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America's racist laws

Herbert Aptheker

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weapon of national oppression

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RACIST LAWS

by HERBERT APTHEKER

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"SHOCKING!" "Incredible!" Such were typical responses from leading American publications to the laws decreed by Hitler at Nuremberg in 1935. The Nazis acted, as their statutes said, "for the protection of German blood and German honor." They banned from citizenship all except those "of German or kindred blood" (*Artverwandten Blutes*) and those who, by their conduct, showed a willingness and a fitness to serve the Third Reich.

The registration by "race" of all inhabitants of the Reich was required; Jewish children were to attend separate schools; Jews and "Aryans" were forbidden to marry. In brief, declared the St. Louis *Times-Star,* the Nuremberg laws represented a state of "national distemper . . . out of keeping with the modern world, and perfectly in keeping with the Middle Ages."

Actually the Nazis confessed great indebtedness to the United States for having provided them with a model for their own racist legislation. Thus, one of their leading professors of jurisprudence, Dr. Heinrich Krieger, devoted a volume—*Das Rassenrecht in den Vereinigten Staaten* (Berlin, 1936)—to an admiring examination of the U.S. theory and practice of racism.

And what of today? Now the sublimity of the pretense grows as the hideousness of the reality increases. Solemnly, the United States as a participant in the First Inter-American Demographic Congress, held in Mexico City in 1943, promises the rejection of "all policy and all action of racial discrimination." Two years later the U.S. participated with the Latin-American countries in signing the Act of Chapultepec: "The world's peace cannot be consolidated until men are able to exercise their basic rights without distinction as to race or religion." The war then raging as terrible proof of the truth of Cha-

pultepec is terminated with the Potsdam Agreement in which the U.S. joins in demanding that "All Nazi laws which . . . established discrimination on grounds of race, creed or political opinion shall be abolished. No such discrimination, whether legal, administrative or otherwise, shall be tolerated." And in becoming a member of the United Nations, the United States pledged adherence to its Charter which gives as one basic purpose of the organization to "promote respect for, and the observance of, human rights and fundamental freedom for all without distinction as to race."

Fair Words—Foul Deeds

SUCH are the promises; what of the deeds? What are the facts concerning racist legislation in the United States today?

The structure of the American social order is exploitative, and integral to that structure has been and is the super-oppression of the Negro people within its borders and colored peoples outside. This material base explains the fact that the U.S. has been and remains an ideological fountain-head of racism. And its present laws—local, state and federal—reflect, though incompletely, this racism.

It is important to recognize the incompleteness with which statutes mirror the reality of national oppression. Thus, while no *valid* law now provides for ghettos* the United States is—with the Union of South Africa—the most completely ghettoized nation in the world today. For example, while Negroes constitute twenty per cent of Baltimore's population, they occupy two percent of its living space; in Chicago the population density of the Negro section (90,000 per square mile) is three times more than the maximum density for healthy living; while *The Architectural Forum* (January, 1946) in surveying a single block in Harlem remarked that, "At a comparable rate of concentration the entire United States could be housed in half of New York City."

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* Laws establishing and maintaining ghettos were important in their *origins* about fifty years ago—that is, with the appearance of imperialism. But once the laws had done this task, and other contractual and private means for bulwarking ghettos were perfected, then the state and federal courts because of mass struggle invalidated the *laws*, but not the ghettos.

Again, laws for jury selection are not racially discriminatory in words, but in fact jury selection is notoriously discriminatory, so that a typical finding reported by Professor Pauline Kibbe, reads: "In an estimated fifty counties [in Texas], wherein the Latin American population ranges from fifteen to forty per cent, persons of Mexican descent have never been known to be called for jury service, even in the trial of civil suits" (*Latin Americans in Texas,* 1946).

The whole pattern of discriminatory enforcement of law does not appear when one focuses only on the actual statutes themselves. This, too, is beyond the scope of this pamphlet, but the fact is notorious and has been summed up well by Professor Thorstein Sellin in a paper entitled, "Race Prejudice in the Administration of Justice" (*The American Journal of Sociology,* September, 1935) in this sentence: "Equality before the law is a social fiction." A legal lynching produces quite as dead a corpse as the more orthodox type of bestiality; and while innocent Willie McGee and the Martinsville Men are enshrined forever in the great heart of the world's masses, their wives *are* widows and their children *are* fatherless.

