THE DIRECT JEFFERSONIAN/ULTRA-JEFFERSONIAN STIMULI TO SDS'S INITIAL ACTIVISM: The New Abolitionists' Ultra-Jeffersonian Civil-Rights Movement

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This the third essay of the series of essays on the relationships between the early American New Left and the American tradition of democracy. It consists of five parts. It begins with an examination of the historical background of the emergence of new abolitionists' Ultra-Jeffersonian Civil-Rights Movement: the Republicans-controlled congress's post-civil war Ultra-Jeffersonian Reconstruction period, the period of the Supreme court's semi-Jeffersonian judicial decisions made between 1873 and 1896, and southern state legislatures's three decades of an anti-Jeffersonian Jim Crow era, 1884-1914. The examination is followed by an investigation of the contemporary background of the rise of the movement: NAACP's Jeffersonian challenge to anti-Jeffersonain inequality and the supreme court's Jeffersonian response to the challenge (the school segregation cases of the 1950's and the Brown decision), CORE and SCLC's use of Ultra-Jeffersonian means to seek Jeffersonian end. The central parts of this essay consist both of a description and an analysis of the process of the movement per se, whose psychological root lay at the heart of its historical and contemporary backgrounds: black college stu-

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dent's Ultra-Jeffersonian mood of impatience with the slow process in which American democracy had traditionally dealt with racial segregation and racial discrimination. The description centers arrond SNCC's part in sit-in movement and Freedom rides. The analysis focuses on the Ultra-Jeffersonian function of SNCC's non-violent direct action or massive Civil disobedience, i. e., its constant use of irregular Jeffersonian means of democray as its regular democratic means to immediate fulfillment of its democratic end. Before the essay ends up, the consequences of the movement are estimatied in terms of its specific targets, symbolic gains, and general achievements the greatest of which was the Civil Rights Act of 1964.

I. THE HISTORICAL BACKGROUND OF THE NEW ABOLITIONISTS' ULTRAJEFFERSONIAN CIVIL-RIGHTS MOVEMENT

1. The Post-Civil War Ultra-Jeffersonian Reconstruction Period

The post-Civil War Reconstruction was, in a sense, the period in which ultra-Jeffersonian Republicans controlled the Congress and passed constitutional amendments and statutory laws to accord equal rights immediately and fully to the black who had been freed from slavery without being accorded legal equality with the white. Before they gained control of Congress, they had already succeeded in urging President Lincoln to issue the Emancipation Proclamation in 1863, in which slavery was partially abolished, and in convincing Congress to pass the Thirteenth Amendment in 1865, in which slavery was completely abolished. (Kuo, 1990, n.45, pp.71-72) These successes gave rise to a reaction on the part of anti-Jeffersonians in the Southern state

governments. In 1865 and 1866, Southern anti-Jeffersonian legislators passed new legislation regulating the status and conduct of newly freed Negroes. Termed Black Codes, these new laws were based on the explicit assumption of Negro inferiority and sharply restricted the mobility and personal liberties of former free Negroes and new freedmen alike.[1] Anti-Jeffersonian Southerners justified the necessity for such measures as the only feasible way of reestablishing workable relations in a biracial society as recently disrupted by the ravages of war. Ultra-Jeffersonian Northerners, however, viewed the Black Codes as a deliberate attempt by the South to void the results of the war and return Negroes to a system of permanent bondage. The Black Codes thus helped induce Northern support for the Congressional reconstruction program that superceded the Presidential plan. (Blaustein and Zangrando, 1968, pp.217-18)

The ultra-Jeffersonian Republicans gained control of Congress in 1866. Before 1866 the President was in a position to act first, but after 1866 Congress took the reconstruction question out of his hands and carried out a program of its own, the program of according Jeffersonian equality to Negro freedmen as soon as possible. The accomplishments of the Reconstruction Congress were considerable. During the Reconstruction era, 1866 to 1883, it

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1 The Black Codes set terms of employment that, in many instances, amount to a reinstatement of master-slave conditions in practice if not in name: Negroes could be bound for service and laber to white persons, and prohibitive fees were imposed upon Negroes who aspired to commercial and artisan occupations. Finally, the Codes made provision for fines and physical punishment for Negroes who refused to comply with the new legislation. (Blaustein and Zangrando, 1968, p.217)

passed seven civil right acts and two constitutional amendments, all of which attempted to secure a place in American society for the black man equal to that of his white neighbor. Designed to safeguard the new freedom from such discrimination as exemplified by the Black Codes, the first Civil Rights Act was passed and repassed over President Andrew Johnson's veto in 1866. [2]

In response to expressed doubts as to the constitutionality of the Civil Rights Act of 1866 and for the purpose of giving constitutional vigor to the Act, the ultra-Jeffersonians in the first Reconstruction Congress proposed and drafted the Fourteenth Amendment and had it passed and ratified in 1868. The most important part of the Amendment is its first section which reads:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person without its jurisdiction the equal protection of the laws. (Blaustein and Zangrando, 1968, p.226)

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2 The Civil Rights Act of 1866 bore the expansive title of "An Act to Protect All Persons in the United States in their Civil Rights and Furnish the Means of their Vindication." The first section of the Act reads: "…all persons born in the United States…are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude… shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalities…" (Blaustein and Zangrando, 1968, pp.229-30)

The Amendment contains three important clauses: the privileges and immunities clause, assuring full citizenship for Negrose; the due process clause, assuring that no "person" could be deprived of life, liberty, or property without due process of law; and the equal protection clause, guaranteeing equality before the law. "It would be difficult," as Thomas R. Dye pointed out, "to compose a constitutional amendment that more explicitly guaranteed blacks full equality and citizenship." (Dye, 1971, p.11)

Both the Civil Rights Act of 1866 and the Fourteenth Amendment were primarliy designed to grant legal equality with the whites to blacks. It was the Fifteenth Amendment and the Civil Rights Act of 1875 that attempted to grant certain degree of political and social equality respectively to them. Ultra-Jeffersonian Republicans in Congress proceeded in 1869 to pass the Fifteenth Amendment, forbidding the United States or any state to deny the right of voting to any citizen on account of "race, color, or precious condition of servitude." (Blaustein and Zangrando, 1968, p.244) This amendment, ratified in 1870, marked the culmination of the Congressional policy of reconstruction. It satisfied ultra-Jeffersonian Republicans who had long contended for Negro suffrage as a matter of principle without any compromise. [3] Also in 1870, Congress passed another Civil Rights Act to enforce the right

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[3] The Fifteenth Amendment, of course, also satisfied the believers in vengeance who wished to punish the South for secession and the politicians who wished to secure the support of the Negro vote. (Gettell, 1928, p.395.)

of American citizens to vote.[4]

Being not content with the black's political equality with the white, ultra-Jeffersonian Republicans decided to go further and attempted to accord blacks social equality with whites in all aspects of public life. Accordingly, in 1875, the Reconstruction Congress passed the last Civil Rights Act (Congress did not again enact substantial civil rights acts until 1957) which declared that all persons were entitled to the full and equal enjoyment of all public accommodations — inns, public conveniences, theaters and other places of public amusement. Any denial of these accommodations — except for reasons applicable to citizens of every race and color — would subject the violation either to a civil suit for damage or to prosecution for a misdemeanor. (Blaustein and Zangrando, 1968, pp.241-43) "In the Act," as Dye emphasized, "Congress committed the nation to a policy of nondiscrimination in all aspects of public life." (Dye, 1971, p.11)

When the ultra-Jeffersonian Republicans gained control of Congress in 1866, blacks momentarily seemed destined to attain their full rights as United States citizens. Under military rule Southern states adopted new constitutions that awarded the vote and other civil liberties to Negroes. Between 1866 and 1877 the success of ultra-Jeffersonian civil-rights legislation was re-

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4 The most central part of the Civil Rights Act of 1870 reads: "All citizens of the United States who are or shall be otherwise qualified by law to vote at any election by the people in any State, Territory, district, country, city, parish, township, school district, municipality, or their territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude".

flected in the great prevalence of Negro voting throughout the South, the ascendence of many blacks to federal and state offices, and the almost equal treatment afforded Negroes in theaters, restaurants, hotels, and public transportation facilities. Although by 1877 support for Reconstruction policies began to crumble, the with-drawal of federal troops from the South and the end of military occupation of the South did not bring about an immediate change in the status of the black man. Southern blacks voted in large numbers well into the 1880s and 1890s. White political leaders encouraged them to vote and earnestly solicited their support. Blacks held public offices, served on juries, and were represented in local councils, state legislatures, and Congress. Black men and white men rode the railroads together without partitions separating them, ate in the same restaurants, and sat in the same theaters and waiting rooms. For years Southern states kept Reconstruction legislation forbidding discrimination on the statute books. (Dye, 1971, pp.9,11, 15-16)

2. The Period of the Supreme Court's Semi-Jeffersonian Judicial Decisions

All these were no small accomplishments of ultra-Jeffersonians in the Reconstruction era. But the tension between ultra-Jeffersonian equality and anti-Jeffersonian inequality did not go away. It not only persisted, but eventually nullified all of these accomplishments, though, at first, it was not that bad. For overlapping and following the period of Reconstruction Congress' ultra-Jeffersonian constitution-supplementing and legislation was the period of the Supreme Court's semi-Jeffersonian judicial decisions. These decisions were made, between 1873 and 1896, to narrowly interpret Constitution and

thus unconsciously distort Jeffersonian principle of equality with the unfortunate consequence of paralyzing legislative actions designed to enforce equal civil rights between blacks and whites. They are considerded here to be semi-Jeffersonian because they were made in exclusive accordance with the opinions of the white majority without proper regard to the feelings of the black minority, while majority rule and minority rights were both indispensable to Jefferson's doctrine of protecting equal rights. (Kuo, 1990, pp.19-20)

With a few exceptions like Justice Harlan,[5] the justices of the Supreme Court in that period committed themselves, at most, to Jefferson's practical considerations of racial equality, (Kuo, 1990, pp.26-27) or to the Jeffersonian principle of equality in its narrowest rather than broadest sense. They were, at best, quasi-Jeffersonian, and certainly far from being ultra-Jeffersonians.[6]

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5 Justice Harlan had dissenting opinion in both the Civil Rights Cases of 1883 and the Plessy v. Ferguson Case in 1896. See Blaustein and Zangrando, 1968, pp.276-81, 309-11.

6 An example may illustrate this point. In the case of Plessy v. Ferguson in 1896, Justice Henry B. Brown spoke for the opinion of the majority whites approving legal and political equality but opposing enforced social equality between the two races: "The object of the [Fourteenth] Amendment was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a combining of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other···. The distinction between laws interfering with the political equality of the Negro and those requiring the separation of the two races in school, theatres and railway carriage has been frequently drown by this court···. We consider the underlying fallacy of the plaintiff's argument to consist in

In the following pages I shall select for analysis two kinds of Supreme Court's quasi-Jeffersonian or semi-Jeffersonian decisions which contributed to the collapse of the ultra-Jeffersonian equality experienced in the Reconstruction era and to the rise of anti-Jeffersonian inequality in the Jim Crow period. The first was concerned with the Civil Rights cases of 1833, which declared the Civil Rights Act of 1875 unconstitutional, and the second with Pace v. Alabama in 1882 and Plessy v. Ferguson in 1896, which tacitly approved of racial segregation through the application of a "separate-but-equal" doctrine, thereby nullifying the equal protection clause of the Fourteenth Amendment.

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the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the race chooses to put that construction upon it … . The argument … assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the Negro except by enforced comingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merit and a voluntary consent of individuals. As was said by the Court of Appeals of New York … ' this end can neither be accomplished nor promoted by laws which conflict with the general sentiment of the community upon whom they are designed to operate. When the government, therefore, has secured to each of its citizen equal rights before the law and equal opportunities for improvement and progress, it has accomplished the end for which it was organized and performed all of the functions respecting social advantages with which it is endowed. '… Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution and the United States cannot put them upon the same plane … " (Blaustein and Zangrando, 1968, pp.305, 306, 308-9).

With its decision in the Civil Rights Cases in 1833, the Supreme Court completed the virtual nullification of the Reconstruction era legislation designed to give more than Jeffersonian equality to Negroes. Struck down as unconstitutional were Sections 1 and 2, the vital accommodations sections of the Civil Rights Act of 1875.[7] This case, coupled with at least eight other decisions which had been handed down since 1873, permitted the maintenance of segregation-discrimination patterns throughout the nation, despite the Thirteenth, Fourteenth, and Fifteenth Amendments. The five suits which made up the Civil Rights Cases were proceedings against private individuals who had denied the admission of "persons of color" to hotels and theaters. In quashing the indictments and in setting aside the statutory provisions of the Civil Rights Act of 1875, the Court stated that the statutory provisions of the Civil Rights Act of 1875 went beyond the authority of Congress under both the Thirteenth and Fourteenth Amendments. The following was the Court's reasoning. Denial of equal accommodations imposes no "badge of slavery" upon the person affected; and since the Thirteenth Amendment relates only to slavery, the Amendment is no source of power for the Congressional imposition of punishment for mere discriminatory practices. Further, since the Fourteenth Amendment speaks only to the states, Congress may only pass laws affecting discrimination by the states but not by private citizens. The Court reasoned that the Fourteenth Amendment failed to give Congress the the power to prevent discrimination in privately-owned accom-

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7 See Document 47d: An act to protect all citizens in their civil and legal rights. Ibid., pp.241-42.

modations because that Amendment referred only to state action: "No State shall ··· nor shall and State ··· ." Accordingly, concluded the Court, the obligation of Congress to enforce "the provisions of this article" extended only to discrimination practiced by states, not individuals. [8]

By giving an extremely narrow interpretation of the Fourteenth Amendment in the Civil Rights Cases in 1883, Justice Bradley of the Supreme Court (with Justice Harlan alone dissenting) ruled that only formal state action of a discriminatory character fell within the Amendment's interdict. Consequently, "private" racial discrimination by railroads, theaters, hotels, and the like was held to be a matter within the whole jurisdiction of the states. Thus "private acts," though in fact enforced by the police power of the state, were eliminated from national jurisdiction. (Roche, 1966, pp.29,30) With such a judicial decision, Congressional and executive actions seeking social equality for Negroes come to an agonizing halt. In other words, the Civil Rights Cases of 1833 confirmed the fact that the national government was officially abandoning the Negro to the caprice of state control. From now on, initiative passed to the states. Some states enacted legislation to avoid and evade civil rights granted by the Thirteenth, Fourteenth, and Fifteenth Amendments, and the remnants of the Civil Rights Acts which survived Supreme Court declarations of unconstitutionality. (Blaustein and Zangrando, 1968, pp.283,293)

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8 See Document 54: Civil Rights Cases, Ibid., pp.269-76.

The Supreme Court also began in 1882 the process of redefining "equal protection" which culminated in constitutional sanction for Jim Crow laws in 1896. In Pace v. Alabama, Justice Field, with his eight brethern concurring, effectivly torpedoed the equal protection clause. What Pace v. Alabama did was the reestablishment of the legal category "Negro" — it now become legitimate for the states to differentiate formally between Negroes and whites. While the purpose of the equal protection clause had been to eliminate from American law the category "Negro" — its authors were infuriated by the "Black Codes," the Court now told the states that "race was a valid basis for differentiation among its citizens." Then in the late 1880s and early 1890s, began the flood of Jim Crow legislation, laws based on the principle enunciated in Pace v. Alabama that Negroes were different from whites and that this distinction justified different treatment. (Roche, 1966, pp.31-34)

By the 1890s most of the former Confederate states had passed laws requiring segregation of the races in public facilities. (Dye, 1971, p.14) Typical of these was a Louisiana statute passed in 1890 requiring all railroad companies carrying passengers in the state to "provide equal but separate accommodations for the white and the colored," and commanding that no persons be admitted to coaches other than those "assigned to them on account of the race they belong to." Homer Plessy, who was only one-eighth Negro and looked like a white man, was arrested when he refused to leave a white compartment (Louisiana law regarded persons of even one-thirty-secondth Negro extraction as Negroes), and subsequently he brought suit. In 1896 the Supreme Court rejected the plaintiff's plea that segregation laws violated the equal protection clause of the Fourteenth Amendment. Segrega-

tion was given judicial approval, and, instead of insuring equality, the equal protection clause was made to bolster the practice of segregation. The majority opinion of the Court argued that the phrase "equal protection of the law" did not prevent the enforced separation of the races so long as each race was treated equally. This was the argument that became known as "separate-but-equal" doctrine. (Dye, 1971, pp.14-15) [9]

In one sense, the "separate-but-equal" standard of the Supreme Court decision in Plessy v. Ferguson may be considered to be a semi-Jeffersonian standard of equality because it was essentially a combination of full equality among respectiv whites and blacks with social and economic inequality between them. In this sense, the "separate-but-equal" standard was, in fact, equivalent to " unequal-and-equal" one. But when the Southern whites applied this standard to their relations with the Southern blacks, they were, in fact, saying like this: separate them from us and make them unequal with us. They wanted legalized inequality of all kinds: legal, political, social and economic. As far as racial relation was concerned, they knew only inequality, not equality. The semi-Jeffersonian equality of the Supreme Court thus degenerated into anti-Jeffersonian inequality of the legislatures of the Southern states.

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9 Also see Documents 58: Louisiana Railway Accommodations Act, The Plessy Brief, and Plessy v. Ferguson, in Blaustein and Zangrando, 1968, pp.297-309.

