

NEW ACTS OF GENOCIDE

Negroes to live in the housing project. City and state courts, as well as the U.S. Supreme Court, had upheld the right to evict these families.

In California, a national group known as "America Plus, Inc." was organized to amend the state constitution to allow anti-Negro discrimination and destroy the 14th Amendment to the federal constitution. State Senator Jack B. Tenney, notorious for his inquisitorial "Un-American" investigations in California, is chairman of "America Plus, Inc."

The Bonner Amendment was passed in Alabama to further deny and limit voting privileges of Negroes and poor whites. Among its provisions is that each prospective voter must take an "anti-Communist" oath.

Two Negro Air Force officers in Anchorage, Alaska, Capt. Silas Jenkins and Lt. Wilbur A. Dixon, who criticized their commanding officer, Lt. Col. Prentiss C. Jones, for anti-Negro discrimination, were recommended for discharge from the Army.

The Negro Community of Alamonte Spring, Florida, was ruled "out of town," to prevent Negroes there from voting and from receiving fire, sanitary and public health services. 210 whites and 205 Negroes had been registered to vote, too close for comfort to the town's racist white officials.

In Summerton, South Carolina, Rev. J. A. Delaine, who challenged the segregated school system of South Carolina in a court suit, had his house burned to the ground; was fired as a school teacher; was forced to leave his town and church; had his life threatened; was subjected to several law-suits tying up all his property and money; saw his relatives and friends who joined him in the court suit lose their jobs.

The body of Pfc. Thomas C. Reed, killed at the age of 19 in Korea, was refused burial for five weeks in a Phoenix, Arizona, cemetery because Reed was a Negro.

Judge Truman J. Futch of Florida barred two Negro NAACP lawyers from representing Walter Lee Irvin in a retrial of a rape frameup ordered by the Supreme Court. Irvin had been critically wounded by Sheriff Willis McCall, who murdered his co-defendant, Samuel Shepherd.

A white youth in Richmond, Virginia, who raped a 13-year-old Negro girl was freed by an all-white jury on December 20, 1951.

In Simpson county, Mississippi, James Brent Durr, poor Negro tenant farmer, was sentenced to die in the state's portable electric chair. Durr was convicted of "murder" by an all-white jury for his self-defense slaying of a local constable. The constable had fired shots at him, his pregnant wife, and his young son. Mrs. Durr, who has since given birth to a second child, is scheduled to go on trial for "murder" during the March term of the Simpson county circuit court.

PART I

The Opening Statement

A Review of the Case and an Offer of Proof, giving something of the scope and historical background of the genocide being committed against the Negro people of the United States.

To the General Assembly of the United Nations:

THE RESPONSIBILITY of being the first in history to charge the government of the United States of America with the crime of genocide is not one your petitioners take lightly. The responsibility is particularly grave when citizens must charge their own government with mass murder of its own nationals, with institutionalized oppression and persistent slaughter of the Negro people in the United States on a basis of "race," a crime abhorred by mankind and prohibited by the conscience of the world as expressed in the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly of the United Nations on December 9, 1948.

Genocide Leads to Fascism and to War

If our duty is unpleasant it is historically necessary both for the welfare of the American people and for the peace of the world. We petition as American patriots, sufficiently anxious to save our countrymen and all mankind from the horrors of war to shoulder a task as painful as it is important. We cannot forget Hitler's demonstration that genocide at home can become wider massacre abroad, that domestic genocide develops into the larger genocide that is predatory war. The wrongs of which we complain are so much the expression of predatory American reaction and its government that civilization cannot ignore them nor risk their continuance without courting its own destruction. We agree with those members of the General Assembly who declared that genocide is a matter of world concern because its practice imperils world safety.

But if the responsibility of your petitioners is great, it is dwarfed by the responsibility of those guilty of the crime we charge. Seldom in human annals has so iniquitous a conspiracy been so gilded with the trappings of respectability. Seldom has mass murder on the score of "race" been so sanctified by law, so justified by those who demand free elections abroad

GENOCIDE

even as they kill their fellow citizens who demand free elections at home. Never have so many individuals been so ruthlessly destroyed amid so many tributes to the sacredness of the individual. The distinctive trait of this genocide is a cant that mouths aphorisms of Anglo-Saxon jurisprudence even as it kills.

