

## After 400 Years, How Does it *Still* Feel to be America's "Problem"?

see, W.E.B. DuBois, *The Souls of Black People*,

1903

"I am very worried about *the state of the civilization* that produced that photograph of *a white cop standing on that Negro woman's neck* in Birmingham."

Lorraine Hansberry, 1963<sup>1</sup>

### Howard Ball<sup>2</sup>

January 2021

In November 2020, Walter Mosley, the noted crime novelist, received the National Book Award for Distinguished Contribution to American Letters. He is the first Black recipient of this lifetime honor. Briefly addressing the audience, he said: "We, my fellow writers and I, talk about love and solitude, dreaming and reality, and truths that might not ever be uttered except by the word in the book that we write, read, and interpret." Continuing, he believed that the readers of "we writers,

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<sup>1</sup> The noted black playwriter, the author of *A Raisin in the Sun*, said that in a meeting with U.S. Attorney General Bobby Kennedy. She then, angrily, stormed out of his office. Quoted in Raoul Peck, "What James Baldwin Knew About this Moment," *The Atlantic*, July 3, 2020.

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rework our stories, applying them to their own unique experiences. In this way writing is political and democratic in the extreme.”

Then Mosley, the noted black crime novelist who uses the genre to portray bright and brave black crime solvers, talked about the paradoxical nature of this honor for persons like him. “There’s a great weight hanging over the reception of an award when the underlying subject is, *the first Black man to receive . . .*” He then framed his speech’s forthcoming observations and questions in an acute historic summation of black lives in America since his ancestors arrived in Virginia, enslaved and in chains, in 1619:

We the people who are darker than blue, we have been here, on this continent, in this storm for 400 years. *As a matter of course we have been chained, beaten, raped, murdered, robbed of our names, our history and often even of our dignity. This has been an ongoing process, an unending anguish.* (my emphasis)

Mosely is not the first black artist to grapple with his people’s lives that underscore a patent contradiction of the ideal of democracy. And, until the storm of racism disappears, he will not be the last. All of these men and women struggle to provide themselves and their readers with a way out of second-class citizenship tagged onto their race. For many of them there is not an appropriate, positive resolution of the “unending anguish” they and their readers and listeners feel—and live—every day of their lives.

For over four hundred years there have been too many black men and women,<sup>3</sup> slaves, poets, painters, rabble rousers, abolitionists, writers, and fighters for freedom, who sought to free themselves from their chains (literal and figurative). All of them faced the awful reality that faced them as they sought—many of them dying—to reach the civil rights, liberties, and freedoms guaranteed to all citizens in the Civil War Amendments. Although *slavery* was prohibited in the 13<sup>th</sup> Amendment, it has continued to exist; indeed, slavery and the “badges” of slavery flourished for more than a century after the Civil War ended. This continuous bondage of the black race, however, was both the philosophic and necessary seed from which one of the society’s essential, primary, values took root four centuries ago: *white superiority*.

This notion of white racial superiority planted in the early 17<sup>th</sup> century was that the white man owned the black slave’s body. They were merely fungible pieces of property; like cows or horses or sheep, slaves were property owned by a white man. They were bought, and sold to other white men, raped by their white owners, and worked to death on or in a southern plantation.

“The genesis of modern American policing can be traced in part to the institution of chattel property and its white-supremacist orthodoxy.” By the early decades of the 18<sup>th</sup> century, when a slave escaped, all white men participated in the seizure of the property and return to the owner;

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<sup>3</sup> Toni Morrison, a Nobel and Pulitzer Prize winning black author wrote: “Our past is bleak. Our future dim. But I am not reasonable. A reasonable man adjusts to his environment. An unreasonable man does not. All progress, therefore, depends on the unreasonable man. I prefer not to adjust to my environment. I refuse the prism of “I” and choose the open spaces of “we.” Toni Morrison, *Mouth Full of Blood*, 2019. Paralleling Mosley she concludes, in her final book’s first chapter: “A writer’s life and work are not a gift to mankind; they are its necessity.”

the creation of southern *slave patrols* of the early 1700s was the initial policing mechanism for this activity and it continued with the passage of the Fugitive Slave Act of 1850, “a federal slave catchers [bill that] returned the ‘stolen property’ of southern planters by any means necessary.”<sup>4</sup>

By the time of the U.S. Constitution’s implementation in 1789, the founders all agreed that, *only for purposes of state representation in the Congress*, slaves were to be counted as three-fifths of a person. That was their only value; they were *not* made of the *stuff* of citizenship. The seed of slavery grew into a fundamental credo of the new American democratic republic: racial superiority.

(Recall the essential principle drafted into Mississippi’s secession convention in 1861. Immediately after Abraham Lincoln was elected President, seceding was a categorical necessity for the rebellious states in order to “perpetuate [slavery]: the institution of human bondage. ‘Our position is thoroughly identified with the institution of slavery—the greatest material interest of the world.’”<sup>5</sup>)

Addressing America’s problem of the color line *must* begin, as Mosley noted in his speech, in August 1619, when the first slave ship<sup>6</sup> landed in Virginia and deposited its *commerce*: between twenty to thirty

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<sup>4</sup>Kellie Carter Jackson, “The Inaction of Capital Police Was by Design,” *The Atlantic*, January 8, 2021. W.E.B. DuBois wrote that the “police system was arranged to deal with blacks alone, and tacitly assumed that every white man was *ipso facto* a member of that police.” *Souls of Black Folk*, 1903.

<sup>5</sup>Clint Smith, “The Whole Story in a Single Photo,” *The Atlantic*, January 8, 2021.

<sup>6</sup>See the profoundly moving history of the capturing, shipping, and merchandizing of slaves across the “middle passage,” from Africa to North America. Written by Markus Rediker, *The Slave Ship: A Human History*, New York: Viking, 2007.

black African slaves—the chattel property of their white owners staggered off the boat. These “properties” arrived a dozen years after the English settled in Jamestown, one year before the Pilgrims landed at Plymouth Rock, and 157 years before some English colonists “even decided they wanted to form their own country.”<sup>7</sup>

After 1619, the slave trade flourished in America, the Caribbean, South America, and other regions that grasped the immense financial, economic, and social value of this new chattel property. For Americans, 1776 was another dominant date: the beginning of the revolution of colonialists against the British government. From 1776 through 1789, the country’s “founding fathers” (George Washington, Thomas Jefferson, Alexander Hamilton, James Madison, Benjamin Franklin, John Jay, and a few other *men*), were the major contributors to the literature produced to justify their Revolution and to write a Constitution, get it ratified, and, in 1789, see the implementation of a new Federal Republican form of government.

