

"THE FIRST VOTE."—DRAWN BY A. R. WAUD.—[SEE NEXT PAGE.]

African Americans casting ballots for the first time, 1867 – Author,  
Alfred R. Waud, *Harper's* magazine, public domain, Wikimedia

***Nobody will ever deprive the American people of the right to vote  
except the American people themselves and the only  
way they could do this is by not voting.***

**— Franklin D. Roosevelt**

## Giovanni

*Savages we call them because their  
manners differ from ours.*

— Benjamin Franklin

After a long time, Yvonne returned running up the path through the flailing sea grass. While she dried her arms, I kissed her legs, dripping with cold water.

“Um, that’s nice,” she murmured, running her fingers through my hair. “There’s some calamari salad left and another bottle of Orvieto in the basket.”

“I’m quite satisfied. I couldn’t eat another thing. All I want is for you to finish your story about Reconstruction in the South.”

Yvonne finished wrapping her hair in a chignon knot at the base of her neck, slipped on her billowy white cashmere sweater, poured a glass of Orvieto and began her story.

“The suppression of black liberties during Reconstruction looked like a victory for the whites, but for the white underclass it was an empty victory.”

“Why an empty victory?”

“In the two decades after the war, while the South reestablished white supremacy, it became trapped in poverty. A quarter of Southern men had died leaving families with no breadwinner. The war had left the economy in ruins. Eleven cities were destroyed, including Atlanta, Charleston, and Richmond. Farms had been neglected. Hundreds of thousands of cattle and horses were dead. There were not enough mules to pull the plows to sow the fields. The Union armies had destroyed the South’s rails, bridges, round houses, and rolling stock. There were few rail lines and riverboats to move crops to market. The South was locked into agriculture without the capital to create a modern infrastructure and develop efficiency of scale. Trapped in the ways of the past, the South did not share in the vast increase in wealth of the gilded era. Except for a few cities and the discovery of oil in Texas and Oklahoma, many in the South lived marginal lives. There was no Marshal Plan for the South.



**Ruins of Gallego Mills, Civil War, Richmond, Virginia, 1865 – Mathew Brady studio, U.S. National Archives**



***Ruins in Richmond.* Damage to Richmond, Virginia, American Civil War, 1865 – Andrew J. Russell, U.S. Library of Congress, Wikimedia**

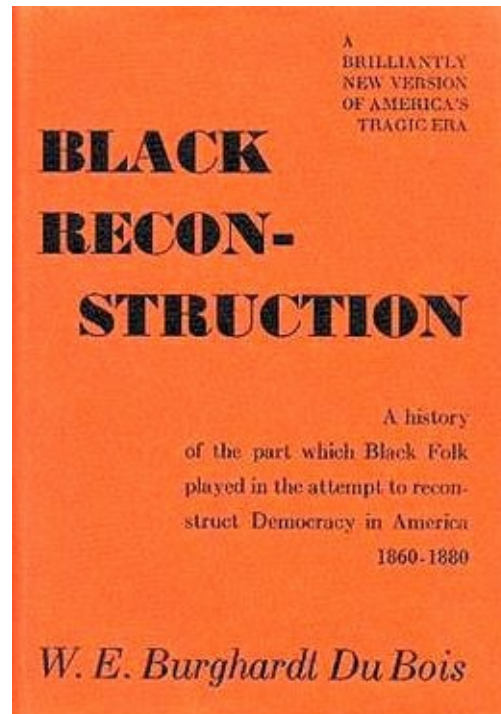


Destroyed locomotive, **Richmond, Virginia**, Richmond & Petersburg Railroad depot – U.S. Library of Congress, Wikimedia



**Atlanta, Georgia** after the end of the American Civil War, railroad roundhouse in ruins – George N. Barnard, U.S. Library of Congress, Wikimedia

“Along with Booker T. Washington,” Yvonne continued, “W.E.B. Du Bois, who wrote the magisterial *Black Reconstruction in America*, became the most influential Negro intellectual at the turn of the century. However, Du Bois and Washington had very different ideas how to achieve freedom for Negroes.



*Black Reconstruction in America, An Essay Toward a History of the Part Which Black Folk Played in the Attempt to Reconstruct Democracy in America, 1860–1880*, 1st edition cover, 1935 – W. E. B. Du Bois, Wikimedia

“Washington who’d been born into slavery was noted for creating the Atlanta Compromise, an informal agreement made with governmental leaders in the South after Reconstruction. Washington declared that it wasn’t yet time to challenge Jim Crow segregation and the disfranchisement of black voters. Instead, Washington proposed a deal with Northern whites: if blacks were mandated a basic technical education, economic opportunity, and legal justice, and whites agreed to commit to investing in black enterprises and education, then Negro society would agree to accept segregation, disenfranchisement and non-unionized employment. Washington believed that the way for Negroes to achieve equal social rights was to gain it over time through industriousness, intelligence, and wealth rather than by confronting whites head on.”

“What, was the separate path of Du Bois?”

“Du Bois,” Yvonne replied, “had a different vision. At that time most Negroes lived in rural areas, therefore it was Washington’s belief that Negroes should concentrate on subjects like agricultural and

mechanical knowledge. Du Bois strongly disagreed. He said Washington represented the old attitude of adjustment and submission. Washington was asking black people to give up three things — firstly, political power, secondly, full civil rights and thirdly, higher education for Negro youths. Du Bois pointed out that by docilely giving up their rights, Negroes had been marked with a status of permanent inferiority. Not only had they been denied the right to vote, financial aid had been withdrawn from Negro colleges. De Bois particularly objected to Washington’s advocacy of industrial training for the Negro instead of training them to be intellectuals, doctors, lawyers, and educators. Du Bois believed that Negroes should be given an academic background in the classics and humanities. Only in that way could they develop a leadership elite.”

“Garibaldi,” I said, “had the same belief about education for the common man. Otherwise you end up being a laborer for the ruling class.”

“People,” Yvonne said, “like to tell stories of individuals who have risen up from the underclass to achieve great things, like Booker T. Washington who at 25, became the first leader of the Tuskegee Institute in Alabama. Washington had the students to raise the buildings themselves making their own bricks from the Alabama clay. Three times Washington’s kilns failed, but he pawned his gold watch to construct a fourth which made perfect bricks and by 1907, the students had raised eighty-six building where they learned how to raise chickens, turkeys, cattle, and bees, and how to get five hundred pounds of cotton to the acre instead of two hundred before. The German government sent its agronomists to Tuskegee to study agricultural technology for its African colonies. Washington believed in self-improvement based on moral character that would teach them to depend upon themselves. Education and hard work, Washington believed, was the keystone that would enable African Americans to take control of their own destiny. What most observers miss however,” Yvonne said with great emphasis, “in all cases of an individual like Brooker T. Washington arising from poverty to great success, the individual was able to get a good education.”

“If whites didn’t allow slaves to read and write, how could someone born into slavery get an education?”

“Booker T. tells the story in *Up from Slavery*. As a slave child on the plantation in Franklin County, Virginia, he worked from dawn to dusk, carrying water to men in the fields, hauling bags of corn to the mill and sleeping on a dirty bundle of rags on a dirt floor. Seeing the white kids going to school, he dreamed that one day he’d go too. His greatest torture was putting on a shirt made of rejected flax, so rough that after pulling it on, he felt there were a dozen thorns and burrs pressing against his flesh. When the war came, the

slaves gathered around to learn the news of great battles believing that the big result of the war would be freedom for the slaves. After Emancipation, Washington walked several hundred miles with his mother to West Virginia where his stepfather put him to work in the salt furnaces, arising at four in the morning and late at night, pouring over a Webster's spelling book to teach himself the alphabet. When he was around 10 or 12, his father sent him to work in the coal mine where he worked in total blackness, rocks falling from overhead with the risk of being killed in a gas explosion, coal dust impossible to wash off, working with physically ill and mentally dwarfed children condemned for life to labor in coal dust blackness."

"My god, how could he ever learn to read?"



Booker T. Washington, 1856-1915, born a slave, co-founded Tuskegee Institute, 1872 – Everett Historical, Shutterstock

“One day in the mine, Washington overheard the miners talking about the Hampton Normal and Agricultural Institute in Virginia. That was what Washington was waiting to hear — a school where he could learn. Even though he didn’t have a cent in his pocket, one way or another, he was going to get there. He applied for a position in the household of the coal owner’s wife, a Yankee from Vermont who was so strict she terrified the servants. He amazed the tough old lady with the way he cleaned and dusted her home, fixed anything that was broken so impressing her that she allowed him to go to school one hour a day and he began gathering every kind of book for his library. Although his stepfather took all his pay, Washington began filling a piggy bank with a nickel or a quarter from workers who wanted to help him on his way. With still not enough money to make it, at the age of sixteen, he took off for Hampton, Virginia 500 miles away, unable to eat or find shelter at the white run stage coach inns, out of money, walking and begging rides on wagons, passing stands heaped with fried chicken and apple pies with no money to eat, walking and walking until he got to Richmond, Virginia and found a place under the elevated wooden sidewalk to crash, listening to the boots of the pedestrians walking overhead, scouring up odd jobs and sleeping at night in his sidewalk burrow. When he finally arrived at Hampton, Washington looked so foul and dirty that the head teacher didn’t want to take him in. As a test, the teacher gave Washington a broom and told him to sweep the reception room. Washington cleaned it so thoroughly you could’ve eaten off the floor. The teacher hired him as a janitor on the spot and accepted him into the school.”

“I would think that during the time of the Civil War, schools for blacks would not have existed.”



History class at Tuskegee, 1902 – Frances Benjamin Johnston, Wikimedia



“The American Missionary Association created Hampton. They built the school on a former plantation called ‘Little Scotland’ overlooking the Hampton River.”

“Missionaries from the North, founded Hampton?”

“The AMA was a biracial group of Congregational and Presbyterian ministers and former Union soldiers who provided the financial support for Hampton. Congregational churches founded many of the first universities in America—Dartmouth, Williams, Amherst, Harvard, and Yale. The Congregationalists strongly supported women’s suffrage and the abolition of slavery. The director of Hampton, former Union General Samuel Chapman Armstrong, believed in an education that included, ‘the head, the heart, and the hands,’ a Christ-like man who Washington came to revere, even taking care of the General during the last year of his life.



