using military force to change the mind and mores of the South. Both sides searched for face-saving formulas and compromises that might calm the storms of race and sectional hate.

THE NEGRO AND THE NEW SOUTH

"Conservative, n. A statesman who is enamored of existing evils, as distinguished from Liberal, who wishes to replace them with others."—AMBROSE BIERCE, *The Devil's Dictionary*, 1881.

Five years after the Supreme Court decision the theory that the South could be dragged, cajoled and coerced into school desegregation seemed dubious in the extreme. The deep-seated nature of Southern opposition to mixed schools was finally becoming apparent to the North. After Little Rock, it seemed clear that the use of the naked power of the Federal Government to enforce desegregation, whether in the form of military occupation or wholesale contempt proceedings in Federal courts, would merely make the white South more sullen, more rebellious, more obstinate and less willing to compromise.

The fact that the Negro was leaving the South en masse meant that his political and economic power in the area would be on the wane. This was particularly the case where the exodus of the Negro was associated with, and caused by, a revolution in agricultural techniques which made human muscle power comparatively superfluous. The race crisis in the South was occurring during a period of unprecedented influx of Northern capital, manufacturing industry and skilled white labor. Quarrels over segregation had little effect on these basic economic trends. The South prospered during the 1958 recession. Throughout the late 1950's, Southern economic growth was much more rapid than that of the nation as a whole.

In this configuration, the Southern Negro had little power to influence the policies of the region and the white South felt itself strong enough virtually to ignore the majority sentiment of the nation's churches, trade unions, professional societies and political parties which condemned race segregation as an anachronism and a moral evil.

Southern Economic Trends. While the Negro population has been increasing much more rapidly than the national average, the colored population of the South is declining relatively. In 1900, 90% of American Negroes lived in the South; in 1920, 85%; in 1950, 68%, and in 1957, only an estimated 60%. Between 1950 and 1957, almost 1¼ million Negroes moved North from Southern states. During the

1940-50 decade, total Negro population increased by more than 2 million, yet seven Southern states reported declines in their colored population.

The exodus of Negroes from Dixie has been occurring during an era of rapid advance in the population, living standards, plant investment and business activity of the South. Between 1940 and 1958, population in 12 Southern states rose from 30 to 38 million; personal income from \$10 billion to \$53 billion; value added by manufacturing industry from \$3 billion to \$18 billion. Bank assets more than tripled and capital spending for plant and equipment jumped seven-fold. Economic growth in 12 Southern states was estimated at 24% above the national average.¹

Northern "liberals" warned the South that an intransigent stand on segregation would kill the golden industrial goose. New industry would not move into areas which imposed the extra cost of segregated facilities. Northern enterprise would be scared away from the South by the prospect of racial strife.

These predictions were badly jolted by reality. During the recession year of 1958, new plant and equipment investment by manufacturing industry fell 26% nationally, but increased in many Southern states. In the 11 Southern states for which data are available, 1,255 new plants were established in recession 1958 as against only 1,158 in 1957. Manufacturing employment increased in Arkansas and embattled Little Rock felt no recession.

With Southern economic expansion merely in its infancy, the position of the dominant segregationist majority is very strong. The South today is neither an orphan nor a poor house. The prospect that continued segregation and subordination will drive a large part of the Negro population north of the Mason and Dixon line scares nobody. In the South, as in the North, the Negroes, as a group, are an economic liability.

The Civil Rights Battle. Within this economic context, the basic strategy of the Northern advocates of integration was to use the Negro vote as a lever for the transformation of the South. After hearings which contained abundant testimony concerning the disfranchisement of Southern Negroes by subterfuge, bureaucratic inertia, fraud and force, the Civil Rights Act of 1957 was passed by large majorities in both Houses.

The law was designed to protect the Negro voter in Federal elections. It established a Commission on Civil Rights with subpoena power. The Justice Department was empowered to seek injunctions

or initiate civil suits in Federal courts against persons seeking to deprive Americans of their voting rights by reason of race.

A major battle took place in Congress on the issue of trial by jury. A powerful bloc of Northern "liberals," led by Senator Paul Douglas of Illinois, wanted trial by jury virtually abolished in all civil rights cases on the grounds that Southern juries could not be trusted to convict election officials who disfranchised Negroes. Douglas and his colleagues proposed substituting the power of Federal judges to punish for contempt. This ominous attempt to abridge a fundamental freedom, protected by the Bill of Rights, in the interests of aggrandizing the Negro vote was reminiscent of the anti-democratic measures of the leaders of Radical Reconstruction.²

Following a suggestion made by Telford Taylor in the magazine section of the *New York Times*, this issue was finally compromised.³ The courts were empowered to punish malefactors by contempt proceedings, but only to the extent of small fines and light jail sentences. The Civil Rights Act became law on September 9, 1957. It was not until April 1958 that President Eisenhower appointed a staff director. Hiring of personnel was equally leisurely.

Two years after the passage of the law, the Commission had received about 250 sworn complaints concerning denial of voting rights. Only one of these had been investigated as of July 1959 — the wholesale disfranchisement of Negroes in six south-central Alabama counties. The Alabama hearings revealed that Negroes had to stand in line for days before being admitted to the registration room; that they were required to copy the Constitution; that the election boards changed their offices daily to block Negro registration, and that entire boards resigned rather than enroll colored voters. Alabama law required prospective voters to be vouched for by actual voters. In localities such as Bullock County, where only four of 11,000 Negroes were registered, the rule that no voter could vouch for more than three applicants in any four-year period effectively maintained racial disfranchisement.

In most of the counties investigated, Negroes outnumbered whites by substantial majorities and in Macon County the ratio was six to one. The whites voiced the fear that democracy in these counties would mean rule by ignorance. Alabama officials, led by the 37-year-old segregationist Governor-elect, John Patterson, refused to surrender registration records to the Civil Rights Commission and denied that the Commission had power to probe the way the state handled voting matters. On December 9, 1958, the Commission

abruptly ended its Alabama hearings and went to the Federal courts to compel state officials to make their records available.

The election boards countered by resigning. When the Justice Department tried to force these former officials to register some 20 Negroes in Macon County, Federal Judge Frank M. Johnson, Jr., one of the most respected judges in the South, rejected the Government's claim on the grounds that men who had resigned could not be compelled to perform official duties as if they still held office.

After this decision, Senator Olin D. Johnston of South Carolina told a Congressional subcommittee that four of the six members of the Civil Rights Commission, including its chairman, wanted to resign because of general "frustration." A fifth member was considering resignation. The sixth, George M. Johnson, a Negro and former dean of Howard University Law School, apparently had no such intention.

Race discrimination against would-be Negro voters was unquestionably rife in some parts of the Deep South. In one instance, college graduates were rejected because of faulty pronunciation. Colored applicants were turned down for answering "Negro" instead of "black" when asked their color. Some registrars asked frivolous questions such as the number of bubbles in a bar of soap.

These widely publicized devices were not characteristic of the South as a whole. A survey by the *Wall Street Journal* concluded that the inactivity of the Civil Rights Commission was partly due to the fact that most of the 250 voting complaints would not stand up under judicial scrutiny. According to Senator Sparkman of Alabama, generally classified as a Southern liberal: "Evidently the Commission did not find enough voting violations to keep busy on the problem it was allegedly created to solve."

The Southern Regional Council, a biracial organization interested in improving Negro-white relations in the South, found in November 1958 that the main barrier to Negro voting was not intimidation, but apathy. Harold C. Fleming, director of the Council, stated: "Leaders of both races long have contended that if all bars to Negro voting were removed tomorrow there still would not be a great rush to the polls." Fleming attributed this political apathy of the Negro to his economic and educational level and to the limitations of his leadership. He doubted that either the Civil Rights Commission or Federal legislation would stimulate the Negro vote.

The Negro Vote — the Facts. Before 1944 there were about 200,000 registered Negro voters in the 11 states comprising the real South.⁴

By 1947, the figure rose to an estimated 595,000. During the 1952 presidential elections, 1,008,000 Southern Negroes were eligible to vote and in 1956 the total was 1,238,000. During the 1958 Congressional elections, an estimated 1,266,000 Southern Negroes were registered. Thus there has been a big increase in the Negro vote together with an indication that growth may have ceased and that the situation may be temporarily stabilized.

Between World War II and the present, the Negro's right to vote has been accepted in most of the large cities of the South, in regions of rapid industrialization and in such states as North Carolina, Tennessee and Texas. The Negroes recently wielded the balance of power in Atlanta elections and named members of their race to city councils in such cities as Richmond, Durham and Nashville.

The most bitter resistance to the Negro franchise arises in the so-called Black Belt counties where the Negroes form substantial majorities. Southerners claim that this element is one of the most ignorant, apathetic and politically unfit groups in the American population. The fact that 91% of colored inductees from the Deep South during the Korean conflict fell into the inferior and very inferior mental groups in Army aptitude tests seems to lend support to this assertion.

In 1956 and 1958 about 25% of the Southern Negroes in the voting age groups were registered. This compares with a 60% turn-out nationally in the 1956 presidential elections and a 39% turn-out in the South as a whole. Another way of putting the matter is to say that the Negro vote was about 14% of the total in 11 Southern states in 1956 whereas Negroes comprised about 22% of the population of those states.

In 1958 the N.A.A.C.P. launched a major effort to stimulate registration of Negroes throughout the South. In Mississippi alone, over 100 voters' clinics were set up by the Negro organization. Despite this energetic campaign, the Negro registration total in the South scarcely increased at all between 1956 and 1958. This experience suggests that high pressure methods will not bring about any basic change in the situation. The Negro vote will grow in importance, both quantitatively and as an element in Southern power politics, only to the extent that the Southern Negro advances in economic status, education, intelligence and civic responsibility.

Ever since the era of Franklin D. Roosevelt, the Negro vote has been preponderantly Democratic. The one partial exception to this generalization was the 1956 presidential campaign. At that time,

the Negro vote in key Southern cities veered strongly to Eisenhower, but no corresponding change occurred in the North.

A Gallup Poll taken in mid-1958 showed that Negroes supported the Democratic Party more than two-to-one. The strong civil rights stand of the Eisenhower Administration had caused a shift of merely 4% in the party allegiance of Northern Negroes and of 9% in that of Southern Negroes.

The Negro support of the Democratic Party nationally is a logical corollary of his economic and social position as underdog. Outside the South, the Republican Party has little appeal to a racial group which consists overwhelmingly of manual workers.

Southern Power Politics. In 1948 Southern segregationists tried to assert their political power by forming a third party. The Dixiecrats failed to beat Harry S. Truman or to throw the election into the House. They gained only paltry support (1,169,000 popular and 39 electoral votes) and demonstrated, not their strength, but their weakness.

Bolting the Democratic Party means loss of committee positions and seniority in Congress. In short, it undermines Southern political power in the one branch of Government where it must still be reckoned with.

An alternate approach is to revise state election laws to permit the electors to cast their ballots in the Electoral College without reference to the popular vote. As early as April 1958, Georgia passed special legislation permitting her electors to vote as free agents. By May 1959 five Southern states with a total of 57 electoral votes were committed to this plan and vigorous efforts were being made to persuade the other six southern states (71 electoral votes) to pass similar legislation. With 266 electoral votes needed to choose a President,⁵ the Southern bloc might wield the balance of power in a close election.

This, at least, is the expectation. Actually, most recent presidential elections have been landslides as far as the Electoral College is concerned even where the popular tally has been close. This phenomenon is comparatively recent in American politics and reflects the impact of centralized mass communications media and other nationalizing factors in minimizing the political importance of regional demands and attitudes. Thus, Franklin D. Roosevelt beat his Republican opponents by successive electoral majorities of 413, 515, 367 and 333 votes out of a total of 531. Dwight D. Eisenhower defeated Stevenson first by 353, then by 383, votes. Even Harry S.

Truman, in his freak victory of 1948, won by an electoral majority of 75.

Nevertheless, the South hopes that its unpledged electoral vote may dissuade at least one of the major parties from nominating a candidate strongly committed to integration. In case of a close contest, throwing the unpledged Southern vote to the more acceptable candidate might either insure his election or put the decision in the hands of the House of Representatives.

These plans and maneuvers are a reflection of the disintegration of the power structure of the Democratic Party. The traditional alliance of the Southern regional minority, the Catholic religious minority, the immigrant ethnic and national minorities and the organized working class is falling apart.

Southern Unions and Desegregation. The trade union movement has been one of the main battlegrounds of desegregation. Nationally, union membership among Negroes tripled between 1940 and 1959 to exceed two million in the latter year. The national organizations of most trade unions committed themselves to desegregation and some of the mass industrial unions with a large Northern Negro membership promptly took a militant position on the issue.

Yet Southern trade unionists have been among the main groups resisting any lowering of segregation barriers. The mobs which fought integration in Clinton, Tennessee, were described as consisting primarily of union workers. When Sturgis Consolidated School in the mining districts of Kentucky was integrated, the white workers withdrew their children, raised \$7,000 to start a segregated school and paid out approximately \$2,000 a month to keep it going. The Imperial Wizard of the Ku Klux Klan in 1958 was Eldon L. Edwards, a shambling, inarticulate paint sprayer in an Atlanta auto shop and a member in good standing of Walter Reuther's Auto Workers' Union.

In 1956 the Textile Workers Union was beaten in one North Carolina election and hurriedly called off another although in both cases it had a majority of the workers signed up. The reason for the defeat was resentment by Southern labor of the pro-integration stand of the union. Employers successfully fought the International Union of Electrical Workers by showing a photograph of union president Carey dancing with a Negro woman. (Carey's retort was that the dance occurred in Switzerland and that the lady was a Nigerian.) Massive defections from the United Auto Workers followed apparently false charges that the organization contributed to the N.A.A.C.P.

At least two maverick union groups, for white workers only, have

sprung up in the South since the Supreme Court's desegregation decision. They seem fly-by-night outfits with little chance of survival. The more fundamental measure of Southern labor resistance to the desegregation policies of the trade unions is the fact that ambitious A.F.L.-C.I.O. organizing drives — and particularly the C.I.O.'s much publicized "Operation Dixie" — yielded paltry results. About half of the nation's 26 million non-union workers are in the South.

Yet there are forces working in favor of the growth of Southern unionization on a desegregated basis. Many of the Northern corporations which set up branch plants in the South favor collective bargaining and are used to union shops. W. Cooper Green, Vice-President of Alabama Power Company, estimated in 1956 that seven out of every ten new plants located in Alabama in the last 15 years were unionized.

Upgrading Negro Labor. Another factor changing the economic position of the Negro workers is the non-discrimination requirement in all government contracts. Despite this proviso, many large plants in the South cannot or will not hire Negroes. In most cases, the objection comes, not from management, but from the white workers. A survey of hiring practices by the American Friends Service Committee in Greensboro, North Carolina, a fairly tolerant community, revealed that only 53 of 402 firms stated that they hired solely on a merit basis without consideration of race or religion.⁶

De facto segregation of Negro workers is often imposed by their ignorance, lack of skill or low intelligence, characteristics which confine them to unskilled, dead-end jobs. The N.A.A.C.P. and the National Urban League have made vigorous efforts to get Southern plants to employ Negroes in the better jobs. One Georgia plant had these two organizations send it colored applicants for clerical work. Of 35 candidates not one qualified.

An officer of the Martin Company missile plant at Orlando, Florida, stated in 1959: "We have no Negro with an engineering degree on the payroll. If a Negro candidate met the job requirements, he'd be hired like anybody else." The Martin organization sent a representative to Howard University, the only Negro institution in the United States with an accredited engineering school, interviewed five graduates and found that none of them measured up to its standards.⁷ Of the 26,000 graduates from accredited engineering schools in 1959, only 156 were Negroes. Either because of custom or because the course of study is much less intellectually exacting, Southern Negro colleges concentrate on training teachers. For the past ten years,

about 70% of the graduates of these institutions have either got teaching jobs or tried to get them.

In infra-engineering jobs, the situation is similar. The Douglas Aircraft plant at Charlottesville, North Carolina, regularly has Negro applicants for such positions as electronics technician, tool maker or tool machine operator, but the company feels that their experience is limited and their training "sub-par."⁸

On the other hand, the non-discrimination requirement sometimes results in upgrading Negro workers in the South. Western Electric in its Winston-Salem plant posts a large notice where all new workers are bound to see it stating that the company pursues a racially non-discriminatory hiring policy. At Marietta, Georgia, about 1,000 Negroes work with 12,500 whites at the Lockheed Aircraft plant. To the extent that white workers find themselves placed in non-segregated job situations, they are more likely to accept biracial union meetings. Most union locals in the South are desegregated and many have at least one Negro officer.

Mixed Schools—Second Round. The public schools remained the vortex of conflict, the great exacerbating issue which kept the white South sullen and rebellious in mood.

In the winter of 1958-59, a series of Federal court decisions not unexpectedly struck down "pupil placement" systems in Virginia and elsewhere as devices to circumvent desegregation and violate the Fourteenth Amendment. This marked the end of "massive resistance." On November 6, 1958, Leroy Collins, the constructive and able Governor of Florida, told a chamber of commerce meeting in West Palm Beach that it was "tragic" that "at the very time Florida is making its greatest strides in improving its public school system, there are those who are willing to abolish that system." Collins predicted that, if the state faced the issue realistically, "there is no reason on earth for anyone to assume the result will be widespread desegregation."

A few months later, Governor Faubus proposed a compromise plan. The old objective had been to maintain total and compulsory segregation of the races. The new aim, announced by Faubus, was to create a dual system of segregated and desegregated schools, preserving the right of individual pupils to get their education on a racially separate basis if they so desired. Specifically, Faubus proposed to the Arkansas Legislature on January 13, 1959 that the state pay tuition funds directly to individual parents and that the latter

be permitted to spend this money for schooling in any institution, public or private, which met state-imposed standards.

Previous plans, involving sale or lease of public schools to dummy private corporations, had been considered fictitious transactions by Federal courts. As long as the state retained control over the schools, they remained instrumentalities of "state action" and as such subject to the desegregation rule.