During this potent period of our history, 1776-1789, four great documents were written by a very small number of federalist and anti-federalist authors/politicians that laid out, in perpetuity, the fundamental reasons for declaring independence from England: 1) The ***Declaration of Independence***, written largely by Thomas Jefferson; 2) ***the U.S. Constitution***, written in *total secrecy* in Philadelphia during the sweltering Summer of 1787 by no more than 70 white men (most owned

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<sup>7</sup> Nikole Hannah-Jones, “America Wasn’t A Democracy Until Black Americans Made It One,” [The New York Times Magazine](#), August 14, 2019. These enslaved Africans were the beginning of American slavery; they were the initial cohort of African men and women who were kidnapped from their villages in Angola and other African venues “and brought in chains across the Atlantic in the largest forced migration in human history until the Second World War.”

slaves at this historic moment) representing twelve<sup>8</sup> of the thirteen states that constituted the Articles of Confederation polity then governing the land; 3) *The Federalist Papers*, written by James Madison, John Jay, and Alexander Hamilton, originally appearing in the press to argue the merits of the new, innovative federal political system during the fall and winter campaign of 1787-1788 ratification debates, and 4) *The Anti-Federalist Papers*, written by men who “smelled a rat,”<sup>9</sup> and who believed that the *then-existing* Articles of Confederation system—with its emphasis on the supreme powers of the States—had to be preserved.

These fundamental 18<sup>th</sup> century documents and broadsides reflected a number of realities that led to bitter arguments, and, seven decades later, to a bloody civil war. First, there were two very different sets of ideas about the character of the political system that had to be constructed after the Americans victory in our revolutionary war of independence.

For some, labelled “federalists,” political power had to reside in a dual system that 1) separated powers between the states and a new national government, and 2) divided the power of government *at both levels* between a legislature, an executive, and a judiciary in order to prevent the emergence of another tyrannical government (where all power resided in one of the three branches). Other men, the “states-righters,” argued for a political system where political power, for the

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<sup>8</sup>Vermonters did not participate in the writing of the Constitution; the State was not a participant when the first Congress convened in 1789; it became the first State to enter the federal republic in 1792.

<sup>9</sup>It was Patrick Henry, a states-rights activist, who uttered those words when he initially reviewed the draft of the federal constitution in 1787.

most part, resided in the hands of a *confederation* of states. Only if it was absolutely necessary for the survival of the confederation, as indicated by a unanimous vote by all the states, could the largely impotent national congress participate in policy making to confront the emergency.

Federalism was the process of making and enforcing policy for the nation. In addition, federalism clearly reflected a commitment made, verbally and in the documents, by the *victors* in the turbulent years surrounding the drafting, the debates, the campaigning, and the (narrowness of the) federalist victory in the voting, in 1787-1788, to respect the values found in the new federal Constitution. These principles were the very first efforts by the writers to balance individual rights and obligations with the need to create and administer the policies of the new federal government.

The ten Bill of Rights Amendments to the Constitution, added in 1791, joined the values found in the 1776 Declaration of Independence to protect the individual's right to life, liberty, and property, from undue governmental interference. Yet, for a century before the American revolution, these hallowed rights did not extend to the slaves brought to the "new world" to serve their white property owners.

Since their arrival on slave ships in 1619, for hundreds of years, black men and women have been observing, experiencing, suffering, and writing about—in poetry<sup>10</sup> and prose—the bloody and, as yet unsuccessful

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<sup>10</sup> Langston Hughes's poem, *Justice*, is an example of a rhyme capturing black injustice in America.

"That Justice is a blind goddess  
Is a thing to which we black are wise:  
Her bandage hides two festering sores

efforts of black people in America to overcome slavery's inhumanity; denying blacks all the rights of citizenship and equal justice under the law and the right to due process of the law clearly engraved in the fundamental law's civil war amendments.<sup>11</sup>

Following on the heels of these Amendments, *and the defeat of the South in the civil war (1861-1865)*, the Southern States began a remarkably successful effort, now nearly 200 years old, to deny the enjoyment of these new rights by the millions of new black citizens *by any means necessary*. The racially discriminatory Black Codes (Mississippi was the first State to pass these racially intolerant laws), the KKK and other murderous bands of white marauders, and Jim Crow discrimination, straight away seared the “badges of slavery” brand on these newly crowned—by legal *dictat*—citizens. Nearly two centuries later, the scars—and the inequity—remain. (Their branding is akin to the yellow Stars of David sewn onto the garments of another “problem” group that Nazis pitilessly dealt with in their “final solution” to their country’s bothersome poisonous pestilence: *genocide*.)<sup>12</sup>

Living in two different eras since 1865 were two anguished black men of letters, W.E.B. DuBois, and James Baldwin. Their writings offer stark examples of the enormous difficulty blacks faced—and still face—in their efforts to destroy the chasm between racial reality and the 400-

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That once perhaps were eyes.”

<sup>11</sup> In 1865, after the North defeated the South, slavery was formally invalidated by the 13<sup>th</sup> Amendment, which noted that they were free citizens; the 14<sup>th</sup> Amendment, which gave the new citizens equal protection of the laws and due process under the law; and the 15<sup>th</sup> Amendment, which gave them the right to vote.

<sup>12</sup> James Baldwin, in a 1970 letter to a rebellious Angela Davis, wrote that, in the photo of her after she was arrested by police, “you look exceedingly alone—as alone, say, as the Jewish housewife in the boxcar headed for Dachau, or as any one of our ancestors, chained together in the name of Jesus, headed for a Christian land.”



year-old “big lie” carefully crafted by white society’s local, state, and national leaders about the inferior secondary-place of the non-white person in America’s democratic republic.

A brief look at their own struggles—in the end, their tragic existential failures—to come to grips and vanquish the choke that the lie of slavery gives the reader a sense of the potency of inequality in America—and the great difficulty well-intentioned white men and women have had in the noble effort to eradicate that evil, that false reality from our historical memory.

### **W.E.B. DuBois: The “Two-Ness” of the American Negro**

Mosley’s use of the phrase, “*the first Black man to receive ...*,” brought to my mind something a great black writer penned more than a century earlier about the two races. The August 1897 issue of *The Atlantic* published an essay by W.E.B. DuBois. It broached the point Mosley was about to make, yet again, as yet another “*first black man to, . . .*” in 2020.

DuBois let on that “between me and the other world there is ever an unasked question: unasked by some through feelings of delicacy: by others through the difficulty of rightly framing it.

All flutter round it . . . and then, instead of saying directly, *how does it feel to be a problem?* they say, I know an excellent colored man in my town; or I fought at Mechanicsville; or Do not these Southern outrages make your blood boil. . . . To the real question, how does it feel to be a problem? I answer seldom a word.<sup>13</sup>

For DuBois, “the world I longed for, and all its dazzling opportunities, were theirs not mine. They should not keep these prizes, I said; some, all, I would wrest from them.” But “*I could never decide how to do it.*” Neither could “other black boys,” many who moved to “silent hatred of the pale world about them.” Bitterly, they cried out: “why did God make me an outcast and a stranger in mine own house?”

This continuity of clearly described racial inequity, DuBois concluded, took its psychic toll on members of his race: the black person lives with a constant “feeling of two-ness; . . . of always looking at one’s self through the eyes of others—an American, a Negro; two souls, two thoughts; two warring ideas in one dark body.” Negro history in this land of the free “is the history of this strife.” The struggle of his people, wrote DuBois, is, at bottom, a “longing to attain self-conscious manhood, to merge his double self into a better and truer self.”

