



# DEMOCRACY IN TROUBLED TIMES

*A Documentary Discussion*

History Department  
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## ACKNOWLEDGEMENTS

This collection of primary documents engages the Marquette Forum's theme of *Democracy in Troubled Times* by revisiting core democratic principles and questions throughout history. The documents were gathered by faculty in the History Department whose expertise guided the selections. In an effort to amplify the theme of *Democracy in Troubled Times*, faculty and instructors are encouraged to explore these documents with their classes in an effort to shape a robust dialogue on the importance of preserving democratic ideals.

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***“Old Oligarch” (Ancient Greece, circa 400 B.C.)***

*Below are excerpts from a speech attributed to the “Old Oligarch,” an unknown Athenian aristocrat or oligarch. It was delivered (we don’t know where) to a sympathetic audience and is typically dated to sometime in the middle 400’s, likely during the period of the Peloponnesian War between Athens and Sparta. At this time, the democracy was coming under scrutiny because the Athenians were viewed by some as acting like imperialists, egged on by some individuals in the democracy who had gained too much power. The military losses to Sparta over the course of the war led some to begin to take a critical look at Athenian democratic principles, as many believed it was due to their form of government that they were losing ground to Sparta. Indeed, after the Athenians lost the war in 404 BC, the Spartans briefly imposed an oligarchy on Athens and her allied democratic city-states, although this was shaken off fairly quickly. But the “golden age” of Athens was functionally over after this, and it was only about 65 years later that she became subject to Macedonia under Philip II and his son, Alexander the Great.*

*Questions:*

- 1) What are some of the anonymous author’s main critiques of the Athenian democracy?*
- 2) How does the Old Oligarch believe that the people are able to “game” the democratic system at Athens? What is unique about the Athenian situation that allows for this?*

**I. |**

And as for the fact that the Athenians have chosen the kind of constitution that they have, I do not think well of their doing this inasmuch as in making their choice they have chosen to let the worst people be better off than the good. Therefore, on this account I do not think well of their constitution. But since they have decided to have it so, I intend to point out how well they preserve their constitution and accomplish those other things for which the rest of the Greeks criticize them. [2] First I want to say this: there the poor and the people generally are right to have more than the highborn and wealthy for the reason that it is the people who man the ships and impart strength to the city; the steersmen, the boatswains, the sub-boatswains, the lookout officers, and the shipwrights -- these are the ones who impart strength to the city far more than the hoplites, the high-born, and the good men. This being the case, it seems right for everyone to have a share in the magistracies, both allotted and elective, for anyone to be able to speak his mind if he wants to. [3] Then there are those magistracies which bring safety or danger to the people as a whole depending on whether or not they are well managed: of these the people claim no share (they do not think they should have an allotted share in the generalships or cavalry commands). For these people realize that there is more to be gained from their not holding these magistracies but leaving them instead in the hands of the most influential men. However, such magistracies as are salaried and domestically profitable the people are keen to hold. [4] Then there is a point which some find extraordinary, that they everywhere assign more to the worst persons, to the poor, and to the popular types than to the good men: in this very point they will be found manifestly preserving their democracy. For the poor, the popular, and the base, inasmuch as they are well off and the likes of them are numerous, will increase the democracy; but if the wealthy, good men are well off, the men of the people create a strong opposition to themselves. [5] And everywhere on earth the best element is opposed to democracy. For among the best people there is minimal wantonness and injustice but a maximum of scrupulous care for what is good, whereas among the people there is a maximum of ignorance, disorder, and wickedness; for poverty draws them rather to disgraceful actions, and because of a lack of money some men are uneducated and ignorant. [6] Someone might say that they ought not to let everyone speak on equal terms and serve on the council, but rather just the cleverest and finest. Yet their

policy is also excellent in this very point of allowing even the worst people to speak. For if the good men were to speak and make policy, it would be splendid for the likes of themselves but not so for the men of the people. But, as things are, any wretch who wants to can stand up and obtain what is good for him and the likes of himself. [7] Someone might say, "What good would such a man propose for himself and the people?" But they know that this man's ignorance, baseness, and favour are more profitable than the good man's virtue, wisdom, and ill will. [8] A city would not be the best on the basis of such a way of life, but the democracy would be best preserved that way. For the people do not want a good government under which they themselves are slaves; they want to be free and to rule. Bad government is of little concern to them. What you consider bad government is the very source of the people's strength and freedom.

[11] If anyone is also startled by the fact that they let the slaves live luxuriously there and some of them sumptuously, it would be clear that even this they do for a reason. For where there is a naval power, it is necessary from financial considerations to be slaves to the slaves in order to take a portion of their earnings, and it is then necessary to let them go free. And where there are rich slaves, it is no longer profitable in such a place for my slave to fear you. In Sparta my slave would fear you; but if your slave fears me, there will be the chance that he will give over his money so as not to have to worry anymore. [12] For this reason we have set up equality between slaves and free men, and between metics {foreigners with citizen rights} and citizens. The city needs metics in view of the many different trades and the fleet. Accordingly, then, we have reasonably set up a similar equality also for the metics.

[15] Someone might say that the Athenians' strength consists in the allies' ability to pay tribute-money; but the rabble thinks it more advantageous for each one of the Athenians to possess the resources of the allies and for the allies themselves to possess only enough for survival and to work without being able to plot defection. [16] Also in another point the Athenian people are thought to act ill-advisedly: they force the allies to sail to Athens for judicial proceedings. But they reason in reply that the Athenian people benefit from this. First, from the deposits at law they receive their dicastic pay through the year. Then, sitting at home without going out in ships, they manage the affairs of the allied cities; in the courts they protect the democrats and ruin their opponents. If the allies were each to hold trials locally, they would, in view of their annoyance with the Athenians, ruin those of their citizens who were the leading friends of the Athenian people. [18] In addition, were the allies not to go away for judicial proceedings, they would honour only those of the Athenians who sail out from the city, namely generals, trierarchs, and ambassadors. As it is now, each one of the allies is compelled to flatter the Athenian populace from the realization that judicial action for anyone who comes to Athens is in the hands of none other than the populace (this indeed is the law at Athens); in the courts he is obliged to entreat whoever comes in and to grasp him by the hand. In this way the allies have become instead the slaves of the Athenian people.

## II.

[8] Further, hearing every kind of dialect, they have taken something from each; the Greeks rather tend to use their own dialect, way of life, and type of dress, but the Athenians use a mixture from all the Greeks and non-Greeks. [9] The Athenian populace realizes that it is impossible for each of the poor to offer sacrifices, to give lavish feasts, to set up shrines, and to manage a city which will be beautiful and great, and yet the populace has discovered how to have sacrifices, shrines, banquets, and temples. The city sacrifices at public expense many victims, but it is the people who enjoy the feasts and to whom the victims are allotted. [10] Some rich persons have private gymnasia, baths, and dressing-rooms, but the people have built for their own use many wrestling-quarters, dressing-rooms, and public baths. The rabble has more enjoyment of these things than the well-to-do members of the upper class. [11] Wealth they alone of the Greeks and non-Greeks are capable of possessing. If

some city is rich in ship-timber, where will it distribute it without the consent of the rulers of the sea? Again if some city is rich in iron, copper, or flax, where will it distribute without the consent of the rulers of the sea? However, it is from these very things that I have my ships: timber from one place, iron from another, copper from another, flax from another, wax from another.

[17] Further, for oligarchic cities it is necessary to keep to alliances and oaths. If they do not abide by agreements or if injustice is done, there are the names of the few who made the agreement. But whatever agreements the populace makes can be repudiated by referring the blame to the one who spoke or took the vote, while the others declare that they were absent or did not approve of the agreement made in the full assembly. If it seems advisable for their decisions not to be effective, they invent myriad excuses for not doing what they do not want to do. And if there are any bad results from the people's plans, they charge that a few persons, working against them, ruined their plans; but if there is a good result, they take the credit for themselves. [18] They do not permit the people to be ill spoken of in comedy, so that they may not have a bad reputation; but if anyone wants to attack private persons, they bid him do so, knowing perfectly well that the person so treated in comedy does not, for the most part, come from the populace and mass of people but is a person of either wealth, high birth, or influence. Some few poor and plebeian types are indeed abused in comedy but only if they have been meddling in others' affairs and trying to rise above their class, so that the people feel no vexation at seeing such persons abused in comedy. [19] It is my opinion that the people at Athens know which citizens are good and which bad, but that in spite of this knowledge they cultivate those who are complaisant and useful to themselves, even if bad; and they tend to hate the good. For they do not think that the good are naturally virtuous for the people's benefit, but for their hurt. On the other hand, some persons are not by nature democratic although they are truly on the people's side.

[20] I pardon the people themselves for their democracy. One must forgive everyone for looking after his own interests. But whoever is not a man of the people and yet prefers to live in a democratic city rather than in an oligarchic one has readied himself to do wrong and has realized that it is easier for an evil man to escape notice in a democratic city than in an oligarchic.

### III.

[9] It is possible to discover many ways to improve the constitution; however, it is not easy to discover a means whereby the democracy may continue to exist but sufficient at the same time to provide a better polity, except -- as I have just said -- by adding or subtracting a little. [10] Also in the following point the Athenians seem to me to act ill-advisedly: in cities embroiled in civil strife they take the side of the lower class. This they do deliberately; for if they preferred the upper class, they would prefer those who are contrary-minded to themselves. In no city is the superior element well disposed to the populace, but in each city it is the worst part which is well disposed to the populace. For like is well disposed to like. Accordingly the Athenians prefer those sympathetic to themselves. [12] Someone might interject that no one has been unjustly disfranchised at Athens. I say that there are some who have been unjustly disfranchised but very few indeed. To attack the democracy at Athens not a few are required. [13] As this is so, there is no need to consider whether any persons have been justly disfranchised, only whether unjustly. Now how would anyone think that many people were unjustly disfranchised at Athens, where the people are the ones who hold the offices? It is from failing to be a just magistrate or failing to say or do what is right that people are disfranchised at Athens. In view of these considerations one must not think that there is any danger at Athens from the disfranchised. *\*Translation from [https://warwick.ac.uk/fac/arts/classics/students/modules/introhist/usefuldocuments/old\\_oligarch.pdf](https://warwick.ac.uk/fac/arts/classics/students/modules/introhist/usefuldocuments/old_oligarch.pdf)*

***Speech Attributed to the Orator Andocides (Athens Circa 401-431 B.C.)***

*Below is a speech attributed to the orator Andocides (although the authorship is uncertain). The piece is a denigration of an influential Athenian citizen by the name of Alcibiades. During the war between Sparta and Athens (the Peloponnesian War, 431-404 BC), the Athenian democratic system was at its limits. Although it was designed in direct opposition to the tyranny that had previously reigned in Athens, over the course of about 50 years the structures of the democracy had been manipulated to allow individual men to have more power than the representative systems of the government. One of these men was the very controversial Alcibiades, a prominent Athenian general and politician. During the war, he advocated for an imperialist strategy, and became the foremost proponent of an Athenian expedition to conquer Sicily in 415 BC (which seems to be presaged in this speech). This expedition was ultimately a disaster. Combined with his involvement in the destruction of the island of Melos after their refusal to join the Athenian empire, Alcibiades became the subject of a debate over his role in the democratic system, and Andocides suggests that Alcibiades, who he accuses of aiming at tyranny, be ostracized from Athens.*

*To safeguard their democracy from characters who did not have the government's best interest at heart, the Athenians had installed a system called ostracism (from the Greek ostraca, or "pot sherd," on which citizens would write the names of those they wanted to be ostracized). Ostracism votes did not even require an allegation of misconduct, only that the Athenian people could muster at least 6,000 to vote on which individual they believed represented a threat to the democracy. Whichever man had the most votes would be exiled for a period of ten years.*

*In this speech, Andocides contrasts Alcibiades with Aristides (often referred to as "The Just"), who himself had been ostracized in the mid-480's BC but was later recalled to Athens after they recognized that he was indispensable in their war against the Persians (480-479 BC). Alcibiades never ended up being ostracized (in fact, he collaborated with his enemy Nicias to ostracize someone else, showing the ineffectiveness of this system!), but he did defect to Sparta. Ultimately, the practice fell out of use after this period, as the Athenians found themselves exiling influential individuals or those who could actually do more damage if they were not in Athens.*





*Piece of ostrakon with the name [A]lkib[iades] written in Greek*

*Questions:*

- 1) *What are Andocides' main complaints about Alcibiades' undemocratic behavior?*
- 2) *According to Andocides, what are the consequences to the democracy because of Alcibiades' behavior?*
- 3) *What does this speech reveal about the problems plaguing the Athenian democracy in ca. 417 BC, especially in the middle of a taxing war against Sparta?*

*Andocides, Against Alcibiades:*

“This is not the first occasion upon which the perils of engaging in politics have come home to me; I regarded it as no less hazardous in the past, before I had concerned myself in any way with affairs of state. Yet I consider it the duty of the good citizen, not to withhold himself from public life for fear of making personal enemies, but to be ready to face danger for the benefit of the community. Those who think only of themselves contribute nothing to a state's advancement; it is to those who think of the state that its greatness and its independence are due.

I myself desired to be included in this number: and consequently I now find myself in the utmost peril. True, in yourselves I have an audience actively devoted to the public good, and that circumstance makes for my salvation; but I have innumerable enemies of the most dangerous kind, and by them I am being misrepresented. Nor is the contest in which I am engaged for the winning of a crown; it is to decide whether one who has done the state no wrong is to spend ten years in exile. The competitors for that prize are Alcibiades, Nicias, and myself. Upon one of us the blow must fall.

I shall therefore say nothing of myself. I wish instead to remind you of the past of Alcibiades— although such is the multitude of his misdeeds that I am at a loss where to begin: there is not one of them that does not press for mention. Were I faced with the task of describing at length his career as an adulterer, as a stealer of the wives of others, as a perpetrator of acts of lawless violence in general, the time at my disposal would be all too short, and I should furthermore earn the ill-will of many of my fellows for making public the injuries which they have



suffered. Of his conduct towards the state, however, and towards the members of his family and such citizens and foreigners as have crossed his path, I will give you some account.

To begin with, he persuaded you to revise the assessment of the tribute of the subject-states made with the utmost fairness by Aristides. Chosen with nine others to perform the task, he practically doubled the contribution of each member of the alliance, while by showing how formidable he was and how influential, he made the revenues of the state a means of procuring revenue for himself. Now just consider: when our safety depends entirely upon our allies and those allies are acknowledged to be worse off today than in the past, how could anyone do greater mischief than by doubling the tribute of each?

In fact, if you hold that Aristides was a good Athenian and a just one, you can only regard Alcibiades as a scoundrel, since his policy towards the subject-states is the exact opposite of that of Aristides. In my own opinion, he is a worthless statesman who considers only the present without also giving thought to the future, who advocates the policy which will best please the people and says nothing of that which their true interests require.

I am astonished, furthermore, at those who are persuaded that Alcibiades is a lover of democracy, that form of government which more than any other would seem to make equality its end... But most monstrous of all is the fact that a man of his character should talk as though he were a friend of the people, and call others oligarchs and foes of the democracy. Yes, although he himself deserves death for behaving as he does, he is chosen by you to proceed against any whose sympathies conflict with yours; and he poses as guardian of the constitution, in spite of the fact that he refuses to be the equal of, or but little superior to, his fellows. So completely, indeed, does he despise you that he spends his time flattering you in a body and insulting you individually.

Obedience to the magistrates and the laws is to my mind the one safeguard of society; and anyone who sets them at naught is destroying at one blow the surest guarantee of security which the state possesses. It is hard enough to be made to suffer by those who have no conception of right and wrong; but it is far more serious when a man who knows what the public interest requires, acts in defiance of it. He shows clearly, as Alcibiades has done, that instead of holding that he ought himself to conform with the laws of the state, he expects you to conform with his own way of life.

