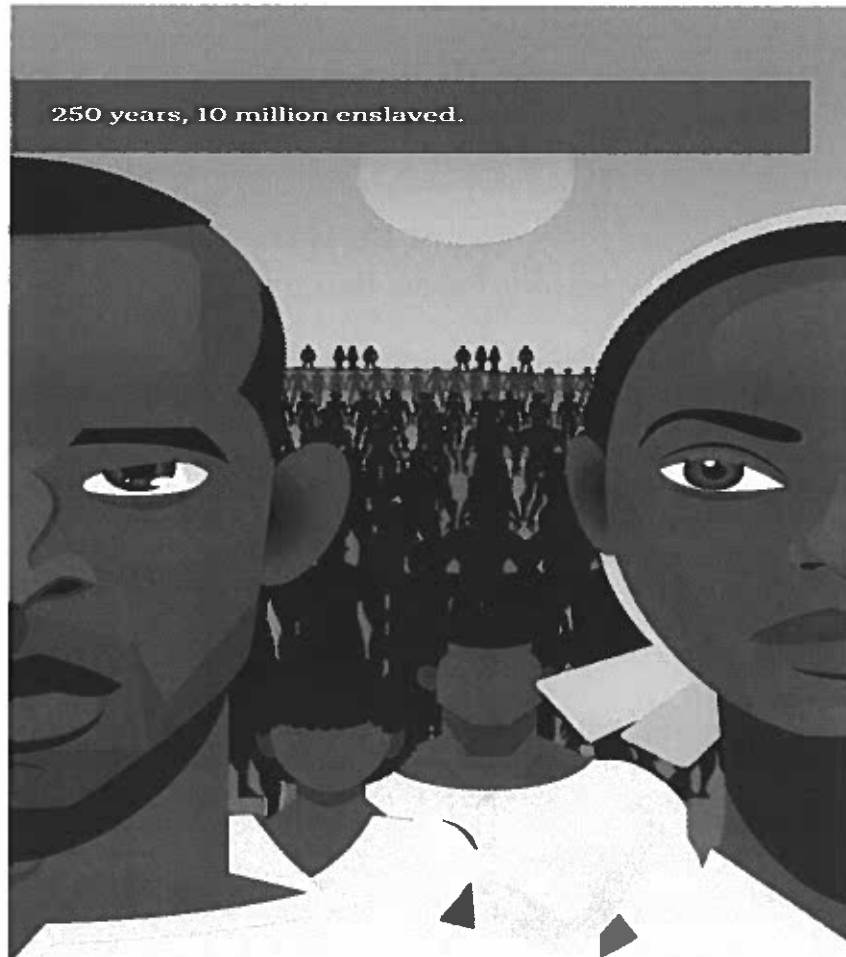


1619 Project Discussion Article Packet



Topic: Slavery and Reparations Part 1

(the 1960s-70s)

June 10, 2021

6:30 – 8:00 pm

Zoom ID: 823 648 5349

Password: 691353

Upcoming 1619 programs

All programs hosted on Zoom from 6:30 pm – 8:00 pm.

Topics subject to change.

July 8, 2021

Slavery and Reparations part 2

August 12, 2021

Slavery, Police, Prisons part 1

Please check our 1619 Discussion homepage at:

<https://heightslibrary.org/services/1619-project/>

And our Facebook Group:

<https://www.facebook.com/groups/3125417084169554>

For more information

Contact: John Piche' at jpiche@heightslibrary.org

No Pensions for Ex-Slaves

 [archives.gov/publications/prologue/2010/summer/slave-pension.html](https://www.archives.gov/publications/prologue/2010/summer/slave-pension.html)

August 15, 2016

How Federal Agencies Suppressed Movement To Aid Freedpeople

Summer 2010, Vol. 42, No. 2

By Miranda Booker Perry

The Union victory in the Civil War helped pave the way for the 13th amendment to formally abolish the practice of slavery in the United States. But following their emancipation, most former slaves had no financial resources, property, residence, or education—the keys to their economic independence.

Efforts to help them achieve some semblance of economic freedom, such as with "40 acres and a mule," were stymied. Without federal land compensation—or any compensation—many ex-slaves were forced into sharecropping, tenancy farming, convict-leasing, or some form of menial labor arrangements aimed at keeping them economically subservient and tied to land owned by former slaveholders.

"The poverty which afflicted them for a generation after Emancipation held them down to the lowest order of society, nominally free but economically enslaved," wrote Carter G. Woodson in *The Mis-Education of the Negro* in the 1930s.

In the late 19th century, the idea of pursuing pensions for ex-slaves—similar to pensions for Union veterans—took hold. If disabled elderly veterans were compensated for their years of service during the Civil War, why shouldn't former slaves who had served the country in the process of nation building be compensated for their years of forced, unpaid labor?

By 1899, "about 21 percent of the black population nationally had been born into slavery," according to historian Mary Frances Berry. Had the government distributed pensions to former slaves and their caretakers near the turn of the century, there would have been a relatively modest number of people to compensate.

But the movement to grant pensions to ex-slaves faced strong opposition, and the strongest came not from southerners in Congress but from three executive branch agencies. It was opposition impossible to overcome.

Land Allocation Efforts Stymied by the Johnson Administration

In the late stages of the Civil War and in its aftermath, the federal government (primarily Republicans) tried to relieve destitution among freedpeople and help them gain economic independence through attempts to allocate land. These efforts, both military and legislative, help explain why African Americans thought that compensation was attainable.

Special Field Orders No. 15, issued by Gen. William T. Sherman in January 1865, promised 40 acres of abandoned and confiscated land in South Carolina, Georgia, and northern Florida (largely the Sea Islands and coastal lands that had previously belonged to Confederates) to freedpeople. Sherman also decided to loan mules to former slaves who settled the land.

But these efforts were rolled back by President Andrew Johnson's Amnesty Proclamation of May 29, 1865. By the latter part of 1865, thousands of freedpeople were abruptly evicted from land that had been distributed to them through Special Field Orders No. 15. Circular No. 15 issued by the Freedmen's Bureau on September 12, 1865, coupled with Johnson's presidential pardons, provided for restoration of land to former owners. With the exception of a small number who had legal land titles, freedpeople were removed from the land as a result of President Johnson's restoration program.

The Freedmen's Bureau Act had been established by Congress in March 1865 to help former slaves transition from slavery to freedom. Section four of the act authorized the bureau to rent no more than 40 acres of confiscated or abandoned land to freedpeople and loyal white refugees for a term of three years. At the end of the term, or at any point during the term, the male occupants renting the land had the option to purchase it and would then receive a title to the land.

But Johnson's restoration policy rendered section four null and void and seriously thwarted bureau officials' efforts to help the newly emancipated acquire land.

In June 1866 the Southern Homestead Act was enacted. It was designed to exclusively give freedpeople and white southern loyalists first choice of the remaining public lands from five southern states until January 1, 1867.

But homesteading was problematic on many different levels. The short period allotted by Congress (six months) worked against freedpeople because most were under contract to work or had leased land, through the bureau's contract labor policy, until the end of the year.

Congress also underestimated the time it would take for freedmen and loyal whites to successfully complete the process of securing a homestead. This process involved filing claims, waiting indefinitely until offices opened or reopened, and working to secure enough money to purchase land. Concurrently, freedpeople faced southern white opposition to settling land.

Moreover, Congress provided no tools, seed, rations, or any form of additional assistance to freedpeople, and most freedpeople's earnings just covered the bare necessities of life. Maintaining a homestead without assistance was almost impossible under those circumstances.

On March 11, 1867, House Speaker Thaddeus Stevens of Pennsylvania introduced a bill (H.R. 29) that outlined a plan for confiscated land in the "confederate States of America." Section four of the proposed bill explicitly called for land to be distributed to former slaves:

Out of the lands thus seized and confiscated, the slaves who have been liberated by the operations of the war and the amendment of the Constitution or otherwise, who resided in said "confederate States" on the 4th day of March, A.D. 1861 or since, shall have distributed to them as follows namely: to each male person who is the head of a family, forty acres; to each adult male, whether the head of the family or not, forty acres; to each widow who is the head of a family, forty acres; to be held by them in fee simple, but to be inalienable for the next ten years after they become seized thereof. . . . At the end of ten years the absolute title to said homesteads shall be conveyed to said owners or to the heirs of such as are then dead.

Stevens knew that if federal land redistribution legislation failed to pass, freedpeople would be at the whim of former slaveholders for years to come. In support of his bill, he stated, "Withhold from them all their rights and leave them destitute of the means of earning a livelihood, [and they will become] the victims of the hatred or cupidity of the rebels whom they helped to conquer."

Republicans, during the 1868 campaign, even promised 40 acres and a mule to freedpeople. A couple of decades passed before any further concerted efforts were made to provide economic relief and security for ex-slaves, and when there was another major effort, it was not by the government but by former slaves and their allies.

Ex-Slave Pension Movement Begins as the Century Ends

By the last decade of the 19th century, the idea of trying to procure the enactment of pension legislation for ex-slaves for their years of unpaid labor was put into action.

The concept of ex-slave pensions was modeled after the Civil War-era program of military service pensions, and the first ex-slave pension bill (H.R. 11119) was introduced by Rep. William Connell of Nebraska in 1890.