DuBois’s life’s work, literary and political, focused on attaining two goals for his people: explaining the cost—mental and physical—of the black person’s two-ness in Jim Crow America, and coalescing the millions

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<sup>13</sup> “And yet, “he then said, “being a problem is a strange experience, --peculiar even for one who has never been anything else, save perhaps in babyhood and in Europe.” DuBois, “Strivings of the Negro People,” The Atlantic, August 1897 Issue.

of black voices into one powerful political organization that would laser-focus its numerical strength in order to overcome the *separate* and very *unequal* reality of American liberty.

DuBois worked endlessly to end the brutality of economic, social, and political unfairness in America. His goal was a noble and just one: to lay the structural groundwork that, through organization and voting, would make it “possible for a man to be both a Negro and an American without being cursed or spat upon by his fellows, without losing the opportunity for self-development.”<sup>14</sup>

But, by 1925, DuBois had to acknowledge the reality of the two brick walls of racism—in America and internationally: capitalism and colonialism. He had reached an impasse in his fight to overcome race discrimination. In an April 1925 article in Foreign Affairs, “Worlds of Color,” the first paragraph reflects his sadness about the incompleteness of his famous remark made twenty-odd years earlier.

Once upon a time in my younger years and in the dawn of this new century I wrote: ‘The problem of the Twentieth Century is the problem of the color line.’ It was a pert phrase which I then liked and which since I have often rehearsed to myself, asking how far it was prophesy and how far speculation. Today, in the last year of the century’s first quarter, I propose to examine this matter again,

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<sup>14</sup> DuBois, “Strivings of the Negro People,” The Atlantic, August 1897. Reprinted in Foreign Affairs, May/June 2020.

and more especially in the memory of the great event of these great years, the World War.”<sup>15</sup>

His examination of the reality of racism across the globe had begun much earlier, while DuBois lived in Europe. Studying at the University of Berlin at the turn of the 20<sup>th</sup> century, he “began to see the race problem in America, the problem of the peoples of Africa and Asia, and the political developments of Europe as one.”<sup>16</sup> By 1920, he wrote, prophetically, that the World War’s “fierce struggles” would “pale in comparison with the

wars of liberation [which will be] more ferocious than the imperialist wars of conquest, colonialism, and settlerism. . . . [The World War’s] wild and shameful [actions], is nothing to compare with that fight for freedom which black and brown and yellow man must and will make unless their oppression and humiliation and insult at the hands of the White World cease. The Dark World is going to submit to its present treatment *just as long as it must and not a moment more.*”<sup>17</sup> (my italics)

However, it was not possible for the “Dark World” to take decisive action at the right moment to free itself from its enslavement. Tragically,

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<sup>15</sup> DuBois, “Worlds of Color,” Foreign Affairs, April 1924.

<sup>16</sup> DuBois, Dusk of Dawn: An Essay Toward an Autobiography of a Race Concept, 1940, p. 47.

<sup>17</sup>DuBois, 1920, at 28.

by the 1940's, after fifty years of failure to end American lynch-justice and second-class citizenship for African Americans, and, world-wide, the absence of wars of liberation necessary to liberate black, brown, and yellow peoples still largely enslaved in colonial empires, DuBois concluded that his emancipation dreams would not be realized in his homeland and across the globe because of the awesome power of the ruling classes.

After fighting with his colleagues in the NAACP for decades, especially over strategy and tactical differences between the leadership, he left the NAACP for good in 1948. Now an openly radicalized DuBois was drawn to progressive politics and to Communism. He ran as the Progressive Party's candidate for the U.S. Senate (N.Y.) in 1948. He lost the election; he was then charged and tried by the federal government with being an agent of a foreign power that threatened America's very existence. Although he was acquitted of the charge, in 1961 he gave up all allegiance to his native land. DuBois formally became a member of the Communist Party of the United States. That year he left America for Ghana and became a citizen of that African state. He died and was buried there in 1963. He never returned to his native land.

**James Baldwin: The Jeremiah of the Black Rebellion that failed**

For nearly four decades, smack in the middle and late decades of the 20<sup>th</sup> century, James Baldwin, a gay black writer, matured and became one of a small number of major American black men and women who had an enormous impact on the lives and actions of the black community, especially on the young black men and women fighting *against* the badges of slavery and *for* first class citizenship against a potent, cruel, terroristic set of southern Jim Crow defenders. Until his death, Baldwin was a novelist, an activist, and a scarred drummer for those willing to confront racism in his country. He was also a weary and wary idealist who carried his commitment until he died. Like DuBois and other black leaders in the fight for equality, he died without ever reaching his goal of destroying the lie that subjugated blacks and other minorities living and dying in America.

Like Jeremiah, the Old Testament Jewish prophet, Baldwin, two decades older than the Black Power movement's leaders who emerged in the early 1960s, was their teacher and their prophet. These besieged and angry black brethren in America, struggling in their real world of hurt and lies and terror, needed an older brother to guide them through these dangerous confrontations with Jim Crow violence, terror, and murder. Baldwin was more than a black writer for them, and for all his kin battling for civil and human rights in the world beyond America.

As one scholar wrote, "If the Reverend Martin Luther King, Jr., was the civil rights movement's Moses, James Baldwin had become its Jeremiah."<sup>18</sup> His life was "on a perpetual journey—speaking, touring

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<sup>18</sup> Randall Kenan, editor, *James Baldwin, "The Cross of Redemption,"* New York: Vintage, 2011. The Old Testament contains the Book of Jeremiah (also called the Prophecy of Jeremiah). He was a Jewish prophet

widely, granting interviews by day; stealing a few hours at night to write trenchantly about events—racism, social parity, education, media manipulation, [and] the role of the writer.”<sup>19</sup>

Throughout his life, Baldwin grappled with a variant of the basic question addressed to him (and to other black artists) by curious white listeners: “*‘Was being born black, gay, and poor a ‘burden?’* Baldwin’s answer was not that of a black gentleman. For he was “always ready with the not-so-inscrutable smile, then the ice-water answer: ‘No, I thought I’d hit the jackpot.’”<sup>20</sup>

Baldwin, born in the 1920s, lived and wrote of the dilemma of being black in America from the late 1940s until his death in 1987. He “walked into the very center of the maelstrom—whether it was the rhetorical theatre of debate or the very front line of violence of the Jim Crow South—but he wasn’t simply everywhere at once: He was deeply invested in each and every outcome.”<sup>21</sup>

Much like some of his writing companions across American history, Baldwin despaired of ever reaching the equality nirvana; one of his major writings spoke of the “fire next time” that would touch America because of the absolute reluctance of the white leadership to confront the truth: the continuity of the ugliness of America’s 400-year-old problem, the big

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from the reign of King Josiah (627/626 BC) through the war with Babylon that ended with the siege and capture of Jerusalem by the Babylonians in 586 BC.