That is why the young spend their days in the courts instead of in the gymnasia; that is why our old men fight our battles, while our young men make speeches— they take Alcibiades as their model, Alcibiades who carries his villainy to such unheard-of lengths that, after recommending that the people of Melos be sold into slavery, he purchased a woman from among the prisoners and has since had a son by her, a child whose birth was more unnatural than that of Aegis—thus, since he is sprung from parents who are each other's deadliest enemies, and of his nearest kin the one has committed and the other has suffered the most terrible of wrongs.

In addition to all this, some dare to say that the like of Alcibiades has never been before. For my part, I believe that Athens will meet with terrible calamities at his hands, that he will be deemed responsible hereafter for disasters so awful that no one will remember his past misdeeds; for it is only to be expected that one who has begun his life in such a fashion will make its close no less portentous. Men of sense should beware of those of their fellows who grow too great, remembering that it is such as they who set up tyrannies.

\*translation from *Perseus under Philologic*

### *A Potawatomi Creation Story (Circa 1600-Present Day)*

*Creation Stories are the foundations for Native American peoples and cultures. Creation Stories tell of a peoples' beginnings and their history; where they came from, who they are, the values and teachings passed down the generations, how to remember their ancestors, a connection to the Creator (Great Spirit), a humble reminder of their place in the world, and much more. The Potawatomi Creation Story also provides a look at a specific historical moment, when the Potawatomi, Ojibwe, and Ottawa (Odawa) peoples came together to forge the "Three Fires Confederacy" after decades of violence. Even though these stories predate the existence of the United States by millennia, they nonetheless remain important to Native American peoples today, and are critical for our own understanding of where and how the Indigenous Peoples of North America fit into our democracy.*

#### *Questions:*

- 1. What are the defining themes or attributes of the Potawatomi Creation Story? What might these themes/attributes tell us about Potawatomi culture and history? And what might these themes/attributes tell us about the nature of Creation Stories themselves?*
- 2. What are the similarities and differences between the Potawatomi Creation Story and other cultures' "creation stories" (Biblical, Judaic, Islamic, Hindu, Yoruba, Greek Mythology, Popol Vuh, etc.)? Reflect on the purpose, meaning, and importance of creation stories.*
- 3. Some scholars argue that the Declaration of Independence and the U.S. Constitution are the "Creation Stories" of the United States. Does this change your ideas about those documents?*

Earthmaker made the world with trees and fields, with rivers, lakes, and springs, and with hills and valleys. It was beautiful. However, there weren't any humans, and so one day he decided to make some.

He scooped out a hole in a stream bank and lined the hole with stones to make a hearth, and he built a fire there. Then he took some clay and made a small figure that he put in the hearth. While it baked, he took some twigs and made tongs. When he pulled the figure out of the fire and had let it cool, he moved its limbs and breathed life into it, and it walked away. Earthmaker nonetheless realized that it was only half-baked. That figure became the white people.

Earthmaker decided to try again, and so he made another figure and put it on the hearth. This time he took a nap under a tree while the figure baked, and he slept longer than he intended. When he pulled the second figure out of the fire and had let it cool, he moved its limbs and breathed life into it, and it walked away. Earthmaker realized that this figure was overbaked, and it became the black people.

Earthmaker decided to try one more time. He cleaned the ashes out of the hearth and built a new fire. Then he scooped up some clay and cleaned it of any twigs or leaves, so that it was pure. He made a little figure and put it on the hearth, and this time he sat by the hearth and watched carefully as the figure baked. When this figure was done, he pulled it out of the fire and let it cool. Then he moved its limbs and breathed life into it, and it walked away. This figure was baked just right, and it became the red people.

The red people became many tribes, and they spread across the land. Among these tribes were the Ojibwe, the Ottawa, and the Potawatomi. These three tribes were enemies and fought many battles. One Potawatomi man had ten sons, all of whom were killed in battle. Unbeknownst to him, there was an Ojibwe man who had lost ten sons in these battles, and there was an Ottawa man who had likewise lost ten sons. Each man mourned so much that they wandered away from their tribes, each looking for a place to die in the woods.

The Ojibwe man walked and walked, and eventually he came to a huge tree. The tree had four long roots stretching to the north, east, south, and west, and four huge branches that extended in the same directions. The tree also had one huge root that ran straight toward the center of the earth, and its center limb ran straight up into the sky. The tree was so beautiful, and the view from under it was so tranquil, that the man forgot his sorrow, and eventually he was happy.

As the Ojibwe man sat under the tree, he saw another man approaching in the distance. This newcomer was crying as he walked toward the tree, but eventually he saw the tree's beauty and stopped under it. The Ojibwe man said, "I lost ten sons in war and was so heartbroken that I wandered away to die, until I came to this tree. Why have you come here?" The newcomer, an Ottawa, said, "I too lost ten sons in war, and I lost myself in grief until I came to this place". The two men sat and talked of their troubles.

As the two men talked, a third approached weeping. The first two watched as this third came to the tree. When they asked, the third man, a Potawatomi, told how he had lost ten sons in war and had walked in grief until he came to this beautiful place.

The three men talked and realized that their sons had died fighting in the same wars. They concluded that the Great Spirit had brought them together to this tranquil place, where they could hear the spirits speak. They agreed that there had been too much fighting between their tribes, and too much grief. They resolved to go back to their tribes and get them to live in peace. They made three pipes, and each took a pipe of tobacco home to his people as a symbol of peace.

Ten days later, the three old men led their people to the great tree. Each man brought wood from which they built a fire together, and they cooked food from each tribe. They filled a pipe and offered its smoke to the Great Spirit above, to the spirits of the four directions, and then downward to the spirit that keeps the earth from sinking into the water. The tribes each smoked from the pipe of peace and ate of the common meal, and their chiefs agreed that they should live in peace. The three old men agreed to a set of rules to preserve the peace and to guide their peoples. This is how the Potawatomi, the Ojibwe, and Ottawa came to live in peace and to intermarry, as one people.

### ***Treaty with the Delaware Indians (1778)***

*The 1778 treaty between the Delaware Nation and the United States – signed at the apex of the Revolutionary War – was the first treaty ever negotiated with Native American peoples/nations by the United States. The treaty not only promised “peace and friendship” but created avenues for maintaining such peace in the future for the “common good.” While the United States modeled its use of treaties from other European powers, particularly Great Britain, the treaty became the primary tool of negotiation with Indigenous Peoples after the Revolution. Despite promises of “peace and friendship” in over 500 treaties signed between 1778-1871, the United States broke the terms of every treaty, which culminated in the dispossession and displacement of Native Americans throughout the continent. However, today, treaties are used by Indigenous Peoples like the Delaware to exert their sovereignty and nationhood, which has precipitated a political resurgence for Indigenous nations throughout the United States.*

#### *Questions:*

- 1. What are the means of preserving “peace and friendship” between the United States and the Delaware? What might this tell us about the circumstances in which the treaty was created (i.e. 1778, Revolutionary War)?*
- 2. Consider the nature of treaties. What is the purpose of a treaty, what does it represent to the two parties involved, why is it necessary (or is it necessary), etc.?*
- 3. What does it mean for the United States to recognize the Delaware as a “nation,” as the treaty does? What does this force, in theory, the United States to do? What are the modern implications of recognizing Native Americans like the Delaware as “nations”?*

*Articles of agreement and confederation, made and, entered; into by, Andrew and Thomas Lewis, Esquires, Commissioners for, and in Behalf of the United States of North-America of the one Part, and Capt. White Eyes, Capt. John Kill Buck, Junior, and Capt. Pipe, Deputies and Chief Men of the Delaware Nation of the other Part.*

#### **ARTICLE I.**

That all offences or acts of hostilities by one, or either of the contracting parties against the other, be mutually forgiven, and buried in the depth of oblivion, never more to be had in remembrance.

#### **ARTICLE II.**

That a perpetual peace and friendship shall from henceforth take place, and subsist between the contracting parties aforesaid, through all succeeding generations: and if either of the parties are engaged in a just and necessary war with any other nation or nations, that then each shall assist the other in due proportion to their abilities, till their enemies are brought to reasonable terms of accommodation: and that if either of them shall discover any hostile designs forming against the other, they shall give the earliest notice thereof that timeous measures may be taken to prevent their ill effect.

#### **ARTICLE III**

And whereas the United States are engaged in a just and necessary war, in defence and support of life, liberty and independence, against the King of England and his adherents, and as said King is yet possessed of several posts and forts on the lakes and other places, the reduction of which is of great importance to the peace and security of the contracting parties, and as the most practicable way for the troops of the United States to some of the posts and forts is by passing through the country of the Delaware nation, the aforesaid deputies, on behalf of themselves and their nation, do hereby stipulate and agree to give a free passage through their country to the troops aforesaid, and the same to conduct by the nearest and best ways to the posts, forts or towns of the

enemies of the United States, affording to said troops such supplies of corn, meat, horses, or whatever may be in their power for the accommodation of such troops, on the commanding officer's, &c. paying, or engaging to pay, the full value of whatever they can supply them with. And the said deputies, on the behalf of their nation, engage to join the troops of the United States aforesaid, with such a number of their best and most expert warriors as they can spare, consistent with their own safety, and act in concert with them; and for the better security of the old men, women and children of the aforesaid nation, whilst their warriors are engaged against the common enemy, it is agreed on the part of the United States, that a fort of sufficient strength and capacity be built at the expense of the said States, with such assistance as it may be in the power of the said Delaware Nation to give, in the most convenient place, and advantageous situation, as shall be agreed on by the commanding officer of the troops aforesaid, with the advice and concurrence of the deputies of the aforesaid Delaware Nation, which fort shall be garrisoned by such a number of the troops of the United States, as the commanding officer can spare for the present, and hereafter by such numbers, as the wise men of the United States in council, shall think most conducive to the common good.

#### **ARTICLE IV.**

For the better security of the peace and friendship now entered into by the contracting parties, against all infractions of the same by the citizens of either party, to the prejudice of the other, neither party shall proceed to the infliction of punishments on the citizens of the other, otherwise than by securing the offender or offenders by imprisonment, or any other competent means, till a fair and impartial trial can be had by judges or juries of both parties, as near as can be to the laws, customs and usages of the contracting parties and natural justice. The mode of such trials to be hereafter fixed by the wise men of the United States in Congress assembled, with the assistance of such deputies of the Delaware nation, as may be appointed to act in concert with them in adjusting this matter to their mutual liking. And it is further agreed between the parties aforesaid, that neither shall entertain or give countenance to the enemies of the other, or protect in their respective states, criminal fugitives, servants or slaves, but the same to apprehend, and secure and deliver to the State or States, to which such enemies, criminals, servants or slaves respectively belong.

#### **ARTICLE V.**

Whereas the confederation entered into by the Delaware nation and the United States, renders the first dependent on the latter for all the articles of clothing, utensils and implements of war, and it is judged not only reasonable, but indispensably necessary, that the aforesaid Nation be supplied with such articles from time to time, as far as the United States may have it in their power, by a well-regulated trade, under the conduct of an intelligent, candid agent, with an adequate salary, one more influenced by the love of his country, and a constant attention to the duties of his department by promoting the common interest, than the sinister purposes of converting and binding all the duties of his office to his private emolument: Convinced of the necessity of such measures, the Commissioners of the United States, at the earnest solicitation of the deputies aforesaid, have engaged in behalf of the United States, that such a trade shall be afforded said nation conducted on such principles of mutual interest as the wisdom of the United States in Congress assembled shall think most conducive to adopt for their mutual convenience.

#### **ARTICLE VI.**

Whereas the enemies of the United States have endeavored, by every artifice in their power, to possess the Indians in general with an opinion, that it is the design of the States aforesaid, to extirpate the Indians and take possession of their country to obviate such false suggestion, the United States do engage to guarantee to the aforesaid nation of Delawares, and their heirs, all their territorial rights in the fullest and most ample manner, as it bath been bounded by former treaties, as long as they the said Delaware nation shall abide by, and hold fast the chain of friendship now entered into. And it is further agreed on between the contracting parties should it for

the future be found conducive for the mutual interest of both parties to invite any other tribes who have been friends to the interest of the United States, to join the present confederation, and to form a state whereof the Delaware nation shall be the head, and have a representation in Congress: Provided, nothing contained in this article to be considered as conclusive until it meets with the approbation of Congress. And it is also the intent and meaning of this article, that no protection or countenance shall be afforded to any who are at present our enemies, by which they might escape the punishment they deserve.

In witness whereof, the parties have hereunto interchangeably set their hands and seals, at Fort Pitt, September seventeenth, anno Domini one thousand seven hundred and seventy-eight.

Andrew Lewis, [L. S.]

Thomas Lewis, [L. S.]

White Eyes, his x mark, [L. S.]

The Pipe, his x mark, [L. S.]

John Kill Buck, his x mark, [L. S.]

In presence of-

Lach'n McIntosh, brigadier-general, commander the Western Department.

Daniel Brodhead, colonel Eighth Pennsylvania Regiment,

W. Crawford, collonel,

John Campbell,

John Stephenson,

John Gibson, colonel Thirteenth Virginia Regiment,

A. Graham, brigade major,

Lach. McIntosh, jr., major brigade,

Benjamin Mills,

Joseph L. Finley, captain Eighth Pennsylvania Regiment,

John Finley, captain Eighth Pennsylvania Regiment.



### ***Andrew Jackson's Message to Congress on Indian Removal (1830)***

*After the Revolutionary War (1775-1783), the United States expanded westward over the course of centuries, at the expense of Indigenous Peoples who called those lands home. This process of expansion (others term it invasion) started with what is known today as the "Indian Removal" era (1830s-1850s), when President Andrew Jackson defied the U.S. Supreme Court and ordered the removal of the "Five Civilized Nations" (Cherokees, Creeks, Chickasaws, Choctaws, and Seminoles) from their lands in the American southeast to "Indian Territory" (Oklahoma), as detailed in his "Message on Indian Removal" to Congress in 1830. This process of "Indian Removal" would continue for the next six decades until 1890 and is not only considered one of the darkest times in Native American history, but U.S. history in general.*

#### *Questions:*

- 1. What are the reasons that Andrew Jackson gives for "Indian Removal"? How does he justify his decision to Congress?*
- 2. How would "Indian Removal," in the words of Jackson, benefit the United States (our democracy)? Similarly, as Jackson argues, how will "Indian Removal" benefit Native Americans?*
- 3. Reflect on the relationship between American democracy, the westward expansion of the United States, and "Indian Removal." What does this relationship tell us about the nature of our democracy in the nineteenth-century, as well as our democracy today?*

It gives me pleasure to announce to Congress that the benevolent policy of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress, and it is believed that their example will induce the remaining tribes also to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north and Louisiana on the south to the settlement of the whites it will incalculably strengthen the southwestern frontier and render the adjacent States strong enough to repel future invasions without remote aid. It will relieve the whole State of Mississippi and the western part of Alabama of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way and under their own rude institutions; will retard the progress of decay, which is lessening their numbers, and perhaps cause them gradually, under the protection of the Government and through the influence of good counsels, to cast off their savage habits and become an interesting, civilized, and Christian community.

What good man would prefer a country covered with forests and ranged by a few thousand savages to our extensive Republic, studded with cities, towns, and prosperous farms embellished with all the improvements which art can devise or industry execute, occupied by more than 12,000,000 happy people, and filled with all the blessings of liberty, civilization and religion?