And sometimes the enforcement of the words of a non-discriminatory law serves to illuminate the racist nature of its administration. Thus, in a typical instance of police bestiality, which quite untypically reached the U.S. Supreme Court (*Brown* v. *Mississippi,* 1936) the Court, in reversing conviction of the Negroes involved, commented, "The rack and the torture chamber may not be substituted for the witness stand." Such was the word of law, but the actual status of the Negro people, and the habitual conduct of the law's minions appear in the undisputed record of that case which showed that the police had boasted, in open court, of having tortured the Negroes until they confessed to a crime which available evidence demonstrated they could not have committed. And, of course, no punitive action was begun or even contemplated against the sadistic gangsters of law and order.

And the words of law will not reflect the whole cumulative weight of a racist society. For example, there is no law forbidding the inhabitants of American Samoa, in the Pacific, from becoming doctors or dentists. How, then, explain this mild little sentence dealing with that possession of the benevolent U.S. in the *World Almanac*: "Since there are no practicing doctors or dentists, the entire population is

under the medical care of the U.S. Navy"? The island has been held for over fifty years and contains thousands of residents, yet not a *single* doctor or dentist. There is no law against a Samoan *being* a physician but there is, under Navy regulation, a segregated educational system in Samoa which does not include the college level and which concentrates on teaching English and handicrafts.

Yet with all the inadequacies of a study of the letter of the law itself, such an examination does have considerable value. In the first place, laws are important controllers of social conduct and must be studied if one is to shape an effective social program. Moreover, if the very words of the laws are racist this constitutes irrefutable evidence of the oppressing nature of the society having such laws. And, in view of the signed commitments and noble pretensions of U.S. imperialism, the effort to expose the true character of that system is aided by citing chapter and verse of its current racist legislation.

"Racial Necessity" and Bourbon "Justice"

"We have been very diligent and astute," wrote Walter F. George, a former Justice of the Supreme Court of Georgia and now a U.S. Senator, "in violating the spirit of . . . such statutes as would lead the Negro to believe himself the equal of the white man." "No statutory law, no organic law, no military law," said the ex-Judge and current Senator, "supersedes the law of racial necessity" (*Liberty Magazine,* April 21, 1928).

"Racial necessity"—the courts have used similar language. Thus the Pennsylvania Court, which upheld a Jim Crow railroad law then in effect in that state, said in 1867 that there was "a natural law" which was "clearly divine" and which forbade "a corruption of races," while the U.S. Supreme Court in upholding, a generation later, a similar statute from Louisiana asserted that "legislation is powerless to eradicate racial instincts."

Though these laws are necessary and natural and divine and instinctive, just to be helpful to God and nature the ruling class decides to enact them anyway and to punish the extraordinary creatures of God and nature who, unaccountably, violate them.

Thousands of such laws have been passed by city, state and federal

legislatures and hundreds remain in effect today. The most prolific governmental sources of such enactments are the cities. Every local community south of the Mason-Dixon line, and very many north of it, abound in racist ordinances. Many such bodies of law, usually in mimeographed form, are deposited only in local city halls and no collation of them has ever been undertaken, but some indication of their nature may be gotten from a few available examples.

Section 597 of the Ordinances of the City of Birmingham, Alabama, reads: "It shall be unlawful for a negro* and white person to play together or in company with each other in any game of cards or dice, dominoes or checkers." Those convicted of such horrendous conduct are subject to six months' imprisonment or a $100 fine.

The Atlanta, Georgia, code provides that "No colored barber shall serve as a barber for white women or girls"; and that "The officer in charge [of a cemetery] shall not bury, or allow to be buried, any colored persons upon ground set apart or used for the burial of white persons." This last is exceeded in chauvinist lunacy by the private regulation in force in the U.S. capital, "where a dog cemetery has erected a color bar against the burial of dogs belonging to colored people." (*Segregation in Washington,* 1948.)

It may be added that hundreds of villages and cities, particularly in the South and West, bar Negroes (and/or Mexican-Americans, and others) from remaining within their limits over-night, or, in many cases, from ever entering those limits.

Chauvinist State Laws

State legislation is, of course, readily available and much of its content is in direct violation of the Federal Constitution, and of international obligations, not to speak of such old-fashioned things as decency. In surveying the relevant state legislation we may well begin with a current Mississippi law that will outrage every human being, except—if this is an exception—the rulers of that state and of the United States:

* Racist legislation almost always uses the lower-case form in writing the word Negro.

"Any person, firm or corporation who shall be guilty of printing, publishing or circulating printed, typewritten or written matter urging or presenting for public acceptance or general information, arguments or suggestions in favor of social equality or of intermarriage between whites and Negroes, shall be guilty of a misdemeanor and subject to a fine not exceeding $500 or imprisonment not exceeding six months or both fine and imprisonment in the discretion of the court."