<sup>19</sup>Kenan, op cit.

<sup>20</sup> Baldwin, quoted in Lynell George “Book Review: ‘The Cross of Redemption’ by James Baldwin, edited by Randall Kenan, Los Angeles Times, August 22, 2010.

<sup>21</sup>George, Book Review.

lie of white superiority with its commitment to do everything to keep the lie from shattering.

Baldwin was ever speaking to the younger black generation of leaders, men such as Stokely Carmichael, and women such as Angela Davis, who had already experienced the threats, the violence, the beatings, the arrests and the murders, by white segregationists, against all black efforts to redress the painful consequences of more than a century of wearing the badges of slavery.

“They had [already] suffered from the trauma induced by a region and a country reluctant to change,” he wrote. In one of these small rump get-togethers late one 1962 night, in a smoke-filled room, with Johnny Walker continuously filling his glass,

Baldwin worried about the young men and women like an older brother who did not know exactly how to protect them from the dangers he already glimpsed ahead. For him, the brutality of “Bull” Connor’s dogs and firehoses in Birmingham had already foreshadowed what was to come, revealing a depth to the country’s depravity that no single piece of legislation could cure. [Many hours later, he] was left to say the final words: ‘Everything I write will in some way reflect on you. So, what do we do? If you will promise your elder brother that you will never, ever accept any of the many derogatory, degrading, and reductive definitions that this society



has ready for you, then I, James Baldwin, promise you I shall never betray you.’<sup>22</sup>

These young black men and women must “face the lie,”<sup>23</sup> and, in spite of it, fight for their rightful freedom. That was the prophetic message Baldwin brought to all his listeners throughout his life, most critically, to his black brethren. who sought a way to cut their manacles. He wrote that the

most pernicious effect of the lie when it comes to our history is to malform events to fit the story whenever America’s innocence is threatened by reality. When measured against our actions, the story we told ourselves about America being a divinely sanctioned nation called to be a beacon of light and a moral force in the world is a lie.<sup>24</sup>

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<sup>22</sup> Eddie Glaude, Jr., “The Vow James Baldwin Made to Young Civil Rights Activists,” *Literature Hub*, July 28, 2020, <https://libhub.com>. Quoting another late-night talk Baldwin gave to a small group of students at Howard University in 1963, he said: “It is, alas, the truth that to be an American writer today means mounting an unending attack on all that Americans believe themselves to hold sacred. . . [the white people’s belief that their skin color made them superior to black people. That belief dehumanized an entire race. But] in this debasement and definition of black people, white people debased and defined themselves.”

<sup>23</sup>For Glaude, a respected black political scientist at Princeton University, “the lie is the mechanism that allows, and has always allowed, Americans to avoid *facing the truth* about its unjust treatment of black people and how it deforms the soul of the country. The Lie cuts deep into the American psyche. It secures our national innocence I the face of the ugliness and evil we have done.”

<sup>24</sup>Glaude, op cit.

Like DuBois and other black artists, Baldwin, too, found the freedom denied him as a gay black man in America in Europe. He lived in Paris, France, until the election of John F. Kennedy in 1960. “From his perch in France, he had also seen the dawning of a mass movement in the United States and returned to bear witness to the courage and sacrifice of those he called ‘improbable bastards,’ like the Little Rock Nine, Dr. King, and the young people who sat in at lunch counters throughout the South.”<sup>25</sup>

But he was also a doomed prophet. He knew what awaited these young black activists. In 1963, Baldwin “knew the country was poised to betray them on behalf of the lie. Medgar’s body<sup>26</sup> offered ample evidence of that. In the face of such evil, the federal government continued to slow-walk substantive reform, and white people continued to be white people.”<sup>27</sup>

Yet Baldwin continued to counsel these black fighters, even after they began to align themselves to Stokely Carmichael’s radical call for “black power” a few years later. In November 1970, he wrote an open letter “to my sister, Miss Angela Davis,” one of many thousands of black power advocates who were arrested by local police for threatening the

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<sup>25</sup> Ibid.

<sup>26</sup> Medgar Evers was the highly active head of the Mississippi branch of the NAACP. He was assassinated by a Klansman, Byron de la Beckwith, in June 1963, the very evening a formerly reluctant President John F. Kennedy introduced what would become the basis of the 1964 Civil Rights Act. Five months later, Kennedy would be assassinated in Texas.

<sup>27</sup> Glaude, *op cit*.

peace of the community.<sup>28</sup> It was a memorable letter, his anger exploding in its very first line:

One might have hoped that, by this hour, the very sight of chains on black flesh, or the very sight of chains, would be so intolerable a sight for the American people, and so unbearable a memory, that they would themselves spontaneously rise up and strike off the manacles. But, no, they appear to glory in their chains; now, more than ever, they appear to measure their safety in chains and corpses.<sup>29</sup>

Through “your actions, your generation,” he told her, “have freed themselves from their despicable history and, in that tremendous action, have freed themselves of it and will never be victims again.” Unlike him, whose father “was just a nigger—a nigger laborer preacher, and so was I,” you “do not appear to be your father’s daughter the same way I am my father’s son.” For you, Angela, and Huey Newton, Mohammed Ali, George Jackson, and so many others in your new generation, have destroyed “the American Triumph, which was to make black people despise themselves.” You and your brave black friends “let the secret out: we are men!” By

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<sup>28</sup> James Baldwin, “An Open Letter to my Sister, Miss Angele Davis,” *New York Review of Books*, January 7, 1971.

<sup>29</sup> *Ibid.*, “And so, Newsweek, civilized defender of the indefensible, attempts to drown you in a sea of crocodile tears (‘it remained to be seen what sort of personal liberation she had achieved’) and puts you on its cover, chained.”

your actions, “buy the blunt, open articulation of this secret, [you all have] frightened the [white] nation to death.”

We, the blacks, the most rejected of the Western children, [are in the forefront of] a war between [black and white] brothers, in the same cities, on the same soil, [and that] it is not a *racial* war but a *civil* war. So be it. . . . We do feel ourselves sufficiently worthwhile to contend even with inexorable forces in order to change our fate and the fate of our children and the condition of the world! We know that a man is not a thing and is not to be placed at the mercy of things.

Ending his *cri du coeur*, Baldwin wrote: “The enormous revolution in black consciousness which has occurred in your generation, my sister, means the beginning of the end of America.” Knowing of Angela’s role in bringing into existence a new consciousness, Baldwin closed his letter with a solemn pledge: “we must fight for your life as though it were our own—which it is—and render impassable with our bodies the corridor to the gas chamber. *For if they take you in the morning, they will be coming for us that night.* Therefore: peace. Brother James.” (my emphasis)

Toward the end of his life, Baldwin asked the age-old question posed by all persons treated as second-class humans: “What can we do?” His answer was devastating: ‘Well, I am tired . . . I don’t know how it will

come about, but I know that no matter how it comes about, it will be bloody;’ it will be hard.’”<sup>30</sup> The prophet was, sadly and tragically, right.

