White as Sin

Additional Notes

5.1 - To clarify why Nazi Germany is included, Drescher notes that "during the five years between 1939 and 1944, approximately 13.5 million foreigners worked in Germany, 12 million of them involuntarily…. Comparatively, as many European workers were forcibly imported into Germany in five years as Africans who were loaded for the New World in the Atlantic slave trade between the mid-fifteenth and the mid-nineteenth centuries."[1] Lest these workers be considered something other than slaves, Drescher notes that "Hitler had affirmed that a superior culture must be built on the slavery and servile labor of poorly endowed races."[2] And Drescher quotes Himmler's words to a meeting of senior SS leaders: "'If we do not fill our camps with... worker slaves, who will build our cities, our villages, our farms without regard to any losses, then even after years of war we will not have enough money to be able to equip the [new German] settlements."[3]

5.2 - Though the number of slaves in the North was miniscule compared to that of the South (94% of the slaves lived below the Mason-Dixon line by 1790), slavery was legal in the original Northern states for periods of just more than one hundred years (Vermont) to almost two hundred fifty years (New Jersey). "More than 3,000 blacks lived in Rhode Island in 1748, amounting to 9.1 percent of the population; 4,600 blacks were in New Jersey in 1745, 7.5 percent of the population; and nearly 20,000 blacks lived in New York in 1771, 12.2 percent of the population."[4]

By the first census in 1790 the highest percentage of slaves in the North was in New Jersey, where about 6% of the population was enslaved (with another 1.7% of free blacks). In that same year the overall percentage of slave population in the North was 2.35%.[5] Though all of the Northern states except New York (1799) and New Jersey (1804) abolished slavery between 1777

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[1] Seymour Drescher, *Abolition: A History of Slavery and Antislavery* (Cambridge: Cambridge University Press, 2009), 430-431.
[2] Ibid., 431.
[3] Ibid., 431.
[4] "Slavery in the North: Introduction," www.slavenorth.com.
[5] http://www2.census.gov/library/publications/decennial/1790/number_of_persons/1790a-02.pdf, 1.

and 1790, all except Massachusetts and Maine were still reporting slaves in the 1790 census, as the emancipation procedure was not immediate.[6]

6.1 - Constitutionally, slaves were considered persons, albeit non-free persons, according to the infamous three-fifths compromise in the original US Constitution. The actual text of that compromise reads: "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons."[7]

Counting slaves as three-fifths of a person is a fundamentally offensive notion, but the point of this Constitutional compromise was not to make an ontological judgment about black or even slave personhood. Indeed, free blacks would have been included in "the whole number of free *persons*," and given the fact that slaves are referred to as "other *persons*," the notion of personhood itself does not seem to be in question. If this formula questions the personhood of any group it would be the untaxed Indians, who are not called persons and are not even counted as a fraction of a person for the purposes of representation.

The point of this compromise was, of course, to work out a formula for representation and taxation that was acceptable to both slave and free states. Had the slaves not been counted at all, the institution of slavery might have been short-lived. It was the *slave states* that wanted them counted as full persons in order to increase Southern representation in the Congress and the Electoral College. By managing to negotiate at least a three-fifths value per slave, the South vastly enhanced its political power, thereby controlling the Presidency, the Speakership of the House, and the Supreme Court into the mid-nineteenth century—and along the way institutionalizing slavery in the young Republic.[8]

While the three-fifths clause was not a statement about the human worth of slaves *per se*, if we were to do an accounting of white views on that matter from the slave period, the composite of popular opinion might be more or less represented by this three-fifths figure.

8.1 - In the 1830s a boat-rocking abolitionist movement took root in some factions of Northern Methodism. The response of the majority (both North and South) was swift and unequivocal. At the 1836 General Conference two ministers who had been lecturing in favor of abolition were denounced by the conference by a vote of 122 to 11. Another resolution, which put the Conference delegates on record as "decidedly opposed to modern abolitionism, and wholly disclaim any right, wish, or intention, to interfere in the civil and political relation between master and slave, as it

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[6] Ibid.
[7] United States Constitution: Article 1, Section 2, Paragraph 3
[8] See Garry Wills, *Negro President: Jefferson and the Slave Power* (Boston: New York; Houghton Mifflin Co., 2005), 6-8.

exists in the slave-holding States of this Union,"[9] passed by a margin of 120 to 14, leading Thomas Price to declare in 1837: "Thus has the General Conference of the Methodist Episcopal Church apostatized from Methodism as it was, and unblushingly declared itself the friend and patron of slavery."[10]

In 1837 and 1838 the Georgia and South Carolina conferences, respectively, determined that the earlier references in the Discipline[11] to the evil of slavery were not to be construed as meaning that it was a *moral* evil.[12] This not-so-subtle distinction was clearly at odds with the intent of the original statements, in which Methodists committed themselves to the excommunication of slaveholding members and the elimination of the scourge of slavery. The revised interpretation, naturally, had, exactly the opposite practical effect.

8.2 - The impact of this Awakening eventually went well beyond what can be accounted for by church membership alone. It's important to remember that, particularly before the Second Great Awakening, "most Southern whites did not hold church membership either, nor even attend services regularly."[13] And plantations were often located quite some distance from any church. But such was the spiritual fervor generated by this Great Awakening that even slave owners who couldn't get themselves or their slaves to church began making more creative provisions for their spiritual care.

> As the slaveholders themselves became more self-consciously religious during the late antebellum period, they increasingly paid white preachers to conduct services for their slaves. If preachers could not come, or even if they could, the slaveholders would preach to the slaves themselves, and their wives would conduct Sunday School for the children or Bible readings for the adults… In the South Carolina low country many… of the slaveholders built chapels or "praise houses" on their plantations.[14]

8.3a – Nat Turner grew up a slave in Virginia, where one of his master's sons taught him to read. A self-styled Baptist preacher who was impressed by biblical calls for justice, Turner developed

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[9] Thomas Price, ed., *Slavery in America: With Notices of the Present State of Slavery and the Slave Trade throughout the World* (London: G. Wightman, 1837), 166.
[10] Ibid.
[11] The Discipline is the constitutional document of faith and practice of the Methodist Church.
[12] Charles Elliott, Methodist Episcopal Church, *History of the Great Secession from the Methodist Episcopal Church in the Year 1845: Eventuating in the Organization of the New Church, entitled the "Methodist Episcopal church, South"* (Cincinnati: Swormstedt & Poe, for the Methodist Episcopal church, 1855), 175-176. See also: Rev. O. Scott, *The Grounds of Secession from the M.E. Church*, 55-57, https://archive.org/stream/groundssecessio00weslgoog/groundssecessio00weslgoog_djvu.txt.
[13] Eugene D. Genovese, "Black Conversion and White Sensibility," in Cornel West and Eddie S. Glaude, *African American Religious Thought: an Anthology* (Louisville, Kentucky: Westminster John Knox Press, 2003), 296.
[14] Ibid.

fanatical ideas about his own role as a liberator and developed a slave following that referred to him as "the Prophet." Taking a solar eclipse as a sign that it was time to strike, he gathered a handful of loyalists and proceeded to murder his owner and the owner's family in their sleep before setting off on a bloody march toward the county seat (coincidentally named Jerusalem), where he hoped to capture the armory.

Over the next couple of days he and his band killed some sixty whites. He never amassed much of a fighting force, as only seventy-five blacks joined his cause. And he soon met armed white resistance, including the state militia. Many slaves were massacred in the hysterical aftermath, and though Turner himself escaped for some weeks, he was eventually captured and hanged.[15]

8.3b - The experience of the James Easton family in Massachusetts illustrates this point. Easton was a free black of significant social status who decided to protest this segregated seating arrangement.

> Easton purchased a pew for his family from a white member who empathized with persons affected by a law relegating the colored members of the church to a segregated part of the church. When the James Easton family continued to occupy the pew against the wishes of church officials and members, the family came one Sunday to find that the pew had been painted with tar. The undaunted James Easton, his wife, Sarah, and their seven children responded by returning the following Sunday with their own chairs. This conflict continued until the Eastons were barred from the church.[16]

8.4 – Lincoln went on to say: "If we deal with those who are not free at the beginning, and whose intellects are clouded by Slavery, we have very poor materials to start with. If intelligent colored men, such as are before me, would move in this matter, much might be accomplished. It is exceedingly important that we have men at the beginning capable of thinking as white men…"[17]

The eloquent Henry Clay, Abraham Lincoln's mentor on this subject, put it this way: "Can there be a nobler cause than that which, whilst it proposes to rid our country of a useless and pernicious, if not dangerous portion of its population, contemplates the spreading of the arts of civilized life, and the possible redemption from ignorance and barbarism of a benighted quarter of the globe?"[18]

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[15] This summary based on (along with other sources): "Nat Turner." in Encyclopædia Britannica, http://www.britannica.com/EBchecked/topic/610295/Nat-Turner.
[16] "Hosea Easton (1798–1837) - Abolitionist, minister, lecturer, Abolitionist and Minister," https://www.encyclopedia.com/african-american-focus/news-wires-white-papers-and-books/easton-hosea.
[17] Abraham Lincoln, "Address on Colonization to a Deputation of Negroes; August 14, 1862," in *Collected Works of Abraham Lincoln, Vol. 5*; https://quod.lib.umich.edu/l/lincoln/lincoln5?page=viewtextnote;rgn=full+text, 371-373.
[18] "The Emigrationist Movement: A New Home or a Forced Exodus?" http://www.pbs.org/thisfarbyfaith/journey_2/p_4.html.