3. Three Decades of an Anti-Jeffersonian Jim Crow Era

Thus, overlapping and following two decades of semi-Jeffersonian Supreme Court decisions were three decades of anti-Jeffersonian Jim Crow legislation, depriving blacks of all kinds of equality with whites, including even legal equality, on the basis of the "separate-but-equal" doctrine. The doctrine was unfortunately used by extrapolation as the constitutional foundation for racial discrimination to validate the whole structure of Jim Crow, the state segregation laws. The Supreme Court's semi-Jeffersonian decision unfortunately unloosed a flood of anti-Jeffersonian Jim Crow law-making in all the Southern, and even some of the Northern, states — a flood which ended by submerging every aspect of day-to-day life under the protocol of segregation. [10]

The era of Jim Crow, 1884-1914, was the period in which Southern whites effected a common racial front against Negroes. It indicated the extent

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[10] According to John P. Roche, the Supreme Court thus effectively amended the Constitution of the United States by rewriting the Fourteenth Amendment in terms of majority opinion of American people, and the fundamental question — whether state-enforced segregation violates the general protection clause — was not (with one area of exception) re-examined by the Supreme Court until the 1940s and 1950s. Thus, in Roche's opinion, the Supreme Court decision in Plessy v. Ferguson in 1896 provided the Constitutional foundation for racial discrimination until 1954. Equal protection of the laws was glossed by the Court to eliminate jurisdicial equality of Negroes: essentially a state fulfilled the requirements of the Fourteenth Amendment if it treated all whites equally, all Negroes equally, and granted "substantial equality" to Negroes vis-a-vis whites. (Roche, 1966, pp.38-40.)

in which Negroes, though nominally freed from slavery, could be repressed and reduced to the status of second-class citizenship by the force of law and the force of custom sustained by the State control. Despite the promise of the Civil War and ultra-Jeffersonian Reconstruction, the position of Negroes deteriorated to its nadir during the Jim Crow period. Absorbed with industrial growth, cycles of economic prosperity and depression, further settlement of the West, and, finally, the challenge of colonial adventures, the nation at large proved indifferent to the status of Negroes. The dominant majority in the South treated the Negro's lack of education, training, and wealth as confirmation of inferiority, and justified, on that basis, all forms of discriminatory behavior toward black Americans. State after state throughout the South and border areas changed their constitutions and instituted statutory measures designed to deprive Negroes of all opportunities for civic and political participation. Other laws imposed segregated facilities in education, travel, public accommodations, and the like; and the concept of Jim Crow was extended to all forms of public activity – frequently under the fabric of broadly structural laws, but also under the rubrics of tradition and custom. (Blaustein and Zangrando, 1968, pp.283-84)

In fact, the Jim Crow era witnessed, as Dye indicated, a "white supremacy movement" in the South. The first objective of this movement was to disenfranchise blacks. The standard devices developed for achieving this feat were the literacy test, the poll tax, the white primary, and various forms of intimidation. (Dye, 1971, p.17) In theory, literacy tests were to be applied to all would-be voters, but in practice they were required only of blacks, and few blacks were passed regardless of their degree of literacy. [11]

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[11] "No matter from what direction one looks at it," commented V. O. Key, Jr., in 1949, "the Southern litieracy test is a fraud and nothing more." (V. O. Key, Jr., 1949, p.576.)

While the second device, the poll tax, discouraged citizens of both races from voting, it cut most heavily against blacks. But by far the most effective device for disenfranchisement was the white primary. In the South, winning the Democratic nomination for public office was tantamont to election, and hence the only effective political competitin was confined to Democratic primaries. [12] White supremacists argued that the Democratic party was a private association and that party election (i.e., primaries.) were private affairs not involving state action. Thus, they contended, racial discrimination in the Democratic primary did not violate the Fifteenth Amendment, which (presumably) applied only to general election. [13] Finally, the white supremacy movement was accompanied by a systematic campaign of violence designed to intimidate blacks. A virtual reign of terror began in the 1890s and extended to the beginning of World War I. [14]

Following the disenfranchisement of blacks, the white supremacy movement established segregation and discrimination as public policy by the

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12 Prior to the Civil War most Southerners had been Democrats, and because the Republican Party had prosecuted the war and had supervised the military occupation of the South, few Southerners had been converted to its ranks.

13 Much constitutional litigation developed over the white primary, but not until 1944 did the Supreme Court finally outlaw it.

14 The Ku Klux Klan had been born in Reconstruction days as a vigilante effort to curb the military occupation and carpetbagger rule. But in the 1890s the organization was revived to assist in the propagation of rigid segregationist policies. A pioneering study of the National Association for the Advancement of Colored People, appropriately entitled "Thirty Years of Lynching in the United States, 1889-1918," lists the names of 3,224 lynch victims. During this period mob attacks against blacks reached their height. (Dye, 1971, pp.18-19.)

adoption of a large number of Jim Crow laws. Prior to 1900 the only segregation law adopted by the majority of Southern states was that applying to passengers aboard trains. Between 1900 and 1910 a wide assortment of laws were adopted by Southern state legislatures acquiring segregation of the races in a variety of situations. State laws segregated the races in street cars, in hospitals, in prisons, in orphanages, in homes for the aged and indigent — even in circuses; local ordinances required separate entrances, exits, ticket windows, toilets, and water fountains for each race. [15]

Social policy followed and exceeded public policy. Little signs reading "white only" or "colored" appeared everywhere, with or without the sanction of law. And, of course, blacks were taught in segregated public schools to obey the little signs whether or not they had the force of law. Signs appeared in theaters and waiting rooms and on doorways, stairways, ticket windows, lavatories, water fountains, pails, cups, and dippers. The functions, supporters, and comprehensiveness of segregation were well summarized by Dye:

> Gradually segregation replaced slavery as the social instrument by which Negroes were "kept in their place." The vast majority of blacks remained at the bottom of the social and economic structure of American Society. Segregation was supported by a wide variety of social practices and institutions as well as by state law. Segregation shadowed the black man

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[15] A New Orleans ordinance segregated white and black prostitutes into separate districts. The courts in Atlanta even provided separate Bibles for black witnesses! In 1913 the federal government itself adopted policies that segregated the races in federal office buildings, cafeterias, and restroom facilities. (Ibid., p.19.)

> throughout his life – from birth in a segregated hospital, to education in a segregated school, to residence in a segregated neighborhood and employment in a segregated job, to burial in a segregated graveyard. (Dye, 1971)

In short, the segregation of the Negro from the white amounted to the inequality between the former and the latter. This was beyond any doubt, no matter whether it was legalized or not. If legalized, as it was done by Jim Crow Law, it violated the Jeffersonian equality even in its strict sense – the legal equality. According to Roche, the long-term legal inequality between the black and the white in all aspcets of public life in the South until World War II had been a consequence of the refusal on the part of the white majority to accord equal status to the black minority, and this refusal had in turn arisen from majority refusal to consider the Negro as a "man" among "men" at the same time that it affirmed vehemently that "all men are created equal." (Roche, 1966, p.40) This kind of fixed equality among white men accompanied by fixed inequality between white and black men apparently reflected the nearly absolute dominance of the racial prejudice of the permanent white majority over the inferior status of the permanent black minority. This was a kind of tyrannical rule of a permanent majority over the rights of a permanent minority.

4. The Black Minority's Reaction to the Tyrannical Rule of White Majority: The Founding of the NAACP – its Ultra-Jeffersonian Platform and Jeffersonian Program

What was the permanent black minority supposed to do under such a seemingly hopeless situation? Objectively, it had no other alternatives

than rebellion against the tyrannical white majority; and the Jeffersonian rebellion (Kuo, 1990, pp.21-24) could provide it with a justifiable means to do so. Subjectively, however, alternatives did exist in the minds of the black people themselves, though the range of choice was not wide. As it turned out, the range of actual choice for them was narrowed down to two alternatives: either accommodation to segregation and acceptance of a subordinate position in American society or resistance and protest without any compromise. From my point of view, the latter seemed to be no less than ultra-Jeffersonian, while the former no more than semi-Jeffersonian. My interest here is much more in the latter than in the former which I mention immediately below only in passing.

The foremost black advocate of accommodation to segregation and acceptance of a subordinate position for the blacks in American society was the well-known black educator Booker T. Washington.[16] In his famous Cotton States' exposition speech in Atlanta in 1895, Washington assured whites that blacks were prepared to accept a subordinate position in society:

> As we have proved our loyalty to you in the past, in nursing your children, watching by the sick bed of your mothers and fathers, and often following them with tear-dimed eyes to their graves, so in the future, in our humble, we shall stand by you ··· .In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress. (Quoted, Commagerm 1967, p.19)

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[16] Booker T. Washington enjoyed wide popularity among both white and black Americans. He was an adviser to two Presidents (Theodore Roosevelt and William Howard Taft) and was highly respected by white philanthropists and government officials.

Unlike Washington, a small band of black intellectuals organized themselves behind a platform of Negro resistance and protest. The most famous leader of this group was W. E. B. DuBois who was a black historian and sociologist at Atlanta University. In 1905 he and a small group of black intellectuals meeting in Niagara Falls, Canada, drew up a black platform intended to "assail the ears" and sear rhe consciences of white Americans. In rejecting moderation and compromise, the Niagara platform procliamed: "We refuse to allow the impression to remain that the Negro American assents to inferiority, is submissive under oppression and apologetic before insults." (Quoted, Dye, 1971, p.21) The platform listed the major anti-Jeffersonian inequality perpetrated against Negroes since reconstruction: The loss of voting rights, the imposition of Jim Crow laws and segregated public schools, the denial of equal job opportunities, the permitting of inhuman conditions in Southern prisons, the exclusion of blacks from West Point and Annapolis, and the failure on the part of the federal government to enforce the Fourteenth and Fifteenth Amendments. (Dye, 1971, p.21)

As one of the founders of the National Association for the Advancement of colored people (NAACP) (which emerged from the Niagara Movement and was founded in the name of Lincoln,[17] who had come to combine

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[17] Out of the Niagara meeting of 1905 came the idea for a nationwide organization dedicated to fighting for equal treatment of blacks. A meeting of some of the members of the Niagara movement was held in 1908, and it was agreed that a call should be issued by both blacks and whites for a conference on the centennial of the birth of Abraham Lincoln to discuss the status of the Negro in American democracy. An impressive array of white intellectuals (like Joel and Arthur Springarn, Oswald Garrison Villard, William English Walling, Char-

with Jefferson in forming "the Jefferson- Lincoln tradition" of American democracy [18]), and the long-term editor of its monthly publications, The Crisis, Du Bois worked out, in the April, 1915 issue, "The Immediate Program

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les Edward Russell and Moorfield Storey) joined with Du Bois to draft the call for the conference to be held in the New York City on February 12 and 13, 1909. It read, in part, as follows: "In many states today Lincoln would find justice enforced, if at all, by judges elected by one element in a community to pass upon the liberties and lives of another. He would see the black men and women, for whose freedom a hundred thousand of soldiers gave their lives, set apart in trains, in which they pay firstclass fares for third-class service, and segraegated in railway stations and in places of entertainment; he would observe that state after state declines to do its elementary duty in preparing the Negro through education for the best exercise fo citizenship. ··· Added to this, the spread of lawless attacks upon the Negro, North, South, and West — even in Springfield made famous by Lincoln — often accompanied by revolting brutalities, sparing neither sex nor age nor youth, could but shock the author of the sentiment that 'government of the people, by the people, for the people, shall not perish from the earth' ··· Silence under these conditions means tacit approval. the indifference of the North is already responsible for more than one assault upon democracy, and every such attack reacts as unfavorably upon the whites as upon the blacks. Discrimination once permitted cannot be bridled; recent history in the South shows that in forging chains for the Negroes the white voters are forging chains for themselves. A house divided against itself cannot stand'; this government cannot exist half-slave and half-free any better today than it could in 1861. ··· Hence we call upon all the believers in democracy to join in a national conference for the discussion of present evils, the voicing of protests, and the renewal of the struggle for civil and political liberty" (Frazier, 1957, pp.524-25). On February 12, 1909, the one-hundredth anniversary of Lincoln's birth, the National Association for the Advancement of Colored People was founded in New York City.

[18] In the view of Merrill D. Peterson, "Lincoln became a symbol of American Democracy more inspiring to most people than Jefferson; but the two symbols — Great Emancipator and Father of Democracy — often blended into each other, in part because of Lincoln's testament to the belief that the spiritual springs of national life were cemented in the principles Jefferson had declared self-evident." George Bancroft, in his eulogy of the martyred president, saw the two great figures as co-partners in the progress of human liberty: in peterson's words, "Far into the future, politicians of a progressive stripe would speak of the 'Jefferson-Lincoln tradition.' Jefferson portraiture in words and in bronze suggested, in many instances, Lincolnesque qualities — the homespun manner, the gangling frame, the meditative posture." (Peterson, 1962, p.222.)

of the American Negro". [19] The Du Bois program was an ultra-Jeffersonian one. For it insisted on full and uncompromising equality for all American Negroes: "The American Negro demands equality — political equality, industrial equality and social equality; and he is never going to rest satisfied with anything less, (Blaustein and Zangrando, 1968, p.325)" In a broader sense, as Albert P. Blaustein and Robert L. Zangrando pointed out, "the Du Bois program reflected the spirit of the Progressive Era." (Blaustein and Zangrando, 1968, p.325) And the "long-rang goal" of the "Progressivism" was to attain, as Arthur A. Ehrich emphasized, the "true democracy" of "social and economic equality," that is, "the more equal distribution of wealth through a comprehensive program of social and economic legislation." (Ekirch, 1963, p.190) So what Du Bois "called for," according to Ekirch, was "full social and political equality with an end to all discrimination." (Ekirch, 1963, p.194)

Although Du Bois and his immediate black followers and his white supporters founded the NAACP in the name of Lincoln, and although they, like Lincoln, "believed in the words of Jefferson, the Declaration of Independence, the Constitution, and the Bill of Rights," (Clark, 1970, p.278) they went far beyond Lincoln in demanding, as Du Bois stressed, full and uncompromising equality for all Negroes. In this sense, they were ultra-Jeffersonians no less than abolitionists. Kenneth B. Clark saw them just as new abolitionists: "The founding of the NAACP ··· was an attempt by the more perceptive and sensitive Negroes and whites to recapture the fevor, the

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19 W. E. B. Du Bois, "The Immediate Program of the American Negro," The Crisis 9 (April 1915): 310-12; reprinted in Blaustein and Zangrando, 1968, pp.325-28.

purpose, and the concern of the pre-Civil War abolitionists," and, therefore, they "took literally" the Jeffersonian "promises" of the democracy. (Clark, 1970, pp.274-75, 278) The subsequent development of the NAACP, however, did not live up to the ultra-Jeffersonian purpose of its founding. It restricted itself to the Jeffersonian rather than ultra-Jeffersonian equality, and it relied on moderate rather than radical means to attain legal equality between blacks and whites.

According to Albert P. Blaustein and Robert L. Zangrando, the co-editors of *Civil Rights and the American Negro: A Documentary History,* the agency most responsible for the gradual emergence of the Negro protest movement was NAACP, which "was pledged to a program of reeducating the American public to the need for and wisdom of interracial reform," whose "efforts were concentrated on a comprehensive program of reform that would work principally through Congress and the state legislatures and through the various court systems," and whose "program of projected activities was anchored on a campaign to public mind committed to reform. (Blaustein and Zangrando, 1968, pp.323, 337) "Under NACCP leadership," Blaustein and Zangrando continued to point out, "the objective of the Negro protest movement," first during the interwar years 1915 to 1941 and then in the years 1941-1958, "had been to seek reform through legal and judicial processes." (Blaustein and Zangrando, 1968, p.355) What kind of interracial reform was NAACP seeking for during these periods? A report of the NAACP indicated that it was Jeffersonian, rather than ultra-Jeffersonian, reform which aimed at legal equality between blacks and whites. [20] It was to eli-

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[20] See Document 66: "The Tenth Annual Report of the NAACP for the Year 1919," (Blaustein and Zangrando, 1968, p.338)

minate anti-Jeffersonian racial discrimination suffered by Negroes, or as Justice Brennan put it, "to secure the elimination of all racial barriers which deprive Negro citizens of the privileges and burdens of equal citizenship rights in the United States." [21] To the NAACP this basic Jeffersonian end was essential to the ideals of democracy. For, as its tenth annual report pointed out, "a democracy cannot draw the color line in public relations without lasting injury to its best ideals." (Blaustein and Zangrando, 1968, p.339)

II. THE CONTEMPORARY BACKGROUND OF THE NEW ABOLITIONISTS' ULTRA-JEFFERSONIAN CIVIL-RIGHTS MOVEMENT

1. The NAACP's Jeffersonian Challenge to Anti-Jeffersonian School Segregation

"In the years 1941 to 1958," as Blaustein and Zangrando told us, NAACP's "continued use of legal-judicial tactics elicited farreaching executive and judicial response on the part of the federal government. By contrast, Congress still maintained a position of inaction until 1957." (Blaustein and Zangrando, 1968, p.355) Indeed, from 1941 to 1958, Presidents Roosevelt, Truman, and Eisenhower, in various degrees of response to NAACP's legal struggle for black American citizens' equal civil rights, issued a dozen execu-

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[21] See Document 84: NAACP v. Button, Ibid, p.490.

tive orders affecting civil rights.[22] But since the main target of the NAACP's struggle for Jeffersonian equality or against anti-Jeffersonian inequality was not executive orders, but judicial decisions which would reverse previous semi-Jeffersonian ones laying the constitutional foundation for anti-Jeffersonian Jim Crow laws, I would like to confine myself to the NAACP's judicial struggle and its significant consequence.

Since its founding in 1909, the NAACP had concentrated on the courtroom as its chosen battlefield in the struggle for Negroes' rights. Early in its history it had decided not to provide legal aid to individual blacks receiving unfair treatment at the hands of the law, but instead to concentrate on challenging segregation and discrimination in selected cases where a victory would bring about progress for the entire race. (Dye, 1971, p.112) In the following pages I focus my attention on the School Segregation cases of the 1950s simply because it was in these cases that the previously semi-Jeffersonian Supreme Court now rendered a Jeffersonian response to the NAACP's Jeffersonian challenge to anti-Jeffersonian inequality.

The school segregation cases of the 1950s were the culmination of the NAACP's legal struggle, which began in the 1920s, against segregated education.[23] In 1950 the NAACP decided to challenge the Plessy doctrine head-on

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22 These executive orders touched upon fair employment practices, federal contracts with private industry, employment and advancement opportunities in federal service, integration in the armed forces, and the implementation of a federal court order for school desegration.

by pressing for a ruling that, irrespective of the quality of facilities, segregation itself constituted inequality within the meaning of the Fourteenth Amendment. In other words, the NAACP wanted a complete reversal of the Supreme Court's "seqarate-but-equal" interpretation of the Fourteenth Amendment. (Dye, 1971, pp.30-31) It was no accident that five cases posing this single issue all found their way to the Supreme Court at approximately the same time. Although the cases had originated in different locales and under different circumstances, the NAACP had assumed responsibility for the litigation of all of them. These five cases made up the School Segregation Cases (1953-1955).[24] In December 1952 and again in December 1953 these five cases were argued together before the Supreme Court.

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23 In two cases prior to 1950 (Missouri S. rel. Gains v. Canada, 1938 and Sipuel v. University of Oklahome, 1948), the Supreme Court refused to overrule the segregationist doctrine of "separate but equal" but ordered the admission of Negroes to white law schools where comparable Negro facilities were unavailable. In Sweatt v. Painter, decided in 1950, a black student petitioned to enter the all-white University of Texas Law School even though the state had recently established a separate Negro law school. The case was brought to the Court by NAACP under the direction of Thurgood Marshall (who served as NAACP's chief legal counsel from 1938 to 1961). Marshall urged the Court specifically to repudiate the separate-but-equal doctrine as applied to public education and to declare that segregation per se violated the Fourteenth Amendment. But the Court ordered the admission of black students to the University of Texas Law School, but on the grounds that Texas had not provided a truly "equal" law school under the doctrine of "separate but equal."

24 The five cases of the School Segregation Cases (1953-1955) included the Kansas Case of Brown v. Board of Education of Topeka, the South Carolina Case of Briggs v. elliot, the Virginia Case of Davis v. county School Board of Prince Edward County, the Delaware Case of Gebhart v. Belton, and the District of Columbia Case of Bolling v. Sharpe.