The tuition subsidy plan, however, was radically different in its legal implications. It seemed analagous to the G.I. Bill of Rights tuition grants for veterans' education. The consensus of opinion was that the device was a constitutionally valid means of escaping the reach of the desegregation decision.

The most carefully worked-out of the tuition-grant plans was that presented to the Virginia General Assembly by the Perrow Commission on April 1, 1959. The Commission began by frankly recognizing that the Supreme Court's desegregation decision was backed by overwhelming Federal force and hence that massive resistance was obsolete.⁹ Hence, the choice was between completely desegregated public schools, abolition of the public school system and a mixed system based on free choice.

The key element in the Virginia plan was a tuition grant to be made available for any student eligible for public school education who preferred private schooling. This grant would equal \$250 a year, the actual cost of education in the private school chosen or the cost of the public school education in the school district of the pupil—whichever was lowest. These grants would be financed jointly by state and county. They could be spent solely for tuition in non-sectarian private schools. Under the plan, communities were not compelled to appropriate money for public schools, but the state would always contribute enough to maintain a skeleton public school system in each county.

The Perrow Plan set up an accelerated and efficient pupil placement system under which dissatisfied parents could petition the local school board to assign their children elsewhere. The Commission also recommended that the pupil placement machinery be set in motion whenever five parents recommended that a pupil be transferred to another school.

Finally, school boards could be compelled, through petition and referendum, to sell surplus school buildings.

The Perrow Plan was carefully designed to comply with the Supreme Court decision, retain some free public education in Virginia

and, at the same time, confine race mixing in the schools to a minimum. The first barrier to integration is that school boards will normally assign colored children to colored schools. The N.A.A.C.P. can take these cases to court, but how frequently can it do so? If the Federal judiciary in the South decides to review each pupil placement decision on its merits and in accordance with due process, it will have little time for anything else.

If the courts order school boards to assign Negro children to white schools, the white students may withdraw en masse and take tuition grants instead. Thereupon, the school buildings affected may be declared in surplus and sold to private institutions. Alternately, counties may refuse to contribute funds to any school that becomes racially mixed.

The practical result is that segregation will be retained in those counties where it is supported by a fanatically determined white majority. Other areas will probably compromise with token integration as a means of salvaging the public school system. In communities such as Alexandria and Arlington, consisting largely of Federal Government workers, there may be public acquiescence in mixed schools. Another possibility is that pro-integration Negroes in Arlington and Alexandria may take their tuition grants and send their children to mixed schools in the District of Columbia.

South in Transition. The Perrow Plan was approved by the Virginia legislature after a hard fight with the all-out segregationists who preferred total abolition of the public school system to compromise. The decision represented a significant political victory by the more moderate Almond group over the Byrd machine which had traditionally dominated state politics.

"Liberal" groups, which would have excoriated the Perrow Plan if it had been proposed at the time of the Little Rock crisis, either endorsed it or gave it grudging approval as the first crack in the wall of segregationist defiance. This changed attitude was the result of re-appraising Southern hostility to mixed schools and a dawning recognition that the path to desegregation in the Deep South would be long and arduous.

The *Washington Post* published an editorial which praised Governor Almond and the Virginia General Assembly for their "realism." The editorial continued: "Virginia has faced the inexorable choice of some desegregation or no public schools at all, and it has evolved a program which will permit communities to adjust at their own

pace. Perhaps the most momentous accomplishment is a change in attitude." ¹⁰

Leading Southern liberals also began to counsel moderation. The Pulitzer Prize winning *Arkansas Gazette*, edited by Harry Ashmore, changed its tune between 1957 and 1958. After a year of attempted desegregation at Little Rock Central High School, the *Gazette* supported the demand for a 2½ year moratorium as necessary to correct "intolerable" conditions in the school and to avoid another nationwide scandal in Little Rock. Moreover, as Pettigrew and Campbell have shown in their recent study, *Christians in Racial Crisis*, the Little Rock ministers urged tolerance during the desegregation crisis, but failed to take the radical stand of the national organization of their churches.¹¹

Hodding Carter, the leading liberal newspaper editor of Mississippi, announced that it seemed "far more important to concentrate on the quality of the schools and the teaching than to make the composition of the student bodies the prime concern." Negro-white relations would best be served by shelving the drive for desegregated schools. "It is wishful thinking to believe there will be any significant change in the public school integration picture," Carter added.

Virginia's solution to the desegregation problem had implications considerably broader than the race issue. At least three Southern states were moving toward a plural educational system, in which education would be free, universal and compulsory, but no longer the monopoly of state and local governments, no longer more or less uniform, no longer necessarily characterized by mediocrity, de-emphasis on individual effort and on intellectual discipline, stress on optionals and "social adjustment" at the expense of the basic disciplines of learning and thinking.

There was no reason to assume that the average private school in Virginia, Arkansas or Florida would be better than the average public school in any or all of these respects. But at least parents who found the public schools educationally inadequate could take their tuition grants and shop around for something better. A new freedom seemed to be knocking at the door of the American public school system — freedom of educational choice. For those who prefer competition to bureaucratic uniformity, diversity to sameness and freedom of choice to subjection to an administrative system, the change seemed salutary and fraught with promise for the future of American education.

In 1958-59 the South gained its first experience with private schools

designed to take the place of the public school system. Federal courts directed that Negro pupils be admitted to white public schools in Little Rock, Arkansas, and in Charlottesville, Norfolk and Front Royal, Virginia. Consequently, these schools were closed and private institutions, organized on a segregated basis, were hastily improvised. In Front Royal, the public school was reopened for the benefit of 21 Negro pupils. Not a single one of the 800 white students who had attended the school was willing to return to it.

The experience with the segregated private schools organized in these four localities has been instructive. Cost per pupil per year has been held down to between \$150 in Front Royal and \$270 in Little Rock. This compares with private high school charges in the Washington, D. C., area ranging between about \$600 and \$1,000 a year, not including transportation.

All of the South's anti-integration private schools have been accredited by their state departments of education. They offer about as many college preparatory courses as the public schools they replaced. Their teaching is up to the public school standard, but they are weak in laboratory equipment, manual training facilities and the de luxe buildings and accessories typical of the best modern public schools.

The strength of segregationist sentiment was revealed by the fact that the Arkansas and Virginia schools were established before these states passed tuition grant laws. In other words, parents were willing to pay part or all the cost of private schooling for their children while continuing to pay school taxes. In Little Rock, \$300,000 was donated to organize and expand the Raney private high school.¹² Whether these private institutions can continue to be supported by voluntary contributions once the atmosphere of crisis subsides is, however, a very different question.

The "liberal" expectation is that tuition grant plans will provide an entering wedge for the eventual transition to the desegregation of entire community school systems. Mixed schools will thus be introduced county by county, beginning with cities like Miami where a large part of the population comes from the North.

This is a real possibility. It is also possible that there will be a movement in the opposite direction and that some of the Border states will change over from desegregation to mixed school systems with tuition grants. Plans of this sort are likely to find favor wherever there is a white majority which believes that it is being taxed to support a school system that is not good enough for its children.

OUR DARKENING CITIES

"And Abraham went early in the morning to the place where he had stood before the Lord; and he looked toward Sodom and Gomorrah and toward all the land of the valley, and beheld, and lo, the smoke of the land went up like the smoke of a furnace."—
Genesis, 19: 27-8 (RSV).

The piling up of Negro masses in the core areas of the great Northern cities involves slum creation on a stupendous scale and poses urban renewal problems of indefinite and expanding dimensions. There is reason to believe that the new slums are not merely "staging areas," or jump-off points toward the challenges and opportunities of American life, but rather cancers which must in the nature of things metastasize. The new slums, in short, assume the guise, not of a social evil of the metropolis, but of a threat to the very existence of the metropolis as a focus for culture, communication and command.

The attractive forces of the darkening cities of the North to the Negro include good transportation, integrated schools, fewer residential barriers, public housing, more lavish relief, equal access to all public places and the presence of powerful pressure groups organized to further special Negro interests.

The city dweller occupies a vast plant, the result of generations of capital accumulation and investment. The public portion of that investment is normally maintained by taxes, the private portion by the services sold to customers. As the core areas of the great cities turn to slums, the public portion of the urban plant deteriorates because the invading elements do not pay their way in taxes. Nor can the newcomers support the luxurious hotels, department stores, theatres, shops, office buildings. The result is plant deterioration. In fact, the transformation of business and residential areas to slums is in essence a process of capital consumption. While it is disastrous to the city, it is a disguised subsidy to the slum dweller, who is able to use up and destroy, at practically no maintenance cost to himself, the capital facilities created by and for others.

Seen in this light, the expansion of lower class Negro population in the Northern cities is a form of economic parasitism. Being economically advantageous to the migrants, it is not likely to abate.

As it progresses, we are witnessing an interesting new phenomenon

—the rise of the Negro to political power in the urban North. Increasingly, the integration drive is being sparkplugged, not primarily by social reformers and philanthropists of equality, but by the colored pressure organizations themselves. The latter have a clearer understanding of the true processes at work, of the advantages to be gained for their constituents, of the tactics and goals of the power struggle.

The obverse of this process is the flight of the white majority from the cities. It is a sad departure, for the modern American city is a pre-eminent product of the creative intelligence of the group which is at present leaving it.

Today we have the ironic spectacle of the masters and creators of the cities living like Rome's barbarians beyond its walls. As its population is down-graded economically and as its tax revenues decline, the city faces decay.

The metropolis becomes something that it was never intended to be: an area of congestion and congregation for masses whose labor is unskilled and non-mental, who are so marginal to a civilization rich in inanimate power that public relief and the consumption of an urban capital plant built by others are among their only efficacious expedients of survival.

As a productive center, the pre-eminent quality of the city is the magnificent facilities it offers for communication. To this extent, the city is an unrivalled working milieu for the minority whose productive effort depends upon the communications process. In other words, it is the headquarters of a managerial and planning elite. Areas surrounding the communications core have generally been dedicated to housing and catering to the working force of the core area. Moreover, the rational proliferation of the city involves such related components as cultural concentration (theatres, art galleries, concert halls, universities) and housing and supplying the needs of those people who choose the complexly articulated and highly stimulating life of the metropolis.

The command, communications and cultural elite, together with those who serve it, will continue to work at or near the metropolitan core as long as it remains advantageous to do so and until some substitute and preferable center emerges. As the core of the metropolis decays, it becomes alien to the purpose for which it was created and to the social elements it was designed to serve.

The terminal stage of contemporary processes of urban degeneration and decline might be the transformation of the cities into non-

functional slums. The command and cultural institutions would emigrate or vanish. The cities would then be the concentrated dwelling places of a social group, or congeries of social groups, essentially outside society¹ and economically submarginal. The metropolis would then be the apotheosis of the welfare society with perhaps some of the characteristics of an internment camp.²

Meanwhile, city planners and city dwellers are beginning to ask questions. Is there any rationality to the new emerging shape of the metropolis? To the growth of the circumferential wasteland of Negro slums choking the central downtown areas? What will be the impact of continuing colored influx and white exodus on the cities? Does the darkening of the cities bring lasting advantages to either race?

From Shack to Tenement. A 2,500-mile car trip through the South in the spring of 1959 revealed that, while the region had undergone an immense and readily visible economic transformation, one aspect of Southern life seemed unchanged. In the Negro shanty towns, shacks were still delapidated, unpainted, with rotting timbers, often without window panes. The denizens of the "jimtowns" seldom made any effort to make their houses reasonably attractive, to mitigate the squalor with garden plants or to bind down the dust with grass. Good cars were sometimes parked in front of the shanties. TV aerials climbed from rotting roofs. Here one was dealing not merely with poverty, but with indifference.

In the South, the demarcation line between the Negro town and the white town is generally instantly visible. In the North, the Negro poor occupy carapaces abandoned by white families. Hence, brick, masonry or painted boards conceal whatever wretchedness and squalor may exist within.

The great change in the Negro population of Southern cities is that it is becoming a smaller proportion of the total. The basic causal factor is the Negro's northward trek. This population movement means that the South is losing, and the North is acquiring, a problem population and a public charge. The tempo of the migration is determined by the difference in the Negro's status and expectations in the two regions. The prediction that the population movement would cease during recession was dashed by the 1958 experience. To the extent that the Negro has become a city dweller, one of his main recession problems is to get relief and other public facilities. These are normally more readily available in Northern than in Southern urban areas.

*Changing Cities.*³ In Washington, D. C., population statistics reveal that ethnic displacement is based not merely on influx from the South, but on the prodigious fertility of the colored population already resident in the nation's capital. Furthermore, the figures show that the moving balance of births and deaths will continue to change Washington, D. C., into a Negro metropolis even if no more Negroes enter the city.

The first conclusion follows from the age composition of the two races. The white exodus after school desegregation was most marked among families with school-age children. Consequently, in early 1959, the white population of the District of Columbia was heavily overweighted in the 45-and-over age-group. In the age range, 5 to 45, Negroes outnumbered whites two to one. Based on these trends, accelerated by continuing Negro influx and white efflux, the expectation was that Washington would become 75% Negro in the course of a few decades.

Some 87% of the non-white population of the District claimed to have lived there for five years or longer. This suggested that rampant and unrestrained Negro fertility was becoming a more potent engine of ethnic change than immigration from the South.

The Commissioners of the District of Columbia reported that 11.9% of the colored (as against only 4.4% of the white) population of the city was sufficiently low income to be eligible for relief. The prospect was for rising costs for schools, medical care, public assistance and law enforcement. As Negroes displaced whites, the possibilities of financing these increasing expenditures through taxation would become dimmer. The not unexpected conclusion of the Report was that Uncle Sam should pick up the check.⁴

The Newark Story. Newark, the largest city in New Jersey, employed the Market Planning Corporation of New York City to make an objective study of changes in its population since 1950. The Corporation's report, released April 5, 1959, revealed that in the eight-year period 1950-58, Negro population had risen from 17.2% to 34.7% of the total. About a third of the whites in households (93,000 persons) had left Newark. Meanwhile, the Negro household population had more than doubled, rising from 68,000 to 142,000. In 1950, Newark's Negroes were concentrated in a single central slum area. By 1958, the colored were spread into several areas and the prospects were that completely white residential areas would soon become racially mixed.

A public opinion survey of both white and Negro samples yielded

interesting results. Of the whites who responded, 83% said that real estate values fell when Negroes moved into white neighborhoods. Only 40% of the Negro respondents were willing to agree with this judgment. Two-thirds of the whites opposed having Negroes move into their neighborhoods. Of the whites who planned to move next year, 68% of those who responded said they would go to the suburbs or away from the Newark area. By contrast, less than a fourth of Negro movers planned to leave the city.

The dominant white attitude was one of social aloofness, but not ostracism. Some 75% were willing to accept Negroes as speaking acquaintances only; 15% would accept them as close personal friends; another 15% was unwilling to have anything to do with them; 5% were unresponsive. Among Negroes, 75% were willing to have whites as close friends and only 2% wanted to have nothing to do with them.⁵

Patterns of Penetration. The traditional pattern of Negro penetration comprises saturation of certain core areas, then outward expansion along their frontiers. The experience of Chicago shows that displacement of whites by Negroes can be reversed in its early stages. However, after Negro population reaches a certain level, both the flight of white residents and the influx of colored gain momentum and become irreversible.⁶

The Duncan comparative study of Chicago census tracts in 1940 and 1950 found that Negro unemployment was four to five times the white average in both periods, that Negro congestion increased markedly during the decade, that Negro rents increased more than white rents, and that Negro housing was markedly inferior to white even when both racial groups paid the same rent.

As pressures build up, the Negro districts radiate outward: white areas become mixed, mixed areas become colored. Along the boundaries of change, race conflict frequently explodes into violence. Thus, the 1957 Calumet Park riots in Chicago were touched off by the integration of a public housing development in a previously all-white working class area. In three weeks, 133 trouble makers were arrested and 934 policemen had to be assigned to the region of conflict. The Chicago Commission on Human Relations has estimated that it costs \$1,800,000 in police protection "to keep the city free of uncontrolled (race) rioting."

In 1948 the Supreme Court outlawed enforcement of racially restrictive covenants by the courts. This has not prevented communities from organizing as clubs of property owners mutually bound not

to sell or rent to persons deemed undesirable by the majority. There is nothing unconstitutional about such associations provided they exclude on grounds other than race.

The Supreme Court's 1948 decision has stimulated the activities of blockbusters, that is to say, real estate dealers engaged in buying property for Negroes in all-white residential areas, then profiting from the ensuing anxiety to buy properties cheap from fleeing whites and sell them to incoming Negroes.

Ethnic changes in a community are not necessarily significant where the Negroes are of approximately the same social and educational level as the whites. The usual situation, however, is that the status of the Negroes is considerably lower.

These lower-class Negro newcomers may be frozen out of the neighborhood by isolation, hostility, threats or even violence. Failing this, a reverse process generally gets under way. Sociologists write about the "tip point" in the racially mixed neighborhood. Essentially, this is the point of no return. It defines that degree of Negro concentration which makes the process of white displacement irreversible. This tip point generally is in the range of 10% to 20% Negro. However, it varies from community to community, depending on the prejudices, fears, predilections and prior experiences of the white property owners. Once the tip point has been passed, the white exodus becomes progressive and the mixed neighborhood is transformed in time into an all-Negro area.

There are, of course, a few stable mixed communities. These include the Bohemias, the well-to-do residential areas with a sprinkling of wealthy Negro entertainment people, professionals and businessmen. They also include established residential districts in which Negro servants and small tradesmen live near rich whites.

The general rule is, however, that the mixed white-Negro district will either re-establish itself as white or become entirely Negro. The reasons for this include white hostility to Negroes and the fact that a Negro influx almost invariably spells residential deterioration.

Public Housing. By mid-1958 some 1,700,000 Americans lived in 431,500 Federal Government aided low-rental units operated by almost a thousand housing authorities in 1,225 communities. The Federal Public Housing Administration boasted in 1958 that it had cleared over 20,000 acres of slums, equivalent to half the area of Washington, D. C.⁷

These subsidized housing projects often attract backward, marginally employable Negroes. Where the public housing development

becomes exclusively Negro, ostracism of the new group and flight of the white residents generally follows.