10.1 - Justice Brown, writing for the majority, explained their thinking:

> We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it…[19] Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane.[20]

Justice Harlan, the lone dissenter, proved more realistic about the social context in which this ruling was made and more prescient about its impact:

> In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott case. It was adjudged in that case that at the time of the adoption of the Constitution [blacks were not citizens but] were "considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority…"[21]
>
> The recent amendments of the Constitution, it was supposed, had eradicated these principles from our institutions. But it seems that we have yet, in some of the States, a dominant race — a superior class of citizens, which assumes to regulate the enjoyment of civil rights, common to all citizens, upon the basis of race. The present decision, it may well be apprehended, will not only stimulate aggressions, more or less brutal and irritating, upon the admitted rights of colored citizens, but will encourage the belief that it is possible, by means of state enactments, to defeat the beneficent purposes which the people of the United

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[19] Supreme Court of United States, "163 U.S. 537 (1896) *Plessy v. Ferguson*. No. 210," (Argued April 13, 1896, Decided May 18, 1896), 551. http://scholar.google.com/scholar_case?case=16038751515555215717&q=Plessy+v.+Ferguson,+163,+U.S.+537+(1896).

[20] Ibid. 551-552.

[21] Ibid. 559-560. Harlan goes on to say that "in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens." (559) But to illustrate the spirit of the times in which all of these considerations took place, immediately prior to making that statement, Justice Harlan offered the following ethnocentric observation: "The white race deems itself to be the dominant race in this country. And so it is, in prestige, in achievements, in education, in wealth and in power. So, I doubt not, it will continue to be for all time, if it remains true to its great heritage and holds fast to the principles of constitutional liberty." (559)

States had in view when they adopted the recent amendments of the Constitution...[22]

11.1 - There are several sources for lynching statistics. The Tuskegee Institute's figures, while somewhat conservative, cover the broadest historical period. They did not publish their statistics in later years, however, so visiting researchers had to compile the cumulative totals, resulting in minor differences in reporting. I am citing the University of Missouri at Kansas City School of Law, which, relying on Tuskegee Institute figures, organizes the lynchings by state/race and supplies a total. See also: *Historical Statistics of the United States, Colonial Times to 1970, Part 1*, (Washington; U.S. Dept. of Commerce, Bureau of the Census, U.S. Govt. Print. Office, 1975), 422. The table, "Persons Lynched by Race, 1882-1970," features statistics derived from the Tuskegee Institute but includes only whites and blacks. See also, Robert A. Gibson, *The Negro Holocaust: Lynching and Race Riots in the United States, 1880-1950* (Yale-New Haven Teachers Institute), http://www.yale.edu/ynhti/curriculum/units/1979/2/79.02.04.x.html.

11.2 - Few Christian advocates of lynching dared to present it as a moral imperative or even as a desirable end in and of itself. In fact, as legal historian Michael J. Pfeifer observes in his book, *Rough Justice*, "primary sources are generally silent on how the religiosity of lynchers and their opponents may have influenced the performance and understanding of collective murder."[23] As had been the case with slavery, lynching was widely perceived as a necessary evil, essential to control the black threat to white racial purity and dominance. Such Christian rationales as did exist for lynching were usually based on some combination of out-of-context biblical injunctions and the need for popular sovereignty to secure a "righteous" result that the courts did not guarantee.

Some historians detect a direct correlation between evangelical beliefs and practices and the lynching phenomenon.[24] There can be no doubt that lynchings were far more frequent in areas in which evangelical religion was dominant. "In 1890 Methodists and Baptists made up over 90% of the churched population in Georgia and Mississippi; over 80% in Alabama, Arkansas, North Carolina, South Carolina, and Virginia, and at or over 70% in Florida, Tennessee, and Texas."[25]

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[22] Ibid. 559.
[23] Michael James Pfeifer, *Rough Justice: Lynching and American Society, 1874-1947* (Urbana: University of Illinois Press, 2004), 60.
[24] See Amy Louise Wood, Lynching and Spectacle: *Witnessing Racial Violence in America, 1890-1940* (Chapel Hill: University of North Carolina Press, 2009); Beth Barton Schweiger and Donald G. Mathews; *Religion in the American South: Protestants and Others in History and Culture* (Chapel Hill, London: University of North Carolina press, 2004), especially "Chapter 6: Lynching Is Part of the Religion of Our People: Faith in the Christian South."; See also: Michael James Pfeifer, *Rough Justice: Lynching and American Society, 1874-1947* (Urbana: University of Illinois Press, 2004). Pfeifer suggests, "The "blood sacrifice" and "vindicatory justice" of lynching as a scapegoating ritualistic atonement for sin resonated strongly with some elements of fundamentalist Protestant symbolism and theology, which predominated in the South." (p. 60)
[25] Mark A. Noll, God and Race in American Politics, 87.

According to Schweiger and Matthews, the majority of historians "have settled on passions distinctly not religious to explain lynching, namely those associated with gender, sex, difference, and power."[26] Nevertheless, the undeniable coincidence between lynching and that old-time religion remains deeply disturbing, especially when we're talking about the same brand of Christianity that had for so long accommodated slavery within their vision of a Christian society.

11.3 - There have been three incarnations of the Ku Klux Klan in American history, two of which took place during the Jim Crow era. After a brief and powerful flourish in the late 1860s the Klan became a victim of its own excessive violence and the federal Force Acts of 1870 and 1871, designed to counteract terrorist groups. In any case, its original mission was completed when whites once again controlled the reins of Southern society.

Then, in the early 20th century, the myth of the black brute arose, sending a shiver up the spine of the white community, especially in the black-populated South. The stage was set for an extra-legal hero, which Griffith provided in "Birth of a Nation." With their purpose and image rehabilitated, the Klan re-formed.

The second Klan retained many of the trapping of the original (much of it copied from the movie, which added elements like the burning cross). Rather than representing a Southern, sectional agenda, however, the second Klan became the champion of "Americanism," defending their white, Anglo-Saxon, Protestant heritage not only against blacks but adding immigrants, Jews, and Catholics to its enemies list.

From its re-organization in 1915 as a small cell in Georgia, over the next decade the KKK experienced incredible growth, peaking at over *four million members*[27]—some 20% of the qualified U.S. population![28] Internal disputes and external opposition decimated Klan numbers by the early 1930s, however, reducing membership to only 30,000 or so.

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[26] Beth Barton Schweiger, Donald G. Mathews; Religion in the American South: Protestants and Others in History and Culture (Chapel Hill, London: University of North Carolina press, 2004), 160.

[27] Much of this summary is based on the Encyclopedia Britannica entry, "Ku Klux Klan." Encyclopædia Britannica Online, http://www.britannica.com/EBchecked/topic/324086/Ku-Klux-Klan. This article cites the figure of over 4 million for KKK membership. Other sources concur in this estimate, though some put it as high as 5 million. See: Shawn Lay, "Ku Klux Klan in the Twentieth Century," in *The New Georgia Encyclopedia*, 2005, http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-2730.

[28] The specific figure of 20% compares a KKK membership of 4 million with the number of white Protestant males twenty years of age and older in 1920, based on U.S. Census data. Note, however, that my necessarily rudimentary calculations probably inflated the size of the overall population pool and, therefore, decreased the percentage represented by 4 million Klan members. I simply reduced the total white male adult population by the percentage of the total population that claimed to be Jewish or Catholic (coincidentally 20%) and assumed that everyone else was Protestant. Also, keep in mind that only native-born whites could be KKK members, and 13.2% of the 1920 population was foreign-born. The non-Protestant percentage of that foreign-born cohort was almost certainly much higher than that of the overall population, but I had no way of establishing the percentages, so I ignored this variable, which would have further reduced the overall pool, increasing the percentage who were KKK members.

Sources: 1920 U.S. Census. "U.S. Catholic Bishops and Immigration: The Founding of the Bureau of Immigration," https://cuomeka.wrlc.org/exhibits/show/immigration/background/immigration-intro. "American

The clan rose yet again in the 1960s in opposition to the Civil Rights movement, gaining many new adherents and engaging in violence and intimidation. They began to decline in the following decade, however, and currently boast only 5,000-8,000 members nationwide.[29]

The Klan's impact, both substantive and symbolic, has been far-reaching. The hooded figure and the burning cross become iconic symbols of white extremism. Its short-lived popularity during Jim Crow illustrated the potential of a deeply-embedded white supremacism. And the KKK's affinity with Protestantism created a particularly prickly legacy for Christian race relations, leaving black Baptists, Methodists, etc. to wonder about the true sentiments of their white counterparts. My wife's own family left their Southern Baptist Church in central Florida in the 1970s, when they discovered that some of the deacons were also KKK members.

11.4 – My critique of white extra-legal justice notwithstanding, there were, of course, many real cases of black-on-white violence during Jim Crow. Serious black crime had been relatively rare during slavery. But their physical independence, along with economic and social marginalization, led to a significant increase in criminality after Emancipation. This scenario was complicated in no small measure by the racial antagonism that grew up between the races over crime and how it was handled. Over a century ago W.E.B. DuBois described a dynamic which we are yet to outgrow:

> When, now, the real Negro criminal appeared, and instead of petty stealing and vagrancy we began to have highway robbery, burglary, murder, and rape, there was a curious effect on both sides [of] the color-line; the Negroes refused to believe the evidence of white witnesses or the fairness of white juries, so that the greatest deterrent to crime, the public opinion of one's own social caste, was lost, and the criminal was looked upon as crucified rather than hanged. On the other hand, the whites, used to being careless as to the guilt or innocence of accused Negroes, were swept in moments of passion beyond law, reason, and decency. Such a situation is bound to increase crime, and it has increased it.[30]

13.1 - There can be no doubt that the Civil Rights Movement was, from the beginning, about economics as well as about social justice. Indeed, that economic emphasis may have become even more pronounced as it became obvious that black legal victories were not immediately translating into jobs or prosperity. We have only to remember that when he was assassinated Martin Luther

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Jewish Year Book 1927-1928 Statistics," http://www.jewishdatabank.org/Studies/downloadFile.cfm?FileID=3025, 232.

[29] According to the Southern Poverty Law Center, https://www.splcenter.org/fighting-hate/extremist-files/ideology/ku-klux-klan.

[30] William Edward Burghardt DuBois, *The Souls of Black Folk*, *Essays and Sketches* (Chicago: A.C. McClurg & Co., 1907), 179.

King was in Memphis on behalf of striking sanitation workers and planning a "Poor People's March" on Washington.