The present policy of the Government is but a continuation of the same progressive change by a milder process. The tribes which occupied the countries now constituting the Eastern States were annihilated or have melted away to make room for the whites. The waves of population and civilization are rolling to the westward, and we now propose to acquire the countries occupied by the red men of the South and West by a fair exchange, and, at

the expense of the United States, to send them to land where their existence may be prolonged and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did or than our children are now doing? To better their condition in an unknown land our forefathers left all that was dear in earthly objects. Our children by thousands yearly leave the land of their birth to seek new homes in distant regions. Does Humanity weep at these painful separations from everything, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and facilities of man in their highest perfection. These remove hundreds and almost thousands of miles at their own expense, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government when, by events which it can not control, the Indian is made discontented in his ancient home to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the West on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers than it is to our brothers and children? Rightly considered, the policy of the General Government toward the red man is not only liberal, but generous. He is unwilling to submit to the laws of the States and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

### ***Constitution & By-Laws of the Oneida Nation (1936)***

*Between the era of “Indian Removal” (1830) and the Indian Reorganization Act (1934), Native Americans endured a century of dispossession, violence, and forced assimilation, all of which was designed to extinguish Native American sovereignty and nationhood, despite 500 treaties to the contrary. But starting in 1934, the federal government reversed several of its policies toward Native Americans by recognizing the political authority of Indigenous nations on their own lands /reservations, over their own peoples, and exert a measure of control over their own affairs (economies, law and policing, legislation, etc.). The Indian Reorganization (IRA) was an attempt to establish Native American governments and constitutions, modeled after the United States; the beginnings of reasserting Indigenous sovereignty in North America. The Oneida Nation was one such group to adopt the IRA in their efforts to carve out sovereignty for their peoples.*

#### **Questions:**

- 1. In what ways is the Oneida Constitution of 1936 similar to the U.S. Constitution? In what ways are the two constitutions not alike, and what do such differences tell us about Native Americans / Native American history in the twentieth-century?*
- 2. Compare and contrast the Oneida Constitution of 1936 with the 1778 Treaty with the Delaware Indians. What are the similarities and differences between the two documents, and what do those similarities and differences tell us about Native American history and U.S. history more generally?*
- 3. There were several Native American nations, like the Navajo, who resisted the Indian Reorganization Act. Why do you think some Indigenous nations refused to create such constitutions?*

We, the people of the Oneida Nation, grateful to Almighty God for his fostering care, in order to reestablish our tribal organization, to conserve and develop our common resources and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution.

This constitution serves as an affirmation of the Oneida Nation’s sovereign status as an independent Indian nation and the solemn trust relationship between this Nation and the United States of America.

#### **ARTICLE I - Territory**

The jurisdiction of the Oneida Nation shall extend to the territory within the present confines of the Oneida Reservation and to such other lands as may be hereafter added thereto within or without said boundary lines under any law of the United States, except as otherwise provided by law.

#### **ARTICLE II - Membership**

*Section 1.* The membership of the Oneida Nation shall consist of:

- (a) All persons of Indian blood whose names appear on the membership roll of the Oneida Nation in accordance with the Act of September 27, 1967 (81 Stat. 229), Public Law 90-93.
- (b) Any child of a member of the Nation born between September 28, 1967, and the effective date of this amendment, who is of at least one-fourth degree Indian blood, provided, that, such member is a resident of the Reservation at the time of the birth of said child.
- (c) All children who possess at least one-fourth degree Oneida blood are born after the effective date of this amendment to members of the Nation who are residents of the reservation at the time of said children's birth.

*Section 2.* The General Tribal Council shall have the power to promulgate ordinances covering future membership and the adoption of new members.

### **ARTICLE III - Governing Body**

*Section 1.* The governing body of the Oneida Nation shall be the General Tribal Council composed of all the qualified voters of the Oneida Nation.

*Section 2.* All enrolled members of the Oneida Nation who are eighteen (18) years of age or over shall be qualified voters provided they present themselves in person at the polls on the day of election.

*Section 3.* The qualified voters of the Oneida Nation shall elect from among the enrolled Oneida Nation members age twenty-one (21) and over who physically reside in either Brown or Outagamie Counties of Wisconsin by secret ballot (a) a chairman; (b) a vice-chairman; (c) a secretary; (d) a treasurer; (e) and five councilmen. These shall constitute the Business Committee and shall perform such duties as may be authorized by the General Tribal Council.

A majority of the Business Committee including the chairman or vice-chairman shall constitute a quorum of this body. Regular meetings of the Business Committee may be established by resolution of the Business Committee. Special meetings of the Business Committee shall be held upon a three-day advance notice by the chairman to all members thereof or upon written request of a majority of the Business Committee stating the time, place, and purpose of the meeting.

The General Tribal Council may at any regular special meeting fill any vacancies that occur on the Business Committee for the unexpired term.

The General Tribal Council may at its discretion remove any official on the Business Committee by a two-thirds majority vote at any regular or special meeting of the Tribal Council, pursuant to a duly adopted ordinance. Such ordinance shall fix the specific causes for removal and ensure that the rights of the accused are protected, including his receiving in writing a statement of the charges against him and assurance on sufficient notice thereof where he shall be afforded every opportunity to speak in his own defense.

*Section 4.* The General Tribal Council shall meet in January and July.

*Section 5.* The officials provided for in Section 3 of this Article shall be elected every three years in the month of July on a date set by the General Tribal Council. The General Tribal Council shall enact necessary rules and regulations governing the elections of tribal officials.

*Section 6.* The chairman or fifty (50) qualified voters may, by written notice, call special meetings of the General Tribal Council. Seventy-five (75) qualified voters shall constitute a quorum at any regular or special meeting of the General Tribal Council.

### **ARTICLE IV - Powers of the General Tribal Council**

*Section 1. Enumerated Powers.* - The General Tribal Council of the Oneida Nation shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States:

- (a) To negotiate with the Federal, State, and local governments.
- (b) To employ legal counsel, the choice of counsel and fixing of fees.

(c) To veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets of the Nation.

(d) To advise with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Oneida Nation prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Oneida Nation.

(f) To promulgate and enforce ordinances, governing the conduct of members of the Oneida Nation, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing for the licensing of non-members coming upon the reservation for purposes of hunting, fishing, trading, or other business, and for the exclusion from the territory of the Nation of persons not so licensed and establishing proper agencies for law enforcement upon the Oneida Reservation.

(g) To appoint committees, delegates, and officials deemed necessary for the proper conduct of tribal business or relations.

(h) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Nation, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

(i) To adopt resolutions not inconsistent with this Constitution and the attached Bylaws, regulating the procedure of the Council itself and of other tribal agencies, tribal officials, or tribal organizations of the Oneida Reservation.

*Section 2. Future Powers.* - The General Tribal Council may exercise such further powers as may in the future be delegated to the Council by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

*Section 3. Reserved Powers.* - Any rights and powers heretofore vested in the Oneida Nation but not expressly referred to in this Constitution shall not be abridged by this Article, but may be exercised by the people of the Oneida Nation through the adoption of appropriate By-laws and constitutional amendments.

## **ARTICLE V - Judiciary**

*Section 1.* The General Tribal Council shall, by law, establish a judiciary to exercise the judicial authority of the Oneida Nation.

*Section 2.* Any judiciary in operation prior to the effective date of this amendment to the Constitution may be designated as the judiciary authorized under this article upon passage of a resolution by the General Tribal Council. Such designation shall remain in full force and effect until amended by General Tribal Council.

## **ARTICLE VI - Amendment 4**

*Section 1. Amendment by the Oneida Business Committee.* Amendments to this Constitution and By-Laws may be proposed by the Oneida Business Committee. Proposed amendments agreed to by eight members of the Oneida Business Committee, excluding the Chair, shall be put before a meeting of the General Tribal Council. If a majority of the voting General Tribal Council members vote in favor of the proposed amendment, the proposed amendment shall be placed upon the ballot of the next General election or special election called for the purpose to consider an amendment.

*Section 2. Amendment by Petition.* Amendment to this Constitution and By-Laws may be proposed by petition of the members eligible to vote. Every petition shall include the full text of the proposed amendment, and be signed by members eligible to vote, equal in number to at least ten percent (10%) of the members eligible to vote. Petition with the requisite number of signatures may be put before the Oneida people for their approval or rejection at the next general election, except when the Oneida Business Committee or General Tribal Council orders a special election for the purpose. Such petitions shall be filed with the person authorized by law to receive the same at least ninety (90) days before the election at which the proposed amendment is to be voted upon. Any such petition shall be in the form, and shall be signed and circulated in such manner, as prescribed by Oneida law. The person authorized by law to receive such petition shall upon its receipt determine, as provide by law, the validity and sufficiency of the signatures on the petition, and make an official announcement thereof at least sixty (60) days prior to the election at which the proposed amendment is to be voted upon. Any amendment proposed by such petition shall be submitted, not less than ninety (90) days after it was filed, to the next general or special election called for the purpose to consider an amendment.

*Section 3.* Any proposed amendment, existing provision of the Constitution and By-Laws which would be altered or abrogated thereby, and the question as it shall appear on the ballot shall be published in full as provided by Oneida Law. Copies of such publications shall be prominently posted in each polling place, at Tribal administration offices, and furnished to news media as provided Oneida law.

The ballot to be used in such election shall contain a statement of the purpose of the proposed amendment, expressed in not more than one hundred (100) words, exclusive of caption. Such statement of purpose and caption shall be prepared by the person who is so authorized by Oneida law, and shall consist of a true and impartial statement of the purpose of the amendment in such language as to create no prejudice for or against the proposed amendment.

If the proposed amendment is approved by sixty-five percent (65%) of the members eligible to vote who presented themselves at the polls and voted on the question, it shall become part of the Oneida Constitution and By-Laws, and shall abrogate or amend existing provisions of the Constitution and By-Laws at the end of thirty (30) days after submission of the final election report as directed law. If two or more amendments approved by the voters at the same election conflict, the amendment receiving the highest affirmation vote shall prevail.

## **ARTICLE VII - Bill of Rights**

All members of the Nation shall be accorded equal opportunities to participate in the economic resources and activities of the Nation. All members of the tribe may enjoy, without 5 hindrance, freedom of worship, conscience, speech, press, assembly, association and due process of law, as guaranteed by the Constitution of the United States.

## **BY-LAWS OF THE ONEIDA NATION**

### **ARTICLE I - Duties of Officers**



*Section 1. Chairman of Council.* - The Chairman of the Council shall preside over all meetings of the Council, shall perform the usual duties of a Chairman, and exercise any authority delegated to him by the Council. He shall vote only in the case of a tie.

*Section 2. Vice-Chairman of Council.* - The Vice-Chairman shall assist the Chairman when called upon to do so and in the absence of the Chairman, he shall preside. When so presiding, he shall have all the rights, privileges and duties as well as the responsibilities of the Chairman.

*Section 3. Secretary of the Council.* - The Secretary of the Tribal Council shall conduct all tribal correspondence and shall keep an accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the jurisdiction, and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Tribal Council.

*Section 4. Treasurer of Council.* - The Treasurer of the Tribal Council shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the Council, whether they be tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all funds in such depository as the Council shall direct and shall make and preserve a faithful record of such funds and shall report on all receipts and expenditures and the amount and nature of all funds in his possession and custody, at each regular meeting of the General Tribal Council, and at such other times as requested by the Council or the business committee.

He shall not pay out or otherwise disburse any funds in his possession or custody, except in accordance with a resolution duly passed by the Council.

The Treasurer shall be required to give a bond satisfactory to the Council and to the Commissioner of Indian Affairs.

*Section 5. Appointive Officers.* - The duties of all appointive boards or officers of the Community shall be clearly defined by resolutions of the Council at the time of their creation or appointment. Such boards and officers shall report, from time to time as required, to the Council, and their activities and decisions shall be subject to review by the Council upon the petition of any person aggrieved.

## **ARTICLE II - Ratification of Constitution and By-laws**

This Constitution and these By-laws, when adopted by a majority vote of the voters of the Oneida Nation voting at a special election called by the Secretary of the Interior, in which at least 30 per cent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be effective from the date of such approval.

### **Adoption Dates**

- Original Constitution adopted November 14, 1936 by Oneida Tribe. Approved by the Secretary of the Interior December 21, 1936.
- Amended June 3, 1939, approved June 15, 1939.
- Amended October 18, 1969, approved November 28, 1969.
- Amended June 14, 1969, approved August 25, 1969.
- Amended June 14, 1969, approved August 25, 1969.
- Amended June 14, 1969, approved, August 25, 1969.
- Amendment X approved June 16, 2015, notice received June 24, 2015
- Amendment XI approved June 16, 2015, notice received June 24, 2015
- Amendment XII approved June 16, 2015, notice received June 24, 2015

- Amendment XIII approved June 16, 2015, notice received June 24, 2015
- Amendment XIV approved June 16, 2015, notice received June 24, 2015

### *Clyde Warrior: “We Are Not Free” (1967)*

*Despite the promises of the Indian Reorganization Act (1934), Native Americans remained one of the most marginalized populations in the United States during the twentieth-century. However, the African American civil rights movement of the 1940s-1960s galvanized Native leaders, and particularly college students like Clyde Warrior, who similarly advocated for the civil rights of Native Americans, along with the political sovereignty of Native nations. The resulting social movement, known as “Red Power,” was spearheaded by activist organizations like the National Congress of American Indians (NCAI) and the National Indian Youth Council (NIYC), and not only drew inspiration from the African American civil rights movement, but their own histories and troubled relationships with the United States. The “Red Power Movement” later grew to include other organizations like the American Indian Movement (AIM) and produced seminal events like the Occupation of Alcatraz in 1969, the Trail of Broken Treaties to Washington D.C. in 1972, and Wounded Knee II in 1973.*

#### *Questions:*

- 1. What does Clyde Warrior mean when he states that “We [Native Americans] are not free”? In what ways specifically were Indigenous Americans not equal participants and citizens in our democracy?*
- 2. How, then, does Warrior envision Native Americans becoming “free” in the United States? What are ways in which he argues Indigenous Americans can become equal participants and citizens in our democracy?*
- 3. Compare and contrast Warrior’s statements with all the previous documents. Are their similarities between the various documents, and if so, what does this tell us about Native American history and U.S. history more generally?*

Most members of the National Indian Youth Council can remember when we were children and spent many hours at the feet of our grandfathers listening to stories of the time when Indians were a great people, when we were free, when we were rich, when we lived the good life. At the same time we heard stories of droughts, famines, and pestilence. It was only recently that we realized that there was surely great material deprivation in those days, but that our old people felt rich because they were free. They were rich in things of the spirit, but if there is one thing that characterizes Indian life today it is poverty of the spirit. We still have human passions and depth of feeling (which may be something rare in these days), but we are poor in spirit because we are not free—free in the most basic sense of the word. We are not allowed to make those basic human choices and decisions about our personal life and about the destiny of our communities which is the mark of free mature people. We sit on our front porches or in our yards, and the world and our lives in it pass us by without our desires or aspirations having any effect.

We are not free. We do not make choices. Our choices are made for us; we are the poor. For those of us who live on reservations these choices and decisions are made by federal administrators, bureaucrats, and their ‘yes men,’ euphemistically called tribal governments. Those of us who live in non-reservation areas have our lives controlled by local white power elites. We have many rulers. They are called social workers, “cops,” school teachers, churches, etc., and now OEO employees. They call us into meetings to tell us what is good for us and how they’ve programmed us, or they come into our homes to instruct us and their manners are not always what one would call polite by Indian standards or perhaps by any standards. We are rarely accorded respect as fellow human beings. Our children come home from school to us with shame in their hearts and a sneer on their lips for their home and parents. We are the “poverty problem” and that is true; and perhaps it is also true that our lack of reasonable choices, our lack of freedoms, and our poverty of the spirit is not unconnected with our material poverty.

The National Indian Youth Council realizes there is a great struggle going on in America between those who want more “local” control of programs and those who would keep the power and the purse strings in the hands

of the federal government. We are unconcerned with that struggle because we know that no one is arguing that the dispossessed, the poor, be given any control over their own destiny. The local white power elites who protest the loudest against federal control are the very ones who would keep us poor in spirit and worldly goods in order to enhance their own personal and economic station in the world.