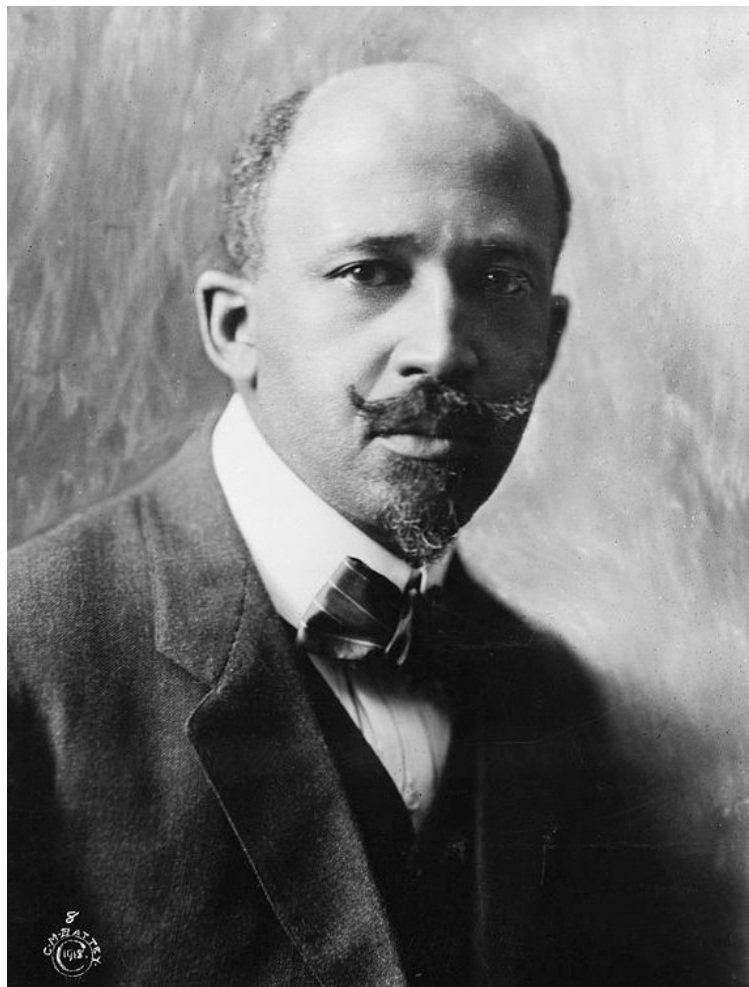
Samuel Chapman Armstrong rose to the rank of general in the Civil War. An educator after the war, he founded and was first principal of the Hampton Normal and Agricultural Institute dedicated to educating African Americans in the South, now known as Hampton University – U.S. Library of Congress, Wikimedia

For the first time Washington learned about eating on a tablecloth, using a napkin and a toothbrush, sleeping on beds with sheets and being able to take bath. Washington believed that the part that Yankee teachers played in educating Negroes after the war was one of the greatest achievements in the South. At Hampton,

Washington not only learned the value of education, but the dignity of labor. Not only was it no disgrace to labor, it was important to learn to love labor for its own sake. The happiest individuals, Washington said, are those who do the most to make others happy.”

“How did Du Bois get his education?”

“Du Bois was born in the North under completely different circumstances. Coming from a free black family in Massachusetts, the owners of land and descendants of African, Dutch, French, and English ancestry, Du Bois didn’t experience the privation of Washington. His childhood church, the First Congregational Church of Barrington, Massachusetts raised the money for his tuition at Fisk University in Nashville Tennessee. Upon graduation, he received a fellowship to attend the University of Berlin for graduate work where he studied under some of Europe’s most eminent social scientists, then returned to Cambridge to become the first African American to earn a Ph.D. from Harvard University. While working on his doctorate,



**W.E. B. Du Bois, 1868-1963, author of *The Souls of Black Folk* and *Black Reconstruction in America*. Du Bois co-founded the *National Association for the Advancement of Colored People* – C. M. Battey, U.S. Library of Congress**

Du Bois studied under William James, the brother of novelist, Henry James. Studying with William James, one of the foremost philosophers and psychologists of his time, marked a turning point in Du Bois' life.

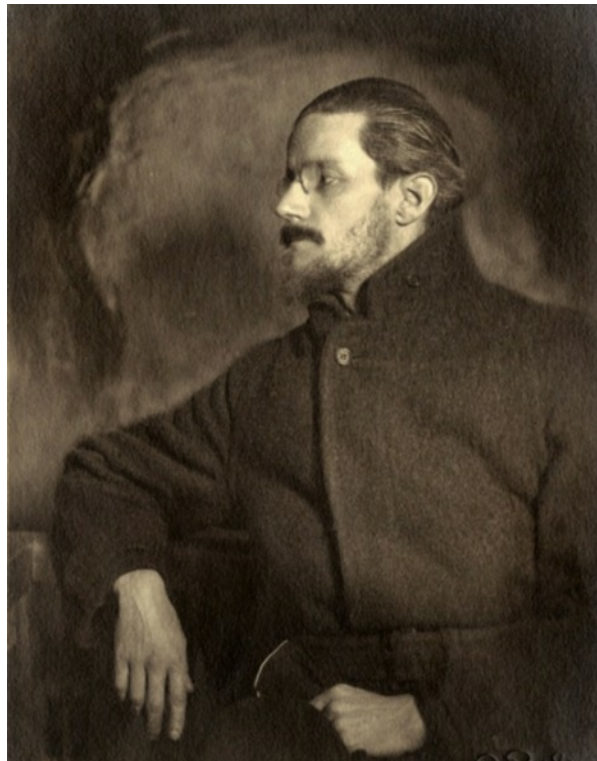


American Philosopher William James as a young man in Brazil, 1865 – [Houghton Library, Harvard University, Wikimedia](#). William James, 1842-1910, “The Father of American psychology” was the first educator to offer a psychology course in the U.S. With philosopher Charles Sanders Peirce, James established the philosophical school of pragmatism. William James’ most influential books were *Essay in Radical Empiricism*, and *The Varieties of Religious Experience*. James’ radical empiricism has influenced Emile Durkheim, W. E. B. Du Bos, Edmund Husserl, John Dewey, Ludwig Wittgenstein, and Bertrand Russell. James corresponded with Josiah Royce, Ernst Mach, Walter Lippman, Horatio Alger, Henri Bergson, Carl Jung, Sigmund Freud, and Mark Twain.

Like Du Bois, William James's pragmatism and radical empiricism has had a big impact on me, as it has on many of the seminal thinkers of our day, including Emile Durkheim, Edmund Husserl, Ludwig Wittgenstein, and Bertrand Russell. I agree with James that religion can exist without metaphysical foundations. The importance of being guided by a mentor, is not that you adopt their ideas, but that you learn to analyze — you learn to think. That is the greatest gift that a mentor can give.”

“It's the same in music,” I agreed. “What I've gained from Parker, Miles, and Les, is not how to play like them, but to be free to create new ways of playing music. What do you mean by pragmatism and radical empiricism?”

“That's a large question, Giovanni, but I want to stay on Reconstruction. But I will say that James believed that there is no absolute objective analysis. The mind of the observer and the very act of observation will influence one's discovery of the truth. In other words, mind and nature are inseparable. The mind-world connection, which James calls the stream of consciousness, can never be halted for an entirely objective analysis. His stream of consciousness idea influenced modernist literature and art, especially the writing of James Joyce's *Ulysses* and *Finnegan's Wake*. James Joyce, a singer with a light tenor voice, applied principles of music to his stream of consciousness.



James Joyce, author of *Dubliners*, *A Portrait of the Artist as a Young Man*, *Ulysses*, and *Finnegan's Wake* – C Ruf, Zurich, 1918, Cornell Joyce Collection. Wikimedia

“The ideas of William James that have affected me the most are in his book, *The Varieties of Religious Experience*. A novelist once said, ‘Henry James writes fiction as if it were philosophy and his brother, William, writes philosophy as if it were fiction.’

“After getting his doctorate from Harvard, Du Bois became a professor of history and economics at Atlanta University where he published *The Philadelphia Negro*, the first in depth sociological study of African American people.”

“Now I understand,” I said, “why Du Bois believed Negroes should get a background in the classics and the humanities.”

“Despite Du Bois’s fight for equality in education,” Yvonne said, “it hasn’t happened. Education in American is still largely segregated and still unequal. Even where laws mandate integrated schools, people go to school where they live. Since the neighborhoods are still segregated, that means the schools remain segregated and are invariably not equal. The vast difference in the quality of privately endowed schools relative to the neglected neighborhood public schools is disgraceful, especially in America where the difference in quality is based on the division of race. What Americans haven’t learned is that until all children have access to equal education there can be no true democracy.”

“It’s the same in Italy as in the United States, the poor don’t have a chance to get a good education. My education was far from what it should’ve been.”