Thirty states* prohibit marriage between white and Negro, while six—the Carolinas, Alabama, Tennessee, Florida and Mississippi—constitutionally forbid the legislature ever to permit such marriage.

Typical of these laws is that of Texas (Penal Code Article 492): "If any white person and Negro shall knowingly intermarry with each other within this state, or having so intermarried, in or out of the state, shall continue to live together as man and wife within this state, they shall be punished by confinement in the penitentiary for a term of not less than two nor more than five years."

In most cases where such laws exist other new kinds of criminals make their appearance. This includes the reverend gentleman who had united in the holy bonds of matrimony those whom only death (and thirty of the United States) might part. Thus, the West Virginia law reads: "Any person who shall knowingly perform the ceremony of marriage between a white person and a negro shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding two hundred dollars." This is mild; South Carolina causes the guilty minister to be locked up for twelve months. Other distinctions aimed at Men of God recur, as the Georgia law forbidding Negro ministers to marry any but Negro couples.

Mothers also—as mothers—become criminals, and it is doubtful if such legislation has existed anywhere else in the world. Thus, a Maryland law reads: "Any white woman who shall suffer or permit herself to be got with child by a negro or mulatto" is to be put in

* Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, North and South Dakota, North and South Carolina, Oklahoma, Oregon, Tennessee, Texas, Utah, Virginia, West Virginia, Wyoming.

prison for a minimum of eighteen months and a maximum of five years. Similar laws exist elsewhere, as in Georgia and Arkansas.

Fifteen states forbid marriage between white people and others referred to a "Mongolians" or "Orientals"; and lesser numbers of states prohibit various other kinds of intermarriage: white-Malay; white-Hindu; white-American Indian; white-Asian Indian; American Indian-Negro; Malay-Negro.

Racism in Education

State legislation of a racist character has also been applied particularly to education. Twenty-one states provide for the separation of Negro and white children in their public school systems. Three states—Delaware, Mississippi and North Carolina—have triple segregation, the third being for American Indians. Two states—Florida and North Carolina—require the segregation of textbooks. Six states require the segregation of blind children and three—South Carolina, Texas and Virginia—require that children who are deaf, dumb and blind also be segregated.

Most of the southern states provide by law for segregated industrial, agricultural and college education. Two enactments peculiar to individual states merit particular notice: Maryland requires the supervisor of Negro schools to be white, and Tennessee prohibits anyone from teaching white pupils who is not a native-born white person who has spoken English since childhood and whose patents could speak English.

In dealing with education it is necessary to point out that while it is legally saturated with racism, this is only part of the story. Nationally, the whole educational system, particularly on a college level, is racist in administrative terms. Thus, in 1947, a federal Commission on Higher Education reported that numerous institutions were "extremely anxious to ascertain the racial origins, religion and color of the various applicants for a purpose other than judging their qualifications for admission . . . such information is likely to be used for discriminatory purposes." Since all these institutions were tax-exempt and several of them were state-endowed the quasi-legal status of this racism is plain. Moreover, it is clear that racist discrimination is practiced by

state licensing boards in admission to the professions. Thus a 1948 survey conducted by the Anti-Defamation League disclosed "that close to 98 per cent of these [licensing boards] application blanks ask questions which have no relation to competence in the fields of medicine, dentistry, law, optometry, and accounting" (Ruth G. Weintraub, *How Secure These Rights?* 1949).

Additional areas of personal, public and institutional life are regulated by racist laws in many states. Several apply specifically to American Indians, with thirteen states (and the Federal government) currently barring the sale of liquor to Indians and four states making it unlawful to furnish them with firearms. New Mexico and Arizona forbade their 100,000 Indian citizens from voting until as late as 1948, and both states still legally disqualify—with the active connivance of the Federal government—Indians from the benefits of the social security program.

The Southern states generally require Jim Crow arrangements in transportation. Segregation is the law there, too, in public and private recreational facilities, parks, hospitals, welfare institutions, prisons, hotels, factories, restaurants. Some details are revealing. For example, Oklahoma requires separate telephone booths for Negro and white; Texas forbids boxing matches between Negro and white; Arkansas requires separate voting places; North Carolina requires its Negro state military units to be officered by white men; North Carolina and Virginia forbid fraternal benefit associations of Negroes and whites; South Carolina forbids Negroes and whites to work together in the same room in a textile factory or to use the same pay windows, or the same toilet and drinking facilities, "or to use the same doors of entrance and exit at the same time . . . or to use the same stairway or windows at the same time. . . ."