Just recall the shocking lynching of George Floyd in broad day light? He was lying on the ground, surrounded by a group of Minneapolis police officers on the last night of May 2020. And the police body-cameras, and Smartphones gave the world a grim portrait of an old-fashioned lynching. One of law enforcement’s finest held his knee on Floyd’s neck for 8 minutes and 46 seconds, slowly killing him. And the wide world heard his pleas, too! “I can’t breathe,” “Mama,” “please,” “I’m Through,” “My stomach hurts. My neck hurts, Everything hurts. I need some water or something, please, please.”

These two activists, DuBois, and Baldwin were writers, and prophets, and were constantly in *figurative* battles with the white supremacist forces loudly and violently defending unfairness, violence, inequality, and the *big lie* of racial supremacy in America. They *knew* of the lynching of a great number of George Floyds’ by white racist mobs across America. They all experienced the absolute suffering brought about by witnessing the lynchings, burning of black businesses, homes, churches, and, the final ignominy, the dumping of the dead black bodies in unmarked mass graves. Du Bois and Baldwin, sadly, *impotently*, also witnessed the open encouragement of—and protection by—local law enforcement personnel (sheriffs, deputy sheriffs, policemen, and “deputized” law enforcers) before, during, and after the slaughter of innocent black men, women, and children. All this murder and mayhem

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<sup>30</sup> Raoul Peck, “What James Baldwin Knew About this Moment,” *The Atlantic*, July 3, 2020.

they saw was poured into their prose and poetry and art. They were unable to do nothing but chronicle the horrors that they experienced. The words that followed came from their torn-apart souls and touched the souls of their sisters and brothers.

Alike, they—and the present generation of black men and women *of arts and letters*, grappled with the very profound quandary they were living their lives repeatedly examining, for themselves and for their race. How would, *how should*, each and every black man, woman, and child respond to the existential question: *how can we overcome more than four centuries of rape, lynching, beatings, name-robbing; debasement, destruction of black history and the saving of their very own dignity, while living and dying, miserably, in a state of second-class slavery.*

### **Et Tu? Mosely's Prophecy of Black People in America**

Is the sixty plus year old Mosley, on the same glide-path to failure? How would he react to the evils spawned by America's big lie? He asked the guests the night he was honored. Would he be "cowed by the monumental negative space surrounding this pinprick of light that this award represents?"

Can such a thing make a difference? Is this a dying gasp or a first breath? Is this day any different from any other day over the past 400 years?" His answer was a bittersweet yet still hopeful

reflection on America's prime unsolved riddle since the first shackled black slaves were whipped onto American soil in 1619: "the problem of the color line."<sup>31</sup>

However, Mosley is young enough to continue to engage his literary voice in the take-no-prisoners battles, joining with minority voices-- the battered, hungry, unhealthy, the young and old, spirited groups from a variety of ethnic, racial, and religious heritages, fighting for equal justice for all. And so, he ended his night with hope about the future of blacks and other minorities existing in America. He told the audience:

I prefer to believe that we are on the threshold of a new day, that this evening is but one of ten thousand steps being taken to recognize the potential of this nation. We the people who are darker than blue, built this nation brick by brick. We crafted its jazz and bled for its yet to be realized benefits. These achievements cannot be ignored. We've been here from the beginning and we'll be here at the end, our heads held high when the promise of equality is achieved.

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<sup>31</sup> This term was first used during the era of Southern Reconstruction, 1865-1877; it described the inequitable divisions between blacks and whites living in the South after the Civil War Amendments were added to the U.S. Constitution and Union troops occupied the South to enforce congressional legislation that tried to implement them. The troops were withdrawn in 1877. In his watershed book, *The Souls of Black Folk*, 1903, W.E.B. DuBois memorialized the phrase: "Gentle Reader, the problem of the 20th century is the problem of the color line."

Is Mosley kidding himself? Is American society “on the threshold of a new day”?

### **The “Half Life” of America’s Big-Lie, 2020-2021**

Look at below, for example, three *December 2020* headline stories that, in microcosm, sadly reflect the inequities still heaped on black persons in *every* area of social, political, economic, medical, and cultural life since 1619, especially so after the civil war amendments gave the recently freed slaves citizenship (Amendment 13, 1865), the right to due process and equal protection under the laws (Amendment 14, 1868), and the right to vote (Amendment 15, 1870).

Then, finally, review a fourth December 2020 story that is the latest example of the racist consequence of employing America’s *big lie* of white racial superiority to maintain law and order. An analysis of the racial *underpinnings of policing* (since the first slave patrols began rounding up runaway slaves in the early decades of the 18<sup>th</sup> century) reveals the truth about employing racist categories when protecting the public.

- (1) **“[U.S.] Surgeon General on medical racism: ‘We need to Acknowledge these Things,’” The Hill, 12/27/20.**



“There are real issues going on today,” wrote the U.S. Surgeon General, “right now in this country when you look at 700 women dying of pregnancy-related complications, most of them Black and brown in the U.S., and when these communities of color are more likely to be heavily impacted by the coronavirus pandemic in the U.S. And, a few days earlier, where, in late December 2020, “A Black Doctor [Dr. Susan Moore] Dies of Covid-19 After Complaining of Racist Treatment ([by a white Doctor] Indianapolis, IN.)”<sup>32</sup>

(2) **“A Dirty Business,” [A Black female advocate fighting for improved sanitation Systems in Rural America].**<sup>33</sup>

This issue is, admittedly not a glamorous public policy one. Indeed, it is a most mundane problem—the unwillingness of government across the board—town, county, state, and federal agencies—fixing broken waste-water management systems in poor, rural black towns across America’s landscape. Yet, not improving the waste-water dilemmas, a downward cycle inexorably starts. A toilet bowl filled with feces is flushed but the contents are not carried away to a waste treatment system; instead, these gross leaks push the untreated wastewater above ground.

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<sup>32</sup>See John Elligon, “Black Doctor Dies of Covid-19 After Complaining of Racist Treatment,” *The New York Times*, December 23, 2020.

<sup>33</sup>Anna Clerk, reviewing Catherine Coleman Flowers’ book: *Waste: One Woman’s Fight Against America’s Dirty Secret*,” in *NY Times Book Review*, December 27, 2020. See also, Alexis Okeono, “Tainted Earth,” published in the November 30, 2020 issue of *The New Yorker*.

Then rain and floods come with the arrival of tropical storms and hurricanes, bringing with them terrible odors and mold; destroying the floor, walls, carpets, couches; “carrying viruses, bacteria, and parasites that thrive in feces.” E Coli, hookworms, and fecal coliform have been found in these flooded Black Belt counties, in wells and in drinking water. State and county agencies have shown a “disinterest” in assisting these affected towns. There is simply “no meaningful intervention by the state and federal government.”