The genocide of which we complain is as much a fact as gravity. The whole world knows of it. The proof is in every day's newspapers, in every one's sight and hearing in these United States. In one form or another it has been practiced for more than three hundred years although newer with such sinister implications for the welfare and peace of the world as at present its very familiarity disguises its horror. It is a crime so embedded in law, so explained away by specious rationale, so hidden by talk of liberty, that even the conscience of the tender minded is sometimes dulled. Yet the conscience of mankind cannot be beguiled from its duty by the pious phrases and the deadly legal euphemisms with which its perpetrators seek to transform their guilt into high moral purpose.

Killing Members of the Group

Your petitioners will prove that the crime of which we complain is in fact genocide within the terms and meaning of the United Nations Convention providing for the prevention and punishment of this crime. We shall submit evidence, tragically voluminous, of "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such,"—in this case the 15,000,000 Negro people of the United States.

We shall submit evidence proving "killing members of the group," in violation of Article II of the Convention. We cite killings by police, killings by incited gangs, killings at night by masked men, killings always on the basis of "race," killings by the Ku Klux Klan, that organization which is chartered by the several states as a semi-official arm of government and even granted the tax exemptions of a benevolent society.

Our evidence concerns the thousands of Negroes who over the years have been beaten to death on chain gangs and in the back rooms of sheriff's offices, in the cells of county jails, in precinct police stations and on city streets, who have been framed and murdered by sham legal forms and by a legal bureaucracy. It concerns those Negroes who have been killed, allegedly for failure to say "sir" or tip their hats or move aside quickly enough, or, more often, on trumped up charges of "rapes," but in reality for trying to vote or otherwise demanding the legal and inalienable rights and privileges of United States citizenship formally guaranteed them by the Constitution of the United States, rights denied them on the basis of "race," in violation of the Constitution of the United States, the United Nations Charter and the Genocide Convention.

THE OPENING STATEMENT

Economic Genocide

We shall offer proof of economic genocide, or in the words of the Convention, proof of "deliberately inflicting on the group conditions of life calculated to bring about its destruction in whole or in part." We shall prove that such conditions so swell the infant and maternal death rate and the death rate from disease, that the American Negro is deprived, when compared with the remainder of the population of the United States, of eight years of life on the average.

Further we shall show a deliberate national oppression of these 15,000,000 Negro Americans on the basis of "race" to perpetuate these "conditions of life." Negroes are the last hired and the first fired. They are forced into city ghettos or their rural equivalents. They are segregated legally or through sanctioned violence into filthy, disease-bearing housing, and deprived by law of adequate medical care and education. From birth to death, Negro Americans are humiliated and persecuted, in violation of the Charter and the Convention. They are forced by threat of violence and imprisonment into inferior, segregated accommodations, into jim crow busses, jim crow trains, jim crow hospitals, jim crow schools, jim crow theaters, jim crow restaurants, jim crow housing, and finally into jim crow cemeteries.

We shall prove that the object of this genocide, as of all genocide, is the perpetuation of economic and political power by the few through the destruction of political protest by the many. Its method is to demoralize and divide an entire nation; its end is to increase the profits and unchallenged control by a reactionary clique. We shall show that those responsible for this crime are not the humble but the so-called great, not the American people but their misleaders, not the convict but the robbed judge, not the criminal but the police, not the spontaneous mob but organized terrorists licensed and approved by the state to incite to a Roman holiday.

We shall offer evidence that this genocide is not plotted in the dark but incited over the radio into the ears of millions, urged in the glare of public forums by Senators and Governors. It is offered as an article of faith by powerful political organizations, such as the Dixiecrats, and defended by influential newspapers, all in violation of the United Nations charter and the Convention forbidding genocide.

This proof does not come from the enemies of the white supremacists but from their own mouths, their own writings, their political resolutions, their racist laws, and from photographs of their handwork. Neither Hitler nor Goebbels wrote obscurantist racial incitements more voluminous or viciously than do their American counterparts, nor did such incitements circulate in Nazi mails any more freely than they do in the mails of the United States.