"The substantive question common to all these five cases" raised by the NAACP was "whether a state can, consistently with the Constitution, exclude children, solely on the ground that they are Negroes, from public schools which otherwise they would be qualified to attend." To the NAACP the "importance" to "American democracy" of this substantive question "can hardly be overstated." For the question was "whether a nation formed on the proposition that 'all men are created equal' is honoring its commitments to grant 'due process of law' and 'the equal protection of the law' to all within its borders when it, or one of its constituent states, confers or denies benefits on the basis of color or race." On behalf of the excluded children the NAACP gave a negative answer to such a question: "the Fourteenth Amendment prevents states from according different treatment to American children on the basis of their color or race." For the NAACP, the main reason for this negative answer lay in the Jeffersonian character of "the determined efforts of the Radical Republican majority in Congress to incorporate into our fundamental law the well-defined equalitarian principle of complete equality for all without regard to race or color." Shifting from the general character of the Fourteenth Amendment to its specific application to the education system, the NAACP first charged that "the plain purpose and effect of segregated education is to perpetuate an inferior status for Negroes which is America's sorry heritage from slavery," and then insisted that "the primary purpose of the Fourteenth Amendment was to deprive the states of all powers to perpetuate such a caste system." [25]

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[25] Document 78: "NAACP Brief," in Blaustein and Zangrando, 1968, pp.420-24.

2. *The Supreme Court's Jeffersonian Response to The NAACP's Jeffersonian Challenge*

In response to the NAACP's Jeffersonian challenge, Chief Justice Warren delivered the unanimous historic 1954 Supreme Court opinion in Brown v. Board of Education of Topeka.[26] This opinion considered the five cases together which, though being premised on different facts and different local conditions, were based on "a common legal question": "Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal education opportunities ?" In the opinion of the Warren Court, the answer to this question was yes: "We believe that it does."[27]

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[26] Linda Carol Brown was a black pupil attending a segregated elementary school in Topeka, Kansas. Though a white school was located only five blocks from Linda's home, each morning thirty minutes before classes began, she would walk through a railroad yard to catch a bus to take her to the black school several miles away. The school that Linda Brown attended was equal in every respect to the nearer white school. The buildings, curriculas, qualifications and salaries of teachers, and other tangible factors were all comparable. Nevertheless, Linda's father, Oliver, and the parents of twelve other Negro children filed suit against the Topeka Board of Education in the United States District Court. They were soon joined in their efforts by the NAACP which recognized that the Brown case presented an opportunity to challenge the doctrine of segregation head-on. The facts prevented the courts from ordering the admission of the Negro because tangible facilities were not equal, and forced the Court to review the doctrine of segregation itself.

[27] Document 78e: "Brown v. Board of Education of Topeka: Opinion on Segregation Laws," in Blaustein and Zangrando, 1968, pp.433, 436.

In deciding the five cases of school segregation, the Warren Court consciously subordinated the importance of the semi-Jeffersonian legal precedent having anti-Jeffersonian consequence: "In approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when Plessy v. Ferguson was written. We must consider public education in the light of its full development and its present place in American life throughout the nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the law." Instead, the Court relied mainly upon social and psychological evidence regarding the contemporary effects of segregation upon black children:

> "Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of children to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially intergrated school system." Whatever may have been the extent of psychological knowledge at the time of Plessy v. Ferguson, this finding is amply supported by modern authority. (Blaustein and Zangrando, 1968, pp.435, 436-37)

On the basis, not of semi-Jeffersonian legal precedents with anti-Jeffersonian consequence, but of humanistic Jeffersonian principle of equality, the Warren Court reached the following conclusion in favor of the NAACP's Jeffersonian challenge to anti-Jeffersonian segregated education:

> We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore we hold that the plaintiffs and others simi-

larly situated for whom the actions have brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. (Blaustein and Zangrando, 1968, pp.435, 436-37)

3. *The Jeffersonian/Ultra-Jeffersonian Effect/Significance of the Supreme Court's Jeffersonian Brown Decision*

The Jeffersonian Brown decision marked a milestone in the Supreme Court's history by its invalidation of the semi-Jeffersonian concept of "separate but equal" which had anti-Jeffersonian consequences. Although the Warren Court was careful to limit its revocation of plessy to the subject at issue in the case, public school education, the Jeffersonian principle of equality was soon applied to other fields such as recreation and transportation.[28] In other words, while the reasoning in the historic Brown case centered on the effects of segregation in education, the Supreme Court there-after moved quickly to strike down legal segregation in transportation facilities and in publicly supported parks, playgrounds, golf courses, and bathing beaches. The Brown case thus became the precedent for declaring unconstitutional any segregation of the races enforced, maintained, or supported by state law or actions. (Dye, 1971, pp.33-34)

The full significance of the Supreme Court's Jeffersonian decision in the Brown case can hardly be overestimated. As pointed out by Blaustein and Zangrando, "no document in the history of civil rights and the American Negro approaches" its significance:

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28 In recreation: Muir v. Louisville Park Theatrical Association, 1954. In transportation: Mayor and City Council of Baltimore City v. Dawson, 1955; Holmes v. Atlanta, 1955; Coyle v. Browder, 1956; Owen v. Browder, 1956.

> All state-imposed racial discrimination was struck down as unconstitutional per se under the equal protection clause of the Fourteenth Amendment, climaxing more than two centuries of litigation on the legal status of the Negro. The Brown case marked the opening of a new era in the legal struggle for Negro equality. (Blaustein and Zangrando, 1968, pp.414-15)

Harry Lazer made a further estimation on the "incalculable" effect of the Brown decision, especially its impact upon the Negro population, as follows: "If any one date is to be recognized as the beginning of the Negro Revolution, it should be May 17, 1954, because from that day forward the American Negro realized that the full attainment of his civil rights was within his reach." (Lazer, 1967, p.227) This Jeffersonian, or even ultra-Jeffersonian effect of the Brown decision was also emphasized by Thomas Dye in his *The Politics of Equality:*

> In fact, more than any other single event, the decision inspired the social and political movement known as the "Negro revolution." The decision raised the aspirations and expectations of black Americans. It gave legitimacy to their rejection of second-class citizenship. It galvanized mass political action on behalf of equality in both public and privat life. (Dye, 1971, p.34)

Despite the ultra-Jeffersonian effect of the Jeffersonian Brown decision in the long run, the Warren Court per se was far from being ultra-Jeffersonian. In 1955 the Court called the parties to the Brown case back to discuss means of implementing its ruling. The NAACP strongly urged the Court to issue an order requiring immediate nationwide desegretation; attorneys for the Southern states argued for a "go slow" approach to desegregation. On 31 May 1955, more than a year after the orginal Brown ruling, the

Warren Court delivered its implementation decision. This Jeffersonian decision represented a serious setback for the ultra-Jeffersonian NAACP (in the limited sense that it had urged immediate and complete desegregation in the particular field of public education). For the Court assigned the responibility for implementation to the local school authorities to be supervised by the federal district courts, and the local authorities were required only to make a "prompt and reasonable start toward full compliance." Moreover, once a "start" had been made, delays in desegregation were authorized if "necessary in the public interest and ··· consistent with good faith compliance at the earliest practicable date." In determining what was "practicable," federal courts were advised to consider a variety of "problems." Finally, in summarizing its implementation decision, the Warren Court employed the phrase "with all deliberate speed," creating something of a paradox: as an adjective modifying "speed," "deliberate" connoted slowness. (Dye, 1971, pp.35-37)

4. The Anti-Jeffersonian Resistance to Jeffersonian School Desegregation

The Supreme Court's 1955 implementation decision unexpectedly paved the way for more than a decade's successful resistance to desegregation in the South. Perhaps the Court believed that gradual enforcement would make desegregation more acceptable to a hostile white population. But the effect of the implementation decree was to encourage rather than to discourage resistance. The way was open for extensive letigation, obstruction, and delay by states choosing to resist desegregation. However, as Dye wanted us to know, "neither the President nor Congress made the Court's task any easier: the Court was sailing alone on an uncharted and stormy sea." (Dye, 1971, p.37)

Therefore, despite the ultra-Jeffersonian significance of the Brown decision, it did not guarantee that the NAACP's quest for racial equality would be a simple matter. On the contrary, one of its immediate effects was to heighten racial tension. Roy Wilkins, the executive secretary of the NAACP, would not date the beginning of the "Negro Revolution" from the Brown decision as Lazer did, but rather from the time that it was not followed by the responsible authorities in the Southern states. (Lazer, 1967, p.228) Before we proceed to see how the ultra-Jeffersonian "Negro Revolution" started up, we should, first, take a quick look at how the anti- Jeffersonian authorities, not merely in the Southern states, but in the Federal government as well, refused to follow the Jeffersonian Brown decision.

Even in the particular field of public education, as Dye indicated, "from a constitutional viewpoint any state-supported segregation of the races in public schools after 1954 was prohibited, but form a political viewpoint the battle over segregation had just begun." Why? The following was Dye's explanation:

> Though the federal court's policy was consistently to forbid segregation wherever it was found in the public schools, neither the President nor Congress spoke out in support of this policy. Segregation — however unconstitutional — would inevitably remain a part of American life until sufficient political power was mobilized to end it. Because of the American federal system's emphasis on separation of powers, the Supreme Court has little force at its disposal to implement its rulings. Congress, the President, state governors and legislatures — all of these have more powers of enforcement than the federal judiciary. Thus the Supreme Court must rely heavily on other branches of the federal government, on the states, or on private individuals and organizations to effectuate its

rulings. (Dye, 1971, pp.34-35)

In the years immediately following the Brown case, as a matter of fact, not only did Congressmen in general refrain from supporting the Court ruling (so did President Eisenhower),[29] but Southern Congressmen in particular spearheaded the anti-Jeffersonian campaign of resistance to it. Congressional opposition to the school segregation dicision was formalized on March 12, 1956, when a group of senators and representatives form the eleven states of the Old Confederacy signed and presented to Congress a statement which became known as the Southern manifesto.[30] The Manifesto echoed the statements of Southern white spokesmen in decrying the Supreme Court's abuse of judicial power, and it put the signatories on record as endorsing resistance to the Court's decision on segregated education.

The anti-Jeffersonian resistance to Jeffersonian school desegregation was also the policy choice of the eleven Southern state legislatures of the Old confederacy: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.[31] The anti-

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29 President Eisenhower, too, declined to place the prestige of his office behind desegregation efforts; in fact, he frequently made statements about how difficult it was for the law to change the minds of men.

30 See Document 79b: "The Southern Manifesto: Declaration of Constitutional Principles," in Blaustein and Zangrando, 1968, pp. 451-53.

31 In 1954 seventeen Southern states required segregation of the races in public schools. They were the eleven states of the Old Confederacy and the six Border states (Delaware, Kentucy, Maryland, Missouri, Oklahome, and West Virginia). The six Border states chose not to resist the Court's decree.

Jeffersonian segregationists in these legislatures pressed for state laws that would create an endless chain of litigation in each of the two thousand Southern school districts, hoping that integration efforts would drown in a sea of protracted court controversy. Some states amended compulsory attendance laws to provide that no child could be required to attend an integrated school; other laws required schools faced with desegration orders to cease operation; still others provided for state payment of private school tuition in lieu of providing for public schools. Southern legislators were aware that these laws were unconstitutional even as they fashioned them, and they realized that eventually these laws would be invalidated by the federal courts. Yet each law made possible another round of motions, briefs, hearings, rulings and appeals. "As long as we can legislate, we can segregate," one segregationist was quoted as saying. (Dye, 1971, p.39) Eventually the Supreme Court did strike down all of these attempts to evade the Fourteenth Amendment, but not without a great deal of delay.

5. CORE's Use of Ultra-Jeffersonian Technique of Nonviolent Direct Action: A New Pattern of Challenge to Anti-Jeffersonian Segregation

Prior to the birth of the ultra-Jeffersonian Student Nonviolent Coordinating Committee (SNCC), the NAACP was, of course, not the only organization that was committed to Jeffersonian racial equality. Other organizations such as the National Urban League,[32] the Congress of Racial Equality

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32 The National Urban League was founded a year later than the NAACP, in 1910, for the specific purpose of easing the transition of the Southern rural Negro into an urban way of life. These two civil-rights organizations had in common their Northern base and their interracial character. They also shared a basic assumption that major changes in the status of the Negro could be obtained within the framework of the American democratic system.

(CORE), and the Southern Christian Leadership Conference (SCLC) were all committed to the same end but with different means. As Kenneth B. Clark emphasized in his essay "Civil Rights Movement: Momentum and Organization," "All civil rights organizations are committed to full inclusion of the Negro in the economic and political life of America, without restrictions based on race or colour. But each differs from the other in its conception of how this commitment can best be fulfilled." (Clark, 1970, p.291) The means used by National Urban League was closer to that used by the NAACP than to that used by CORE and SCLC and had less connection with that used by SNCC than with that used by the other two. For this reason I exclude the National Urban League from my brief examination of the pioneers of ultra-Jeffersonian challenge to anti-Jeffersonian segregation and inequality.

The Congress of Racial Equality (CORE) was founded in Chicago in 1942 by James Farmer, a former Negro minister who, as CORE's executive director, made "no diplomatic accommodation to power figures," but demanded "uncompromising equality," (Clark, 1970, p.283) and by James R. Robinson, a white pacifist. The founders of CORE were associated in some of their activities with a pacifist-oriented group, the Fellowship of Reconciliation, and the organization was interracial. One of the rationales for the founding of CORE was that the founders felt that legalism alone could not win the war against segregation. Therefore, from its inception, CORE emphasized direct action and the damatization of special forms of racial segregation. (Lomax, 1963, p.145)

CORE did not become a major civil-rights organization until the civil-rights movement reached a "crescendo" after the Brown decision of 1954.

Before that, CORE seemed to be a rather constricted, dedicated, almost cult-like group of racial protesters who addressed themselves to fairly specific forms of racial abuse which could be dramatized by their particular method of direct action and personal protest. For examples, in 1943, they sat-in at a segregated Chicago restaurant, successfully desegregating it; and in 1947 they co-sponsored with Fellowship of Reconciliation a two-week freedom-ride to test discrimination in buses engaged in interstate travel; and through non violent standins, they successfully desegretated the Palisades Amusement Park's pool in 1947-48. (Peck, 1962, passim)

The techniques used by CORE can be viewed as the harbingers of the more extensive use fo direct action, nonviolent techniques, which, since the Montgomery bus boycott as will be shown below, have become the symbol of the ultra-Jeffersonian civil-rights protest movement. Whether or not Martin Luther King, Jr. was aware of his debt to the CORE precedent, CORE set the pattern for Montgomery. "The sit-in technique was initially CORE's," as Clark emphasized, "and CORE was also the first civil rights organization to rely upon nonviolent political pacifism." (Clark, 1970, p.283) All nonviolent techniques or direct action, if used frequently, can be viewed as one kind of ultra-Jeffersonian means of democracy – "turbulence" or "a little rebellion," as Jefferson himself put it, (Kuo, 1990, p.23) or peaceful civil disobedience, as used by old ultra-Jeffersonian abolitionists. (Kuo, 1990, pp.40-49)

CORE not only set an example, a new pattern of challenge to anti-Jeffersonian segregation, to later ultra-Jeffersonians, it, together with the Fellowship of Reconciliation, also cultivated some future ultra-Jeffersonian challengetrs. In Nashville in the fall of 1959, they sponsored a study group of

students from various black colleges. This group of students learned nonviolence from the Reverend James Lawson, the chief theoretician of nonviolence in the country. Over the next year the Nashville group built a powerful mass movement that achieved the first victories against segtregated lunch counters and went on to win other concessions from the city. Out of this Nashville group came future leaders of SNCC such as Diane Nash, Bernard Lafayette, John Lewis, Marion Barry, and Lester McKinzie. From the earliest days of the study group, the Nashville people coupled the tactics of nonviolence with social objectives that went far beyond " desegregation" and "integration" toward a conception of the need to fundamentally restructure American society. The influence of this group would have its most direct impact on SNCC, the black New Left, and through SNCC on the white New Left, especially SDS. (Vickers, 1975, pp.22-23)

Despite its ultra-Jeffersonian impact on the future civil- rights organizations, CORE itself was unable to attain widespread success of its own. For it used the ultra-Jeffersonian technique of nonviolent direct action only in a few big cities such as Chicago, St. Louis and Baltimore; and its inability to mobilize large numbers of people in the struggle against racial discrimination limited it esesentially to local undertakings. (Bacciocco, 1974, p.31) At any rate, CORE was a civil-rights organization in the North, not in the South.

6. SCLC and King's Use of Nonviolent Mass Movement to Disobey Unjust Laws as an Ultra-Jeffersonian Means to Attain Jeffersonian End

The Southern Christian Leadership Conference (SCLC) which Martin Luther King, Jr. headed, had the distinction of being the first civil-rights or-

ganization to start in the South. It began in Atlanta in 1957, primarily as an expression of the commitment of nearly one hundred men throughout the South to the idea of a Southern movement to implement through nonviolent means the Supreme Court's decision against bus segregation. This commitment was made concrete by formation of a permanent organization, the SCLC, and King was elected its president. In order to understand SCLC and King, one must know that this movement would probably not have existed at all were it not for the 1954 Supreme Court school-desegregation decision which provided a tremendous boost to the morale of Negroes by its clear affirmation that color is irrelevant to the rights of American citizens. Until this time, the Southern Negro generally had accommodated himself to the separation of the black from the white society. If the Supreme Court had ruled in the 1954 Brown case otherwise, in Clark's view, "the Southern Negro would probably have retreated into stagnation or inner rebellion or protest by indirection." (Clark, 1970, pp. 284-85)

In 1955 King and the black community in Montgomery faced a situation that was both old and new. Social, political, and economic injustices to Negro citizens were evident on every hand; the South was considered the major bastion of enforced second-class citizenship; and segregation in public facilities seemed the most blatant example of racial humiliation. But, on the other hand, the Supreme Court in 1954 had declared that racial segregation in public schools was unconstitutional. Concern about school segregation focused on the South, for it was recognized that the decision, if firmly enforced, also could signal the end of many other institutionalized forms of segregation. Some blacks who saw this possibility now moved forward with a conviction

that, for the first time, the nation's highest tribunal was on their side. At the same moment, the Court's decision was a call to fierce resistance for many white persons. It was at this point that King entered the scene. (Harding, 1968, p.325)

On 1 December 1955, when a black seamstress, Mrs. Rosa Parks, boarded a Montgomery, Alabama, public bus, she took a seat in the Negro section of the bus, but shortly thereafter she was ordered to give up her seat so that a white man could sit down. She refused and was arrested for violating one of Alabama's segregation laws. Word of the arrest spread through the black community. King soon organized a massive black boycott of Montgomery buses. The bus boycott lasted for more than one year. It hurt downtown white merchants' businesses, and finally coerced the city into desegregating its buses.[33] In addition, it gained a further Jeffersonian response from the Supreme Court and the first Jeffersonian response from the Congress since the post-Civil War period of Reconstruction.[34]

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33 The story of Montgomery was covered adequately, but not critically in Martin Luther King, Jr., Stride Toward Freedom (New York: Perennial Library, 1964).