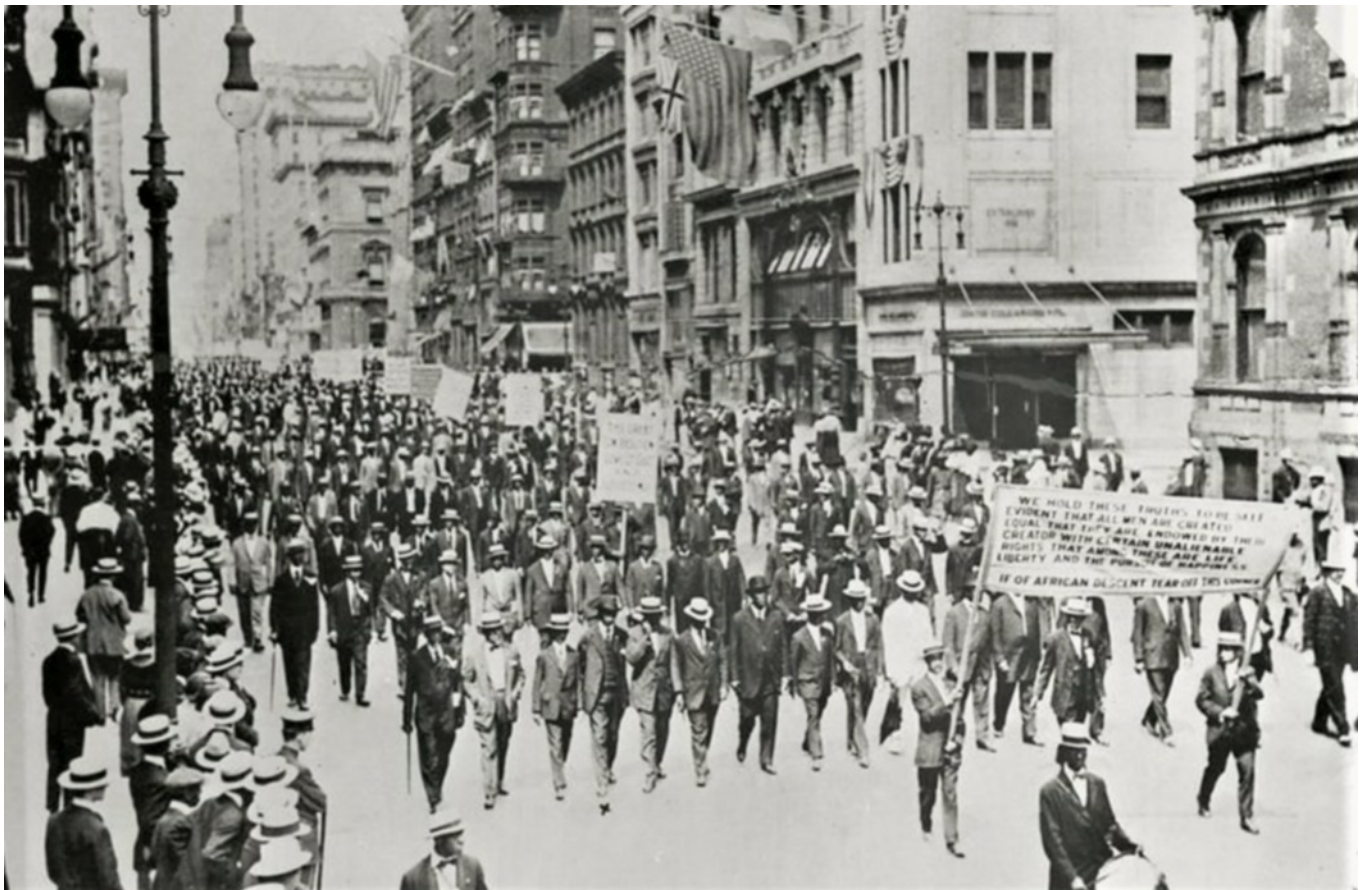
“You’ve educated yourself, Giovanni. That’s what counts. If I’d been in Du Bois’ shoes at the turn of the century, I would have supported him in opposing Washington’s compromise. However, Washington’s dream of building colleges for Negroes across America prepared a new generation of Negro leaders who allied with Martin Luther will achieve the kind of education that Du Bois had longed to see.

“While Du Bois,” I added, “was teaching at Atlanta University he had an epiphany which transformed him from an intellectual into an activist and resulted in his masterpiece, *The Souls of Black Folk*. While walking through Atlanta talking with a newspaper editor about the killing of Sam Hose who’d been tortured, burned, and hung by a mob of two thousand whites, Du Bois came across the burned knuckles of Sam Hose displayed in a store front window.

“The man’s burned hands were displayed in the display window of the store?”



W. E. B. Du Bois included photographs of the lynching and burning of Jesse Washington in the June 1916 issue of *The Crisis* – Fred Gildersleeve, May 15, 1916, published by the NAACP

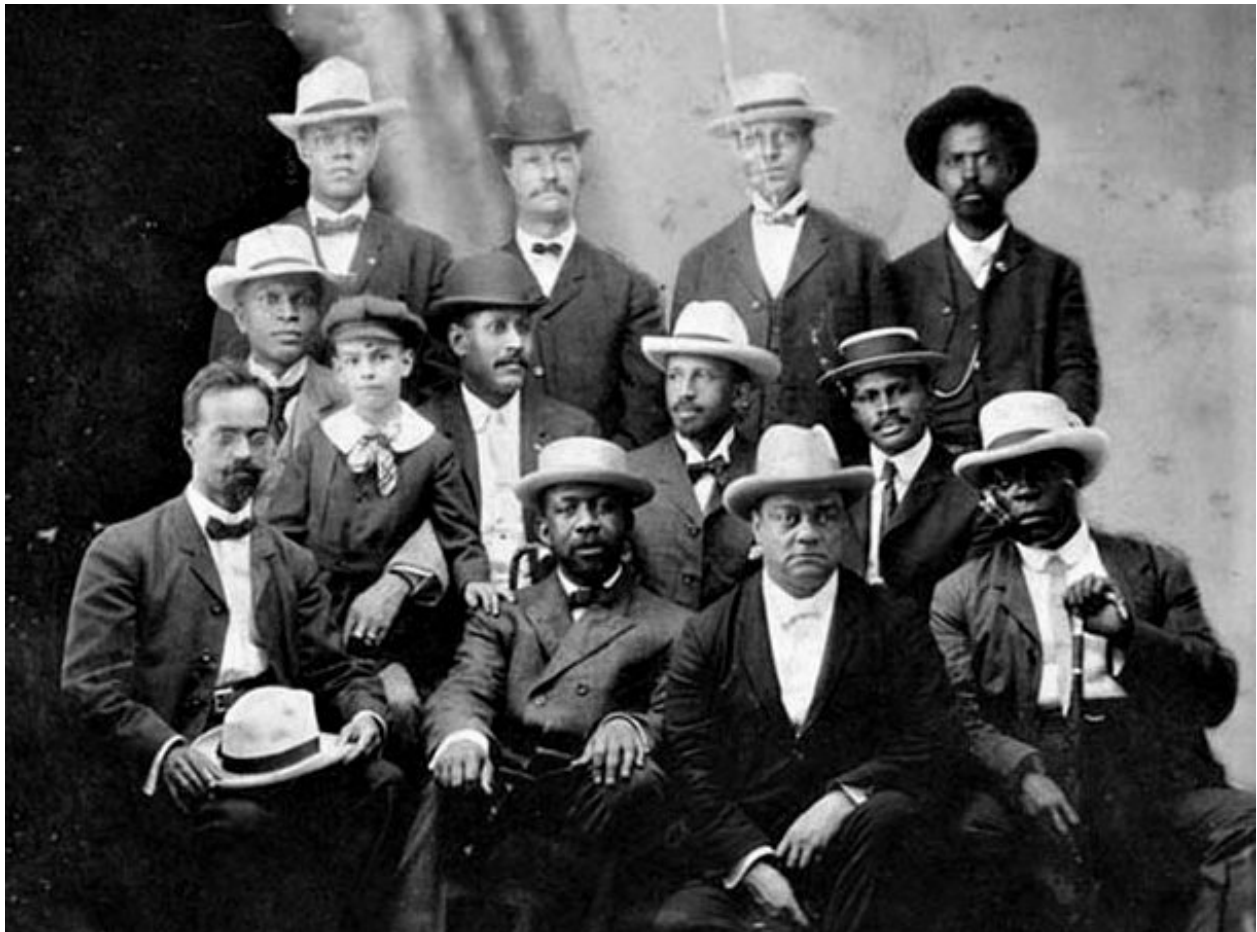


W. E. B. Du Bois organized the 1917 "Silent Parade" in New York, to protest the East St. Louis riots – NY Public Library, Wikimedia

“Grotesque as it sounds, that sort of inhumanity was common not only to blacks but massacred American Indians whose body parts were displayed for public merriment. Overwhelmed by the starkness of the image, Du Bois resolved from that moment on to no longer maintain a detached scientific point of view while Negroes were being lynched and burned.”

“Half a century before Jean-Paul Sartre,” I said, “Du Bois had the same revelation as the existentialists. It’s not enough to speak about philosophical truth. We must apply our philosophical principles to bring about change.”

“Voltaire and Rousseau, Dewey and Marx would agree. Du Bois’ conversion to radical advocacy, was sealed in 1906, when 10,000 whites, enflamed by hysterical reports of Negroes raping white women, tore through Atlanta beating every Negro on the street causing many deaths. Du Bois organized the Niagara Movement of young Negro intellectuals to press for equality, then joined with other activists in 1909 to form the National Association for the Advancement of Colored People.



Founders of the *Niagara Movement* in 1905. W. E. B. Du Bois is in the middle row, with white hat. Top row (left to right): H. A. Thompson, Alonzo F. Herndon, John Hope, James R. L. Diggs. Second row (left to right): Frederick McGhee, Norris B. Herndon (young boy), J. Max Barber, W. E. B. Du Bois, Robert Bonner. Bottom row (left to right): Henry L. Bailey, Clement G. Morgan, W. H. H. Hart, B. S. Smith – U.S. Library of Congress. Wikimedia

“Weren’t there any legal attempts,” I asked, “to guarantee constitutional rights to blacks in America?”

“One of the most outstanding examples was a group of black, Creole, and whites in New Orleans who formed the New Orleans *Comité des Citoyens* to repeal the ‘Separate Car Act’ passed by the state of Louisiana in 1890.”

“What was the Separate Car Act?”

“It required all railroads to maintain separate cars for blacks and whites in the state of Louisiana. The Comité set up their test case by having Homer Plessy, an octoroon, buy a first-class ticket in New Orleans to ride in the all-white car.”

“What is an octoroon?”

“Someone who is of seven-eighths European descent and one-eighth African descent. Plessy was arrested for refusing to ride in the car reserved for blacks. In his defense, his attorneys argued that Plessy had been denied his rights under the 13<sup>th</sup> and 14<sup>th</sup> Constitutional amendments which guaranteed equal treatment under the law. The presiding judge, John Howard Ferguson, ruled that the state of Louisiana had the right to regulate railroad companies as the state saw fit. In other words, the Separate Car Act was constitutional. The *Comité des Citoyens* appealed Plessy’s case to the Supreme Court of Louisiana which upheld Judge Ferguson’s ruling. In 1896, the Comité appealed the case to the United States Supreme Court, their attorneys arguing that Plessy’s rights under the Fourteenth Amendment had been violated.”