Nor have those of us on reservations fared any better under the paternalistic control of federal administrations. In fact, we shudder at the specter of what seems to be the forming alliances in Indian areas between federal administrations and local elites. Some of us fear this is the shape of things to come in the War on Poverty effort. Certainly, it is in those areas where such an alliance is taking place that the poverty program seems to be “working well.” That is to say, it is in those areas of the country where the federal government is getting the least “static” and where federal money is being used to bolster the local power structure and local institutions. By “everybody being satisfied,” I mean the people who count and the Indian or poor does not count.

Let us take the Head Start Program as an instance. We are told in the not-so-subtle racist vocabulary of the modern middle class that our children are “deprived.” Exactly what they are deprived of seems to be unstated. We give our children love, warmth and respect in our homes and the qualities necessary to be a warm human being. Perhaps many of them get into trouble in their teens because we have given them too much warmth, love, passion, and respect. Perhaps they have a hard time reconciling themselves to being a number on an IBM card. Nevertheless, many educators and politicians seem to assume that we, the poor, the Indians, are not capable of handling our own affairs and even raising our own children and that state institutions must do the job for us and take them away from us as soon as they can. My grandmother said last week, “Train your child well now for soon she will belong to her teacher and the schools.” Many of our fears about the Head Start Program which we had from listening to the vocabulary of educators and their intentions were not justified, however. In our rural areas the program seems to have turned out to be just a federally subsidized kindergarten which no one seems to take too seriously. It has not turned out to be, as we feared, an attempt to “re-thread” the “twisted head” of the child from a poor home. Head Start, as a program, may not have fulfilled the expectations of elitist educators in our educational colleges, and the poor may not be ecstatic over the results, but the local powers are overjoyed. This is the one program which has not upset any one’s apple cart and which has strengthened local institutions in an acceptable manner, acceptable at least to our local “patrons.”

Fifty years ago the federal government came into our communities and by force carried most of our children away to distant boarding schools. My father and many of my generation lived their childhoods in an almost prison-like atmosphere. Many returned unable even to speak their own language. Some returned to become drunks. Most of them had become white haters or that most pathetic of all modern Indians—Indian haters. Very few ever became more than very confused, ambivalent and immobilized individuals—never able to reconcile the tensions and contradictions built inside themselves by outside institutions. As you can imagine, we have little faith in such kinds of federal programs devised for our betterment nor do we see education as a panacea for all ills. In recent days, however, some of us have been thinking that perhaps the damage done to our communities by forced assimilation and directed acculturative programs was minor compared to the situation in which our children now find themselves. There is a whole generation of Indian children who are growing up in the American school system. They still look to their relatives, my generation, and my father’s to see if they are worthy people. But their judgement and definition of what is worthy is now the judgement most Americans make. They judge worthiness as competence and competence as worthiness. And I am afraid me and my fathers do not fare well in the light of this situation and that they individually are not worthy. Even if by some stroke of good fortune prosperity was handed to us “on a platter” that still would not soften the negative judgement our youngsters have of their people and themselves. As you know, people who feel themselves to be unworthy and feel they cannot escape this unworthiness turn to drink and crime and self-destructive acts. Unless there is some way that we as Indian individuals and communities can prove ourselves

competent and worthy in the eyes of our youngsters there will be a generation of Indians grow to adulthood whose reaction to their situation will make previous social ills seem like a Sunday School picnic.

For the sake of our children, for the sake of the spiritual and material well-being of our total community we must be able to demonstrate competence to ourselves. For the sake of our psychic stability as well as our physical well-being we must be free men and exercise free choices. We must make decisions about our own destinies. We must be able to learn and profit from our own mistakes. Only then can we become competent and prosperous communities. We must be free in the most literal sense of the word—not sold or coerced into accepting programs for our own good, not of our own making or choice. Too much of what passes for “grassroots democracy” on the American scene is really a slick job of salesmanship. It is not hard for sophisticated administrators to sell tinsel and glitter programs to simple people—programs which are not theirs, which they do not understand and which cannot but ultimately fail and contribute to already strong feelings of inadequacy. Community development must be just what the word implies, Community Development. It cannot be packaged programs wheeled into Indian communities by outsiders which Indians can “buy” or once again brand themselves as unprogressive if they do not “cooperate.” Even the best of outside programs suffer from one very large defect—if the program falters helpful outsiders too often step in to smooth over the rough spots. At that point any program ceases to belong to the people involved and ceases to be a learning experience for them. Programs must be Indian experiences because only then will Indians understand why a program failed and not blame themselves for some personal inadequacy. A better program built upon the failure of an old program is the path of progress. But to achieve this experience, competence, worthiness, sense of achievement and the resultant material prosperity Indians must have the responsibility in the ultimate sense of the word. Indians must be free in the sense that other more prosperous Americans are free. Freedom and prosperity are different sides of the same coin and there can be no freedom without complete responsibility. And I do not mean the fictional responsibility and democracy of passive consumers of programs; programs which emanate from and whose responsibility for success rests in the hands of outsiders—be they federal administrators or local white elitist groups.

Many of our young people are captivated by the lure of the American city with its excitement and promise of unlimited opportunity. But even if educated they come from powerless and inexperienced communities and many times carry with them a strong sense of unworthiness. For many of them the promise of opportunity ends in the gutter on the skid rows of Los Angeles and Chicago. They should and must be given a better chance to take advantage of the opportunities they have. They must grow up in a decent community with a strong sense of personal adequacy and competence.

America cannot afford to have whole areas and communities of people in such dire social and economic circumstances. Not only for her economic well-being but for her moral well-being as well. America has given a great social and moral message to the world and demonstrated (perhaps not forcefully enough) that freedom and responsibility as an ethic is inseparable from and, in fact, the “cause” of the fabulous American standard of living. America has not however been diligent enough in promulgating this philosophy within her own borders. American Indians need to be given this freedom and responsibility which most Americans assume as their birth right. Only then will poverty and powerlessness cease to hang like the sword of Damocles over our heads stifling us. Only then can we enjoy the fruits of the American system and become participating citizens—Indian Americans rather than American Indians.

Perhaps, the National Indian Youth Council’s real criticism is against a structure created by bureaucratic administrators who are caught in this American myth that all people assimilate into American society, that economics dictates assimilation and integration. From the experience of the National Indian Youth Council, and in reality, we cannot emphasize and recommend strongly enough the fact that no one integrates and disappears into American society. What ethnic groups do is not integrate into American society and economy

individually, but enter into the mainstream of American society as a people, and in particular as communities of people. The solution to Indian poverty is not “government programs” but in the competence of the person and his people. The real solution to poverty is encouraging the competence of the community as a whole.

[The] National Indian Youth Council recommends for “openers” that to really give these people “the poor, the dispossessed, the Indians,” complete freedom and responsibility is to let it become a reality not a much-heard-about dream and let the poor decide for once, what is best for themselves.



### ***American Indian Religious Freedom Act (1978)***

*Despite the political gains between the Indian Reorganization Act (1934) and the Red Power Movement (1940s-1970s), Native Americans remained disempowered in other ways within our democracy. This was particularly true when it came to the freedom of religion, which has long been a source of pride for the United States, a precedent stretching as far back as the Pilgrims/ Separatists, Puritans, and Quakers in the 1600s. However, it was illegal – and punishable by law – for Native Americans to practice their “traditional” (non-Christian) religions up until 1978, with the passage of Public Law 95-341 – the American Indian Religious Freedom Act.*

#### *Questions:*

- 1. What are some of the ways that Native American were prevented from practicing their religious beliefs, and how did this legislation address those restrictions?*
- 2. Why else is this document important to understanding the relationship between Native American peoples and our democracy? [pay attention to the first three paragraphs]*
- 3. What does this law force the United States to do to ensure the freedom of religion for Native Americans? In what ways might this be problematic or difficult to do? Where else, in these documents, have you seen such problems or difficulties?*

#### **Public Law 95-341, 95th Congress, Joint Resolution on American Indian Religious Freedom.**

Whereas the freedom of religion for all people is an inherent right, fundamental to the democratic structure of the United States and is guaranteed by the First Amendment of the United States Constitution;

Whereas the United States has traditionally rejected the concept of a government denying individuals the right to practice their religion, and as a result, has benefited from a rich variety of religious heritages in this country;

Whereas the religious practices of the American Indian (as well as Native Alaskan and Hawaiian) are an integral part of their culture, tradition, and heritage, such practices forming the basis of Indian identity and value systems;

Whereas the traditional American Indian religions as an integral part of Indian life, are indispensable and irreplaceable;

Whereas the lack of a clear, comprehensive, and consistent Federal policy has often resulted in the abridgment of religious freedom for traditional American Indians;

Whereas such religious infringements result from the lack of knowledge of the insensitive and inflexible enforcement of Federal policies and regulations premised on a variety of laws;

Whereas such laws were designed for such worthwhile purposes as conservation and preservation of natural species and resources but were never intended to relate to Indian religious practices and, there, were passed without consideration of their effect on traditional American Indian religions;

Whereas such laws and policies often deny American Indians access to sacred sites required in their religions, including cemeteries;

Whereas such laws at times prohibit the use and possession of sacred objects necessary to the exercise of religious rites and ceremonies;

Whereas traditional American Indian ceremonies have been intruded upon, interfered with, and in a few instances banned;

Now, therefore, be it Resolved by the Senate and the House of Representatives of the United States of American in Congress Assembled, That henceforth it shall be the policy of the United States to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

SEC. 2. The President shall direct that various Federal departments, agencies, and other instrumentalities responsible for the administering relevant laws to evaluate their policies and procedures in consultation with Native traditional religious leaders in order to determine appropriate changes necessary to protect and preserve Native American religious cultural rights and practices. Twelve months after approval of this resolution, the President shall report back to Congress the results of his evaluation, including any changes which were made in administrative policies and procedures, and any recommendations he may have for legislative action.

Approved August 11, 1978

*“Why We Must Not Forget Standing Rock,” Dr. Elizabeth Ellis (2017)*



*The non-violent protests on the Standing Rock Indian Reservation (2016-2017) in North Dakota against the Dakota Access Pipeline (DAPL) was the culmination of centuries of Native activism, assertions of sovereignty, and efforts to define Indigenous Peoples’ place within our democracy, despite centuries of colonialism, violence, and exclusion. For over a year, tens of thousands of Natives and non-Natives from throughout the United States and beyond congregated at Standing Rock to protest the construction of a pipeline by Energy Transfer Partners on reservation lands, despite Native sovereignty and treaties to the contrary. The protests garnered national and international attention, particularly when private security forces used violent methods to deter protestors. Although the pipeline eventually gained federal support and completed construction in mid-2017, the protests remain symbolic of the resiliency, vibrancy, and survivance of Native Americans in the United States today. The following document is the reflections of Dr. Elizabeth Ellis (Professor of History at New York University) on Standing Rock and its importance for both Natives and non-Natives moving forward in our democracy today.*

*Questions:*

- 1. What does the Dakota Access pipeline and the Standing Rock protests represent or mean to Native Americans?*
- 2. As in previous documents and discussions, can you find similarities between this source and the previous documents? If so, what can those similarities tell us about Native American history and U.S. history more generally?*
- 3. As Ellis puts it best, “what [do we do] next”? What does the United States, and Americans in general, do about this latest incident? How do we, in other words, heal and reconcile the past with the present for our democracy?*

In recent weeks, media outlets have reported that the company behind the controversial Dakota Access pipeline (DAPL) is responsible for massive spills of drilling chemicals in Ohio wetlands during construction of a different pipeline—this one carrying natural gas instead of oil.

This news reminds us that we must not forget Standing Rock and what the company, Energy Transfer Partners (ETP), is doing on the Great Plains and beyond. As federal courts have repeatedly rejected the Standing Rock Sioux's legal claims and the water protectors have faded from the headlines, many who watched the conflict playing out have asked: Now what? Given that it looks like the pipeline will be completed, does the fight at Standing Rock still matter?

The answer is yes. It matters because the DAPL fight is the latest episode in a long line of U.S. state-sanctioned violence against Native Americans—including destruction of sacred sites—and environmental racism that amounts to illegal land grabs and use. But this struggle is also about corporate law-bending that prioritizes profit over the environment and vulnerable people, and our federal government's collusion in this project. That collaborative exploitation needs to concern everyone who worries about how Big Business can undermine our rights, safety, and democracy.

The DAPL story begins well before the pipeline. ETP has unquestionably violated centuries-old treaties that the Sioux Nation signed with the federal government. The contested section of the pipeline, which runs just outside of Standing Rock Reservation and under the tribe's primary source of drinking water, falls on land that the United States guaranteed to the Sioux Nation in perpetuity by treaty in 1851. Even after the United States broke this first treaty and renegotiated territorial claims with the Sioux in 1868, the subsequent Fort Laramie treaty continued to recognize the territory in question as part of "unceded Indian territory." If that weren't enough, the U.S. Supreme Court ruled in 1908 that Native nations retain water rights on their territories.

In theory, this decision from the nation's highest court and the trail of treaties should have protected the Standing Rock Sioux from this construction. But here the federal government and the Army Corps of Engineers (ACOE) failed. To legally approve this construction, the federal government and ACOE needed to consult with and obtain consent from the Standing Rock to build the pipeline, but again they did not do so. This represented a failure to comply with both federal policy and international accords: The United Nations Declaration on the Rights of Indigenous Peoples stipulates that "states shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them."

The Army Corps of Engineers also enabled ETP's evasion of environmental regulations designed to protect public lands. As ETP sought permission from the government to construct this pipeline across federally controlled lands and under more than 200 rivers and streams, it applied to the ACOE for hundreds of "Nationwide 12" permits, which were granted. These permits are designed for small, discrete projects that cross no more than one stream and have no substantial environmental impact. But oil companies increasingly rely on this segmented permitting process to fast-track the approval of construction projects because, in using permits that treat larger projects as if they were much smaller ones, corporations can avoid extended environmental review and periods of public comment.

While the ACOE helped ETP circumvent a full environmental review, President Donald Trump's January executive order expediting the pipeline negated the Obama administration's mandate for a complete environmental impact assessment and stifled the period of public comment. As with so many of the flurry of

orders the president has signed, the administration did not follow customary procedure, and it waived the typical 14-day waiting period after congressional notification.

The end result: Construction crews quickly returned to drilling under the contested territory. This decision is further troubling because, until December 2016, President Trump had substantial investments in ETP, and its CEO, Kelcy Warren, donated more than \$100,000 to the joint Trump and Republican election campaigns in the 2016 cycle.

### *What's Next?*

The Standing Rock Sioux Tribe is running out of legal options. Yet they have vowed to fight on.

The bigger question is: What are non-Native U.S. residents as a whole going to do about a government that responds to peaceful dissent with militarized violence, on a project that has vast environmental and political consequences for us all? The construction of DAPL threatens Native people by undermining tribal sovereignty, and it sets a dangerous precedent by allowing a private oil corporation to bypass federal regulations and conduct a state-sponsored assault on some of this country's most vulnerable communities. Therefore, as the Standing Rock Sioux call on the federal government to honor the treaties, let's not lose sight of the fact that they are protecting not only the drinking water of 18 million people, but also our rights to live in a country that actually respects and follows its own laws.

For as dark as our current moment looks, we must remember that the Standing Rock Sioux and Native nations across the country are only here fighting today because their ancestors continued to fight centuries of "unwinnable" battles against the state. The Standing Rock Sioux are the descendants of Crazy Horse, of Sitting Bull, of Red Cloud, of the Oglala Lakota activist Russell Means, and of the American Indian Movement's (AIM) men and women who took on the federal government at Wounded Knee in 1973. We remember the AIM stand at Wounded Knee as a turning point for Native rights and Indigenous revitalization.

We are in a corollary moment now, but with a much larger and more diverse movement comprised of 360 allied Indigenous nations and hundreds of thousands of non-Native allies.

