Honorable William H. Hastie United States Circuit Judge The University of Rochester April 13, 1967

THE NEGRO MILITANT

Many Americans are puzzled, frustrated and even angered by the recent course of events in evolving race relations as the Negro struggles for status and opportunity 100 years after emancipation. Nurtured on the stereotype of the Negro as a rather happy go lucky, easily satisfied marginal member of the community, most people find it difficult to understand or to react constructively to such phenomena as "violence in the streets", the overt hostility of black nationalists and other elements in the Negro community to the entire white community and the impatience of almost all Negroes with the pace at which we are moving toward the elimination of racism from our society. It is observed that, instead of showing appreciation for markedly improved status and enlarged opportunities that are his today, the Negro reacts more and more aggressively in demanding everything at once, in making "gradualism" a dirty word and adopting "now" as a battle cry.

People who are not racists and are working hard to combat discrimination and all forms of racial injustice are shocked

-1-

and sometimes discouraged to find themselves denounced by Negroes almost as harshly as would be appropriate in the denunciation of the most arrant bigot. One of the recent books about the Kennedy administration tells the story of a meeting between the then Attorney General, Robert Kennedy and a group of Negro leaders, most of them regarded as temperate and reasonable people representing relatively conservative organizations. At that time the Department of Justice was waging a rather aggressive campaign against the worst manifestations of racism in the south, particularly the wave of violence then being experienced by southern Negroes attempting to assert their constitutional rights. Despite the efforts of the Department of Justice the reign of terror was continuing. Instead of praising the Attorney General for what he was doing, his visitors roundly condemned him for not doing more. They verbally attacked him as though he was an enemy. Tempers were lost and language became almost vituperative. The meeting broke up in anger rather than in a spirit of mutual cooperation.

Reading this account, I was reminded of an experience I had during World War II with a high ranking officer of the general staff. I worked with him almost every day in an effort, to which we both were committed, to combat racism in the Army.

One day he entered my office flushed and angry. He blurted out the story that as he started to cross the street approaching

-2-

the War Department, a Negro truck driver swung his vehicle around the corner and caused my friend, a uniformed general, to jump for his life. And as he passed, the truck driver yelled, "I should have run over you, you son-of-a-bitch".

I tried to explain to my friend that to the truck driver he represented all of the wrongs the Army had perpetrated and was still perpetrating upon the Negro. More than that, it is almost impossible for any white person, at least until he becomes personally known and respected—and sometimes not even then—to escape the odium which the white community has earned through generations of mistreatment of the Negro.

It is very difficult for anyone who has not had the lifelong experience of being a Negro in America to understand the bitterness of most Negroes toward the white community and the extent of their alienation from it. We like to think that the experience and the example of Negroes who have been able to live rather well, some to achieve distinction, in America has greatly improved the position of Negroes generally in the community and decreased racial hostility. More than 100 years ago the abolitionists thought that the example of Frederick Douglass, a Negro born in slavery, who in his maturity became so outstanding and commanding a public figure here in Rochester and throughout the nation, would shatter the image of the Negro as a creature unfit to be eated and regarded like the white man. But whatever

-3-

Douglass and others like him in his day may have demonstrated to those who wanted to see, the sad fact is that the status of the Negro in America grew worse during the later years of Douglass ' life. Douglasswas followed by William E. B. DuBois, New York born, Harvard and Heidelburg trained, impressive in erudition and gentility, as a great leader of his people and a living refutation of the then the Negro prevailing concept of the place/in our society. He himself popularized the phrase "the talented tenth" in expressing the idea that the example of achievement and personal acceptability of a Negro elite would win status and favor for the entire Negro group. But over the years, this hopeful concept has not worked nearly as well in practice as has been anticipated. However logical an argument the accomplishments of many Negroes may provide against barriers of race and attitudes of bigotry, they have not sufficed to prevent racism from remaining pervasive in American life 100 years after emancipation.

Moreover, beyond failure to win higher regard for the great underprivileged mass of their fellows, outstanding Negroes have not even escaped personally from the slings of prejudice. I am sure that every participant in this lecture series could recound for hours his own experiences with the denigration of the Negro in our times. One day my long time friend Ralph Bunche and I compared notes on our experiences with benign and well meaning citizens who have solaced themselves and excused their compatriots by saying to us: "Of course you don't experience racial discrimination". And Bunche and I both admitted experiencing some malicious satisfaction in discomforting such good people by telling them that all of us have trouble from time to time in finding a place to live, in securing service and courtesy in places of public accommodation, in experiencing insulting epithets or less crude racial slurs, whether addressed to us directly or directed at others like ourselves.