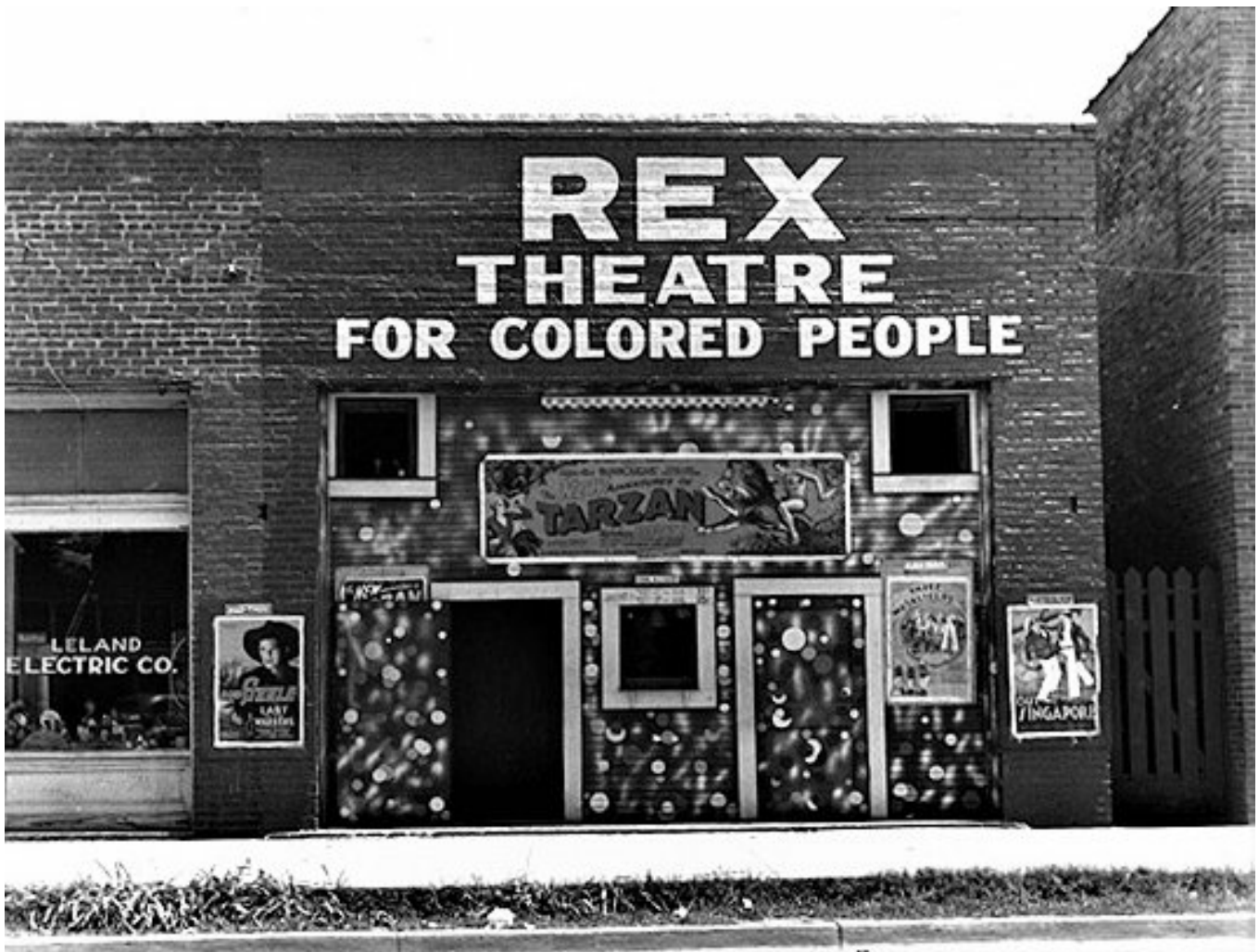


Colored Waiting Room, Greyhound bus station, Rome Georgia, 1943 – Esther Bubley, U.S. Library of Congress, Wikimedia



“What does the Fourteenth Amendment say exactly?”

“Its main purpose was to establish the citizenship of former slaves, define the privileges of citizenship and to establish adequate protection from hostile legislation of the states. The amendment guaranteed the same rights to all citizens of the United States and protects those rights against the deprivation of life, liberty, or property without due process of law. Its intention was to enforce the absolute equality of the two races before the law. But the Supreme Court in a 7 to 1 decision, ruled otherwise, saying that laws requiring separate facilities for blacks, in trains, restaurants, theaters, schools, and public toilets ‘do not necessarily imply the inferiority of either race.’



Rex Theatre for Colored People, Leland, Mississippi, 1937 – Dorothea Lange, U.S. Library of Congress

“The Pennsylvania Supreme Court had upheld a similar law mandating separate railcars for African Americans, holding that to maintain separateness between the races was not to declare inferiority, but was an order of ‘Divine Providence which ordained that the court ought not to compel these widely separated races to intermix.’ One of the Supreme Court Justices who upheld the Louisiana law of separate railcars, Edward

Douglass White, also from Louisiana, was a member of the White League, a paramilitary organization formed of primarily Confederate veterans. Organized to ‘defend Christianity menaced by stupid Africanization.’ The White League through terror and assassination suppressed black voters in Louisiana to secure white supremacy.



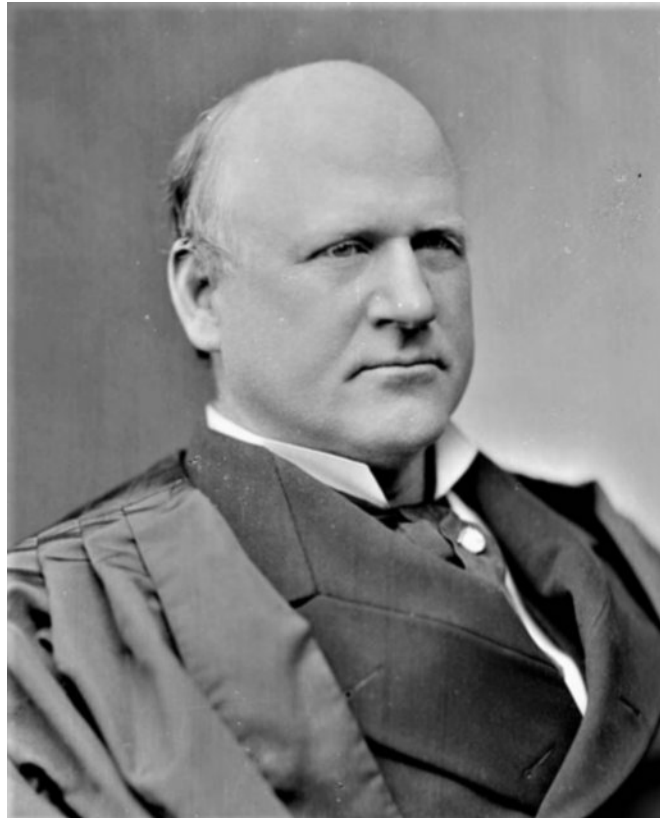
Julia Hayden, 17-year-old Louisiana schoolteacher murdered by the White League in Hartsville, Tennessee – Engraving in Harper’s Weekly, Wikimedia

“From the time of the *Plessy v Ferguson* decision of the Supreme Court, a doctrine was firmly established in America that separate facilities for blacks and whites were constitutional as long as they were equal.”

“You said it was a 7 to 1 decision. At least there was one justice who disagreed with such a twisted decision.

“Twisted is right. There was no equality in the schools. It was a mirage of equality. Facilities for blacks were invariably inferior to those for whites. Justice John Harlan, the lone vote against the court’s ruling, wrote a powerful dissent saying said that the court’s decision served to place a large body of American citizens in a position of legal inferiority.

“In his dissent, Justice Harlan wrote, ‘But in the view of the constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful.’ The law regards man as man and takes no account of his surroundings or of his color when his civil rights are guaranteed by the supreme law of the land . . . In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott* case.”



Supreme Court Justice **John Marshall Harlan**, lone dissenter in the *Plessy v Ferguson* decision – Brady-Handy Photograph Collection, U.S. Library of Congress

“The ‘separate but equal,’” I said, “was a lie.”

“A barefaced lie, a mirage of equality. There was no equality in the schools. Facilities for blacks were invariably inferior to those for whites. As Justice Harlan said, the court’s decision placed a large number of American citizens in a position of legal inferiority. It took nearly sixty years before the Supreme Court struck down the ‘separate but equal’ doctrine in the 1954 case of *Brown v. Board of Education of Topeka*. The falsehood of ‘separate but equal’ doctrine denied equal education to African Americans for over a half a century. And due to continuing segregation of the races, the denial continues today.”

“How I love the way you sum things up, my darling. With you in my corner, I’m guaranteed to pass my citizenship exams. You mentioned that Justice Harlan said that the Plessy ruling would become as infamous as the Dred Scott case. What was the ruling?”

“An enslaved man, Dred Scott, sued for his freedom in 1846. While based at a fort near St. Louis, Scott’s owner, Major Emerson, leased him out to work at Fort Snelling, Minnesota. By leasing Scott out in Minnesota, Emerson had brought slavery into a free state. It was a violation of the Missouri Compromise that had been devised by Henry Clay and sanctioned by both pro-slavery and the anti-slavery members of Congress in 1820. After Emerson’s death, his widow continued to lease Scott out for income. Scott had saved \$300, several thousand dollars in today’s money, and tried to buy his and his family’s freedom from Irene Emerson but she refused. Determined to throw off his bondage, Scott filed suit against Emerson in St. Louis Court to win freedom for his wife and daughter.”



Dred Scott, the plaintiff in the *Dred Scott v Sandford* case, U.S. Supreme Court, 1857 – Louis Schultze painting based on the 1857 daguerreotype of Dred Scott, Missouri History Museum Society, St. Louis, public domain, Wikimedia

“With slavery,” I said, “the law of the land, how could Scott stand a chance?”

“His attorney sued on the basis of a twenty-year-old Missouri precedent — if a slave had lived for some time in a free state, then he or she would remain free when taken back to Missouri. The precedent was *once free, always free*. Missouri courts had heard over ten cases in which they’d freed slaves who had been taken into free territory, a precedent which led many to believe that Scott, his wife and child would be freed. After the Missouri court ruled for Scott’s freedom, Irene Emerson refused to accept the loss of four slaves and appealed to the Missouri Supreme Court which reversed the lower court and five years after Scott first filed suit, ruled that he and his family were still legally slaves.”

“How heartbreaking, after five years of struggle, Scott was still enslaved.”

“There was another concern which influenced the decision — the stability of the nation. Missouri Chief Justice William Scott said that the results of the struggle between pro-slavery and the anti-slavery forces could ultimately lead to ‘the overthrow and destruction of our government.’ Not to be beaten, Scott’s lawyers filed a suit in the Federal District Court but once again Scott lost. His one last chance was an appeal to the United States Supreme Court which came to be known as the Dred Scott case.”

“How was it possible for a slave to have the financial means to file a lawsuit?”

“The children of Scott’s former owner Peter Blow had turned against slavery and financed Scott’s first two lawsuits. After the Missouri Supreme Court ruled against Scott, the family gave up, believing that it wasn’t possible to free a slave by a lawsuit.”

“Without a way to pay his legal bills, how could Scott go on fighting for his freedom?”