Whereas the purpose of public housing may be to rehabilitate the cancerous heart of a city, its practical effect can be to spread that cancer. As the *Wall Street Journal* put the matter in an editorial dated July 9, 1959: "One of the basic questions is whether public housing is accomplishing its purpose of clearing slums. In metropolises like New York City the slums are increasing, in fact eating up the cities, despite all the slum clearance that has been done. One reason is that the new public housing projects themselves often rapidly degenerate into new slums."

Another reason is that the availability of public housing attracts submarginal families to the cities where it is available. Moreover, dwellers in these projects often reproduce recklessly. In one such development in Washington, D. C., a Negro social worker reported in 1957 that the average family contained nine members and that about half the women were pregnant. For the marginal Negro family without a male head which enjoys public housing and other subsidized facilities, child-bearing may be a means of economic advancement via the "aid to dependent children" check.⁸ The demographic and eugenic implications of this situation are too obvious to require elaboration.

A theory that has become popular among public housing people is that the high-rise, institutionalized complexes of buildings incubate crime, vandalism and irresponsibility because of their depersonalized atmosphere. This overlooks the fact that the deterioration of public housing communities seems to be closely correlated with the ratio of Negro and Puerto Rican to total occupancy. Whether they live in Northern tenements, Southern shanties or subsidized housing developments, lower class Negroes tend to let their dwellings become slums. As for crime, the fact that the Negro general crime rate is about three times the national average and the Negro rate for the most serious crimes about six times that average would seem to be decisive.

Nevertheless, the high-rise complexes are being displaced by duplex houses, which are landscaped and blend with the neighborhood. These projects generally consist of two or three dozen units. The houses are similar to other buildings in the area on the theory that the stigma of living in a project will be reduced and a better class of tenant attracted. Other housing authorities are experimenting with buying up and renovating existing homes.

This new approach is advocated as a means of creating a sense of responsibility toward property among recipients of public housing, lessening their delinquency, stimulating more normal home relationships, etc. A more important aspect of the strategy is that it makes public housing a more effective instrument for introducing Negro slum dwellers into previously white residential areas. Small, inconspicuous developments can sometimes be spread strategically through cities. If the local authority has power to buy and renovate individual dwellings, the opportunities in this direction are much greater. Public awareness of this situation has generated opposition to acquisition of land for public housing from home owners who fear that foci are being created for new colored slums.

Even where municipal housing authorities have no desire to combine slum clearance with blockbusting, their intentions may be swept aside. In New York City, the proposition that public housing should be used to mix communities racially has already become official dogma among the top officials and politicians of the metropolis.⁹ As the Negro in the North consolidates his political power, this attitude is bound to become more prevalent.

Stranded Universities. The American urban university is rapidly becoming one of the main casualties of the Negro influx into Northern cities and the lower class Negro propensity to create, enlarge and proliferate slums. Some of the greatest educational institutions in the nation are being surrounded by expanding blighted areas of Negro and Puerto Rican settlement in which vice and crime are rampant and neither professors nor students are secure against violence. The problem of blighted neighborhoods, largely caused by Negro encroachment, is becoming acute for the University of Chicago, for St. Louis University, for Temple University and the University of Pennsylvania in Philadelphia, for Case Institute of Technology and Western Reserve University in Cleveland, and for Harvard University and Massachusetts Institute of Technology.

These universities are faced with problems of rising neighborhood crime rates and defective security for teachers and students. Faculties tend to emigrate to the suburbs, thus wasting time and money in commuting. Those who keep apartments in the deteriorating neighborhoods surrounding the university face the usual difficulties of this situation. Since public schools deteriorate as neighborhoods change from white to colored, professors with families often find living near the university incompatible with securing adequate public schooling for their children. Columbia University officials estimate that only

57% of the faculty lived in Manhattan in 1959 as against 90% in 1900. Under these conditions, promising young scholars are increasingly attracted to institutions such as Dartmouth, Princeton and Chapel Hill which are physically protected against the omnivorous Negro and Puerto Rican slum.

Columbia University, the greatest concentration of higher educational institutions in the nation and the so-called Acropolis of America, faces a particularly acute slum crisis. The Morningside Heights area, where the University stands, consists of apparently respectable stone and brick apartment houses. The white, middle class residents of these buildings have, for the most part, panicked out of the area. Behind the imposing facades of these buildings, writes a *New York Times* reporter, "are labyrinthian hells filled with vice, filth and disease as sordid as any in the world."¹⁰

Residential deterioration took the form of conversion of middle-class apartments into single-room occupancy during World War II. At that time, prostitution became so rife that the Navy placed the streets immediately south of and adjoining the University off limits to its personnel. Meanwhile, the influx of Negroes and Puerto Ricans into already overcrowded, subdivided tenements reached alarming proportions. Landlords gouged their tenants, violated the building codes and circumvented rent control by obtaining hotel classification.

Columbia University, the Rockefeller-endowed International House and other Morningside Heights institutions became acutely concerned with the problem and in 1947 began to create an impressive organizational setup to reverse the processes of decay. An able young criminologist, Dr. Lewis Yablonsky, was hired to combat delinquency. Athletic clubs and community centers were set up for neighborhood youth. The city more than doubled the police force assigned to the area. In 1958 Morningside Heights was not classified as a critical delinquency area. However, crime rates continued to rise.

New York City, the Federal Government and the private organizations concerned demolished four blocks of festering tenements. The General Grant Houses, to be occupied 92% by Negroes and Puerto Ricans, were built for the displaced. The middle-income Manhattanville Houses were also started. These projects cost \$68,450,000. Meanwhile, other projects launched by Morningside Heights, Inc., the central planning body of the renewal effort, entailed additional outlays of about \$60,000,000.

Any balance sheet of effort and achievement must be provisional. About \$120 million is being spent largely on the rehousing of Negro

and Puerto Rican tenement dwellers. If experience elsewhere is a guide, there is little reason to believe this gigantic effort will change the basic evils of vice, squalor and crime. Congestion continues to prevail over much of the area. Residentially speaking, the district is still a slum with inadequate public schools, dominated by Negro and Puerto Rican pupils and inferior as to educational standards. As such, it seems to be an unsuitable environment for a great university.

The men who launched this vast program of integral planning, coordinated attack and attempted total rehabilitation proceeded from the premise that the root trouble with Morningside Heights was slums and crime. Had they assumed that slums and crime were merely superficial manifestations of a basic demographic change, they would have faced the alternatives of altering the class and ethnic character of the neighborhood or else moving the University elsewhere. It is probable that the Columbia University complex could have been moved gradually to a more propitious and wholesome environment at much less cost than the attempt at community rehabilitation.

Other American universities, fixed in the same vise, are thinking in terms of acquiring rights of eminent domain, enabling them to order the condemnation of properties which interfere with the basic university purpose. The University of Chicago is committed to urban relocation. Negro leaders complain that it is demolishing colored slums and substituting one-family homes for middle-class occupants, most of whom are white. Regardless of their response to this challenge, the universities situated in the older central areas of the great cities subject to lower-class Negro residential invasion are asking themselves whether they are caught in currents which make navigation impossible. The flight of the universities from the cities has not yet begun. It may prove to be a salient phenomenon of the next decade.

The Decay of the Cities. Between 1950 and 1955 the population of the nation's metropolitan areas increased from 84.5 to 96.1 million, or by 12 million. Of this increase, only 2.4 million was accounted for by the cities proper; the rest occurred in suburban and outlying areas. New York City had a net loss of 120,500 people during the five-year period.¹¹ The white population in many of the nation's great cities has been actually declining.

The major causal factors involved include, not merely the northward and cityward trek of indigent Negro masses, but the progressive obsolescence of core urban areas, the drift of the middle class toward suburban and exurban living and the major changes in the

economics of transportation associated with the shift from the railroad to the internal combustion engine.

In a challenging study of the American city, Raymond Vernon states that the most rapidly growing urban areas were the central cities in 1900-10, the five-mile ring surrounding them in 1910-20, the five-to-ten-mile surrounding ring in the 1920-50 period. By 1956, over three-fourths of all new dwelling units scheduled for construction in major metropolitan areas was to be built outside the central cities.¹² Ever since 1929 the great cities proper have been absorbing a dwindling share of the population, employment, business activity and new investment of the greater metropolitan areas. Relative decline, however, has not up to the present been translated into absolute decline.

Vernon observes that office forces are expanding and will continue to expand nationally. He argues that the impact of air transportation has made the great cities the logical sites for the headquarters of business enterprise.¹³ This may be so as far as the standard metropolitan areas are concerned, but there are indications that rival communications and command centers are being established in the suburban areas. In practical terms, the travelling executive may stop at a motel on a super-highway within easy access of the airport, travel by car to factories and offices located in the expanding circumferential suburban belts and depart by plane without having even entered the congested, delapidating and dirty urban core areas with their impossible traffic problems. Indications that some such shift in business command and communications centers from the city to the suburbs may be in the cards are the fact that motel business exceeded hotel business in 1959 and that the de luxe motels increasingly are equipped with conference rooms and auditoria for business conventions.

Moreover, the central city sometimes finds it difficult to attract office labor. As Vernon points out, as the central cities are taken over by slum residents, "the young women who have constituted so large a proportion of the labor force of these office installations will become more and more remote from the downtown portions of the central cities."¹⁴ This means additional strain on mass transit facilities and imposes discomfort and loss of time on a highly specialized office labor force.

Except for the growth factor in office labor, the Committee for Economic Development predicts "growing obsolescence of the central city beyond its central business district."¹⁵ The slum areas will ex-

pand in widening concentric circles from the margins of the business districts toward the older suburbs, occupying successive tree rings of obsolescence, as it were, and neither improving nor even maintaining the residential construction thus absorbed.

The resurrection of the cities seems highly improbable to Vernon. A return of middle-class families in large numbers "would fly in the face of deep-seated historic trends, based on powerful sociological forces." The alternative prospect of city rehabilitation through government-subsidized low-cost housing and open-space projects presupposes "a scale of intervention much larger than any which heretofore has been contemplated." ¹⁶

Long-range changes in the American economy, of which the displacement of rail traffic by auto and truck transportation is the most important, have been primary causal agents. This displacement has stripped the central city area of a basic transportation advantage — the presence of a railroad terminal and freight yards. The streets in the older cities are not adapted for modern auto and truck traffic. The population and traffic densities achieved by high buildings cannot be serviced on existing streets and avenues.

These and similar factors explain part of the relative decline of the city. They account for loss of economic pre-eminence by the central area. They do not, however, explain its swift degeneration to slums and squalor. As a rule, moreover, this degeneration has occurred, in the post World War II period at least, only in those cities which have been inundated by Negro or Puerto Rican immigrants.

Old and New Slums. Those who are optimistic about the future of the cities point out that they have always had slums and decayed areas. However, there are salient differences between the Negro slums of today and the slums, occupied chiefly by European and Asian immigrants, of a few generations ago.

The most important difference is that the immigrants generally worked their way out of the slums in a generation or two and became, to a greater or lesser extent, adjusted to American *mores*.

The 19th century tenements and sweatshops were stepping stones to opportunity for most ambitious and self-reliant Europeans. These people rose out of tenements despite the fact that no government agencies provided them with relief and subsidized housing.

The Negroes, as a group, by contrast, have lived under conditions of poverty and squalor during their entire century of freedom in the United States. Hence, one cannot assume that the Negro slum will be merely a stepping stone to better living conditions. The dis-

quieting possibility exists that it will prove to be a more or less permanent morass.

The nineteenth century European immigrants gravitated to the cities largely because they were important centers of manufacturing industry. Today, this is ceasing to be the case. The Negro immigrant to the Northern cities is more likely to be moving into an area offering a variety of casual, blind-alley jobs (handyman work, delivery, service) coupled with a complex system of relief and subsidies, both visible and invisible.

IMPENDING CRISIS

"Dangers by being despised grow great."—EDMUND BURKE, *Speech on the Petition of the Unitarians*.

The accelerating racial revolution in the United States has assumed its most dramatic forms in the South; yet, paradoxically enough, its ultimate travail and cost may be less there than elsewhere. The South is the area from which Negroes are emigrating, but it is not suffering economically from their departure. The Southern states can take the radical step of actually abolishing their public school systems, or, more probably, comply with the Supreme Court's desegregation demands by token integration. The difference between these alternatives may be momentous for the South, but neither involves any significant amount of race mixing in classrooms.

From a broader standpoint, the challenge to Southern racial *mores* is reversing the trend away from regional separatism of recent decades, is recreating a monolithic Southern ideology intolerant of dissent and is making Southern politics concentrate myopically on the Negro question. In its national implications, the recrudescence of a belligerent Southern homogeneity spells regional isolation and increased schism within the Democratic Party.

The Northern and Border states would seem to be the emerging battlegrounds of the integration struggle. The Northern cities in particular are the recipients of a massive Negro immigration which is swiftly changing their character and economic role.

The transformation of the Northern metropolis is an immensely dramatic phenomenon of the present age. Some sociologists believe that the darkening of the cities will cease in a few decades as the rural Negro population of the South is thinned out. This view ignores the prodigious fertility and falling mortality of the Negro population, which is currently doubling every 33 years. With unchanged birth and death rates, the 18.8 million colored people in the United States will become 150.4 million in a century.

Arising as a communication center and hub of information sources of great efficiency and intricacy, the American metropolis became the natural operations area of the managerial class and other social leadership groups. Today, its role is changing, the primary reason being

that the city has become the utmost yet achieved in this country as a welfare community. Thus, a slum metropolis grows within the shell of the communications and command city, a slum with a specific attraction for those population groups which are economically, socially and culturally least able to compete. This dual role is not historically unprecedented. Rome was both the cerebral cortex of world empire and the domicile of uprooted proletarian hordes that had to be periodically appeased with bread and sadistic spectacles. For that matter, New York and other Atlantic seaboard cities were the concentration points of a European immigration that lived in tenements and often seemed uncouth, squalid, ignorant and superstitious to native-born Americans. A major difference between the past and the present, as was pointed out in detail in Chapter 24, is that the old slums were jump-off points for vigorous groups easily diffused and assimilated within the larger American society, whereas the new slums, mainly Negro and Puerto Rican, seem far more permanent in character.

The ethnic shift in the Northern cities has been associated with the expansion of these decaying and derelict areas; the stranding of great universities in morasses of crime and squalor; the decline of the middle class in the central cities; rising relief, welfare and law enforcement burdens; simultaneously, the upsurge of Negro political power toward decisive influence in key Northern metropolises.

Schools and residential areas are the chief foci of racial strife. Today, only a few bigots would assert that Americans should be denied the right to vote, serve on juries or hold public office by reason of race. While a few Southern states use literacy tests, dishonestly conceived and administered, to deprive qualified Negroes of their right to vote, this practice is fortunately disappearing.

Similarly, desegregation in hotels, theatres, railroads, golf courses, beaches and other public facilities raises problems only for diehards who are obsessed with phobias on the Negro question. In many Southern cities, the transfer to desegregation in these various institutions of casual inter-racial contact has occurred rapidly and with a minimum of friction. Employment of Negroes on a merit basis, desegregation on the job and the racially mixed trade union local are also becoming more prevalent in the South. In these areas, broad social changes occur rapidly and without effective opposition.

The schools are a much more critical area. Here the drive toward total random integration, racial blending, or by whatever name the

process is called, is fraught with dangers to both races and to public education as a whole.

In the Northern public schools the new element is not desegregation. The main new factors are that the dimensions of the problem have been drastically changed by the fact that the Negro is physically on the move toward areas of maximum opportunity and by the fact that powerful Northern pressure groups are seeking to advance from desegregation to the mixing of racial groups proportionately in classrooms without any consideration of their educational aptitude.

The struggle for racially blended schools has been associated with deterioration of educational standards and, in some cases, virtual destruction of educational opportunity for the gifted. Millions of white children, who are compelled by poverty to live in ethnically mixed areas and attend classes with Negro pupils of significantly lower average I.Q., suffer from this condition. Random race mixture without regard to learning ability generally means that pupils of average to superior intelligence are not only bored and taught very little in school, but may be conditioned to despise formal education as well.

Life adjustment courses and other devices which manage to conceal gross differences in the mental ability of students already permeate progressive education. They can perhaps be defined as Procrustean beds to cramp genius and stretch stupidity. A basic issue is whether the levelling of education to accommodate mediocrity undermines precisely those values, attitudes and procedures essential to what Toynbee calls creative minorities, that is to say, the intellectually vigorous elements which provide leaven and leadership to any social order and without which it vegetates.

The goal of the racially blended school can be regarded as a massive extension of the egalitarian ideology and a powerful force for further adulteration and emasculation of American public education. The drive for such schools may prove to be a catalyst of massive negative reactions against the sacrifice of education to pseudo-democratic goals.¹ In ethnically homogeneous schools, parents may tolerate a debased education designed to accommodate the least talented pupils. Where ethnic difference is one of the major causes of a school program which provides inadequate food for bright minds, parental tolerance of the condition is less probable.

The sensible solution would seem to be the separation of pupils, not on the basis of race, but on that of intelligence, aptitude and school achievement, providing separate classes, courses and, where

possible, separate schools for the superior, average and retarded. Classroom separation is a step in the right direction, but it still leaves the gifted students in a school atmosphere which is often basically anti-intellectual and sometimes delinquent and criminal as well.

There is little organized Negro support for such track systems. In fact, the tendency of Negro pressure organizations is to resist this approach and fight for racial blending on an indiscriminate basis. Yet the track system provides equality of opportunity for both races; it benefits the gifted Negro child as much as the gifted white child.

Some steps have been taken in this direction in Washington, D. C., and in a large number of smaller cities in the North. By and large, however, the country is not yet alerted to the threat that indiscriminate public school integration poses to American education.