Disfranchisement of Negro People

States, with rare exceptions, have not passed openly racist laws dealing with the suffrage because the Fourteenth Amendment specifically prohibits this. But the fact of the disfranchisement of oppressed peoples — and especially millions of Negroes in the South — is well-known. While the basic methods of accomplishing this result are fraud,

coercion and violence, certain laws also play a part and call for comment.

Important is the poll tax, instituted about fifty years ago and still on the books in Arkansas, Alabama, Mississippi, South Carolina, Tennessee, Texas and Virginia. Particularly inhibiting are the cumulative features of the poll-tax laws of Mississippi, Virginia and Alabama.

More significant than the poll tax, however, in disfranchising the Negro masses is the "understanding" clause in most Southern election laws. This requires that in order to qualify as a voter one must convince the Board of Registrars that he can read and/or write and/or understand the Constitution of the United States and/or of the State. When one knows that, in addition, Southern states give their Registration Boards extraordinary power he can understand how very potent a racist law this "understanding" clause is. Typical is Alabama, whose Code provides: "The Board of Registrars may make such rules and regulations as it deems proper for the receipt of applications for registration and the accomplishing in as expedient a manner as possible the regulation of those entitled to register, but no person shall be registered until the majority of the Board of Registrars has passed favorably upon the personal qualifications."

As though this were not enough, in much of the South—especially the rural South—registration is accomplished not in public places but in the homes of white people. And there are still other stumbling blocks. Harnett T. Kane, reporting on Louisiana, in no way atypical, says: "The Negro goes to the registration place and he is not recognized. He is told to come back tomorrow, we are fresh out of application blanks, we will send you a notice when we are ready for you. He is kept away by all sorts of tricks." (*Voting Restrictions in the 13 Southern States,* report by Committee of Editors and Writers of the South, Atlanta, 1945.)

Other states add inimitable touches of enlightenment: South Carolina has open, not secret, balloting, and the Mississippi Democratic organization requires a participant in its primaries (the only election that has the slightest meaning there) to swear that he opposes Fair Employment Practice legislation, anti-lynching legislation, anti-poll tax legislation, and that he "cherishes the customs and the time-honored traditions of the Old South"!

No one, then, need be surprised that in most recent elections less than one per cent of the Negroes of voting age in Mississippi were qualified voters, less than two per cent in Alabama and less than three per cent in Louisiana. Those three states alone have over 1,500,000 Negroes of voting age, but only 21,000 are qualified voters!

The racist laws of the United States were based squarely on the mythology of "blood" taken over by the Nazis. And just as the Nazis were preoccupied in their "race" registration laws with "the protection of German blood," so are the American chauvinists. Thus, Virginia's analogous law (enacted five years before the Nuremberg law) is entitled the "Preservation of Racial Integrity" Act and it reads:

"The state registrar of vital statistics may, as soon as practicable after the taking effect of this Act, prepare a form whereon the racial composition of any individual, as Caucasian, Negro, Mongolian, American Indian, Malay, or any mixture thereof, or any other non-Caucasian strains, and if there be any mixture, then the racial composition of the parents and other ancestors, so as to show in what generation such mixture occurred."

To complete the monstrosity this registration form costs twenty-five cents, and filling it out falsely (how *does* one fill the thing out truly?) makes one liable to a year's imprisonment.*

Laws of "Blood" Percentages!

But who is white and who is Negro? The law makers have had a terrible time with this since they base themselves on "race," which is to say on a lie. Thus, he who is a Negro, *by law,* in Indiana, isn't in Virginia, and he who is a Negro in Florida isn't in Georgia. Moreover, the legal definition of a Negro changes in the same state, so that one who is a Negro in Georgia now might not have been prior to 1927, and one who is a Negro now in Virginia might not have been in 1930, while *that* one might not have been in 1910. Sheer madness,

* See the recent book, *States' Laws on Race and Color,* compiled by the distinguished Negro attorney, Miss Pauli Murray, and obtainable from the Literature Headquarters of the Methodist Church in Cincinnati.

of course, but it is all U.S. law, all based on "blood" percentages, *i.e.*, percentages of ethnically distinct bloods—which do not exist!

And here is the definition of a white person as given in the Code of course, but it is all U.S. law, all based on "blood" percentages, *i.e.*, perclude only persons of the white or Caucasion race, who have no ascertainable trace of either Negro, African, West Indian, Asiatic Indian, Mongolian, Japanese or Chinese blood in their veins."