Conspiracy to Genocide

Through this and other evidence we shall prove this crime of genocide is the result of a massive conspiracy, more deadly in that it is sometimes "understood" rather than expressed, a part of the mores of the ruling class often concealed by euphemisms, but always directed to oppressing the Negro people. Its members are so well-drilled, so rehearsed over the generations, that they can carry out their parts automatically and with a minimum of spoken direction. They have inherited their plot and their business is but to implement it daily so that it works daily. This implementation is sufficiently expressed in decision and statute, in depressed wages, in robbing millions of the vote and millions more of the land, and in countless other political and economic facts, as to reveal definitively the existence of a conspiracy backed by reactionary interests in which are meshed all the organs of the Executive, Legislative and Judicial branches of government. It is manifest that a people cannot be consistently killed over the years on the basis of "race"—and more than 10,000 Negroes have so suffered death—cannot be uniformly segregated, despoiled, impoverished and denied equal protection before the law, unless it is the result of the deliberate, all-pervasive policy of government and those who control it.

Evisceration of Democracy

We shall show, more particularly, how terror, how "killing members of the group," in violation of Article II of the Genocide Convention, has been used to prevent the Negro people from voting in huge and decisive areas of the United States in which they are the preponderant population; thus dividing the whole American people, emasculating mass movements for democracy and securing the grip of predatory reaction on the federal, state, county and city governments. We shall prove that the crimes of genocide offered for your action and the world's attention have in fact been incited, a punishable crime under Article III of the Convention, often by such officials as Governors, Senators, Judges and peace officers whose phrases about white supremacy and the necessity of maintaining inviolate a white electorate resulted in bloodshed as surely as more direct incitement.

We shall submit evidence showing the existence of a mass of American law, written as was Hitler's law solely on the basis of "race," providing for segregation and otherwise penalizing the Negro people, in violation not only of Articles II and III of the Convention but also in violation of the Charter of the United Nations. Finally we shall offer proof that a conspiracy exists in which the Government of the United States, its Supreme Court, its Congress, its Executive branch, as well as the various state, county and municipal governments, consciously effectuate policies

which result in the crime of genocide being consistently and constantly practiced against the Negro people of the United States.

The Negro Petitioners

Many of your petitioners are Negro citizens to whom the charges herein described are not mere words. They are facts felt on our bodies, crimes inflicted on our dignity. We struggle for deliverance, not without pride in our valor, but we warn mankind that our fate is theirs. We solemnly declare that continuance of this American crime against the Negro people of the United States will strengthen those reactionary American forces driving towards World War III as certainly as the unrebuked Nazi genocide against the Jewish people strengthened Hitler in his successful drive to World War II.

We, Negro petitioners whose communities have been laid waste, whose homes have been burned and looted, whose children have been killed, whose women have been raped, have noted with peculiar horror that the genocidal doctrines and actions of the American white supremacists have already been exported to the colored peoples of Asia. We solemnly warn that a nation which practices genocide against its own nationals may not be long deterred, if it has the power, from genocide elsewhere. White supremacy at home makes for colored massacres abroad. Both reveal contempt for human life in a colored skin. Jellied gasoline in Korea and the lynchers' faggot at home are connected in more ways than that both result in death by fire. The lyncher and the atom bomber are related. The first cannot murder unpunished and unrebuked without so encouraging the latter that the peace of the world and the lives of millions are endangered. Nor is this metaphysics. The tie binding both is economic profit and political control. It was not without significance that it was President Truman who spoke of the possibility of using the atom bomb on the colored peoples of Asia, that it is American statesmen who prate constantly of "Asiatic hordes."

"Our Humanity Denied and Mocked"

We Negro petitioners protest this genocide as Negroes and we protest it as Americans, as patriots. We know that no American can be truly free while 15,000,000 other Americans are persecuted on the grounds of "race," that few Americans can be prosperous while 15,000,000 are deliberately pauperized. Our country can never know true democracy while millions of its citizens are denied the vote on the basis of their color.