Nevertheless, economic forces alone cannot account for the extent or the nature of change during the civil rights era. In reality, economic shakers and movers on both sides of the color line were not quick to jump on the civil rights bandwagon. In spite of the fact that, as Russ Rymer put it, "integration became the greatest opening of a domestic market in American history."[31] Even though white Southern businessmen benefited disproportionately from these new opportunities,[32] they were generally more concerned about preserving segregation than about opening new markets. On the African-American side of the commercial ledger, Stanford Professor Gavin Wright observes: "…Black business leaders from the Jim Crow era often complained about the downside of integration, and with good reason. Firms that formerly catered to a semi-captive market found that the liberation of black consumers marked the demise of their competitive niche."[33]

For the average black person of the civil rights era economic justice was certainly a real issue. But the economic issues had been present for a long time, and opportunities for Southern blacks were not in a particular historical crisis in the relatively prosperous post-World War II period that set the stage for civil rights. It seems, then, that theories of economic interest—while totally relevant—are insufficient to explain why so many blacks were willing to risk serious short-term financial consequences to support this Movement. Moreover, economic self-interest fails to explain why white attitudes would soften toward blacks demanding a bigger chunk of white economic opportunity.

Political considerations likewise fail to explain the success of the Civil Rights Movement. True, powerful political interests eventually aligned and got behind the Civil Rights Movement. But the political advantage inherent in those alliances was not altogether clear-cut. Lyndon Johnson may have thought that his support of civil rights would put him on the right side of history, and it did eventually win over African Americans as a voting bloc, but he was also aware that it involved a costly tradeoff. After signing the Civil Rights Act of 1964, he commented to his Press Secretary,

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[31] Russ Rymer, "Integration's Casualties: Segregation Helped Black Business; Civil Rights Helped Destroy It," *New York Times Magazine*, Nov. 1, 1998, 48. Quoted in: Gavin Wright, "The Economics of the Civil Rights Revolution," in Winfred B Moore, Orville Vernon Burton, eds., *Toward the Meeting of the Waters: Currents in the Civil Rights Movement of South Carolina during the Twentieth Century* (Columbia: University of South Carolina Press, 2008), 396.

[32] Ibid. Rymer states is somewhat more categorically, saying that "the windfall [from integration] went only in one direction," that is, from black pockets to white pockets.

[33] Gavin Wright, "The Economics of the Civil Rights Revolution," in Winfred B Moore, Orville Vernon Burton, eds.; *Toward the Meeting of the Waters: Currents in the Civil Rights Movement of South Carolina during the Twentieth Century* (Columbia: University of South Carolina Press, 2008), 396. Wright's chapter is an enlightening look at the economic interests involved in the Civil Rights Movement. Though he establishes the importance of economics during this period, the evidence does not, in my view, support its centrality.

Bill Moyers, "We [the Democratic Party] have just lost the South for a generation."[34]

Though this political support certainly helped to institutionalize the gains of the Movement, political decisions were not the principle drivers of public opinion. Rather, the logic works far better in reverse. In order for Johnson to have the political cover to push both that 1964 bill as well as the Voting Rights Act of 1965 through Congress, a tremendous change in social perception had to have *already* occurred. White leaders were not going to commit political suicide in pursuit of an unpopular and ultimately unachievable goal.

13.2 - Martin Luther King was a far more divisive figure then than now,[35] often caught in the crossfire of those who did not share his dreams, both black and white. On the one hand were whites who actively opposed desegregation or simply feared the systemic disruption necessary to effect such sweeping change. On the other hand, there were black nationalists who preached an adversarial message and accused him of fraternizing with the enemy, eroding his support within the black community.

The Black Nationalist alternative was championed by another articulate son of a Baptist preacher known as Malcolm X. For most of his career he was a disciple of Nation of Islam leader, Elijah Muhammad, who apocalyptically proclaimed that "the white devil's day is over."[36] Muhammad warned that unless blacks were given their own separate territory, God would destroy the entire white race, along with blacks who wanted to integrate with them.

Eschewing King's goal of integration and commitment to nonviolence, Malcolm X advocated distrust of whites, black self-reliance, and separatism "by any means necessary." Malcolm was not only critical of Dr. King's approach; he had harsh words for the man himself, painting King as a sycophantic softie. He was particularly hard on King's signature role in the March on Washington, charging that white liberals turned what could have been a militant protest into 'a picnic, a circus… with clowns and all. …They told those negroes what time to hit town, how to come, what

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[34] Kevin Gaines, "African Americans and Politics," in Michael Kazin, Rebecca Edwards, Adam Rothman, eds., *The Princeton Encyclopedia of American Political History, Volume 1* (Princeton University Press; Google eBook; Nov 9, 2009), 10. This exchange has been widely repeated in reputable articles and histories, though often as something that was "reportedly" spoken, because it is difficult to document. I consider it an authentic historical artifact on the basis of a Nov. 5, 2008 interview for the NPR program *Fresh Air*, entitled "Bill Moyer's View of Contemporary America." In the course of framing a question, the interviewer, Terry Gross, refers to Johnson's quote. Assuming the historical accuracy of the incident (though he paraphrases the quote itself), Gross simply asks Moyers to comment on whether or not the South was still lost to the Democratic Party. Moyers answers the question as asked, but since he is himself a journalist and had certainly heard that historical tidbit repeated on many occasions, it would have been a golden opportunity to set the record straight had the premise of the question been apocryphal. The interview is available at: https://www.npr.org/templates/story/story.php?storyId=96648963.

[35] A 1999 Gallup Poll ranked the 20th century figures most admired by Americans. In that poll Martin Luther King was the most-admired American of the century. In the 1960s, however, King ranked among the top ten admired *men* only in 1964 and 1965. 1964 was the only year in which his positive rating was (43%) was higher than his negative rating (39%). See: https://news.gallup.com/poll/20920/martin-luther-king-jr-revered-more-after-death-than-before.aspx.

[36] James Kirby Martin; et. al., *America and Its People* (Glenview, Illinois: Scott, Foresman; 1989), 958.

signs to carry, what songs to sing, what speech they could make, and what speech they couldn't make; and then told them to get out of town by sundown."[37] Referring to the white participants who appeared with Dr. King, Malcolm suggested that those "devils" deserved an Academy Award, "because they acted like they really loved Negroes."[38] And he mockingly nominated King and the black leaders for best supporting cast. As for the speech itself, he quipped, "While King was having a dream, the rest of us Negroes are having a nightmare."[39]

Martin's persona and methodology always remained far more popular in the black community than Malcolm's, and King avoided direct engagement with Malcolm X, so as not to elevate the stature of his opponent. He could not afford, however, to discount the influence of Black Nationalism on those who were frustrated with the slow pace of progress or simply didn't buy into his nonviolent ideology. King knew that a violent uprising by any civil rights leader was going to undermine his own efforts, as many whites would paint the entire movement with a broad brush.

Ironically, however, as long as violence didn't actually erupt, its specter did serve a certain purpose, making King's own alternative more attractive to whites. King even came to recognize the value of a certain level of black militancy. In an essay published only after his death he observed: "I am not sad that black Americans are rebelling. This was not only inevitable but eminently desirable. Without this magnificent ferment among Negroes, the old evasions and procrastinations would have continued indefinitely."[40]

14.1 - In order to understand what haughtiness meant to the civil rights era and vice-versa, we need to integrate it with a broader psycho-social theory. Fortunately, there are a plethora of options from which to choose. Unfortunately, many of these are reductionistic, trying to explain far too much on the basis of a single insight—like concocting a weather report using only a thermometer. That works well for temperature, but it won't tell you when it's going to rain.

The most promising approach that I have seen to date is known as Social Dominance Theory (SDT). SDT offers an inclusive, open platform that incorporates contributions from many other approaches, avoiding the aforementioned reductionism. It then adds some discerning interpretive principles to that mix, resulting in a helpful analytical tool. Though SDT recognizes the power of

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[37] Malcolm X, "Message to the Grass Roots," in Malcolm X, George Breitman; *Malcolm X Speaks: Selected Speeches and Statements* (New York: Grove Weidenfeld, 1990), 17.
[38] Ibid.
[39] *Encyclopedia of African-American Culture and History, vol. 3* (New York: Simon & Schuster Macmillan, 1996), 1683.
[40] Martin Luther King, Jr., "A Testament of Hope," in Martin Luther King, Jr. and James Melvin Washington, *A Testament of Hope: The Essential Writings of Martin Luther King, Jr.* (San Francisco: Harper & Row, 1986), 313. Not only did King come to recognize the contribution of a more militant approach, Malcolm X changed his own perspective significantly in the year prior to his death. He renounced the Nation of Islam and its racist rhetoric, embracing orthodox Islam. He also reached out to Dr. King and more particularly to other civil rights groups with whom he felt he might be able to collaborate. After Malcolm's death the SNCC (Student Nonviolent Coordinating Committee) changed its tack and took up the torch of Black Nationalism, with Stokely Carmichael advocating "Black Power." Carmichael later moved on to the Black Panthers, a more militant black revolutionary party.

people's beliefs in the matrix of racial interactions, it does not feature any sort of *ought-to* moral perspective such as the one I am proposing. Nevertheless, I believe that my emphasis on haughtiness and the insights of SDT can be complementary.

The tapestry of human history is woven around the domination and subjugation of peoples. In the 1990s Jim Sidanius and Felicia Pratto developed Social Dominance Theory, seeking to explain the social factors that drive this historical phenomenon. As they explain the nature of hierarchy, it becomes clear that America's race-based social hierarchy is but one more manifestation of a ubiquitous human phenomenon.