“Attorney Roswell Field agreed to represent Scott *pro bono* and his case was argued before the U.S. Supreme Court by the abolitionist Montgomery Blair who later became a member of Abraham Lincoln’s cabinet, and co-counsel George Curtis who’d been the patent attorney for American inventors Samuel Morse, Charles Goodyear, and Cyrus McCormick.”

“Scott had good lawyers. What did the Supreme Court rule?”

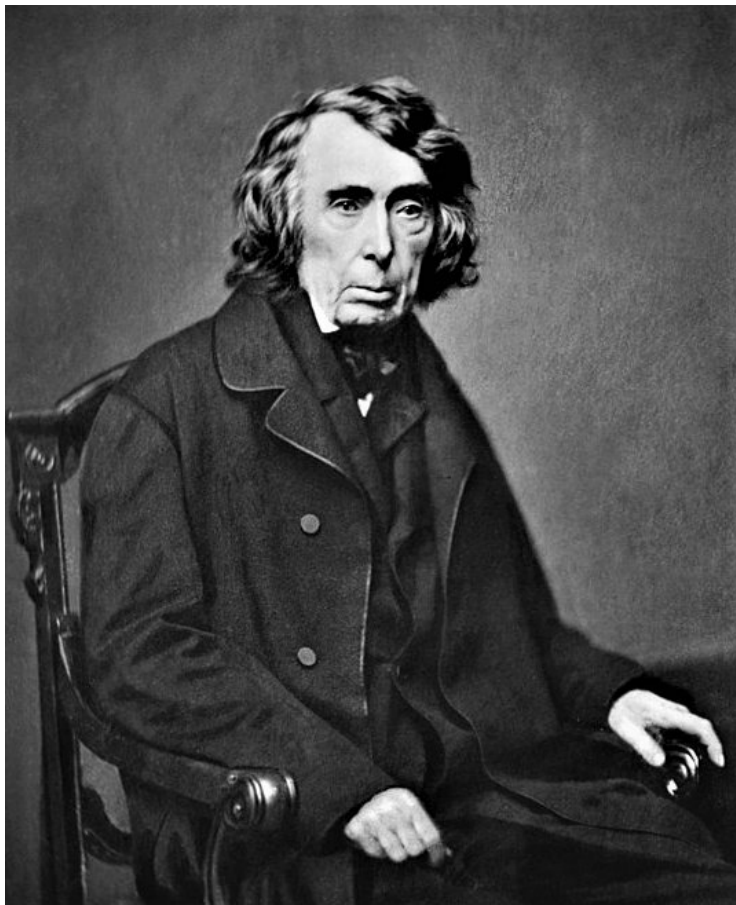
“Chief Justice Roger B. Taney delivered the majority opinion in 1857, eleven years after Scott had begun the quest for his freedom. Justice Taney ruled that the U.S. Constitution of 1787 prohibited any person descended from Africans, whether slave or freedman, from being a citizen of the United States.”

“No African could be a citizen under any circumstances?”

“That’s exactly what the court decided by a vote of 7 to 2. The U.S. Constitution, Taney declared, did not allow the Missouri Compromise’s exclusion of slavery in the northern part of the Louisiana Purchase”

“But it had been documented,” I said, “that Scott had worked in a state where slavery was prohibited.”

“That didn’t matter to Taney. African Americans had no claim to citizenship or freedom. Since they were non-citizens, they had no legal standing to bring suit in federal court. Louisiana territory had been acquired by Jefferson after the signing of the Constitution. Congress didn’t have the right to regulate slavery in the territories. The Missouri compromise was dead.”



Chief Justice **Roger B. Taney**, author of the majority opinion in the Supreme Court's *Dred Scott* decision – Matthew Brady, U.S. Library of Congress, Wikimedia

“What a sham.”

“Chief Justice Taney said that the Fifth Amendment ruled. The Constitution prohibited property being taken from its owner ‘without due process. Africans were property.’”

“A human being,” I said, “was a thing.”

“That was the truth. A slave was reduced by law from a person to a thing. In all the colonies, slavery was lifelong and hereditary. At birth, a child of mixed free and slave parentage assumed the status of its mother. A slave was like a domestic animal, a beast of burden. A unit of wealth.”

“To think,” I said with great anger, “Dred Scott spent ten years of his life fighting for freedom and was finally told he could never be a citizen. He was condemned by the state to remain a slave forever. How hopeless is that?”

“The Chief Justice,” Yvonne said, “researched the history of slave law in the British colonies and American states, his decision running several hundred pages. Taney’s decision stated that for more than a century Africans had been recognized as beings of an inferior order. They were ‘altogether unfit to associate with the white race.’ The African race was an article of property that had been bought and sold in all the thirteen colonies that had signed the Declaration of Independence. By common consent, the Negro race ‘had been excluded from civilized governments and the family of nations and doomed to slavery.’”

“My god, what a travesty of justice.”

“But Scott did go free. Emerson’s widow remarried and her husband deeded Scott to Taylor Blow, the son of Scott’s original owner who emancipated him and his family. Scott enjoyed his freedom for only one year, dying of tuberculosis in the same year as his liberation.”

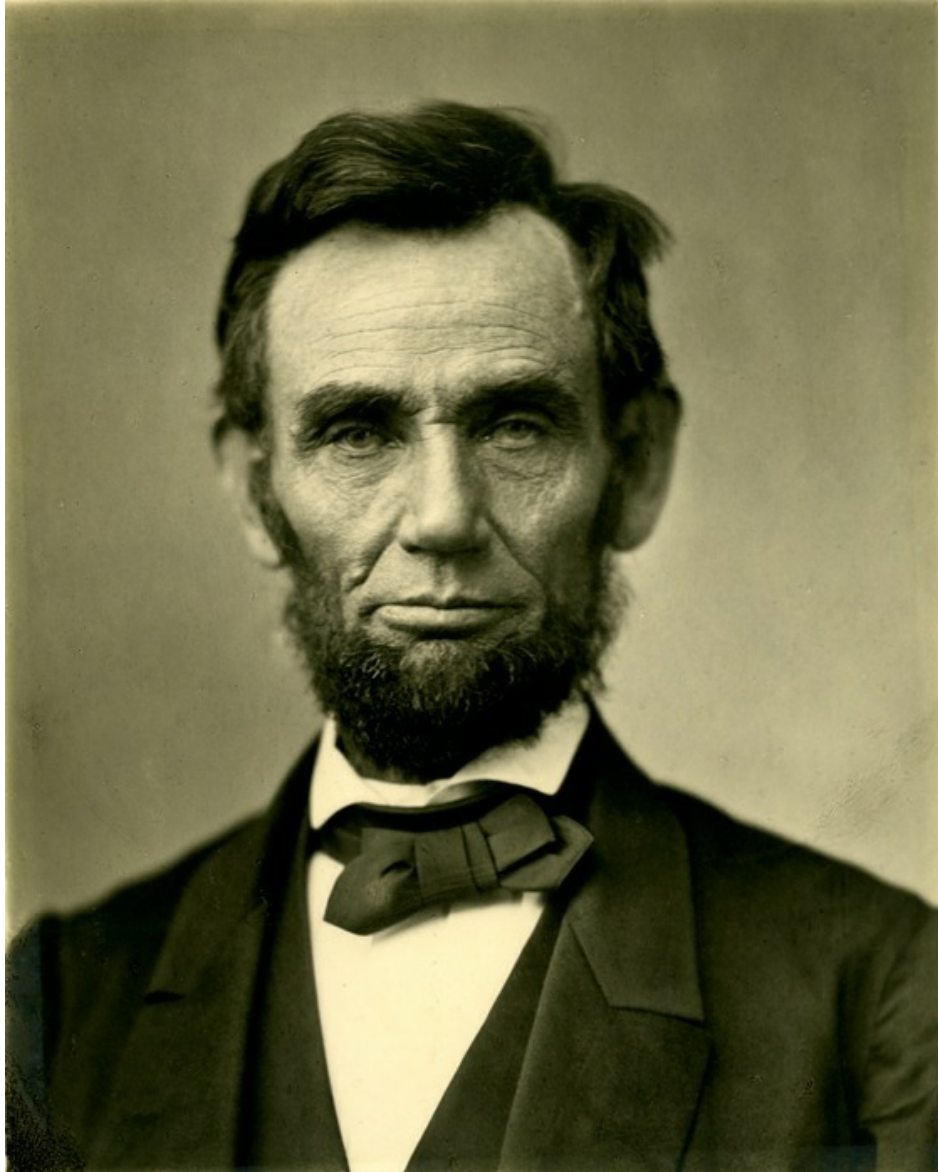
“How long did it take for this horribly contorted view of the Constitution to be reversed?”

“No Supreme Court case directly overturned the decision of Roger B Taney’s court. In 1868, eleven years later, the passage of the 14<sup>th</sup> Amendment, following the Civil War, abolished slavery and gave equal citizenship to freed slaves, promising them ‘equal protection under the law.’”

“What was the reaction to the Dred Scott decision?”

“It caused a firestorm in the North. Justice Taney had hoped that it would settle the issues, but Republicans accused Taney for conspiring to legalize slavery throughout the United States. Rather than removing slavery as an issue, it propelled the anti-slavery movement of the Republican Party. When a little-known Abraham Lincoln debated nationally recognized Democratic Senator Stephen Douglas in seven debates in Illinois before large crowds, Douglas said that the Republican Party aimed to prohibit slavery in American to sanction miscegenation, race-mixing through sexual relations. Lincoln responded by saying that the Dred Scott decision would allow slavery to spread into free states. Lincoln accused Douglas of ignoring the humanity of

black people — that the slave did not have an equal right to liberty. Lincoln said, ‘I agree with Judge Douglas, he is not my equal in many respects — certainly not in color, perhaps not in moral or intellectual endowment. But in the right to eat the bread, without the leave of anybody else, which his own hand earns, he is my equal and the equal of Judge Douglas, and the equal of every living man.’