It was introduced at the request of Walter R. Vaughan of Omaha, a white Democrat and ex-mayor of Council Bluffs, Iowa. He did not believe that it, or subsequent bills, should be identified as a pension bill but instead as "a Southern-tax relief bill." Vaughan recognized that pensions would financially benefit former slaves and would indeed be a semblance of

justice for their years of forced labor. But the outcome he looked for involved ex-slaves spending their pensions in the South in order to give the devastated southern economy a financial boost.

The push for ex-slave pensions gained momentum in the 1890s and continued into the early 20th century. This grassroots movement was composed largely of former slaves, their family members, and friends. It emerged during the nadir of American race relations, roughly 1877 into the early 20th century.

Racial segregation officially became the law of the land with the U.S. Supreme Court's 1896 *Plessey v. Ferguson* decision, which upheld racial segregation under the "separate but equal" doctrine. Lynchings and race riots were at an all-time high, while civil rights and legal recourse for blacks were virtually nonexistent. Throughout the South, black men were disenfranchised and could not serve on juries.

The pension movement flourished in spite of, or even because of, these obstacles.

There were a number of ex-slave pension organizations within the movement—the National Ex-Slave Pension Club Association of the United States (Vaughan's Justice Party); the Ex-Slave Petitioners' Assembly; the Great National Ex-Slave Union: Congressional, Legislative and Pension Association of the U.S.A.; the Ex-Slave Pension Association; the Ex Slave Department Industrial Association of America; and others—but there is a paucity of documentation for groups other than the National Ex-Slave Mutual Relief, Bounty and Pension Association of the United States of America (MRB&PA). The ex-slave pension organizations did not work together collectively, but there is evidence that officers of at least a few of these organizations were interested in joining forces and consolidating their groups.

The MRB&PA was chartered on August 7, 1897, and had a dual mission: to petition Congress for the passage of legislation that would grant compensation to ex-slaves, particularly elderly ex-slaves, and to provide mutual aid and burial expenses.

The association collected membership fees in order to help defray lobbying costs, printing/publication expenses, and travel expenses of the national officers. Monthly dues were reserved for mutual aid purposes (to aid the sick, the disabled, and for burial expenses). Ex-slaves and their allies gave their meager resources to help further the movement because they believed in the organization's mission. Dedication and charisma characterized the leaders of the association and enabled them to mobilize the masses.

By the late 1890s, the MRB&PA was the premiere ex-slave pension organization, claiming a membership in the hundreds of thousands. In addition to having a strong grassroots following, the MRB&PA was highly organized. The national officers established a charter,

drafted a constitution and by-laws, held annual conventions, formed an executive board, started local chapters mostly in the South and Midwest, established enrollment fees and dues, advertised through circulars and broadsides, and advocated unity of purpose.

The organization supported a proposed pension payment scale based upon the age of beneficiaries that appeared in every ex-slave bill from 1899 onward. Ex-slaves 70 years and older at the time of disbursement were to receive an initial payment of \$500 and \$15 a month for the rest of their lives; those aged 60–69 years old would receive \$300 and \$12 a month; those aged 50–59 years old would receive \$100 and \$8 a month; and those under 50 would receive a \$4 a month pension. If formerly enslaved persons were either very old or too ill to care for themselves, their caretakers were to be compensated.

Once a freedperson reached a certain age threshold, he or she would then be eligible for the higher pension. This proposed ex-slave pension payment scale is very similar to the Civil War pension gradation scale for soldiers with disabilities. Soldiers who became disabled as a result of military service received pension payments based on the nature of their partial disability and military rank. Over time, the Civil War pension program came to resemble a system of pensions for elderly veterans just as the ex-slave pension movement's main focus was to secure pensions to particularly aid the elderly.

As the association's membership grew, government surveillance intensified. However, Dickerson, House, and other association officers were not aware of the federal government's intense interest in their organization and plans to undermine it and the larger movement.

Association Faces Strong Opposition to Pensions from U.S. Government

Three federal agencies—the Bureau of Pensions, the Post Office Department, and the Department of Justice—worked collectively in the late 1890s and into the early 20th century to investigate individuals and groups in the movement.

The officials who pursued the investigations thought the idea of pensioning ex-slaves was unrealistic because the government had no intention of compensating former slaves for their years of involuntary labor. Harrison Barrett, the acting assistant attorney general for the Post Office Department, admitted in an 1899 circular that "there has never been the remotest prospect that the bill would become a law."

In a February 7, 1902, letter to the commander-in-chief of the Grand Army of the Republic, the commissioner of pensions blamed the ex-slave pension organizations for arousing false hopes for "reparation for historical wrongs, to be followed by inevitable disappointment, and probably distrust of the dominant race and of the Government."

Special examiners of the Law Division of the Bureau of Pensions attended slave pension association meetings, took depositions from officers (national and local), and sent letters to officers and members to determine if officers were representing themselves as officials appointed by the United States Government.

The Bureau of Pensions also sent circulars to agents affiliated with various ex-slave pension organizations. Although these circular usually carried the disclaimer, "While any class of citizens has an unquestioned right to associate for the purpose of attempting to secure legislation believed to be advantageous," these words were often simply a formality. The bureau's inspectors did not find evidence to incriminate any of the influential MRB&PA officers whom they suspected of fraud.

The Post Office Department took action when it presumed that the U.S. mails were being used to defraud ex-slaves. The Post Office used its extensive antifraud powers against the movement, issuing fraud orders to organizations and officers.

On September 20, 1899, Barrett issued a fraud order against the MRB&PA and its national officers (Dickerson, Rev. D. D. McNairy, Rev. N. Smith, Rev. H. Head, and House), forbidding the delivery of all mail matter and the payment of money orders.

Once the mail was intercepted, it was either returned to senders marked "Fraudulent" or simply withheld from the intended recipients. The fraud order and obstruction of mail proceeded even though the Post Office had no concrete evidence that the association had acted illegally.

In letters to both Barrett and Nashville Postmaster A. W. Wills, Dickerson, House and other officers invoked their first amendment rights (namely their right to assemble and right to petition the government), 14th and 15th amendment rights (citizenship rights and voting rights), and highlighted the dire condition of old ex-slaves.

In both correspondence and depositions, national and state officers of the MRB&PA also repeatedly denied the accusation that the movement was fraudulent or a lottery. They even hired an attorney to represent them and try to get the fraud order revoked. These efforts were futile. The Post Office Department was determined to maintain the fraud order set in motion in 1899 against the association and its founding officers and was continually searching for ways to limit their influence.

The Department of Justice gathered information to probe the activities of the officers, especially House, not to counteract any fraudulent beliefs. The MRB&PA provided the department with a list of local agents in order to show that they were not a sham organization, but the government disregarded this proof.

6

There were individuals who, under the guise of supporting the movement, took advantage of ex-slaves. They were either affiliated with an ex-slave organization or pretended to be affiliated with the movement to swindle money. To counter any misuse of funds within their organization, the MRB&PA had a grievance committee that would determine if an officer was guilty of squandering funds, and it took necessary action against him or her.

The goal of the investigations by the Bureau of Pensions, Post Office Department, and Justice Department was not to determine whether former slaves had a legitimate grievance or claim, but to stifle the movement.

The pension bills submitted to Congress received little serious attention. The Senate Committee on Pensions examined S. 1176 (a bill essentially similar in language to all of the other bills) and wrote an adverse report. This committee received its information (and thus a tainted view of the movement) from none other than the Post Office Department and the commissioner of pensions. The report described freedpeople in the movement as "ignorant and credulous freedmen," and the committee concluded that "this measure is not deserving of serious consideration by Congress" and recommended "its indefinite postponement."

When House learned of the committee's report, she drafted a letter to the commissioner of pensions refuting its allegations and explaining the objectives of the association. She invoked both the Declaration of Independence and U.S. Constitution. Because one of the main objectives of the association was petitioning Congress for pensions to aid old ex-slaves, House reminded the commissioner that "the Constitution of the United States grants it[s] citizens[s] the privilege [sic] to petition Congress for a redress of Greviance[s] [sic] therefore I cant see where we have violated any law whatever." Enlarge

In 1901 Dickerson was found guilty of "swindling" in city court in Atlanta, Georgia. The press reported that he would have to pay a \$1,000 fine or be sentenced to one year on the chain gang. The conviction was overturned later that year by the Georgia State Supreme Court, which reasoned that in order to be convicted of swindling, Dickerson would have had to have claimed that an ex-slave pension bill had passed and become law or that an appropriation had been made to pay pensions, and not simply that he was advocating for the passage of pension legislation.

Then in May 1902 a special examiner of the Bureau of Pensions conducted an inquiry into Dickerson and drafted an affidavit of the investigation but found nothing incriminating. When Dickerson died in 1909, House soon became the leader in the forefront of not only the MRB&PA but of the movement.

After Congress responded so unfavorably to the pension movement, House took the issue to the courts.

In 1915 the association filed a class action lawsuit in federal court for a little over \$68 million against the U.S. Treasury. The lawsuit claimed that this sum, collected between 1862 and 1868 as a tax on cotton, was due the appellants because the cotton had been produced by them and their ancestors as a result of their "involuntary servitude."

The *Johnson v. McAdoo* cotton tax lawsuit is the first documented African American reparations litigation in the United States on the federal level. Predictably, the Court of Appeals for the District of Columbia denied their claim based on governmental immunity, and the U.S. Supreme Court, on appeal, sided with the lower court decision.