And there is much to be done. Anti-DAPL activists have called on the public to support local Native nations and to advocate for green energy and renewable resources in their own communities and campaigns. Activists continue to fight DAPL by pushing to defund the corporations backing the pipeline, and urging state and municipal governments to remove their funds from the banks that are financing this project. In cities like Philadelphia, efforts to defund the DAPL overlap with community initiatives to stop Wells Fargo from preying on vulnerable citizens and charging millions in fees from the city's public school funds.

We can also see the force of this beautifully intersectional movement in Native people's responses to Trump's immigration ban and the creation of the #NoBanOnStolenLand movement. Native nations like the Navajo have long fought state attempts to exert control over immigration on their territories. More recently, a Tohono O'odham chairman vowed that "only over my dead body" would Trump build his border wall through that Indian nation's lands.

Yes, there is oil in the Standing Rock Sioux's territory and little legal recourse left to challenge the pipeline. But there is also a fire burning in the heart of Indian country, and it has ignited a generation of activists and forged broad solidarity unlike any we have ever seen. The Standing Rock movement gained traction because this struggle encompasses issues that affect communities across the nation, whether those issues are environmental, community health, gender-based violence, racism, or corporate exploitation.

Therefore we must continue to support this movement, fight regulatory capture, and learn from the resilience of Native nations across the country. We know these amazing people will never give up or stop fighting to protect their nations, their children, and their beloved homelands. Not only for their sake, but for the sake of our democracy, we must continue to stand with and beyond Standing Rock.



***The Unanimous Declaration Of the Thirteen United States of America***  
***(Circa: July 4, 1776)***

*Thirteen of Britain's American colonies struggled after the French and Indian War ended in 1763 to establish amicable relations with what they called their mother country. With ongoing disagreements about governance and taxation, however, many American colonists began to lose hope for reconciliation. With New Englanders already at war with Britain, on June 7, 1776, Richard Henry Lee introduced a resolution to the Continental Congress "that these united colonies are and of right ought to be free and independent states." Congress then appointed a Committee of Five to write an document that explained the reasons for independence. Thomas Jefferson, the committee chair, began to write what became known as the Declaration of Independence. By July 2, 1776, the members of the Second Continental Congress voted to declare independence, and two days later they ratified the Declaration making the thirteen British colonies they represented free and independent states.*

*Questions:*

- 1. What does this declaration declare?*
- 2. To whom is it written and why?*
- 3. Some people see this as an expression of American idealism and others as a pragmatic document. Where do you fall?*
- 4. Why do you think this document has become so powerful over time?*

**In Congress, July 4, 1776.**

**The unanimous Declaration of the thirteen united States of America,** When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

### ***The Declaration of Sentiments (Circa: 1848)***

*By the 1820s and 1830s, religious revivals swept across the United States and called both women and men into voluntary service to perfect their souls and the world around them. These movements energized northern reformers, while southerners showed little interest. From temperance and school reform to abolition and women's rights, northern women were drawn into public life in new ways. Many of these women joined female branches of the abolition movement and found through their work on behalf of enslaved people that they too had grievances and rights that needed attention. In July of 1848 a small group of women met to outline these grievances before they met at a convention for women's rights shortly thereafter in Seneca Falls, New York. Much like Thomas Jefferson, Elizabeth Cady Stanton emerged from the small group conversation to draft the Declaration of Sentiments, which would be read along with resolutions for action at the Seneca Falls women's rights convention on July 19-20.*

Questions:

1. *What grievances do women have according to this Declaration?*
2. *Why use the Declaration of Independence for their template?*
3. *What does this document tell us about the state of American democracy in 1848?*

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When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes that impel them to such a course.

We hold these truths to be self-evident; that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their just powers from the consent of the governed. Whenever any form of government becomes destructive of these ends, it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they were accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled.

The history of mankind is a history of repeated injuries and usurpations on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world.

He has never permitted her to exercise her inalienable right to the elective franchise.

He has compelled her to submit to laws, in the formation of which she had no voice.

He has withheld from her rights which are given to the most ignorant and degraded men - both natives and foreigners.

Having deprived her of this first right as a citizen, the elective franchise, thereby leaving her without representation in the halls of legislation, he has oppressed her on all sides.

He has made her, if married, in the eye of the law, civilly dead.

He has taken from her all right in property, even to the wages she earns.

He has made her morally, an irresponsible being, as she can commit many crimes with impunity, provided they be done in the presence of her husband. In the covenant of marriage, she is compelled to promise obedience to her husband, he becoming, to all intents and purposes, her master - the law giving him power to deprive her of her liberty, and to administer chastisement.

He has so framed the laws of divorce, as to what shall be the proper causes of divorce, in case of separation, to whom the guardianship of the children shall be given; as to be wholly regardless of the happiness of the women - the law, in all cases, going upon a false supposition of the supremacy of man, and giving all power into his hands.

After depriving her of all rights as a married woman, if single and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it.

He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration.

He closes against her all the avenues to wealth and distinction, which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.

He has denied her the facilities for obtaining a thorough education - all colleges being closed against her.

He allows her in church, as well as State, but a subordinate position, claiming Apostolic authority for her exclusion from the ministry, and, with some exceptions, from any public participation in the affairs of the Church.

He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated but deemed of little account in man.

He has usurped the prerogative of Jehovah himself, claiming it as his right to assign for her a sphere of action, when that belongs to her conscience and her God.

He has endeavored, in every way that he could to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life.

Now, in view of this entire disfranchisement of one-half the people of this country, their social and religious degradation, - in view of the unjust laws above mentioned, and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that

they have immediate admission to all the rights and privileges which belong to them as citizens of these United States.

In entering upon the great work before us, we anticipate no small amount of misconception, misrepresentation, and ridicule; but we shall use every instrumentality within our power to effect our object. We shall employ agents, circulate tracts, petition the State and national Legislatures, and endeavor to enlist the pulpit and the press in our behalf. We hope this Convention will be followed by a series of Conventions, embracing every part of the country.

Firmly relying upon the final triumph of the Right and the True, we do this day affix our signatures to this declaration.

***What to the Slave is the Fourth of July?  
Frederick Douglass July 5, 1852.***

*Frederick Douglass had been enslaved until he stole himself and escaped to Massachusetts from Maryland in 1838. From that time, he worked tirelessly on behalf of the freedom and equality of all people. By 1847, he began and edited his own paper, *The North Star*, in which he declared: "Right is of no Sex – Truth is of no Color – God is the Father of us all, and we are all brethren." In fact, Douglass was at Seneca Falls with Elizabeth Cady Stanton in 1848. Douglass was also known as an exceptional orator who gave lectures that were captivating, sharp, and insightful. In 1852, the Rochester (New York) Ladies' Anti-Slavery Society invited him to deliver a 4th of July address honoring the nation's birth. Below are excerpts from the stinging oration he delivered in his hometown.*

*Questions*

1. *Why is the 4th of July problematic for Douglass? What does he argue?*
2. *Douglass tells his listeners at one point that "[t]he rich inheritance of justice, liberty, prosperity and independence, bequeathed by your fathers, is shared by you, not by me." Is there a "rich inheritance" of "justice, liberty, and prosperity" in the United States in 1852? Who shares this "rich inheritance"?*
3. *Why does Douglass return to the promises of the Declaration of Independence in his oration?*
4. *How do you imagine his audience received his message?*

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Fellow-citizens, pardon me, allow me to ask, why am I called upon to speak here today? What have I, or those I represent, to do with your national independence? Are the great principles of political freedom and of natural justice, embodied in that Declaration of Independence, extended to us? and am I, therefore, called upon to bring our humble offering to the national altar, and to confess the benefits and express devout gratitude for the blessings resulting from your independence to us?

Would to God, both for your sakes and ours, that an affirmative answer could be truthfully returned to these questions! Then would my task be light, and my burden easy and delightful. For who is there so cold, that a nation's sympathy could not warm him? Who so obdurate and dead to the claims of gratitude, that would not thankfully acknowledge such priceless benefits? Who so stolid and selfish, that would not give his voice to swell the hallelujahs of a nation's jubilee, when the chains of servitude had been torn from his limbs? I am not that man. In a case like that, the dumb might eloquently speak, and the "lame man leap as an hart."

But, such is not the state of the case. I say it with a sad sense of the disparity between us. I am not included within the pale of this glorious anniversary! Your high independence only reveals the immeasurable distance between us. The blessings in which you, this day, rejoice, are not enjoyed in common. The rich inheritance of justice, liberty, prosperity and independence, bequeathed by your fathers, is shared by you, not by me. The sunlight that brought life and healing to you, has brought stripes and death to me. This Fourth [of] July is yours, not mine. You may rejoice, I must mourn. To drag a man in fetters into the grand illuminated temple of liberty, and call upon him to join you in joyous anthems, were inhuman mockery and sacrilegious irony. Do you mean, citizens, to mock me, by asking me to speak today? If so, there is a parallel to your conduct. And let me warn you that it is dangerous to copy the example of a nation whose crimes, lowering up to heaven, were thrown down by the breath of the

Almighty, burying that nation in irrecoverable ruin! I can to-day take up the plaintive lament of a peeled and woe-smitten people!

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Fellow-citizens; above your national, tumultuous joy, I hear the mournful wail of millions! whose chains, heavy and grievous yesterday, are, to-day, rendered more intolerable by the jubilee shouts that reach them. If I do forget, if I do not faithfully remember those bleeding children of sorrow this day, "may my right hand forget her cunning, and may my tongue cleave to the roof of my mouth!" To forget them, to pass lightly over their wrongs, and to chime in with the popular theme, would be treason most scandalous and shocking, and would make me a reproach before God and the world. My subject, then fellow-citizens, is AMERICAN SLAVERY. I shall see, this day, and its popular characteristics, from the slave's point of view. Standing, there, identified with the American bondman, making his wrongs mine, I do not hesitate to declare, with all my soul, that the character and conduct of this nation never looked blacker to me than on this 4th of July! Whether we turn to the declarations of the past, or to the professions of the present, the conduct of the nation seems equally hideous and revolting. America is false to the past, false to the present, and solemnly binds herself to be false to the future. Standing with God and the crushed and bleeding slave on this occasion, I will, in the name of humanity which is outraged, in the name of liberty which is fettered, in the name of the constitution and the Bible, which are disregarded and trampled upon, dare to call in question and to denounce, with all the emphasis I can command, everything that serves to perpetuate slavery-the great sin and shame of America! "I will not equivocate; I will not excuse;" I will use the severest language I can command; and yet not one word shall escape me that any man, whose judgement is not blinded by prejudice, or who is not at heart a slaveholder, shall not confess to be right and just.

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What, to the American slave, is your 4th of July? I answer: a day that reveals to him, more than all other days in the year, the gross injustice and cruelty to which he is the constant victim. To him, your celebration is a sham; your boasted liberty, an unholy license; your national greatness, swelling vanity; your sounds of rejoicing are empty and heartless; your denunciations of tyrants, brass fronted impudence; your shouts of liberty and equality, hollow mockery; your prayers and hymns, your sermons and thanksgivings, with all your religious parade, and solemnity, are, to him, mere bombast, fraud, deception, impiety, and hypocrisy - a thin veil to cover up crimes which would disgrace a nation of savages. There is not a nation on the earth guilty of practices, more shocking and bloody, than are the people of these United States, at this very hour.

Go where you may, search where you will, roam through all the monarchies and despotisms of the old world, travel through South America, search out every abuse, and when you have found the last, lay your facts by the side of the everyday practices of this nation, and you will say with me, that, for revolting barbarity and shameless hypocrisy, America reigns without a rival.



### *Students for a Democratic Society, The Port Huron Statement (1962)*

*In 1960 students at the University of Michigan formed Students for a Democratic Society or SDS. They initially planned that their group would support the civil rights struggle in the South, but soon moved to broaden their targets for change. In June 1962, student Tom Hayden with support from other members of SDS drafted and presented The Port Huron Statement at a United Auto Workers retreat in Port Huron, Michigan. The Statement, which is really a 25,700-word manifesto for change, articulated a vision for the New Left in the United States. Moving away from labor organizing and towards a broader vision of human equality, the Port Huron Statement articulated a plan for changing the fundamental problems in American society and the world. Stressing participatory democracy, this "Agenda for a Generation" called on students in American universities to lead the charge.*

#### *Questions:*

- 1. What problems do the authors of The Port Huron Statement see in American society in 1962? What had changed in the United States, according to the authors?*
- 2. What problems do they see in the world?*
- 3. Who or what is responsible for these problems?*
- 4. Why do the authors argue that students are ideally situated for making change?*
- 5. What problems cited in this document still exist today? Are there other pressing problems that you would add to your generation's manifesto?*
- 6. Would you consider joining SDS today? Is it relevant?*

#### Introduction

We are people of this generation, bred in at least modest comfort, housed now in universities, looking uncomfortably to the world we inherit.

When we were kids the United States was the wealthiest and strongest country in the world; the only one with the atom bomb, the least scarred by modern war, an initiator of the United Nations that we thought would distribute Western influence throughout the world. Freedom and equality for each individual, government of, by, and for the people--these American values we found god, principles by which we could live as men. Many of us began maturing in complacency.

As we grew, however, our comfort was penetrated by events too troubling to dismiss. First, the permeating and victimizing fact of human degradation, symbolized by the Southern struggle against racial bigotry, compelled most of us from silence to activism. Second, the enclosing fact of the Cold War, symbolized by the presence of the Bomb, brought awareness that we ourselves, and our friends, and millions of abstract "others" we knew more directly because of our common peril, might die at any time. We might deliberately ignore, or avoid, or fail to feel all other human problems, but not these two, for these were too immediate and crushing in their impact, too challenging in the demand that we as individuals take the responsibility for encounter and resolution.

While these and other problems either directly oppressed us or rankled our consciences and became our own subjective concerns, we began to see complicated and disturbing paradoxes in our surrounding America. The declaration "all men are created equal..." rang hollow before the facts of Negro life in the South and the big cities of the North. The proclaimed peaceful intentions of the United States contradicted its economic and military investments in the Cold War status quo.

We witnessed, and continue to witness, other paradoxes. With nuclear energy whole cities can easily be powered, yet the dominant nation-states seem more likely to unleash destruction greater than that incurred in all wars of human history. Although our own technology is destroying old and creating new forms of social organization, men still tolerate meaningless work and idleness. While two-thirds of mankind suffers under nourishment, our own upper classes revel amidst superfluous abundance. Although world population is expected to double in forty years, the nations still tolerate anarchy as a major principle of international conduct and uncontrolled exploitation governs the sapping of the earth's physical resources. Although mankind desperately needs revolutionary leadership, America rests in national stalemate, its goals ambiguous and tradition-bound instead of informed and clear, its democratic system apathetic and manipulated rather than "of, by, and for the people."

Not only did tarnish appear on our image of American virtue, not only did disillusion occur when the hypocrisy of American ideals was discovered, but we began to sense that what we had originally seen as the American Golden Age was actually the decline of an era. The worldwide outbreak of revolution against colonialism and imperialism, the entrenchment of totalitarian states, the menace of war, overpopulation, international disorder, supertechnology--these trends were testing the tenacity of our own commitment to democracy and freedom and our abilities to visualize their application to a world in upheaval.