It is interesting to observe how the courts have adjusted themselves in solemnly adjudicating where the law involved is based on a myth. In 1922 the U.S. Supreme Court decided that a particular person was not "white" though less colored than many "whites" because he was not, it said, Caucasian. But the next year, a Hindu was pleading at the bar and the Court found Hindus were Caucasians, but this one was not "white" because he was darker than most "whites." Faced by rulings that said, between 1922 and 1923, that color did and did not determine whether one was white, Mr. Justice Sutherland declared for the Court, that while science could offer no definition, still the "average man knows perfectly well" who is what! In 1928 the California Supreme Court even more explicity repudiated reason and science by declaring that "what ethnologists, anthropologists, and other so-called scientists may speculate and conjecture in respect to races and origins may interest the curious and convince the credulous, but it is of no moment" in adjudications!*

Racism in Federal Law

So far we have examined city and state law. What about the Federal government? Perhaps, given the American tradition of political decentralization and the fact of states' rights, racist legislation exists on a local but not on a national level? Has the U.S. government really violated its international obligations?

Actually the national government consistently follows—by law and in fact—a blatant policy of racism and in so doing most certainly is violating international obligations repeatedly assumed. The United States social order has depended upon and today depends upon the

* See Charles Gordon, "The Racial Barrier to American Citizenship," in *University of Pennsylvania Law Review*, March 1945.

super-exploitation of Indian, Latin-American, Pacific, Asian and Negro peoples and the legal framework of that order reflects that fact. That which the Federal government directly controls, from its capital city to its furthermost Pacific possession, is characterized by white chauvinist legislation and administration.

The public education system in the District of Columbia is Jim Crow by Federal law. The government insists that these segregated schools provide each group with equal advantages but this is demonstrably false in Washington as it is in Georgia or Alabama. A third of the schools in the nation's capital housing Negro children were built before the Spanish-American war, and over thirty per cent of them were old white schools (none has gone the other way—newly built for Negroes and then, when old, handed down to white children). While the schools for white children are operating at 75 per cent of full capacity, schools for Negro children are at 115 per cent of full capacity; the pupil load for Negro teachers is about 30 per cent higher than for white; the Federal government expends over $160 per year per white pupil and under $130 per year per Negro student.

Public recreation also is segregated by law in Washington. Unsupervised play is generally without discrimination but when the government appears so does Jim Crow. In a recent study, *Recreation and Race Adjustment in Washington,* E. B. Henderson and F. J. Anderson wrote:

"On a vacant lot in southwest Washington, people of all races and ages living in the neighborhood played marbles, horseshoes and baseball. There were no supervisions, no fights, no fences. One year later, the ground became part of the playground system. Negro boys sat on the curbstone and mused anent the sudden quirks of democracy, while their white friends continued to participate in the organized activities. Fights and property damage were frequent."

Aside from positive legislation, the city is, in fact, completely segregated with practically all life rigidly controlled, from restaurants to theatres to hotels. Particularly disgraceful are the ghetto slums festering within a stone's throw of Congress. And directly responsible is the Federal government which, through three Presidentially-appointed

Commissioners, administers the District. To clamp this segregated dictatorship on the million Washingtonians it was found necessary to disfranchise *all* inhabitants of the District, a deprivation which has persisted for over seventy years. Administratively, the departments and bureaus of the Federal government operate in the District on a completely racist basis from job status and tenure to eating and washing facilities. Meanwhile, the nation's capital actually "is run," as the National Committee on Segregation stated, "by the dominant real estate and financial interests, formally organized as the Board of Trade."

The sole level of government responsible for policies of naturalization and immigration has been and is the federal and here, too, racism has long marked the legislation. To this day U.S. naturalization laws bar, purely on racist grounds, Arabians and Afghans, Japanese and Koreans, peoples from Burma, Thailand, Malaya and Indonesia.

The basic racist pattern of immigration laws was set in the post-World War I days of deportation deliriums and Red-baiting. The act of 1924, still the fundamental immigration law (recently modified by the anti-Semitic, pro-fascist McCarran amendment to Displaced Persons legislation) provides that the number of immigrants to be allowed shall not exceed two per cent of the nationalities resident here as of 1890. This in fact assigns twenty per cent of the immigration quota to southern and eastern Europe and eighty per cent to northern and western Europe, thus discriminating against Jews, Italians, Greeks, etc. Peoples from Asia are pretty generally refused entrance altogether, though in 1946 the government generously allowed 100 immigrants per year from India and the Pilippines.