The Post Office Department was unrelenting as it continued to search for means to limit House's influence and curtail the movement. After a prolonged investigation, House was arrested and indicted on charges of mail fraud. She was accused of sending misleading circulars through the mail, guaranteeing pensions to association members, and profiting from the movement. She denied ever assuring members that the government would grant pensions or that a law had been passed providing pensions for ex-slaves. There was also no evidence that she profited from the movement.

The Post Office identified activities as mail fraud without definitive evidence, and their decisions to deny use of the mails were nearly impossible to appeal.

After a three-day trial in September 1917, an all-white male jury convicted her of mail fraud charges, and she was sentenced to a year in jail at the Missouri State Prison in Jefferson City. She was released from prison in August 1918, having served the majority of her sentence, with the last month commuted.

This movement, against insurmountable odds, pressed for the passage of pension legislation to no avail. But being labeled as fraudulent—especially by determined federal agencies—sealed its fate.

Miranda Booker Perry is an archivist trainee in the Textual Archives Division at the National Archives and Records Administration in Washington, D.C. She has worked on a number of military records projects and has delivered presentations on the ex-slave pension movement. She is currently a Ph.D. candidate in history at Howard University.

8

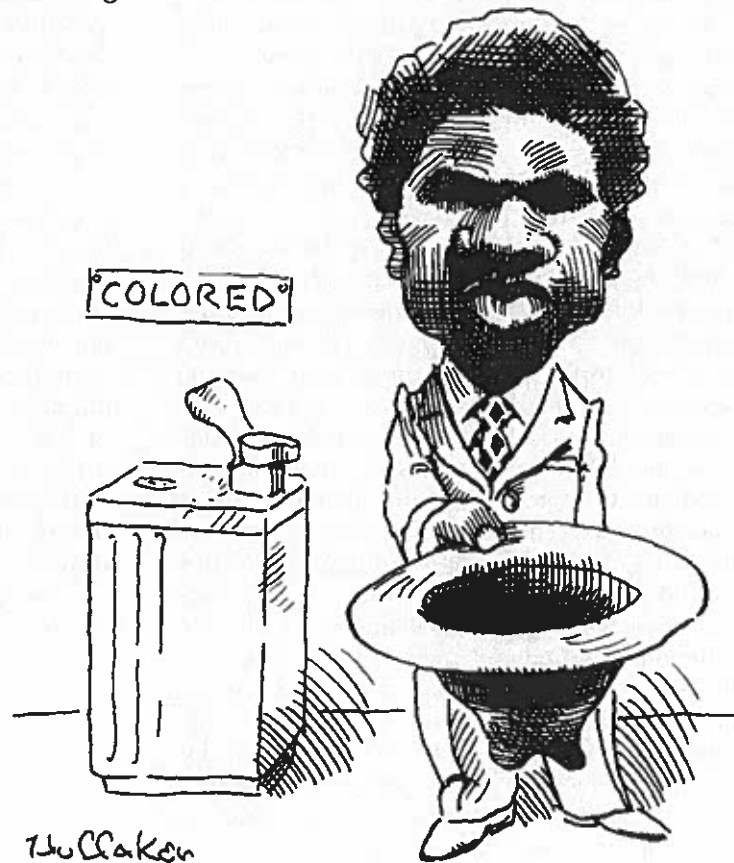
A distinguished professor of law makes a legal case for federal compensation to blacks.

The Case for Black

Reparations

FROM BUSINESS +
SOCIETY REVIEW
1973

BORIS I. BITTKER



AT THE FIRST MEETING of a Yale Law School seminar on "The Role of the Black Lawyer," a black student put this question to me: "Would the courts award damages to my people for the value of their labor during the days of slavery?" I took his question at face value, and answered "No." I knew that proposals to end slavery often included compensation to the slave owner for his lost "property," but that in the case of the slaves the main economic objective was to keep them from becoming public charges in the future, rather than to pay them for work done in the past. I also knew that the post-emancipation call for "forty acres and a mule" was not answered, so that "the bondsman's 250

years of unrequited toil," to use Lincoln's phrase, remained unrequited. Against this background, there seemed to me no likelihood that today's courts would hold that a right to compensation had been inherited by the descendants of the emancipated slaves.

My answer, however, probably mistook the form of the question for its substance. The student's intent was probably to imply that our system of law is shaped by political and economic power and that it serves those who possess that power, not those who live their lives outside the mainstream of American society. Moreover, in putting this proposition to me, he was probably not interested in an exchange of views in order to refine or modify his own conclusions. More likely, he wanted to decide whether I was an unrealistic believer in legal neutrality or a clear-eyed observer of legal bias.

Whatever his purpose and however many levels there were to his question, however, its face

Boris Bittker is Sterling Professor of Law at Yale University, where he teaches courses on federal taxation and civil rights. This article is adapted from his book, *The Case for Black Reparations*, published this spring by Random House. Copyright © 1973 by Boris I. Bittker.

value—is or should there be a right to recover for slavery or for the century of segregation that was its aftermath?—seemed weighty to me.

Shortly after this question was posed in my seminar, James Forman interrupted the Sunday morning service at Riverside Church in New York City. Addressing himself “to the White Christian Churches and the Jewish Synagogues in the United States of America and All Other Racist Institutions,” he read a Black Manifesto which demanded that the churches and synagogues pay \$500 million as “a beginning of the reparations due us as people who have been exploited and degraded, brutalized, killed, and persecuted.” The amount demanded by the Manifesto, which was adopted by the National Black Economic Development Conference before Forman’s action was taken, was to be used to establish a Southern land bank, publishing and printing industries, four audio-visual networks, a research skills center, a training center for teaching skills in community organization and communications, a black labor strike and defense fund, a black university, and several other institutions. To achieve its objectives, the Manifesto called “for the total disruption of selected church-sponsored agencies” by the seizure of their offices, to be held “in trusteeship until our demands are met.” It went on to assert that churches and synagogues were only the first target, and that similar demands would be addressed to private business and the federal government.

To no one’s surprise, there was immediate and widespread condemnation in the white community of the tactics adopted and advocated by Forman and his group, mingled with conciliatory remarks or expressions of sympathy by a few religious leaders. Some churches initiated programs of assistance to black committees and organizations; but although these programs may have broken with the traditions of their sponsors, they moved only ankle-deep into Forman’s pounding surf.

INADEQUATE ANALYSIS

What was most notable about the response to the Black Manifesto, however, was the paucity of analysis. Most commentators addressed themselves solely to Forman’s tactics; few had anything to say about reparations as a concept of social justice. To be sure, some white churchmen approached the issue from a moral or theological point of view, but they had little to contribute

beyond admissions of guilt and endorsements of repentance. Clergymen who probably regarded self-flagellation as a superstitious remnant of medievalism when practiced in Spain seemed to think it would be a cleansing experience in Scarsdale and Evanston. The secular commentators had even less to say about the substance and underlying premises of the concept of reparations. When the issue was confronted at all, the reaction was consistent with a *New York Times* editorial observation that “there is neither wealth nor wisdom enough in the world to compensate in money for all the wrongs in history.” This blinding insight is the conservative counterpart of the revolutionary maximum that you can’t make an omelet without breaking eggs.

To point out that Forman was asking for the redress of one wrong, not all, however, is an insufficient response. A better response is the counter-question: Should no wrongs be corrected unless all can be?



Failure to come to grips with the idea of reparations has a solid foundation in precedent. For more than a century before Mr. Forman came to public attention, spokesmen for very divergent strains of American Negro opinion had put forth a variety of proposals for reparations in the form of cash and land. So far as I know, none of these proposals elicited a favorable response from the white community or even a sober discussion of reparations as a concept. Evidence of this silence is supplied by Gunnar Myrdal’s monumental *An American Dilemma* (1944): the forty-page index to this comprehensive work of 1,400 pages contains about 2,500 subject entries, but the words “reparations,” “compensation,” “restitution,” and “indemnity” are not among them. This omission has a counterpart in Myrdal’s otherwise persuasive theory that the 1865-70 failure to provide the emancipated slaves with an agrarian economic base started us down the fateful road to a segregated society. In his view, a rational economic reform of the South’s plantation economy would have included reimbursing slave owners for the loss of their slaves, and seizing but paying for

large plantations, with the land divided into small parcels for sale on a long-term installment plan to farmers; but he did not mention the possibility of compensating the emancipated slaves for their years of servitude.

A dedicated German proponent of reparations to Jews persecuted by the Nazi regime has pointed out that this subject has been ignored in German legal and philosophic circles, even though the program of reparations to Jews and other persecuted minorities that was eventually enacted in West Germany has generated a plethora of moral problems and judicial decisions. By turning their backs on this body of law, he has observed, German academicians thrust it into a ghetto, where it was denied the analytic attention that is lavished on every other element of the corpus juris.

My aim here is to bring the concept of black reparations out of its ghetto and to stimulate, at last, the debate that was so strikingly missing in the months immediately after Forman's interruption of the Riverside Church service in May 1969.

SLAVERY: A MISLEADING ISSUE

Although the Black Manifesto does not emphasize or even explicitly mention slavery, it is often assumed that the primary objective of reparations is compensation for the value of slave labor. This preoccupation with slavery, in my opinion, has stultified the discussion of black reparations by implying that the only issue is the correction of an ancient injustice, thus inviting the reply that the wrongs were committed by persons long since dead, whose profits may well have been dissipated during their own lifetimes or their descendants' and whose moral responsibility should not be visited upon succeeding generations, let alone upon wholly unrelated persons.