34 Brown v. Board of Education of Topeka was a school segregaion case, and as such its technical holding was limited to a constitutional declaration outlawing racial segregation in the public schools. It required later Supreme Court rulings to provide the full meaning of the Brown decision that all state-imposed racial discrimination is unconstitutional per se. In Gayle v. Browder (1956), the Court declared the unconstitutionality of state statutes requiring racial segregation on the bus of Montgomery. It was this transportation case which finally overruled Plessy v. Ferguson and its "separate- but-equal" doctrine. As for Congress' response, the law enacted by the 85th Congress on 9 September 1957, was the first civil rights bill since 1875. As Blaustein and Zangrando correctly assessed it, "It was not a far-reaching measure in substance, but it was a clear indication that the legislative branch was at least undertaking responsibilities that had been previously left to executive and judiciary." (Blaustein and Zangrando, pp.418, 417, 472-77.)

What is more significant, from my point of view, is that one year's bitter struggle convinced King of the anti-Jeffersonian character of the racial segregation, as he put it after the Montgomery experience:

> Feeling that our demands were moderate, I had assumed that they would be granted with little question; I had believed that the privileged would give up their privileges on request. This experience, however, taught me a lesson. I came to see that no one gives up his privileges without strong resistance. I saw further that the underlying purpose of segregation was to oppress and exploit the segregated, not simply to keep them apart. Even when we asked for justice within the segregation laws, the "power that be" were not willing to grant it. Justice and equality, I saw, would never come while segregation remained, because the basic purpose of segregation was to perpetuate injustice and inequality. (King, 1964, p.94)

To deal with such an anti-Jeffersonian racial segregation, King took an ultra-Jeffersonian position with regard to means: constant use of moderate rebellion, in the form of nonviolent and passive resistance and disobedience to unjust laws with love rather than hatred, to appeal to the heart rather than the head. To the confused white face behind the menacing fits, King addressed these words:

> We will match your capacity to inflict suffering with our capacity to endure suffering. We will meet your physical force with social force. We will not hate, but we cannot ··· obey your unjust laws. Do to us what you will and we will still love you. Bomb our homes and threaten our children; send your hooded perpetrators of violence into our communities and drag us out on some wayside road, beating us and leaving us half dead, and we will still love you. But we will soon wear you down by our capacity to suffer. And in winning our freedom we will so appeal to your heart and conscience that we will win you in the process. (King, 1964, p.94)

After the victory against segregation in public buses in Montgomery, King sought to institutionalize his vision in the Southern Christian Leadership Conference. SCLC's end and means were indicated in a SCLC document: "Creatively used, the philosophy of nonviolence can restore the broken community in America. SCLC is convinced that nonviolence is the most potent force available to an oppressed people in their struggle for freedom and dignity." (SCLC, 1965, pp.269-70) In uniting the broken community by nonviolent direct action, King and SCLC sought to build what they called "the beloved community" in which black and white americans of every social and economic level would recognize their bonds of human unity. (Harding, 1968, p.327)

In the view of Anne Braden, SCLC's "objective was to develop mass movement in Southern communities and make use of direct action." (Braden, 1969, p.96) From my point of view, this immediate objective was nothing but a means for SCLS's ultimate end. It was to use ultra-Jeffersonian means for the attainment of Jeffersonian end — legal equality between black and American people, no more and no less. In this sense, SCLC adopted the NAACP's Jeffersonian end, but substituted ultra-Jeffersonian means for the latter's semi-Jeffersonian means. Clark had the similar view in this respect:

> ··· King does not insist upon total change in the status of Negroes in a community but cinsiders partial change temporarily satisfactory.
> ··· The presence of King and SCLC indicates something about the inadequacy or the inappropriateness of the methods and techniques used by the NAACP ··· . If ··· the NAACP ··· had been sufficient, King could not have been so successful ··· .King moved into a vacuum that existing civil rights groups did not fill. He mobilized people not in protest against

the entire system but against specific injustices. (Clark, 1970, pp.286-87)

To mobilize people in protest against specific injustices was, for King and SCLC, to take massive nonviolent direct action to disobey unjust laws and accept the penalty by staying in jail and thus to arouse public conscience over its injustice — disrespect for real (just) laws. This was what King himself stressed in his famous public "Letter from a Birmingham Jail." [35]

> One may well ask, "How can you advocate breaking some laws and obeying others?" The answer is found in the fact that there are unjust laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws. ··· In no sense do I advocate evading or defying the law as the rabid segregationist would do. This would lead to anarchy. One who breaks an unjust law must do it openly, lovingly and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is in reality expressing the very highest respect for law. (Quoted, Dye, 1971, p.118)

In his advocacy of nonviolent direct action to disobey unjust laws what King emphasized was the tension it would create: The tension that could open the door to negotiation, the door of the white community which had constantly refused to negotiate with black people desiring to enter into it. In the words of King: "Nonviolent direct action seeks to create such a crisis and establish such creative tension that a community that has constantly re-

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35 The full text of this public letter is printed in Martin Luthern King, Jr., *Why We Can't Wait* (New York: Harper and Row, 1964), pp.77-100.

fused to negotiate is forced to confront the issue. It seeks to so dramatize the issue that it can no longer be ignored." (Quoted, Dye, 1971, p.118) In fact, King and SCLC did not have to "create" the tension, but only brought it out in the open from where it had been hidden. In King's own words again: "Actually, we who engage in nonviolent direct action are not the creators of tensions. We merely bring it out in the open, where it can be seen and dealt with." [36] King saw "the present tension in the South" as being "a necessary phase of the transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of human personality." (Blaustein and Zangrando, 1968, p.506)

All having been so analyzed, it can be said that King was a new ultra-Jeffersonian abolitionist in the sense that his advocacy and actual use of nonviolent direct action to disobey unjust laws was nothing but a creative reappearance of the old ultra-Jeffersonian abolitionist's "peaceful revolution" of civil disobedience advocated and used by Thoreau. (Kuo, 1990, pp.43-48) The nonviolent direct action can be effective only as long as it can, as King hoped for, create mass movements. Had SCLC succeeded in doing so? In Braden's view, "SCLC's greatest weapon was King himself, for he had captured the imagination of Negroes and could go into any Southern community, draw a crowd, and electrify it." But even she had to admit that SCLC "was not very successful at first in creating mass movements." (Braden, 1969, p.96) In the eyes of Edward J. Bacciocco, SCLC was unsuccessful: "Relying mainly

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36 Document 86: "Letter from Birmingham Jail," in Blaustein and Zangrando, 1968, p.506.

on King's eloquence and charisma, SCLC was unsuccessful in repeating the Montgomery experience, though King crisscrossed the South urging widespread civil disobedience to break down segregation." (Bacciocco, 1974, p.31) Why was SCLC "not very successful at first in creating mass movements" or "unsuccessful in repeating the Montgomery experience" even though it had a great leader? Both Braden and Bacciocco did not explain it. Vincent Harding only mentioned a partial explanation: "SCLC could not maintain the dynamic level of Montgomery … . Perhaps this was partly because SCLC was made up not black radicals but for the most part of Negro Baptist ministers." Nonetheless "whatever the reasons," Harding emphasized, "it was not until 1960 that the vision King projected was snatched up by an even younger generation of Southern Negro students; and the sit-in movement was born." (Harding, 1968, p.327)

III. A DESCRIPTION OF THE NEW ABOLITIONISTS' ULTRA-JEFFERSONIAN CIVIL-RIGHTS MOVEMENT

1. The Psychological Root and the Birth of the Ultra-Jeffersonian Sit-in Movement of Young Black Students

All of what has been said above is concerned with the historical and contemporary backgrounds of the birth of the sit-in movement of young black students. At the heart of these backgrounds lay deeply the psychological root of the birth of the ultra-Jeffersonian sit-in movement: black college students' ultra-Jeffersonian mood of impatience with the slow process in which American democracy had traditionally dealt with racial segregation

into action." (Braden, 1969, p.94)

The action of frustrated black students began, not at school, but at a lunch counter, perhaps because the latter was an easier starting point. On February 1, 1960, four black freshmen at North Carolina Agricultural and Technical College sat down at a "white only" section of the Woolworth Department Store lunch counter in Greensboro, North Carolina and refused to leave after being denied service. Their action triggered a series of demonstrations that, as George R. Vickers indicated, "within a few short months, transformed the organizational character of civil-rights protest from that of a collection of small organizations seeking to erode century-old patterns of discrimination, into a massive social movement demanding "Freedom Now" (Vickers, 1975, p.21) During the first month of the "sit-in" campaign that spread from Greensboro, black students from no fewer than twenty-six different colleges and universities participated in direct action, and the following month students from twenty-seven more institutions joined the protest. Within the next year more than 50,000 black students had participated in some kind of demonstration in more than one hundred cities and over 3,600 demonstrators had spent time in jail. (Zinn, 1964, p.16)

In Zinn's view, "Spontaneity and self-sufficiency were the hallmarks of the sit-ins; without adult advice or consent, the students planned and carried them through." (Zinn, 1964, p.29) Vickers had the same view: "The student sit-in campaign was spontaneous in the sense that none of the existing civil rights organizations had planned and directed it, but it was not unorganized." (Vickers, 1975, p.21) Sometimes it was even organized by existing civil-rights organizations such as CORE or SCLC earlier or later. [37]

However, established civil-rights organizations were, indeed, caught by surprise in respect of the far-growing and wide-spread student sit-in movement. Preoccupied with their own respective organizational specialities and convinced of the importance of their own contributions, they had underestimated the generation that stood behind them.[38] But the young generation's sit-in movement marked a turning point for the civil-rights movement. As Zinn emphasized, "what had been an orderly, inch-by-inch advance via legal processes now became a revolution in which unarmed regiments marched from one objective to another with bewildering speed." (Zinn, 1964, p.26) This dramatic change had both a stimulation on older civil-rights organizations and a support from established Negro leaders, as Zinn indicated: "the student movement galvanized the older organizations into a new dynamism, and won the support of some of the established Negro leaders who quickly sensed that a new wind was blowing." (Zinn, 1964, p. 29)

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[37] For example, the first sit-ins of the campaign in Tallahassee, Florida took place on february 13, but they were led by a CORE group formed the previous October. In Nashville, plans to launch a campaign to desegregate restaurants had been underway since the fall of 1959, and training sessions in nonviolent direct action had begun that same fall, although the first sit-ins of the campaign were not held until February 13. In cities where existing civil-rights groups did not lead the initial sit-ins, organizers from CORE or SCLC were quickly sent in to assist with the actions. For a good description of local campaigns, see Peck, *Freedom Ride.* An excellent analysis of the development of the sit-ins is Anne Braden, "The Southern Freedom Movement in Perspective," Monthly Review, Vol. 17 (July-August 1965).

[38] This was true to NAACP, CORE and SCLC. See Bacciocco, 1974, p.30.

2. *The Founding of SNCC and its Adoption of Non-violence as its Strategy to Build a South-wide Mass Movement of blacks*

The sit-in movement of the black students gave birth to the Student Non-violent Coordinating Committee (SNCC) which was founded, in April 1960, as a flexible organizational structure for coordinating the protest work of the many black student groups conducting sit-ins, was the first organization of the American New Left, and, above all, represented what Bacciocco viewed as "the moving spirit of the early New Left in the United States." (Bacciocco, 1974, p. 29) Although SNCC was born out of the initiative of and support from SCLC,[39] it was born as a new civil-rights organization independent of SCLC, though deciding to maintain a friendly relationship with it and to adopt King's principle of non-violence.[40]

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[39] At the inception of the sit-in movement, as Zinn observed, "there was no central direction to the sit-ins. The sparks from that first almost-innocent sit-in of our college freshmen in Greensboro showered the South and caught fire in a hundred localities." But hardly a month had passed before Ella Baker, in charge of the SCLC office in Atlanta and observing the wide spread of the sit-ins, decided that something should be done to corrdinate them. Deciding, in late February of 1960, that the sit-in leaders should be brought together, she asked SCLC to underwrite it financialy. With $800 of SCLC money, the prestige of Martin Luther King, the organizing wisdom of Baker, and the enthusiasm of the rare young people who were leading the student movement, SNCC was born. it was born at the Releigh (North Carolina) conference organized by Baker, held on Easter weekend, april 15-17, 1960, attended by over two hundred people (one hundred twenty-six of them student delegates from fifty-eight different Southern communities in twelve states), and in which King made the keynote address. (Zinn, 1964, pp. 32-33.)

[40] At the Raleigh conference, the decision of the students to form a temporary coordination committee that would meet once each month and operate independently of any other organization, came as a surprise to every civil rights organization, but especially to King and SCLC, which would have preferred SNCC to merge with them. Not only had SCLC finan-

Since SNCC was founded as a flexible organizational structure for coordinating the protest work of the many black student groups conducting sit-ins, it was, from the very beginning, not a menbership organization, but a "committee of organizers." [41] Persons who were considered part of SNCC did not concentrate on recruiting members, but on planning and carrying out a strategy for building a South-wide mass movement of blacks. (Vickers, 1975, p. 23) For SNCC's founders, the best strategy to build a South-wide mass movement was non-violence. The founders declared, in SNCC's founding statement, [42] that "we affirm the philosophical or religious ideal of nonviolence as the foundation of our purpose, the presupposition of our belief, and the manner of our action."

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ced the conference, but King was the acknowledged spokesman for, and personification of, nonviolent resistance — the approach the students adopted. According to Bacciocco, although the black students respected King, there were substantial differences between them: "The dividing line was in some respects a generational one, and King belonged to the preceding generation. Thus, since the students, not the tratitional standard bearers of civil rights, had directed the most recent offensive for Negro rights, the students refused to subordinate their sucess, resolve, or strategic initiative to civil rights groups that in their opinion had failed to do as well." An unwritten compromise was made at the conference: the students accepted the principle of nonviolence, but insisted on remaining independent. And it was finally decided that while remaining independent, SNCC should maintain a friendly relationship with SCLC and other civil-rights organizations. (Bacciocco, 1974, pp. 350-37.)

41 For the most salient organizers at the birth of SNCC, see Zinn, 1964, pp. 17-19.

42 SNCC's first meeting after the Raleigh conference was held in May, 1960, on the campus of Atlanta University. About fifteen of the student leaders attended the meeting. (Martin Auther King, james Lawson, Ella Baker and Len Holt also attended the meeting.) In adddition to electing Marion Barry, a graduate student at Fisk University, as SNCC's Chairman, they adopted a statement of purpose as SNCC's founding statement.

Why did the founders of SNCC adopt nonviolence as its strategy to build a South-wide mass movement of blacks? They adopted it partly because older leaders of the civil rights organizations, especially Lawson and King, had either invented or adopted it already. But why did the older leaders invent or adopt it? Vickers had given us two kinds of convincing answers, both psychological and political:

> The leaders of the civil-rights organizations were confronted with problems of both a psychological and political character in transforming isolated protests into a mass movement. ··· Many blacks had been kept in inferior positions for so long that they had come to accept that inferiority as "natural." Often, their anger against whites was sublimated and projected against other blacks, and hopelessness was widespread. In order to overcome these psychological obstacles to political activity, the civil-rights leaders developed symbolic demonstrations which showed black people struggling against their oppression. At the same time, they had to produce at least some victories to communicate the hope that collective action could bring a change. But to win such victories, the black movement needed powerful allies in the white community, since blacks had little institutionalized economic or political power. By focusing on the South, the civil-rights leaders were able to exploit the disparities in race relations between North and South, and could appeal to northern leaders for economic and political support. In order for this appeal to succeed, however, they had to discourage fears that their actions threatened liberal interests or the "fabric of social order" — that is, they had to place the burden for any social disruption that occurred on their southern white opposition. Non-violence provided the mechanism for accomplishing these tasks. By rigidly avoiding confrontation, by appealing to the moral conscience of "men of good will" it obscured class division and encouraged wide support; and through its use as a mass, rather than individual, technique of direct action it aided in building a sense of the potential of collective action and encouraged a kind of moral superiority

among its users. (Vickers, 1975, pp. 12-22)

But SNCC's younger students were far more militant than older leaders of civil-rights organizations. How could they be restricted by the principle of nonviolence, especially when they were faced with violence from the Southern white community? Bacciocco asked the same question: "As militant as they were, and considering the discomfort so often endured at the hands of the Southern white community, how did the students remain non-violent?" some of them, of course, believed in Christian nonviolence, but for others it was only natural to strike back when struck. Bacciocco's answer was that "as a miniscule band of resistors in the stronghold of institutionalized segregation, rebelling black students would be hopelessly outnumbered and legally outmaneuvered, their revolt doomed from the outset, if they elected even to advocate armed self-defense, let alone practice it." (Bacciocco, 1974, p. 37)

3. SNCC's Initial Jeffersonian Goal: Legal Equality between Black and White American Citizens

A further question should be raised here: nonviolence for what? This is the question about SNCC's initial goal. It is my argument that the initial goal of SNCC in its first stage [43] was no more than Jeffersonian equality in its narrowest sense — legal equality between black and white American citizens. SNCC's initial Jeffersonian end was indirectly expressed in its founding

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43 Jack Newfield's brief description of four separate SNCCs since its founding in 1960 was one way of classifying SNCC's development into four stages. See Jack Newfield, A Prophetic Minority (New York: The New American Library, Inc., 1966), pp. 71-72.

statement: "Nonviolence ··· seeks a social order of justice permeated by love. Integration of human endeavor represents the crucial first step towards such a society. ··· Through nonviolence. ··· Justice for all overthrows injustice." "Justice for all," in the context of the time in which SNCC was born, appeared to be another way of expressing legal equality for all, and "injustice" another way of expressing legalized inequality.

My argument that SNCC started with Jeffersonian equality as its initial goal finds support from Bacciocco and Jack Newfield. For SNCC, according to Bacciocco, nonviolence "was nothing more than a means to an end ··· equal rights" — "Equal rights meant having a choice. It meant possessing the same freedom of action and judgement as any other human being, regardless of color. In the context of the sit-ins, it meant the right of blacks to decide for themselves whether to sit at the same counter or go to the same school as a white person instead of having the choice made for them." (Bacciocco, 1974, pp. 36, 37) And in Newfield's view: "SNCC began as a ··· rather square reformers, seeking only 'our rights.' The lunch counter was their entrance point to the revered American Dream of More. Their guiding spirit was ··· the Bill of Rights, the 13th, 14th and 15th Amendments. ··· They were black, liberal integrationists grappling with segregation." (Newfield, 1966, pp. 71-72)

The Jeffersonian rather than ultra-Jeffersonian character of SNCC's initial goal found a little more direct expression in what its first chairman did and said before the Platform Committee of the National Democratic convention held in July, 1960 in Los Angeles. Marion Barry appeared for SNCC before the Committee, recommending strong federal action: to speed school

desegregation, to enact a fair employment law, to assure the right to vote against Southern economic reprisal and violence, to protect demonstrators against false arrest and police repression by invoking that clause of the Fourteenth Amendment which says: "No state shall made or endorce any law which shall abridge the privileges and immunities of citizens of the United STates." (Zinn, 1964, p. 36) The sit-ins, Barry told the Platform Committee, "in truth were peaceful petitions to the conscience of our fellow citizens for redress of the old grievances that stem from racial segregation and discrimination." Barry's statement continued as follows:

> The ache of every man to touch his potential is the throb that bears out the truth of the American Declaration of Independence. ··· America was founded because men were seeking room to become. ··· We want to walk into the sun and through the front door. for three hundred and fifty years, the American Negro has been sent to the back door. ··· We grew weary. ··· (Quoted, Zinn, 1964, pp. 36-37)

Barry's "front door" as distinguished from the "back door" was, of course, a figurative expression of legal right as distinguished from illegal status, legal right in public life seemed to be, both at least and at most, what black students exactly demanded at first, nothing more and nothing less. Zinn's interpretation of the initial revolt of black students supported this point:

> A restaurant, the Negro revolt has reminded us, may be privately owned, but it is publicly used. It is private in one way, public in another. The Negro is not introduing on that aspect of it which is private — he is not demanding admission to ownership. He is insistent that in that aspect of it which is public he has certain fundamental rights. (Zinn, 1964, p. 230)

If SNCC began with an ultra-Jeffersonian end, it would have demanded

more than "certain fundamental rights." It would have demanded "admission to ownership," a step to economic equality as distinguished from legal equality.