Advocates of the racially blended school contend that it will give the United States moral prestige in the propaganda cold war against Communism. This may be so. What is more certain, and considerably more important, is that mixing the gifted and the retarded in the same classrooms is a sure-fire recipe for squandering the nation's resources of brain power. Failure to offer the talented an education which is both tough and challenging may mean surrendering future cultural and scientific leadership to other countries.

The fundamental element in the failure of the United States up to the present to find a generally accepted solution for the problems of the coexistence of the two ethnic groups are the persevering differences in their mentality. The element in the Negro population which constitutes the so-called Negro problem is that group which consistently rates substandard on tests of intelligence. Possibly, the current distribution of the American Negro population in terms of intelligence is that revealed by the nationwide mental aptitude tests given personnel examined for military service during the Korean conflict. These tests grouped about a third of the whites in the inferior or very inferior mental categories whereas 82% of the Negroes fell into these categories.

In short, a large element in the colored population would seem to be mentally submarginal. Society can often find useful roles for people who are not bright, but it can hardly ever find such roles for the severely retarded. The latter gravitate to the bottom generally. They are at the edge of the social order, but not really part of it. Their labor is cheap; their jobs are unskilled; their social status is practically zero; they have little job security because there is practically nothing they can do well. As production processes become

automatized, the mentally retarded "hand" may become ever more of a dead loss. His condition of chronic insecurity and not belonging breeds resentment and the latter sometimes explodes in paroxysmal outbursts of crime. Alternately, the seriously retarded man may be consistently amoral and delinquent.

Random race mixing in schools and residential areas creates major problems precisely because a large part of the American Negro population is seriously deficient in mental ability as measured by the tests, tasks and training systems of Western society. It is doubtful whether this element can discharge the duties of American citizenship. If it votes, it often does so with no understanding of the issues. It is unfit for public office or jury service. While it often seeks military service, the consensus of responsible military authorities, both in World War II and in Korea, was that it is not worth training and cannot be used for combat. In the cities, this element creates slums and drifts toward vice and crime. Having no skills to sell, it is usually a relief problem. Being virtually uneducable, it disintegrates the public schools whenever it is injected massively into classrooms with students of average intelligence.

A positive approach to this century-old problem of the relation of the Negro to American society would stress the value of *individual liberty* rather than *equality*.

Inherent in this concept of individualism is the right of the Negro to be judged as a human being, rather than as a representative of his race. The Negro is entitled to equality under law and freedom from racial discrimination.

If, once these handicaps are removed, the Negro mass remains at the bottom of the social pyramid, this would not seem to be any concern of the state. As long as there is a social pyramid, there will be a bottom layer to be occupied. It is the business of government to see to it that no racial group is forced into that subordinate position by prejudicial action. But it is not the state's business to try to see that each layer of the pyramid is racially blended. If the Negro mass remains stagnant at the bottom under conditions of equal opportunity, a permissible inference would be that it belongs there.

Incorporation of Negroes into American life on a basis of full equality of opportunity seemingly requires that they be considered as individuals only. Yet the collectivist approach to the race problem is dominant both in the South and in the North.

Southern racism believes, or pretends to believe, that *all* Negroes are mentally inferior to *all* whites. The policy conclusion is race

segregation and subordination. Southern attitudes, however, are changing. Intelligent and moderate Southerners recognize both the lower capacities of the Negroes as a group and the very considerable abilities of the talented Negro minority.

In the North, the dominant "liberal" attitude toward the Negro is also collectivist despite the fact that it reaches opposite conclusions from those of Southern racism. Its fundamental creed is that all races are equal in innate intelligence. Negro shortcomings, therefore, are alleged to be exclusively due to an unfavorable environment and the vast amount of evidence rebutting this view is often ignored or vehemently misinterpreted. Once we assume that the races are equal in talents, it follows that the Negro constitutes the greatest potential intellectual resource of the nation. Being equal, he should produce his share of Einsteins, Freuds and Picassos. The fact that the really outstanding Negro intellectuals can be counted on one's fingers and toes simply reveals to the prophets of equality the extent to which the race is mistreated and persecuted.

The commonsense answer to all of this is fairly simple. Enormous improvements in the Negro's environment have occurred; yet his creative reaction to this stimulus (except in such auditory and kinesthetic areas as sports, popular music and the stage) has been disappointing. For at least a generation, the urban Negroes of both North and South have had access to good schools, libraries and free educational facilities of various sorts; they have been able to earn a living wage with leisure for study and mental work. Although their material and cultural opportunities have been far superior to those of Russian Jewish immigrants at the turn of the century or native-born white American pioneers a hundred years ago, their achievements have been incomparably less.

Today, the intelligent and capable Negro finds that he is carrying the stupid and delinquent one on his back. Because he wishes the racially desegregated schooling to which he is entitled, it is assumed that he wants a racially blended classroom in which the quality of his own education will necessarily suffer. He is not permitted to step aside from the problems of his ethnic group as a whole and demand that he be treated solely on the basis of his own individual merit.

Yet the American system aims to guarantee liberty and equality under law to all. It does not offer equality of reward where inequality exists in ability or effort. The capable Negro, like the capable white man, demands merely the full privileges of citizenship without regard to race. He is not entitled to more, nor are any of us.

REFERENCES

CHAPTER 1

1. Benjamin Farrington, *Greek Science*, Penguin, London, 1953, 107, 132-3, 142-5, 149-50, 304-5.
2. Ludwig Friedlaender, *Roman Life and Manners under the Early Empire*, Routledge, London, 1928, I, 33-70.
3. William E. H. Lecky, *History of European Morals from Augustus to Charlemagne*, New York, 1869, I, 327.
4. William Graham Sumner, *Folkways*, Ginn & Co., New York, 1906, 290.
5. W. W. Tarn, *Alexander the Great*, Beacon Press, Boston, 1956, 124.
6. Percy Neville Ure, *Justinian and his Age*, Penguin, London, 1951.
7. W. E. Burghardt Du Bois, *Black Folk: Then and Now*, Henry Holt & Co., New York, 1939, 132-3.
8. Albert G. Keller, *Colonization*, Ginn & Co., Boston 1908, 282.
9. Spain also prudently barred Coromantyne slaves, distinguished by "firmness of mind and body, and a ferociousness of disposition," from her American possessions. The English and Dutch shortsightedly imported these natural leaders of slave revolts and paid for their greed with the successful uprisings of the Maroons in Jamaica and the Djukas in Surinam. Such distinguished authorities as Bryan Edwards, Morton Kahn and Melville Herskovits have assumed that these Coromantynes (or Kromantis) were merely Gold Coast Negroes. Robert Graves suggests that the "Koromantse" derived from the Goddess Ker and that these people are a mixture of Cushite-Berbers with Negroes. v. Robert Graves, *The Greek Myths*, Braziller, New York, 1957, Vol. I, 33.
10. Harry L. Shapiro, *Race Mixture*, UNESCO, Paris, 1953, 16.
11. Gunnar Myrdal, *An American Dilemma*, Harper & Brothers, New York, 1944, 118-19.
12. Henry C. Carey, *The Slave Trade*, 1853, 18.
13. Shapiro, *op. cit.*, 20.
14. Carleton S. Coon, *The Story of Man*, Alfred A. Knopf, New York, 1954, 211ff.
15. George Ferguson, *Signs and Symbols in Christian Art*, Oxford University Press, New York, 1954, 6, 24-5.
16. Michael Prawdin, *The Mongol Empire*, Allen & Unwin, London, 1952, 25.
17. 1924 edition, Vol. I, 334-5.
18. Lesley Bird Simpson, *The Encomienda in New Spain*, University of California Press, Berkeley, 1950, 206, 211

CHAPTER 2

1. Helen T. Catterall (ed.), *Judicial Cases Concerning American Slavery and the Negro*, Carnegie Institution of Washington, Washington, D. C., 1926, I, 55.
2. Catterall, *op. cit.*, IV, 2.
3. Mrs. S. K. Knight *Journey from Boston to New York in 1704*, New York, 1825.
4. Saffin's pamphlet was published in Boston in 1771, v. William Sumner Jenkins, *Pro-Slavery Thought in the Old South*, University of North Carolina Press, Chapel Hill, 1935.

5. Freud interprets the legend as referring, not to exposure, but to castration.
6. Philip Alexander Bruce, *Economic History of Virginia in the Seventeenth Century*, Macmillan, New York, 1907, II, 94.
7. Sir William Blackstone, *Commentaries on the Laws of England*, Barron Field edition, Philadelphia, 1890, I, xiv, 425.
8. 2 Salkeld 666.
9. J. H. Plumb, *England in the Eighteenth Century*, Penguin, London, 1950, 159.
10. H. A. Wyndham, *The Atlantic and Emancipation*, Oxford University Press, London, 1937, 14-19.
11. *The Case of the Slave Grace*, 2 Haggard 94-135.
12. Lecky, *op. cit.*, I, 161.
13. Wyndham, *op. cit.*, 6-7.
14. Thomas Jefferson, in his letter to Rush dated January 16, 1811, recalled that Alexander Hamilton once had dinner at his house and, noticing busts of Bacon, Newton and Locke, asked who they were. "I told him," Jefferson reminisced, "they were my trinity of the three greatest men the world had ever produced, naming them. He paused for some time: 'the greatest man,' said he, 'that ever lived was Julius Caesar.'"
15. John Locke, *Treatise on Civil Government*, London, 1690, Chapter IV: Of Slavery.
16. Paul M. Spurlin, *Montesquieu in America*, Baton Rouge, 1940; also Franz Neumann's introduction to Montesquieu's *The Spirit of the Laws*, Haffner, New York, 1949, lix-lx.
17. Montesquieu, *The Spirit of the Laws*, Haffner edition, Book XV, Chapter 1: 235-6.
18. The able editor of the Haffner edition, Dr. Franz Neumann, missed the irony of this passage and termed it "a striking instance of the prejudice under which even a liberal mind can labor." Gordon Trumbull, an obtuse and mediocre 18th century hack, was the first to make this singular mistake. F. T. H. Fletcher, *Montesquieu and English Politics 1750-1800*, Arnold, London, 1939, 229-32.
19. Quoted in *Encyclopaedia Britannica* (13th edition) unsigned article on "Blackstone".
20. Albert J. Beveridge, *The Life of John Marshall*, Houghton, Mifflin Co., Boston, 1916, I, 56.
21. Carl Sandburg, *Abraham Lincoln: The Prairie Years*, Harcourt Brace & Co., New York, 1926, I, 163.
22. Vernon Louis Parrington, *Main Currents in American Thought*, Harcourt, Brace & Co., New York, 1927, II, 313.
23. *Ibid.*, I, 352-3.
24. F. T. H. Fletcher, *Montesquieu and English Politics 1750-1800*, Arnold, London, 1939, 232.

CHAPTER 3

1. Henry Wilson, *Rise and Fall of the Slave Power in America*, Boston, 1872, I, 4.
2. George Washington, *Writings* (Ford), V, 220.
3. George Washington, *Writings* (Sparks), XII, 323.

4. The Swedish socialist writer, Gunnar Myrdal, in his classic defense of integration and race equality argues that the Declaration of Independence is the true embodiment of the American dream. He sees the Constitution as "nearly a plot against the common people" and dismisses it as "dominated by property consciousness and designed as a defense against the democratic spirit let loose during the Revolution." (*An American Dilemma*, Harper & Brothers, New York, 1944, 7, 13.) Myrdal's assumption that the egalitarian phrases in the Declaration were meant to apply to the Negroes is naive. His strictures on the Constitution are a rehash of conclusions reached by Charles A. Beard in a study which is fifty years old and which has been refuted by modern scholarship.
5. Max Farrand, *The Records of the Federal Convention*, Yale University Press, New Haven, 1937, I, 193.
6. *Ibid.*, I, 560. 7. *Ibid.*, II, 221-2.
8. Thomas Jefferson, *Autobiography*.
9. Farrand, *op. cit.*, II, 360-1.
10. *Ibid.*, II, 371. 11. *Ibid.*, II, 247.
12. *Ibid.*, III, 443.
13. Pinckney's constitutional views corresponded exactly to the Tenth Amendment which, however, had not yet been drafted.
14. *Ibid.*, III, 360.

CHAPTER 4

1. "By the time of the Declaration of Independence," writes Dumas Malone, his latest full-length biographer, "he was convinced that aristocracies of birth and wealth were artificial and unjust, but what he sought to promote was a 'natural' aristocracy of talent and virtue."
2. Mason's draft was widely circulated among American insurgent leaders. Julian P. Boyd in *The Declaration of Independence*, Washington, 1943, states that Jefferson borrowed from it. Dumbauld and other authorities are less certain.
3. "Darkness generates like."
4. My emphasis—N. W.
5. The preamble to the Bill for the More General Diffusion of Knowledge states: ". . . whence it becomes expedient for promoting the public happiness that those persons, whom Nature hath endowed with genius and virtue, should be rendered, by liberal education, worthy to receive, and able to guard, the sacred deposit of the rights and liberties of their fellow citizens, and that they should be called to that charge without regard to wealth, birth, or other accidental condition or circumstance." The alternative to free public education of the gifted children of the poor to equip them to govern the state was "that the happiness of all should be confided to the weak or wicked."
6. Thomas Jefferson, *Works* (Memorial Edition) I, 135.
7. "The leap I proposed being too long, as yet, for the mass of our citizens" was the reason Jefferson gave in his *Autobiography*.
8. "I give them their freedom; and I humbly and earnestly request of the legislature of Virginia a confirmation of the bequest of freedom to those

- servants, with permission to remain in this State, where their families and connections are . . .", Thomas Jefferson's Will, March 16-17, 1826.
9. p. 72. Quoted by J. C. Furnas, *Goodbye to Uncle Tom*, William Sloane Associates, New York, 1956, 141. Furnas states categorically that Jefferson "left mulatto offspring."
 10. A. E. Grimke, *Letters to Catherine E. Reeder*. The Oxford don, Edward S. Abdy, told the same story on visiting Monticello shortly after Jefferson's death, *Journal of a Residence and Tour in the United States*, 1835, II, 232. The identical allegation was made by Captain Frederick Marryat in his 1839 *A Diary in America*.
 11. The Callender story is told from Jefferson's standpoint in Henry Adams, *History of the United States*, Charles Scribner's Sons, New York, 1931, I, 322-27. William W. Crosskey in *Politics and the Constitution*, University of Chicago Press, Chicago, 1953, 780-1, gives details of Jefferson's slippery dealings and false statements concerning the Callender affair. Dumas Malone in his biography of Jefferson analyzes the evidence on his subject's sex life and acquits him both of having relations with his slaves and trying to seduce his friends' wives. This is one of the few areas in which Malone is unconvincing.
 12. Isaac Jefferson, *Memoirs of a Monticello Slave*, University of Virginia Press, Charlottesville, 1951 (ed. Ralph W. Logan), 13.
 13. Adams, *op. cit.*, I, 323-4, wrote: "Jefferson's nature was feminine; he was more refined than many women in the delicacy of his private relations . . ."
 14. My emphasis—N. W.
 15. Thomas Jefferson to James Monroe, June 17, 1775, *Works* (Ford), IV, 418-9.
 16. Thomas Jefferson to James Monroe, November 24, 1801.
 17. Estimates of the National Industrial Conference Board for 1819. Bureau of the Census, *Historical Statistics of the United States*, Government Printing Office, Washington, 1942, 14.
 18. In 1820 there were 234,000 free colored men in the United States. Some were at least nominally citizens of their states. Jefferson never revealed the constitutional and legal processes by which he thought they could be uprooted and deported to Africa.
 19. Thomas Jefferson to John Holmes, Monticello, April 22, 1820 (emphasis in the original).

CHAPTER 5

1. Both Madison and Clay tried to win over Harriet Martineau for the Society. The visiting English novelist and abolitionist thought its program "absolutely absurd" if not "absolutely pernicious" and added: "It is a tub thrown to the whale." Harriet Martineau, *Society in America*, 1837, I, 346, 349.
2. John Bach McMaster, *A History of the People of the United States*, Appleton, New York, 1911, V, 194-5.
3. Trollope, *op. cit.*, 1949 reprint, 39-40.
4. Frederick Marryat, *A Diary in America*, London, 1839, I, 294-5.
5. "How the Irish rushed en masse to the polls of our State only seven years ago to vote down the right of the colored men to the elective franchise,"

Horace Greeley complained in 1854. "No other class of our citizens was so zealous, so unanimous in its hostility to Equal Suffrage without regard to color. 'Would you have your daughter marry a naygur?' was their standing flout at the champions of democracy irrespective of color."

6. Sandburg, *op. cit.*, III, 263.
7. Marryat, *op. cit.*, I, 293-4.
8. Kenneth M. Stampp, *The Peculiar Institution*, Alfred A. Knopf, New York, 1956, 216.
9. Ulrich B. Phillips (ed.), *A Documentary History of Industrial Society*, Vol. II, *Plantation and Frontier*, Cleveland, 1910, 163. The petition quoted above was probably written not by Bass, but by his prospective master.
10. Marryat, *op. cit.*, describes an interracial marriage in New York where bride and groom were subjected to mob violence after the ceremony.
11. Bryan Edwards, *An abridgment of Mr. Edward's Civil and Commercial History of the British West Indies*, London, 1794, II, 335, 348.
12. A few American Negroes managed to get to Haiti. They found conditions in the Negro republic much worse than at home and returned to the United States as penniless refugees.
13. Henry Adams, *History of the United States*, Charles Scribner's Sons, New York, 1931 edition, 9 vols., III, 141.
14. McMaster, *op. cit.*, III, 219.
15. Adams, *op. cit.*, III, 142.
16. Wilson, *op. cit.*, I, 116.
17. McMaster, *op. cit.*, V, 446-7.
18. According to the recollections of Thomas Ritchie, *Washington Union*, March 13, 1851.
19. John Marshall to Joseph Story, July 3, 1824.