When black reparations are viewed solely as belated payment for the value of slave labor, this type of response is not easily rebutted. But slavery was only a necessary, not a sufficient, condition for today's compensatory proposals.

If the emancipation of blacks during and after the Civil War had been followed by their absorption into the mainstream of American life, it is conceivable that the only identifiable residue of slavery in today's world would be cultural—the folklore, songs, literature, and myths of an earlier

era. If this vision of an integrated and equal society had become a reality, the student's question that began my inquiry into reparations—"Would the courts award damages to my people for the value of their labor during the days of slavery?"—would be less disquieting. The answer



might be: "No, but slavery was outlawed a long time ago; a century of equality has intervened; you lead the same life as the descendants of a slaveholding planter; however strong the claim for compensation was in 1865, it is by now too stale to arouse my sense of injustice." There is merit in the argument that the Americans of today, who would have to pay the bill, are no more responsible for ante-bellum slavery in the South than for serfdom in pre-1861 Czarist Russia.

To concentrate on slavery is to understate the case for compensation, so much so that one might almost suspect that the distant past is serving to suppress the ugly facts of the recent past and of contemporary life. In actuality, slavery was followed not by a century of equality but by a mere decade of faltering progress, repeatedly checked by violence.

As a legal system, segregation received its constitutional imprimatur in 1896, when the Supreme Court held in *Plessy v. Ferguson* that states could require the separation of blacks from whites in railroad cars. Responding to the argument that the "separate but equal" doctrine might be employed to sanction the gratuitous humiliation of Negroes (e.g., "requiring colored people to walk upon one side of the street, and white people upon the other, or requiring white men's houses to be painted white, and colored men's black"), the Court said [163 U.S. 537 at 544, 549 and 550 (1896)]:

"The reply to all this is that every exercise of the police power must be reasonable, and extend only to such laws as are enacted in good faith for the promotion of the public good, and not for the annoyance or oppression of a particular class."

Reading these words today, one is staggered by their lack of realism. Is it possible that the Justices who wrote the opinion in *Plessy v. Ferguson* did not realize that in practice the physical facilities for blacks were, and would be, systematically inferior in physical conditions, let alone in social and psychological consequences?

So patent was the function of the legislation upheld by the Court in the *Plessy* case that one might suspect "separate but equal" of being a code phrase, understood—and intended to be understood—by public officials everywhere as meaning "separate even though unequal." In common parlance, blacks, not whites, are said to attend "segregated" schools; the verbal convention accurately implies that it is blacks rather than whites who are separated from the mainstream of society. Whether or not *Plessy v. Ferguson* was disingenuous in using the term "equal," it ushered in a long period when despite rampant inequalities, public officials, lawyers, judges, and even Negro organizations evidently acknowledged that the second adjective in the phrase "separate but equal" was for practical purposes a dead letter. Not until the 1930s was there a serious attempt to pour content into the requirement of equality, and by then the disparities were so monumental that their correction would have been almost as unsettling to the South as full enforcement of *Brown v. Board of Education*.

In the meantime, the "separate but equal" doctrine became the legal foundation for state laws requiring segregation in schools, libraries, court-

houses, and other public facilities, as well as in such privately owned places of public accommodation as restaurants, hotels, theaters, and buses. Lest it be thought that this network of statutes was a legacy from the days of slavery, it should be noted that many of them were enacted after *Plessy v. Ferguson* and that some are as recent as the 1920s and 1930s.

WIDESPREAD PUBLIC DISCRIMINATION

Parallel to these state and local laws requiring segregated facilities but lacking their support in the "separate but equal" doctrine, there developed a host of other discriminatory practices by public officials. Full citizenship was in effect denied by the discriminatory enforcement of state laws governing the right to vote, to serve on juries, and to run for public office. Although the courts intervened sporadically to correct violations, these occasional victories were at best symbolic, leaving the basic pattern intact. And there was rarely even the consolation of a symbol in many areas where discrimination was practiced but was less easily proved, viz., in the panoply of routine state and municipal functions, ranging from police protection to the paving of streets, from civil service jobs to the sentences imposed for violations of laws, from the granting of licenses to courtesy by public officials, from the message conveyed in schoolbooks to the implicit assumptions of school guidance counselors. The understandable emphasis of civil rights groups on education, housing, voting, employment, and police practices has obscured these more mundane but similarly unjustified inequalities in public services.

In a decision that may presage a burst of judicial activity in this area, however, a federal court recently found that the Negro neighborhood of one small town in Mississippi suffered from systematic deficiencies in such municipal services as the paving and lighting of streets, sanitary and storm sewers, fire hydrants, and traffic-control signs, and ordered corrective measures to be taken by the municipality. I know of no general survey of this area, but it hardly takes blind faith to believe that similar deficiencies are endemic to black neighborhoods throughout the country. Lacking any pretense to constitutional validity but simultaneously resistant to judicial correction, these forms of official discrimination were common in the North as well as the South; the Negro's "place" could be defined by un-

equal enforcement of the law, even in the absence of a formal system of legal segregation.

Though the litany of discrimination by public agencies is all too familiar, a word about the complicity of the federal government is in order, since federal funding would be essential to any program of reparations on a scale matching the injury to be redressed. Perhaps no more need be said than that an officially segregated school system was maintained under congressional authority in the nation's capital until 1954 and that legal provisions for segregated schools, though unenforceable under *Brown v. Board of Education*, appear in the District of Columbia Code even today. As late as the eve of World War II, there were segregated lunchrooms and other facilities in many federal buildings, and segregation in the armed forces, with minor exceptions, was the order of the day until well after the war. Less dramatic and rigid, but perhaps even more important because so pervasive, were the discriminatory policies of federal agencies administering residential and business loans and guarantees,



public housing projects, agricultural extension services, farm-price supports, and other economic and social programs that have only gradually been subjected to the constitutional standard of equality that in theory has always been applicable. When practiced by the federal government, segre-

gation and discrimination were defended less often as independently justifiable than as an unavoidable accommodation to Southern white attitudes, especially in the case of the armed forces and federal offices in the South. Even if this knee-jerk explanation is accepted, it does not diminish the federal contribution to the depressed economic and social status of blacks, especially since federal discrimination was a model that simultaneously reinforced Southern intransigence and invited Northern imitation.

COMPENSATION FOR PAST INJURIES

Against this background, the first point to be made about proposals for black reparations is that they seek to redress injuries caused by a system of legally imposed segregation that was eventually held in *Brown v. Board of Education* to violate the equal-protection clause of the Fourteenth Amendment. I do not mean to imply that there is a constitutional right to be compensated for governmental misconduct, or that it has been customary for the courts to create such a remedy on their own initiative. To the contrary. The only provision in the Constitution for pecuniary redress is the Fifth Amendment's prohibition against the taking of private property for public use without just compensation; other violations of a citizen's rights are usually redressed solely by nonpecuniary remedies unless Congress has expressly provided that damages are to be paid. Thus, the remedy for malapportionment is a judicially supervised reapportionment; the remedy for the improper selection of a juror or the wrongful admission of evidence at a trial is a new trial for the losing party; the remedy for an erroneous denial of a license is an order requiring it to be granted; and so on. These instances of governmental misconduct may cause emotional or pecuniary damage to the citizen, yet the normal approach of the courts is to eliminate the condition for the future rather than to provide pecuniary solace for the past.

This principle is not without its exceptions, however, and a recent Supreme Court decision may pave the way to its relaxation. In *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, the petitioner alleged that agents of the Federal Bureau of Narcotics entered his apartment, and

"manacled [him] in front of his wife and children, . . . threatened to arrest the entire family

13

. . . searched the apartment from stem to stern . . . [and took him] to the federal courthouse in Brooklyn, where he was interrogated, booked, and subjected to a visual strip search."

Asserting that the agents had no search warrant, lacked probable cause for arresting him, and used unreasonable force—all in violation of the Fourth Amendment, prohibiting "unreasonable searches and seizures"—the petitioner sued to recover damages for his "humiliation, embarrassment, and mental suffering." Although Congress has not enacted a statute explicitly providing for the payment of damages when federal officials violate the Fourth Amendment, a majority of the Supreme Court held that such a remedy was inherent in the Constitution. Three justices dissented, not because they objected on principle to compensating injured citizens for governmental misconduct, but because they held to the narrower theory that Congress rather than the courts should take the initiative in framing such a remedy.

Congress and the state legislatures have in fact enacted a host of laws awarding damages for governmental misconduct ranging from the negligence of government employees in driving postal trucks to the erroneous conviction and incarceration of innocent persons. One of these laws, which impose liability on state and local officials who subject anyone to the deprivation of his federal Constitutional or statutory rights, was cited by Justice Hugo Black (dissenting in the *Bivens* case) as a model that might be broadened by Congress to cover misconduct by federal officials. One might well wish Congress and the state legislatures to act more boldly to compensate the citizen whose rights were infringed by official misconduct, or to enact a general plan of compensation in place of these sporadic instances of legislative compassion.

The case for black reparations, however, need not rest on the theory that damages should be paid for every species of improper official conduct. We are in the realm of legislative discretion. More than any other form of official misconduct, racial discrimination against blacks was systematic, unrelenting, authorized at the highest governmental levels, and practiced by large segments of the population. These facts argue for a legislative plan of reparations in this area, even if other instances of unconstitutional official action are left to be redressed solely by nonmonetary remedies.