But above all we protest this genocide as human beings whose very humanity is denied and mocked. We cannot forget that after Congressman Henderson Lovelace Lanham, of Rome, Georgia, speaking in the halls of Congress, called William L. Patterson, one of the leaders of the

Negro people, "a God-damned black son-of-bitch," he added, "We gotta keep the black apes down." We cannot forget it because this is the animating sentiment of the white supremacists, of a powerful segment of American life. We cannot forget that in many American states it is a crime for a white person to marry a Negro on the racist theory that Negroes are "inherently inferior as an immutable fact of Nature." The whole institution of segregation, which is training for killing, education for genocide, is based on the Hitler-like theory of the "inherent inferiority of the Negro." The tragic fact of segregation is the basis for the statement, too often heard after murder, particularly in the South, "Why I think no more of killing a n-----, than of killing a dog."

We petition in the first instance because we are compelled to speak by the unending slaughter of Negroes. The fact of our ethnic origin, of which we are proud—our ancestors were building the world's first civilizations 3,000 years before our oppressors emerged from barbarism in the forests of western Europe—is daily made the signal for segregation and murder. There is infinite variety in the cruelty we will catalogue, but each case has the common denominator of racism. This opening statement is not the place to present our evidence in detail. Still, in this summary of what is to be proved, we believe it necessary to show something of the crux of our case, something of the pattern of genocidal murder, the technique of incitement to genocide, and the methods of mass terror.

Our evidence begins with 1945 and continues to the present. It gains in deadliness and in number of cases almost in direct ratio to the surge towards war. We are compelled to hold to this six years span if this document is to be brought into manageable proportions.

The Evidence

There was a time when racist violence had its center in the South. But as the Negro people spread to the north, east and west seeking to escape the southern hell, the violence, impelled in the first instance by economic motives, followed them, its cause also economic. Once most of the violence against Negroes occurred in the countryside, but that was before the Negro emigrations of the twenties and thirties. Now there is not a great American city from New York to Cleveland or Detroit, from Washington, the nation's capital, to Chicago, from Memphis to Atlanta or Birmingham, from New Orleans to Los Angeles, that is not disgraced by the wanton killing of innocent Negroes. It is no longer a sectional phenomenon.

Once the classic method of lynching was the rope. Now it is the policeman's bullet. To many an American the police are the government, certainly its most visible representative. We submit that the evidence

suggests that the killing of Negroes has become police policy in the United States and that police policy is the most practical expression of government policy.

Our evidence is admittedly incomplete. It is our hope that the United Nations will complete it. Much of the evidence, particularly of violence, was gained from the files of Negro newspapers, from the labor press, from the annual reports of Negro societies and established Negro year books. A list is appended.

But by far the majority of Negro murders are never recorded, never known except to the perpetrators and the bereaved survivors of the victim. Negro men and women leave their homes and are never seen alive again. Sometimes weeks later their bodies, or bodies thought to be theirs and often horribly mutilated, are found in the woods or washed up on the shore of a river or lake. This is a well known pattern of American culture. In many sections of the country police do not even bother to record the murder of Negroes. Most white newspapers have a policy of not publishing anything concerning murders of Negroes or assaults upon them. These unrecorded deaths are the rule rather than the exception—thus our evidence, though voluminous, is scanty when compared to the actuality.

Causes Calzbers

We Negro petitioners are anxious that the General Assembly know of our tragic *causes calzbers*, ignored by the American white press but known nevertheless the world over, but we also wish to inform it of the virtually unknown killed almost casually, as an almost incidental aspect of institutionalized murder.

We want the General Assembly to know of Willie McGee, framed on perjured testimony and murdered in Mississippi because the Supreme Court of the United States refused even to examine vital new evidence proving his innocence. But we also want it to know of the two Negro children, James Lewis, Jr., fourteen years old, and Charles Trudell, fifteen, of Natchez, Mississippi who were electrocuted in 1947, after the Supreme Court of the United States refused to intervene.

We want the General Assembly to know of the martyred Martinsville Seven, who died in Virginia's electric chair for a rape they never committed, in a state that has never executed a white man for that offense. But we want it to know, too, of the eight Negro prisoners who were shot down and murdered on July 11, 1947 at Brunswick, Georgia, because they refused to work in a snake-infested swamp without boots.