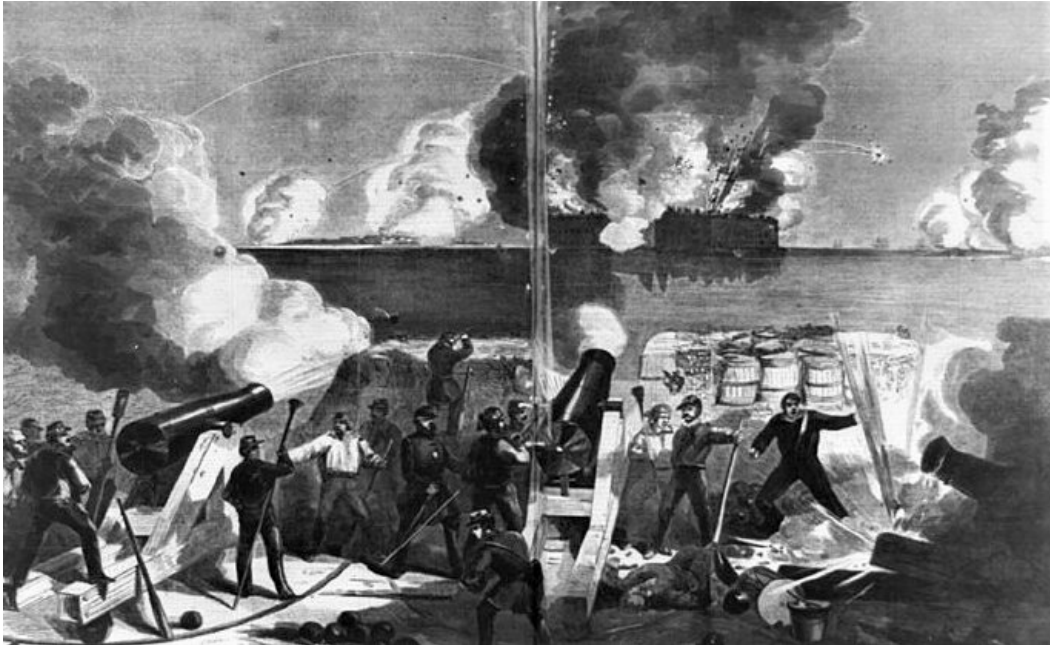


Portrait of Abraham Lincoln taken on November 8, 1863, eleven days before his Gettysburg Address - Alexander Gardner photograph, Mead Art Museum, Wikimedia

“While the Dred Scott trial was in session, President-elect James Buchanan requested one of the justices to issue the ruling before his inauguration so the issue of slavery could be resolved before he took office. Justice Taney and James Buchanan believed that the court’s ruling would ease the dissension over slavery that was tearing the country apart. But by outraging the abolitionists, the Dred Scott ruling accomplished the exact opposite.



“Three years after the decision, Abraham Lincoln was elected president on November 6, 1860. Between Election Day and Lincoln’s inauguration on March 4, 1861, seven slave-holding Southern states succeeded from the Union to form the Confederacy. A month after Lincoln’s inauguration, April 12, 1861, Confederate forces attacked Fort Sumter in the Charleston harbor, beginning the Civil War. The Supreme Court’s denial of a slave’s freedom was one of many catalysts that ignited the conflagration of the terrible War Between the States.”



*Bombardment of Fort Sumter by the batteries of the Confederate states, 1861 – U.S. Library of Congress*



*Confederate flag flying over Fort Sumter, 1861 – Alma A. Pelot photo  
Bob Zeller, A History of Civil War Photography, Wikimedia*

“When the Supreme Court denied Dred Scott’s freedom,” I said, “it was the darkest day in the history of the American Supreme Court.”

“The primary function,” Yvonne said, “of the Supreme Court in the judicial system, “is not to determine that justice is done to an individual like Dred Scott, but rather to set down general lines of interpretation for the instruction of other federal courts. By establishing precedents, the rulings of the Supreme Court affect the decisions on hundreds of cases that it never hears.”

“How do you know so much about American history?”

“Before specializing in French colonial history, I taught American history for several years with an emphasis on the issue of slavery.”

“After emancipation, weren’t African Americans enraged when they were robbed of the right to vote?”

“Enraged but powerless. Without the right to vote, it was impossible for African Americans to escape the Jim Crow laws. Terrorism assured that. Mao Tse Tung said, ‘all power grows out of a barrel of a gun,’ and that was true in the South. They were blocked by violence. But there was a current blowing in the wind, and it picked up speed during the First World War.”

“What was that?”

“Military service. After risking their lives in combat, the psychology of the African Americans began to change. When Wilson declared war on Germany, the United States had a small standing army. Congress passed a bill requiring all male citizens between the ages of 21 and 31 to register for the draft. Many black men saw the war as a chance to prove their worth to the country. They hoped that risking their life would gain them respect from the whites. During the Civil War, the Negro soldiers of the 54<sup>th</sup> Massachusetts Regiment, freemen farmers and runaway slaves were proud to wear the Union blue, ready to fight for honor and liberty. In the attack on Fort Wagner in South Carolina, their white leader, Colonel Robert Shaw reached the top of the rampart and was shot dead. When the color bearer dropped the flag, a twenty-three-year-old Negro Sergeant, William Carney threw down his gun, seized the colors and carried it forward until they were beaten back. Carney was awarded the Congressional Medal of Honor, the first ever awarded to a black soldier. Out of 600 men, a couple of hundred of black soldiers were killed storming the walls.”

“Since blacks hadn’t been allowed to serve in the U.S. Army before the Civil War, how did the 54<sup>th</sup> Massachusetts Regiment end up wearing the Union Blue?”



*The Storming of Ft Wagner* – lithograph by Kurz and Allison, 1890, U.S. Library of Congress, Wikimedia



Marshes of Hunting Island, South Carolina, common to the Gullah-Geechee culture of the Tidal lowlands – Cdamgen at English Wikipedia

“Abraham Lincoln,” Yvonne replied, “originally was not predisposed to have blacks serve in the Union Army, but the heroic action of one slave changed his mind.”

“One man was responsible for changing Union policy?”

“That’s right, Robert Smalls changed Lincoln’s mind. A young ship pilot born into slavery in Beaufort, South Carolina, Robert Smalls grew up in the Gullah-Geechee culture of the tidal lowlands and accomplished the impossible by stealing a Confederate transport armed with canon out from under the noses of a Confederate officer and turned it over to the Northern Navy.”

“Gullah-Geechee culture...?”

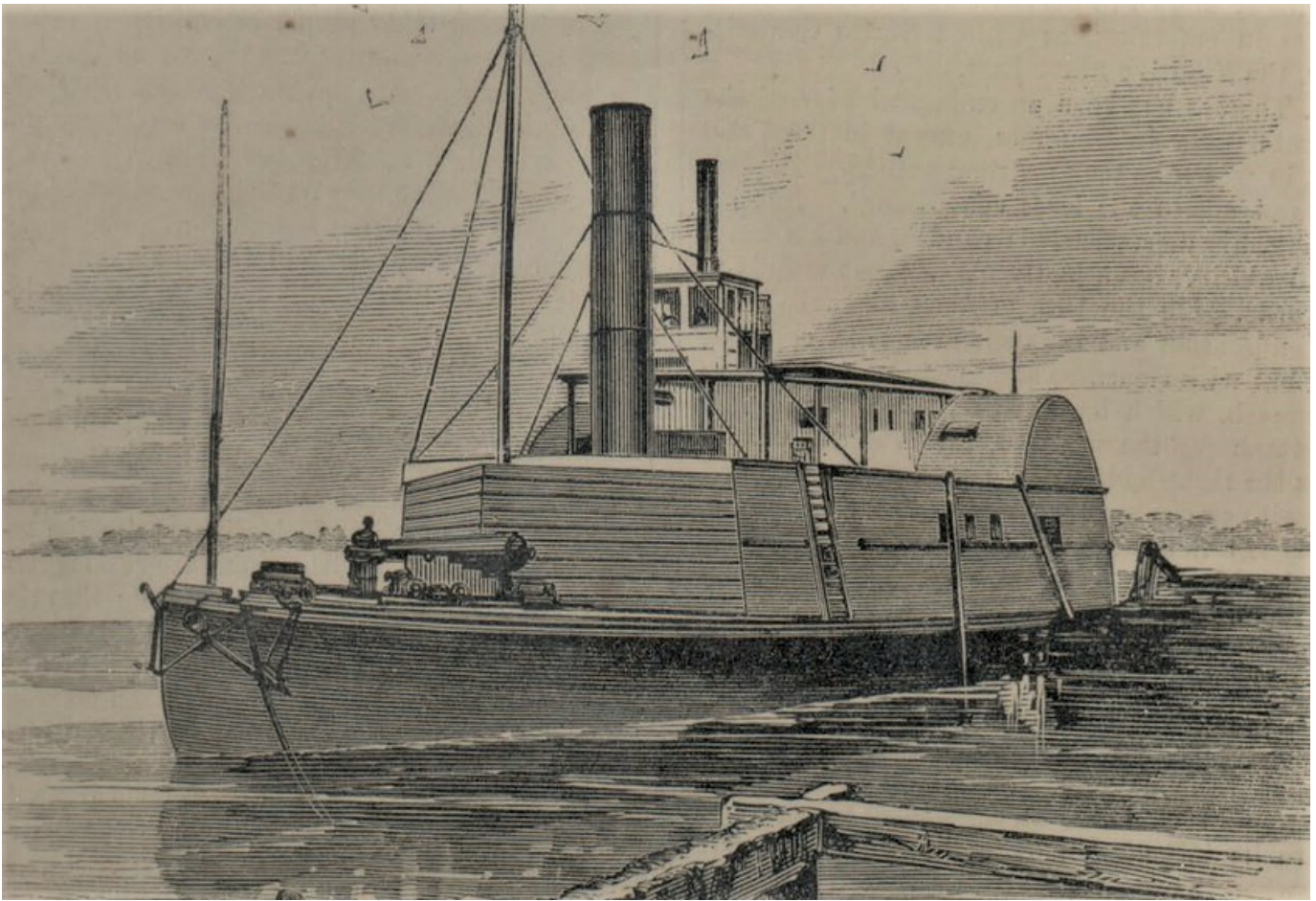
“Because of their isolation in rural tide water areas of the Carolinas and barrier islands, African slaves created a unique Gullah culture in which they preserved aspects of their African homeland. Over time they developed an English based Creole Geechee language preserving the speech and traditions of music, storytelling, and cooking from their origins in West and Central Africa. Ancestors of the Gullah slaves, used okra, rice, yams, peas, hot peppers, peanuts, sesame seeds, and sorghum, combining them with fresh seafood shrimp, scallops, oysters, and clams from the tide water areas of the Carolinas.

“French chefs,” I laughed, “would love that.”

“I certainly did. At the music festival in Charleston, the Gullah gumbo was absolutely divine.”

“How did a slave manage to get away with a Confederate transport?”