AN ALTERNATIVE SCENARIO

When holding that *Bivens* was entitled to compensation for humiliation and embarrassment if the invasion of his apartment by federal narcotics agents constituted an unreasonable search and seizure in violation of the Fourth Amendment, the Supreme Court remarked: "Historically, damages have been regarded as the ordinary remedy for an invasion of personal interests in liberty." This observation suggests the possibility that a system of black reparations, at least in embryo, is secreted in existing law; and this in turn suggests that we explore the subject by imagining an alternative scenario to Forman's reading of the Black Manifesto to the startled worshipers in Riverside Church on May 4, 1969.

Let us assume that one of the black students compelled to go to an all-black school in a state whose school segregation law was held unconstitutional in 1954 had consulted a lawyer to find out if he could recover damages for this violation of his constitutional rights. Pointing to the Supreme Court's statement in the *Brown* case that segregated education impairs the "educational and mental development" of black children and "generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone," the student—whom I shall call William Brown—might have asked, "If my school gave me an inferior education, why can't I be paid for my injuries?"

The innocent question might have seemed naïve to the hypothetical lawyer, but if it jolted him out of his complacency and impelled him to search the United States Code, he would have found a statute, Section 1983 of Title 42, which seems to bear on William Brown's problem. It provides that

"Every person who, under color of any statute . . . of any State or Territory, subjects . . . any citizen of the United States . . . to the deprivation of any rights . . . secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

Section 1983 was enacted a century ago as Section I of the Ku Klux Act, whose principal purpose was to deal with the terrorism perpetrated in the South by the Ku Klux Klan and similar groups in the years immediately following the Civil War. Because the Ku Klux Klan's "invisible

14

government" usurped the functions of the legitimate state authorities, Section 1983 might at first glance seem to be concerned only with similar acts by unauthorized private persons, and to be inapplicable to the maintenance of segregated schools by duly elected state and local officials. In point of fact, however, the courts have repeatedly held that Section 1983 applies to action by a public official that conforms to state law if it simultaneously violates a citizen's federal rights.

Using Section 1983 of existing law as an example of compensation for governmental misconduct that invades the citizen's constitutional rights, I would argue that the concept of black reparations is far from bizarre or unprecedented. Ordinarily, of course, indemnity is paid only for behavior that was wrong as judged by the generally accepted legal principles when committed. But there is nothing remarkable in going beyond this practice and redressing injuries attributable to acts thought to be legal when committed, if they are condemned by a later change in legal or constitutional doctrine. Applied to segregation, this approach would suggest the payment of compensation for state-prescribed segregation in public schools and other public facilities. Compensation for violations of the "separate but equal" doctrine is even more consonant with tradition, since these violations were legally wrong even when committed.

A compensation plan limited to actual violations of the "separate but equal" doctrine and to

official segregation, however, would be far from comprehensive. Millions of blacks who were not directly subject to formal segregation in the South felt the pervasive impact of official discrimination by the federal government and by states and other governmental agencies in the North. A program of black reparations that excluded these blacks would be unfair, but to include them would create still other problems. Individual reparations could not be provided by the government without an official code of racial classification, while group reparations would entail a process of official favor to some black organizations and disfavor to others. Because both routes are fraught with dangers, one might use the term "the second American dilemma" to describe the situation in which we find ourselves.

The validity of this label will, of course, be denied by those who perceive no adverse consequences from a program of reparations to black organizations or to individual blacks, as well as by those who think I have exaggerated the side effects of such a program. The "dilemma" will also seem nonexistent to those who reject the idea of reparations because, in their view, the injury resulting from segregation is too difficult to assess, too great to be susceptible to compensation, or too similar to other wrongs that go uncompensated in an imperfect world. We are, or ought to be, at the beginning of a national debate on these questions. I have sought to open the discussion, not to close it.

THE NOT-SO-LOVELY TRUTH

"We merely bring to the surface the hidden tension that is already alive. We bring it out into the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up, but must be opened with all its ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of rational opinion before it can be cured."

Martin Luther King,
From the Birmingham Jail

15

Black Reparations—Two Views

I. Michael Harrington

WHEN JAMES FORMAN, the militant black leader, seized the altar of the Riverside Church in order to read a demand for \$500 million in reparations for American Negroes, it was clear enough that the First Amendment to the Constitution was being violated. But not so obvious was the fact that Forman's proposal, which seems so bold at first hearing, would not really change the lot of more than 20 million black Americans at all. And by focusing attention on an outlandish scheme, which would not work in the unlikely event that it were ever tried, there is a very real danger that political energy will be diverted from the real struggle.

The civil liberties point should be obvious to everyone. The Bill of Rights' guarantee of free assembly and speech obviously means that there is protection for a peaceful meeting—or church service. Preachers and congregations, speakers and audiences, cannot exercise their constitutional freedoms if they are forever glancing nervously over their shoulders to see if some new act of guerilla theater is about to disrupt the assemblage.

What is not so plain, but still true, is that Forman's seeming militancy on economic questions only revives an old, and utterly unradical, utopia that distracts people from the real battle against poverty.

From time to time, people look at the outrageous, indefensible extremes of wealth and poverty in this society—or in the world—

and propose to deal with the problem by dividing up the wealth. The most famous American in recent history to come up with this notion was Huey Long, the Louisiana Kingfish. It is ironic that a Dixiecrat die-hard must be identified as a precursor of this new demand of black militants.

The trouble with such proposals is that they do not provide much money to the people and leave the real sources of wealth untouched. If, as Robert Heilbroner computed the figures in his *Limits of American Capitalism*, one had divided the \$70 billion (not \$500 million) of corporate profits in the mid-sixties, it would have increased income by \$1000 per person, a gain of 20–25 per cent. If one simply distributed the dividends (and if the American economy were to continue on to the next year, a major share of those profits would have to go into new investment), the average gain would have been about \$250 a year. And that would not even make a dent in existing poverty.

IN FORMAN'S VERSION of the redistributive utopia, the pie is much smaller at \$500 million but the recipients are to be limited to the 23 million blacks in the country. If that sum were simply divvied up, it would mean around \$20 per year, which is not enough to keep an average smoker in cigarettes.

Even in a more expanded and sophisticated statement of the plan, which Forman developed in a *New York Times* interview, the same economic realities devil his idea. A

good portion of the money would be put to nonprofit uses such as supporting community organizations, a black university, and help for the Welfare Rights Organization. The amount that would remain for investment in potentially profitable enterprises, like television networks and publications, would not make it remotely possible even to begin to compete with the giant units of American capitalism. In 1967, General Motors alone had an annual product of \$20.2 billion.

In short, the "huge industrial combines" which Mr. Forman seeks will not be built on a budget that is roughly equal to the \$275 million the cigarette industry spends on television and radio advertising in a year.

Now there is little likelihood that Forman will get a half billion dollars to spend on his impossible vision. But it is quite possible that, even as he denounces the very real scandal of unequal income distribution in America, particularly between black and

white, he will be keeping his people from challenging this injustice. For his proposal could well divert precious political energies from the actual struggle.

In the immediate future that battle has two crucial aspects. There must be genuine full employment, which means eliminating underemployment, as well as joblessness. And one of the most important ways to accomplish this is through a massive, planned, and social investment on the part of the government to do away with the slums and to create new careers for the poor in health care, education, beautification, and the like. Such an approach would not parcel out the wealth of this society—which is so enormous and productive because it is concentrated—but would increasingly assert democratic and social control of it.

Unwittingly, Mr. Forman has demanded far too much to be politically feasible and too little to be economically practical.

2. *Arnold S. Kaufman*

IS IT REALLY NECESSARY to remind readers of *DISSENT* that in politics what people intend is often different from what they actually bring about? In trying to evaluate a political deed, one ought to consider likely, even if unintended, consequences. That James Forman may mistakenly believe that, without governmental action, he will be able to extract enough from churches and other nongovernmental agencies to repair the lives of black Americans does not reveal the full political significance of his effort to induce churches to pay reparations.

The fact is that Forman's audacious demand comes at a crucial moment in the evolution of American thought about problems of social justice. For reasons mostly of self-interest, various corporate agencies are beginning to satisfy claims that restitution be

made to the descendants of the only group of Americans that has ever been literally enslaved. To illustrate, several years ago a few local leaders of the civil rights movement in Ann Arbor, Michigan, asked key university officials to institute on-the-job secretarial training for black women. The request was rejected on grounds that training office help was the job of the local business college; that the university could not comply with demands made by every aggrieved pressure group that came down the pike. Today the program then rejected exists; so do a number of other compensatory programs. These gains were won, it is true, principally because political threats were effectively applied. But the political pressure was fueled by growing moral concern.

The real political significance of Jim For-

man's move is that it elevates controversy about what was in any event happening slowly and grudgingly into a great debate concerning matters of basic moral principle. By dramatizing a claim that transcends prevailing moral consensus, a new and powerful consideration is injected that reinforces growth of the constituency of conscience upon whom both Mike Harrington and I found much political hope.

And just in the nick of time. For it is inevitable that men of "moderation and responsibility" would claim—as did Eric Sevareid in one of his recent CBS commentaries—that there is no justice in visiting the sins of the fathers on the sons. That at least is how the compensatory claims strike most people whose moral point of view is rooted deeply in an ethic that has always tended to serve the sons of privilege. Now if, as a result of Forman's action, morally concerned citizens can be persuaded that Sevareid's argument as it applies to the sons of slaves is untenable, then the political will to support vast enlargement of compensatory governmental programs will be strengthened. That is, moral issues raised concretely in relation to the action of nongovernmental corporations will have a significant impact on legislative action. Indeed, the Freedom Budget, still-born during the Johnson administration, may be revived if a growing constituency of conscience can be brought to accept the case for compensatory justice.