To say that SNCC began with a Jeffersonian end is, however, not to say that it grew with the same degree of that end unchanged. On the contrary, I shall argue later that SNCC grew with the radicalization of its original end. In other words, with SNCC's growth the degree of its goal shifted from Jeffersonian equality to ultra-Jeffersonian equality: from equal legal rights to equal political and economic power. The remainder of this section will be concerned only with how SNCC attempted to attain its original goal. As will be shown, the means used by SNCC was not so much Jeffersonian as ultra-Jeffersonian.

4. SNCC's Ultra-Jeffersonian Means to Attain its Orginial Jeffersonian Goal

During its first year and a half, the Student Non-violent Coordinating Committee was exactly what its name implied. The center of SNCC, in Atlanta, [44] was an actual coordinating committee with representatives from each Southern state, who met approximately once a month between April 1960 and the summer of 1961. In the summer and the early fall of 1960, the new

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[44] At the Raleigh conference in which SNCC was born, King, in his Keynote address, stressed the urgency for establishing a full-time organization to oversee the wide-spread movement of sit-ins. After the conference SNCC set up a tiny cubbyhole office on Auburn Avenue in Atlanta and had one fulltime, although rarely paid, employee.

SNCC organization found that "coordinating" was extremely difficult.[45] Throughout the winter of 1960-1961, sit-ins continued, linked only vaguely by SNCC, but creating a warmth of commitment, a solidarity of purpose which spurred awareness of SNCC by students all over the South. They also sustained a vision which kept all student founders of SNCC going.

A. The Rock Hill Action as the Start of the "Jail-No Bail" Policy

It was in February, 1961, that the first group of SNCC pioneers experimented with the concept of going beyond their own community to challenge segregation. Ten students were arrested at Rock Hill, South Carolina, for attempting to integrate lunch counters. They chose jail instead of bail and served 30-day sentences. (Braden, 1969, p. 98) When this happened, the SNCC steering committee, meeting in Atlanta, made its boldest organization decision up to that date. It was decided that four people would go to Rock

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45 Jane Stembridge, the first full-time empoyee of SNCC's office in Atlanta, later recalled; "A great deal of time was spent trying to find out exactly what was going on in the protest centers. ··· Response was next to nil. ··· This was because the students were too busy protesting and because they did not understand the weight of the press release. ··· No one really needed 'organization' because we then had a movement. ··· Members of the first SNCC were vague simply because they were right damn in the middle of directing sit-ins, being in jail, etc., and they did not know what was going on anywhere outside of their immediate downtown. ··· We had no one "in the field" either. SNCC called for demonstrations once or twice. The responses were extremely spotty and then the news was not sent in. We could not afford phone calls and so it went. SNCC was not coordinating the movement. ··· I would say the main thing done then was to let people know we existed. ··· We were not sure ··· 'what SNCC is'. ··· (Quoted, Zinn, 1964, p. 36.)

Hill to sit in, would be arrested, and would refuse bail, as the first ten students had done, in order to dramatize the injustice to the nation. (Zinn, 1964, p. 38) The four were part of the vanguard who would become full-time crusaders later.[46] They went to Rock Hill, demonstrated, were arrested and joined the local students in jail, and then sent out a call to other students across the South to join them there. Their call for other students failed, but the idea of the traveling challengers of segregation and the technique of concentrating many people from many places at one point of challenge was to become important in the Southern movement later. (Braden, 1969, p. 98) In addition, the Rock Hill action was the start of the jail-no bail policy advised by King to SNCC's founders as effective tactics for the future[47] "jail-no bail" spread. In Atlanta in February, 1961, eighty students from the negro colleges went to jail and refused to come out. (Zinn, 1964, p. 39)

By the spring of 1961, most Negro campuses were quiet. In some places, lunch counter victories had been won. In others, the movement had been crushed by expulsions of students and firing of sympathetic faculty. Everywhere there was a realization that those who continued in the movement would have to take on bigger issues than lunch counters and that the next stages of struggle would be harder. "The glamorous stage is over," said one

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46 They were Charles Jones of Charlotte, North Carolina; Charles Sherrod of Richmond, Virginia; diane Nash of Nashville; and Ruby Doris Smith of Atlanta.

47 At the Raleigh conference King made the keynote address to SNCC's founders. he emphasized the importance of the acceptance of jail without bail as effective tactics for the future. (Bacciocco, 1974, p. 35.)

student at the SNCC conference in late 1960. "From now on, the need is for people willing to suffer." The Rev. James Lawson was a main speaker and a key influence at that conference. He constantly urged the students to define deeper issues and long-range goals beyond the lunch counter; he advocated what he called "non-violent revolution" to revamp the entire society. (Braden, 1969, p. 97) Up to this point, however, SNCC had not prepared to go that far. As Braden pointed out, "When the students finally merged into a Southern movement, they had no definite goals beyond the lunch counter, but every one knew that this was only a symbol and the real objective was much larger." (Braden, 1969, p. 97) No one connected with SNCC knew exactly how large it was then.

B. The First Phase of Freedom Rides Launched by CORE

It was at that time that SNCC found an opportunity to push its goal beyond the desegregation of lunch counters. That opportunity was Freedom Rides, a dramatic attempt to expose and challenge racial segregation in interstate travel in the South. Freedom Rides of buses carrying white and black travelers seated side by side, which covered the entire South from Washington, D.C., to New Orleans during the spring and summer of 1961, caused agitation in hundreds of cities and provoked riotious reactions and bloody beatings of activists, were at first promoted by the leaders of CORE, but they were kept alive laregely by the efforts of those same student activists who had already participated in the sit-ins and who were beginning to form the nucleus of SNCC.

The idea of Freedom Rides originated with CORE personnel early in

1964. James Farmer, CORE' new national director, organized and guided the first Freedom Rides to test the 1958 Supreme Court decision in the Boynton case which prohibited segregation in interstate transportation terminals. "Freedom Rides" designated busloads of black and white volunteers who traveled to depots in the Deep South to sit-in at restaurants and rest areas reserved for white travelers. For the SNCC, in addition to extending the direct action southward, the Freedom Rides were calculated to revive the sit-in movement, enthusiasm for which had subsided, in part because of the expulsion of some participating students the previous year. (Bacciocco, 1974, p. 40)

In May 1961, CORE launched its Freedom Ride, a pilmigrage of whites and blacks riding Southward from Washington, D.C., bound for New Orleans, planning to integrate bus station facilities all along the way. The seven blacks and six white riders included Farmer and John Lewis, a future SNCC chairman. The rides were relatively uneventful until they reached Alabama. Then a bus was burned in Anniston and the riders were attacked by mobs there and in Birmingham without receiving protection from the local police, (Zinn, 1964, pp. 42-44) and yet another phase of the Southern struggle was underway. The original riders, many beaten and bloody, abandoned the ride at Birmingham, [48] but the Nashville student group picked it up. This was the end of the first Freedom Ride. It was at this point that the SNCC and the

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[48] The entire Freedom Ride group assembled in Birmingham, ready to go on to Montogmery, but no bus driver would take them. They had to abandon the ride at Birmingham and fly to New Orleans.

Nashville student group decided to enter the picture.[49] A new phase of the Freedom Rides began.

C. The Second Phase of Freedom Rides Guides by SNCC

The indomitable Diane Nash was quickly assembling a group of students in Nashville, one of the two centers (the other was Atlanta) where the SNCC had its strongest contingents, determined to go to birmingham and continue the Freedom Ride from there to Montgomery, then into Mississippi, then into New orleans. They were joined by some members of the first Ride, including John Lewis. Before they left Birmingham for Montogomery, they were arrested by Police, spent a night in jail, set free away from Birmingham, and started all over, joined by more students and some newspapermen. (Zinn, 1964, pp. 44-46)

Although their safety in the journey to Montogomery was a concern of President John Kennedy, no federal action was taken to protect the Freedom Riders on the grounds that the alabama Governor's promise to fully protect everyone in Alabama rendered federal governmental action to do so unnecessary. (Zinn, 1964, pp. 44, 46-47) As a matter of fact, the promise was not fulfilled when the Freedom Riders arrived in Montgomery and were violently attacked by mobs, more violently there than what had happened in Anniston

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49 When the news came that the Riders could not go on by bus, that they were flying to New Orleans, an excited discussion went on over long distance between nashville and Atlanta, the two centers where SNCC had its strongest contingents. The Ride, they decided, should continue. If it didn't, it would prove that violence would overcome nonviolence. (Zinn, 1964, p. 44.)

and Birmingham, without violently fighting back, or even defineding themselves. [50] This became "a source of the deep concern" for President Kennedy, and several moves were taken by the Attorney General, the head of the Justice Department. (Zinn, 1964, pp. 49-50)

With their heads bandaged and their wounds treated, the Freedom Riders planned to continue the Ride into Mississippi and then on the New Orleans. While they waited in Montgomery for several days, more student arrived to join them — from Nashville, Atlanta, Washington, D.C. Five CORE people came into Montogmery from New Orleans. Twenty-seven Riders were not ready to go on to Jackson, Mississippi, where Governor Rose Barnett had said: "The negro is different because God made him different to punish him." (zinn, 1964, p. 51)

Before leaving Montogomery for Jackson, with National Guardsmen lining both sides of the street near the bus terminal, twelve Freeedom Riders (eleven Negro, one white), accompanied by six Guardsmen and sixteen newspapermen, tasted victory by eating in the "white" cafeteria at the Trailways terminal. But on arrival in Jackson, the group was arrested trying to use white rest rooms and waiting rooms. The charges were the customary ones for civil rights demonstration: breach of peace, refuse to obey an officer. Several hours after the rest of the first contingent of Riders in the Jackson terminal, the rest of the group arrived from Montgomery and entered the Jackson bus terminal. Standing in line at the terminal white cafeteria, the

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50 For Ruby Doris Smith's report of the violent attack on Freedom Riders in Montgomery, see Zinn, 1964, pp. 47-48.

Riders in this second group were arrested, too, and joined their friends in the city jail. all twenty-seven were found guilty, given two-month suspended sentences, and fined $200. They decided to go to prison rather than pay. In the meantime, the newspapers were full of excited talk about the Freedom Rides. (Zinn, 1964, pp. 50-52)

Throughout that summer Freedom Rides continued to roll South — all of them destined for the jails of Jackson and Mississippi's parchman State Prison. By the end of August, more than 300 had come, three-fourths from the North, about half students, and over half of them white. Most got sentences that would amount to six months if fines were not paid, and most stayed in jail for forty days, the deadline to appeal convictions. All together, at least a dozen Freedom Rides took place involving more than a thousand persons.

IV. AN ANALYSIS OF THE NEW ABOLITIONISTS' ULTRA-JEFFERSONIAN CIVIL-RIGHTS MOVEMENT

1. The Ultra-Jeffersonian Significance of Freedom Rides and Sit-Ins

For our purpose, sufficient attention has been paid to the events of Freedom Rides. Now we must stop and grasp its ultra-Jeffersonian relevance. Massimo Teodori's grasp of the significance of Freedom Rides is helpful for us to view them as an expression of the SNCC's use of ultra-Jeffersonian means to attain Jeffersonian end. He wrote:

> The "freedom rides" ··· provided example of the creative development of the direct-action concept, according to which the struggle was carried right to the place where the evil existed, making it immediately visible and tangible. ··· In all public or private facilities throughout the south,

> physical separation marked the inequality of blacks; in all these locations the activists, by their presence, exposed and dramatized the external material signs of a racist society and tried to combat it "them and there," avoiding extraneous legal processes. In this case, the initiative was no longer in the hands of the "politicians," but rested potentially with the common people, who had been kept out of the decision-making process for so long and who could only realize their hopes by themselves. (Teodori, 1969, p. 13)

Thomas Dye's view of Freedom Riders as well as sit-in demonstrators indicated their success in using ultra-Jeffersonian means to attain Jeffersonian end, that is, in winning American majority's sympathy with their effort to expose the evil of anti-Jeffersonian racial segretation in the South: "Both the freedom riders and the sit-in demonstrators succeeded in dramatizing segregationist practices and exposing the full extent of white history toward integration in the South. News of freedom rides, sit-ins, and white violence directed against demonstrators, combined with the nonviolent conduct of the young people involved in these incidents helped to win the sympathy of whites throughout the nation." (Dye, 1971, p. 121) Dye's particular view of Freedom Rides and sit-ins was only a part of his general view of the ultra-Jeffersonian function of nonviolent direct action of nonviolent civil disobedience:

> The political purpose of nonviolent direct action and civil disobedience is to call attention or "to bear witness" to the existence of injustices. Only laws regarded as unjust are borken, and these laws are broken openly without hatred or violence. Punishment is actively sought rather than avoided since punishment will further emphasize the injustices of the law. The object of nonviolent civil disobedience is to stir the conscience of an apathetic majority and to win support for measures that

will eliminate the injustices. By accepting punishment for the violation of an unjust law, the person practicing civil disobedience demonstrates his sincerity. He hopes to shame the majority and to make it ask itself how far it will go to protect the status quo.

Clearly the participation of the mass news media, particularly television, has contributed immeasurably to the success of nonviolent direct action. Breaking the law made news; dissemination of the news called the attention of the public to the existence of unjust laws or practices; the public's sympathy was won when injustices were spotlighted; the willingness of the demonstrators to accept punishment provided evidence of their sincerity; and the whole drama laid the groundwork for changing unjust laws and practices. Cruelty or violence directed against the demonstrations by policemen or other defenders of the status quo played into the hands of the demonstrators by further emphasizing the injustices they were experiencing. (Dye, 1971, pp. 119-20)

2. *SNCC as Ultra-Jeffersonian New Abolitionist and its Ultra-Jeffersonian Use of Jeffersonian Means of Democracy*

For a permanent minority such as that of the black in the American society dominated by the permanent white majority, no strategy can be better than nonviolent direct action or nonviolent civil disobedience as a means "to stir the conscience of an apathetic majority and to win support for measures that will eliminate the injustices," as Dye emphasized above. This kind of means can hardly be undemocratic. It was, in essence, as democratic as the peaceful civil disobedience advocated and used by the old abolitionists. Howard Zinn called the SNCC "the New Abolitionists" [51] partly because "in

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[51] "The New Abolitionists" is the subtitle of Howard Zinn's book, SNCC.

one important way these young people are very much like the abolitionists of old: they have a healthy disrespect for respectability; they are not ashamed of being agitators and trouble-makers; they see it as the essence of democracy." (Zinn, 1964, p. 8) Just as I have called abolitionists ultra-Jeffersonians, (Kuo, 1990, pp. 35, 37, 39, 49) so I am calling SNCCers ultra-Jeffersonians, too. For the time being, I am calling SNCC ers ultra-Jeffersonians only in the sense of its use of ultra-Jeffersonian democratic means. Unlike abolitionists, the SNCC did not begin with an ultra-Jeffersonian democratic end; instead, it began with a Jeffersonian democratic end, as I have already difined as legal equality between black and white American citizens. Although the SNCC's democratic end became, as will be shown below, increasingly ultra-Jeffersonian, its democratic means was ultra-Jeffersonian from the very beginning and was consistently so thereafter.

It is my contention in this section that the SNCC was born with an ultra-Jeffersonian means to its Jeffersonian end of democracy. All those who identified themselves with the SNCC might not have such a self-consciousness. But this appeared to be an objective case. The SNCC's democratic means was nonviolent mass movement. The SNCC called it "direct action." For the SNCC, as Zinn interpreted, direct action mean "to bring the demands of aggrieved people before the leaders of government, with a minimum of turmoil and a maximum of insistence"; it might be "the only alternative to both the bloody futility of civil war, and the ineptitude of parliament of procedure"; and it might be "the last true resort of democracy." (Zinn, 1964, pp. 219, 220) In this sense, nonviolent direct action may be considered to be one form of Jeffersonian means of democracy, moderate rebel-

lion. But it can be so considered only when it is used irregularly as a supplemnt to regular means of democracy. If it is always used as a regular one, it becomes ultra-Jeffersonian in my terminology. As a matter of fact, according to Zinn, the SNCC was expected to "always" and "constantly" use it, and to keep it as "a perpetual form of popular expression," i.e., regular means of democracy. (Zinn, 1964, pp. 219, 220) Therefore, the Jeffersonian democratic means was expected to be used in an ultra-Jeffersonian way by the SNCC at its very birth.

The SNCC was born out of the sit-in movement which was nonviolent direct action in the form of massive civil disobedience. As Zinn observed, "what happened in the sit-ins is that Americans were resorting to civil disobedience on a national scale, ignoring local statutes, applying the direct pressure of masses of aggrieved people to the nerve center of the opposition, without using the intermediary of normal political channels." (zinn, 1964, p. 28) Also in Dye's observation, nonviolent direct action is an unconventional form of democratic means that usually results in disobedience to civil law:

> Nonviolent direct action is a technique requiring direct action against laws regarded as unjust, rather than court litigation, political campaigning, voting, or other conventional forms of democratic political activity. Mass demonstrations, sit-ins, and other nonviolent direct action tactics usually result in violations of state and local laws. For example, persons remaining at a segregated lunch counter after the owner ordered them to leave were usually violating trespass laws. Marching in the street frequently entailed the obstruction of traffic and resulted in charge of "disorderly conduct" or "parading without a permit." Mass demonstrations often involved "disturbing the peace" or refusing to obey the lawful orders of a police officer. Even though these tactics were nonviolent, they did entail

disobedience to civil law. (dye, 1971, pp. 118-19)

But civil disobedience is not new to American democracy. It has always been used by American minorities to demand important and fast change of political, social or economic status quo. This is the point emphasized by Dye:

> Civil disobedience is not new to American politics. Its practitioners have played an important role in American history, from the patriots who participated in the Boston Tea Party, to the abolitionists who hid runaway slaves, to the suffragettes who paraded and demonstrated for women's rights, to the labor organizers who picketed to form the nation's major industrial unions, to the civil rights marchers of recent years. Civil disobedience is a political tactic of minorities: since majorities can more easily change laws through conventional political activity, they seldom have to disobey them. It is also a tactic attractive to groups wishing to change the social status quo significantly and quickly. (Dye, 1971, p. 119)

The SNCC was a minority seeking for significant and immediate change in racial relations between black and white Americans. It is, therefore, not surprising to find it adopting unconventional means of democracy as its regular one. At its initial stage, it, indeed, relied almost completely on massive civil disobedience in various forms as its regular democratic means for immediate fulfillment of its democratic end. For, as observed by Zinn, the SNCC spread civil disobedience "from sit-ins in restaurants to standins at movies, kneel-ins at churches, wade-ins at beaches, and a dozen different kinds of extra-legal demonstrations against segregation." (Zinn, 1964, p. 29) So the Jeffersonian democratic means became ultra-Jeffersonian at the hands of the SNCC from its very beginning of operation.