> Regardless of a society's form of government, the contents of its fundamental belief system, or the complexity of its social and economic arrangements, human societies tend to organize as group-based social hierarchies in which at least one group enjoys greater social status and power than other groups. Members of dominant social groups tend to enjoy a disproportionate share of *positive social value*, or desirable material and symbolic resources such as political power, wealth, protection by force, plentiful and desirable food, and access to good housing, health care, leisure, and education. Negative social value is disproportionately left to or forced upon members of subordinate groups in the form of substandard housing, disease, underemployment, dangerous and distasteful work, disproportionate punishment, stigmatization, and vilification. Although the degree, severity, and definitional bases of group-based hierarchical organization vary across societies and within the same society over time, the fact of group-based hierarchical organization appears to be a human universal.[41]

SDT is more concerned with how dominance is managed and maintained than exactly how it arises. It rejects as inadequate a whole series of single-cause theories that explain the origin of dominance, be they psychological, sociological, economic, etc. And its analysis of the weaknesses of such theories' is insightful. In the end, however, they offer no convincing alternative explanation, except to say that the phenomenon of dominance must arise from some multi-layered combination of forces that are insufficient explanations in themselves but which, working as a whole, somehow become more potent than the sum of their parts. It is here, I believe, that a theological lens is helpful, not as yet another theory of everything but as a way to understand dominance as related to our broken relationship with a truly superior and rightfully dominant God, without whom our human relationships become easy prey for haughtiness and self-interest.

Despite its lack of ultimate explanations, SDT offers some very helpful interpretive tools for understanding the dynamics of social dominance. Take, for instance, the role of *legitimizing myths* (LMs). Legitimizing myths "consist of attitudes, values, beliefs, stereotypes, and ideologies that

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[41] Felicia Pratto, Jim Sidanius, Shana Levin, "Social dominance theory and the dynamics of intergroup relations: Taking stock and looking forward," *European Review of Social Psychology,* no. 17, (2006): 271.

provide moral and intellectual justification for the social practices that distribute social value within the social system."[42] When Sidanius and Pratto employ the term *myths,* they are not making a statement about the veracity of the legitimizing claims. Rather, they are simply noting that certain communities accept the belief systems as valid, and that these myths therefore function as an accepted organizing principle for social interaction.

These LMs come in two basic types, hierarchy enhancing (HE-LMs) and hierarchy attenuating (HA-LMs). Hierarchy enhancing myths validate and buttress the existing social inequality by making it seem right or at least inevitable. In other words, not only are things the way they are, but the way they are is essentially the way they should or must be. Notions of white supremacy and its corollary, black inferiority—whether based on tradition, actual hegemony, observation, or biblical interpretation—are obvious HE-LMs. So, too, is "the white man's burden" (the responsibility to govern, care for, and acculturate non-whites).

According to Social Dominance Theory, however, other, more subtle HE-LMs also exert a powerful influence. These include the Protestant work ethic, individual responsibility, and political conservatism (understood as the defense of "a beneficial status quo.")[43] These interpretive outlooks all suggest that, with relatively few exceptions, "each individual occupies that position along the social status continuum that he or she has earned and therefore deserves."[44]

By contrast, hierarchy-attenuating myths challenge the legitimacy of existing social inequalities. In the case of race, these myths have long been part of the minority conversation about race, but they did not appear as such on the main stage of American racial discourse until the Civil Rights Movement. They include appeals to the Declaration of Independence, universal human rights, and Scripture.[45]

Alongside this ideological dialectic there are also social institutions that can be considered hierarchy-enhancing or hierarchy-attenuating. HE institutions allocate proportionately more positive social value to dominant groups and more negative value to subordinate groups. During Jim Crow nearly every social institution—from schools to employment to government services, representation, and voting rights—gave overt support to a white-over-black society.

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[42] Jim Sidanius and Felicia Pratto, *Social Dominance: An Intergroup Theory of Social Hierarchy and Oppression* (Cambridge, New York: Cambridge University Press, 1999), 45.

[43] Pulitzer Prize-winning conservative columnist William Safire defined a conservative as: "A defender of a beneficial status quo, who, when change becomes necessary in tested institutions or practices, prefers that it come slowly, in moderation, and preferably not resulting in centralizations of government power." From William Safire, *Safire's Political Dictionary*, Oxford, New York: Oxford University Press, 2008, 144. Although conservativism, as defined here, may be associated with HE-LMs in contemporary America, as Sidanius and Pratto point out, left-wing HE-LMs may also exist where such regimes hold sway. For example, Communist governments employ ideological justifications for the unequal and unique social status of their leadership.

[44] Jim Sidanius and Felicia Pratto, *Social Dominance: An Intergroup Theory of Social Hierarchy and Oppression*, 46.

[45] Ibid.

Churches, too, reinforced the divide. White church members were content with the social distance provided by ecclesiastical apartheid, allowing for a seamless social fabric of segregation. Black churches were something of a mixed bag. On the one hand they often helped to attenuate the *effects* of a hierarchical society, but on the other hand they passively legitimized the hierarchy by their ungrudging (and sometimes enthusiastic) acceptance of the ecclesiastical color-coded distinction.

Social Dominance Theory finds HE institutions to be particularly powerful protectors of social hierarchy, because institutions control far more resources than do individuals. People who work for institutions may get away with discriminatory behavior simply because they are either actively or passively protected by that institution. Even those who are disadvantaged by existing institutions may also be dependent on them for whatever level of wellbeing they do enjoy. Challenging the actions of an institution can, therefore, be a risky proposition from which most people shy away.

Even during Jim Crow there were also hierarchy-attenuating institutions, such as the NAACP, philanthropic welfare agencies, black educational institutions, and black churches. Starting with the integration of the military in 1948, and particularly after the Supreme Court's 1954 *Brown v. Board* decision, the federal government also began to intervene in ways that undermined institutional hierarchies.

SDT holds that in a stable hierarchy, like that of the Jim Crow era, there will be a relatively high level of ideological consensus between dominant and subordinate groups. That is, the oppressed themselves will buy into or at least passively accede to the myths used to legitimate the hierarchy. In this stable situation, hierarchy-attenuating institutions serve mostly to ameliorate the effects of that imbalance but "rarely allocate negative social value to dominants. Those that do are often willfully opposed, delegitimised, and shut down. This asymmetry in power… maintains hierarchy."[46]

Drilling down into this analytical paradigm, we begin to appreciate the dynamic of change that drove the Civil Rights Movement. According to SDT, the potency of legitimizing myths depends on four factors—consensuality, embededness, certainty, and mediational strength. And the dynamics of the Civil Rights Movement affected each and every one of those variables.

Consensuality has to do with the degree to which legitimizing myths are accepted across the entire society, by both dominant and subordinate groups. The Civil Rights Movement, however, energized the African American community to openly refuse the inferior status projected upon it by the dominant white culture. That is not to say that no vestige of *internalized racism*[47] remained at a felt level, but at the level of discourse black leaders rejected the premise of white superiority.

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[46] Felicia Pratto, Jim Sidanius, Shana Levin, "Social dominance theory…" 271 – 320.

[47] *Internalized racism* can be defined as: "The acceptance by members of the stigmatized races of negative messages about their own abilities and intrinsic worth." Camara Phyllis Jones, "Levels of Racism: A Theoretic Framework and a Gardener's Tale," *American Journal of Public Health*, Vol. 90, No. 8, (August 2000): 1213, http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1446334/pdf/10936998.pdf.

Without tacit black cooperation, whites could maintain the hierarchy only by force, for which they needed both the law as well as white social solidarity on their side. The highest law in the land, however, failed to bolster the segregationist position, and there was no serious theological argument with which to rally Southern solidarity. Churches had other agendas and were unwilling to devote the necessary energy to defend an institution for which they could offer no real defense.

When the Civil Rights Movement unleashed its HA-LM of equality against the HE-LM of white superiority, the latter myth found itself in a very vulnerable position. In a relatively short time what had once been solid white support for the hierarchy's legitimizing myth found itself diluted across a broad continuum, significantly reducing its potency. Chappell observes that this erosion of consensuality divided the Southern Church's response to the racial crisis: "Compound fracture would probably be a better metaphor than split: the churches of the South broke not into two camps, but rather into hopeless disarray and confusion over racial matters…"[48]

A few whites internalized the message of equality to the extent that they became advocates. Some continued to feel superior but gave up on saying so publicly. Others continued to affirm white dominance but simply didn't have enough ideological ammunition to mount a defense. That left only a small minority that continued to defiantly advocate for segregation.

A similar dynamic played out regarding the *embededness* of the existing myth of white superiority. *Embededness* has to do with the degree to which the legitimizing myth correlates with other ideological and religious beliefs prevalent in the culture.

For the dominant white culture in the South, the ideology of whiteness had deep roots. And many Christians continued to believe in their hearts that segregation was the social structure most in line with God's design. Nevertheless, these biblicicsts were unable to mount a serious Scriptural defense of segregation as a positive moral good. So, when civil rights advocates began appealing to the Bible, it left supremacist Christians, many of whom were strongly committed to biblical authority, in a weak position.

Segregationists variously critiqued the civil rights interpretation of Scripture, appealing to law and order, trying to reduce the discussion to the level of social policy rather than theology, or mounting a tactical retreat from *de jure* segregation in the hopes of preserving *de facto* segregation. But these were all fallback options. A worldview that had once seemed like a whole cloth of embedded givens now found itself shaken.

A third, closely-related supporting wall of segregation's legitimizing myth also began to crumble—that of *certainty*. Certainty is most easily maintained when the myth's tenets remain unquestioned. But the provincial certainty that had sustained Jim Crow was sorely tested by a media-based influx of information, by the rise of rival certainties surrounding equality, and by the fracturing of the white willingness to publicly affirm its superiority. Once dissension ruins the

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[48] David L. Chappell, *A Stone of Hope*, 107.

social consensus, certainty can sometimes be preserved by an appeal to absolutes. But, unable to fall back upon the absolute of Scripture to support the segregationist mindset, white supremacists were left defending a prejudice inspired by haughtiness, a personal preference which, no matter how heartfelt, fell far short of the former certainty.

The erosion of *consensuality*, *embededness*, and *certainty* had an inevitable effect on the *mediational strength* of the myth of white superiority. According to Social Dominance Theory, *mediational strength* describes the extent to which a legitimizing myth actually enables the social hierarchy and its policies. Once the old myth no longer inspired unquestioned loyalty, once it was no longer regarded as a congenital corollary of religion and Americanism, once it no longer enjoyed across-the-board social support, it simply could not sustain the existing system in the face of a strong challenge from the hierarchy-attenuating myth of racial equality. Preached by those immersed in moral certainty, this substitute myth found an ideological home in the American value system, created a new consensus, and ultimately gained the mediational strength necessary to create institutional change.