CHAPTER 6

1. *McCulloch v. Maryland*, 4 Wheaton 316 (1819).
2. Thomas Jefferson to William B. Giles, December 26, 1825.
3. Thomas Jefferson to Albert Gallatin, December 26, 1820.
4. Thomas Jefferson to Thweat, January 19, 1821.
5. Charles Warren, *The Supreme Court in United States History*, Boston, 1926, I, 627.
6. Edward S. Corwin (ed.) *The Constitution of the United States of America*, Government Printing Office, Washington, 1953, 118.
7. *Gibbons v. Ogden*, 9 Wheaton 1 (1824).
8. Beveridge, *op. cit.*, IV, 429-30.
9. Walton H. Hamilton and Douglass Adair, *The Power to Govern*, New York, 1937, 62-3.
10. *The Massachusetts Gazette*, October 9, 1787.
11. Representative Robert S. Garnett of Virginia on the floor of the House, April 2, 1824, Quoted by Warren, *op. cit.* I, 622.
12. *Groves v. Slaughter*, 19 Pet. 449 (1841) and the *License Cases*, 5 Howard 504 (1847).
13. 7 Howard 283 (1849).

14. For merely having attended Dorr meetings, Protestant ministers were trussed up like hogs, tossed on hay wagons and jailed. Dan King, pro-suffrage biographer of the Dorr War, describes this "barbarious infernalism," this "triumph of malice, and carnival of devils," where women were taken out of bed to submit "to the taunts and jeers of vile men," nor did he fail to add that "the merciless bayonet is made to penetrate the bosom of the innocent female."
15. *Luther v. Borden*, 7 Howard 1 (1849).
16. Article I, Section 8.
17. There King John promised that "no free man shall be taken or imprisoned or deprived of his freehold or his liberties or free customs, or outlawed or exiled, or in any manner, destroyed, nor shall we come upon him or send against him, except by a legal judgment of his peers or by the law of the land."
18. Part II, 50-1 (1669).
19. Alexander Hamilton, *Works*, IV, 231-2 (Hamilton's italics.)
20. *Prigg v. Pennsylvania*, 16 Pet. 539 (1842).
21. The Constitution states that the runaways shall be delivered to their owners; it does not say that the Federal Government must see that this is done.
22. *Ableman v. Booth*, 21 Howard 506 (1859).
23. *Strader v. Graham*, 10 Howard 82 (1850).
24. *Scott v. Sandford*, 19 Howard 393 (1857). The antislavery forces seized on one phrase of this paragraph and quoted it out of context. They falsely claimed that Taney had said that American Negroes in 1857 "had no rights which the white man was bound to respect."

CHAPTER 7

1. Quoted by William Miller, *A New History of the United States*, Braziller, New York, 1958, 205.
2. Speech of June 26, 1857.
3. Quoted by Richard N. Current. *The Lincoln Nobody Knows*, McGraw-Hill, New York, 1958, 220. This invaluable book by an outstanding Lincoln scholar devotes two penetrating chapters to Lincoln's attitudes toward slavery and the Negro. In the pages that immediately follow, I have drawn heavily on Dr. Current's findings.
4. Sandburg, *op. cit.*, I, 574-5 gives the full text of the interview as taken down by one of the Negroes present.
5. The State Department attached the condition that no black man be sent to the United States as minister from either country, but Lincoln privately informed the abolitionist intermediary, James Redpath: "You can tell the President of Hayti that I shan't tear my shirt if he sends a nigger here." Sandburg, *op. cit.*, I, 578.
6. Current, *op. cit.*, 228. 7. Current, *op. cit.*, 230.
8. In a television interview in November 1957, Carl Sandburg claimed that, if Lincoln were President then, he would be holding daily White House conferences on strategy with the leaders of the N.A.A.C.P. All one can reply is that this is not the way Lincoln behaved when he was alive.

9. James G. Randall, *Constitutional Problems under Lincoln*, Appleton, New York, 1926, 357-65.
10. Lee Nichols, *Breakthrough on the Color Front*, Random House, New York, 1954, 25.
11. Rayford W. Logan, *The Negro in the United States*, Van Nostrand, New York, 1957, 22.
12. Current, *op. cit.*, 224-5, quoting Welles' *Diary*.
13. *Ibid.*, 227. The source is not Stanley, but James C. Welling, editor of the *National Intelligencer* with whom Stanley talked.
14. Current, *op. cit.*, 241.
15. James Ford Rhodes, *History of the United States from the Compromise of 1850 to the Final Restoration of Home Rule at the South in 1877*, New York, MacMillan, 1910, 7 vols., IV, 474.
16. Current, *op. cit.*, 245.
17. The Constitution requires ratification by three-fourths of the states and 11 of 36 states had seceded.
18. Current, *op. cit.*, 246. 19. *Ibid.*, 246.
20. There are conflicts of recollection and testimony concerning what Lincoln said on *The River Queen* and what he told Sherman. Here I follow Current's conclusions, but for reasons of space avoid giving the evidence.
21. Miller, *op. cit.*, 218.

CHAPTER 8

1. *Atlantic Monthly*, April 1861.
2. Louis Agassiz to Dr. Samuel G. Howe, August 1863. Emphasis in the original.
3. W. W. Holden, *Memoirs of W. W. Holden*, Durham, N. C., 1911, 85, 144.
4. In Morton's native Indiana, there were 25,000 literate free Negroes who were denied the ballot, the right to testify in court or to send their children to public schools. "With what face," Morton pertinently asked, "can Indiana go to Congress and insist on the right of suffrage to the Negroes of the South?"
5. December 1, 1865.
6. The abolition of Negro plantation slavery always creates problems of transition. Frequently, governments must choose between coercive work systems which maintain specialized agriculture and real freedom bought at the price of regression to subsistence farming. In Haiti, Negro leaders, such as Henry Christophe and Dessalines, chose the despotic road and maintained the plantations, whereas educated mulattoes, such as Petion and Boyer, brought true freedom to the peasant masses, but destroyed the sugar estates and the productive capacity of the island republic. When England emancipated her West Indies slaves in 1834, she had them apprenticed to their former masters for seven years and forced to work on pain of being flogged as directed by special magistrates. v. *The Cambridge Modern History*, Macmillan, New York, 1911, X, 659.
7. Ralph Korngold, *Thaddeus Stevens*, Harcourt, Brace & Co., New York, 1955, 238.

8. The compulsion to devote one's life to acts of hostility and destructiveness in the political sphere and to justify this on some idealistic, humanitarian or theological ground is probably characteristic of all true revolutionaries from Savonarola to Luther, from the witch burners to Hitler and Stalin. The leaders of the American Revolution do not fit into this destructive and unattractive pattern. They rebelled against a specific situation. They were not nihilists from internal neurotic necessity. v. Eric Hoffer, *The True Believer*, Harper & Brothers, New York, 1951.
9. Rhodes, *op. cit.*, V, 520-1.
10. Alfred H. Kelly and Winfred A. Harbison, *The American Constitution*, W. W. Norton, New York, 1955, 461.
11. William Winslow Crosskey, *Politics and the Constitution*, University of Chicago Press, Chicago, 1953, 1089-96, 1119-34.
12. Rhodes, *op. cit.*, VI, 83.
13. *Ex parte Milligan*, 4 Wallace 2 (1866).
14. *Ex parte McCordle*, 7 Wallace 506 (1869).
15. Nathaniel Weyl, *The Battle Against Disloyalty*, Thomas Y. Crowell Co., New York, 1951, 78-81.
16. v. Korngold, *op. cit.*, 323. The newspaper article is dated March 7, 1865.
17. Weyl, *op. cit.*, 76; George S. Boutwell, *Reminiscences of Sixty Years in Public Life*, New York, 1942, II, 62.
18. Many radical leaders were implicated in the Credit Mobilier scandals, for example, among them two Vice Presidents of the United States (Henry Wilson and Schuyler Colfax) and a future President (James A. Garfield). Garfield was probably not consciously corrupt, but it seems he committed perjury. v. Claude G. Bowers, *The Tragic Era*, Blue Ribbon Books, New York, 1929, 401.
19. *United States v. Reese*, 92 U.S. 214 (1876) and *United States v. Cruikshank*, 92 U.S. 542 (1876).
20. *United States v. Harris*, 106 U.S. 629 (1883).
21. Sherman termed it "a disciplined band, armed, equipped, disguised, mainly composed of soldiers of the rebel army."
22. Rhodes, *op. cit.*, VI, 313-16, ably summarizes congressional opinion on the measure.
23. Miller, *op. cit.*, 222.
24. James Bryce, *The American Constitution*, Macmillan, New York, 1920 (revised edition), II, 498.
25. James Pike, *The Prostrate State: South Carolina under Negro Government*, New York, 1874, 10-15.
26. *Ibid.*, 10-12.
27. For the full text of this letter and detailed discussion of the circumstances prompting it, Douglas Southall Freeman, *R. E. Lee, A Biography*, Charles Scribner's Sons, New York, 1935, Vol. IV, pp. 373-8.

CHAPTER 9

1. *The Slaughter-House Cases*, 16 Wallace 36 (1873).
2. *Civil Rights Cases*, 109 U.S. 3 (1883).

3. v. Milton R. Konvitz, *The Constitution and Civil Rights*, Columbia University Press, New York, 1946; Albert P. Blaustein and Clarence Clyde Ferguson, Jr., *Desegregation and the Law*, Rutgers University Press, New Brunswick, N. J., 1957, etc.
4. *United States v. Reese*, 92 U.S. 214 (1876).
5. *United States v. Cruikshank*, 92 U.S. 542 (1876).
6. *Williams v. Mississippi*, 170 U.S. 213 (1898).
7. *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).
8. *Strauder v. West Virginia*, 100 U.S. 339 (1880).
9. *Ex parte Virginia*, 100 U.S. 339 (1880).
10. 163 U.S. 537 (1896).
11. For example, *Pace v. Alabama*, 106 U.S. 583 (1883).
12. *Cumming v. County Board of Education*, 175 U.S. 528 (1899).
13. *Berea College v. Kentucky*, 211 U.S. 45 (1908).
14. C. Vann Woodward, *The Strange Career of Jim Crow*, Oxford University Press, New York, 1957, 34, 35, 30.
15. *Ibid.*
16. Quoted by Woodward, *op. cit.*, 16-19.
17. John D. Hicks, *The Populist Revolt*, University of Minnesota Press, Minneapolis, 1931, 253.
18. Quoted by Rayford W. Logan, *The Negro in American Life and Thought: the Nadir 1877-1901*, Dial Press, New York, 1954, 91.
19. Bryce, *op. cit.*, II, 505.
20. There were a few post-bellum efforts at colonization. In 1879, Negroes trekked to Kansas where many were swindled; ten years later, there was talk of setting aside Oklahoma Territory as a Negro state; in the 1890's, a proposal for Negro settlement in Mexico blossomed and collapsed. Marcus Garvey's "Back to Africa" movement thrived in the 1920's. The failure of the American Communist Party to win strong support among the Negroes was largely due to its demand for "self-determination in the Black Belt." To most Negroes, this smelled like segregation or deportation under a different name.
21. Woodward, *op. cit.*, 81-7.
22. *Buchanan v. Warley*, 245 U.S. 60 (1917).
23. In 1900, the Federation of Women's Clubs refused to acknowledge greetings from the National Association of Colored Women because it feared secession of its Southern locals. Rayford W. Logan, *The Negro in the United States*, Van Nostrand, New York, 1957, 52.
24. Bryce, *op. cit.*, II, 555.
25. Woodward, *op. cit.*, 52-3.
26. Pierre Leroy-Beaulieu, *The United States in the Twentieth Century*, Funk & Wagnalls, New York, 1906, 36.
27. Bryce, *op. cit.*, II, 517-18.
28. Walter E. Weyl, *The New Democracy*, Macmillan, New York, 1912, 342-6. While he never advocated anything as chimerical as colonization, he did express the view: "For the Negro's sake as well as for our own, we should prefer to stay apart." *Idem.*
29. Charles Sumner, *Folkways*, Ginn & Co., Boston, 1906, 77-8.
30. *Ibid.* 111.

31. F. Manetta, *La Razza Negra nel suo stato selvaggio* (The Negro Race in its Savage State), Turin, 1864, 20.
32. Woodward, *op. cit.*, 54-5.
33. Stoddard is best known for his *The Rising Tide of Color*, Charles Scribner's Sons, New York, 1920. An amateur zoologist, Grant wrote *The Passing of the Great Race* (1916) and *The Conquest of a Continent* (1933).
34. Ellsworth Huntington, *The Pulse of Progress*, Yale University Press, New Haven, 1926, 176. Huntington believed that the Jews (and perhaps the Chinese) were intellectually superior. He devoted much thought to Jewish history in an effort to discover causal factors.
35. Ellsworth Huntington, *World-Power and Evolution*, Yale University Press, New Haven, 1919, 168-9.
36. Rhodes, *op. cit.*, VII, 169.
37. *Ibid.*, VII, 169-70.

CHAPTER 10

1. Quoted by Logan, *The Negro in the United States*, 66.
2. Myrdal, *op. cit.*, 1418.
3. Edwin R. Embree, *Julius Rosenwald Fund: Review of Two Decades, 1917-1936*, Chicago, 1936, 23.
4. The conference met on the Canadian side of Niagara Falls in 1905. No hotel on the American side had been willing to put up the Negro delegates.
5. Quoted by Logan, *op. cit.*, 63-4.
6. Walling had been actively associated with the Russian Revolution of 1905, but he had no sympathy with the Bolsheviks and a very low opinion of Lenin. In later years, he became a vigorous opponent of Communism.
7. Myrdal, *op. cit.*, 742.
8. *Guinn v. United States*, 238 U.S. 347 (1915).
9. Myrdal, *op. cit.*, 558-9.
10. Wilbur J. Cash, *The Mind of the South*, Doubleday, Garden City, 1954, 46.
11. Thus Myrdal met "few whites of the middle and upper classes in the South who have expressed themselves as in favor of lynch justice." *op. cit.*, 564.
12. *Strauder v. West Virginia*, 100 U.S. 303 (1880) and *Ex parte Virginia*, 100 U.S. 339 (1880).
13. *Norris v. Alabama*, 294 U.S. 587 (1935).
14. *Hill v. Texas*, 216 U.S. 400 (1942).
15. *Brown v. Mississippi*, 297 U.S. 278 (1936).
16. There are occasional adverse repercussions. For instance, in 1959, a Negro named Parker, accused of having raped a white woman, was taken from jail by a mob and lynched. The alleged reason for this crime was that the Mississippi lynchers knew that a conviction by the state courts would be upset on appeal to the Federal tribunals, since the county where the crime occurred permitted no colored men to sit on juries. The fact that punctilious insistence that constitutional rights be protected may sometimes encourage lynchings does not make this insistence less necessary.
17. *McCabe v. Atchison, Topeka & Santa Fe Railway Company*, 235 U.S. 115 (1914).
18. *Morgan v. Virginia*, 328 U.S. 373 (1946).

19. *Henderson v. United States*, 339 U.S. 816 (1950).
20. *Corrigan v. Buckley*, 271 U.S. 323 (1926).
21. *Shelley v. Kraemer*, 334 U.S. 1 (1948).
22. *Nixon v. Herndon*, 273 U.S. 536 (1926).
23. *Nixon v. Condon*, 286 U.S. 73 (1932).
24. *Grove v. Townsend*, 295 U.S. 45 (1935).
25. *Smith v. Allwright*, 321 U.S. 649 (1944).
26. *Terry v. Adams*, 345 U.S. 461 (1953).
27. Karl Marx, *Capital*, Modern Library Edition, 1936, 329.
28. Karl Marx to Friederich Engels, July 30, 1862. Communist and Soviet translations of the Marx-Engels correspondence sometimes suppress or alter these offensive observations. However in his pamphlet, *Red Intrigue and Race Turmoil*, Alliance, Inc., New York, 1958, 36-45, Zygmund Dobbs has assembled the pertinent material.
29. Karl Marx to Friederich Engels, August 7, 1866.
30. Friederick Engels to Karl Marx, October 2, 1866.
31. *New Masses*, "Betrayal by the N.A.A.C.P.," January 8, 1936.
32. The quotations from Bunche derive from several volumes of typescript which he prepared for the Myrdal study as reproduced in Myrdal, *op. cit.*, 1405-6, 789. It should be noted that Myrdal dissociated himself from Bunche's extremist views (p. 833). Nor need the reader assume that Bunche's opinions are the same today as they were in 1940.
33. Wilson Record, *The Negro and the Communist Party*, University of North Carolina Press, Chapel Hill, 1951, 86.
34. *Norris v. Alabama*, 294 U.S. 587 (1935). *Powell v. Alabama*, 287 U.S. 45 (1932).
35. N.A.A.C.P. Legal Defense and Education Fund, *Toward Equal Justice*, New York, (undated), 10
36. Myrdal, *op. cit.*, 431-2.
37. "We Communists desire to do everything possible in building and broadening the movement of the Negro people in cooperation with the N.A.A.C.P., the National Negro Congress, the Urban League and other organizations." James Ford, "Uniting the Negro People in the People's Front," *The Communist*, August 1937, 728.
38. To Myrdal, the Communist-controlled Southern Conference was the first congregation of "Southern liberals" since the "era of the American Revolution." He believed that "they, in this new and unique adventure, experienced a foretaste of the freedom and power which large-scale political organization and concerted action give." Myrdal, *op. cit.*, 469.
39. House Committee on Un-American Activities, *The American Negro and the Communist Party*, December 22, 1954, 8.
40. Record, *op. cit.*, 186.
41. Quoted by Record, *op. cit.*, 260-1.
42. v. E. Franklin Frazier, head of the Sociology Department of Howard University, *Race and Culture Contacts in the Modern World*, Alfred A. Knopf, New York, 1957, 302, 304 inter alia.

CHAPTER 11

1. Total Negro population rose from 8,800,000 to 17,300,000. Negroes on Southern farms fell from about 6,000,000 to 2,700,000.