3. SNCC'S Ultra-jeffersonian Challenge to Non/anti-Jeffersonian Normal means of Contemporary American Democracy

In using nonviolent direct action or massive civil disobedience as its regular democratic means, the SNCC was making an ultra-Jeffersonian challenge to the normal means of contemporary American democracy, which was non-Jeffersonian, if not anti-Jeffersonian. What was wrong with that normal means? For the SNCC, as Zinn pointed out in his authoritative book on the SNCC, it was "inadequate" and "rusty," because it had "many structural defects" and "basic flaws." The inadequacy and rustiness of the normal representative government of the united States was much more dramatized by the very fact of the outburst of Negro demonstration than by anything else: "When people turn in desperation to marches and parades, picketing, sit-ins, mass meetings, and Freedom Rides, this suggests that the normal channels of government are inadequate for the expression of their grievances, and that the mechanism for solution is rusty." (Zinn, 1964, p. 218)

If we doubt about this rustiness, Zinn called our special attention to the United States Congress today: "Its ineffectualness goes beyond civil rights. ··· It seems the hardest thing in the world to get the supreme legislative body of the world's most powerful nation to move. Congress spends huge amounts of time on petty subjects; rush past matters of life-and-death importance; filibusters and delays on the most clear-cut matters of human rights. Each day it appears more obviously as a swamp in which vital legislation is dutifully set down, only to be drowned in parliamentary mud or lost in a verval mist." This rustiness of Congress was due to, Zinn told us, "many structural defects

in Congress" inlcuding "the duplication of work by both houses, the seniority system in committees, the under-representation of urban areas, of the poor, of negroes, of radicals." (Zinn, 1964, pp. 218-19)

"We are a complex and heterogeneous nation, but our 'representatives' fall mostly inside a narrow band of middle-class business and professional men who balk at bold social reform," so complained Zinn. But this was not the real problem for him. For him, "the real problem is greater. For an even more accurate representation of the population would still leave a basic flaw, one that is unavoidably part of representative government everywhere, all the time." This is the "permanent paradox" of representative democracy, Zinn emphasized. In his book, SNCC, he wrote: "delegates ··· develop interests of their own the moment they step out of their constituency into office. The environment of a man changes the moment he becomes a representative; the forces acting upon him become different; now, competing with the far-off calls of his constituents, which become weaker as they draw less response, is the more urgent call from within of ambition and power." (Zinn, 1964, p. 219) Elsewhere, Zinn went even further:

> ··· representation by its very nature is undemocratic. ··· Representative government is closer to democracy than monarchy ··· yet, it is only a step in the direction of democracy, at its best. It has certain inherent laws. ··· No representative can adequantely represent another's needs; the representative tends to become a member of a special elite; he has privileges which weaken his sense of concern at others' grievances; the passions of the troubled lose force as they are filtered through the representative system; the elected official develops an expertise which tends towards its own perpetuation. Leaders develop what Michels called "a mutual insurance contract" against the rest of society. (Zinn, 1969, pp. 43-

44)

When Zinn rebuked the normal representative government of the United States, he was, in fact, doing so on behalf of the SNCC. For he was a sympathizer and participatory observer of the SNCC.[52] Put his observation in my terms and we may say that in using nonviolent direct action or massive civil disobedience, the SNCC was making an ultra-Jeffersonian challenge to non-Jeffersonian (semi-Madisonian at best or anti-Jeffersonian at worst) means of democracy which, as will be shown, had long been the normal means of American democracy.[53] This ultra-Jeffersonian challenge, as Zinn indicated, was to "move outside the American governmental structure in order to effectuate social change, to assert the power of the popular demonstration as superior to that of the parliamentary process." (Zinn, 1964, pp. 28-29) Zinn described the SNCC's ultra-Jeffersonian challengers as follows:

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52 In his "A Note, and some Acknowledgment" to his book, SNCC, Zinn wrote: "What I am attempting to do here is to catch a glimpse of SNCC people in action, and to suggest the quality of their contribution to American civilization. ··· Perhaps I pay special attention to SNCC because these are the people I know best, some of them are former students of mine; many of them are my friends. Perhaps I write about SNCC also because I believe that its young people are the nation's vivid reminder that there is an unquestionable spirit alive in the world today, beyong race, beyond nationality, beyond class. it is a spirit which seeks to embrace all people everywhere. ··· Much of my information is gained first-hand, from being where SNCC people work, watching them in action, talking to them. A good deal of the documentation comes from SNCC's extensive files in the Atlanta office."

53 I shall inquire into the operation of the traditionally normal means of American democracy in the seventh essay of this series of essays on the relationships between the early American new Left and the American tradition of democracy.

> They are prepared to use revolutionary means against the old order. They believe in civil disobedience. They are reluctant to rely completely on the niceties of negotiation and conciliation, distrustful of those who hold political and economic power. They have a tremendous respect for the potency of the demonstration, an engerness to move out of the political maze of normal parliamentary procedure and to confront policy-makers directly with a power beyond orthodox politics – the power of people in the streets and on the picket line. They are nonviolent in that they suffer beating with folded arms and will not strike back. (Zinn, 1964, pp. 13-14)

V. THE CONSEQUENCES OF THE NEW ABOLITIONISTS' ULTRA-JEFFERSONIAN CIVIL-RIGHTS MOVEMENT

1. The Scope and Results of SNCC's Ultra-Jeffersonian Nonviolent Direct Actions

A. The Scope of Sit-In Demonstrations

The SNCC's use of various forms of massive nonviolent direct action as an ultra-Jeffersonian democratic means involved many people in many places. Look only at sit-ins. By September 1961 the sit-ins had rallied more people to the standard of civil rights than at any other time in American history. Over sixty thousand men and women, black and white, had engaged in more than seven hundred demonstrations in at least one hundred cities throughout the country. This was why Edward Bacciocco said that "As the 1961-62 school year opened in September, direct action enthusiasts could review the past year and a half with satisfaction." "The direct action element of SNCC did not rest upon past laurels, however, but expanded its scope to include

parks, swimming pools, theaters, restaurants, libraries, churches, museums, art galleries, laundromats, beaches, courtrooms, and employment," so continued Bacciocco. (Bacciocco, 1974, p. 44)

B. Specific Objectives Achieved by Sit-Ins and Freedom Rides

The SNCC's initial ultra-Jeffersonian direct action included, as shown before, not only sit-ins but Freedom Rides as well, both of which attempted first to eliminate anti-Jeffersonian racial inequality in legalized segregation in public facilities or in private facilities for public use throughout the South and then to achieve Jeffersonian equality in legal rights. They were the SNCC's first steps towards its final goal, the Jeffersonian equality in legal rights. What were the consequences of these initial steps? The following was Zinn's assessment, made in 1963, of the results of SNCC's nonviolent direct action in different areas in the South:

> Nonviolence was successful in the sit-ins of 1960 and continued to be effective in places such as Charlotte, Nashville, Atlanta, Richmond, Memphis, and areas of the border and upper South where Negroes could exercise some political influence by voting, and where fundamental rights of free expression existed. But — and this was first revealed clearly when the Freedom Rides to Montgomery and jackson exploded in sharp violence — there are areas in the Deep South which are ··· "outlaw communities." In Mississippi, Alabama, Louisiana, Southwest Georgia, and Southern virginia, the basic rights to vote, to assemble freely, to petition the government, to distribute leaflets, or to picket peacefully do not exist. They constitute ··· "a closed society." The use of ordinary methods of nonviolent direct action in these outlaw communities is met in the same way a totalitarian state crushes opposition — by open brutality, overwhelming force. (Zinn, 1964, p. 44)

According to Zinn's assessment, the success of the SNCC's initial steps in using nonviolent direct action to achieve Jeffersonian equality were qualified: they were successful only in areas where Negroes could exercise some political influence, otherwise they were ineffective. So qualified the nonviolent direct action functioned only as supplementary rather than independent political means. But this qualification did not apply to all cases, and in some cases nonviolent direct action did function as an independent and effective means to attain specific objectives in the direction of general end — legal equality between black and white Americans. According to Thomas J. Mullen, Woolworth's assistant secretary, since their October 1960 meeting with SNCC representatives, Woolworth had desegregated its food counters throughout the country at the rate of one store per week. (Bacciocco, 1974, p. 42) In September 1961, the Interstate Commerce Commission introduced regulations preventing segregation on interstate buses and prohibiting those buses from using terminals that refused to desegregate. And in october the same year, three major railroads operating through the South desegregated their trains and terminals. (Bacciocco, 1974, p. 41)

C. Symbolic Achievements of Sit-Ins and Freedom Rides

In addition to specific objectives, the nonviolent direct action of sit-ins and Freedom Rides also had symbolic achievements. In the view of the faction favoring direct action tactics within the SNCC, direct action brought the movement national press coverage, mobilized Northern support, enabled larged numbers of activists to participate. (Baccicco, 1974, p. 42) Referring to the broader symbolic significance of Freedom Riders, Braden wrote:

> They widened the Southern struggle into the national arena, for the first time giving Northerners something direct they could do in the South. They also brought encouragement to thousands of Southern Negroes, and the term Freedom Rider became legendary; even today many a Negro sharecropper in remote areas of the South refers to all civil rights workers as Freedom Riders. The rides also introduced and popularized a new concept which became proverbial in the movement: "Put your body into the struggle." (Braden, 1969, p. 99)

D. General and Substantial Achievements of Nonviolent Direct Actions

Nonetheless the general and substantial achievements more than specific targets and symbolic gains depend upon the massiveness of nonviolent direct action. Immediately after the Freedom Rides, two arms of the SNCC were created: one went alone to build a power base in the black community, as we shall see; the other cooperated with adult civil rights organizations like SCLC, CORE, etc., to continue massive direct action. The most massive application of nonviolent direct action was the great "March on Washingtion" in August 1963, [54] in which more than two hundred thousand black and white marchers converged on the nation's capital in an attempt to carry the Jeffersonian challenge (the battle for equal rights) to the nation's political center. This march and previous uses of direct action caused Jeffersonian responses

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[54] In addition to SNCC, the organizations sponsoring the "March on Washington" comprised the National Catholic Conference for International Justice, the National Council of Churches, CORE, NAACP, SCLC, the National urban League, the American jewish Congress, the United Presbytherian church, the Negro American Council, and the United automobile Workers.

from all branches of the federal government. And the greatest achievement of nonviolent direct action was President Kennedy's proposal of a comprehensive civil rights bill to the Congress shortly after the march, which was enacted by the Congress the following year as the Civil Rights Act of 1964, almost immediately supported by the Supreme Court. The Act was what Dye called "The New Emancipation" which "can be ranked with the Emancipation Proclamation, the Fourteenth Amendment, and Brown v. Topeka as one of the most important steps toward full equality for the Negro in America." (Dye, 1971, pp. 56, 57, 59) Bacciocco told us that "SNCC — nonviolent, politically actue, and resolute — influenced the passage of the 1964 Civil Rights Law." (Bacciocco, 1974, p. 228) How did SNCC influence the passage of that Law? In the remainder of this essay I shall focus my attention on the situation and the process in which the Civil Rights Act of 1964 was reluctantly initiated and forcibly enacted. I shall do so because the situation and the process indicated how the SNCC and other organizations' combined Jeffersonian efforts came to success.

2. The Federal Government's Jeffersonian Response to the Ultra-Jeffersonian Challenge to Anti-Jeffersonian Racial Inequality

The immediate stimulus to the Civil Rights Act of 1964 was a series of nonviolent direct action protests and demonstrations that spread throughout the country in 1963. By the end of the year, demonstrations had taken place in over eight hundred cities and towns, culminating in the gigantic "March on Washington" on sunday, 28 August.

A. President Kennedy's Civil Rights Address as a Jeffersonian Response

In February 1963 President Kennedy had asked congress for a very modest civil rights bill.[55] But with millions of black and white Americans turning to protest activities in 1963 he was moved in June to take a much stronger measure. On the evening of June 11, he delivered a comprehensive, far-ranging address to the whole nation on the status of the Negro in America and on the absolute need for wide-scale reform. He informed the nation and the Congress that he was about to ask for extensive federal legislation as a means of redressing the multiple injustices suffered by Negroes. The address adequately indicated the President's Jeffersonian response to ultra-Jeffersonian challenge to anti-Jeffersonian racial inequality, a challenge in the form of nonviolent direct action for Jeffersonian racial equality.[56]

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55 The purposes of that proposed bill were to broaden existing laws protecting Negro voting rights and to extend the life of the United States Commission on Civil Rights. (dye, 1971, p. 125.)

56 The following selections from President Kennedy's Civil Rights Address sufficiently indicated his Jeffersonian response to the ultra-Jeffersonian challenge: "This nation ··· was founded on the principle that all men are created equal. ··· It ought to be possible, therefore, for American students of any color to attend any public institution they select without having to be backed up by troops. It ought to be possible for American consumers of any color to receive equal service in places of public accommodation, such as hotels and restaurants, and theaters and retail stores without being forced to resort to demonstrations in the street. And it ought to be possible for American citizens of any color to register and to vote in a free election without interference or fear of reprisal. it ought to be possible, in short, for every American to enjoy the privileges of being American without regard to his race or

his color. In short, every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated. But this is not the case. The negro baby born in America today, regardless of the section or the state in which he is born, has about one-half as much change of completing a high school as a white baby, born in the same place, on the same day; one-third as much chance of completing college; one-third as much chance of becoming a professional man; twice as much chance of becoming unemployed; about one-seventh as much chance of earning $10,000 a year; a life expectancy which is seven years shorter and the prospects of earning only half as much. This is not a sectional issue. Difficulties over segregation and discrimination exist in every city, in every state of the Union, producing in many cities a rising tide of discontent that threatens the public safety. ··· This is not even a legal or legislative issue alone. It is better to settle these matters in the courts than on the streets, and new laws are needed at every level. but law alone cannot make men see right. We are confronted primarily with a moral issue. ··· The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities; whether we are going to treat our fellow Americans as we want to be treated. If an American, because his skin is dark, cannot eat lunch in a restaurant open to the public; if he cannot send his children to the best public school available; if he cannot vote for the public officials who represent him; if, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed and stand in his place? Who among us would then be content with the counsels of patience and delay? One hundred years of delay have passed since president Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. They are not yet freed from social and economic oppression. And this nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free. ··· The fires of frustration and discord are burning in every city, North and South. Where legal remedies are not at hand, redress is sought in the streets in demonstrations, parades and protest, which create tensions and threaten violence and threaten lives. We face, therefore, a moral cirsis as a country and a people. It cannot be made by repressive polic action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. it is a time to act in the Congress, in your state and local legislative body, and, above all, in all of our daily lives. ···

In appearance, President Kennedy's Civil Rights Address showed his Jeffersonian response to the SNCC and other civil rights organizations' common ultra-Jeffersonian challenge to contemporary American democracy in respect only of end, not of means. For he insisted on the Jeffersonian principle that "all men are created equal" as the foundation of the United States, considered the violation of this founding principle in treating Negro American to be "a moral crisis," and asked Congress to afford them "equal rights and equal opportunities" by transforming moral equality into legal equality. But he disapproved "demonstrations, parades and protests" in the streets because these direct actions "create tensions and threaten violence and threaten lives" and, in short, "threaten the public safety"; and, therefore, he wanted to "move" the problem of anti-Jeffersonian racial segregation and discrimination "from the streets to the courts," and to "settle these matters in the courts than on the streets." In reality, Kennedy was perhaps fearful of the ultra-Jeffesonian use of one form of Jeffersonian democratic means. This

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I am, therefore, asking the Congress to enact legislation giving all Americans the right to be served in facilities which are open to the public — hotels, restaurants and theaters, retail stores and similar establishments. This seems to me to be an elementary right. Its denial is an arbitrary indignity that no American in 1963 should have to endure, but many do. ··· And for this reason national legislation is needed, if we are to mvoe this problem from the streets to the courts. I'm also asking congress to authorize the Federal government to participate more fully in lawsuits designed to end segretation in public education. ··· Other features will be also requested, including greater protection for the right to vote. ··· " (Document 83: "President kennedy's Civil Rights Address," in Blaustein and Zangrando, 1968, pp. 484-87.)

was perhaps the reason why he appealed to the return to the normal democratic means of "legal remedies" and "nationwide legislation."[57] The fact of his anxiety about the demonstrations in the street evidenced, at least, the effective pressure of ultra-Jeffersonian direct action on him.

B. The Indispensability of Congress to the New Objective of the Civil-Rights Movement and the Congress' Weak and Partial Jeffersonian Response

The pressure of ultra-Jeffersonian direct action was, however, less effective on Congress at first, whose Jeffersonian response was indispensable to the elimination of private discrimination demanded by the new abolitionists' ultra-Jeffersonian civil-rights movement, but whose internal structure contained anti-Jeffersonian designs. Dye had an insight into the indispensability of congress to the new objective of the civil-rights movement:

> The initial objective of the civil rights movement was to prevent discrimination and segregation practiced by or supported by governments, particularly states, municipalities, and school districts. ··· As long as the civil rights movement was combating governmental discrimination, it could employ the U.S. Constitution as a weapon in its arsenal. Since the Supreme Court and the federal judiciary were charged with the responsibility of interpreting the Constitution, the civil rights movement could concentrate on judicial action to accomplish its objective of preventing governmental discrimination. But the Constitution has considerably less bearing upon the activities of private individuals than do the laws of Congress and of various states. Thus, when the civil rights movement turned its attention to combating private discrimination, it had to carry its

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[57] See n. 56.