Compensatory justice, as I intend it here, is not the same as the principle of restitution to which appeal was made when Jews demanded compensation of Germans. The Jews received payment from the same groups whose members were, in one way or another, personally implicated in responsibility for the sin of genocide. Forman's demand for compensation differs radically in this respect. The sons of privilege are being asked to compensate the sons of slaves whether or not the former are responsible for the disabilities of the latter. It is this aspect of the moral situation that caused Sevareid to claim that For-

man wants to visit the sins of fathers upon sons. But Sevareid misses a subtle, yet fundamental distinction. It is not claimed that the sons of slave-masters are sinners because their fathers sinned. Rather, the demand that the sons of slave-masters make restitution to the sons of slaves rests on the claim that the former enjoy great and undeserved benefits, the latter suffer grave and undeserved disabilities, as a result of accidents of social inheritance directly connected to the existence of slavery.

THE BASIC ARGUMENT is this: suppose benefits acquired unjustly by an identifiable group of fathers are transmitted by alterable institutions of social inheritance to their identifiable descendants; suppose similarly the disabilities of those originally enslaved are transmitted by social inheritance to their descendants. The sons of slave-masters continue to profit, the sons of slaves to suffer the disabilities of the original iniquity. Under these conditions the sons of slaves have rights of compensation against the sons of slave-masters. To the extent that others, by reason of the accident of skin-pigmentation, have been able to climb aboard the hereditary train of privilege, they derivatively acquire obligations of restitution comparable to those to which the sons of slave-masters are subject. This line of argument cuts so hard against inherited privilege that it should appeal to democratic socialists.

The principle of compensatory justice can be made politically relevant to existing conditions. The generality of America's affluent white population share in the benefits extracted from slaves. The generality of America's black population suffer the disabilities that resulted from slavery. The accident of skin pigmentation here can be made to work to the advantage of justice. Political demands designed to satisfy compensatory claims can as safely be translated into public policy as, say, political demands designed to satisfy the claims to justice of the poor. For, while most of the poor are "deserving," there are un-

doubtedly some who are, in Herbert Spencer's words, "good-for-nothings, who in one way or other live on the good-for-somethings." But most civilized Americans have long ago concluded that if a small number of wastrels happen to be benefited by policies designed to achieve justice for those entitled to welfare programs, then that is a cost that a society as affluent as ours should happily pay.

It might be added that the personal responsibility of those affected by compensatory programs is not wholly irrelevant to the case for compensatory justice. For those who enjoy benefits because of social inheritance and original injustice are not personally responsible for their gains—hence, they don't *deserve* their advantages. Those who suffer disabilities because of social inheritance, correspondingly do not *deserve* their unhappy state.

I have not given the whole case for a policy of restitution—only the part of the argument that most people are likely to regard as doubtful. Nor have I examined arguments that might be made to justify overriding the claim of compensatory justice in specific situations.* All I have tried to do is open debate on a far-reaching claim that lies at the heart of Forman's demand for restitution. Even if his success in getting churches to pay restitution falls far short of what the churches

* I do discuss some of the counterarguments, but all too briefly, in my book, *The Radical Liberal* (New York: Atherton Press, 1968), pp. 100–103.

should give, even if complete success would fall far short of what is socially needed and justified, the dramatic way in which the demand has been made is likely to have beneficial political consequences. For, by raising the issue in a fashion that catches public attention, discussion within the growing constituency of conscience has been energized, and the political thrust of demands for compensation is likely to have a greater impact on government. Already the religious community has been split; the Catholic archdiocese of New York rejecting, certain Protestant denominations accepting the validity of Forman's general claim. (Here is irony indeed, for the compensatory principle is close to certain ancient teachings of the Catholic Church, whereas the whole idea is alien to the Protestant moral tradition.)

Note also that I have not discussed how and to whom the funds due America's black men should be given. To answer the arguments given by insisting that Forman and those he represents are not the proper recipients of compensatory funds is beside the point. The questions of who and how are enormously important technicalities that can be dealt with once the basic claims to justice are acknowledged and a political will to satisfy them is organized. There is little reason to think that that good old American know-how will fail us once the objective is clearly defined and generally accepted.

19

JIM FORMAN
RIVERSIDE
BLK ECON DEV. COUNCIL
APRIL 26 1969 - 7 -

BLACK MANIFESTO

We the black people assembled in Detroit, Michigan for the National Black Economic Development Conference are fully aware that we have been forced to come together because racist white America has exploited our resources, our minds, our bodies, our labor. For centuries we have been forced to live as colonized people inside the United States, victimized by the most vicious, racist system in the world. We have helped to build the most industrial country in the world.

We are therefore demanding of the white Christian churches and Jewish synagogues which are part and parcel of the system of capitalism, that they begin to pay reparations to black people in this country. We are demanding \$500,000,000 from the Christian white churches and the Jewish synagogues. This total comes to 15 dollars per nigger. This is a low estimate for we maintain there are probably more than 30,000,000 black people in this country. \$15 a negger is not a large sum of money and we know that the churches and synagogues have a tremendous wealth and its membership, white America, has profited and still exploits black people. We are also not unaware that the exploitation of colored peoples around the world is aided and abetted by the white Christian churches and synagogues. This demand for \$500,000,000 is not an idle resolution or empty words. Fifteen dollars for every black brother and sister in the United States is only a beginning of the reparations due us as people who have been exploited and degraded, brutalized, killed and persecuted. Underneath all of this exploitation, the racism of this country has produced a psychological effect upon us that we are beginning to shake off. We are no longer afraid to demand our full rights as a people in this decadent society.

We are demanding \$500,000,000 to be spent in the following way:

1. We call for the establishment of a Southern land bank to help our brothers and sisters who have to leave their land because of racist pressure for people who want to establish cooperative farms, but who have no funds. We have seen too many farmers evicted from their homes because they have dared to defy the white racism of this country. We need money for land. We must fight for massive sums of money for this Southern Land Bank. We call for \$200,000,000 to implement this program.

2. We call for the establishment of four major publishing and printing industries in the United States to be funded with ten million dollars each. These publishing houses are to be located in Detroit, Atlanta, Los Angeles, and New York. They will help to generate capital for further cooperative investments in the black community, provide jobs and an alternative to the white-dominated and controlled printing field.

3. We call for the establishment of four of the most advanced scientific and futuristic audio-visual networks to be located in Detroit, Chicago, Cleveland and Washington, D.C. These TV networks will provide an alternative to the racist propaganda that fills the current television networks. Each of these TV networks will be funded by ten million dollars each.

4. We call for a research skills center which will provide research on the problems of black people. This center must be funded with no less than 30 million dollars.

5. We call for the establishment of a training center for the teaching of skills in community organization, photography, movie making, television making and repair, radio building and repair and all other skills needed in communication. This training center shall be funded with no less than ten million dollars.

6. We recognize the role of the National Welfare Rights Organization and we intend to work with them. We call for ten million dollars to assist in the organization of welfare recipients. We want to organize the welfare workers in this country so that they may demand more money from the government and better administration of the welfare system of this country.

7. We call for \$20,000,000 to establish a National Black Labor Strike and Defense Fund. This is necessary for the protection of black workers and their families who are fighting racist working conditions in this country.

8. We call for the establishment of the International Black Appeal. (IBA) This International Black Appeal will be funded with no less than \$20,000,000. The IBA is charged with producing more capital for the establishment of cooperative businesses in the United States and in Africa, our Motherland. The International Black Appeal is one of the most important demands that we are making for we know that it can generate and raise funds throughout the United States and help our African brothers. The IBA is charged with three functions and shall be headed by James Forman:

- (a) Raising money for the program of the National Black Economic Development Conference
- (b) The development of cooperatives in African countries and support of African Liberation movements.
- (c) Establishment of a Black Anti-Defamation League which will protect our African image.

9. We call for the establishment of a Black University to be funded with 100,000,000 to be located in the South. Negotiations are presently under way with Southern University.

10. We demand that IFCO allocate all unused funds in the planning budget to implement the demands of this conference.

In order to win our demands we are aware that we will have to have massive support, therefore:

(1) We call upon all black people throughout the United States to consider themselves as members of the National Black Economic Development Conference and to act in unity to help force the racist white Christian churches and Jewish synagogues to implement these demands.

(2) We call upon all the concerned black people across the country to contact black workers, black women, black students and the black unemployed, community groups welfare organizations, teachers organizations, church leaders and organizations explaining how these demands are vital to the black community of the U.S. pressure by whatever means necessary should be applied to the white power structure (outlined and approved by Steering Committee)

21

of the racist white Christian churches and Jewish synagogues. All black people should act boldly in confronting our white oppressors and demanding this modest reparation of 15 dollars per black man.

(3) Delegates and members of the National Black Economic Development Conference are urged to call press conferences in the cities and to attempt to get as many black organizations as possible to support the demands of the conference. The quick use of the press in the local areas will heighten the tension and these demands must be attempted to be won in a short period of time, although we are prepared for protracted and long range struggle.

(4) We call for the total disruption of selected church sponsored agencies operating anywhere in the U.S. and the world. Black workers, black women, black students and the black unemployed are encouraged to seize the offices, telephones, and printing apparatus of all church sponsored agencies and to hold these in trusteeship until our demands are met.