Our work is guided by the sense that we may be the last generation in the experiment with living. But we are a minority--the vast majority of our people regard the temporary equilibriums of our society and world as eternally functional parts. In this is perhaps the outstanding paradox; we ourselves are imbued with urgency, yet the message of our society is that there is no viable alternative to the present. Beneath the reassuring tones of the politicians, beneath the common opinion that America will "muddle through," beneath the stagnation of those who have closed their minds to the future, is the pervading feeling that there simply are no alternatives, that our times have witnessed the exhaustion not only of Utopias, but of any new departures as well. Feeling the press of complexity upon the emptiness of life, people are fearful of the thought that at any moment things might be thrust out of control. They fear change itself, since change might smash whatever invisible framework seems to hold back chaos for them now. For most Americans, all crusades are suspect, threatening. The fact that each individual sees apathy in his fellows perpetuates the common reluctance to organize for change. The dominant institutions are complex enough to blunt the minds of their potential critics, and entrenched enough to swiftly dissipate or entirely repel the energies of protest and reform, thus limiting human expectancies. Then, too, we are a materially improved society, and by our own improvements we seem to have weakened the case for further change.

Some would have us believe that Americans feel contentment amidst prosperity--but might it not better be called a glaze above deeply felt anxieties about their role in the new world? And if these anxieties produce a developed indifference to human affairs, do they not as well produce a yearning to believe that there is an alternative to the present, that something can be done to change circumstances in the school, the workplaces, the bureaucracies, the government? It is to this latter yearning, at once the spark and engine of change, that we direct our present appeal. The search for truly democratic alternatives to the present, and a commitment to social experimentation with them, is a worthy and fulfilling human enterprise, one which moves us and, we hope, others today. On such a basis do we offer this document of our convictions and analysis: as an effort in understanding and changing the conditions of humanity in the late twentieth century, an effort rooted in the ancient, still unfulfilled conception of man attaining determining influence over his circumstances of life.

## *The ABC's of Communism*

*In this excerpt from The ABC of Communism, the authors Nikolai Bukharin and Evgeny Preobrazhensky of the Soviet Communist Party attempt to explain their organization's ideology and plans for building socialism to potential recruits.*

### *Discussion Questions:*

- (1) What seem to them to be the document's strengths and weaknesses regarding circumstances in the United States early in the twentieth century?*
- (2) What has changed, and what has not changed, one hundred years later?*

# **The ABC of Communism**

A Popular Explanation of the Program  
of the  
Communist Party of Russia

**N. Bukharin and E. Preobrazhensky**

New Introduction by Sidney Heitman

Ann Arbor Paperbacks for the Study of  
Communism and Marxism  
**The University of Michigan Press**

## 176      THE A B C OF COMMUNISM

Such is the real character of the workers' "freedom" under bourgeois democracy. The freedom exists solely on paper. The workers have what is termed "formal" freedom. In substance, however, they have no freedom, because their formal freedom cannot be translated into the realm of fact. It is the same here as in all other departments of life. According to bourgeois theory, master and man are equals in capitalist society, since "free contract" exists: the employer offers work; the worker is free to accept or refuse. Thus it is upon paper! In actual fact, the master is rich and well fed; the worker is poor and hungry. He must work or starve. Is this equality? There can be no equality between rich and poor, whatever the written word declares. This is why, in the capitalist regime, "freedom" has a bourgeois complexion.

## § 49.

**Rights of the Workers under bourgeois Democracy and under the Soviet Power.** One of the chief frauds of bourgeois democracy consists in this, that it gives only the appearance of rights. On paper we read that the workers can elect to parliament in perfect freedom; that they have the same rights as the masters (they are said to be "equal before the law"); that they have the right of combination and of public meeting; that they can publish any newspapers and books they please; and so on. These things are called the "essence of democracy"; we are assured that democracy is for everyone, for the whole people, for all the citizens, so that conditions are quite different from those in the Soviet Republic.

First of all we must point out that no such bourgeois democracy really exists. It existed a hundred years ago, but Mr. Bourgeois has done away with it long since.

The United States will serve as the best example of this. Here, during the war, the following laws were promulgated: It was forbidden to speak slightly of the president; it was forbidden to say anything to the discredit of the Allies; it was forbidden to declare that the entry of the U.S. and of the Entente into the war was the outcome of sordid, material motives; it was forbidden to advocate a premature peace; it was forbidden to utter any public condemnation of the policy of the U.S. government; it was forbidden to say anything to the credit of Germany; it was forbidden to advocate the overthrow of the existing order, the abolition of private property, the class war, etc. The penalty for breaking any of these laws ranged from 3 to 20 years' imprisonment. In the course of a single year, about 1500 workers were arrested for such offences.

The working-class organisation known as the I.W.W. (Industrial Workers of the World) was savagely attacked, and some of its leaders were lynched. As an example of the "right to strike," we may mention the strike at the Arizona copper mines in the year 1917, when many of the workers were shot, others flogged, and others tarred and feathered; when whole families were hunted from their homes and reduced to beggary. Again, during the strike at Rockefeller's coal mines, at Ludlow in the State of Colorado, Rockefeller's gunmen shot and burned several hundred workmen and workwomen. Although Congress is elected by universal suffrage, it merely carries out the orders of the trust kings, for nearly all the congressmen are in the pay of the trusts. The uncrowned kings are the real dictators of America. Among them we may name: Rockefeller, the head of the Standard Oil Trust, which controls, in addition to the oil wells, a vast number of banks; Morgan, the railway king, also in control of numerous banks; Schwab, the steel king; Swift, the head of the meat trust; Dupont, the powder king, who amassed incredible wealth during the war. Suffice it to say that Rockefeller's income is \$10,000 per hour! Who can withstand such strength? This gang of Schwabs and Rockefellers holds everything in its hands in the name of "democracy."

Even if what is termed bourgeois democracy did really exist, in comparison with the Soviet Power it would not be worth a cracked farthing. Paper laws are of no use to the working class unless the possibility of their realisation exists. But such a possibility of realisation does not exist under the capitalist regime, cannot exist under the system in which the capitalists own all the wealth. Even if the workers enjoy on paper the right of meeting, they often find it quite impossible to exercise such a right. For instance, the innkeepers, incited by the big sharks of capital, or moved by their own hostility to the workers, will frequently refuse to let rooms for meetings—and the workers have nowhere else to go. Here is another example. The workers wish to publish a newspaper, and they have the legal right to do so. But to exercise this right they need money, paper, offices, a printing press, etc. All these things are in the hands of the capitalists. The capitalists won't relax their grip. Nothing doing! Out of the workers' paltry wage it is impossible to accumulate adequate funds. The result is that the bourgeoisie has masses of newspapers and can cheat the workers to its heart's content day after day; whereas the workers, notwithstanding their legal "rights," have practically no press of their own.

### Negro Rule Cartoon (Circa 1900)

Political Cartoonist Norman Jennet created this image to inflame white supremacist sentiments and encourage whites to participate in forthcoming elections. This racial propaganda was coupled with terrorizing violence to remove African Americans – and their Republican allies – from the political process as Jim Crow is anchored in the late 19<sup>th</sup> century.

1. Why did the cartoonist place white women in peril in the cartoon?
2. How does the distorted caricature of the African-American male play into white supremacist rhetoric?
3. Why is the incubus perched upon a "Fusion Ballot Box?"



NORTH CAROLINA—Wake County.

John Hubbard, being duly sworn, deposes and says: That while working the public roads some days ago, he heard several negroes in Mark's Creek Township, Wake County, talking about the Constitutional Amendment, and one of the negroes, a preacher and neighbor of H. H. Knight, by the name of Office Price, said they, referring to the white people, may pass the Amendment, but that they would have to fight, and that the right way to do them, the whites, would be to kill them from the cradle up.

Sworn and subscribed before me this the 29th day of June, 1900.

JOHN HUBBARD,

A. T. MIAL, J. P.

### ***The Southern Manifesto, 1956***

*The Southern Manifesto was the segregationist response to the Supreme Court's ruling in Brown v. Board of Education. This rejection of Brown sought to preserve segregation by boldly calling on southerners to resist the ruling. Only 3 senators refused to sign on to the Manifesto including Lyndon Johnson (D-TX), Estes Kefauver (D-TN), and Albert Gore, Sr. (D-TN). All other senators and 82 members of the House of Representatives signed on to resist Brown and preserve segregation across the South.*

#### *Questions*

1. *What arguments do southern politicians make in opposition to the Supreme Court ruling in Brown?*
2. *What is suggested regarding the relationships between black and white southerners?*
3. *What was the impact of the South's political leadership calling for resistance to integration?*

The unwarranted decision of the Supreme Court in the public school cases is now bearing the fruit always produced when men substitute naked power for established law.

The founding fathers gave us a constitution of checks and balances because they realized the inescapable lesson of history that no man or group of men can be safely entrusted with unlimited power. They framed this constitution with its provisions for change by amendment in order to secure the fundamentals of government against the dangers of temporary popular passion or the personal predilections of public office holders.

We regard the decision of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the states and the people.

The original Constitution does not mention education. Neither does the Fourteenth Amendment nor any other amendment. The debates preceding the submission of the Fourteenth Amendment clearly show that there was no intent that it should affect the systems of education maintained by the states.

The very Congress which proposed the amendment subsequently provided for segregated schools in the District of Columbia.

When the amendment was adopted in 1868, there were 37 states of the union. Every one of the 26 states that had any substantial racial differences among its people either approved the operation of segregated schools already in existence or subsequently established such schools by action of the same law-making body which considered the Fourteenth Amendment.

As admitted by the Supreme Court in the public school case (*Brown vs. Board of Education*), the doctrine of separate but equal schools "apparently originated in *Roberts vs. City of Boston* . . . (1849), upholding school segregation against attack as being violative of a state constitutional guarantee of equality." This constitutional doctrine began in the North—not in the South, and it was followed not only in Massachusetts, but in Connecticut, New York, Illinois, Indiana, Michigan, Minnesota, New Jersey, Ohio, Pennsylvania and other northern states until they, exercising their rights as states through the constitutional processes of local self-government, changed their school systems.

In the case of *Plessy vs. Ferguson* in 1896 the Supreme Court expressly declared that under the Fourteenth Amendment no person was denied any of his rights if the states provided separate but equal public

facilities. This decision has been followed in many other cases. It is notable that the Supreme Court, speaking through Chief Justice Taft, a former president of the United States, unanimously declared in 1927 in *Lum vs. Rice* that the "separate but equal" principle is ". . . within the discretion of the state in regulating its public schools and does not conflict with the Fourteenth Amendment."

This interpretation, restated time and again, became a part of the life of the people of many of the states and confirmed their habits, customs, tradition and way of life. It is founded on elemental humanity and common sense, for parents should not be deprived by government of the right to direct the lives and education of their own children.

Though there has been no constitutional amendment or act of Congress changing this established legal principle almost a century old, the Supreme Court of the United States, with no legal basis for such action, undertook to exercise their naked judicial power and substituted their personal political and social ideas for the established law of the land.

This unwarranted exercise of power by the court, contrary to the Constitution, is creating chaos and confusion in the states principally affected. It is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

Without regard to the consent of the governed, outside agitators are threatening immediate and revolutionary changes in our public school systems. If done, this is certain to destroy the system of public education in some of the states.

With the gravest concern for the explosive and dangerous condition created by this decision and inflamed by outside meddlers:

We reaffirm our reliance on the Constitution as the fundamental law of the land.

We decry the Supreme Court's encroachments on rights reserved to the states and to the people, contrary to established law and to the Constitution.

We commend the motives of those states which have declared the intention to resist forced integration by any lawful means.

***Dr. Martin Luther King, Jr., Address to Montgomery Improvement Association, Holt St. Baptist Church, 1956***

*On the eve of the Montgomery Bus Boycott the Rev. Dr. Martin Luther King Jr. gave a speech to a gathering of several thousand at the Holt Street Baptist Church. Among those in attendance were reporters, two television crews, and black leaders from across Alabama. In the speech, King framed the forthcoming protest in the American democratic tradition and emphasized the need for community involvement for the boycott to be successful.*

*Questions:*

- 1. Before the speech, King considered, "How could I make a speech that would be militant enough to keep my people aroused to positive action and yet moderate enough to keep this fervor within controllable and Christian bounds?" How did King address this balancing act in his speech?*
- 2. What is the significance of King's acknowledgment of the leaders of the various activist groups present at the meeting?*
- 3. How does King inject principles of nonviolence in the tactics he advocates for the boycott?*
- 4. How does King's speech highlight the legal questions that shaped the Modern Civil Rights Movement?*

My friends, we are certainly very happy to see each of you out this evening. We are here this evening for serious business. (Yes) We are here in a general sense because first and foremost we are American citizens (That's right) and we are determined to apply our citizenship to the fullness of its meaning. (Yeah, That's right) We are here also because of our love for democracy, (Yes) because of our deep-seated belief that democracy transformed from thin paper to thick action (Yes) is the greatest form of government on earth. (That's right)

But we are here in a specific sense, because of the bus situation in Montgomery. (Yes) We are here because we are to get the situation corrected. This situation is not at all new. The problem has existed over endless years. (That's right) For many years now Negroes in Montgomery and so many other areas have been inflicted with the paralysis of crippling fears (Yes) on buses in our community. (That's right) On so many occasions, Negroes have been intimidated and humiliated and impressed-oppressed-because of the sheer fact that they were Negroes. (That's right) I don't have time this evening to go into the history of these numerous cases. Many of them now are lost in the thick fog of oblivion, (Yes) but at least one stands before us now with glaring dimensions. (Yes)

Just the other day, just last Thursday to be exact, one of the finest citizens in Montgomery (Amen)--not one of the finest Negro citizens (That's right) but one of the finest citizens in Montgomery--was taken from a bus (Yes) and carried to jail and arrested (Yes) because she refused to get up to give her seat to a white person. (Yes, That's right) Now the press would have us believe that she refused to leave a reserved section for Negroes, (Yes) but I want you to know this evening that there is no reserved section. (All right) The law has never been clarified at that point. (Hell no) Now I think I speak with, with legal authority--not that I have any legal authority, but I think I speak with legal authority behind me (All right)--that the law, the ordinance, the city ordinance has never been totally clarified. (That's right)

Mrs. Rosa Parks is a fine person. (Well, well said) And since it had to happen I'm happy that it happened to a person like Mrs. Parks, for nobody can doubt the boundless outreach of her integrity. (Sure enough) Nobody can doubt the height of her character, (Yes) nobody can doubt the depth of her Christian commitment and devotion to the teachings of Jesus. (All right) And I'm happy since it had to happen, it happened to a person that nobody can call a disturbing factor in the community. (All right) Mrs. Parks is a fine Christian person,



unassuming, and yet there is integrity and character there. And just because she refused to get up, she was arrested.

And you know, my friends, there comes a time when people get tired of being trampled over by the iron feet of oppression. [Thundering applause] There comes a time, my friends, when people get tired of being plunged across the abyss of humiliation where they experience the bleakness of nagging despair. (Keep talking) There comes a time when people get tired of being pushed out of the glittering sunlight of life's July, and left standing amid the piercing chill of an alpine November. (That's right) [Applause] There comes a time. (Yes sir, Teach) [Applause continues]

We are here, we are here this evening because we're tired now. (Yes) [Applause] And I want to say, that we are not here advocating violence. (No) We have never done that. (Repeat that, Repeat that) [Applause] I want it to be known throughout Montgomery and throughout this nation (Well) that we are Christian people. (Yes) [Applause] We believe in the Christian religion. We believe in the teachings of Jesus. (Well) The only weapon that we have in our hands this evening is the weapon of protest. (Yes) [Applause] That's all.