The nation's armed forces have a long tradition of officially promulgated and enforced racism—that of the Army dating back to the War of 1812; that of the Navy, in especially open form, dating from about the Spanish-American war. And its armed forces remain basically Jim Crow, in organization, in personnel policies, in advancement, in living arrangements. A sensitive indicator is the administration of military "justice." How viciously racist that is may be judged from the fact that Mr. Thurgood Marshall, Special Counsel to the pro-Truman National Association for the Advancement of Colored People, subtitled his *Report on Korea,* issued in April, 1951, "the shameful story of the

courts-martial of Negro GIs." He found the Negroes involved to have been tried "in an atmosphere making justice impossible" and that this was "rooted in the Jim Crow policies still persisting in the Army." Prime exemplar of this "persistence" is the fact that the American Dreyfus, Lieutenant Leon Gilbert, is today in prison, serving a savage twenty-year sentence as a living sacrifice to the idol of white chauvinism.

Racist Crimes Against Indians

THE second white man to lead an expedition into what is now the south-west of the United States commented in 1582, that "The [Indian] people are very healthy." He was looking at the Hopi and Navaho people; today, after centuries of capitalism's benevolence, the annual death rate of the Hopi is twenty-five per 1,000, of the Navaho it is sixteen per 1,000 and of the whole United States it is ten per 1,000. Today, the tuberculosis death rate among the Navaho is 386 per 100,000; in the United States as a whole it is forty-three per 100,000; the infant mortality rate among the Hopi is 180 per thousand live births while in the United States as a whole it is 40 per thousand. Today, an official study finds forty-eight per cent of the Hopi children undernourished.* Such is a glimpse at the health of the 60,000 Navaho and Hopi peoples almost 400 years after the white man first appeared.

That which is true of these 60,000 is true of the additional 350,000 Indians in the United States and Alaska. And their health reflects directly their general standard of living and the specially-exploited and segregated life they are compelled to live, with part of the compulsion coming from Federal law and regulation.

Oliver La Farge finds "the outstanding federal discrimination against the Indians [to be] the disgraceful doctrine, maintained by the [Federal] Bureau of the Budget and supported year after year by Con-

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* There are two good recent studies of these Indian peoples: Clyde Kluckhohn and Dorothea Leighton, *The Navaho* (Harvard University Press, 1947); Laura Thompson, *Culture in Crisis, A Study of the Hopi Indians* (Harper, 1950).

gress, that an inferior health service, staffed by such doctors and nurses as can be obtained to work under impossible conditions for substandard pay, is good enough for the tribes" (*New Republic,* Oct. 3, 1949). If to this be added the fact that official policy of the Indian Service medical officers is to make no concessions to native custom even where such custom may be equally as good, from the standpoint of modern science, as the "white" procedure; that the physicians and dentists are white; that they are terribly overworked (55,000 Navaho people have one federally paid dentist!); and that per capita Indian income is almost three times less than that in Mississippi and seven times less than that in the U.S. as a whole—then the death rate and incidence of malnutrition are perfectly explicable.

Federal regulations call for compulsory attendance of Indian children at school, which sounds very well, except, as in the case of the Navaho, space is provided for only twenty-five per cent of the children. And the teachers get under $1,700 a year, and, write Kluckhohn and Leighton, "the school terms are set in accord with white tradition rather than to fit the special circumstances of Navaho life and seasonal weather conditions in Navaho country." No wonder during World War II, Selective Service reported eighty-eight per cent of Navaho males from eighteen to thirty-five years old were illiterate!

In a word, up to the New Deal's Indian Reorganization Act of 1934 the avowed Federal policy as applied to the Indian was General Sheridan's immortal quip—"The only good Indian is a dead one." The Federal government's policy of so-called "forced assimilation" was in fact a naked policy of thievery and murder. Under President Roosevelt the beginnings of some improvement appeared but with the onset of reaction under Truman, the Federal Indian policy is back to General Sheridan. In Professor Laura Thompson's words: "The forced-assimilation policy has been revived in Indian service."

Mr. La Farge, in addition to remarking on the racist policy of the Federal government in dealing with the Indians' health, sums up the facts of their existence in words directly applicable to the American Negro people—"unequal pay on jobs, promotions denied, inferior housing, social exclusion in many places and, very acutely, unequal treatment by police and courts in the towns just beyond the reservation."