In order to change Jim Crow, it was first necessary to change its premise, disabusing white society of the hierarchy-enhancing myth of its own superiority. Since whites controlled the social institutions, without challenging the myth of superiority it would be impossible to mount a successful campaign against its corollaries—the exercise of dominance and the enjoyment of disproportionate social value. Not just whites but blacks, as well, had to be convinced of their fundamental personal equality before they could become meaningfully engaged in the struggle for equal treatment.

Over against the powerful HE-LM of white superiority/black inferiority, Martin Luther King and others proclaimed the HA-LM of equality. Over time the theological language in which that proclamation was couched got the attention and shaped the thinking of white Christians, marginalizing those who would use the Bible to support white superiority and casting Scripture as the champion of freedom (rather than the protector of the racial hierarchy) in the popular consciousness. Helping King and others to make this point was the growing general awareness and acceptance of the principle of human rights, popularized after the Second World War and enshrined in the UN's 1948 Declaration of Universal Human Rights.[49] In addition, all Americans were familiar with the egalitarian language of the Declaration of Independence, which Dr. King frequently invoked.

On the institutional front the Movement forged powerful political alliances along the way, but these were hardly foreseeable as part of some grand initial strategy. The massive show of will, especially in the form of protest marches and displays of civil disobedience, also played an

[49] Article 1 of that document states unequivocally: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." See: "The Universal Declaration of Human Rights," The United Nations, http://www.un.org/en/documents/udhr/.

important role. Whereas individual acts of non-conformity were unlikely to be either convincing or successful, the power of a mass uprising, especially one undertaken in a self-sacrificing, non-violent manner, was undeniable. As it became clear that African Americans would no longer be content to abide by whatever social role the dominant society saw fit to mete out to them, whites were forced to rethink their relationship with the black minority, adjusting their own attitudes to fit that new reality.

The new legal framework surrounding civil rights also carried a great deal of weight, particularly in the white religious community. Mark Newman, a historian who specializes in civil rights and religion, says of South Carolina at the dawn of the civil rights era: "Most Southern Baptists were moderate segregationists, but they reluctantly adjusted to the demise of Jim Crow in the 1960s as its maintenance became incompatible with their primary commitments."[50] Those four commitments, as outlined by denominational leaders, included Scripture, evangelism, education, and (notably) law and order. As a result, when "confronted with a choice between maintaining segregation illegally and compliance, Baptists chose the latter."[51]

The political backing the movement received, the pressure of black protest, and the enshrinement of civil rights protections in the law of the land all helped move white society toward a paradigm change. This, however, is only part of the story. David Chappell, in his book *A Stone of Hope: Prophetic Religion and the Death of Jim Crow*, observes: "It may be misleading to view the civil rights movement as a social and political event that had religious overtones. The words of many participants suggest that is was, for them, primarily a religious event, whose social and political aspects were, in their minds, secondary or incidental."[52] Rev. Fred Shuttlesworth, a co-founder, along with Dr. King, of the SCLC, expressed his view of the matter in 1958: "This is a religious crusade, a fight between light and darkness, right and wrong, good and evil, fair play and tyranny. We are assured of victory because we are using weapons of spiritual warfare."[53]

The most poignant of those weapons, I believe, was the direct ideological pressure exerted by the movement, a message that contained both an intellectual and a moral appeal. It told the truth in terms of right and wrong, unapologetically invoking a spiritual power that not only touched the hearts and minds but assailed the strongholds of bigotry.

The HA-LM of equality had a major advantage over the HE-LM of white superiority—it happened to be true. But though the myth of equality was the stronger weapon, being right is not enough. People do not necessarily gravitate to the truth, because alternative explanations may be

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[50] Mark Newman, "The Baptist State Convention of South Carolina and Desegregation, 1954-1971," *Baptist History and Heritage*, 34, no. 2 (Spring 1999): 56.
[51] Ibid.
[52] David L. Chappell, *A Stone of Hope: Prophetic Religion and the Death of Jim Crow* (Chapel Hill and London: The University of North Carolina Press, 2004), 87.
[53] Fred Shuttlesworth, "President's Address to ACMHR," July 11, 1958, Shuttlesworth Papers, box 1, sw, July 9, 1958, 1, quoted in: Andrew M. Manis, *A Fire You Can't Put Out: The Civil Rights Life of Birmingham's Reverend Fred Shuttlesworth* (Tuscaloosa, London: University of Alabama Press, 1999), 174.

more amenable to their own agendas. As John 3:19 says: “Light has come into the world, but men loved darkness instead of light because their deeds were evil.” In the matter of supremacy vs. equality, the truth of the matter was at odds with the longstanding white commitment to haughtiness.

Even when spiritual weapons like truth and sacrifice and moral suasion are employed, as they were, on an unprecedented scale, there is no guarantee of success. Ultimately, they were effective because God sovereignly energized them. Of course, as soon as you introduce God into the equation, and with him the supernatural, one might wonder what need we have of other explanations like HE-LMs and HA-LMs. It’s true, of course, that God could act unilaterally quite apart from or even in contravention to other agents. But though God *could* operate in that fashion, what we actually observe, both in Scripture and in extra-biblical history, is that God most often works in concert with more mundane causes rather than ignoring those that would be useful in accomplishing his ends.

While some might wonder what need we have of psycho-sociological explanations once we introduce the supernatural, others might consider those psycho-sociological explanations to be sufficient in and of themselves and wonder what need we have of God. We have already rehearsed why these explanations do not seem entirely sufficient in themselves, but there are also positive reasons to see Divine power operating in the social change that was the Civil Rights Movement.

First and foremost, I see the hand of God in it, because the Movement produced change in a direction that reflects God’s heart as revealed in Scripture. It resulted in a greater recognition and respect for the image of God in all people, advancing the cause of justice for the oppressed, and tearing down barriers erected and sustained by hatred and haughtiness—all of which seems like the kind of thing God would be interested in doing. As Jesus indicated in John 5:17, God is always at work. What kinds of things does he do? God doesn’t just do the kinds of things that we can’t otherwise explain; God does the kinds of things that God values.

Another indication that God was energizing this movement is that much of it was carried out by those who claimed his name, invoked his involvement, and credited him with the result. Of course. that’s not true of everyone, nor was it true all the time. And, granted, the results were partial as well. But we’re talking about progress, not utopia. Isn’t this the nature of all human endeavor in which God participates? Christians have to look no further than their own efforts toward personal sanctification for a demonstration of the incremental nature of this Divine-human transformational dynamic.

15.1 - Some of *Christianity Today’s* reticence to discuss racial issues may have come from a perceived lack of interest on the part of their readership, but it also flowed from the philosophical stance of the magazine’s leadership. One of its major financial backers was J. Howard Pew, a Texas oil tycoon and a leading figure in the social conservative movement of the 1950s. Pew

carried on extensive correspondence with the first and longtime executive editor of *Christianity Today*, L. Nelson Bell (the father-in-law of Billy Graham, with whom the evangelist had founded the magazine). In both his public pronouncements[54] as well his private communications, Pew frequently expressed his "strong feeling that… the Christian church, as an institution, should concentrate on evangelism and Christian nurture and not reforming the current social order."[55]

Bell, for his part, believed that segregation was the most natural state of affairs and the one generally preferred by both blacks and whites. Though he didn't believe the Bible supported segregation or that it should be legally imposed, he also objected to coerced *de*segregation, whether enforced by the government or by church pronouncements. His position, which many other white evangelicals shared in one degree or another, was based not so much on theological principle as on a philosophical commitment to individual liberty.

16.1 - Pollster Louis Harris developed a way of measuring white backlash, focusing on three characteristics: the sense that the pace of racial progress was too fast, opposition to the Civil Rights Act, and fears about street violence. When people expressed anxiety about all three he placed them in the "high backlash" category. Though this was still a relatively small group in 1966, they increased from 7 percent to 15 percent in just one month in the lead-up to the mid-term elections.[56]

16.2 - Nixon's well-documented personal prejudices extended far beyond African Americans, but his politics were actually quite complex, and his governance was friendlier to black interests than one might suppose. He himself had come from poverty and believed that African Americans should have a fair chance to better themselves. As he once remarked, "It's clear that not everybody is equal, but we must ensure that anyone can go to the top."[57]

Haldeman once "warned against making 'easy conclusions' about Nixon since in his case 'the obvious is probably wrong.'"[58] This is certainly true when it comes to his racial policies. Former advisor Pat Buchanan said of him, "L.B.J. built the foundation and the first floor of the Great Society. We built the skyscraper. Nixon was *not* a Reaganite conservative."[59]

In those days the courts were supportive of tough measures to achieve racial parity, and his administration pursued affirmative action rather vigorously, employing quotas in ways that

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[54] David L. Chappell, A Stone of Hope: Prophetic Religion and the Death of Jim Crow, 139.
[55] Billy Graham Center Archives, guide to "Papers of Lemuel Nelson Bell – Collection 318," http://www2.wheaton.edu/bgc/archives/GUIDES/318.htm#402.
56 David Lawrence, "Harris Poll Takes Note of Backlash," Eugene Register-Guard, Oct. 2, 1966.
57 Ibid., 2.
58 Dean J. Kotlowski, Nixon's Civil Rights: Politics, Principle, and Policy, (Cambridge, Massachusetts: Harvard Univ. Press, 2001, 6.
59 George Packer, "The Fall of Conservatism," 2, http://www.newyorker.com/reporting/2008/05/26/080526fa_fact_packer/.

would be unthinkable today. Despite some initial foot-dragging, Nixon eventually promoted school desegregation (other than busing) with considerable effect but without much fanfare.[60] So much so that "in 1968, 78.8 percent of the region's [the South's] black students were in 80-100 percent minority schools, but, by 1971 that figure had tumbled to 32.2 percent."[61]

In August of 1969 Nixon unveiled his Family Assistance Plan. FAP proposed scrapping Aid to Families with Dependent Children, food stamps, and Medicaid in favor of direct payments, not only to single-parent families but to the working poor as well. Both liberals and conservatives attacked the plan, the former because the total amounts dispersed were too low and the latter because it amounted to a guaranteed annual income. After several unsuccessful attempts to gain Congressional approval, Nixon abandoned the idea in the lead-up to the 1972 Presidential election.