2. *U.S. News & World Report*, August 23, 1957, 70-1. The Northern cities are: Baltimore, Chicago, Cincinnati, Cleveland, Dayton, Detroit, Gary, Los Angeles, Newark, New York, Oakland, Philadelphia, Pittsburgh, San Francisco, St. Louis and Washington, D.C.
3. *Ibid.* The Southern cities are: Atlanta, Birmingham, Charlotte, Columbia, S.C., Fort Worth, Greensboro, N.C., Houston, Jackson, Little Rock, Memphis, Montgomery, New Orleans, Richmond, Tallahassee, Tampa and Winston-Salem.
4. Emmet John Hughes, "The Negro's New Economic Life," *Fortune*, September 1956.
5. Eli Ginzberg, *The Negro Potential*, Columbia University Press, New York, 1956, 25.
6. Myrdal, *op. cit.*, 804.
7. Thomas M. Pryor, *New York Times*, magazine section, January 25, 1959, 27: "He is the first of his race to reach the top of the Hollywood ladder solely on the basis of acting ability and without having been exposed to the public in any other form of entertainment."
8. *Fortune*, *op. cit.*
9. Ginzberg, *op. cit.*, 16. The comparison is between median family incomes of the two races.
10. *Fortune*, *op. cit.* West Germany real income may have been somewhat higher due to differences in living costs.
11. André Malraux, *The Voices of Silence*, Doubleday & Co., Garden City, 1953, 547.
12. Herbert Kuehn, *Die Kunst Alteuropas*, Kohlhammer, Stuttgart, 1954.
13. J. C. Carothers, *The African Mind in Health and Disease: a Study in Ethnopsychiatry*, World Health Organization, Geneva, 1953, 50.
14. Melville J. Herskovits, *The Myth of the Negro Past*, Harper & Brothers, New York, 1941, 32.
15. Clyde Kluckhohn, *Mirror for Man*, McGraw Hill, New York, 1949, 100.
16. 13th edition, article on "Timbuktu," and W. E. Burghardt Du Bois, *Black Folk: Then and Now*, Henry Holt & Co., New York, 1939, 46. The pro-communist prejudices of Dr. Du Bois have not prevented him from being more scrupulous in his presentation of historic facts than many "liberal" and anti-communist scholars.
17. Sonia Cole, *The Prehistory of East Africa*, Penguin Books, London, 1954, 27.
18. Myrdal, *op. cit.*, 752.
19. Carothers, *op. cit.*, 50.

CHAPTER 12

1. Marcelle Geber, M.D., and R.F.A. Dean, M.D. (Director and visiting worker of the Medical Research Council for research in infantile malnutrition at the Mulago Hospital, Kampala, Uganda), "Development rates of African children in Uganda," *The Lancet* (June 15, 1957), 272, No. 6981, pp. 1216-19.
2. Bantu is a linguistic category. The 50,000,000 Bantu used to be considered a mixed Negro-Hamitic group, but modern experts consider that there is very little difference between the Bantu and true Negroes from an ethnic standpoint.

3. p. 1217.
4. This precocity consists of shedding uterine postural rigidities and hypertonicity, outgrowing such neonatal reactions as automatic march, straightening reflex and Moro reflex, and acquiring head, back, neck and other muscular controls.
5. J. C. Carothers, *The African Mind in Health and Disease: a Study in Ethnopsychiatry*, World Health Organization, Geneva, 1953, p. 34.
6. *Ibid.*, 111, Citing Silvera, W. D., & Jelliffe, D. B., (1952) *J. trop. Med. Hyg.*, 55, 73.
7. Marcelle Geber, "Développement psycho-moteur de l'enfant africain," *Courrier*, UNESCO, Paris (January 1956), VI, 1, 17-29.
8. p. 28. My emphasis - N.W.
9. Arnold Gesell and Catherine S. Amatruda, *Developmental Diagnosis: Normal and Abnormal Child Development*, Hoeber, New York, 1947, 331.
10. Leona E. Tyler, *The Psychology of Human Differences*, Appleton-Century-Crofts, Inc., New York, 1956, 81-2. Also see Nancy Bayley, "Individual patterns of development," *Child Development*, (March 1956) 27, 1, 45-74.
11. Scott, R. B., *et. al.*, "Growth and development of Negro infants: V. Muscular patterns of behavior during the first year of life," *Pediatrics* (1955), 16, 24-30.
12. Belle Dubnoff, "A comparative study of mental development in infancy," *J. genet. Psychol.* (1938), 53, 67-73.
13. Carothers, *op. cit.*, 100. Light has been shed on the relationship between the pace of neonatal development and ultimate mental stature by studies of infant great apes. One of the most famous (and dangerous) of these investigations was undertaken by two young American scientists who reared Donald, their infant son, with Gua, a female chimpanzee. For the first three years of life, Gua retained her lead in developmental pace and learning, but thereafter fell behind. (W. N. & L. A. Kellog, *The Ape and the Child*, McGraw Hill, New York, 1933.)

More recently, two Ohio State investigators made detailed, photographic records of the development of Colo, a female gorilla, born in the Columbus Zoo on Dec. 22, 1956. Examinations were made at two week intervals between birth and 40 weeks and more infrequently thereafter. Colo's speed of muscular and kinesthetic maturation in the early months was "approximately twice as fast as that found in humans" and also faster than that of the chimpanzees studied by Riesen, Kinder, Yerkes, Kellog, Hayes and others. Colo "lifted her head in supine from the outset, a behavioral pattern not attained by the human infant until 28 weeks of age, and she never lost this ability." Command of head and neck musculature seemed particularly precocious. Noting that the motor behavioral pattern of the gorilla was more rapid than that of chimpanzees, the authors said in conclusion:

"One hypothesis which might be brought forward is that the more prolonged the infancy, when one genus is compared with another, the higher the eventual attainment in terms of human intellectual functioning. The hierarchy would appear to be homo sapiens, chimpanzee and gorilla." (Knobloch, Hilda and Pasamanick, Benjamin, "Gross motor behavior in an infant gorilla," Paper delivered September 2, 1958 at the Annual Meeting, American Psychological Association, Washington, D. C.)

14. Carothers, *op. cit.*, 101.
15. Carothers, 76.
16. F. W. Vint, M.D., "A preliminary note on the cell content of the prefrontal cortex of the East African native," (1932), *E. Afr. Med. J.*, IX, 2, 30-55.
17. H. L. Gordon, *Eugen. Rev.* (1934), 25, 223.
18. Carothers, 77.
19. Julian Herman Lewis, *The Biology of the Negro*, University of Chicago Press, Chicago, 1942, 80.
20. Carothers, 78.
21. Vint, *op. cit.*, and "The brain of the Kenya native," *J. Anat.* (Cambridge), LXVIII, 2nd Part, Jan. 1934, 216-24.
22. Ian Henderson with Philip Goodhart, *Manhunt in Kenya*, Doubleday, Garden City, 1958, 12.
23. Vint, *J. Anat.*, 68, 216-24.
24. Vint, *E. Afr. Med. J.*, IX, 2, 30-55.
25. For example, J. L. Conel in *The Biology of Mental Health and Disease*, Report of the 27th Annual Conference of the Milbank Fund, New York, 1952.
26. Vint, *J. Anat.*, 68, 216. Vint adds that we do not know how many of these immature brain cells might develop under different conditions of life and education.
27. Sequeira, J. H. (1932), *Brit. med. J.*, 1, 581.
28. Gallais, P., Corriol, J. & Bert, J., *Méd. trop.* (1949), 9, 693.
29. W. Grey Walter, *The Living Brain*, W. W. Norton & Co., New York, 1953, pp. 152, 203, 209.
30. *Ibid.*, 152. 31. *Ibid.*, 214.
32. Gallais, P., Milieto, G., Corriol, J. & Bert, J. (1951) *Méd. trop.*, 11, 128.
33. Mundy-Castle, A. C., McKiever, B. L. & Prinsloo, T. (1953), *Electroencephalography and Clinical Neurophysiology*, V, 4, 533-43.
34. W. Grey Walter, "The Electrical Activity of the Brain" in *The Physics and Chemistry of Life* by the Editors of *Scientific American*, Simon & Schuster, New York, 1955, 261.
35. John C. Eccles, "The Physiology of Imagination," *Scientific American*, Sept. 1958, 199, 3, 142.
36. Mundy-Castle, 541. In an experiment in the Belgian Congo, Verhaegen found incomplete disappearance of alpha waves on opening the eyes in 22% of his subjects and hypothesized that this might be related to "the fact that the Negro finds it difficult to concentrate; his level of watchfulness appears to fluctuate markedly." *Documenta de Medecina Geographica et Tropica*, Amsterdam (Dec. 1957), IX, 4, 377-84.
37. Geber, *Courier*, *op. cit.* 38. Carothers, 49.
39. Bourdel, L. (1949) *Rev. mens. Com. nat. Org. franç.*, 23, 9.
40. Carothers, 103.
41. Carothers, (1951), *J. Ment. Sci.*, 97, 12.
42. Carothers, *The African Mind in Health and Disease*, 100, 109.
43. A. F. Tredgold, *A Textbook of Mental Deficiency*, London, 1947.
44. D. Westermann, *The African To-day and To-morrow*, 1939, London.
45. Carothers, 87. 46. Carothers, 50.
47. Gallais and Planques, *op. cit.* 48. *Ibid.*

49. G. Tooth, *Studies in Mental Illness in the Gold Coast*, London, 1950.
50. Carothers, 148.
51. Gerard Wintringer, "Considerations sur l'intelligence du noir d'Afrique," *Revue Psychol. Peuples*, Le Havre, 1955, 1st quarter, 37-55.
52. Summarized by Wintringer, *ibid.*
53. V. B. Gonzales, *Capacidad mental del Negro*, Consejo Superior de Investigaciones cientificas, Madrid, 1952. 116 p.
54. R. Maistriaux, "Les noirs sont des hommes," *Bull. l'Union Femmes. Col.*, Brussels, Jan. 1955, 6 and 9.
55. Wintringer, *op. cit.*, 55.
56. Myrdal, 139; Carothers, 76; J. C. Connolly, *External Morphology of the Primate Brain*, Springfield, Ill., 1950; Raymond Pearl, (1934), *Science*, 80, 431; K. Simmons (1942), *Hum. Biol.*, 14, 473.
57. Carothers, 78; Connolly, *op. cit.*; Lewis, *op. cit.*, 80.
58. Carothers, 82. 59. Carothers, 89.
60. Leona E. Tyler, *The Psychology of Human Differences*, Appleton-Century-Crofts, Inc., New York, 1956, 298.
61. Benjamin Malsberg in Otto Klineberg, *Characteristics of the American Negro*, New York, 1944.
62. Heyman, D. (1945), *Ment. Hyg. N.Y.*, 29, 231.
63. Rosenthal, S.P. (1933), *J. abnor. (soc.) Psychol.*, 28, 301. Quoted by Carothers, 164.
64. Edward Stainbrook, "Some characteristics of the psychopathology of schizophrenic behavior in Bahian society," *Am. Journ. Psychiat.*, 1952, 109, 330-5

CHAPTER 13

1. The phrase is taken from Roger J. Williams' stimulating *Free and Unequal*, University of Texas Press, Austin, 1953. A distinguished scientist, Dr. Williams is characterizing a viewpoint with which he disagrees.
2. Ashley Montagu, *Man: His First Million Years*, World, Cleveland, 1957, 98-9.
3. Myrdal, *op. cit.*, 142-53.
4. Second (1950) edition, 1956 printing. Article on *Race*.
5. Earnest A. Hooton, *Twilight of Man*, Putnam's, New York, 1929, 129.
6. Carleton S. Coon, *The Study of Man*, Alfred A. Knopf, New York, 1954, 187-8.
7. William C. Boyd, *Genetics and the Races of Man*, Little, Brown & Company, Boston, 1954, 187-8.
8. L. C. Dunn and Theodosius Dobzhansky, *Heredity, Race and Society*, Mentor Books, New York, 1952, 134.
9. Julian Huxley, *Man Stands Alone*, Harper & Brothers, New York, 1941, 53.
10. G. M. Morant, *The Significance of Racial Differences*, UNESCO, Paris, 1952, 42.
11. A. H. Schults, "The specializations of man and his place among the Catarrhine primates," *Cold Spring Harbor Symposium* (195), 15, 49.
12. Carleton S. Coon, "Climate and Race" in *Climatic Change*, ed. Harlow Shapley, Harvard University Press, Cambridge, 1953. 17.
13. Coon, *The Story of Man*, *op. cit.*, 183.

14. M. J. W. Jeffreys, *Forum* (1952), 1, 53. Quoted by Carothers, 14.
15. Carothers, *op. cit.*
16. Much of this was pointed out many years ago in J. B. S. Haldane's famous and entertaining essay, "On Being the Right Size." Fortunately, James R. Newman reprinted it in *The World of Mathematics*, Simon and Schuster, New York, 1956, II, 952-8.
17. These characteristics have not prevented the Mongolians from thriving in temperate and even torrid climates. With the very slow southward migration of Mongoloid peoples, however, body structure has become slighter and the face less flat.
18. Coon in *Climatic Change*, *op. cit.*, 24-26.
19. Coon, *The Story of Man*, 211-2.
20. Until comparatively recently, natural selection operated within the human species "rather through differential death-rates than through differential rates of reproduction." R. A. Fisher, *The Social Selection of Human Fertility*, The Herbert Spencer Lecture, Oxford, June 8, 1932, Clarendon Press, Oxford, 1932, 16-17.
21. This handicap would affect the races of the tropical rain forest as well as those of the sun-scorched deserts. For, if rain-forest mean temperatures are lower, humidity is higher and air circulation less. Hence, the demands placed on heart and sweat glands may be as great or greater.
The African ancestors of the American Negro were captured, for the most part, in the equatorial lowlands of West Africa.
22. John Pfeiffer, *The Human Brain*, Harper & Brothers, New York, 1955, 28-31, 222-7.
23. Harper & Brothers, New York, 82-9. Klineberg has spent most of his working life attempting to prove that Negroes and whites are equal in innate mental ability.
24. Mustard seed or water is poured into the sealed-off brain, then decanted and measured.
25. Coon in *Climatic Change*, 17.
26. Theodosius Dobzhansky, *Evolution, Genetics and Man*, John Wiley & Sons, New York, 1955, 334.
27. Mischa Titiev, *The Science of Man*, Henry Holt & Co., New York, 1954, 160.
28. It is also sometimes alleged that Voltaire, Raphael, Bach and Dante had small brains. This seems to be primarily inference from portraiture.
29. Fritz Kahn, *Man in Structure and Function*. Alfred A. Knopf, New York, 1943, 550.
30. Vint, *E. Afr. Med. J.* (1932), IX, 2, 30-55.
31. J. P. Mackey (1953), *E. Afr. Med. J.*, 30, 13.
32. Carothers, 169-70.

CHAPTER 14

1. These views were expressed most vigorously by Lothrop Stoddard:
"To begin with, the black peoples have no historic pasts. . . Left to himself, he (the Negro) remained a savage, and in the past his only quickening has been where brown men have imposed their ideas and altered

his blood. The originating powers of the European and the Asiatic are not in him."

And again: "The Black race has never shown real constructive power. It has never built up a native civilization. Such progress as certain negro groups have made has been due to external pressure and has never long outlived that pressure's removal, for the negro, when left to himself, as in Haiti and Liberia, rapidly reverts to his ancestral ways. . .

"Unless, then, every lesson of history is to be disregarded, we must conclude that black Africa is unable to stand alone."

The Rising Tide of Color, Charles Scribner's Sons, New York, 1920, 91-2, 102.

2. "Africa and the West in historical perspective" by Sir Philip Mitchell, G.C.M.G., M.C., Former Governor of Kenya, in *Africa Today* (ed. C. Grove Haines), John Hopkins Press, Baltimore, 1955, 12.
3. Arnold J. Toynbee, *A Study of History*, Oxford University Press, New York, 1948 (4th impression) I, 233.
4. Toynbee attempts to explain this Negro failure by observing that only 6,000 years have elapsed since the first civilizations appeared on earth and it is perhaps too early to judge whether the Negro is "in a daydream . . . paralysed . . . or out of the running." Perhaps so. But if 60 centuries is too short a time for man to draw general inferences from his past, then Toynbee's life work has been a waste of time.
5. Mitchell, *op. cit.* 6. Cole, *op. cit.*, 23.
7. Hermann and Georg Schreiber, *Vanished Cities*, Alfred A. Knopf, New York, 1957, 191-2.
8. *Ibid.*, 208.
9. Father Schebesta's ideas are summarized in Schreiber, 191-223. His writings are scattered in technical journals.
10. Schreiber, *op. cit.*, 220.
11. Lord Hailey, *An African Survey*, Oxford University Press London, 1938, 13.
12. Du Bois, *op. cit.*, 13. 13. Hailey, *op. cit.*, 1.
14. M. Delafosse, *Les noirs de l'Afrique*, Payot, Paris, 1922, 156-60.
15. Writing in the fourteenth century, Ibn Batuta described Chinese ocean vessels with 12 sails, 600 sailors and oarsmen and 400 men at arms.
16. Cole, *op. cit.*, 23.
17. Sir Harry H. Johnston, *The Negro in the New World*, Methuen, London, 1910, 14-15.
18. To be sure, Leo Frobenius discovered a castle in Nigeria, but he denied that it was the work of a Negroid people. The internal evidence of their portraiture suggests that these Ife artists and builders may have been non-Negro as does the traditional account of the rise of West African kingdoms given by the Arab traveller, El Bekri, in the 11th century.
19. John Gunther, *Inside Africa*, Harper & Brothers, New York 1953, 601.