And certainly, certainly, this is the glory of America, with all of its faults. (Yeah) This is the glory of our democracy. If we were incarcerated behind the iron curtains of a Communistic nation we couldn't do this. If we were dropped in the dungeon of a totalitarian regime we couldn't do this. (All right) But the great glory of American democracy is the right to protest for right. (That's right) [Applause] My friends, don't let anybody make us feel that we to be compared in our actions with the Ku Klux Klan or with the White Citizens Council. [Applause] There will be no crosses burned at any bus stops in Montgomery. (Well, That's right) There will be no white persons pulled out of their homes and taken out on some distant road and lynched for not cooperating. [Applause] There will be nobody amid, among us who will stand up and defy the Constitution of this nation. [Applause] We only assemble here because of our desire to see right exist. [Applause] My friends, I want it to be known that we're going to work with grim and bold determination to gain justice on the buses in this city. [Applause]

And we are not wrong, we are not wrong in what we are doing. (Well) If we are wrong, the Supreme Court of this nation is wrong. (Yes sir) [Applause] If we are wrong, the Constitution of the United States is wrong. (Yes) [Applause] If we are wrong, God Almighty is wrong. (That's right) [Applause] If we are wrong, Jesus of Nazareth was merely a utopian dreamer that never came down to earth. (Yes) [Applause] If we are wrong, justice is a lie: (Yes) love has no meaning. [Applause] And we are determined here in Montgomery to work and fight until justice runs down like water (Yes) [Applause] and righteousness like a mighty stream. (Keep talking) [Applause]

I want to say that in all of our actions we must stick together. (*That's right*) [*applause*] Unity is the great need of the hour (*Well, That's right*), and if we are united we can get many of the things that we not only desire but which we justly deserve. (*Yeah*) And don't let anybody frighten you. (*Yeah*) We are not afraid of what we are doing (*Oh no*), because we are doing it within the law. (*All right*) There is never a time in our American democracy that we must ever think we're wrong when we protest. (*Yes sir*) We reserve that right. When labor all over this nation came to see that it would be trampled over by capitalistic power, it was nothing wrong with labor getting together and organizing and protesting for its rights. (*That's right*)

We, the disinherited of this land, we who have been oppressed so long, are tired of going through the long night of captivity. And now we are reaching out for the daybreak of freedom and justice and equality. [*applause*] May I say to you my friends, as I come to a close, and just giving some idea of why we are assembled here, that we must keep—and I want to stress this, in all of our doings, in all of our deliberations here this evening and all of the week and while—whatever we do, we must keep God in the forefront. (*Yeah*) Let us be Christian in all of our actions. (*That's right*) But I want to tell you this evening that it is not enough for us to talk about love, love

is one of the pivotal points of the Christian face, faith. There is another side called justice. And justice is really love in calculation. (*All right*) Justice is love correcting that which revolts against love. (*Well*)

The Almighty God himself is not the only, not the, not the God just standing out saying through Hosea, "I love you, Israel." He's also the God that stands up before the nations and said: "Be still and know that I'm God (*Yeah*), that if you don't obey me I will break the backbone of your power (*Yeah*) and slap you out of the orbits of your international and national relationships."<sup>4</sup>(*That's right*) Standing beside love is always justice, and we are only using the tools of justice. Not only are we using the tools of persuasion, but we've come to see that we've got to use the tools of coercion. Not only is this thing a process of education, but it is also a process of legislation. [*applause*]

As we stand and sit here this evening and as we prepare ourselves for what lies ahead, let us go out with a grim and bold determination that we are going to stick together. [*applause*] We are going to work together. [*applause*] Right here in Montgomery, when the history books are written in the future (*Yes*), somebody will have to say, "There lived a race of people (*Well*), a *black* people (*Yes sir*), 'fleecy locks and black complexion' (*Yes*), a people who had the moral courage to stand up for their rights."<sup>5</sup> [*applause*] And thereby they injected a new meaning into the veins of history and of civilization." And we're gonna do that. God grant that we will do it before it is too late. (*Oh yeah*) As we proceed with our program let us think of these things. (*Yes*) [*applause*]

### ***Alabama Voter Application Test, 1958***

*This four-page voter application was used to intimidate and threaten applicants. It required swearing the truth of your answers to every question under penalty of perjury. Additionally, applicants knew that the information would be made available to Citizens Council and the KKK. In many counties, the application would be waved if someone already eligible to vote would vouch for the applicant. This “voucher system” heavily favored white voters as they represented a greater number of registered voters. This application was just one of many hurdles as once the application was completed both a literary test and poll tax remained.*

#### *Questions;*

- 1. This application asks several pointed questions about the applicant’s work and social history. What is the significance of these questions?*
- 2. One section of the application asks about the applicant’s affiliation with “organizations which advocated the overthrow of the United States Government” What is the significance of this questioning?*
- 3. How did voter registration measures such as this one work to keep African Americans disfranchised?*

COPY

COPY

APPLICATION FOR REGISTRATION, QUESTIONNAIRE AND OATH

I.....do hereby apply to the Board of Registrars of.....County, State of Alabama, to register as an elector under the Constitution and laws of the State of Alabama, and do herewith submit answers to the interrogatories propounded to me by said Board.

Name of Applicant

QUESTIONNAIRE

- II. State your name, the date and place of your birth, and your present address; .....
- 3. Are you married or single:.....(a) If married, give name, residence and place of birth of your husband or wife, as the case may be.....
- 3. Give the names of the places, respectively, where you have lived during the last five years; and the name or names by which you have been known during the last five years;.....
- 4. If you are self-employed, state the nature of your business:.....  
 (a) If you have been employed by another during the last five years state the nature of your employment and the name or names of such employer or employers and his or their addresses:.....
- 5. If you claim that you are a bona fide resident of the State of Alabama, give the date on which you claim to have become such bona fide resident .....
- .....(a) When did you become a bona fide resident of..... County:.....(b) When did you become a bona fide resident of..... Ward or Precinct.....
- 6. If you intend to change your place of residence prior to the next general election, state the facts.....
- 7. Have you previously applied for and been denied registration as a voter .....
- .....(a) If so, give facts:.....
- 8. Has your name been previously stricken from the list of persons registered .....
- 9. Are you now or have you ever been a dope addict or an habitual drunkard .....
- .....(a) If you are or have been a dope addict or an habitual drunkard, explain as fully as you can:.....

10. Have you ever been legally declared insane:..... (a) If so, give details:.....

11. Give a brief statement of the extent of your education and business experience:.....

12. Have you ever been charged with or convicted of a felony or crime or offense involving moral turpitude:.....(a) If so, give the facts:.....

13. Have you ever served in the Armed Forces of the United State Government:.....(a) If so, state when and for approximately how long:.....

14. Have you ever been expelled or dishonorably discharged from any school or college or from any branch of the Armed Forces of the United States, or of any other country:.....(a) If so, state the facts:.....

15. Will you support and defend the Constitution of the United States and the Constitution of the State of Alabama:.....

16. Are you now or have you ever been affiliated with any group or organization which advocated the overthrow of the United State Government or the government of any State of the United States by unlawful means:..... (a) If so, state the facts:.....

17. Will you bear arms for your country when called upon by it to do so:.. (a) If you answer no, give reasons:.....

18. Do you believe in free elections and rule by the majority:.....

19. Will you give aid and comfort to the enemies of the United States Government or the government of the State of Alabama:.....

20. Name some of the duties and obligations of citizenship:.....

(a) Do you regard those duties and obligations as having priority over the duties and obligations you owe to any secular organization when they are in conflict:.....

21. Give the names and post office addresses of two persons who have present knowledge of your present bona fide residence at the place as stated by you:.....

ACTION OF THE BOARD

STATE OF ALABAMA.....COUNTY

Before the Board of Registrars in session in and for said State and County personally appeared..... (Name of Applicant)

who executed the foregoing application in the manner and form therein stated. The Board having further examined said applicant under oath, touching his qualifications under Section 181, Constitution of Alabama, 1901, as amended, and having fully considered the foregoing application for Registration, Questionnaire, and Oath, and Supplemental Application for Registration, and Oath as executed, adjudges said applicant entitled to be registered and he was duly registered on this the.....day of....., 19....., in.....precinct (or ward) in said county.

(Signed)..... Chairman
(Signed)..... Member
(Signed)..... Member

(Note: The act of actually determining an applicant entitled to be registered is judicial. A majority of the Board must concur. A majority must be present. The power cannot be delegated. Each member present must vote on each application. Not until this is done may a certificate be issued the applicant).

EXAMINATION OF SUPPORTING WITNESS

STATE OF ALABAMA.....COUNTY

Before the county Board of Registrars in and for said State and County personally appeared.....who being first duly sworn (Name of Witness)

as follows: I solemnly swear (or affirm) that in the matter of the application of:.....for registration as an elector, I will speak the truth, the whole truth, and nothing but the truth, so help me God; testifies as follows: my name is..... My occupation is....., I reside at.....

My place of business or employment is at.....

The name of my employer is....., I am a duly registered qualified elector in.....precinct (or ward) in.....County in the State of Alabama. I have known the applicant..... (Give Applicant's name)

for.....years (or months). He is a bona fide resident at..... and to my knowledge has resided thereat for the past.....years (or months). I know of no reason why he is disqualified from registering under the Constitution and laws of Alabama enacted in pursuance thereof.

Space for further remarks

..... (Signed)..... Sworn to and subscribed before me in the presence of the Board of Registrars this the.....day of....., 19..... (Signed)..... (Member of the Board)

Note: This application blank, when duly executed, on the final preparation of the "list" of persons registered, must be delivered by the Board of Registrars to the Probate Judge of the County; whose duty it is to safely preserve it and all accompanying papers. See Title 141, Code of Alabama 1940.



OATH

STATE OF ALABAMA.....COUNTY  
 Before me.....A registrar in and for said county and  
 state, personally appeared.....an applicant for registration  
 as an elector, who being by me first duly sworn deposes and says: I do  
 solemnly swear (or affirm) that the foregoing answers to the interro-  
 gatories are true and correct to the best of my knowledge, information  
 and belief; I do further solemnly swear (or affirm) that I will support  
 and defend the Constitution of the United States and the Constitution of  
 the State of Alabama; that I do not believe in nor am I affiliated with,  
 nor have I been in the past affiliated with any group or party which ad-  
 vocated or advocate the overthrow of the government of the United States  
 or of the State of Alabama by unlawful means.

Sworn to and subscribed before me in the presence of the Board of re-  
 gistrars this the.....day of.....19.....

Member of the Board of Registrars for.....County

~~XXXX~~

SUPPLEMENTAL APPLICATION FOR REGISTRATION, AND OATH  
 STATE OF ALABAMA.....COUNTY

Before the Board of Registrars in and for said State and County, per-  
 sonally appeared.....an applicant for registration who  
 (Full name of applicant)

being by me.....a member of the said Board, first.  
 (Any member present may administer oath)

duly sworn as follows: "I do solemnly swear (or affirm) that in the matter  
 of the application of.....for registration as an elector,  
 I will speak the truth, the whole truth, and nothing but the truth, so help  
 me God, testifies as follows:

My name is.....and I have heretofore executed the  
 "Application for Registration, Questionnaire and Oath" submitted to me by  
 the above-named Board of Registrars.

In addition to the information given on said "Application for Registration  
 Questionnaire and Oath", I depose and state as follows:

1. I was previously registered in the following State and County in the  
 years named:.....  
 (If applicant has never been registered in Alabama or any state  
 he should so indicate.)
2. I have never been convicted of any offense disqualifying me from re-  
 gistering.  
 Board should call applicant's attention to Section 182, Constitution,  
 and Title 17, Section 15, Code of Alabama 1940. If applicant cannot  
 make foregoing statement, facts should be ascertained and registration  
 refused, unless fully pardoned and right to vote restored.)
3. My present place of employment is.....
4. I know of nothing that would disqualify me from being registered at  
 this time.

MARKS

(Signed) .....  
 (Name of Applicant)

Sworn to and subscribed before me this the.....day of.....  
 19.....

## **A Set of Documents: Mexican American Repatriation (Circa 1930-Present Day)**

The following materials are borrowed from [The History Project](#) at UC Irvine.

### **Why were 1 million Mexican Americans and immigrants forced to move to Mexico during the 1930s?**

#### **Introduction**

*During the hard years of the Great Depression, approximately 1 million Mexican immigrants and native-born Americans of Mexican descent were forced to leave the United States for Mexico. This still largely unknown episode in US history is usually referred to as “Mexican repatriation.” Repatriation occurred across the US—from Western states like California, Arizona, Colorado, New Mexico, and Texas to Midwestern states Illinois and Michigan.*

*Repatriation began as early as 1929, but continued throughout much of the 1930s. Between 1929-1935, roughly 400,000 people were forcibly deported or pressured to move to Mexico. Another 85,000 immigrants voluntarily returned to Mexico during that same time.*

*During the period of the Mexican Revolution (1910-1920), large numbers of Mexicans immigrated to the United States. By 1920, Mexicans were the largest foreign-born group in California. By 1930, Mexican immigrants made up 19% of the immigrant population of California, and Los Angeles had the largest population of Mexican citizens outside of Mexico City, the capital of Mexico. However, by 1940, one-third of the Mexican population of Los Angeles would be gone due to repatriation.*

*Why did repatriation happen? In cities like Los Angeles, tremendous pressure was put on Mexican immigrants and Mexican Americans to leave the city. The Great Depression affected thousands of people and sparked nativist responses towards different groups of immigrants (nativism is a term used to describe policies that favor native-born citizens over immigrants or the children of immigrants). As the Depression worsened and more native-born white families struggled to find work and make ends meet, Mexicans and Mexican Americans also found it difficult to find work and were increasingly cut off from receiving relief (i.e. public assistance or welfare money). In Los Angeles, local and federal officials did one of two things: they used their powers to deport Mexican undocumented immigrants back to Mexico; and, under pressure to save jobs and relief money for native-born Americans, they pressured legal immigrants and Mexican Americans to leave the US for Mexico.*

*A final word about the word “repatriation.” **Repatriation** is a word used to describe the process of returning people (and/or their property) to the nation of their birth. Large numbers of Mexican immigrants did voluntarily return to Mexico in the early days of the Depression. However, many left under pressure from government officials. Also, the majority (about 60%) of all those “repatriated” were US rather than Mexican citizens. In their efforts to repatriate “Mexicans,” government officials forced out large numbers of Americans—the sons and daughters of Mexican immigrants born in the US. Considered outsiders because of their ancestry, Mexican Americans were not repatriated but **depatrriated**—banished from their country of birth due to economic fears and racial discrimination.*



### **Adrian, Florida, Mass Deportation May Sound Unlikely, But It's Happened Before (NPR)**

*During the Presidential Election of 2016, candidate Donald Trump outlined a hardline immigration policy that called for deportation of illegal, or undocumented, immigrants in the United States. This report, which originally aired on the radio, assess Trump's policy suggestions in light of repatriation policies of the Great Depression.*

#### *Questions:*

1. *What percentage of Los Angeles's Mexican American population was "repatriated" during the 1930s?*
2. *Why, according to historian Francisco Balderrama, did deportation take place during the Great Depression? Explain this issue in 2-3 sentences using a direct quotation from the text.*
3. *What were some of the social consequences for repatriates like Emilia Castañeda? Explain your answer using 2-3 examples from the article.*



Mexican and Mexican-American families wait to board Mexico-bound trains in Los Angeles on March 8, 1932. County officials arranged these mass departures as part of "repatriation campaigns," fueled by fears that Mexicans and Mexican-Americans were taking scarce jobs and government assistance during the Great Depression. *Los Angeles Public Library/Herald Examiner Collection*

Presidential candidate Donald Trump's proposal to deport all 11 million immigrants living in the country illegally, along with their U.S.-born children, sounds far-fetched. But something similar happened before.

During the 1930s and into the 1940s, up to 2 million Mexicans and Mexican-Americans were deported or expelled from cities and towns across the U.S. and shipped to Mexico. According to some estimates, more than half of these people were U.S. citizens, born in the United States.

It's a largely forgotten chapter in history that Francisco Balderrama, a California State University historian, documented in [Decade of Betrayal: Mexican Repatriation in the 1930s](#). He co-wrote that book with the late historian Raymond Rodriguez.

"There was a perception in the United States that Mexicans are Mexicans," Balderrama said. "Whether they were American citizens, or whether they were Mexican nationals, in the American mind — that is, in the mind of government officials, in the mind of industry leaders — they're all Mexicans. So ship them home."