16.3 - Another full-employment bill from 1946 was already on the books, but it had also suffered the death of a thousand qualifications. The 1978 bill committed the federal government to reduce unemployment to a minimal rate of 3-4%. If that could not be achieved through private enterprise, then the government was supposed to provide employment through public sector jobs. A compromise that allowed the measure to pass, however, threw in a parallel commitment to reducing inflation. Therefore, the obligation to move toward full employment could be effectively negated if the administration felt that the effect of job creation on inflation would be counterproductive.

16.4 - Running against quotas still had symbolic value during the nineties, but in terms of policy it was becoming less relevant, as the courts, brimming with appointments by Republican presidents, were becoming less and less amenable to the broad use of affirmative action. The Supreme Court itself had picked up six new justices between 1980 and 1992. In 1995 the Supreme Court ruled 5-4 in Adarand v. Peña that "all federal laws that create racial classifications, whether meant to burden or benefit minorities, when challenged, must be tested by the same stringent standard, i.e., "strict scrutiny." That meant that the government must show that the program was established to meet a compelling state interest and was narrowly tailored to achieve that purpose. In the course of ruling on Adarand, two justices, Scalia and Thomas, expressed their view that such strict scrutiny was *necessarily* fatal to any race-conscious government program.

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60 Timothy J. Minchin, John A. Salmond, *After the Dream: Black and White Southerners since 1965* (Lexington, Kentucky; University Press of Kentucky, 2011), 109.
61 Ibid.

16.5 - The Commission is composed of eight members. Four are appointed by the President, and two each by the President Pro Tempore of the Senate and the Speaker of the House. At the time of the draft report there were four Republicans and four Democrats serving on the commission.

Though the Bush administration had, in fact, done little about civil rights, they did decide to do something about this bi-partisan panel. Soon after the release of this draft, two of the commission members curiously switched their voter registration to "Independent" (without any apparent political change of heart). Then the administration, claiming that they were entitled to a total of four representatives and had lost two with the "defection" of those two Republican-appointed members (who remained on the commission), stacked the deck by adding two more Republicans to the commission. This, at the very least, circumvented the spirit of the law designed to promote even-handedness. Though it did nothing to better the administration's civil rights record, this move did manage to muffle the criticism presented in the draft.

19.1 - The FBI and its Uniform Crime Report is the official source of nationwide arrest information. Neither they nor anyone else, however, has reliable and complete information on the Hispanicity of those arrested, which is inconsistently reported (or simply not recorded/reported at all) by the various policing agencies across the country. Therefore, the official arrest data classifies arrestees by race but not by ethnic origin, so that Hispanics are included in either the *white* or *black* grouping (or, in rare instances, as part of some other race).

The Bureau of Justice Statistics gets its basic arrest information from the FBI, so it has no way of tracking the Hispanicity of arrestees either. It does, however, count Hispanics separately within the prison population. BJS statistics show that among those serving prison sentences for drugs, about 47% of the FBI's "white" population is actually Hispanic. (It is interesting to note, however, that actual drug use among non-Hispanic whites is slightly higher than it is among Hispanics at a ratio of 1.17 to 1.) Since Hispanics represent less than 17% of the total U.S. population, they are clearly over-represented in the criminal justice system on drug-related charges vis-à-vis non-Hispanic whites, so that trying to compare non-Hispanic blacks with non-Hispanic whites using FBI data doesn't work very well.

So, rushing in where real statisticians fear to tread, I used the ratios of white to Hispanic prisoners to work backward and disaggregate the Hispanic cohort from the FBI's arrest statistics. Admittedly, the result is an estimate, and, as noted, my estimates are probably on the high end. That's because in working backwards from incarceration demographics to arrest demographics I am forced to assume that whites and Hispanics are treated equally in the criminal justice system after the arrest, even though that is not actually the case. (Hispanics are more likely to be convicted and serve longer sentences and less likely to be on probation or parole. Therefore, there are relatively more Hispanics vis-à-vis non-Hispanic whites in the incarcerated population than at the arrest stage.) Nevertheless, I needed a hard figure in which those two populations

were already disaggregated in order to extrapolate backward and offer a corrective to the FBI-based numbers. The true figure is somewhere in the middle, which is why I have reported the ratio as a range—though I suspect that my figures are closer to the (non-Hispanic) truth than the official count.

In previous research I also ran the numbers disaggregating black non-Hispanics from Hispanics who were likely to be categorized as "black" in the FBI statistics, just as I have done with the white cohort. I discovered, however, that less than 2% of all blacks in the criminal justice system were of Hispanic ethnicity, so I did not repeat that calculation in this latest update. This may marginally inflate the number of Hispanics in my computations for the "white" category, but as I was working with estimates in any case, the additional work and more complicated reporting that this required did not seem significant or worthwhile.

19.2 - Subsequent scientific research has debunked much of the hype upon which this legislative response was based. That is particularly true of the "crack baby" hysteria. Experts have known for some time that, as the U.S. Sentencing Commission communicated to Congress as far back in 2002 (emphasis mine):

> The negative effects of prenatal crack cocaine exposure are *identical* to the negative effects of prenatal powder cocaine exposure and are *significantly less* severe than previously believed. In fact, the negative effects from prenatal cocaine exposure are *similar* to those associated with prenatal tobacco exposure and *less severe* than the negative effects of prenatal alcohol exposure.[62]

Though a mother's cocaine use certainly does have a deleterious effect on her unborn child, long-term studies have shown that such children are surprisingly successful over time, outgrowing much of the initial drug-induced damage.[63] In any case, crack's actual impact on pre/post-natal health pales in comparison to that of two legal drugs, alcohol and tobacco. For every expectant mom who uses crack there are more than three hundred pregnant drinkers and well over four hundred pregnant cigarette smokers. Even if crack did put babies at greater risk than alcohol or tobacco (which it does not), it would still be impossible to explain society's disproportionately harsh sanctions in terms of public health concerns.

Another justification for the crack crackdown was the belief that buying and selling crack was a necessarily violent activity. But this fear, as well, proved to be exaggerated. Over time

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[62] Diana E. Murphy, et. al., "Report to Congress: Cocaine and Federal Sentencing Policy," United States Sentencing Commission; May, 2002, http://www.ussc.gov/Legislative_and_Public_Affairs/Congressional_Testimony_and_Reports/Drug_Topics/200205_RtC_Cocaine_Sentencing_Policy/200205_Cocaine_and_Federal_Sentencing_Policy.pdf, v-vi.

[63] See: Susan Okie, "The Epidemic that Wasn't," *The New York Times*, January 26, 2009, http://www.nytimes.com/2009/01/27/health/27coca.html.

researchers discovered that violence was involved in only about 10% of all arrest cases (including even threats of violence). Bodily injury was even less frequent (3%), and death occurred only about 2% of the time.[64]

19.3- It took a later (5-4) decision by the Supreme Court to determine that Congress had *implicitly* intended for the act to apply to those who had committed offenses before the law was passed but were not sentenced until after its signing. As for those still languishing in prison on account of the now discredited sentencing standards, a follow-up bill that would have made the 2010 provisions fully retroactive (H.R. 2242: Fairness in Cocaine Sentencing Act of 2011), was referred to a committee after its introduction in June of 2011. That committee took no action on the measure during the rest of the 112th Congress, and, as a result, the bill died there.[65]

Congress finally passed The FIRST STEP Act in December of 2018. In addition to making retroactive the provisions of the Fair Sentencing Act of 2010; it also shortened mandatory minimums for nonviolent drug offenses, eased the federal "three strikes" rule, and expanded "safety valve" discretion for judges in cases involving nonviolent drug offenders.

19.5 - Not only the purported judicial merits but also the practical benefits of mandatory minimums have been widely criticized by the legal community. It appears that mandatory minimums are designed to serve three primary purposes. The first goal is to keep dangerous criminals out of circulation for longer periods of time, and for that end it obviously works. But whether or not those subject to minimum sentences actually present an exponentially greater risk to the public than those convicted of other crimes is, in many cases, difficult to demonstrate.

Michael Nachmanoff, Federal Public Defender for the Eastern District of Virginia, told the U.S. Sentencing Commission: "Of 24,918 defendants convicted of drug trafficking in 2009, nearly two thirds (16,052) were subject to a mandatory minimum of five, ten, or more than ten years. But 83.2% of all drug trafficking offenses involved no weapon, 94.1% of defendants in these cases played no aggravating role or a mitigating role, and 63.1% had only zero to three criminal history points."[66]

Minimum sentences also have a second purpose, however—that of deterrence. It seems logical that if criminals knew they would receive such harsh punishments they might think twice. But it is just this assumption—that criminals are, in fact, aware of their sentencing jeopardy for

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[64] Ricardo Hinojosa, et. al., "Cocaine and Federal Sentencing Policy," United States Sentencing Commission, May, 2007; www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/drug-topics/200705_RtC_Cocaine_Sentencing_Policy.pdf, 38.

[65] See: https://www.govtrack.us/congress/bills/115/hr2242.