(5) We call upon all delegates and members of the National Black Economic Development Conference to stage sit-in demonstrations at selected black and white churches. This is not to be interpreted as a continuation of the sit-in movement of the early sixties but we know that active confrontation inside white churches is possible and will strengthen the possibility of meeting our demands. Such confrontation can take the form of reading the Black Manifesto instead of a sermon or passing it out to church members. The principle of self-defense should be applied if attacked.

(6) On May 4, 1969 or a date thereafter, depending upon local conditions, we call upon black people to commence the disruption of the racist churches and synagogues throughout the United States.

(7) We call upon IPCO to serve as a central staff to coordinate the mandate of the conference and to reproduce and distribute en mass literature, leaflets, news items, press releases and other material.

(8) We call upon all delegates to find within the white community those forces which will work under the leadership of blacks to implement these demands by whatever means necessary. By taking such actions, white Americans will demonstrate concretely that they are willing to fight the white skin privilege and the white supremacy and racism which has forced us as black people to make these demands.

(9) We call upon all white Christians and Jews to practice patience, tolerance, understanding and nonviolence as they have encouraged, advised and demanded that we as black people should do throughout our entire enforced slavery in the United States. The true test of their faith and belief in the Cross and the words of the prophets will certainly be put to a test as we seek legitimate and extremely modest reparations for our role in developing the industrial base of the Western world through our slave labor. But we are no longer slaves, we are men and women, proud of our African heritage, determined to have our dignity.

(10) We are so proud of our African heritage and realize concretely that our struggle is not only to make revolution in the United States, but to protect our brothers and sisters in Africa and to help them rid themselves of racism, capitalism, and imperialism by whatever means necessary, including armed struggle. We are and

must be willing to fight the defanation of our African image wherever it rears its ugly head. We are therefore charging the Steering Committee to create a Black Anti-Defanation League to be funded by money raised from the International Black Appeal.

(11) We fully recognize that revolution in the United States and Africa, our Motherland, is more than a one dimensional operation. It will require the total integration of the political, economic, and military components and therefore, we call upon all our brothers and sisters who have acquired training and expertise in the fields of engineering, electronics, research, community organization, physics, biology, chemistry, mathematics, medicine, military science and warfare to assist the National Black Economic Development Conference in the implementation of its program.

(12) To implement these demands we must have a fearless leadership. We must have a leadership which is willing to battle the church establishment to implement these demands. To win our demands we will have to declare war on the white Christian churches and synagogues and this means we may have to fight the total government structure of this country. Let no one here think that these demands will be met by our mere stating them. For the sake of the churches and synagogues, we hope that they have the wisdom to understand that these demands are modest and reasonable. But if the white Christians and Jews are not willing to meet our demands through peace and good will, then we declare war and we are prepared to fight by whatever means necessary. We are, therefore, proposing the election of the following Steering Committee:

* Lucious Walker
* Ronny Freeman
Luke Tripp
Howard Fuller
James Forman
John Watson
* Dan Aldridge
John Williams
Ken Cockrel
Chuck Wooten
Fannie Lou Hamer
Julian Bond

Mark Comfort
Earl Allen
Robert Browne
Vincent Harding
Mike Hamlin
Len Holt
* Peter Bernard
Michael Wright
Muhammed Kenyatta
Mel Jackson
* Howard Moore
Harold Holmes

Brothers and sisters, we no longer are shuffling our feet and scratching our heads. We are tall, black and proud.

And we say to the white Christian churches and Jewish synagogues, to the government of this country and to all the white racist imperialists who compose it, there is only one thing left that you can do to further degrade black people and that is to kill us. But we have been dying too long for this country. We have died in every war. We are dying in Vietnam today fighting the wrong enemy.

The new black man wants to live and to live means that we must not become static or merely believe in self-defense. We must boldly go out and attack the white Western world at its power centers. The white Christian churches are another form of government in this country and they are used by the government of this country to exploit the people of Latin America, Asia and Africa, but the day is

soon coming to an end. Therefore, brothers and sisters, the demands we make upon the white Christian churches and the Jewish synagogues are small demands. They represent 15 dollars per black person in these United States. We can legitimately demand this from the church power structure. We must demand more from the United States Government.

But to win our demands from the church which is linked up with the United States Government, we must not forget that it will ultimately be by force and power that we will win.

We are not threatening the churches. We are saying that we know the churches came with the military might of the colonizers and have been sustained by the military might of the colonizers. Hence, if the churches in colonial territories were established by military might, we know deep within our hearts that we must be prepared to use force to get our demands. We are not saying that this is the road we want to take. It is not, but let us be very clear that we are not opposed to force and we are not opposed to violence. We were captured in Africa by violence. We were kept in bondage and political servitude and forced to work as slaves by the military machinery and the Christian church working hand in hand.

We recognize that in issuing this manifesto we must prepare for a long range educational campaign in all communities of this country, but we know that the Christian churches have contributed to our oppression in white America. We do not intend to abuse our black brothers and sisters in black churches who have uncritically accepted Christianity. We want them to understand how the racist white Christian church with its hypocritical declarations and doctrines of brotherhood has abused our trust and faith. An attack on the religious beliefs of black people is not our major objective, even though we know that we were not Christians when we were brought to this country, but that Christianity was used to help enslave us. Our objective in issuing this Manifesto is to force the racist white Christian Church to begin the payment of reparations which are due to all black people, not only by the Church but also by private business and the U.S. government. We see this focus on the Christian Church as an effort around which all black people can unite.

Our demands are negotiable, but they cannot be minimized, they can only be increased and the Church is asked to come up with larger sums of money than we are asking. Our slogans are:

ALL ROADS MUST LEAD TO REVOLUTION
UNITE WITH WHOMEVER YOU CAN UNITE
NEUTRALIZE WHEREVER POSSIBLE
FIGHT OUR ENEMIES RELENTLESSLY
VICTORY TO THE PEOPLE
LIFE AND GOOD HEALTH TO MANKIND
RESISTANCE TO DOMINATION BY THE WHITE CHRISTIAN CHURCHES AND THE JEWISH SYNOGOGUES
REVOLUTIONARY BLACK POWER
WE SHALL WIN WITHOUT A DOUBT

BAYARD
RUSTIA (EXCERPT)

"THE FAILURE OF
BLACK SEPARATISM"

HARPER'S MAGAZINE
JAN, 1970

- RESPONSE TO
JAMES FORMAN'S
"BLACK MANIFESTO"

James Forman's *Black Manifesto*, for instance, provides a nearly perfect sample of this kind of bombast combined with positive delusions of grandeur. "We shall liberate all the people in the U. S.," the introduction to the *Manifesto* declares, "and we will be instrumental in the liberation of colored people the world around... We are the most humane people within the U. S. . . . Racism in the U. S. is so pervasive in the mentality of whites that only an armed, well-disciplined, black-controlled government can insure the stamping out of racism in this country. . . . We say think in terms of the total control of the U. S."

One might never imagine from reading the *Manifesto* that Forman's organization, the National Black Economic Development Conference, is politically powerless, or that the institution it has chosen for assault is not the government or the corporations, but the church. Indeed, the exaggeration of language in the *Black Manifesto* is directly proportional to the isolation and impotence of those who drafted it. And their actual achievements provide an accurate measure of their strength. Three billion dollars in reparations was demanded—and \$20,000 received. More important, the effect of this demand upon the Protestant churches has been to precipitate among them a conservative reaction against the activities of the liberal national denominations and the National Council of Churches. Forman's failure, of course, was to be expected: the only effect of an attack upon so organizationally diffuse and nonpolitical an institution as the church can be the deflection of pressure away from the

society's major political and economic institutions and, consequently, the weakening of the black movement for equality.*

The possibility that his *Manifesto* might have exactly the opposite effect from that intended, however, was clearly not a problem to Forman, because the demands he was making upon white people were more moral than political or economic. His concern was to purge white guilt far more than to seek social justice for Negroes. It was in part for this reason that he chose to direct his attack at the church, which, as the institutional embodiment of our society's religious pretensions, is vulnerable to moral condemnation.

Yet there is something corrupting in the wholesale release of aggressive moral energy, particularly when it is in response to the demand for reparations for blacks. The difficulty is not only that as a purely racial demand its effect must be to isolate blacks from the white poor with whom they have common economic interests. The call for three billion dollars in reparations demeans the integrity of blacks and exploits the self-demeaning guilt of whites. It is insulting to Negroes to offer them reparations for past generations of suffering, as if the balance of an irreparable past could be set straight with a handout. In a recent poll, *Newsweek* reported that "today's proud Negroes, by an overwhelming 84 to 10 per cent, reject the idea of preferential treatment in hiring or college admissions in reparation for past injustices." There are few controversial issues that can call forth greater uniformity of opinion than this in the Negro community.

I also question both the efficacy and the social utility of an attack that impels the attacked to applaud and debase themselves. I am not certain whether or not self-flagellation can have a beneficial effect on the sinner (I tend to doubt that it can), but I am absolutely certain it can never produce anything politically creative. It will not improve the lot of the unemployed and the ill-housed. On the other hand, it could well happen that the guilty party, in order to lighten his uncomfortable moral burden, will finally begin to rationalize his sins and affirm them as virtues. And by such a process, today's ally can become tomorrow's enemy. Lasting political alliances are not built on the shifting sands of moral suggestion.