I remember some years ago visiting a military installation where I had an appointment with the commanding officer. Presenting myself at general headquarters, I announced to the receptionist: "Judge Hastie to see General Smith". Not believing the evidence of her senses she stammered: "Did you say judge?" Knowing something of the effect of an authoritative bearing in military circles, I answered somewhat curtly: "You heard me correctly". Still unbelieving, she made one more try: "Is that a name or a title?"

In fact I seem to have bad luck with receptionists as carriers of racial stereotypes. On another occasion in Washington I was rushing down a corridor of the Department of Justice in order not to be late for an appointment with the Attorney General. The day was hot and I was hatless. I carried a large

manilla envelope containing papers which I intended to discuss. Entering the outer reception room at a brisk pace, I nearly collided with the receptionist. She saw the envelop I was carrying and inquired: "For the Attorney General?" And when I answered affirmatively she said: "All right, give the papers to me Realizing her assumption that any Negro carrying documents was a messenger making a delivery, I said: "Thank you," but I will take them in myself". She exclaimed: "Oh, no! You can't". I said: "Oh, yes! I can". She was confused, and I did not help by adding: "I have an appointment." I say this explanation did not help because she then looked at her appointment book and the only name written there was "Governor William Hastie", which obviously could not be me. Now wholly nonplussed, she literally fled the scene. Happily, a more knowledgeable aide entered at this point and I was admitted.

Such episodes are inconsequential in themselves and, in their way, amusing. Indeed, one type of so-called Negro humor is the anecdote based upon the ludicrous or incongruous aspects of racial attitudes and racist practices. I remember an evening a group of Negroes spent with a white free lance writer who was preparing an article on race relations. A number of experiences with racism were recounted, each involving some

-6-

at each story. Then someone told Langston Hughes' story of the Negro who blundered into the white waiting room in a small southern railraod station and couldn't get out because he suddently realized that the only door, the one through which he had entered, was marked" "White Only". We laughed loudly. Our guest, the writer, unable to restrain himself longer, exclaimed: "These are horrible stories! How can you laugh at them?"

Certainly, the countless episodes of racist attitudes and racial proscription which we know and have experienced are horrible. They demean the spirit and affront human dignity. They remind us that none of the other things the white community may freely tender to the Negro can compensate for respect denied him. In these circumstances, to laugh at some of the ludicrous aspects of racism is one way of escaping the full horror of its impact. Unfortunately, after a time laughter becomes hollow and forced. And the hurt, the frustration and the anger remain. <u>experiences common to all of us is a</u> At worst, the body of/combustible mixture which, often

ignited by some insignificant spark, explodes into mass violence. I say, "at worst" advisely. For it is only a fraction of the Negro community that erupts into violence. That fraction is composed of those whose frustration has deprived them of any

-7-

bright hope for the future, and all sense of belonging to the larger community and all interest in its well being. Violence is the recourse of families which have lived on a public dole for longer than some adults can remember. Violence is the recourse of young men who have never had a steady job and see no prospect of one. Violence is the recourse of those who see themselves as outlawed, regarded as nobody, and have no other way of becoming somebody—however bad a somebody — for a day.

In addition, the residents of the ghetto find little to respect in what they see as the values of the general community. They see ours as a crassly and cynically materialistic society in which, despite notable exceptions, the dominant drive is self interest and men strive ruthlessly for self advancement at the expense of others. The golden rule is seen as a platitude unrelated to actual behavior. Ghetto stores and shops are believed to charge unreasonably high prices for inferior merchandise. Interest charges on credit purchases are exorbitant and the repossession of chattels is ruthless. The law is seen as a tool of the haves and an oppressor of the have-nots. Too often the policeman on the beat, who is the law in the black ghetto, is known to protect organized vice-the numbers racket, prostitution and the like-while dealing harshly with unprotected individual's minor transgressions in the course of a weekend spree,

-8-

Sometimes one wonders that mass violence does not occur more frequently.