It was the Great Depression, when up to a quarter of Americans were unemployed and many believed that Mexicans were taking scarce jobs. In response, federal, state and local officials launched so-called "repatriation" campaigns. They held raids in workplaces and in public places, rounded up Mexicans and Mexican-Americans alike, and deported them. The most famous of these was in downtown Los Angeles' Placita Olvera in 1931.



A memorial in downtown Los Angeles commemorates the mass expulsion of Mexican-Americans during the Great Depression.

Balderrama says these raids were intended to spread fear throughout Mexican barrios and pressure Mexicans and Mexican-Americans to leave on their own. In many cases, they succeeded.

Where they didn't, government officials often used coercion to get rid of Mexican-Americans who were U.S. citizens. In Los Angeles, it was standard practice for county social workers to tell those receiving public assistance that they would lose it, and that they would be better off in Mexico. Those social workers would then get tickets for families to travel to Mexico. According to Balderrama's research, one-third of LA's Mexican population was expelled between 1929 and 1944 as a result of these practices.

That's what happened to Emilia Castañeda and her family.

Castañeda was born in Los Angeles in 1926 to immigrant parents. Her mother died while she was growing up, and her father struggled to get work during the Depression. When Castañeda was nine, Los Angeles County paid to put the family on a southbound train to Mexico. They lived with relatives, but often had to sleep outdoors for lack of space.

"The oldest of the boys, he used to call me a *repatriada*," Castañeda remembered in a 1971 interview, using the Spanish word for a repatriate. "And I don't think I felt that I was a *repatriada*, because I was an American citizen." Castañeda didn't return to the U.S. until she was 17, by which point she had lost much of her English. Her father never returned.



In the mid 1930s, when Esteban Torres was 3, his father was rounded up and deported to Mexico while working at a mine in Arizona. Torres, who would become a U.S. congressman, never saw his father again.

Balderrama says these family separations remain a lasting legacy of the mass deportations of that era. Despite claims by officials at the time that deporting U.S.-born children — along with their immigrant parents — would keep families together, many families were destroyed.

Esteban Torres was a toddler when his father, a Mexican immigrant, was caught up in a workplace roundup at an Arizona copper mine in the mid-1930s. "My mother, like other wives, waited for the husbands to come home from the mine. But he didn't come home," Torres recalled in a recent interview. He now lives east of Los Angeles. "I was 3 years old. My brother was 2 years old. And we never saw my father again."

Torres' mother suspected that his father had been targeted because of his efforts to organize miners. That led Esteban Torres to a lifelong involvement with organized labor. He was eventually elected to the U.S. House of Representatives, and served there from 1983 to 1999.

Today, Torres serves on the board of [La Plaza de Cultura y Artes](#) in Los Angeles, a Mexican-American cultural center. In front of it stands a memorial that the state of California dedicated in 2012, apologizing to the hundreds of thousands of U.S. citizens who were illegally deported or expelled during the Depression.

"It was a sorrowful step that this country took," Torres said. "It was a mistake. And for Trump to suggest that we should do it again is ludicrous, stupid and incomprehensible."

**George Sánchez, *Becoming Mexican American* (1993, excerpt)**

*Almost everyone in the United States was deeply affected by the economic problems caused by the Great Depression. People all over the nation found it difficult to find jobs, and thus struggled to make enough money to keep their homes and eat. However, the Depression affected different groups of people in different ways. In this excerpt, historian George Sánchez explains how and why Mexicans and Mexican Americans in Los Angeles were hit especially hard by the Depression.*

**Questions:**

1. What, according to one study, was the unemployment rate in Los Angeles in 1933?
2. What two economic problems did all workers across the United States experience during the early days of the Great Depression?
3. What two forms of discrimination did Mexicans and Mexican Americans in Los Angeles experience during the early days of the Great Depression? Provide two examples, and at least one important fact, from the text.

<p>In Los Angeles, the census of 1930...reported that 50,918 residents were unemployed, or just under 10 percent of the <b>gainful</b> workers....Though, <b>proportionally</b>, Los Angeles had fewer unemployed than industrial cities such as Cleveland, Buffalo, and Detroit, by the end of 1930 one out of every five <b>Angelenos</b> could not find work. One study showed unemployment in Los Angeles peaking at 41.6 percent in 1933. Even those with jobs severely felt the impact of the Great Depression. Wages fell by one-third in the United States, as both wages and hours were cut. In Los Angeles County, average wages declined 38 percent between 1926 and 1932.</p>	<p><b>gainful</b>—productive employment that pays well  <b>proportional</b>—to compare two or more things equally  <b>Angelenos</b>—residents of Los Angeles</p>
<p>Because of their seasonal employment in agricultural work, Mexicans were among the first in Los Angeles to experience the consequences of the Depression....Agriculture could no longer absorb urban workers who increasingly needed to <b>supplement</b> their low wages from unskilled industrial jobs. This development caused Mexican workers to depend even more heavily on wages earned in urban Los Angeles.</p>	<p><b>supplement</b>—something added to something else; extra income</p>
<p>Finding work in the city, however, became more and more difficult. By April 1930, one of every seven Mexican laborers was unemployed, a figure twice as high as that of any other ethnic group in Los Angeles. Moreover, as <b>Anglo Americans</b> found themselves without work—particularly after several months of unemployment—they began to exert pressure on city employers to hire only “citizens” for work that had normally or occasionally been limited to Mexicans....</p>	<p><b>Anglo Americans</b>—white Americans; Americans of European, or especially British, descent</p>
<p>Many Mexican families were forced to turn to public and private <b>charities</b> for help in surviving unemployment and economic <b>deprivation</b>. Yet here, too, discrimination, became the norm. During the 1920s, Mexicans constituted about one-fourth of all city residents who received some form of public assistance....But during</p>	<p><b>charity</b>—private or public organization that provides money, goods, and services to the poor, unemployed</p>

the Great Depression more **Anglo Americans** residents also found themselves in difficult circumstances. The result was increasing pressure on public officials to give preference in welfare allocations to American-born heads of households....

As unemployment climbed, almost all new relief was allocated for Anglo laborers who had lost their jobs. In Los Angeles County...Expenditures skyrocketed from \$1,690, 450 in 1928-29 to 2,469,520 in 1929-30, and \$4,209,729 in 1930-31. Yet the percentage of Mexicans on relief steadily decreased from 21.5 percent in 1928-29 to 15.8 percent in 1929-30, and to 12.5 percent in 1930-31, despite widespread impoverishment in the Mexican community....

**deprivation**—to lack or be denied basic necessities of life

Source: George Sánchez, *Becoming Mexican American: Ethnicity, Culture and Identity in Chicano Los Angeles, 1900-1945* (New York: Oxford University Press, 1993), 210-211.

### **“Trains to Take Mexicans Home,” Los Angeles Times, January 12, 1932**

*In coordination with officials in the Herbert Hoover administration, government officials for the city and county of Los Angeles used police raids to deport illegal immigrants and other scare tactics to intimidate Mexican immigrants and their family members into leaving for Mexico. This program began in 1931 with a raid on La Placita Olvera, the central plaza located in Downtown Los Angeles near Olvera Street. Shortly thereafter, the County of Los Angeles, with support from the government of Mexico, started a program that paid for thousands of one-way train tickets to Mexico.*

#### Questions:

1. How many “Mexicans” does the report estimate were “repatriated” to Mexico over the previous “fourteen months?”
2. Does this report imply repatriation was a voluntary act? Or does it imply that it was an involuntary act? Explain your answer using two pieces of evidence from the newspaper report.
3. How many times does this report make reference to the idea that those leaving the United States are “returning” to their original “homeland” of Mexico?
4. Why do you think the report repeats this idea—that all those leaving are foreigners rather than Americans?

#### **TRAINS TO TAKE MEXICANS HOME**

*Thirteen Hundred Leaving on Specials Today*

*Charities Department Aiding Repatriation Move*

*Southern California Exodus Estimated at 75,000*

Three special Southern Pacific passenger trains will leave at 9:30 a.m. today bearing more than 1300 Mexican repatriates to their former homes below the international boundary. Eight hundred are returning by way of El Paso for distribution southward from that point and the remainder will enter their homeland at Nogales to proceed down the West Coast.

According to figures announced at Mexico City yesterday, slightly more than 200,000 Mexicans have left the United States in the last fourteen months.

From 50,000 to 75,000 of that figure are estimated to have returned from Southern California.

The Mexicans started the great migration southward because of economic conditions under which they experienced difficulty in obtaining work.

In the majority of instances in Los Angeles county the charities departments have assisted the repatriates in leaving by trainloads, although border points have reported that hundreds have passed going southward in automobiles.



**“Mexicans Returning Home by Train,” *Los Angeles Herald-Examiner*, Jan. 12, 1932**

Original newspaper caption: “Photo shows a crowd of 1,400 Mexicans at Central Station when they departed today for their old homes in Mexico. The families, with their babies, guitars, blankets, shawls and bundles, left on three special Southern Pacific trains chartered by Los Angeles county, which set aside about \$15,000 to aid them in their repatriation. Officials estimated that this sum spent on transportation would have recovered within six weeks in savings on charity.”

**Questions**

1. In 2-3 sentences, describe this image of Central Station. What do you see when you look at this photograph?
2. In what ways is the *Herald-Examiner* coverage of “repatriation” similar to, or different from, the reporting by the *Los Angeles Times* in (the above source)?



Source: [Los Angeles Public Library](#)

**George Sánchez, *Becoming Mexican American* (1993, excerpt)**

*In this excerpt, historian George Sánchez explains how the process of repatriation illustrated in Sources 2 and 3 changed during the early 1930s.*

**Questions:**

1. *What years did the three “phases” of repatriation occur in Los Angeles?*
2. *In what ways were the three phases of repatriation similar and different from one another?*
3. *Describe each phase and provide at least two examples highlighting similarities and differences over time.*

<p>Many Mexican residents of Los Angeles responded to the worsening economic conditions and growth pattern of discrimination by returning to Mexico. Although most of the early repatriates came from Texas border towns, during the winter of 1929-30 a sizeable group of Los Angeles residents departed for their homeland. This group was usually not <b>destitute</b>; many returned with automobiles and furniture accumulated by hard years of work and saving in the United States....</p>	<p><b>destitute</b>—poor; without the basic necessities of life</p>
<p>In 1931, many <b>destitute</b> Mexicans in Los Angeles also began to believe that a return to their homeland would be <b>prudent</b>.... Compared with those who left the city before formal deportation and repatriation campaigns began, Mexicans who departed after 1931 were more likely to be low-paid blue collar workers. They were <b>destitute</b>, unemployed for many weeks or months, and usually on relief.... Many if not most, experienced little improvement in their status once back in Mexico. While early repatriates had brought resources with them that could be put to good use in starting over, later returnees often found themselves unable to translate their American experience into tangible economic results in Mexico....</p>	<p><b>prudent</b>—to act with forethought or care</p>
<p>[Even after the inauguration of Franklin Roosevelt in 1933,] Los Angeles County officials who had committed themselves to a policy of repatriating or deporting Mexican <b>aliens</b>...doubled their efforts to entice Mexicans to leave.</p>	<p><b>alien</b>—term used by US government to describe foreign-born immigrants who are not US citizens</p>
<p>This third phase of repatriation produced the most overt examples of abuse and manipulation, and certainly increased the level of racial discrimination by local officials against Mexicans....</p>	
<p>Señor Navidad Castañenda, like most others who left during this third phase of repatriation, entered the depression decade as a skilled worker...In many ways, repatriates of this third phase closely resembled those who refused to return to Mexico during the [early days of the] Great Depression. What often set them apart, however, was a particular misfortune that made family survival extremely precarious and forced them to reevaluate their previous decisions. Castañenda’s family, for example, finally agreed to repatriation only after the mother fell ill and died of tuberculosis, and the family home was foreclosed by the state.</p>	

Source: George Sánchez, *Becoming Mexican American: Ethnicity, Culture and Identity in Chicano Los Angeles, 1900-1945* (New York: Oxford University Press, 1993), 212-213, 216-217, 222-223.



## Japan's State Secrecy Law (2014)

Below is an excerpt from Japan's highly controversial State Secrecy Laws. The law is ambiguous regarding what is defined as a state secret, and codifies imprisonment for whistleblowers and journalists.

Questions:

1. What matters appear to be defined as state secrets?
2. What seems to be some of the purposes of this law?

### Overview of the Act on SDS Protection: 1. Designation of SDS

Provisional Translation

1. The Head of an Administrative Organ shall designate, as Specially Designated Secrets, ① information concerning the matters set forth in the Appended Table, ② which is publicly undisclosed, and ③ which if disclosed without authorization, has the risk of causing severe damage to Japan's national security and therefore which is particularly required to be kept secret.

#### Appended Table

##### Item (i) Defense

\* Equivalent to the Appended Table 4 of the SDF Act

- (a) operation of the Self-Defense Forces or assessments, plans or studies relevant thereto
- (b) signal information, image information and other important information collected in connection with defense
- (c) collection and coordination of the information set forth in (b) or the capacity thereof
- (d) assessments, plans or studies relevant to the defense capability build-up
- (e) type or quantity of weapons, ammunition, aircraft and other goods provided for use in defense
- (f) structure of the communications network or means of communications used for defense
- (g) cryptology used for defense
- (h) specifications, performance or method of use of weapons, ammunition, aircraft and other objects used for defense or of those in the research and development stage
- (i) methods of production, inspection, repair or test of weapons, ammunition, aircraft and other objects used for defense or of those in the research and development stage
- (j) designs, performance or internal use of facilities used for defense

##### Item (ii) Diplomacy

- (a) policies or contents of negotiations or cooperation with a government of a foreign country or an international organization which are important to national security, such as the protection of the lives and bodies of citizens or maintaining territorial integrity
- (b) prohibition on the import or export of goods or other measures that Japan implements for national security or the policies thereof
- (c) important information pertaining to the protection of the lives and bodies of the citizens, maintaining territorial integrity or the peace and security of the international community or information that requires protection based on a treaty or other international agreement, which has been collected in connection with national security
- (d) collection and coordination of the information set forth in (c) or the capacity thereof
- (e) cryptology used in communications between the Ministry of Foreign Affairs and overseas diplomatic establishments and other diplomatic purposes

##### Item (iii) Prevention of Specified Harmful Activities (e.g. Counterintelligence)

- (a) measures for Prevention of Specified Harmful Activities or plans or studies relevant thereto
- (b) important information pertaining to the protection of the lives and bodies of citizens or information from a government of a foreign country or an international organization, which has been collected in connection with the Prevention of Specified Harmful Activities
- (c) collection and coordination of the information set forth in (b) or the capacity thereof
- (d) cryptology used in the Prevention of Specified Harmful Activities

##### Item (iv) Prevention of Terrorist Activities

- (a) measures for Prevention of Terrorist Activities or plans or studies relevant thereto
- (b) important information pertaining to the protection of the lives and bodies of the citizens or information from a government of a foreign country or an international organization, which has been collected in connection with the Prevention of Terrorist Activities
- (c) collection and coordination of the information set forth in (b) or the capacity thereof
- (d) cryptology used in the Prevention of Terrorist Activities

2. The Head of an Administrative Organ shall specify the effective period of designation not exceeding 5 years (renewable) and terminate the designation promptly even before the expiration of the effective period when the information no longer meets the requirements for designation.
3. The effective period of designation shall not exceed 30 years in total unless the Head of the Administrative Organ obtains the approval of the Cabinet by indicating the reasons for the extension of the term in order to ensure the safety of Japan and its citizens. Even in this case, the Head shall not extend the effective period when it exceeds 60 years in total except for such cases as involving information on cryptology and human intelligence sources.
4. The Head of an Administrative Organ shall take necessary measures to protect SDS including determining the scope of officials who handle SDS and marking, as a SDS, the document which records SDS.

1