(3) ***Brent Staples, “The Haunting of Tulsa, Oklahoma,” The New York Times, December 26, 2020.***

Staples reminds us of the as-yet-unfinished horror of the violence of lynching and burning of black citizens and their homes and businesses in Jim Crow America. In the Spring of 1921, the Tulsa, Oklahoma police department issued an order and deputized members of a large white mob. The directive was direct and frank: White Tulsans, it announced, “go get a gun, and get busy ad try to get a nigger.” The mob invaded and destroyed Greenwood, the prosperous Black enclave in Tulsa. The business district, labelled the black “Wall Street” in the press, was demolished. Hundreds of private homes were set on fire, and an undersheriff recalled seeing small fleets of trucks driving down these burning streets, carrying Black bodies “stacked up like cordwood,” to be dumped, he said, “out somewhere,” disposed of in ditches.

*One century later, just in time for a centennial commemoration of the massacre, an Oklahoma state archeological team unearthed another new mass grave in Tulsa, including steps installed by burial workers, indicating that there were bodies underneath the top tier of bodies initially uncovered. The state official described the scene as “haunting,” that the stairs allowed her to visualize people moving in an out of that space to put these coffins in place.” A survivor of the mass lynching, 106-year-old Lessie B. Randle, witnessed all of it and still experiences flashbacks of “Black bodies stacked up on the street.”*

The country still does not know how many Blacks were murdered; the range runs from about 40 to many hundreds of lynch victims. We may never know the actual number; we know, however, that a vibrant Black community was burned to the ground and unknown hundreds of Black citizens were lynched by the mob. The white racists functioned with functional immunity! Not one of them was ever brought to justice for the brutal acts of the police and the white racists.

***A Personal Observation: The unmitigated cruelty of denying a Certificate of Occupancy to a Starkville, Mississippi Industrial Day Care Center, 1977-1982***

A very personal and unforgettable vestige of the terrible sickness of racial discrimination in Mississippi, took place while I worked in Mississippi between 1976-1982. It is a short story showing just how pitiless racial discrimination has been, and still remains, in American history. It is an example of *total* racist inhumaneness, one from among way too many

such events I witnessed while there. And it illuminated the silent horror and cruelty of the racial problem. It is one of only a few such continuing racist activities by the local white power hierarchy that is *forever etched on my memory*.

A local Starkville AME church (I was one of two white board members) operated a small day-care facility, the Industrial Day Care Center. It enabled about a dozen black preschoolers to attend every weekday, providing them with nutritious food and basic educational experiences. The Board decided to double the number of kids attending the facility; we sought a certificate of occupancy permit to increase the number of youngsters enrolled the center.

During my six year stay in Mississippi, no C of O was issued. Just delay and obfuscation by the white city manager, the city lawyer, and other white citizens of the town of Starkville, in Oktibbeha county whenever the young minister asked about the needed permission to expand. I asked the young minister if I might accompany him to these meetings with the local white power establishment folk. He said that he would continue the fight against them. I sat down, sickened to my stomach. The upshot: an additional dozen youngsters were deprived of a

critically important educational and socializing boost. But, oh yeh, they were just black toddlers.

**(4) Racism in Policing from 1789 to 2020: “This is the America that Black People Know”<sup>34</sup> and Wednesday, January 6, 2021.**

***An Existential Threat to America’s Constitutional Government: The Trump Coup Effort. “Storming the Nation’s Capital, A Presidential Attempt to Set Aside the Result of the 2020 Presidential Electoral College Results and Seize a Second Term as President, January 6, 2021.”*<sup>35</sup>**

Now, finally, we must look at the latest shocking but expected example of employing America’s *big lie* of white racial superiority, to justify the racial *underpinnings of policing*, a grossly prejudicial process for maintaining order to restrain certain classes of Americans in the democratic republic since the first slave patrols began rounding up runaway slaves in the early decades of the 18<sup>th</sup> century.

The storming of the nation’s Capital by thousands of insurrectionists, many armed with weapons, Molotov cocktails, and other

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<sup>34</sup>Cori Bush, “This is the America That Black People Know,” *The Washington Post*, January 9, 2021. Ms. Bush (D-Missouri.) is a newly sworn-in member of the U.S. House of Representatives.

<sup>35</sup>See Kellie Carter Jackson, “The Inaction of Capital Police Was by Design,” *The Atlantic*, January 8, 2021, and Mitch Prothero, “Some among America’s Military Allies believe Trump deliberately attempted a Coup and may have had Help from Federal Law-Enforcement Officials,” *Business Insider*, January 7, 2021.

paraphernalia used by violent criminals, on Wednesday, January 6, 2021, was a nearly successful coup whose task was to disrupt the joint session of Congress from fulfilling its final ministerial duty, chaired by Vice President Mike Pence, of opening the electoral college ballots from all the states (all certified by every State Secretary of State and State Governor), announcing the winning slate of state electors, and, finally, having the Vice President announce the new president and vice-president elect. (The process is found in the Constitution's 12<sup>th</sup> Amendment, ratified in June 1804).

The storming of these thousands was met by a small cadre of Capital Police. "They were not in riot gear, they were not wearing gas masks, they were not holding guns loaded with rubber bullets. *And, above all else, there were no police dogs*"<sup>36</sup> Cori Bush was not surprised at the scenes taking place in the Capital.

Would this have happened if the rioters were there to fight for Black Lives Matter rather than white supremacy? We've been tear-gassed for much less, beaten for much less and shot at for much less. We've been assaulted by law enforcement for much less.

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<sup>36</sup>Bush, Cori, "This is the America That Black People Know."

There were no other law enforcement units to assist the Capital Police throughout the nearly five-hour attack on the very center of the people's place. Very quickly, the small Capital police force retreated and the mob forced its way into the building (which had just began the process of formally counting the electoral college ballots). Chaos and havoc and danger took over. Hordes of them, holding flags and wearing clothing that announced their goals, rushed down the corridors, yelling "Hang Pence" and "shoot Pelosi in the head." All the representatives and Senators and their staffs were trapped in the House and Senate; tear gas masks were hastily distributed, doors were locked. Pence, Pelosi, Schumer, and other leaders were whisked away to unknown hiding places in the Capital.

And some of the Capital Police, hugely outnumbered, tried to reason with these "First Amendment Protesters." To no avail. A few police engaged in conversations with the intruders, selfies were taken. Many, however, were savagely beaten by the intruders and there were at least six dead: two police and four Trumpites. By four pm, the invaders had left the Capital. There were no arrests during this unbelievable invasion. (It was only the second time in America's history that the Capital was attacked, the first when the British came ashore during the

War of 1812 and destroyed the building.) “It was clear” to the Congresswoman “that the top law enforcement leaders on Capital Hill had little interest in preventing this attempted insurrection.”

This is America, and it will continue to be America, until supremacy is dismantled. . . . We cannot denounce white supremacy and allow its endorsers to continue serving in our government.