It has already been pointed out that most Negroes do not participate in mass violence in the streets. Millions of Negroes have managed, despite all obstacles to achieve an economic position in which they can live decently and in modest comfort, with some hope for a better future for themselves and their children. Unlike their more wretched brothers, they are aware that they have some stake in the community. They are part of the American way of life and their drive is to improve it. But, aside from those found in every group who are complacent on the relatively comfortable little plateau they have achieved, Negroes in every walk of life are still confronted and affronted by racial proscriptions and indignities. I hope I have made this clear in the beginning of this talk. We look at the American scene with a continuing sense of indignation and a continuing impatience that the great nation which is now undertaking to police the world has not yet put its own house in order. We are just as impatient with racism today and determined to fight it without let up as were Douglass and the abolitionists in the period just before the Civil War. You remember Garrison's battle cry in the first issue of the Liberator:

> "I will be as harsh as truth and as uncompromising as justice. On this subject I do not want to think or speak or write with moderation. No!! No! Tell a man whose house is on fire to

> > -9-

give a mote te alarm; tell him to moderately rescue his the from the hands of the ravisher; tell the moter to gradually extricate her babe from the find the moter to gradually extricate her babe not which it has fallen-but urge me not to underation in a case like the present. I am earnest--I will not equivocate--I will not ex --I will not retreat a single inch, and I will eard!"

With some of us tancy against discrimination and racial indignity is sitage from our forebears.

My father's gran her bought her own freedom from slavery, thanks to a decent master who permitted her to spend her spare time in cooking food for sale to riverboat passengers and to keep part of the proceeds of this venture. She moved to Ohio and was the strong matriarch who instilled her pride and self-confidence, and her determination to knock over the barriers of race in two generations of her descendents.

-10-

members of the adult Negro community fought fire with fire. They armed themselves. Every day some stayed away from work to guard the schoolhouse. Every night some remained awake and on guard to protect the Yankee teachers. And those who slept kept their rifles at bedside to answer the alarm when it came. In their little community, they were tough enough and persistent enough to outfight and outlast the Ku Klux and the so-called night riders. So their school survived and my mother and her generation were educated, many of them with the outlook and attitudes of 19th Century New England so deeply ingrained as to be the dominant influence in their personalities through life. Equally important, many of them never lost the militancy bred of successful armed conflict in defense of their free institutions.

As a boy, I was much more thrilled and excited by these accounts of Negroes shooting Klansmen than cowboys shooting Indians. In fact, I still am. More important was the notion we always had that if one keeps on fighting racism, he can win. My boyhood home was in East Tennessee, one of the less bigoted sections of the south, but bad enough. We never attended a movie in a theatre where Negroes were segregated. We rode the segregated street car only if it was too far to walk and the family horse and buggy was not available. My parents

-11-

always insisted upon being addressed as "Mr." and "Mrs." Most of our neighbors were white. Their children soon learned that to me, "nigger" was a fighting word. So we became friends and playmates in mutual respect.

Every Negro can tell a different story of how he became a militant in the war against racism. Certainly, my story is not typical. But one way or another most of us have acquired the spirit of battle. And success, the awareness of progress in eliminating racial evils, does not dull that spirit; it intensifies it. You can keep a man prostrate on his back for a long time. But let him get half-way up, and he will struggle more ugorously to stand erect.

So, I must express emphatic disagreement with the view, rather frequently encountered these days, that we are making too much fuss about current racial problems; that clashing protagonists, newspaper reporters, television commentators, writers, politicians and speakers like myself somehow hamper progress by making too much disturbance about this unpleasant business. To support this view it is pointed out that the cold war, the undeclared hot war, the state of our domestic economy and other pressing issues of the day demand serious and continuing attention. Of course they do. But the inescapable reality is that strife and discord engendered by

-12-

racism in the American community will continue to disfigure our society and to embarrass our efforts to solve otherproblems until we deal effectively with bitter minority discontent and sense of frustration. This is most obviously true in our large cities as the Negro minority grows to a fourth, a third or in some cases nearly half of the total urban population.

But why can't we just go quietly and unobtrusively about the business of correcting the various aspects of racism without so much agitation, without mass protests and sensational demonstrations and without the tremendous publicity which now attends events in this field? One answer is that only a continuing sense of urgency and alarm causes communities to undertake and carry through major social reforms. As long as there is surface calm in a community, a disposition to let well enough alone is going to be and to remain the prevailing attitude. In saying this I recognize that there are dedicated people, many within the sound of my voice, who will and do work in season and out, even in the absence of clamor or crisis, to correct the evils of racism. Unfortunately, they are in the minority. The great majority are content to let sleeping dogs lie.