“Robert Smalls’ slave owner, “Yvonne said, “hired him out in Charleston, collecting a fee from an auxiliary master for his work as a stevedore, sail maker, and rigger. With a love of the sea and his keen intelligence, Smalls became a ship’s pilot learning a great deal about Charleston harbor. At the beginning of the war, Smalls was acting as pilot on the Confederate military transport steamer *Planter* that was transporting heavy guns for the South. After marrying, Smalls had pleaded with his owner to allow him to purchase his family’s freedom. His master agreed for \$800. Smalls had only \$100. Knowing that the Union ships were blockading Charleston, Smalls saw freedom a few miles away. He waited until the captain and general went to shore leaving the ship in his hands, Smalls put on the captain’s straw hat and with the other slaves on board, hoisted anchor, picked up his family and friends, more than a dozen slaves in all and headed out to sea. A master of the secret codes of passage in the bay, Smalls cruised by several Confederate check points, finally passing under the guns of Fort Sumter where the first shots were fired beginning the Civil War.



The Gun-boat *Planter* run out of Charleston, South Carolina by Robert Smalls, May 1862 – Harper's Weekly, Wikimedia

As he approached the blockading Union ships, guns were set to fire on the *Planter*, until they saw a white flag flying, a bed sheet his wife had brought on board. It was a critical victory for the Union because the *Planter* was transporting four large artillery pieces with ammunition. Most important of all, was the information it was carrying which revealed Charleston's defenses, including a communications code book and a map of the mines in the harbor — a treasure trove of military secrets. Smalls' notoriety was so great that Congress passed a bill signed by Lincoln, awarding one half the prize money to Smalls for delivering up the *Planter*, making a freed slave a man of means overnight. With the support of a Union general, Smalls went to Washington where he was successful in persuading President Lincoln and his Secretary of War to allow black men to fight for the Union. Smalls' commandeering of the gunboat, *Planter* marked the opening of black military service in the United States Army."

"Smalls proved that one man can change the course of history."

"A year after Smalls' delivery of the Confederate ship to the Union Navy, he was piloting the *Planter* when it was caught in a crossfire between Union and Confederate ships. The captain was about to surrender, but

Smalls refused to give up the ship, took command, and escaped from the bombardment saving the ship, a feat for which he was appointed captain of the *Planter*, the first black captain of a ship in the United States Navy. After the war, Smalls purchased from the tax rolls the home of the master where he'd been born a slave and gave his old master's infirm wife the right to stay on the property.”

“Not only was Smalls brave, he was chivalrous.”



**Robert Smalls. After the Civil War, Smalls returned to Beaufort and won election as a Republican to the South Carolina State legislature, and during the Reconstruction era, was elected to the U.S. House of Representatives. Smalls authored legislation for South Carolina to have the first free and compulsory public-school system in the United States – U.S. Library of Congress, Wikimedia.**

“Smalls had more assets than just courage,” Yvonne said. “His intelligence and vision drove him to become one of the most successful black legislators during the Reconstruction period. After serving as a member of the South Carolina House of Representatives and the Senate, he was elected to the United States House of Representatives where he introduced a bill which proclaimed that for the ‘enlistment of men in the

U.S. Army, no distinction whatsoever shall be made on account of race or color,' a bill which was dead upon arrival. Representing South Carolina for a number years in the United States Congress, Smalls was a champion of the Republican Party of Lincoln which 'unshackled the necks of four million human beings.'"



**Robert Smalls' home, 511 Prince Street, Beaufort, South Carolina – Historical American Buildings Survey, Wikimedia**

"There's a powerful story for a Hollywood film if I ever saw one."

"A story that will never see the light of day," Yvonne said with a wry smile, "that is until black directors can get financing in Hollywood. From the looks of things now, that'll be a long wait. The next opportunity after the Civil War for the black soldier to prove his worthiness for equal treatment in America was in the Spanish American War where they fought in Cuba and the Philippines.



***Some of our brave colored boys who helped free Cuba. Soldiers of the 10th Cavalry after the Spanish-American War, 1898 – U.S. Library of Congress***



*Colonel Roosevelt and his Rough Riders at the top of the hill which they captured, Battle of San Juan. Victors of Kettle Hill, on the left, 3rd U.S. Cavalry, 1<sup>st</sup> Volunteer Cavalry, with Col. Theodore Roosevelt without hat at center – on the right, 10<sup>th</sup> Cavalry, renowned black unit known as the Buffalo Soldiers – Harpers Weekly, U.S. Library of Congress*

“When the Rough Riders were in danger from being cut to pieces in the charge of San Juan Hill, the black troops of the 9<sup>th</sup> and 10<sup>th</sup> Cavalry counterattacked under heavy fire. After the Spaniards were beaten back, a Rough Rider officer said, ‘If it hadn’t been for the black cavalry, the Rough Riders would have been exterminated.’ But when they returned to the States, they met only sneers. White soldiers were welcomed as heroes, invited to sit in the restaurants and eat free of cost, the black soldiers couldn’t eat a sandwich or drink a cup of coffee in the same restaurant. Theodore Roosevelt, who had originally supported black soldiers, reversed his position bowing to public opinion by saying that black officers lacked the ability to command like the best white officers. Despite the scorn, the returning black soldiers faced after the Spanish-American War, when World War I was declared, thousands of African Americans joined up to fight. In the South, the draft boards signed up as many blacks as possible to get them out of the county. African American men who owned their own farms and had families were often drafted before single white employees of large farms. 350,000 black soldiers served in France, working as laborers unloading the ships, moving heavy equipment, digging trenches, removing unexploded shells from the fields, and burying soldiers killed in action. Despite all of their work they weren’t treated with respect.”

“You mean, they weren’t allowed to pick up a gun and fight?”



“It was due to the stiff resistance of many racist officers. The commander of the American Expeditionary Force General John J. Pershing hesitated to use black regiments in combat. Pershing knew that the blacks were crack soldiers because his very first command as a lieutenant had been with the 10<sup>th</sup> Cavalry, a black regiment with white officers serving on the frontier. The Comanche Indians called the 10<sup>th</sup> Cavalry, the Buffalo Soldiers. When Pershing was transferred to teach at West Point, he alienated the cadets by enforcing strict discipline. The cadets retaliated by branding Pershing with the racist sobriquet of ‘Nigger Jack,’ because of his command of the Buffalo Soldiers. The hostile name later segued to ‘Black Jack,’ which stuck to him for the rest of his life.



Buffalo Soldiers of the 25th Infantry, some wearing buffalo robes, Ft. Keogh, Montana, 1890 – U.S. Library of Congress, Wikimedia

“When the American Army landed in France, Pershing wanted to use the black troops for he knew from experience that they were damn good fighters, but Washington ordered him to turn the black infantry over to the French. Decimated by trench warfare, the French were desperate for experienced fighters. They knew that the blacks had a great record during combat in Cuba, Mexico, and the Philippines. The French army had colonial troops from Senegal and Madagascar in combat, so Black Jack Pershing turned the 369<sup>th</sup> Infantry regiment, called the ‘Harlem Hellfighters,’ over to the French who quickly threw them into the thick of the fighting.

“What! Black soldiers didn’t fight under American command?”

“Irrational as it may seem, black American soldiers fought only under French command in the war

because President Wilson was a reactionary on race. Besides his own racist views, Wilson owed political debts to the Southern Democratic Senators. There was no way the racists were going to let the Negro accomplish heroic deeds in France. But the French didn't see it that way. Along with the 369<sup>th</sup>, other black regiments were awarded the France's military medal, *Croix de Guerre*, some even awarded the *Légion d'Honneur*. Honor was important to the Negroes who had risked their lives for America. You can imagine how they felt after being honored as heroes in France and came home to America to discover they were still a despised race.”



The renowned 369<sup>th</sup> Infantry, former 15<sup>th</sup> National Guard of New York City, return home to a hero's welcome in a New York parade – National Archives at College Park, Wikimedia

“That’s exactly how Les felt,” I said, “when he came home from the war.”

“The problem,” Yvonne said, “was not just the South. It was the President. Although Americans think of Woodrow Wilson as a progressive President who established the Federal Reserve, Clayton Antitrust Act, Farm Loan Act, and national income tax, promoted labor union cooperation, and was awarded the 1919 Nobel Peace Prize, but at the same time Wilson’s administration reintroduced racial segregation for federal employees. Despite the protests of black leaders, he appointed segregationist Southern politicians because he believed that racial segregation was the best policy for the country. During Wilson’s administration a wave of fear swept over the United States. Whites feared that armed black men returning from the war would demand equality. Demagogues fanned the fear. Then in the summer and fall of 1919, anti-black riots broke out in dozens of

cities across America. Close to one hundred blacks were lynched in the Red Summer of 1919. Some of those lynched were war veterans in their uniforms.”



The charred corpse of Will Brown a er being lynched, mutilated, and burned by a white mob in Omaha, Nebraska, Red Summer, 1919 – U.S. Library of Congress