An additional word is necessary for the Indians of annexed Alaska. All that has been said of the Indians of the U.S. is applicable to the 50,000 Indians of Alaska but in addition they suffer the exploitation of direct colonialism. Though the Alaska annexation treaty between Russia and the United States, in 1867, stipulated that the natives of Alaska were to get all the rights and privileges of U.S. citizens they have, in fact, been segregated and robbed. To this day so elementary a right as documentary title to their lands has been denied them and the continual stealing of those lands has marked the past eighty years.

This process was climaxed, in legal terms, by an enactment unique in peace-time post-Civil War U.S. history. In August, 1947, President Truman signed the Tongass Bill which, in so many words, deprived the people of their land and timber in Southeast Alaska *if two or more of their grand-parents were Indians.* Litigation has checked the full implementing of this law, so far, but its precedent is menacing and certainly no more openly predatory act has ever stained a code of laws.

Imperialism in U.S. Territories

A prime example of U.S. imperialism and its offspring, white chauvinism, in action is provided for the Latin American peoples by the Panama Canal Zone. Here, in a 550-square-mile stretch of territory owned for almost half a century and containing about 65,000 people, the U.S. ruling class has bared its soul.

This Zone has been and is under the administrative eye of the President with direct responsibility of the area falling upon the Secretary of War. A General is and habitually has been its appointed Governor and the Zone is run like one huge army camp, with representative government conspicuous by its absence. The Canal itself is the result of the labor of tens of thousands of imported workers, especially West Indians, and it is against them that the whole weight of legal discrimination and segregation falls.

Official Jim Crow applies throughout the Zone, and poverty is everywhere. Government wage rates provide the "local rate employees" (or "silver" workers) with half to one-fourth that paid "U.S. rate employees" (or "gold" workers); public housing is provided "gold" work-

ers, but none for "silver" workers, which means officially sponsored ghettos; all professional and skilled work is kept from "silver" workers; all education, recreation and public facilities are Jim Crow; "silver" employees are paid once a month, "gold" once every two weeks; subsistence schedules for "gold" workers are twice that for the "silver" workers, and "silver" workers cannot get more than $25 a month as a retirement pension, no matter what their work nor how long they were employed!

The United States' show windows in the Pacific similarly serve to convince the surrounding peoples of the authenticity of the Voice of America. Historically, there have been two main island centers where Federal power has been absolute and U.S. possession unchallenged for over half a century, namely, American Samoa and Guam. While the Canal Zone has been run like an army camp, these American Pacific islands have been conducted like battleships, under the direct supervision of the Secretary of the Navy and resident governors who have been Naval officers.

What was in store for the 50,000 peoples of these islands was heralded by the fact that when Guam, the largest of them, was picked up in 1898 as part of the booty of the Spanish-American War, the U.S. proceeded to take from its inhabitants what rights they had had under the previous ruler. Though the people were overwhelmingly Catholic, the first governor exiled all priests, except one who was a native, and even denied entry to the Apostolic Delegate. A completely segregated life was estblished at once, and in these segregated schools only English was permitted. The people's own language, Chamorro, was forbidden in the government service and *the Navy actually gathered up and burned dictionaries of the Chamorro language.** All vestiges of civil liberties and representative government were rooted out, and U.S. Marines replaced the entire native police force.

This is the system that prevailed in Guam until 1950 though in the Treaty of Paris we obligated ourselves to give "civil rights and political status" to Guamanians, and though President McKinley assured the world "that the mission of the United States is one of benevolent assimilation, substituting the mild sway of justice and

* See, Laura Thompson, *Guam and Its People* (Princeton University Press, 1947).

right for arbitrary rule." And it is the system that prevails now in Samoa.

In 1950, Guam's status was changed, demonstrating, editorialized the N. Y. *Times* (July 28, 1950) "our good faith just when that good faith is being challenged by Communist propaganda." What was done? As of August, 1950, Guam was taken from the Navy Department and given to the Department of Interior (some Interior!). At about the same time an act was passed bestowing citizenship on Guamanians and giving them one House to legislate only on domestic affairs, subject to a veto by the governor appointed by the President.

But meanwhile the N. Y. *Times* (June 25, 1950) had reported that civilian rule "means higher taxes for Guamanians" and that their central grievance now was "over the acquisition of lands for military use . . . [and] the widespread arbitrary taking over of Guamanian properties" so that "some of the island's best agricultural lands are held by the military."