Let me illustrate my point. The latter part of the last century and the early years of this one were a period during which the overwhelming majority of Americans countenanced or at least were indifferent to the most flagrant and widespread practices of racial injustice in almost every aspect of community life. And however much the Negro hated the injustices and special restrictions and denials of opportunity imposed upon him in those seemingly hopeless times, he tended to accept his lot fatalistically as something about which very little could be done. The social order functioned unfairly but it was more or less in equilibrium. Demands for change simply were not insistent enough and widespread enough to arouse the concern or the conscience of most people.

In a different field, the same was true of our economy until the frightful impact of the great despression in the early 1930s. Only a continuing sense of alarm, even desperation, made possible the social and economic reforms and regulations of the 1930s which still undergird and safeguard the prosperity of this generation.

The Bible tells a similar story. You will remember that God and Moses had to persist in progressively more calamitous visitations upon the Egyptians before Pharaoh would free Israel from bondage. Of course, except in our most backward communities, most Americans today are not as obdurate about keeping the Negro in his place as were the Egyptians about the bondage of Israel. But we are like the Egyptians in that only to the extent that

-14-

we experience some sense of urgency will most of us bestir ourselves to move vigorously and effectively to remedy social injustice. Short of dire calamity, I know of nothing except continuing furor and agitation that will create and sustain that sense of urgency.

In addition, it is simply wishful thinking to yearn for any considerable period of calm in which to work out means for enabling the Negro fully to enjoy the benefits and opportunities and the acceptance which the majority of our citizentry enjoy as normal incidents of their American heritage. You remember Patrick Henry's scornful outburst: "Gentlemen cry 'Peace! Peace!", but there is no peace." So it is today. All of the emotion, all of the drive, which has been pent up in the Negro for a hundred years is now being released. As free spirits and whole personalities most Negroes simply cannot accept the affront of racial segregation and do nothing about it. They reject the old canard that racial segregation implies no inferiority of either race as an infuriating and transparent falsehood. They know that the whole body of restrictions on where the Negro can go, where he can eat, where he can live, what work he can do, what education is available to his children, are community expressions of an evil and derogatory insistence that race makes men essentially different and inferior. If they do nothing about

-15-

such affront, if they sanction racism by inaction, then by so much they are accepting the badge of inferiority their neighbors would pin upon them. Therefore, there will be, I think there can be no protracted truce in the war against racism. And this is not true of Negroes alone. Never since the explosive impact of the abolitionist movement in the years preceding the Civil War have so many white Americans joined wholeheartedly and militantly in the struggle for social justice. Recently, I talked with the President of a famous northern college. He spoke of growing student discontent with the daily life of the campus devoted to academic pursuits. He said that the urge to become activists in the present struggle, whether in tutoring underprivileged Negro children, or joining sit-ins, or mobilizing voter registration in the south, or in playing some other personal role, was pulling more and more students away from their books.

Today the conflict is joined. There will be no protracted disengagement to permit the gradualist to accomplish constructive changes in a leisurely way, in an unagitated environment, free from pressure. All of those with power and influence in the community will be subjected to increasing pressure, some direct and some indirect, to do more and to move faster in making our society genuinely equalitarian. Such is the nature

-16-

of vital social struggle. Progress begets increasing demand for more progress and faster progress. Moreover, since we have had 100 years since the abolition of slavery to fulfill the promise of emancipation, we are in poor position now to plead the need for time to do what should have been done in Douglass' time. Certainly, to the Negro such an appeal is more irritating than impressive. Understanding this, men of good intention, should not become offended that their genuine and partially successful efforts toward racial justice often are not acclaimed with appreciation but rather are met with clamorous and even disparaging insistence upon greater effort and larger achievements. Again, this is the very nature of too long delayed climactic social struggle such as that which is agitating our country today.

The middle of the roader has other troubles too, some of his own making. His difficulty is not merely that he is caught between the vociferous impatience of zealots on the one side and the belligerent intransigence of racist bitter enders on the other. His efforts may also be made ineffective by his own self defeating posture of neutrality in social struggle. Too often he tries to present himself æjust and honest broker who neither espouses nor fights against racism. Indeed, he is likely to try to carry water on both shoulders

-17-

by expressing some sympathetic understanding of irreconcilable positions on both sides. He is just trying to quiet things down, to find some compromise that may bring a truce in strife and surface calm to the community. Accordingly, he contents himself with adroitness in negotiation aimed at inducing each side to give enough ground to placate the other somewhat. He aims for no more ambitious goal than the restoration of equilibrium in our society at a point where the condition of the minority is somewhat ameliorated, though the basic patterns of racism may persist in the life and institutions of the community.