> fight into the legislative branch of government. The federal courts could help to restrict discrimination practiced by private owners of restaurants, hotels, and motels, private employers, and other individuals who were not government officials. (Dye, 1971, p. 56)

But, as Dye pointed out, "Congress, after attempting to prevent private discrimination by passing the Civil Rights Act of 1875, had been content to let other agencies, including the President and the courts, struggle with the problem of civil rights." (Dye, 1971, pp. 56-57) The congress to which dye referred was Reconstruction Congress under the control of ultra-Jeffersonian Republicans. it had succeeded in enacting not only the Civil Rights Act of 1875, but also the Civil Rights Act of 1816 and 1876, and furthermore, the Fourteenth and the Fifteenth Amendments, all of which together aimed at according full Jeffersonian legal equality to the Negro – full and equal rights in all aspects of life, public and private, as we have seen in the first part of this essay. Unfortunately, as we have also seen there, the Civil rights Acts of 1875 were declared unconstitutional by the supreme Court in the Civil Rights Cases in 1883 which permitted the maintenance of private discrimination, though prohibiting that of governmental discrimination, throughout the nation. The subsequent congress did not again enact substantial civil rights acts until 1957 and 1960 when it made two weak and partial Jeffersonian responses to ultra-Jeffersonian direct actions respectively expressed in the Montgomery bus boycott [58] and the initial sit-in movement. [59] The weak and

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[58] The Civil Rights Act of 1957 was the 85th Congress' response to non-violent direct action expressed in the Montgomery bus boycott led by Martin Luther King, and was, as Blaustein and Zangrando indicated, "a clear indication that the legislative branch was at least under-

partial Jeffersonian responses of congress to ultra-Jeffersonian direct action in these two cases were primarily due to the southern filibuster in the Senate. [60]

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taking responsibilities that had been previously left to the executive and the judiciary." But even they admitted that "it was not a far-reaching measure in substance." For it touched upon only a small part of some specific problems of governmental discrimination in voting, let alone the problem of private discrimination. The Civil Rights Act of 1957 established a nonpartisan Civil Rights Commission empowered to gather evidence on voting violations. The Act also strengthened certain civil rights provisions of the United States Code and authorized the Justice Department to initiate action to counter irregularities in federal elections. Nondiscrimination qualifications were prescribed for the selection of federal jours. (See blaustein and Zangrando, 1968, pp. 471, 472-77.)

[59] The Civil Rights Act of 1960 was the second civil rights bill since 1875. It was also the result of Congress' response to nonviolent direct action expressed this time in the sit-in movement of early 1960. But, again, this Act had something to do only with the problem of governmental discrimination in voting, and nothing at all with private discrimination. The Civil Rights Act of 1960 was designed to impede interracial violence without ending the power and authority of local and state officials. The act called for the preservation of rewards in federal election and established referees who could facilitate voting in concert with the courts and the Justice Department. If a "pattern or practice" of discrimination existed, the Justice Department was empowered to take action on behalf of an injured voter. (Ibid., pp. 478-82.)

[60] Southern opposition to the Civil Rights Acts of 1957 and 1960 was led by Senator Richard B. Russell (D., Ga.). In each case, Russell negotiated an end to the filibuster in exchange for a softer bill.

C. Dissension between SNCC's Ultra-Jeffersonian leaders and Jeffersonian leaders of other Civil-Rights Organizations

For civil-rights leaders other than those of the SNCC, the great "March on Washington" in August 1963 meant to support President Kennedy's comprehensive civil rights bill against strong opposition from anti-Jeffersonian elements in Congress by the most massive application of non-violent direct action.[61] But the goals of the march substantially exceeded the contents of the civil rights legislation under consideration in Congress.[62] The leaders of vari-

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61 The "March on Washington" in August 1963 was not originally planned by SNCC, though it played an important role in strengthening the pressure of direct action on the whole federal government including the President and the Congress for immediate and much stronger response. Preparations for the march had begun six months earlier. In November 1962 A. Philip Randolph, President of the Brotherhood of Sleeping Car Porters and the only Negro vice-president of the AFL-CIO, had proposed to major civil rights organizations a march on Washington to dramatize Negro political and economic demands. Randolph contended that Negroes had been better off in the 1950s than the 1960s with regard to enrollment in integrated schools, employment, and median income. The fact that President Kennedy's civil rights bill faced opposition in Congress influenced the civil-rights leaders to stage the march and rally in Washington, D.C.

62 The editorial of New York Times, 29 August 1963, p. 16, enumerated the goals of the march as follows: "(1) A comprehensive civil rights bill from the present congress, including provisions guaranteeing access to public accomodations, adequate and integrated education, protection of the right to vote, better housing, and authority for the Attorney General to seek injunctive relief when individuals' constitutional rights are violated. (2) Withholding of Federal funds from all programs in which discrimination exists. (3) Desegregation of all public schools in 1963. (4) A reduction in congressional seats in states where citizens are disenfranchised. (5) A stronger Executive order prohibiting discrimination in all housing programs supported by Federal funds. (6) A massive Federal program to train and place

ous groups sponsoring the march [63] and appearing on the rostrum to address the huge crowd on 28 August concurred on the goals but differed emphatically with the SNCC on how to accomplish them. Compared to other civil-rights organizations, the SNCC was willing to adopt ultra-Jeffersonian methods to advance the rights of the American Negro. But dignitaries sharing the platform with John Lewis, who replaced Charles McDew as the third chairman of SNCC in the spring of 1963, reacted negatively to the prepared speech epitimizing the SNCC's attitude that he released the evening before the demonstration, as it apparently violated a tacit agreement among the speakers to avoid embarrassing the President and to omit ultimatums or revolutionary rhetoric. Archbishop Patrik J. O'Boyle of Washington, D.C., Wilkings of the NAACP, Martin Luther King, Jr., and the other speakers persuaded Lewis to rewrite parts of his manuscript. Although they defended the march goals and criticized the reluctance of Congress to pass the civil rights bill, these Jeffersonian liberal or moderate Jeffersonian leaders believed it unnecessary and perhaps selfdefeating to rail against a Democratic administration that was supporting pending civil rights legislation in Congress. (Baccioco, 1974, pp. 53-54)

In the original version of his speech, Lewis contended that although the

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unemployed workers. (7) an increase in the minimum wage to $2 an hour. The Federal minimums, covering workers in interstate industry, is now $1.15 an hour and will rise to $1.25 next Tuesday. (8) Extension of the Fair Labor Standards Act to include exempted fields of employment."

63 See n. 54.

SNCC supported the administration civil rights bill, the bill would not protect women and children in the South from police dogs and police regression. Lewis threatened not to wait for the executive, the judiciary, or the legislature to grant relief to the Southern Negro. Instead, speaking for the SNCC and the disenfranchised, he asserted that they would create an independent source of power to operate outside any existing political structure to assure victory. Rather than march to Washington the next time, Lewis threatened to march through the South the way General Sherman had during the Civil War to achieve equal rights.[64] In the rewritten version of the speech, Lewis warned against a "cooling-off" period and charged that President Kennedy was trying to transfer the revolution from the street into the courts of law. Immediately after the march, the SNCC criticized the other civil-rights leaders for compelling Lewis to change his speech and regarded the incident as an indication of the pitfalls accompanying cooperation with Jeffersonian liberals. (Bacciocco, 1974, p. 54)

D. The Jeffersonian Responses from president Kennedy, President Johnson, and the House of Representatives

But President Kennedy himself was a Jeffersonian liberal. He responded positively not to ultra-Jeffersonians, but to moderate Jeffersonians. Being fearful of the ultra-Jeffersonian use of direct action, he indeed wanted to

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64 For the complete original text of Lewis's speech, see John Lewis, "A Serious Revolution," in Teodori, 1969, pp. 100-102.

transfer the "revollution" from "the street," not into "the courts of law" this time, but into the chamber of law. The great task for him to do was to overcome the anti-Jeffersonian elements and anti-Jeffersonian structures in Congress — conservative Democratic Congressmen from the South and filibuster in the Senate. The Kennedy Administration realized that Republican support was essential if the civil rights bill was to overcome the expected opposition from Southern Congressmen. The Administration stood ready to compromise on the bill and even to label it "bipartisan" in order to win Republican support. The Senate, with its filibuster rule and entrenched conservative leadership, was considered to be a more difficult obstacle than the House. Hence the Administration chose to push for House passage first in order to confront the Senate with the maximum possible pressure for passage. (Dye, 1971, p. 126)

Unfortunately, President Kennedy was not able to carry out the great task himself to the end because he was assassinated on 22 November 1963. It was President Lyndon B. Johnson who finished the late President's unfinished task. In his first address to congress following Kennedy's assassination, President Johnson, another moderate jeffersonian, named civil rights as the priority item for Congressional action: "No memorial euology or oration could more eloquently honor President Kennedy's memory than the earliest possible passage of the Civil Rights Bill for which he fought so long." (Congressional Quarterly, 1968, p. 4) So President Johnson decided to bring heavy pressure upon Congress to pass the bill as a tribute to the late President.

Negotiations between Attorney General Robert F. kennedy and the

ranking House Judiciary Committee Republican, William M. McCullock of Ohio, and Republican House Leader Charles A. Halleck of Indiana had already resulted in a redrafting of the bill and a favorable recommendation from the House Judiciary Committee before president Kennedy's assassination. Actually the House bill was stronger than the original Kennedy proposal. [65] Thus, House Republicans could rightly claim that they had strengthened the bill and that it was not solely the product of a Democratic Administration. Through the efforts of the bill's proponents from the leadership for the bill provided by both parties in the House of Representatives, [66] the House

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65 The original Kennedy proposal included the broadening of existing law protecting Negro voting rights, the extension of the life of the U.S. Commission on Civil Rights, and the legislation to guarantee Negroes access to public accommodations, to allow the Justice Department to file suits in school desegregation cases, to allow federal programs to be cut off in any area where discrimination was practiced, and to strengthen fair employment practices by government contractors. The House bill added provisions for an Equal Employment Opportunity commission and barred discrimination not only by government contractors but also by private employers and unions.

66 In the House of Representatives, leadership for the civil rights bill was provided by Judiciary Committee Chairman Emanuel Celler (D. N. Y.) and the ranking minority member of the Committee, Congressman McCulloch, as well as by the liberal-oriented Democraatic Study Group (DSG) composed of more than one hundred House Democrats. The DSG's civil rights effort was headed by Congressman Richard S. Bolling (D., Mo.). Democratic Whip Hale Boggs of Louisiana did not function during the debate on the bill. Since the Rules Committee was chaired by Howard W. Smith, a Virginia Democrat and opponent of the measure, Bolling spearheaded the effort to force the bill out of the Rules Committee by initiating a discharge petition. On 30 January 1964 the House Rules Committee granted the bill a rule allowing ten hours of debate after which the bill would be open to floor amendments. The major effort of the bill's proponents was to beat back numerous amend-

passed, on 10 February 1964, the historic bill by a vote of 290-130.[67]

E. The Jeffersonian Response from the Senate: The Victory of Cloture over Filibuster

When the House-passed bill came to the Senate, the central problem for its proponents was to muster the two-thirds majority needed to impose cloture, thereby cutting short the expected Southern filibuster. The venerable Republican leader of the Senate, Everett McKinley Dirksen of Illinois, appeared to be the pivotal man who could make the difference between the success and failure of the cloture motion. President Johnson chose Majority Whip Hubert Humprey (D. Minn.) to guide the bill through the Senate. Humphrey's strategy was to avoid bitter or contentious debate, to accommodate most of Dirksen's suggestions on the bill, and to share credit for the bill with the Republican leadership. And in February Humphrey managed to bypass the Senate Judiciary Committee, headed by civil-rights opponent James O. Eastland (D., Miss.) and on a 54-37 vote placed the House-passed bill directly on the Senate calendar for action. (Dye, 1971, p. 128)

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ments offered on the floor by Southerners. Congressmen Celler and McCulloch, respectively, managed to keep most Democrats and Republicans from supporting any major changes in the bill. The civil rights proponents made certain that the bill's supporters were all present on the floor to vote down a barrage of amendments.

67 Of the 256 House Democrats, 152 (59 percent) voted in favor of the bill and 96 against (seven Democrats were absent). Northern Democrats supported the bill 141-4. Southern Democrats approved it by a 92-11 margin, with all the Southern supporters representing border states. Of the 177 Republicans, 138 (78 percent) voted for the bill and 34 against (five not voting).

In late March Senate Majority leader Mike Mansfield (D., Mont.) brought the bill to the floor for Senate consideration, and the Southern filibuster began. Southern opposition was led by Senator Richard B. Russell (D., Ga.). Russell declined to negotiate an end to the filibuster in exchange for a softer bill. Instead he chose to hold out against any bill and to try to prevent cloture. Behind-the-scenes negotiation took place between Direksn, Humphrey, Mansfield, and Johnson Administration officials during April and May while the Southern filibuster continued. Eventually a substitute bill was developed that was more acceptable to the Republican leader.[68] On 19 May Dirksen who had remained notably silent on the issue, made his first public statement: "Civil rights — here is an idea whose time has come. ··· Let editors rave at will and states fulminate at will, but the will has come, and it can't be stopped." (congressional Quarterly, 1968, p. 60) With Dirksen's support, cloture was voted on 10 June by a 71-29 margin. Thirty-four Democrates and twenty-seven Republicans joined in voting to end the Southern filibuster. The cloture motion was opposed by twenty-three Democrats (twenty-one from the South) and six Republicans. The battle was over after the important cloture vote. On June 19 the Senate passed the Civil Rights Bill by a 73-27 roll-call vote. (Dye, 1971, pp. 128-29)

It is not exaggerated to say that the passage of the Civil Rights Act of 1964 was due to the success in passing the cloture to end the Southern fili-

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68 The major difference between the House-passed bill and Dirksen's substitute was that more emphasis was placed on conciliatory efforts by the Equal Employment Opportunity Commission in achieving desegregation in private business.

buster. This was one of the biggest events in the history of the Senate. Over the years the Southern bloc in the Senate had always depended upon the support of a number of Northern, Western, and Border state Democrats and Republicans who, cherishing the tradition of unlimited debate in the Senate, opposed cloture as a matter of principle. Never in its history had the Senate closed off debate on a civil rights measure despite eleven attempts dating from 1938. (Dye, 1971, p. 128) And this was the first time since 1917, which the Senate had initially adopted rules for limiting debate, that cloture was successfully invoked for a civil rights measure. Indeed, cloture had been voted only five other times, up to that point. The fact that Northern Republicans were willing to abandon their traditional coalition with Southern Democrats made cloture possible, and Senate Minority leader Dirksen explained his party's action by proclaiming "This is an idea whose time has come. It will not be stayed. It will not be denied." (Quoted, Blaustein and Zangrando, 1968, p. 525)

In the paragraph prior to the last one, we have seen Dirksen's public statement that "the time has come and it can't be stopped." Now the time has come for us to ask the important question: what made Northern Republicans preceive that the time had come for a comprehensive civil rights law and "it can't be stopped"? Dye gave us the exact answer:

> ··· by 1964 Congress could no longer ignore the nation's most pressing domestic issue. The civil-rights movement had stepped up its protests and demonstrations and was attracting would-be attention with organized sit-ins, freedom rides, picketing campaigns, boycott, and mass marches. The mass media vividly portrayed the animosity of segregationists and helped to convince millions of Americans of the need for national legislation.

(Dye, 1971, p. 57)

F. The Jeffersonian Civil Rights Act of 1964

Following its passage, the Senate version of the bill was went back to the House, where it was adopted by a 289-126 rollcall vote.[69] In a momentous nationwide television broadcast from the Wite Houes, president Johnson signed the civil rights bill into law on 2 July, a few hours after receiving it from the House. The Civil Rights Act of 1964 provides that:

1. It is unlawful to apply unequal standards in voter registration procedures or to deny registration for irrelevant errors or ommission on records or applications. Literacy tests must be in writing and a sixth-grade education is a presumption of literacy.
2. It is unlawful to discriminate or segregate persons on the grounds of race, color, religion, or natural origin in any place of public accommodation, including hotels, motels, restaurants, movies, theaters, sports arenas, entertainment houses, and other places offering to serve the public. This prohibition extends to all establishments whose operations affect interstate commerce or whose discriminatory practices are supported by state action. Private clubs are specifically exempted.
3. The Attorney General shall undertake civil action on behalf of any person denied equal access to a public accommodation. If the properietor continues to discriminate, he may be held in contempt of court and subjected to preemptory fines or imprisonment without trial by jury.
4. The Attorney General shall undertake civil actions on behalf of persons attempting the orderly desegregation of public schools.

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69 Voting to approve the Senate-amended bill in the House were 153 Democrats and 136 Republicans; voting against it were 35 Republicans and 91 Democrats, 88 of them southerners.

5. The U.S. Commission on Civil Rights, first established by the Civil Rights Act of 1957, shall be empowered (1) to investigate deprivations of the right to vote, (2) to collect and to study information regarding discrimination in America, and (3) to make reports to the President and Congress as necessary.
6. Each federal department and agency shall take appropriate action to end discrimination in all programs or activities receiving federal financial assistance in any form. These actions may include the termination of assistance.
7. After 1967 it shall be unlawful for any firm or labor union employing or representing twenty-five or more persons to discriminate against any individual in any fashion because of his race, color, religion, sex, or natural origins; an Equal Employment Opportunity Commission shall be established to enforce this provision by investigation, conference, conciliation, or civil action in federal court. [70]

G. The Jeffersonian Response from the Supreme Court

Although there was controversy on whether the Civil Rights Act of 1964 was constitutional or unconstitutional, [71] the Supreme court upheld its consti-

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[70] For the full text of the Civil Rights Act of 1964, see Document 89, in blaustein and Zangrando, 1968, pp. 526-50.

[71] Opponents of the civil Rights Act of 1964 argued that congress unconstitutionally exceeded its delegated powers when it prohibited discrimination and segregation practiced in privately-owned public accommodations and by private employers. For nowhere among the delegated powers of Congress enumerated in Article I of the Constitution or even in the Fourteenth or Fifteenth Amendments is congress specifically given the authority to prohibit discrimination practiced by private individuals. In reply, supporters of the Act argued that congress has the power to regulate interstate commerce and that discrimination in public accommodations and employment affects interstate commerce.

tutionality. [72] And although the minority of the court disfavored both the Jeffersonian end pursued, and the ultra-Jeffersonian means used, by the new Abolitionists, [73] its majority, while not complaining against the latter, [74] strong-

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[72] Because of the unusual importance of the Civil Rights Act of 1964, the Supreme Court took virtually immediate action to decide the cases testing its constitutionality. In unanimous opinion in Heart of Atlanta Motel v. United States and Katzenbach v. McClung in December 1964, the Supreme Court upheld the constitutionality of the civil Rights Act. The Court held that congress, by virtue of its power over interstate commerce, could prohibit discrimination in any establishment that serves or offers to serve interstate travelers or that sells food or goods previously moved in interstate commerce. This power over commerce extended not only to major establishments like the Heart of Atlanta Motel but also to the family-owned Ollie's Bardbecue, which served only a local clientele. (See Socument 90: "Heart of Atlanta Motel v. United States," in Blaustein and Zangrando, 1968, pp. 552-58.)