[66] Michael Nachmanoff, "Mandatory Minimum Sentencing Provisions Under Federal Law," Statement of Michael Nachmanoff, Federal Public Defender for the Eastern District of Virginia: Public Hearing Before the United States Sentencing Commission; May 27, 2010, https://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20100527/Testimony_Nachmanoff.pdf.

the crimes the commit—that undermines this piece of logic. David Kennedy, Director of the Center for Crime Prevention and Control at John Jay College of Criminal Justice in New York, in testimony before the Commission, explained:

> On the street what you get is people don't understand the federal law in the first place… They see their friends picked up all the time for stuff that is in fact—they're exposed to federal sanctions… None of them ever go federal. I mean the federal prosecutorial employment in this kind of street crime is still very low relative to everything that's going on.
>
> So, they have no idea, a lot of them, what the law is, what their exposures are, what triggers it, and especially they don't know, and oftentimes they can't know, what's going to move them from being of interest to the state authorities to being of interest to the federal authorities… The moment they find out is when they go to a different holding cell, at which point they collapse—I mean they literally collapse in tears; but it's too late at that point.[67]

The third purpose of these draconian sanctions is to give Congress (or state legislatures, as the case may be) a way to express their commitment to public safety. And this, too, may work as a PR maneuver, but only as long as people don't know (or care) about the fallout—that mandatory minimums result in disproportionate justice, that they exact an unnecessarily heavy toll on the African-American community, and that they have little effect on crime. Legislators, however, can do only so much to demonstrate their commitment to public safety, and this may be one of those cases in which if the only tool you have is a hammer, then every problem starts to look like a nail.

19.6 - The commission points out that "a single criminal history event can have a three-fold impact on the sentence of certain drug offenders. First, the mandatory minimum penalties provided by 21 U.S.C. §§ 841 or 960 double from five to ten years of imprisonment, and from ten to 20 years of imprisonment if the offender has a prior conviction for a 'felony drug offense.'" They go on to point out that any offense that results in at least a year in prison qualifies as a "felony drug offense" and that states are inconsistent in their sentencing practices. As a result, they conclude that "these cumulative impacts can result in disproportionate and excessively severe sentences in certain cases."[68]

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[67] David Kennedy, United States Sentencing Commission Public Hearing; September 9-10, 2009) 187.

[68] See: Report to Congress: Mandatory Minimum Penalties in the Federal *Criminal Justice System, (United States Sentencing Commission*, October 2011, accessed at: http://www.ussc.gov/Legislative_and_Public_Affairs/Congressional_Testimony_and_Reports/Mandatory_Minimum_Penalties/20111031_RtC_PDF/Chapter_12.pdf), 353.

19.7 - Throughout its report to Congress the Commission often couches its critique in the language of "Some say…" and "Studies show…" without exactly owning those arguments. Nevertheless, the fact that these arguments are selected for mention with little expression of opinions to the contrary reveals something of the Commission's perspective, which could be described as critical of mandatory minimums but respectfully cognizant of Congress's right to impose them.[69] The Commission, then, generally limits itself to identifying inconsistencies and abuses within the system and proposing changes to the existing system that would ameliorate negative impacts. With respect to demographic disparities they conclude:

> The effects of these demographic differences are two-fold. First, to the extent the mandatory minimum penalties for firearm offenses are unduly severe, these effects fall on Black offenders to a greater degree than on offenders in other racial groups. Second, as in drug offenses, demographic differences in the application of mandatory minimum penalties for firearm offenses create perceptions of unfairness and unwarranted disparity.[70]

Nevertheless, they seem to be short on ideas about how to fix this problem within the parameters of the current system.

20.1 - The actual raw number of black *males* is available only for the prison population (466,600). For the other cohorts I started with the overall black population (both male and female), which is as follows: probation = 1,028,474, parole = 332,415, jail = 242,200. I was able to ascertain From BJS publications the percentage of males vs. females in each of these populations (probation = 75%, parole = 88%, jail = 83%). I then factored the overall number of blacks in each cohort by those respective percentages, in order to arrive at the number of black males in each category (probation = 771,356, parole = 292,525, jail = 201,026). Since the male/female ratio I was working with is not race-specific, however, these totals are something of an estimate—one that is almost certainly on the low side, because it appears that there are more men for every woman in the black correctional population than in the general correctional population. Once I had established the number of black males for each of these four populations, I totaled them to arrive at an overall number of black men under correctional supervision (1,731, 507). I then compared that with 2016 U.S. Census estimates for the black male population 18 and older (14,299,847). The final result is that number of black men in under correctional supervision is approximately 12.1% of the number of black men in the general population, just under 1 in 8.

20.2 – (The explanation that follows uses statistics from an earlier draft of this book, whereas the updated numbers are reported in the current text of *White as Sin*. For the purposes of recounting

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[69] Ibid, 345 ff.
[70] Ibid, 363-364.

the historical discussion surrounding black men in prison vs. in college, the statistics reported below are accurate in their historical context.)

The most popular version of this comparison bandied about over the years is that there are more black men in prison than in college. Often a further comparison is made to 1980, as I have done in *White as Sin*. The way in which this information is popularly presented, however, does not give an accurate picture of the current situation.

It's important to recognize that any correctional statistic broken down by race is necessarily an estimate. That's because different states and localities apply different methods and criteria when gathering such information, and some keep no record of it at all. The Bureau of Justice Statistics, the main source for information on correctional populations, tries to factor for these differences, but that involves a certain amount of projection.

The initial study that gave rise to this comparison, "Cellblocks or Classrooms: The Funding of Higher Education and Corrections and Its Impact on African American Men," was published by the Justice Policy Institute in 2002. It claimed that there are more black men in prison and jail than in higher education. The study also showed how that ratio changed from 1980 to 2000. We have to dig down a bit, however, to clarify these comparisons.

They state that in 1980 there were 143,000 black men in prison vs. 464,000 in college. I was not able to find the exact 143,000 figure anywhere else, and the authors of the study claim that it was generated by adding together estimates for each state. Though I did not reproduce that calculation, I did look at the state totals used, however, and at first glance the figure looks to be plausibly accurate. It's important to keep in mind, however, that the term *prison(er)* has a very discreet meaning when employed for statistical purposes and refers only to those in state or federal *prison*, excluding those in local jail facilities. The authors of the JPI report so make it clear that they are contemplating only that *prisoner* cohort in their 1980 comparison. As for the figure of 464,000 black men in college, it is the same one reported by the National Center for Education Statistics (NCES).

The JPI's 2000 incarceration data also has a factual basis. According to Bureau of Justice Statistics, there were 791,000 black men incarcerated in 2000. However, this number includes *both* those in prison *as well* as those in jail, as the authors make clear. Though the 1980 and 2000 statistics appear in the same portion of the report, the authors simply state that both are true without making a direct comparison (or contrast) between the two. Others, however, have mistakenly assumed that the report was contemplating the same cohort and have consequently misapplied these statistics.

The number of college students reported in the study (603,000) is a bit depressed, as they relied on 1999 data from NCES, as that it was the most recent information available at the time of their research. The actual NCES total for 2000 was 653,000. Nevertheless, even using this

adjusted statistic, their claim that there were more black men in jail or prison than in college would nevertheless have been valid.

There have been two types of objections to the report. First, some have objected to comparing the entire incarcerated population to that of college students, many of whom are quite young adults. Therefore, they suggest that only black men in the 18-24 year-old group be considered for purposes of comparison, in which case there would be far more in college than behind bars. While it's true that college students are more concentrated in this 18-24 group, that still encompasses less than 60% of all those in higher education. So, it's a little artificial to target only that cohort. It is legitimate to point out that the two groups are not evenly distributed across age brackets, but, that said, I don't think that invalidates the JPI's comparison.

The other objection has to do with their reliance on NCES data rather than that of the Census Bureau, which regularly reports somewhat higher numbers of black males enrolled in college—just enough, in fact, to invalidate the JPI "more than" comparison. The Census Bureau relies on direct interviews, while NCES gets its information from every institution of higher education than offers federal student loans (virtually all of them). While the Census Bureau's interview methodology might seem to be superior to administratively generated data, this is not really hard census data in which everyone is interviewed. Rather, it is a demographic sampling effort called the Community Population Survey (CPS). And black males are the demographic from which they have the most difficulty eliciting information. In reality, both the Census Bureau and NCES are legitimate sources of information (as a Census Bureau statistician confirmed to me), and it is difficult to say which is more accurate. Since the original JPI study was based on NCES figures for 1980 and 2000, for the purpose of comparison I decided to use NCES numbers as well.

While the JPI statement, like any statistical comparison, must be understood in its context, their study seems to be to be a serious effort to convey relevant information and not just an attempt to manipulate the numbers to prove a point. There are, however, two problems with the way in which this data has been and continues to be used. First, it is based on information from the year 2000, which is now quite out-of-date. In 2010, the black male college population 1,089,000 (NCES) compares with a black adult male incarcerated population of 792,000 (or possibly 821,000 if one does not bother to exclude juveniles, few of whom are potential college material). So, currently it is not correct to say that there are more black men incarcerated than in college, nor has that statement been accurate for some years.

The second problem is the way in which the 1980 statistics are juxtaposed with contemporary numbers. Since most people don't recognize the technical distinction between prison, jail and incarceration, they simply report the outdated number of black men in "prison" or "jail" vs. those in college and either explicitly or implicitly compare today's situation with that of 1980. But this clearly involves a categorical confusion. In order to make a meaningful comparison we would have to add the number of jail inmates in 1980 to the 143,000 prisoners. That results in a total

more like 210,000. Of course, there still remains an unhappy difference between 1980 and 2010, as I reported in *White as Sin*. But at least I have tried to compare apples with apples.

I have chosen to focus on the *incarcerated* population for the purpose of this comparison for a couple of reasons. First, it seems rather artificial to separate out prisoners from jail inmates, as they are both locked away and incapable of pursuing a traditional college education during that time. Second, even if the incarcerated were enrolled in college, their incarcerated status would preclude them from being counted by the census as students.[71] By contrast, those who are under community correctional supervision are free to pursue higher education and are classified as students if they do so. In order to avoid double counting the same individuals in both categories (as both students *and* under correctional supervision), I chose not to include those on parole or probation but to focus strictly on the incarcerated population.

The calculation that appears in the book text is my own, obtained by cross-referencing Census data, Department of Justice statistics on the rates/raw numbers for incarceration, probation, parole, and NCES data on the college enrollment of black men. As explained in an earlier footnote, to obtain statistics for incarcerated black *men*, I had to engage in a bit of extrapolation, as described above.