We shall inform the Assembly of the Trenton Six, of Paul Washington, the Daniels cousins, Jerry Newsom, Wesley Robert Wells, of Rosalce

Ingram, of John Derrick, of Lieutenant Gilbert, of the Columbia, Tennessee destruction, the Freeport slaughter, the Monroe killings — all important cases in which Negroes have been framed on capital charges or have actually been killed. But we want it also to know of the typical and less known—of William Brown, Louisiana farmer, shot in the back and killed when he was out hunting on July 19, 1947 by a white game warden who casually announced his unprovoked crime by saying, "I just shot a n——r. Let his folks know." The game warden, one Charles Yenrill, was not even charged with the crime.

Typical Cases

We cite some typical cases from the voluminous evidence. Each represents a part of the pattern of genocide. This pattern repeats itself throughout the nation, south and north, rural and urban. It is a pattern of government-directed and sanctioned genocide. The following are typical of police killings:

HENRY GILBERT, 42, was beaten to death in the Harris County, Georgia jail in May, 1947. That was in the South.

But in the north, BEVERLY LEE, 13, was shot and killed in Detroit, Michigan on October 12, 1947 by Patrolman Louis Begin. Mrs. Francis Vonbatten, of 1839 Pine Street, Detroit, testified she saw Lee and another boy walking down the street when Begin's squad car approached. She heard an officer say "Stop, you little son-of-a-bitch," and then she heard a shot. The officer was cleared by Coroner Lloyd K. Babcock.

ROLAND T. PRICE, 20-year-old war veteran, was shot and killed in Rochester, New York, by six patrolmen who fired twenty-five bullets into his body just after he had viewed the Bill of Rights and the Declaration of Independence on the "Freedom Train." He went into a restaurant where he complained he had been short changed. Patrolman William Hamill was called, drew his gun, forced Price outside, where he was joined by five other officers. All began shooting. All were cleared.

VENISE JOHNSON, 35, a saw mill worker of Prentiss, Mississippi, was shot to death in August, 1947 after he fled when a white woman raised the cry of rape. Three white officers, members of a posse that tracked Johnson down, were arrested and charged with manslaughter. They were exonerated.

RAYMOND COUSER was shot and killed by Patrolman Frank Cacurro on Montrose Street in Philadelphia, on November 16, 1947. Eyewitnesses said they saw the patrolman with drawn revolver stalking Couser as he walked down the street. Couser apparently unaware that he was being followed. The patrolman said he thought Couser was armed and had been called to the vicinity because of a quarrel in the Couser home.

Couser was not armed. The patrolman received no punishment.

CHARLES FLETCHER, also of Philadelphia, was shot and killed on November 16, 1947 by Patrolman Manus McGettigan who claimed he killed him after receiving a call about a prowler. Fletcher, who had no police record, had worked for ten years at the Exide Battery Company.

CHARLES CURRY, 23, was slain by Patrolman Nolan O. Ray in Dallas, Texas, on December 17, 1947 on a bus. Ray, in civilian clothes, had ordered a Negro sitting beside him to move. The Negro passengers complained and Ray jumped to his feet, drew his revolver, and ordered all Negroes "to take their hands out of their pockets." When Curry did not comply swiftly enough, Ray shot and killed him. Ray was dismissed from the force and indicted for murder.

GEORGE THOMAS, Negro youth, was shot and killed by a Kosciusko, Mississippi patrolman who claimed Thomas tried to escape after being arrested on February 2, 1948.

A Negro prisoner, on May 23, 1948 in Augusta, Georgia, was beaten to death by a prison guard when he refused to work in a snake-infested ditch.

ROY CYRIL BROOKS, of Gretna, Louisiana, was shot and killed on February 27, 1948, by Patrolman Alvin Bladsacker. Brooks was a prominent trade unionist. He was involved in an argument with a bus driver when Bladsacker pulled him off the bus and killed him.

JAMES TOLLIVER, 40, of Little Rock, Arkansas, was beaten to death in February of 1948 by Patrolman Blaylock. Tolliver was trying to help a drunken woman when Blaylock came up behind him and struck him on the head. He died almost instantly.

JOHN JOHNSON, 50, was slain by Birmingham, Alabama, police who claimed he was resisting arrest on March 29, 1948.

ALMA SHAW, 42, was slain by Birmingham police on April 19, 1948 who claimed she was resisting arrest.