CHAPTER 15

1. Myrdal, *op. cit.*, 145.
2. Psychometric intelligence means mental ability as measured by intelligence tests and as defined by intelligence quotients (I.Q.s). Use of this term makes

- it possible for us to avoid the philosophical question of whether or not aspects of intelligence exist which cannot be measured.
3. R. Pintner, *Intelligence Testing*, Henry Holt & Co., New York, 1931, chapter 20.
 4. Audrey M. Shuey, *The Testing of Negro Intelligence*, J. P. Bell, Co., Lynchburg, Va., 1958.
 5. An I.Q. of 100 is average. The classification system devised by Terman in 1916 considers the 70-80 I.Q. range as "borderline deficiency, sometimes classifiable as dullness, often as feeble-mindedness."
 6. Shuey, *op. cit.*, 78.
 7. These college test results are reported in detail by Shuey, 162-71.
 8. *Ibid.*, 177. For full titles of the studies mentioned, see Shuey.
 9. Otto Klineberg, *Race Differences*, Harper & Brothers, New York, 1935, 168.
 10. Tyler, *op. cit.*, 296. 11. Shuey, 32-3. 12. *Ibid.*, 112-3, 131.
 13. The overlap is a convenient method of summarizing comparisons where different tests are used with different scoring systems. It measures the percentage of Negro scores which equal or exceed the average white score. If the two racial groups did equally well, the overlap would be 50% for about half the Negroes would equal or exceed the white average.
 14. F. C. J. McGurk, *Comparison of the Performance of Negro and White High School Seniors on Cultural and Non-Cultural Psychological Test Questions*, Catholic University of America Press, Washington, D. C., 1951 (microcard). This important study is summarized by Shuey, 151-3, and Tyler, 296.
 15. Tyler, 91. 16. *Ibid.*, 88. 17. *Ibid.*, 91.
 18. M. D. Jenkins, "The Upper Limit of Ability Among American Negroes," *Scientific Monthly*, 1948, 66, 399-401.
 19. P. A. Witty and M. D. Jenkins, "The Case of 'B'—A Gifted Negro Girl," *J. Soc. Psychol.*, 1935, 6, 117-24.
 20. Jenkins, *Scientific American*, *op. cit.* "Liberal" writers on race relations almost always refer to the little Negro girl with an I.Q. of over 200, but they ignore the conclusion of Jenkins that Negro genius is comparatively infrequent and the evidence upon which it rests. For a biased statement of the matter, see Myrdal, *op. cit.*, 147, 1216-17.
 21. Shuey, 232. 22. Tyler, 296. 23. Shuey, 153-4.
 24. H. A. Tanser, *The Settlement of Negroes in Kent County, Ontario*, Shephard Publishing Co., Chatham, Ontario, 1939. Taylor, 293-4, and Shuey, 34, 39-41, give good summaries.
 25. F. C. J. McGurk, "A Scientist's Report on Race Differences," *U.S. News & World Report*, Sept. 21, 1956, calculated Negro overlaps in the Tanser study at 13% to 20% depending on the tests used.
 26. Tanser, *op. cit.*, 129. 27. *Ibid.*, 163.
 28. M. Bruce, "Factors Affecting Intelligence Test Performance of Whites and Negroes in the Rural South," *Arch. Psychol.*, No. 252.
 29. F. C. J. McGurk, "On White and Negro Test Performance and Socio-Economic Factors," *J. Abnorm. & Soc. Psychol.*, 1953, 48, 448-50.
 30. Robert M. Yerkes, *Psychological Examining in the United States Army*, Memoirs of the National Academy of Sciences, Vol. XV, Government Printing Office, Washington, D. C., 1921, 705.

31. Ruth Benedict and Gene Weltfish, *The Races of Mankind*, Public Affairs Committee, New York, 1943: Ashley Montagu, "Intelligence of Northern Negroes and Southern Whites in the First World War," *American Journal of Psychology*, 58, 161-88, etc.
32. Stanley D. Porteus, *The Porteus Maze Test and Intelligence*, Pacific Books, Palo Alto, Cal., 1950, 109.
33. For details and article citations, see Shuey, 180-97.
34. Senate Internal Security Subcommittee, *Hearings, Subversive Influence in the Educational Process*, Sept.-Oct., 1952, Part 1, 232.
35. G. O. Ferguson, Jr., "The Intelligence of Negroes at Camp Lee, Virginia," *School and Society*, 1919, 9, 721-6. Also Shuey, 272-3.
36. Samuel A. Stouffer (editor), *The American Soldier: Adjustment During Army Life*, Princeton University Press, Princeton, 1949, Vol. I, 492. The figures cover a 2% sample of white and Negro enlisted men in the Army in March 1945.
37. Data from tabulation of scores of about 3 million inductees processed between June 1943 and May 1945, Adjutant General's Office. The First Service Command comprised the six New England states; the Fourth comprised N.C., S.C., Ga., Fla., Ala., Tenn., and Miss.
38. Ginzberg, *op. cit.*, 103. The source of this data is the Adjutant General's Office, Department of the Army. However, a request for a detailed breakdown by this writer elicited the reply that the Army knew of no such data.
39. Tyler, *op. cit.*, 302.
40. Pintner-Paterson Performance Scale and Pintner Non-Language Test.
41. Cited in Otto Klineberg, *Race and Psychology*, UNESCO, Paris, 1951, 22.
42. *Idem.* 43. Porteus, *op. cit.*, 111.
44. R. Carlson Hilding and Norman Henderson, "The Intelligence of American Children of Mexican Parentage," *Journal of Abnormal and Social Psychology*, July 1950, 45, No. 3, 544-51.
45. Tyler, *op. cit.*, 297. 46. Shuey, *op. cit.*, 318.

CHAPTER 16

1. Harold A. Ferguson and Richard L. Plaut, "Talent—To Develop or Lose," *The Educational Record*, April 1954, 137-40. The states were: Cal., Conn., Col., Ill., Ind., Mass., Minn., N.J., N.Y., Ohio and Penna.
2. Richard L. Plaut, *Blueprint for Talent Searching*, National Scholarship Service and Fund for Negro Students, New York, 1957, 19.
3. Albert Q. Maisel, "The Chinese Among Us," *Reader's Digest*, February 1959, 210.
4. Plaut, *op. cit.*, 4.
5. Ginzberg, *op. cit.*, 59.
6. Arthur L. Benson, "Problems of Evaluating Test Scores of White and Negro Teachers," Southern Association of Colleges and Secondary Schools, *Proceedings of the 59th Annual Meeting*, 168-76.
7. Maisel, *op. cit.*, 210.
8. Professor Chen-Ning Yang of the Princeton Institute of Advanced Studies (34) and Professor Tsung-Dao Lee of Columbia (barely 30).
9. *Investigation of Public School Conditions*. Report of the Subcommittee to

- Investigate Public School Standards and Conditions, and Juvenile Delinquency in the District of Columbia, House of Representatives, 84th Congress, 2nd Session, Washington, 1957.
10. *Ibid.*, 17.
 11. *Ibid.*, 20.
 12. *D. C. School Hearings*, 401.
 13. *Ibid.*, 351.
 14. *D. C. School Hearings*, 346, Dr. Hansen's testimony.
 15. *District of Columbia Appropriations, 1960, Hearings*, 304.
 16. *Washington Post*, June 16, 1959.
 17. The first statement is misleading; the second false. Track systems need not prematurely stratify anybody since students are periodically retested.
 18. "'Track' Plan Aids Capital Schools," *New York Times*, April 19, 1959.
 19. *D. C. School Hearings* 403. This 50 to 75 I.Q. group comprises morons and feeble-minded. They are too stupid to serve in the infantry. About the best men in this category can do is learn to dig ditches, scrawl their names and keep out of jail. In Washington, D. C., in 1956, the group was about 86% Negro.
 20. Under the four-track system, the backward, or basic, group has been steadily losing ground. Commenting on this, Dr. Hansen said: "The longer they stay in school the farther they drop behind the average. The important thing is that they stay in school and are that much better equipped for adult life," *New York Times*, April 19, 1959. Whether they are equipped for anything by being taught subjects they can't understand is a question Dr. Hansen did not grapple with.
 21. Representative James C. Davis of Georgia, television address, Station WLW-A, Atlanta, May 17, 1959.
 22. Preston E. James, *Latin America*, Lothrop, Lee & Shepard Co., Boston, 1942, 779.
 23. S. Smith, *J. gen. Psych.*, 26, 51-83; also Pablo Roca in *Revista Asoc. Maestros Puerto Rico*, 1954 and the 1952 and 1953 studies of Anne Anastasi and Fernando A. Cordova.
 24. Christopher Rand, *The Puerto Ricans*, Oxford University Press, New York, 1958, 73.
 25. *New York Times*, April 7, 1959, summarizing the Ford Foundation financed volume, "The Puerto Rican Study."
 26. Agnes E. Meyer, "Race and the Schools", *Atlantic Monthly*, January 1958, 30.
 27. *Ibid.* Emphasis in the original.
 28. Sept. 2, 1958.
 29. v. Ralph Bunche's references to "mawkish, missionary-minded" white friends of the N.A.A.C.P. in Myrdal *op. cit.*, 1405-6.
 30. This volume was a product of the Conservation of Human Resources Project, established by Columbia University in 1950 under General Eisenhower, sponsored by 15 business organizations and financed by Ford Foundation.
 31. Ginzberg, *op. cit.*, 7.
 32. If this logic were applied consistently, Ginzberg would have to conclude that, since a large proportion of the nation's best physicists are Jews, the Jewish potential in physics must be practically exhausted. On the other

hand, since the Negroes have not produced a single theoretical scientist of the first rank, our scientific potential for the future must be concentrated in the cotton fields of Mississippi and the tenements of Harlem.

33. *Washington Post*, June 18, 1959.

34. *New York Times*, July 12, 1959.

CHAPTER 17

1. *U.S. News & World Report*, February 21, 1958, 44.
2. *Juvenile Delinquency*, Report of the Committee on the Judiciary, U.S. Senate, 86th Cong., 1st Sess., March 24, 1959, 18.
3. *Ibid.*, 15. 4. *Idem.* 5. *Ibid.*, 19.
6. *U.S. News & World Report*, December 19, 1958, "The Big Story in the Big Cities," 46.
7. *Idem.*, 46. 8. *Idem.*, 48-9. 9. *Idem.*, 50. 10. *Idem.*, 50.
11. *D.C. School Report*, 24. 12. *D.C. School Hearings*, 75-77.
13. *Ibid.*, 263-4. 14. *D.C. School Report*, 34.
15. *Ibid.*, 35. 16. *Ibid.*, 33.
17. W. C. Kvaraceus, "Why Youngsters Go Wrong . . . What Should Be Done About It," *U.S. News & World Report*, May 30, 1958, 70-3.
18. U. S. Senate, Subcommittee of the Committee on the Judiciary, *Juvenile Delinquency*, 85th Cong., 1st Sess., Report #130, 1957, 13-14.

CHAPTER 18

1. McMaster, *op. cit.*, IV, 559. In Massachusetts, Connecticut, New York, New Jersey and Pennsylvania in 1820, there were 432 Negro and 1,184 white convicts. However, the colored population in these states numbered only 104,000 out of 3,497,000.
2. Frazier, *op. cit.*, 639.
3. U.S. Bureau of the Census, *Prisoners, 1923* (1926), 62.
4. Federal Bureau of Prisons, National Prisoner Statistics, *Prisoners in State and Federal Institutions, 1950*, Washington, D.C., 1954.
5. Myrdal, *op. cit.*, 971. Male felony prisoners.
6. Federal Bureau of Prisons, *op. cit.*, 55. Prisoners of both sexes. The difference of coverage is unimportant.
7. Sex in this context is not synonymous with rape. Thus a recent, authoritative study of prostitution in New York by the city's chief magistrate observed that nine out of ten New York City pimps were Negroes. John H. Murtagh and Sarah Harris, *Cast the First Stone*, McGraw Hill, New York, 1957.
8. *Ibid.*, 65.
9. Federal Bureau of Investigation. *Uniform Crime Reports*, April 23, 1958, 118.
10. Federal Bureau of Prisons, *op. cit.*, 79. Inclusion of women would not materially affect the picture. Of the 3,219 persons executed in 1930-52, only 24 were female. Of these, 14 were white and 10 Negro.
11. Myrdal, *op. cit.*, 967-8. 12. *Ibid.*, 969.
13. Are Negroes given longer sentences for the same offenses? In 1951, the answer was affirmative for manslaughter, robbery, burglary, theft except auto, embezzlement and fraud, rape, other sex offenses and weapons. Whites averaged longer sentences for murder, aggravated assault, auto theft and drug law violations.

14. *Ibid.*, 969. 15. *Ibid.*, 975. 16. *Ibid.*, 975.
17. Moreover, most crimes of violence are intra-racial. Dr. Louis I. Dublin, Vice President and Statistician of Metropolitan Life Insurance, pointed out that 87% of white killers slay whites and 92% of Negro killers slay Negroes. Dublin, *The Facts of Life from Birth to Death*, Macmillan, New York, 1951, 267.
18. *Ibid.*, 972-3. My emphasis—N.W.
19. Senate Judiciary Committee, *The Immigration and Naturalization System of the United States, Report*, S. Res. 137, 81st Congress, 2nd Session, Report §1515, 1950, 137.
20. Maisel, *op. cit.*, 212. 21. Senate Judiciary Committee, *op. cit.*, 193.
22. National Commission on Law Observance and Enforcement, *Report on Crime and the Foreign-Born*, 1913, 195.
23. D. R. Taft, *Criminology*, 1942, 116.
24. Fred E. Haynes, *Criminology*, 1935, 82.
25. For instance, Euclides da Cunha in his Brazilian classic, *Os Sertoes* (1902) noted that the word *Capanga* means both hired assassin or gangster and backwoods Negro. *Rebellion in the Backlands*, Phoenix Books, Chicago, 1944, 495.
26. Carothers, *op. cit.*, 153.
27. B. J. F. Laubscher, *Sex, Customs and Psychopathology: a Study of South African Pagan Natives*, London, 1937.
28. Ordinary crime, but not political offenses, are punished by flogging. In 1952, Indians were given 206 strokes of the cat, whites 760 and Africans and colored 49,111.
29. John Gunther, *Inside Africa*, Harper & Brothers, New York, 1953, 478-9, 504.
30. *U.S. News & World Report*, "The Tragic Story of South Africa," January 30, 1959, 58.
31. *Ibid.*, 58.
32. Daniel Seligman, "The Enduring Slums," *Fortune*, December 1957, 221, writes: "'Once upon a time,' says a close student of New York slums, 'we thought that if we could only get our problem families out of those dreadful slums, then papa would stop taking dope, mama would stop chasing around, and Junior would stop carrying a knife. Well, we've got them in a nice new apartment with modern kitchens and a recreation center. And they're the same bunch of bastards they always were.'"
33. Maisel, *op. cit.*, 212, quotes San Francisco probation officer Lim Lee: "Chinese fathers and mothers guide their youngsters right through to adulthood, and inspire in them an everlasting determination not to disgrace the honor of their name."
34. University of Chicago Press, Chicago, 1939. 35. Myrdal, *op. cit.*, 934.
36. Carothers, *op. cit.*, 64.
37. H. C. Trowel (1948), *E. Afr. med. J.*, 25, 236.
38. Vint, F. W. (1949), *E. Afr. med. J.*, 26, 58. Quoted in Carothers, *op. cit.*, 63.
39. J. N. P. Davies (1949), *British Medical Journal*, 2, 676.
40. Trowel, *op. cit.* Gynaecomastia need not be hereditary; it may be caused by malnutrition.
41. Ellsworth Huntington, *Mainsprings of Civilization*, John Wiley & Sons, New York, 1945, 229, 231.

CHAPTER 19

1. Irene B. Taeuber, "Migration, Mobility and the Assimilation of the Negro" in *The American Negro at Mid-Century*, Population Bulletin, Population Reference Bureau, Inc., Washington, D. C., (November 1958), XIV, No. 7, 162.
2. *Ibid.*, 146.
3. Figures from Taeuber, *op. cit.*, 144-6 and *Statistical Abstract of the United States*, 1957, 56, 61, 68.
4. The stipend is too low to be attractive to most people. In Washington, D. C., in the spring of 1958, for instance, a mother with three children averaged \$144 a month in relief payments and could expect another \$15 for each additional child.
5. A bill was introduced in the North Carolina legislature in 1959 proposing that mothers of two or more illegitimate children on public relief be compelled to choose between sterilization and self-support.
6. Maurice R. Davie, *Negroes in American Society*, McGraw Hill, New York, 1949, 391, 397-8.
7. For example, Joseph Jacobs (*Studies in Jewish Statistics*, London, 1891, vi) found that in Prussia, between 1875 and 1881, 1,676 mixed marriages between Jews and Gentiles produced an average of only 1.65 children, whereas the average intra-Jewish marriage in Prussia at the time produced 4.41 children. Similar fertility differentials have been found in other types of mixed marriages.
8. Williams, *Free and Unequal*, *op. cit.*, 127.
9. Melville J. Herskovits, *The Anthropometry of the American Negro*, Columbia University Press, New York, 1930, 15.
10. *Ibid.*, 177.
11. If one assumes that largely Negro or white means 75%, the breakdown of the "Negro" gene pool would be 68% Negro and 32% Caucasian.
12. Myrdal, *op. cit.*, 1210-11.
13. Curt Stern, "The Biology of the Negro," *Scientific American*, October 1954.
14. Curt Stern, *U.S. News & World Report*, September 19, 1958, 81-2.
15. Herbert Ravenel Sass, "Mixed Schools and Mixed Blood," *The Atlantic*, November 1956.
16. Dr. Edgar T. Thompson (Duke University), *U.S. News & World Report*, September 19, 1958, 86.
17. Dr. Preston Valien (Fisk University), *U.S. News & World Report*, *ibid.*, 85.
18. *Idem.*, 78. 19. *Idem.*, 81.
20. Sass, *op. cit.*
21. Myrdal, 60-1.
22. On the CBS "Face the Nation" program, September 7, 1958.
23. *U.S. News & World Report* interview, May 28, 1954.
24. Charles B. Davenport and M. Steggerda, *Race Crossing in Jamaica*, Carnegie Institute of Washington, Washington, 1929.
25. Harry L. Shapiro, *Race Mixture*, UNESCO, Paris, 1953, 44-9.
26. *U.S. News & World Report*, September 19, 1958, 82.
27. The same process can be observed in marriages of Jews and Gentiles. Because of their outstanding intellectual ability, Jews have won more Nobel Prizes

in science, proportionately to their numbers, than any other ethnic or national group. The Jewish percentage of such awards through 1936 was 10% in chemistry, 13% in physics and 17% in medicine. Yet half-Jews, representing at the time an insignificant portion of the European Jewish population, did much better even than the Jews. They earned about a third as many Nobel Prizes in science as full Jews. The explanation, no doubt, is that the sort of Jew and Gentile who defy custom and social pressure to marry as they please are superior in respect to psychic gifts.