On his part, the breast-beating white makes the same error as the Negro who swears that "black is beautiful." Both are seeking refuge in psychological solutions to social questions. And both are reluctant to confront the real cause of racial injustice, which is not bad attitudes but bad social conditions. The Negro creates a new psychology to avoid the

*Forman is not the only militant today who fancies that his essentially reformist program is revolutionary. Eldridge Cleaver has written that capitalists regard the Black Panther Breakfast for Children program (which the Panthers claim feeds 10,000 children) "as a threat, as cutting into the goods that are under their control." He also noted that it "liberates" black children from going to school hungry each morning. I wonder if he would also find public-school lunch programs liberating.

25

Bayard Rustin
THE FAILURE
OF BLACK
SEPARATISM

reality of social stagnation, and the white—be he ever so liberal—professes his guilt precisely so as to create the illusion of social change, all the while preserving his economic advantages.

The response of guilt and pity to social problems is by no means new. It is, in fact, as old as man's capacity to rationalize or his reluctance to make real sacrifices for his fellow man. Two hundred years ago, Samuel Johnson, in an exchange with Boswell, analyzed the phenomenon of sentimentality:

Boswell: "I have often blamed myself, Sir, for not feeling for others, as sensibly as many say they do."

Johnson: "Sir, don't be duped by them any more. You will find these very feeling people are not very ready to do you good. They pay you by feeling."

Today, payments from the rich to the poor take the form of "Giving a Damn" or some other kind of moral philanthropy. At the same time, of course, some of those who so passionately "Give a Damn" are likely to argue that full employment is inflationary.

We are living in a time of great social confusion—not only about the strategies we must adopt but about the very goals these strategies are to bring us to. Only recently whites and Negroes of good will were pretty much in agreement that racial and economic justice required an end to segregation and the expansion of the role of the federal government. Now it is a mark of "advancement," not only among "progressive" whites but among the black militants as well, to believe that integration is passé. Unintentionally (or as the Marxists used to say, objectively), they are lending aid and comfort to traditional segregationists like Senators Eastland and Thurmond. Another "advanced" idea is the notion that government has gotten too big and that what is needed to make the society more humane and livable is an enormous new move toward local participation and decentralization. One cannot question the value or importance of democratic participation in the government, but just as misplaced sympathy for Negroes is being put to use by segregationists, the liberal preoccupation with localism is serving the cause of conservatism. Two years of liberal encomiums to decentralization have intellectually legitimized the concept, if not the name, of states' rights and have set the stage for the widespread acceptance of Nixon's "New Federalism."

The new anti-integrationism and localism may have been motivated by sincere moral conviction, but hardly by intelligent political thinking. It should be obvious that what is needed today more than ever is a political strategy that offers the real possibility of economically uplifting millions of impoverished individuals, black and white. Such a strategy must of necessity give low priority to the various forms of economic and psychological ex-

perimentation that I have discussed, which at best deal with issues peripheral to the central problem and at worst embody a frenetic escapism. These experiments are based on the assumption that the black community can be transformed from within when, in fact, any such transformation must depend on structural changes in the entire society. Negro poverty, for example, will not be eliminated in the absence of a total war on poverty. We need, therefore, a new national economic policy. We also need new policies in housing, education, and health care which can deal with these problems as they relate to Negroes within the context of a national solution. A successful strategy, therefore, must rest upon an identification of those central institutions which, if altered sufficiently, would transform the social and economic relations in our society; and it must provide a politically viable means of achieving such an alteration.

Surely the church is not a central institution in this sense. Nor is Roy Innis's notion of dealing with the banking establishment a useful one. For the banks will find no extra profit—quite the contrary—in the kind of fundamental structural change in society that is required.*

Moreover, the recent flurry of excitement over the role of private industry in the slums seems to have subsided. A study done for the Urban Coalition has called the National Alliance of Businessmen's claim to have hired more than 100,000 hard-core unemployed a "phony numbers game." Normal hiring as the result of expansion or turnover was in some cases counted as recruitment. Where hard-core workers have been hired and trained, according to the study, "The primary motivation . . . is the need for new sources of workers in a tight labor market. If and when the need for workers slackens, so will industry's performance." This has already occurred. The *Wall Street Journal* reported in July of 1969 that the Ford Motor Company, once praised for its social commitment, was forced to trim back production earlier in the year and in the process "quietly closed its two inner-city hiring centers in Detroit and even laid off some of the former hard-cores it had only recently hired." There have been similar retrenchments by other large companies as the result of a slackening in economic growth, grumblings from stockholders, and the realization by corporate executives that altruism does not make for high profits. Yet even if private industry were fully committed to attack the problem of unemployment, it is not in an ideal position to do so. Private enterprise, for example, accounted for only one out of every ten new jobs created in the economy between 1950 and 1960. Most of the remainder were created as the result of expansion of public employment.

While the church, private enterprise, and other

*Innis's demand that the white banks deposit \$6 billion in black banks as reparations for past injustices should meet with even less success than Forman's ill-fated enterprise. At least Forman had the benefit of the white churchman's guilt, an emotion not known to be popular among bankers.

26

“... it is the trade-union movement and the Democratic party which offer the greatest leverage to the black struggle.”

institutions can, if properly motivated, play an important role, finally it is the trade-union movement and the Democratic party which offer the greatest leverage to the black struggle. The serious objective of Negroes must be to strengthen and liberalize these. The trade-union movement is essential to the black struggle because it is the only institution in the society capable of organizing the working poor, so many of whom are Negroes. It is only through an organized movement that these workers, who are now condemned to the margin of the economy, can achieve a measure of dignity and economic security. I must confess I find it difficult to understand the prejudice against the labor movement currently fashionable among so many liberals. These people, somehow for reasons of their own, seem to believe that white workers are affluent members of the Establishment (a rather questionable belief, to put it mildly, especially when held by people earning over \$25,000 a year) and are now trying to keep the Negroes down. The only grain of truth here is that there is competition between black and white workers which derives from a scarcity of jobs and resources. But rather than propose an expansion of those resources, our stylish liberals underwrite that competition by endorsing the myth that the unions are the worst enemy of the Negro.

In fact it is the program of the labor movement that represents a genuine means for reducing racial competition and hostility. Not out of a greater tenderness of feeling for black suffering—but that is just the point. Unions organize workers on the basis of common economic interests, not by virtue of racial affinity. Labor's legislative program for full employment, housing, urban reconstruction, tax reform, improved health care, and expanded educational opportunities is designed specifically to aid both whites and blacks in the lower- and lower-middle classes where the potential for racial polarization is most severe. And only a program of this kind can deal simultaneously and creatively with the interrelated problems of black rage and white fear. It does not placate black rage at the expense of whites, thereby increasing white fear and political reaction. Nor does it exploit white fear by repressing blacks. Either of these courses strengthens the demagogues among both races who prey upon frustration and racial antagonism. Both of them help to strengthen conservative forces—the forces that stand to benefit from the fact that hostility between black and white workers keeps them from uniting effectively around issues of common economic interest.

President Nixon is in the White House today largely because of this hostility; and the strategy advocated by many liberals to build a “new coalition” of the affluent, the young, and the dispossessed is designed to keep him there. The difficulty with this proposed new coalition is not only that its constituents comprise a distinct minority of the population, but that its affluent and youthful members—regardless of the momentary direction of their

rhetoric—are hardly the undisputed friends of the poor. Recent Harris polls, in fact, have shown that Nixon is most popular among the college educated and the young. Perhaps they were attracted by his style or the minimal concessions he has made on Vietnam, but certainly their approval cannot be based upon his accomplishments in the areas of civil rights and economic justice.

If the Republican ascendancy is to be but a passing phenomenon, it must once more come to be clearly understood among those who favor social progress that the Democratic party is still the only mass-based political organization in the country with the potential to become a majority movement for social change. And anything calling itself by the name of political activity must be concerned with building precisely such a majority movement. In addition, Negroes must abandon once and for all the false assumption that as 10 per cent of the population they can by themselves effect basic changes in the structure of American life. They must, in other words, accept the necessity of coalition politics. As a result of our fascination with novelty and with the “new” revolutionary forces that have emerged in recent years, it seems to some the height of conservatism to propose a strategy that was effective in the past. Yet the political reality is that without a coalition of Negroes and other minorities with the trade-union movement and with liberal groups, the shift of power to the Right will persist and the democratic Left in America will have to content itself with a well-nigh permanent minority status.

The bitterness of many young Negroes today has led them to be unsympathetic to a program based on the principles of trade unionism and electoral politics. Their protest represents a refusal to accept the condition of inequality, and in that sense, it is part of the long, and I think, magnificent black struggle for freedom. But with no comprehensive strategy to replace the one I have suggested, their protest, though militant in rhetoric and intention, may be reactionary in effect.

The strategy I have outlined must stand or fall by its capacity to achieve political and economic results. It is not intended to provide some new wave of intellectual excitement. It is not intended to suggest a new style of life or a means to personal salvation for disaffected members of the middle class. Nor is either of these the proper role of politics. My strategy is not meant to appeal to the fears of threatened whites, though it would calm those fears and increase the likelihood that some day we shall have a truly integrated society. It is not meant to serve as an outlet for the terrible frustrations of Negroes, though it would reduce those frustrations and point a way to dignity for an oppressed people. It is simply a vehicle by which the wealth of this nation can be redistributed and some of its more grievous social problems solved. This in itself would be quite enough to be getting on with. In fact, if I may risk a slight exaggeration, by normal standards of human society I think it would constitute a revolution. □