And, in 1949 and 1950, American businessmen, "plagued by exchange and import controls and the Communist threat" were leaving Hong Kong and even the Philippines and "starting to look into the possibilities of Guam as a place to settle" (N. Y. *Times,* June 26, 1950). Moreover, about $25,000,000 were going into the island for military purposes, so the pickings were pretty good, and then military personnel and dependents outnumbered Guamanians, and "military installations, housing areas and reserved beaches, including the best in Guam, take up a third of the total land area of the island" (N. Y. *Times,* June 27, 1950). Thus, by August, civilian control can be "given" to Guam, and the Communists are again "shown up." No danger either, since the Act transferring the island specifically reserves to the Navy absolute control over all its installations and all its operations in Guam, and, anyway—as the *Times* (July 16, 1950) noted—"martial law could be proclaimed on ten minutes' notice. . . ."

Just to make sure, President Truman, by executive order, October 30, 1950, reserved to the Navy Department jurisdiction over all military installations and supporting facilities in Guam. And on February 13, 1951, Truman's Governor of Guam—Carlton Skinner, a businessman from nearby Connecticut—turned over the island's militia force to the U.S. Marines. As the *Times* said, that's showing our "good faith"!

In sum, what Harold Ickes wrote in 1946 is true now:

"The Navy in Guam and Samoa . . . has prevented the fulfillment of national pledges made and accepted in good faith. . . . It has scorned every concept of democracy. It has ignored the economic problems of the Islanders and has given them inferior education in segregated schools. It has trampled upon, with complete abandon, the standards of social policy of the International Labor Office for dependent areas." (*News Letter,* June 1946, of the Institute of Ethnic Affairs.)

But now must be added the fact that the U.S. Navy administers—"in trust for the United Nations"—the lives of over 120,000 people who inhabit the Marshall, Marianas and Carolina islands. What is going on there may be judged from two official pronouncements. One, the order of Admiral Wright dated April 3, 1947, announces a *maximum* wage scale for the natives of the U.S. Pacific Trust Territory. It is: for apprentices, under 16 years of age, 3-5 cents an hour; for domestic workers, 4-6 cents an hour; for common laborers, 5-7½ cents per hour; for semi-skilled workers, 7½-9 cents per hour; for clerks, $15-$36 per month; for teachers, $20-$75 per month. These are *maximum* figures.

The next item comes from the Navy's newspaper on Saipan—the *Saipanorama* of October 28, 1947:

NOTICE NOTICE NOTICE NOTICE NOTICE

The Deputy High Commissioner for the Trust Territory of the Pacific Islands is considering granting a lease of large parts of the Island of Tinian for commercial agriculture. He is ready to receive proposals for such leases from residents of the Trust Territory, Guam, the Continental United States or any other U.S. territory or possession.

All persons interested are invited to submit their proposals in writing. . . . Only proposals contemplating large-scale commercial agriculture are desired.

R. B. Randolph
Chief of Staff

Thus, the Democratic-Republican Real Estate Company, Inc., wins over the colored peoples of the Pacific to the American Way of Life.

American Imperialism Breeds Racism

The record establishes without any question the fact that racism is entwined within and forms an organic part of official U.S. policy and practice—on every level, local, state and federal. This exists despite every protestation to the contrary and despite numerous constitutional and treaty obligations which it violates. It exists not as an aberration, not as an unfortunate slip or oversight; it exists as a coldly-calculated and economically vital part of the U.S. imperialistic social order.

To fight against it is to fight against imperialism, to fight against the drive towards fascism and war and therefore to fight for the life and well-being of the overwhelming mass of American people.

The legal battle against these racist statutes and administrative practices, on the basis of their arbitrary, invidious and anti-social nature is by no means predestined to fail. Victories have been won. To cite a few representative instances just within the past few years: the Jim Crow pattern of Southern higher education has begun to crack, the League of Latin-American citizens has led in breaking through some discriminatory regulations in Texas and California, the Alaska Native Sisterhood succeeded in forcing an anti-discrimination law on that territory's statute books, and the United Public Workers forced the removal of Jim Crow signs in the Canal. There are, too, positive anti-racist laws in existence—even in Louisiana and West Virginia, as well as in states like Connecticut, Illinois and New Jersey—but effective enforcement comes only with sufficient organized pressure.

With the impetus from the democratic struggles of Reconstruction, the Federal government passed a Civil Rights Act in 1875. Its preamble said: ". . . it is essential to just government . . . to mete out equal justice to all, of whatever nativity, race, color, or persuasion, religious or political."

Though the Supreme Court invalidated this Act in 1883, its truth was not invalidated. The words of that preamble *are* true and the laws

of the government of the United States prove it to be unjust. To change those laws and to bring our nation's legislation and practice into accord with that preamble is a patriotic cause the success of which will assure equality and freedom for all Americans—and peace for the world.

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