[73] In the Bell v. Maryland case in 1964, Justice Hugo L. Black, Justice John Marshall Harlan, and Justice Byron R. White disfavor both Jeffersonian end and ultra-Jeffersonian means adopted by the sit-iners. First, they defined the crucial issue in the case and interpreted the fourteenth Amendment narrowly to supporting anti-Jeffersonian private discrimination: "The crucial issue which the case does present ··· is whether the Fourteenth Amendment, of itself, forbids a state to enforce its trespass laws to convict a person who comes into a privately owned restaurant, is told that because of his color he will not be served, and over the owner's protest refuse to leave. We ··· think that ··· the Fourteenth Amendment does not forbid this application of state's trespass laws. ··· Section 1 of the Fourteenth Amendment provides ··· 'No State shall ··· deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.' This section of the Amendment ··· is a prohibition against certain conduct only when done by a State — 'state action' ··· — and 'erects no shield against merely private conduct, however discriminatory or wronguufl'. ··· The Fourteenth Amendment of itself does not compel either a black man or a white man running his own private business to

ly support the former in the majority opinion expressed by Chief Justice Earl Warren, Justice William O. Douglas, and Justice Arthur J. Goldberg:

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trade with anyone else against his will. We do not believe that Section 1 of the Fourteenth Amendment was written or designed to interfere with a storekeeper's right to choose his customers or with a property owner's right to choose his social or business associates, so long as he does not run counter to valid state or federal regulation. ··· Our sole conclusion is that Section 1 of the Fourteenth Amendment, standing alone, does not prohibit privately owned restaurants from choosing their own customers. ··· " Then the three justice expressed their concern about sit-iners' ultra-Jeffersonian use of Jeffersonian civil disobedience as a means to accomplish their end in defiance of the normal means in American society: "our society has put its trust in a system of criminal laws to punish lawless conduct. To avert personal feuds and violent brawls it has led its people to believe and expect that wrongs against them will be vindicated in the courts. Instead of attempting to take the law into their own hands, people have been taught to call for police protection to protect their rights wherever possible. It would betray our whole plan for a tranquil and orderly society to say that a citizen, because of his personal prejudices, habits, attitudes, or belief, is cast outside the law's protection and cannot call for the aid of officers sworn to uphold the law and preserve the peace. The worst citizen no less than the best is entitled to equal protection of the laws of his State and of his Nation. None of our past cases justifies reading the Fourteenth Amendment in a way that might well penalize citizens who are law-abiding enough to call upon the law and its officers for protection intead of using their own physical strength or dangerous weapons to preserve their rights. ··· " (Document 87: "Bell v. Maryland," ibid., pp. 520, 521, 523.)

74 The majority opinion of the Supreme Court, as expressed by Justice William O. Douglas, Justice Arthur J. Goldberg and Chief Justice Earl Warren, showed implicit sympathy with the inevitability of the use of ultra-Jeffersonian means by the demonstrators and rioters: "The whole nation has to face the issue; congress is conscientiously considering it; some municipalities have had to make it their first order of concern; law enforcement officials are deeply implicated, North as well as South; and question is at the root of demonstrations, unrest, riots, and violence in various areas. The issue in other words consumes the public attention. yet we stand mute, avoiding decision of the basic issue by an obvious pretence." (Ibid., p. 514)

The Black Codes were a substitute for slavery; segregation was a substitute for black Codes; the discrimination in these sit-in cases is a relic of slavery. ···

When one citizen because of his race, creed, or color is denied the privilege of being treated as any other citizen in places of public accommodation, we have classes of citizenship, one being more degrading than the other. That is at war with the class of citizenship created by the Thirteenth, Fourteenth and Fifteenth Amendments. ···

The Thirteenth, fourteenth and Fifteenth Amendments do not permit the Negro to be considered as second-class citizens in any aspect of our public life. ···

the Constitution guarantees to all Americans the right to be treated as equal members of the community with respect to public accommodations. ···

The dissent argues that the Constitution permits American citizens to be denied access to places of public accommodation solely because of their race or color. Such a view does not do justice to a Constitution which is color blind and to the Court's decision in Brown v. Board of Education, which affirmed the right of all Americans to public euqality. We cannot blind ourselves to the consequences of a constitutional interpretation wich would permit citizens to be turned away by all the restaurants, or by the only restaurant, in town. The denial of the constitutional right of Negroes to access to places of public acccommodation would perpetuate a caste system in the United States. ···

The problem in this case, and in the other sit-in cases before us, is presented as though it involved the situaiton of "a privat operation counducting his own business on his own premises and exercising his own judgment" as to whom he will admit to the premises.

The property involved is not, however, a man's home or his yard or even his field. Private property is involved, but it is property that is serving the public ··· it is a "civil" right, not a "social" right, with which we deal. Here it is a restaurant refusing service to a Negro. But so far as principle and law are concerned it might just as well be a hospital refus-

> ing admission to a sick or injured Negro ··· or a drugstore refusing antibiotics to a Negro, or a bus denying transportation to a Negro, or a telephone company refusing to install a telephone in a Negro home.
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> The problem with which we deal has no relation to opening or closing the door of one's home. The home of course is the essence of privacy, in no way dedicated to public use, in no way extending an invitation to the public. ··· The facts of these sit-in cases have little resemblance to any institution of property which we customarily associated with privacy. (Blaustein and Zangrando, 1968, pp. 515-18)

3. The Contribution by the New Abolitionists' Ultra-Jeffersonian Civil-Rights Movement

Thus, the majority of Supreme Court, the majority of Congress and the President all took a Jeffersonian position in their respective responses to the massive direct action against anti-Jeffersonian inequality, a massive scale of Jeffersonian challenge that, though not made by the SNCC alone, was made possible by the SNCC's direct stimualtion. It is fair to say that without the SNCC's ultra-Jeffersonian use of Jeffersonian means there might have been no massive direct action, and that without other civilrights organizations' restrictive force, the SNCC might have gone to its extremity in over-using the Jeffersonian means and elicited anti-Jeffersonian oppression rather than jeffersonian responses from all branches of federal government. The new abolitionists' ultra-Jeffersonian civil-rights movement, culminating in the "March on Washington," not merely elicited Jeffersonian responses from the federal government but also stimulated the ultra-Jeffersonian responses from white students, especially the Students for a Democratic society. It is to the SDS's ultra-Jeffersonian support for the civil-rights movement that we shall turn.

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撰寫早期美國新左派與美國民主傳統之間關係的一系列論文所遭遇之困難與克服困難的指導原則

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本文乃對作者未來長期研究計劃中一系列相關論文之撰寫背景與論文提綱之簡介。此一系列論文旨在研究一九六〇年代上半期美國早期新左派與美國民主傳統，兩者在歷史上與概念上存有何種關係。由於過去從無人從事類似之研究，此種研究純屬開創性之研究，在研究過程中發掘其難題，並設法加以克服，然後提出有待驗證的論點。

本文作者同意，欲發現連繫美國早期新左派與美國民主傳統之間的關係，的確困難重重：第一，雖有人認爲早期之美國新左派旨在努力恢復傑佛遜的民主傳統，但什麼是眞正的傑佛遜民主傳統，則眾說紛紜，從無定論。第二，由於所謂之「新左派」是由具有各種不同目標、策略與意識形態的個人與團體所組成，什麼是「新左派」，實在難以明確加以界定。第三，即使傑佛遜的民主傳統與新左派能予以適當的界定，但由於事實上無一新左派份子有意識的及明示的將其目標、策略與意識形態與傑佛遜民主傳統相連，硬將兩者在同一架構中相提並論，實令人有牽强附會之感。

爲了克服上述困難，作者提出三項原則以指導本系列論文之研究工

作：第一，超越傑佛遜民主傳統之本身，追溯其根源，並將傑佛遜民主傳統視爲美國民主傳統中之一支，並與卡洪傳統及麥迪遜傳統與其他支相比較而突顯其特徵。第二，以最具有代表早期美國新左派性質的早期「學生促進民主社會（通稱學生民主會）」此一學生組織作爲本系列論文的主要分析單位，並以代表早期美國新左派運動精神同時連繫前述學生組織與傑佛遜民主傳統並使前者曲解後者的「非暴力學生協調委員會」爲補助分析單位。第三，本系列論文所分析的早期「學生民主會」與傑佛遜民主傳統之間關係，既非純歷史關係，亦非純概念關係，而係兩者之混合。作者就此關係在本系列論文所提出之中心論點爲：早期「學生民主會」在精神上乃傑佛遜民主主義者，在實質上則爲極端傑佛遜民主主義者。

本系列論文前後將共計八篇，除第一篇將視早期之「學生民主會」爲精神上的傑佛遜民主主義者外，其餘各篇均將視該學生組織爲實質上的極端傑佛遜民主主義者，這八篇論文雖前後關連，但均各自獨立而自成一篇。

「學生民主會」所繼承的傑佛遜民主精神遺產

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本文爲關於早期美國新左派與美國民主傳統之間關係的一系列論文之第一篇。與其後其他各篇相較，本篇的獨立性較大與其他各篇的關連性較小。

本文所研究的主題爲發掘美國早期新左派所繼承的傑佛遜民主精神的遺產，本文以作爲美國社會與教育民主傳統基礎的傑佛遜民主精神及代表美國早期新左派的早期「學生促進民主社會」（簡稱「學生民主會」）爲兩大研究焦點。研究的主旨在於發掘及界定前者的內涵並求證前者爲後者所繼承的假設命題。

本文從傑佛遜本人的書信及學者對傑佛遜傳統的研究成果中獲得兩大發現：第一，作爲美國社會民主傳統基礎的傑佛遜民主精神，乃是每一代人均以各自認爲適當的方式解決各自面臨的重大問題的不斷民主革命原則。享利喬治、威爾遜及羅新福三人之各以不同方式彈性運用此一原則，便是美國社會民主發展過程中繼承傑佛遜民主精神遺產的三種典型例證。第二，作爲美國教育民主傳統基礎的傑佛遜民主精神，可以詮釋爲信任人民，透過公共教育以啓發人民，並透過傳播報紙及圖書使人民得到知識，以便具有智慧及知識的人民能以自救的方式決定其自己的命運。

此外，本文從「學生民主會」在一九六〇年代初籌備其成立大會及正式公開成立大會的重生過程及結果中，發現傑佛遜的不斷民主革命及信任，啓發其教育人民的兩大民主精神遺產，事實上確爲青年的新左派學生領袖所繼承，儘管繼承的方式並非有意識的及明示的。

（全文請見東吳政治社會學報第十三期，民國七十八年十二月，頁一至四十。）

「學生民主會」初期實踐主義的間接淵源——傑佛遜保障人權平等的民主原則及舊廢奴主義者的極端傑佛遜式反奴運動

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本文爲關於早期美國新左派與美國民主傳統之間關係的一系列論文之第二篇。主要目的在於詮釋間接影響「學生民主會」初期實踐主義的傑佛遜保障人權平等的民主原則及舊廢奴主義者的極端傑佛遜式反奴運動。故本文之內容主要包括兩大部份。

第一部份之詮釋傑佛遜保障人權平等的民主原則，旨在以此作爲判斷本系列論文中美國歷史上及當代極端傑佛主義者行爲的標準。作者對此此原則詮釋的結果，獲得下列幾點發現：(一)傑氏之民主目的爲對人權平等作永久與民主性的保障。換言之，即將一切人自然權利中的道德平等不斷的轉變成由人民所同意而建立的民主政府所保障的民權中的法律平等。(二)傑氏爲一理性主義的人道主義者，合理的堅持由法律保障每位公民都平等的從事基本人類事務的最起碼的人權平等；而非平等主義的人道主義者，狂熱的擴充人權平等至一切人類事務的邏輯極端，要求達成人類一切生活的全面的最大平等。換言之，在傑氏的人類普通平等的概念中，社會與經濟平等被排除於外，但政治平等則包含在內。

(三)正如法律平等涉及傑氏的民主目的，政治平等則涉及傑氏的民主方法。就傑氏而言，公民有權平等參與社區的決策過程，乃保障人權平等的唯一民主方式。(四)傑氏所主張的平等政治參與有兩種形式，其一爲大多數人民在平常時期正常的制度性參與，其二爲被壓迫的少數人民在非常時期反常的反制度性參與。前者爲有限度多數統治原則的制度化，後者爲被壓迫少數人用以代替最後激烈革命，偶而使用的溫和群眾叛亂。

本文第二部份爲本系列論文中一連串討論美國民主政治中居永久性少數地位的黑人不平等問題的起點。作者在本文中應用傑佛遜保障人權平等的民主原則，詮釋美國歷史上舊廢奴主義者反奴運動的性質及其影響的結果，獲得下列幾點發現：(一)傑佛遜本人雖以解放與殖民的混合特殊方式處理民主政治中黑奴制度的難題，但他無意將美國黑人，排除於其人權平等的民主原則適用範圍之外，他所主張偶而用溫和的叛亂方式貫徹該原則之實施，在邏輯上與實踐上都和居永久少數地位，經常受白人多數暴虐的美國黑人有關。(二)以卡里生及梭羅爲代表的美國舊廢奴主義者是以極端傑佛遜方式應用傑氏保障人權平等民主原則，因他們雖和傑氏一樣，信奉適用人類平等的民主原則於黑奴的同一目標，但在企圖達成此目標時，他們不像傑氏那樣講究實用，具有耐心、溫和、容許適當的妥協，並等候大多數人心態的逐漸改變；他們太過於理想主義化，沒有耐心、激進、不容許任何妥協，堅持多數人必須對少數人的鋼鐵意志立即讓步。因此舊廢奴主義者顯然是極端傑佛遜主義者，其反奴運動顯然爲極端傑佛遜式運動。(三)雖然舊廢奴主義者的極端傑佛遜式反奴運動未達成其目的，但它使美國關於民主政治與奴隸制度是否相容的問題，從此成爲長期公開的全國性爭論，並且使美國全國關於民主的觀念陷入兩極化的傳統：一方面在北方發展出極端的傑佛遜民主傳統，另一方面在南方發展出以卡洪爲代表的反傑佛遜民主傳統。兩傳統的基

本差異顯然爲原則上而非程度上的差異，因前者係建立於一切人均全面平等的極端傑佛遜原則上，而後者則建立於白人與黑人之間不平等的反傑佛遜原則上。(四)美國歷史上民主傳統的主流既非極端傑佛遜傳統，亦非反傑佛遜傳統，而是以林肯爲代表，深受大多數美國人支持的溫和傑佛遜傳統。此傳統對美國民主政治中黑奴制度問題的基本態度及處理原則是：解決黑奴，使其獲得自由，但並不立即讓黑人取得和白人平等的地位。

(全文請見東吳政治社會學報第十四期，民國七十九年十二月，頁一至七十八。)

「學生民主會」初期實踐主義的直接激勵：新廢奴主義者的極端傑佛遜式民權運動

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本文爲關於早期美國新左派與美國民主傳統之間關係的一系列論文之第三篇，其主要目的在於探討直接激勵「學生民主會」初期實踐主義的新廢奴主義者的極端傑佛遜式民權運動興起的歷史和時代背景，敘述與分析該運動本身的過程，以及評估該運動的結果。

在新廢奴主義者的極端傑佛遜式民權運動興起的歷史背景方面，作者發現了連續三時期的相關特徵，首先，在美國南北戰爭戰後的極端傑佛遜重建時期中，美國國會在極端傑佛遜的共和黨議員控制之下，針對已獲得自由但並未獲得與白人平等地位的美國黑人，通過了給予其立即與完全平等權利的憲法修正案及法律。其次，在一八七三至一八九六年間，美國最高法院所作的半傑佛遜式司法判決，對美國憲法作狹意的解釋，意外的曲解了傑佛遜式的平等，因而產生了癱瘓旨在强制美國黑白人之間平等民權的立法的不幸後果。最後，在一八八四至一九一四年卅年反傑佛遜的歧視黑人法律期中，反傑佛遜的南方州議會故意通過施行於全南方的種族隔離法，藉此剝奪黑人與白人平等的一切權利，並使黑人日常生活的各方面均處於種族隔離與歧視的法規之下，於是種族隔離

及歧視法代替了奴隸制，成爲使黑人淪爲二等公民的隸屬與悲慘地位的社會工具。

在新廢奴主義者的極端傑佛遜式民權運興起的時代背景方面，作者發現主要的民權組織爲由極端傑佛遜主義者所創建的「全國有色人種促進會」，但該會後來的發展並未達成其創建時所預定的極端傑佛遜目標，因該會自限於傑佛遜式而非極端傑佛遜式平等並且依賴司法程序而非群眾抗爭的策略，以達成黑人與白人之間的平等。在分析該會的司法訴訟方面，作者之所以將注意力集中於一九五〇年代的學校隔離訴訟案上，乃因過去半傑佛遜的最高法院就是在這些訴訟案上才對該會對反傑佛遜式的不平等的傑佛遜式挑戰作了傑佛遜式的回應。雖然傑佛遜式的布朗判決對長期的民權運動具有極端傑佛遜式的影響，但最高法院的執行判決卻出乎意料的替南方超過十年以上的反傑佛遜式抗拒傑佛遜式取消種族隔離舖路。在這種情勢之下，其他民權組織便非使用極端傑佛遜式方法以達到傑佛遜式目的不可了。作者只抽出其中兩個組織加以研討，其一爲「種族平等協會」，其二爲「南方基督教領導聯盟」，前者對後來的極端傑佛遜主義者樹立了如何應用非暴力直接行動的首次範例。後者的著名領袖馬丁路德金不僅組織了有名的蒙特馬利群眾抵制公車事件，而且替新極端傑佛遜廢奴主義者留下以愛而非恨去不遵守不正義法律的非暴力直接行動的哲學。

在上述的歷史及時代背景中，作者找出了新廢奴主義者極端傑佛遜式民權運動的心理根源：即黑人大學生對美國民主政治在傳統上處理種族隔離及種族歧視的緩慢程序的不耐煩心態。本文的主體即對該民權運動本身的敘述與分析，在敘述方面，作者的重點乃置於原始的自發性靜坐運動如何產生一個與舊民權組織的傑佛遜式目的與極端傑佛遜式方法共同但獨立的新民權組織——「學生非暴力協調委員會」該會在協調廣

泛散佈的靜坐運動方面遭遇到何種困難，以及該會如何籍積極參與「自由乘車」而延續該運動的活力三點上。在分析方面，作者的焦點乃集中於「學生非暴力協調委員會」的非暴力直接行動或群眾之集體拒絕守法之極端傑佛遜功能：亦即該會之連續使用非正規的傑佛遜民主方法（偶而的溫和叛亂）作爲其立即實踐其民主目的之正規民主方法。作者所强調的是：該會在使用非暴力直接行動或群眾集體拒絕守法之際，該會實即在對非傑佛遜的民主方法作極端傑佛遜式的挑戰。

最後，作者對新廢奴主義者極端傑佛遜式民權運動結果之評估，係著眼於其特定目標的達成，象徵性的收獲，及一般性的成就，在其一般成就中之最大者，莫過於由甘尼迪總統提議，經詹森總統敦促，並經國會通過及獲得最高法院支持之一九六四年民權法案。這些美國聯邦政府各部門在對群眾爲反抗反傑佛遜種族不平等而採取直接行動的反應中，都各自採取了傑佛遜的立場。