See: Lauren E. Glaze, BJS Statistician; "Correctional Population in the United States, 2010," *supra* and Lauren E. Glaze and Thomas P. Bonczar, "Probation and Parole in the United States, 2010"; (U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Bulletin, December 2011, NCJ236319, https://www.bjs.gov/content/pub/pdf/ppus10.pdf, 8. See also: U.S. Department of Education, National Center for Education Statistics, Higher Education General Information Survey (HEGIS), "Fall Enrollment in Colleges and Universities" surveys, 1976 and 1980; Integrated Postsecondary Education Data System (IPEDS), "Fall Enrollment Survey" (IPEDS-EF:90); and IPEDS Spring 2001 through Spring 2014, Enrollment component, https://nces.ed.gov/programs/digest/d17/tables/dt17_306.20.asp.

20.3 - I refer here to "serious" crime, as the FBI compiles statistics for two classes of crime, which fall under the not-so-descriptive headings of *Part I* and *Part II*. Unless otherwise noted, Part I crimes are those reported by the media based on FBI statistics. In addition to being the generally more serious crimes, Part I crimes are also the sort that are generally reported to the police and occur frequently enough to lend themselves to comparative statistics. These include murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. They are often broken down into two sub-categories—violent crime and property crime—for reporting purposes.

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[71] In any case the number of African-American inmates taking advantage of such programs is miniscule, in part because in 1994 Congress discontinued Pell grants for prisoners, prompting a reduction in the number of such programs from around 350 to only 12 by 2005. See: http://www.quickanded.com/2012/11/restoring-pell-grants-to-prisoners-great-policy-bad-politics.html

Part II crimes include white-collar crime, DUIs, sex offenses, and drug-related crimes, etc.—everything not included in Part I except traffic offenses. We can trace trends in Part I crimes, because they are usually reported to the police, whether they are solved or not. Statistics for Part II crimes relate only to arrests for those crimes, because their true incidence is often a matter of conjecture.

Arrests for Part II crimes are actually far more numerous than those for Part I crimes, outnumbering their more serious counterparts by more than five to one in 2010. Arrests for Part II crimes have also declined in the last two full decades—22% since 1990 and 15% since 2000. These drops are significantly less than the reductions in Part I crimes during these same periods, but it is really impossible to make a direct comparison between these two different measures, which respond to somewhat different dynamics.

20.4 - If not incarceration alone, what was the key(s) to crime reduction? Some—particularly law-enforcement officials—have pointed to improved policing, whether it's the hiring of more cops or the use of hi-tech tools. Though this seems to have had an impact, often the reduction trend was already in place before these improvements were adopted, making it hard to calculate their contribution. Any number of other experts have put forward their candidates: an aging population (older people commit fewer crimes), changes in the drug trade (resulting in reduced violence), legalized abortion (the non-birth of children into situations statistically more likely to produce criminals), or even the elimination of lead from vehicle exhaust and paint (shown to lower intelligence and raise impulsiveness).

Any of these factors, in addition to increased incarceration, can legitimately claim a chronological correlation with drop in crime. But, individually, none of them seems capable of explaining the trend, leaving a lot of criminologists scratching their heads. There is now a general assumption that a combination of factors must be involved, but what weight to assign to each of these remains far from clear.

21.1 - Pentecostals had, perhaps, the best chance for success, because they spent several years in a collaborative environment with their black counterparts and therefore had something of an opportunity to see themselves through the eyes of their estranged brothers and sisters. When I say "they," however, I'm talking about only a very elite slice of the Pentecostal pie, a tiny cadre of relatively self-aware leaders who were probably already somewhat sensitized to the issue. Regardless of how profoundly they were impacted by that interracial experience, and regardless of how profoundly their example might have impacted their broader white constituency, the average person in the pew did not participate in this moral marinade and therefore necessarily filtered the act of repentance through their existing racialized mindset.

Other denominations likely had considerably less authentic input. They lacked such a faithful interlocutor who was not already part of their own organizational milieu. Though they may indeed have listened to their own black voices, African Americans who have identified with a white-dominated organization, and particularly to the degree necessary to ascend to leadership, tend to be somewhat atypical. As a result, even when they try their best to be brutally honest, their honesty is likely to be less brutal than the truth of the matter.

25.1 - There seem to be at least four distinct biblical dynamics surrounding the granting of forgiveness. The first instructs the offended party to confront the sinning brother/sister in an attempt to elicit a confession/repentance. The second calls upon us to grant forgiveness in response to a confession, even when there might be reason to question its sincerity. In the third instance the command to forgive is not tied to any particular set of conditions, often urging us to forgive others in order to be forgiven or as we would want to be forgiven. This forgiveness might include (though it would certainly not be limited to) unilateral forgiveness. Finally, we are also urged to exercise forbearance, which I understand as the granting of forgiveness without the need to confront the behavior or hear an apology.

Given the fact that we are to forgive as God does (Eph. 4:23, Col. 3:13) and that God seems to require repentance/confession as a condition of his forgiveness, we might understand that our granting of forgiveness should likewise be tied to a confession. And that those passages that don't say so directly must assume an implicit condition, which is stated explicitly in other passages. If that were the case, then unilateral forgiveness would be, if not excluded, certainly not encouraged.

Note, however, that the granting of forgiveness is a relational transaction, and since God's relationship with our fellow humans is different from our relationship with them, the dynamic of forgiveness will differ as well. For instance, God is both the epitome of holiness as well as its judge, but we are neither. Indeed, the forgiveness that we grant is bestowed under the umbrella of God's justice. Knowing that God will be the ultimate judge of every person and every act, we can forgive freely (Mt. 18:21 ff.) without either eschewing justice or shouldering the burden of dispensing it to our fellows. That would be both redundant as well as inappropriate: redundant because God is already on the case, and inappropriate because our relationship to the rest of humanity does not grant us such standing.

Perhaps, then, these commands to follow God's example may simply be encouraging us to forgive liberally rather than instructing us literally to put ourselves in God's place. Indeed, this big-hearted attitude seems to represent the general tenor of the Scriptural admonitions to forgive. I would include here the command to love our enemies and to bless those who curse/abuse us. Wouldn't this include forgiving them in some fashion or another, even though they are still enemies and, therefore, are not going to confess?

There are, of course, some complications associated with unilateral forgiveness. If we were always to forgive unilaterally before any confession was offered, that might lead to a certain abdication of our confrontational responsibility. And the command to forgive those who come to us penitently seems to assume that we had not already done so before they took that initiative. Also note (as the continuing argument in the text of *White as Sin* illustrates), that when we exercise the unilateral option, it leaves us somewhere well short of God's ideal, which is reconciliation. That ideal is far more likely realized in the case of a confession.

In order to harmonize these various emphases, I would suggest the following: 1) If there is an offense and the possibility exists to confront that individual and address the behavior and the need of change, this is the most responsible response and the one most likely to elicit a confession and a full reconciliation. 2) If others come to us and ask for our forgiveness, naturally, we are supposed to grant it. Even if we have pre-emptively forgiven them, we may find ourselves entering into deeper levels of forgiveness as the communication continues. 3) If the offenses are petty and not worth pursuing—anomalous rather than symptomatic of a general tendency, relationally non-threating, and not sufficient to undermine the general Christian testimony—we should simply put them behind us and move on. This forbearance is a form of unilateral forgiveness. 4) If it is not possible or practical to pursue correction and the offender has not taken the initiative to confess, we still do well to maintain a (unilaterally) forgiving attitude toward that individual. Such and attitude will make us more approachable, leave our spirits at peace, and help us to act in love toward the impenitent, while awaiting a more thoroughgoing reconciliation. 5) If we bear any responsibility in what might be a mutual offense (even if we believe it to be the lesser responsibility), we should seize the initiative to make unilateral confession, as this may provoke a similar penitence in our counterpart.

27.1 - Both the House of Representatives and the Senate have, in fact, approved resolutions apologizing for slavery and the racial discrimination of the Jim Crow era. The House did so by a voice vote in the summer of 2008 and the Senate resolution passed unanimously about a year later. The reason why the question is still being asked, then, (apart from the fact that many, if not most, people don't even remember these apologies) hinges on the nature of those resolutions.

The House version was what is known as a *House simple resolution*— a measure that merely expresses the sentiments of that body. The Senate's was a different animal, known as a *concurrent resolution*. Concurrent resolutions can originate with either Congressional body, but that same text must be approved by the other body in order to be official. In any case, however, neither simple nor concurrent resolutions—unlike joint resolutions—require a Presidential signature or have the force of law.

It's questionable whether or not the Senate's resolution would even have passed at all, however, were it not for its accompanying disclaimer, stating that the apology could not be used

as a legal basis for claims against the federal government. That resolution was forwarded to the House for concurrent approval, but there it met with opposition. Apologies are typically offered by those who bear some responsibility for the wrong, but in the minds of some House members the presence of such an explicit disclaimer effectively reduced the apology from the level of responsibility to that of regret. Thus, the concurrent resolution was never approved in the House of Representatives.

27.2 - In reality, the two cases are not identical, as governmental agency was far more direct in one instance of bondage than in the other. Arguably, however, in the case of Japanese-American internment the government spent considerable sums while gaining nothing, whereas the enslavement of blacks was a net monetary boon for the national economy and, hence, the national treasury. Congress avoided setting a direct precedent for reparations to the descendants of slaves by limiting the reparations to *surviving* victims of the Japanese-American internment (their heirs could also receive benefits, but only if the actual victim died after the passage of the reparations measure but before receiving compensation). In spite of these differences, however, this may be the best large-scale parallel available on a federal level, and for that reason it seems to me at least somewhat instructive.

These reparations were a long-term project, as President Carter appointed a commission to investigate the matter, Ronald Reagan signed the bill, and George H. W. Bush wrote the eventual letter of apology that accompanied the first payments of reparations. Those payments went on until the final year of the Clinton administration, at which time the remainder of the funds were made available to people of Japanese ancestry (at a rate of $5,000 per person) who had been forcibly removed from Latin American countries and interned in the U. S. during that same war.