What the occupant of the middle of the road too often ignores is that we are dealing with the great moral issue of our times. He fails to realize that men of good will must take a strong and unequivocal position to convince their neighbors that racism is wrong before they can make much progress toward its elimination. Latent shame that our society imposes disadvantages because of race must be made acute before corrective measures will be widely accepted and largely effective. Thus, only the zealot who expresses deep personal conviction and urgently calls upon his neighbors and associates to work with him for human brotherhood and social justice can be very influential in the essential reordering of our community life. I recognize that there are matters of other kinds where reasonable men can and customarily do find a middle ground. In setting a fair price for a house, the parties quite satisfactorily compromise between the seller's asking price and the buyer's first offer. An examination paper may be three-fourths right and thus earn a passing grade of "C". A boundary dispute may be settled fairly and finally by drawing a line somewhere between the lines claimed by the adjoining landowners. But these are matters of commercial bargaining or arithmetical calculation. They present no moral issues.

In contrast, half truth is usually just as unsatisfactory as untruth. The insult of spitting on a man is not mitigated by expelling only a little saliva. The sneak thief does not reform when he stops picking pockets, except upon Saturdays. In brief, when right and wrong are involved, a compromise solution is likely to be no solution at all.

Lincoln understood this. He expressed it with characteristic clarity in his Cooper Union address a few months before his election to the Presidency. These are his words:

> "let us not be diverted by . . . those sophistical . . . gropings for some middle ground between the right and the wrong, vain as the search for a man who shall be neither a living man nor a dead man. . . Let us have faith that right makes might, and in that faith, to the end, dare to do our duty as we understand it."

> > -19-

We must, with Lincoln, abjure "sophistical gropings for some middle ground between the right and the wrong". I neither know nor care whether the seeker for a middle ground in conflicts over job discrimination, residential segregation or any of the other community manifestations of racism is half right or half wrong. For, in such matters half right is still wrong and half wrong can never be right. There simply is no habitable half way house as our society travels the difficult journey from a racist order to a truly equalitarian one. Only those who understand this and undertake to impress it upon others can help us to make the journey faster and no rougher than in its nature it must be.

One final thought. The moderate often likes to indicate his rationality and to establish his middle of the road position by outspoken condemnation of unidentified "extremists" on both sides of racial conflict. Without ever explaining what we mean by "extremist", we have given the word an unpleasant connotation. Thow, the "extremist" is the "baddy" and, by denouncing him, the "moderate" gives token that he is a "goody". It may, therefore, be appropriate to point out in a nation professing Judeo-Christian ethics that we persistently honor Biblical Prophets who were the extremists of their times. And Jesus of Nazareth was the most radical of extremists.

-20-

I cite these examples to point out that in struggle over great moral issues, an insistent and uncompromising stand for the right is the most praiseworthy position. "Extremism" in this context is extremely commendable, indeed, it is the only moral position. Such a man as Martin Luther King, for example, is this kind of "extremist".

I recognize that "extremist" may have another connotation. It may connote the advocacy of violence and the expression of hate, such as appear in the preachments of some of the Black Muslim leaders. Certainly, all of us here tonight are opposed to violence and seek to prevent and dispel hate in our community. In that sense, and I hope in that sense alone, we are against "extremists". To make our position clear, and to avoid blanket condemnation of all who are forthright and uncompromising in the struggle against racism, I hope we will stop talking vaguely X about "extremists". In word and deed we can and should oppose and try to thwart the purveyors of hate and the advocates of violence, though to be effective we must understand the frustrations that drive some Negroes to violence. But we should be no less committed to support the drive of men of peace and good will who are uncompromising and insistent that racist practices end in our times. When we lump the law abiding zealot and the violent hatemongers together and condemn them both as "extremist" we create confusion and misunderstanding and, worse still, we

-21-

encourage opposition to forthright and uncompromising leader-

We cannot afford to stand in the middle of the road. We simply block traffic and sooner or later are likely to be run over. I hope I have made clear my thought that in times like these we are called upon to choose sides in social struggle and to work aggressively for the cause we believe to be right. This epoch belongs to the bold. May we understand the era in which we live and measure up to its demands upon us. The unfinished task of Frederick Douglas and his generation must be our resposibility even as it is our great opportunity.