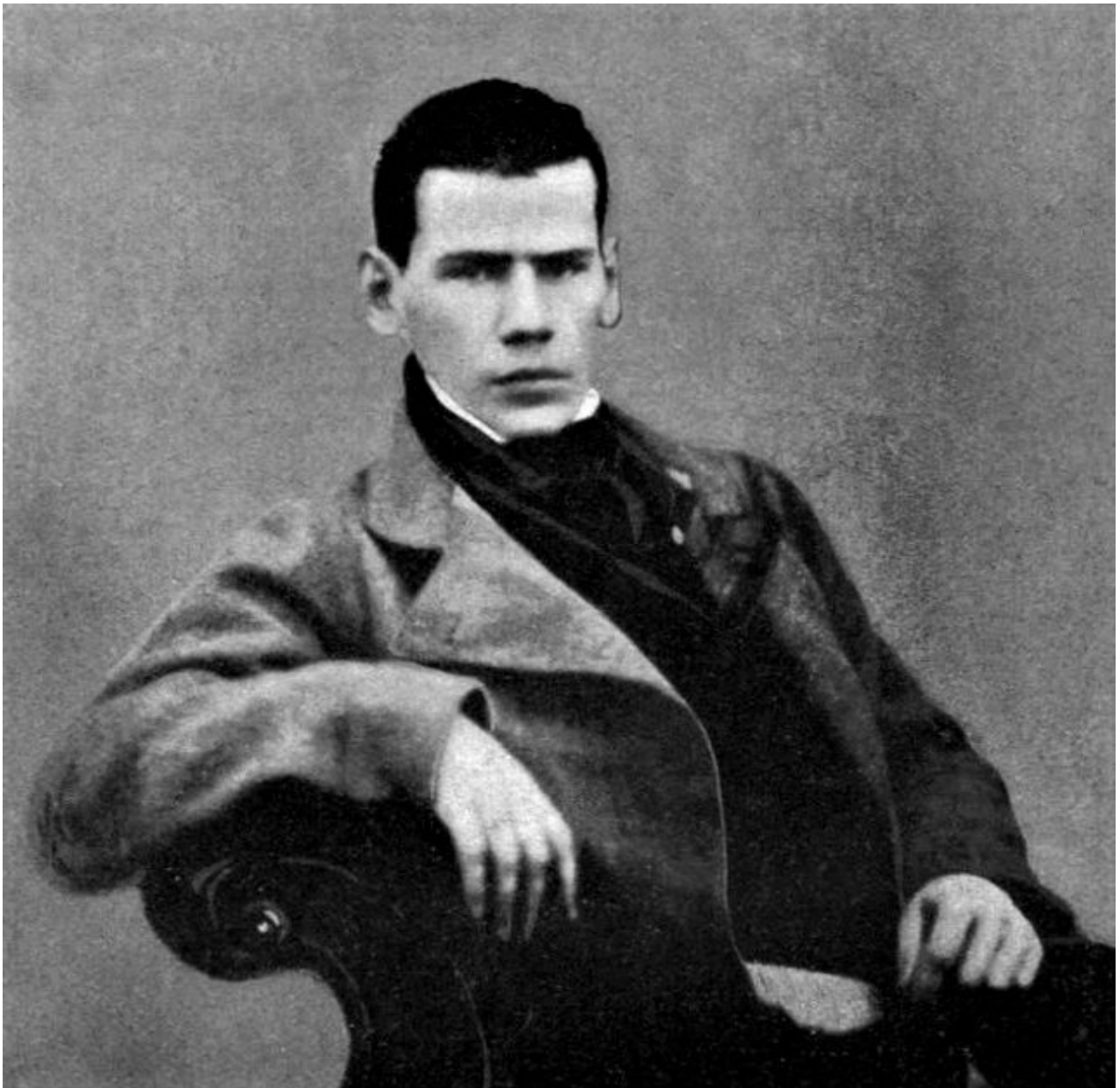
“Despite coming home to violence and ingratitude after World War One, African American men continued to enlist in the military and fought heroically in World War Two. When President Truman heard of the violence and persecution suffered by African American veterans upon returning home from the war, he issued an executive order to end segregation in the military. Truman said, ‘My forebears were Confederates, but my stomach turned over when I had learned that Negro soldiers, just back from overseas, were being dumped out of Army trucks in Mississippi and beaten.’ It was not until the Korean War that African American soldiers finally began to be treated equally with white soldiers. But on a personal level, racial conflict in the Army continued especially in the South. I view the black experience in 19<sup>th</sup> and 20<sup>th</sup> century America as a form of *interior colonialism*.”

“What do you mean by interior colonialism?”

“Interior colonialism is the rule over a minority of the population to maintain a colony within America’s own national boundaries.”

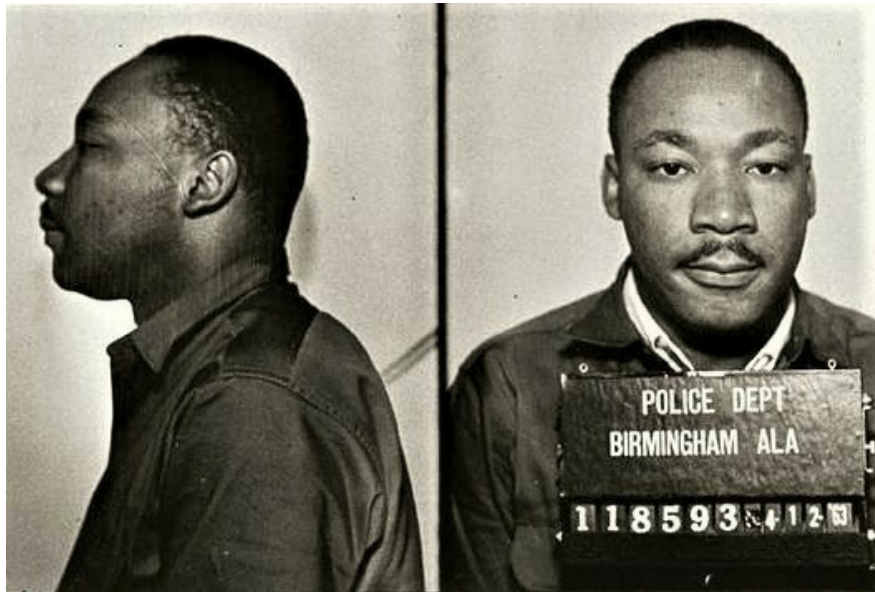
“Les was telling me last week,” I said, “that the American Quakers have financed Martin Luther King visit to India. He said that King is inspired by Mohandas Gandhi, the man who has led hundreds of millions of Indians in peaceful resistance to end the colonial policy of the British Empire. Les said that besides Gandhi, King’s mentors are Tolstoy, Thoreau, and Jesus.”

“That’s true,” Yvonne said, “Jesus influenced Tolstoy who in turn influenced Gandhi. In writing *The Kingdom of God Is Within You*, Tolstoy was deeply influenced by the *Sermon on the Mount* where Jesus told us to turn the other cheek. Like Kierkegaard, Tolstoy criticized the hypocrisy of the institutionalized church of the state. He said that Jesus had issued a commandment — we must not use physical force to oppose evil.



Leo Tolstoy at age 20, 1848 – Pavel Biryukov, Wikimedia

“Christ’s philosophy of non-violence was transmitted through Tolstoy to Mohandas Gandhi and then to Martin Luther King. I’m working on a paper on King’s movement to be published next month. Everything I’ve read in above ground and below ground publications in the States, tells me that despite King great oratorical skills, his every attempt to pass civil rights has been stone walled by the Dixiecrats in the South and right-wing Republicans in the North.



Mugshot of Martin Luther King Jr following his 1963 arrest in Birmingham  
– Birmingham, Alabama Police Department, Wikimedia

Despite King’s defeats, I believe his non-violent path, like Gandhi’s struggle before him, will eventually lead to full civil rights. King has a deep understanding of Frederick Douglass’ words, ‘Power concedes nothing without a demand; it never did, and it never will.’

“I’d love to read it.”

“I’d like to know what you think.”

“I’ll read it as soon as you can get me a copy.”

“One flaw in democracy,” Yvonne said, “is that majority opinion fluctuates. It often results in injustice. To paraphrase John Stuart Mill, society executes its own mandates. If it issues mandates which are harmful rather than supportive for the people, then public opinion is guilty of practicing a social tyranny greater than many kinds of political oppression. During the war, Japanese American citizens were denied their constitutional rights. Supported by majority opinion, Roosevelt had them deported or placed in concentration camps. You can see majority oppression in the persecution of homosexuals and the prejudice which women face in French society. This is an example of the tyranny of the majority. At the turn of the

century, the majority opinion believed women should not have the right to vote. Opinions of the majority are hard to change. As Voltaire pointed out, 'It requires ages to destroy a popular opinion.' However long it takes, the suppression of women is what my generation is going to strike down."

"In all the time I've been gone, no one has talked like you."

Yvonne blushed. "I'm sorry for going on and on."

"No, I mean it. The way you can talk about so many things is magical. I could listen to you for hours."

"Someone once said, maybe it was Mark Twain, that writing is the only way to not be interrupted. You are an exception. You know how to listen. That's why I love you."

"You listen to my horn. I listen to you talk. That's what we give to each other. I miss the music of your voice when I'm away."

"Not as much as I miss you."

"You've gotten so much accomplished while I was gone. I'll have to go on the road so you can write your next book."

"You even think about it and I'm going to find someone else."

The tone of her voice . . . Yvonne has extra-sensory perception. She can see the un-seeable.

"Are you unhappy when I go away?"

"Gio, I'm thirty-two years old. I can't go on waiting forever."

"What are you waiting for?"

"I want a child. Soon I'll lose my fertility."

"You've never said this before."

"I've had a lot of time to think while you were gone. Recently I've had flashes of mortality. After Papa abandoned her, Mama told me that the only good thing that came of her marriage was her two daughters. That's one of the pleasures of growing old — having a child. I've given it a lot of thought while you were gone. Writing books is not enough for me. I want the love of a child."

"You have Céline."

"She's eighteen. She'll meet someone. I don't want to grow old alone."

“You've got me.”

“Do I? Or are you just a man who shares my bed?”

“That's a kind way of putting it.”

“Music is your whole world. That's all you want in life. But not what I want.”

“But you told me when we first met that you'd given up the idea of having a child. You said a serious writer must dedicate her life to her work.”

“I think you're frightened of having a child because you've never grown up. You're an artist who's totally wrapped up in your art. I don't really know if you'd be a good father.”

“You know I love you.”

“There was a time when I thought you did. Now I'm not so sure. We've been together three years and we're standing still.”

“Nothing has changed.”

“You haven't changed. But I have. . . I'm not the same person that I was when I met you. I've begun to think that what I want is not what you want.”

“Are you trying to say I'm not right for you?”

“No, I'm telling you what I need.”

“You're giving me an ultimatum?”

“You're twisting what I'm trying to say. We're going nowhere, I'm going for a run.”

Without another word, she pulled on her pants and sweater and sprinted into the dunes.

After she'd gone, I climbed up to the top of the dune and looked out to sea. To the northwest, shafts of sunlight were splintered by clouds forming and reforming over the sea. Coming on the wind, I heard the motors of a fishing boat, seagulls crying overhead. In the south, dark rain clouds were approaching and in the north, another second storm front was forming, dark clouds towering over a silvery sea.

Yvonne had always been contemptuous of the bourgeoisie's need for social conventions. Her mother had suffered from making a bad choice in marriage. I'd thought her mother's misfortune had freed Yvonne from the desire to marry. I didn't see it coming — her sudden passion for a child. Once Yvonne has set her mind on something, she'll accomplish it. She would leave me.

Am I ready to have a child? I live such an erratic life, constantly on the road. My home has been a suitcase and a hotel. When I return, she's always waiting for me. I've never known someone who has supported me like she has. Without Yvonne it would be hard to live in Paris. She's lifted the depression which has shadowed me since I was a kid. More than a lover, she gives me the strength to play at my highest level. I can't risk losing her. A child would anchor me to Yvonne.