28. Andrew D. Weinberger, "A reappraisal of the constitutionality of miscegenation statutes," *Cornell Law Quarterly* (Winter 1957), 42, No. 2, 208-22.
29. Ariz., Ark., Idaho, Neb. and Utah.
30. Colo., Del., Mo., Nev., N.C., S.C., W. Va. and Wyo.
31. Ala., Fla., Ga., Ind., Ky., La., Md., Miss., Okla., Tenn., Texas and Va.
32. Weinberger, *op. cit.*, 211.
33. Charles S. Mangum, Jr., *The Legal Status of the Negro*, University of North Carolina Press, Chapel Hill, 1940, 237.
34. Gilbert T. Stephenson, *Race Distinction in American Law*, Appleton, New York, 1910, 79-80.
35. 36 Ind. 389 (1871).
36. *Pace v. Alabama*, 106 U.S. 583 (1883).
37. "Laws forbidding the intermarriage of the two races may be said in a technical sense to interfere with the freedom of contract, and yet have been universally recognized as within the police power of the state. . . *Plessy v. Ferguson*, 163 U.S. 537 (1896).
38. *Buchanan v. Warley*, 245 U.S. 60 (1917).
39. *Perez v. Sharp*, 32 Cal2d 711 (1948).
40. "The constitutionality of miscegenation statutes," *Howard Law Journal* (January 1955), I, 1, 87-100.
41. Sister Annella Lynn, M.A., *Interracial Marriages in Washington D. C., 1940-47*, Catholic University Press of Washington, Washington, D.C., 1953.

CHAPTER 20

1. *Gong Lum v. Rice*, 275 U.S. 78 (1927). The Court said these segregation laws had been "many times decided to be within the constitutional power of state legislatures. . . ."
2. *Missouri ex. rel. Gaines v. Canada*, 305 U.S. 337 (1938). While the case was being argued, Gaines disappeared; he never showed up to claim his hard-won right to attend the all-white Missouri law school.
3. *Sipuel v. Oklahoma*, 332 U.S. 631 (1948).
4. *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950).
5. *Ibid.*
6. It had been argued that McLaurin would have been shunned by his white fellow students in any event. "This we think irrelevant. . . ." Judge Vinson observed for the Court. "The removal of state restrictions will not necessarily abate individual and group predilections, prejudices and choices. But, at the very least, the state will not be depriving appellant of the opportunity to secure acceptance by his fellow students on his own merits." *Ibid.*

7. *Sweatt v. Painter*, 339 U.S. 629 (1950).
8. Herbert Hill and Jack Greenberg, *Citizen's Guide to Desegregation*, Boston, 1955, 45.
9. Ambrose Caliver, "Segregation in American Education: An Overlook," *Annals of the American Academy of Political and Social Science*, Philadelphia, 1956, 18-19. The North Carolina ratio is about 2:1; that of Alabama about 4:1.
10. Caliver, *op. cit.*, 21. 11. Quoted by Ginsberg, *op. cit.*, 53.
12. *Ibid.*, 59.
13. N.A.A.C.P. Legal Defense and Education Fund, *op. cit.*, 14.
14. *To Secure These Rights, The Report of the President's Committee on Civil Rights*, Simon & Schuster, New York, 1947, 165.
15. Harry S. Truman, *Memoirs, Years of Trial and Hope, 1946-52*, Doubleday & Company, Garden City, 1956, 183.
16. Franklin D. Roosevelt's attitude toward the Negro problem was illustrated by his reasons for deciding not to ask England to surrender her Caribbean possessions in return for American naval aid in 1940. "If we can get our naval bases," he wrote Hull, "why, for example, should we buy them with 2 million headaches, consisting of that number of human beings who would be a definite economic drag on this country, and who would stir up questions of racial stock by virtue of their new status as American citizens?" Memorandum from President Roosevelt to Secretary of State Cordell Hull, dated January 11, 1941.
17. *Brief for the United States as Amicus Curiae, In the Supreme Court of the United States, October Term 1952, Brown v. Board of Education of Topeka*, 1.
18. *Ibid.*, 7.
19. Lee Nichols, *Breakthrough on the Color Front*, Random House, New York, 1954, 205-6.
20. *Ibid.*, 162.
21. For example, the new brief of the Justice Department ran to 188 pages and was supported by a 393-page appendix. Most of this material was historical.
22. *Davis v. County School Board*, 103 F. Supp. 337, R-453. Testimony of Dr. Colgate W. Darden, Jr., President of the University of Virginia, in a Federal court hearing on one of the school integration cases.
23. California, Kansas, Missouri, Nevada, New York, Ohio, Pennsylvania and West Virginia. As late as 1865, five other Northern states excluded colored children from all public school education.
24. *14 Stat. 216*, July 23, 1866.
25. v. Clarence O. Amonette, "Segregation in Public Education—A Study of Constitutional Law." This law review article is reprinted in *Cong. Record*, Appendix A1163-7, Feb. 22, 1956.
26. Alexander M. Bickel, "The Original Understanding and the Desegregation," *Decision*, *Harvard Law Review*, Vol. 69, No. 1. 58, November 1955.
27. *Supplemental Brief for the United States on Reargument*, October Term 1953, 117.
28. *Brown v. Board of Education*, 347 U.S. 483 (1954).
29. *Bolling v. Sharpe*, 347 U.S. 497 (1954).

30. *U.S. News & World Report*, May 18, 1956, 52-3.
31. *Brown v. Board of Education*.
32. *Beauharnais v. Illinois*, 343 U.S. 250 (1952).
33. N.A.A.C.P. Legal Defense and Educational Fund, *Toward Equal Justice*, *op. cit.*
34. Senator James O. Eastland, speech in the Senate, May 26, 1955, *The Supreme Court's 'Modern Scientific Authorities' in the Segregation Cases*, p. 13 of reprint.
35. As late as 1957 Frazier wrote a book, *Race and Culture Contacts in the Modern World*, which was such an orthodox presentation of the Soviet ideology that it refused to follow Khrushchev in criticizing Stalin.
36. Myrdal wrote that the Constitution "is in many respects impractical and ill-suited to modern conditions," that its adoption was "nearly a plot against the common people." "Until recently," he added, "the Constitution has been used to block the popular will. . . ." *op. cit.*, 12-13.
37. The 16 men in question did not contribute 272 articles, but were cited a total of 272 times in the index. Four men, living at that time, each received more than 20 lines in the index of *An American Dilemma*: W. E. Burghardt Du Bois (44 lines), Ralph J. Bunche (32), Arthur Raper (32) and Charles J. Johnson (31). Of these men, Du Bois' Communist front activities were open, ramified, of long duration and notorious. Johnson and Raper were accused by Senator Eastland of having been in the leadership of Red Front groups. As for Bunche, whom the Mississippi Senator avoided mentioning, he was reportedly one of a small group which planned the National Negro Congress, the transmission belt of the Communist Party among American Negroes, and was a contributing editor during 1935-40 of *Science and Society—a Marxist Quarterly*, a leading theoretical organ of international Communism.
38. The relevant issue, of course, was not what Judge Warren considered "fair," but the standards of fairness and equity Congress had desired to incorporate into the Constitution in 1791.
We say Warren "seemed" to draw an illogical conclusion because the Chief Justice's opinions are often written without accuracy or precision. For example, in this particular opinion, he calls a clause in the Fourteenth Amendment "a more explicit safeguard of prohibited unfairness than 'due process of law' . . ." Probably, Warren did not mean to say that any part of the Constitution safeguards unfairness, but rather the opposite.
39. *Bolling v. Sharpe*, 344 U.S. 497 (1954).
40. *United States v. Lovett*, 328 U.S. 303 (1946).
41. James F. Byrnes, *Address at the Lincoln Day Dinner of the Illinois State Bar Association*, Peoria, Ill., Feb. 9, 1957.
42. *New York Times*, August 25, 1956. 43. *Ibid.*
44. *New York Times*, August 21, 1958.
45. *U.S. News & World Report*, December 26, 1958, 67.
46. Taney's Court was assailed as ruthlessly as Warren's but the attacks were primarily political and the assailants politicians.
47. Alfred H. Kelly and Winfred A. Harbison, *The American Constitution*, W. W. Norton & Co., New York, 1955 edition, 826.
48. i.e., politics. Mr. Bickel is being arch. 49. Bickel, *op. cit.*

CHAPTER 21

1. Professor Herbert Wechsler of Columbia University, a staunch supporter of Negro aspirations, had this to say about the Supreme Court's procedure in the Oliver Wendell Holmes Lecture, delivered at Harvard on April 7, 1959:
 "What shall we think, then, of the Court's extension of the ruling to other public facilities, such as public transportation, parks, golf courses, bath houses and beaches which no one is obliged to use — all by *per curiam* decisions? That these situations present a weaker case against State segregation is not, of course, what I am saying. I am saying that the question whether it is stronger, weaker or of equal weight appears to me to call for principled decision."
2. "Race Relations Law Survey, May 1954-May 1957," *Race Relations Law Reporter*, Vanderbilt University School of Law, Nashville, August 1957, Vol. 2, No. 4, 881-911; also *Civil Liberties*, A.C.L.U., New York, April 1959, No. 169.
3. *Briggs v. Elliott*, USDC ED S.C., 132 F Supp. 776 (1955).
4. *Orleans Parish School Board v. Bush*, USCA 5th Cir., 242 F. 2d 156.
5. *Brown v. Board of Education*, 139 F. Supp. 468 (1935).
6. Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina and Virginia.
7. These figures are estimates of actual race mixing in the classrooms. For example, in Washington, D. C., in 1956-57, only about 31,000 of some 77,000 public school pupils were in schools containing more than a handful of white pupils.
8. Herbert M. Hyman and Paul B. Sheatsley, "Attitudes toward Desegregation," *Scientific American*, Dec. 1956, 35-9. The main weakness of the survey is that it combines Southern and Border state opinion.
9. *New York Times*, April 1, 1959.
10. Howard H. Quint, *Profile in Black and White*, Public Affairs Press, Washington, D. C., 1958.
11. *Chisholm v. Georgia*, 2 Dallas 493 (1793).
12. The constitutional theory behind interposition is that the states retained their sovereignty when they signed the Constitution and that each state is the proper judge of the constitutionality of Federal laws in so far as they affect it. At the apogee of his platonic affair with philosophical anarchism, Jefferson urged this doctrine. James Madison supported the same views in 1798, but repudiated them in 1833. John Marshall excoriated interposition, declaring "that the constitution and the laws made in pursuance thereto are supreme; that they control the constitutions and laws of the respective states and cannot be controlled by them. . . ." (*McCulloch v. Maryland*, 4 Wheaton 316 (1819)). For an exhaustive and able treatment, see *Race Relations Law Reporter*, Vol. I, No. 2, 465-99.
13. Ga., La., S. C., Texas and Va. v. *Race Relations Law Reporter*, Vol. 2, No. 4, 892.
14. State laws compelling the N.A.A.C.P. to produce its membership lists have been challenged, and in many instances successfully, in the Federal courts. Since it seems to be established that a Congressional committee can compel a communist-front organization to surrender its membership lists, provided a bona fide legislative purpose exists, one would assume that state legisla-

tive committees would have similar powers with respect to non-communist organizations.

15. In England, there has been only one indictment for barratry between 1750 and the present and, in that case, the charge was dropped. Blackstone devotes a paragraph to "common *barretry*," but the comments stress the element of "false inventions" and repeated offenses. In the 1883 edition of Sir James Stephen's classic three-volume *History of the Criminal Law of England*, barratry is not even mentioned.

CHAPTER 22

1. Charles Morrow Wilson, "Orval Faubus—How Did He Get That Way?", *The Reader's Digest*, February 1959, 78-84.
2. Committee on Un-American Activities, U.S. House of Representatives, *Guide to Subversive Organizations and Publications*, March 3, 1951, 37-8.
3. Governor Orval E. Faubus, television and radio address, September 26, 1957.
4. "The Story of Little Rock—as Governor Faubus Tells It," Exclusive Interview, *U.S. News & World Report*, June 20, 1958, 103.
5. *Ibid.*, 102.
6. *Washington Post*, Sept. 10, 1957, the "Faubus in Rebellion" editorial.
7. *Moyer v. Peabody*, 212 U.S. 78 (1909).
8. It has been challenged, however, by Senator A. Willis Robertson of Virginia (address on October 11, 1957) and by Alfred J. Schweppe, an editor of the *Journal of the American Bar Association*. The Schweppe critique was reprinted by *U.S. News & World Report*, November 1, 1957, 121-3.
9. *In re Debs*, 158 U.S. 564 (1895).
10. Virgil T. Blossom, "The Untold Story of Little Rock, Part V: Bomb Scares and Bayonets," *Saturday Evening Post*, June 20, 1959, 30, 103-6.
11. In a joint report, released June 14, 1959, the American Friends Service Committee, the Southern Regional Council and the racial and cultural relations department of the National Council of Churches of Christ reached the opposite conclusion. They claimed that six Negroes had been killed in racial incidents since 1955, that 79 persons had been shot, emasculated, stabbed or beaten and that 30 houses had been bombed. Defiance of law was alleged to be growing through the South. "Gunpowder and dynamite, parades and cross burnings, anonymous telephone calls, beatings and threats have been the marks of their (the racist organizations') trade," the report said. "These attacks have been directed not only at negroes, but at some white persons who have strayed from local customs. Also, overt anti-semitism flared and synagogues have been attacked." *New York Times*, June 15, 1959. Even if this computation should turn out to be objective and accurate, the offenses listed would constitute an insignificant fraction of the 11 million major crimes reported by the F.B.I. over the period 1956-59.
12. *Matthew*, vii: 3. 13. 168 F. Supp., at 20-25.
14. For a detailed study of how the local clergy reacted to developments in Little Rock see *Christians in Racial Crisis* by Thomas F. Pettigrew and Ernest Q. Campbell, Public Affairs Press, Washington, D. C., 1959.

CHAPTER 23

1. *U.S. News & World Report*, October 24, 1958, 64-8.
2. Senator Douglas argued cogently that the power of courts to punish for contempt was clearly established by the English common law and by acts of Congress. This was true, but not to the point. The issue was whether further abridgement of a fundamental American right was in the national interest.
3. June 16, 1957.
4. Va., N.C., S.C., Ala., Ga., Fla., Miss., La., Ark., Tenn. and Texas.
5. Before Alaskan and Hawaiian statehood.
6. Ed Cony, "Industry Integration", *Wall Street Journal* September 29, 1958.
7. Robert Ramaker, "Negro Colleges Train Too Many Teachers, Too Few Technicians," *Wall Street Journal*, July 15, 1959.
8. *Ibid.*
9. The political leaders of Virginia had not changed their views about the Supreme Court decision. Thus Governor J. Lindsay Almond said on November 24, 1958: "... we in this country may as well concede we are in utter chaos, because no man can predict from one day to the next what new theories dissolving rights will be expounded under the guise of a decision of the Supreme Court."
10. April 24, 1959.
11. Thomas F. Pettigrew and Ernest Q. Campbell, *Christians in Racial Crisis*, Public Affairs Press, Washington, D. C., 1959.
12. *U.S. News & World Report*, April 6, 1959, 63-5.

CHAPTER 24

1. Toynbee's internal proletariat?
2. Because those who move out generally have to reside elsewhere for a year before they can get back on relief rolls.
3. Between 1950 and 1959 or the latest year available, non-white population rose from 35.4% to 53.0% of the total in Washington, D. C.; from 29.4% to 36.1% in Gary; from 17.2% to 34.7% in Newark; from 23.8% to 30.4% in Baltimore; from 18.0% to 28.6% in St. Louis, and from 14.1% to 20.0% in Chicago. During the same interval, the percentage of non-white to total population declined slightly in 10 of 12 representative Southern cities. *U.S. News & World Report*, April 20, 1959, 66.
4. *District of Columbia Appropriations, Hearings*, Subcommittee of the House Appropriations Committee, 86th Congress, 1st Session, 1-17.
5. The survey is summarized in *U.S. News and World Report*, April 20, 1959, 64-5.
6. Otis Dudley Duncan and Beverly Duncan, *The Negro Population of Chicago: A Study of Residential Succession*, University of Chicago Press, Chicago, 1957.
7. Ray Vickers, "Changing Housing", *Wall Street Journal*, May 2, 1958.
8. The U.S. Department of Health, Education and Welfare estimates that illegitimate births increased nationally from 141,600 in 1950 to 201,700 in 1957, the latest year for which data are available. Of 1957 births out of

wedlock, 130,900 were Negro, only 70,800 white. The estimated cost of public assistance to illegitimate children in the United States is \$210,000,000 annually.

9. v. statement of Dr. Buell G. Gallagher, President of the College of the City of New York and a director of the N.A.A.C.P., in the *New York Times* of October 3, 1957 and the retort of Phillip J. Cruise, Chairman of the New York City Housing Authority, published in the *New York Times* letter columns on October 9, 1957.
10. Wayne Phillips, "Slums Engulfing Columbia Section," *New York Times*, June 9, 1958.
11. William H. Whyte, Jr., "Are Cities Un-American?", *Fortune*, September 1957, 124.
12. Raymond Vernon, *The Changing Economic Function of the Central City*, Committee for Economic Development, New York, 1959, 41-2.
13. *Ibid.*, 60. 14. *Ibid.*, 58. 15. *Ibid.*, 61. 16. *Ibid.*, 62.

CHAPTER 25

1. There is nothing really undemocratic about giving each child the amount of education he is mentally capable of absorbing.

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