MARION FRANKLIN NOBLE, 19, was slain by Birmingham police on April 27, 1948 who said he resisted arrest.

WILLIE JOHNSON was shot to death, on May 3, 1949, by two Brunswick, Georgia policemen who claimed that "he was looking at a house suspiciously." Johnson, 58, had been a resident of Brunswick for fourteen years, was a county employee and a deacon of St. Paul's Baptist Church. ROBERT J. EVANS, 86 years old, a patriarch of Norfolk, Virginia was shot and seriously wounded on December 12, 1950 by Patrolman E. M. Morgan who said the old man assaulted him.

DANNY BRYANT, 37, of Convington, Louisiana, was shot and killed in October of 1948 by Policeman Kinsie Jenkins after Bryant refused to remove his hat in the presence of whites.

HERMAN GLASPER, 30, was shot and killed in Bryan County, Georgia,

during the week of January 2, 1949 by Corporal Dee E. Watson, Georgia State Trooper. Glasper had been arrested on suspicion of stealing a hog. Sheriff E. W. Miles said that the shooting was "an accident."

CHARLES PARRER was shot in the back and killed in the home of his stepmother in the Bronx, New York City, by Patrolman Eugene Stasuk on January 16, 1949. The patrolman claimed that he shot Phifer—in the back—in "self defense."

GEORGE WADDELL was shot in the back and slain in his Brooklyn, New York home by Brooklyn police on February 18, 1949. Police entered his home without a warrant and with no offense charged against Waddell. They claimed they were looking for a gambling game when they forced entry into Waddell's home. No evidence of gambling was found.

IRE CRAWFORD, 29-year-old prisoner in the Richmond County, Georgia jail was beaten to death on June 5, 1948 by Guards David L. Turner, Horace Wingard and Alvin Jones. The men were indicted for "prison brutality." A coroner's jury, however, reported that Crawford died of a "liver disease."

Other Race Murders

Not all murders or assaults are by police. Some result from segregation, from living in fire traps, or from denying badly injured Negroes entry into hospitals because of their color. Others result from the constant declaration and determination of white supremacists that Negroes have no rights that a white man is bound to respect. The following cases are typical:

MR. AND MRS. O'DAY SPOHR and their two little girls were burned to death two days before Christmas, 1945, in a fire of incendiary origin set by persons who did not want them to move into a "white" neighborhood in Fontana, California. They had received threatening notes and the police informed them they were "out of bounds." While the family was away, the house was sprayed with an inflammable chemical. When a match was lighted upon the family's return, there was an explosion and all four were fatally burned.

Three Negro children, RUBY NELL HARRIS, 4, MARY BURNSIDE, 8, and FRANKIE TURNMAN, 12, of Kosciusko, Mississippi were slain on January 8, 1950 by three white men, Leon Turner, Malcom White and Windel Whitte, who also raped PATIENCE TURNMAN, 17, and shot THOMAS HARRIS, father and stepfather of the children. Harris died of his wounds. Turner and Windel Whitte received life sentences. Malcolm White was sentenced to ten years imprisonment.

MATTHEW AVERY, 24, student at North Carolina A & T College died after an auto accident on December 8, 1950 when he was refused admittance to Duke Hospital at Durham. He died on hour later.

LEROY FOLEY died in Breckinridge County Hospital, Hardinsburg, Kentucky in August, 1950, after he and two other Negroes lay on the floor three hours, refused medical attention for injuries in an automobile accident. Betty Graves, a nurse in the hospital, said they were refused treatment "because we don't have facilities for colored people." A Negro ambulance service was called to transport the men out of the hospital. It was seventy miles away and did not arrive for three hours. Jesse Lawrence, its driver, said, "the blood had not even been wiped from their faces."

JESSE JEFFERSON, of Jackson, Georgia, was slain on his farm on June 12, 1948 by two men who accused him of not moving his wagon over to the right quickly enough when they wanted to pass him.

ELIAS HUNSON, 50, of Nacogdoches, Texas, was shot and killed by a Texas constable, one Heppenstead, who had beaten and imprisoned Hudson's son during the week of March 21, 1948 because the boy did not address him as "sir." The elder Hudson was killed when he came to court to arrange bail for his son.