These radicals returned to their home states; happy that they had engaged in combat with the forces that stole the election from their leader, but sad that they could not murder Trump’s and their political—mortal—foes. But, they warned, it’s not over yet. “We shall return,” was their war cry as they hopped on busses and planes and automobiles for the long ride home.<sup>37</sup>

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<sup>37</sup>A very interesting piece in *Business Insider*, January 7, 2021, reported that a number of French public security and NATO security officials of other allied nations told the *Insider* reporter that the January 6<sup>th</sup> storming of the Capital “appeared to have at least tacit support from aspects of the U.S. federal agencies responsible for securing the Capital complex.” See Mitch Prothero, “Some among America’s Military Allies believe Trump deliberately attempted a Coup and may have had Help from Federal Law-Enforcement Officials,” *Business Insider*, January 7, 2021. Prothero wrote that “America’s international military and security allies are now willing to give serious credence to the idea that Trump deliberately tried to violently overturn an election and that some federal law-enforcement agents—by omission or otherwise—facilitated the event.” According to the NATO source, the



As already noted, racist policing, sadly, is one of too many government policies at the local, state and federal levels, that has taken the American democratic experiment, in 1861 and again, in 2020-2021, to the very brink of reprehensible dissolution. The tragic events of January 6, 2021, saw the unbelievable breaching of the nation's capital by thousands of angry, mostly white Trump *coup* supporters; these insurrectionists were hell-bent on preventing the Congress from following the ministerial requirements of the 12<sup>th</sup> Constitutional Amendment: opening, counting the certified electoral votes received from all fifty State governments, and then, finally, publicly announcing the election of the electoral count winners, Joe Biden and Kamala Harris, ostensibly ending the reign of Donald J. Trump on January 20, 2021.

Not surprisingly, the Office of the Secretary of Defense has labelled the coup attempt events, which thus far has claimed five lives) as "*First Amendment Protests.*" And federal officials, at the Department of Defense, refused to send reinforcements to the Capital days before the January 6<sup>th</sup> attack because of the optics of sending heavily armed

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*insurrectionists "stormed the building where federal law-enforcement agencies controlled by the current president do not establish a security cordon, and the protesters quickly overwhelm the last line of police. The president then makes a public statement to the supporters attacking the Capital that he loves them but doesn't really tell them to stop.. Today I am briefing my government that we believe with a reasonable level of certainty that Donald Trump attempted a coup that failed when the system did not buckle. I can't believe this happened." I am sure such analyses will become part of the major investigation of the events of January 6, 2021.*

military, with police dogs on leach, against a horde of white peaceful protesters that were going to march to the Capital. (The federal government's assumption was an historic one: One of the Capital police leaders, House Sergeant at Arms, Paul Irving, told Capital police chief Steven Sund, that "he wasn't comfortable with the '*optics*' of formally declaring an emergency ahead of the demonstration."<sup>38</sup>) Furthermore, white conspiracy mobs would remain peaceful; not so the black and brown and white "Black Lives Matter" marchers!)

While the smoke was still in the air, the windows smashed open, the stunned citizenry noted the stark contrast of the Capital police actions when the protesters were thousands of mostly white "First Amendment Protesters." January 6<sup>th</sup> 2021 was, historically, a very different police engagement, for they were confronting "*peaceful first amendment protesters.*" Marching on Pennsylvania Avenue, the protesters were not black marchers, angry and protesting the death of another black man or woman at the hands of police, whether the murder occurred in Ferguson, Missouri; or Minneapolis, Minnesota; Portland, Oregon, or outside the White House.

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<sup>38</sup>Carol D. Leonnig and Aaron C. Davis, Peter Hermann, and Karoun Demirjian, "Outgoing Capital Police Chief: House, Senate Security Officials Hamstrung Efforts to call in National Guard," *The Washington Post*, January 10, 2021.

Black and Brown protesters, joined by many white supporters, young and old, are historically confronted by an overwhelming number of police agencies as well as federal troops, dressed in black SWAT clothing and weaponry, mace, and police dogs, wading into these protesters who were shouting that “Black Lives Matter.” (Less than one month earlier, the New York Police Department published a 111-page report that examined how Black Lives Matter marchers “were grossly mismanaged” by the NYPD in another protest march: An excessive amount of force, including mace and police-dogs, was used on them; there was a clear violation of their First Amendment rights.

Cori Bush’s essay captures the very essence of “the America that Black People Know.” She has painted a picture that is so very familiar to blacks in America, one that DuBois wrote about more than a century earlier, and described by James Baldwin half century later. In July, 2019, she and other marchers were in Florissant, Missouri, protesting near the police station where a police officer recently ran over a black man with his car. “They tear-gassed us to the point of suffocation for painting “Black Lives Matter” on a road, arrested us for putting our fists in the air and beat those who they’d taken into custody.”

That night was no different than any other night. The officers rushed out of the station in riot gear, slapping their batons against their shields, holding shotguns loaded with rubber bullets and chanting commands. The police were pushing with such force that people began falling on the ground all around me, finding themselves swarmed by officers who began hitting them with batons.

On Wednesday, January 6<sup>th</sup> 2021, she left her seat in the House gallery to see what was happening outside. Looking out the window, she saw Trump Flags, Confederate flags, Gadsten flags (“don’t tread on me”), “gradually moving closer. I froze in disbelief. The next minute, my staffer was rushing me back to my office.” The door secured, Congresswoman Bush turned on the TV. “We saw white supremacists stroll past Capital Police, untouched and unscathed.” By then, the insurrectionists entered the House Rotunda, broke windows, and then invaded the Senate floor. They were too late. Hours later, after not seizing the congressional leaders, they left the Capital for their return home. “But,” wrote Bush,

“there were no police dogs awaiting the white supremacists who gathered outside the Capital.”<sup>39</sup>

It was no coincidence that this tool of racial control was absent Wednesday, as rioters carried the flag of the slave-catchers Confederacy—and its modern manifestation, the Trump flag—through the House Rotunda. Many have said that what transpired on Wednesday was not America. They were wrong. *This is the America that Black people know.*<sup>40</sup>

The mob’s attack on the Capital was not so much unprecedented as it was consistent with the American society’s history of white backlash to the idea of racial equality and white entitlement to political, economic, and social control. The violence

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<sup>39</sup>She noted that Trump himself, watching the May 2019 Black Lives Matter march in front of his window, tweeted that the “most vicious dogs” awaited these protesters standing up for Black lives at the White House.

<sup>40</sup>Bush, Cori, “This is the America That Black People Know.”

was merely the perpetual retaliation to racial progress, as evidenced by the insurrectionists parading of Trump flags, Confederate flags, Gadsden flags, Blue Lives Matter flags, and neo-Nazi symbols. This was not an uprising against a tyrannical government; it was an uprising against a multicultural government. And the Capital Police's reaction—calm, measured, tolerant—to that uprising suggests that when it comes to engaging in violence against the state, white perpetrators have nothing to lose. Police brutality against Black Americans and police inaction toward white Americans is not some surprising anomaly; it is the *status quo*.<sup>41</sup>

The *status quo* is an ancient reminder of the existence of the damnable color line. Unless we the people begin the serious, continuous, and patient addressing of this horrendous problem, it will remain an issue until the next, successful, insurrection.

### **Returning to My Question for Mosley**

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<sup>41</sup> Kellie Carter Jackson, "The Inaction of Capital Police Was by Design," *The Atlantic*, January 8, 2021,

My question for citizen Mosley is a profoundly simple one (because he is very aware of these historic lies and fabrications about *his* race, and the suffering and deaths that have flowed from them for nearly five hundred years: *How can you function as a decent human being of integrity, given that you know that the essential core of America's discriminatory behavior continues to be their undying certainty of your inequality as a member of the human race.*

These 18<sup>th</sup> century clashes between the federalists and the anti-federalists reflected a continuing and

fundamental disagreement over the trajectory of American society.

Was America founded as a slavocracy, and are current racial inequities the natural growth of that? Or was America conceived in liberty, a nation haltingly redeeming itself through its founding principles. These are not simple questions to answer, because the nation's pro-slavery and anti-slavery redeemers are so closely intertwined.<sup>42</sup>

You begin to see the Sisyphean struggles of those who sought—and failed to solve—America's race problem. It is a hard one in desperate need of a final remedy. However, it is one that physics, or mathematics professors, cannot solve with their algorithms and computers.

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<sup>42</sup>Adam Serwer, "The Fight Over the 1619 Project is Not About the Facts," *The Atlantic*, December 23, 2019.

The problem is embedded at the very heart of the big lie of racial superiority, which was planted in Virginia in 1619 and has flourished since then. It takes hard—contentious, and continuous—labor by good folk to uproot the major societal fiction that has, for four centuries, dominated *all* human activity in American economics, politics, law, religious, and social behavior. Race inequality in these areas of human interaction is still America’s deceitful collective memory.<sup>43</sup> There is an enormous amount of work ahead for the good people of this land to succeed. The clock is ticking in America before the forces of evil succeed in destroying the world’s oldest functioning democratic republic built, paradoxically, on the foundation of racial inequality.

### ***A Question: Could Have I Avoided Battling for Civil Rights?***

I am reminded of a quandary another distinguished black writer/lawyer/advocate (and later, Associate Justice of the U.S. Supreme Court), Thurgood Marshall, grappled with during the decades when, between 1938 and 1962, as chief counsel of the NAACP, Marshall pressed legal arguments that called for the *destruction* of the separate-but-equal doctrine. In more than fifty cases before the U.S. Supreme Court between the late 1930s and the watershed years of the Warren Court (the 1950s and 1960s), he labored endlessly on behalf of black school children who were denied a quality education in the all-black schools in the South.

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<sup>43</sup>See Susan Neiman, *Learning from the Germans: Race and the Memory of Evil*, New York: Farrar, Straus and Giroux, 2019.



I wrote about it in my biography of the Justice, *A Defiant Life*, published in 1999.<sup>44</sup> Marshall knew that the NAACP attack on the separate-but-equal *Plessy* doctrine “would jeopardize the jobs of black schoolteachers” and black administrators. It would provoke increased violence by incensed whites in the Deep South. And he knew that black parents wanted “De Luxe” Jim crow schools for their children.

The unwillingness of many African Americans to move toward desegregation frustrated Marshall. Sometimes he would explain to his staff that ‘the easy part of the job is fighting white folks.’<sup>45</sup> In a letter to Roy Wilkins, Marshall expressed his frustration about the board’s seemingly weak support of this significant NAACP policy change. In a very sarcastic missive to the members, he wrote:

I had assumed that the NAACP policy *really* meant business about an all-out attack against segregation, especially in the public school system. I had *assumed* that we not only realized that segregation was an evil but had come to the conclusion that nothing could be gained under the ‘doctrine of separate but evil.’ I had the *assumption* that the Board of Directors . . . were in agreement on this. I had *assumed* that the resolutions meant exactly what they said.<sup>46</sup>

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<sup>44</sup>Howard Ball, *A Defiant Life: Thurgood Marshall and the Persistence of Racism in America*, New York: Crown, 1999, pp. 96-98.

<sup>45</sup>quoted in Jack Greenburg, *Crusaders in the Courts*, New York: Basic Books, 1994, p. 87.

<sup>31</sup> NAACP papers, II-B-19, Library of Congress, Washington, D.C.

Marshall was taken to the woodshed by his boss for his scathing letter, but, obviously, he survived the tongue-lashing. Finally, in 1954 and 1955, in two opinions, the U.S. Supreme Court unanimously overturned the *Plessy* doctrine. And it generated the segregationist response to the watershed opinion, *Brown v Board of Education, Topeka, KS.* when local white power holders across the South, set about creating and rapidly expanding of the White Citizens Councils in Dixie. Ironically, both Marshall and the black parents knew the response was coming—and, for the parents and their kids, it would be horrid!

Entering the 21<sup>st</sup> century, the tragedy of separated and segregated public schools is still a problem as new cases are still being brought to state and federal courts about the ongoing racial cancer in America's public-school system.

### **Perhaps, Just Perhaps . . .**

Nowadays, in my eighth decade of doing whatever an 83-year-old guy who came from the Bronx tenements *can do* about injustices. I often wonder about how the parents of the black kids *really* felt about foregoing the reality of Jim Crow *Deluxe* public schools for the unsupported guesses of what life would be like for black students in a post-destruction of *Plessy* by the ardent NAACP lawyers.

Jim Crow, first class, would have meant higher wages for all qualified black teachers and administrators, the first-time purchase of

*new* school buses for the black schools, new textbooks, science labs and equipment, desperately needed social comfort for both parents and their children, and all the other benefits of learning in a safe, warm, classroom with books less than fifteen years old—and the absence of hateful, jeering, spitting white students and their parents jostling the black children all the way into the modern, well-equipped public school. But this vision was replaced by the reality of America’s problem when the Supreme Court ordered an end to separate but equal public schools.

We know that Thurgood Marshall was frustrated because black parents held onto their hopes for a better growing-up experience for their children. Did he ever think of not confronting the enemy, of allowing Deluxe Jim Crow to proceed apace? After all, it promised to be a vast improvement over the existing system.

After all my battles for civil rights for all, especially my battles for equal justice while in Mississippi, and after seeing how my efforts and the efforts of the other fighters for equal justice have given birth to a set of leaders, ideas and actions that threaten the continued existence of our great experiment in self-government. I just wonder, what if?

Dietrich Bonhoeffer once said: *“We are not to simply bandage the wounds of victims beneath the wheels of injustice, we are to drive a spoke into the wheel itself.”* For most of my life, I saw his words, and Hillel’s comments, as profound guides for my behavior.

In the age of Trumpism, on too many sleepless nights, I just wonder: Is not bandaging the wounds of the victims of the big lie enough? But then I awake from this new nightmare and, like another buddy of

mine, smile like Sisyphus and get on with life. I have decided, like so many men and women did before me, that I cannot turn my back on injustice.