HOSHA W. ALLEN, of Tampa, Florida was shot and killed on September 26, 1948 when he asked to be served a bottle of beer. Victor Pinella, the proprietor of the tavern, explained that he killed Allen because he did not permit Negro customers. He was freed.

ISAIAH NIXON, 28-year-old war veteran, was shot and killed in the presence of his wife and children on September 6, 1948 after he had voted in that day's primary election in Montgomery County, Georgia. A jury freed M. L. Johnson, the killer.

WILLIE PALMER, was shot five times and critically wounded by J. C. Bradford on June 24, 1950, because he sat in the white section of a restaurant operated at the Knox Glass Company in Jackson, Mississippi. Sheriff Troy Mashburn said the shooting was in "self defense."

ROBERT MARLAND, 37-year-old Negro salesman, was shot and killed in Lyons, Georgia, on the night of November 20, 1948, after he had led a campaign defending the right of Negroes to vote. His car was stopped and ambushed by three cars set up as a road block. He was killed in the presence of his wife, Mrs. Amy Mallard, his child, and two cousins. Mallard had been warned not to vote in the Democratic primary election.

ORIS NEWSOM, of Wilson, North Carolina, 25-year-old war veteran and the father of three children, was shot and killed during the week of April 4, 1948 by N. C. Strickland, gas station operator. Strickland killed Newsom after the Negro asked that he service his car with brake fluid he had just purchased.

ROE NATHAN ROBERTS, 23-year-old war veteran, was shot and killed in Sardis, Georgia, when he failed to say "yes sir," to a white man in May of 1947. A student at Temple University, Philadelphia, on the GI Bill of

Rights, Roberts was visiting relatives when he was killed. No one was tried for the murder.

WILLIE PRITTMAN, a taxi driver, was found slain and mutilated on May 28, 1947 on a country road near Rocky Mount, North Carolina. His legs and arms had been cut off, his body split open, and his head smashed.

HOSEA CARTER, of Sandy Hook, Mississippi, was found dead on May 2, 1948 of a shotgun blast in the chest. Deputy Sheriff T. W. White said Carter had been killed by a white man "whose name I don't remember." He added, however, that the murderer had done "what any decent white man would have done," because the white man had found Carter trying to enter a home.

Mrs. MAY NOYES, 22-year-old pregnant mother of three children was shot and killed on May 4, 1947 by a white man, Albert Huey, at Camp Hill, Alabama. Huey was running amuck shooting up the Negro community after an argument with a Negro war veteran, when he accosted Mrs. Noyes and shot her in the hip. She slumped to the street. Huey kicked her, shouting "Get up!" She staggered to her feet and started to run but Huey shot her in the back. She crawled on to the porch of a white woman, Mrs. Enory Reeves, where she died. Huey was released on \$1000 bail and no charges were ever placed against him.

CHARLES SMITH was slain by Marvin Matthews and Wyatt Adams on November 23, 1947 while they were terrorizing the Negro community at Lillington, North Carolina. At the same time they shot and wounded Daniel Lee Brasford and attacked four other Negroes. A Harnett County jury freed the men after deliberating twenty-seven minutes.

WESLEY THOMAS, 51, a Negro woodchopper, was shot in the back and killed by W. D. Thompson, 21-year-old white, on June 30, in Louisiana. Thomas had engaged in an argument that morning with a white farmer from whom he was asking back pay for work performed. A posse was looking for him when Thompson found him and shot him as he was running towards his house. "He tried to run into the house and I let him have it," Thompson said—and was exonerated on the grounds that there were weapons in the house towards which Thomas was running.

EMORE BOLING, 30, was shot and killed in December, 1947, in Lowndesboro, Alabama. Clark Luckie, a white man who claimed that the Negro had insulted his wife over the telephone, was arrested for the murder but was later released.

CARL HIRT, prisoner in the Irwinton, Georgia jail, was taken from his cell on May 30, 1949 by two white men, according to Sheriff George Hatcher, who said they picked up the jail door keys from his desk. Hill was beaten, then shot to death. His body was found three miles from town.

Dr. M. A. SANTA CRUZ, prominent Negro dentist of Pulaski, Virginia, was beaten to death on February 6, 1951 by two white hoodlums who

were molesting two Negro girls. He was killed when he attempted to protect them.

MORRIS SCOTT was slain during the week of October 7, 1950 in Linden, Alabama, by William R. Welch and George Baker. Welch admitted firing the shotgun blast that killed Scott. County Sheriff T. Wilmer Shields declined to disclose a motive for the killing.

Perhaps this fragmentary list may serve to indicate the extent of mass murder on the basis of "race." Each slaying to no small degree terrifies entire Negro communities. For that is its purpose. It is not uncommon for the inhabitants of such communities to spend days and nights hiding in the woods and swamps after a slaying. These crimes are not uncommon with the Negro's fight for the right to vote, as guaranteed him by the Fourteenth and Fifteenth Amendments to the Constitution of the United States. If a Negro has no right to life, he clearly has no right to vote. If a Negro may die for asking for a bottle of beer, something similar may happen if he asks for a raise or back pay or tries to organize into trade unions or go on strike. In the South the Negro's fight for the ballot is the central issue. Around it revolve most of the incitements to genocide and virtually all of the widespread terrorist activity of the Ku Klux Klan.

Incitement to Genocide

Incitement takes many forms but the common denominator of every form is the openly avowed determination that the Negro shall not have the rights guaranteed him under the Constitution of the United States, the United Nations Charter and the Genocide Convention. Thus, James E. Byrnes, Governor of South Carolina, former justice of the Supreme Court of the United States, former Secretary of State, former Senator, recently declared that South Carolina would abolish the state's school system rather than abolish segregation in the schools. Openly flouting the basic law of the United States and the United Nations, he not only incited to genocide but reinforced a system which trains thousands of children in white supremacy, guaranteeing genocide and its protagonists in the future. When in another recent statement, the former Secretary of State—so solicitous while in that office for free elections everywhere save in his home—declared that South Carolina would "find a way" to retain its white primary elections, he incited genocide against any American Negro who tried to avail himself of his legal right to vote in South Carolina. That this is not rhetoric will be proven by numerous instances of Negroes killed or assaulted when they attempted to vote after white citizens had been incited to murder and other violence against the Negro people by such statements as those of Byrnes.

We shall prove, moreover, that such incitements by high government officials are the rule rather than the exception in many parts of the South. We shall show Governor Herman Talmadge of the State of Georgia inciting genocide over the radio on October 22, 1949 when he said, speaking of Negro efforts to enforce the Constitution, "We will fight them in the counties and the cities. . . . We intend to fight hand to hand with all our weapons, and we will never submit to one inch of encroachment on our traditional pattern of segregation." We shall show numerous other such instances on the part of Governor Talmadge and other officials of the State of Georgia, submitting in the Appendix a detailed case history revealing how genocide is used in Georgia to deprive American Negroes of their right to vote. The Georgia case history is typical of the record of such violence throughout the South.

We shall submit for your attention incitements to genocide, sometimes delicately phrased but always unmistakable in their meaning and tragic in their result, by former Governor J. Strom Thurmond of South Carolina, Governor Fielding M. Wright of Mississippi, and former Governor Dixon of Alabama. We shall show how these officials and others formed a conspiracy in 1948 to deprive the Negro people of their vote through violence. Its guise was a political party, the so-called States Rights or Dixiecrat movement. Its successful purpose was the liquidation of President Truman's demagogic appeal for civil rights. We shall submit excerpts from the official speakers' handbook of the States Rights movement, approved by Governors Thurmond, Wright and Dixon and punctuated throughout with incitements to violence. Typical of the incitements is that on page 52 which reads:

"In many countries throughout the South a few thousand whites operate farms, business and industry and furnish employment to hundreds of thousands of negroes. If these negroes voted and elected their kind of officials, which would happen if they voted, there would not be a business or industry operating in the county 12 months after they took over—unless violence was resorted to for the protection of business and industry and farming against the improvident acts of incompetent and corrupt administration. Certainly no right thinking American wants to wreck any section of our country." (Italics ours.)

Not even the highest tribunals of the American state, the Senate and the House of Representatives, are exempt, as we shall show, from these incitements to genocide. For example, in June of 1948 Senator Allen J. Ellender of Louisiana, told the Senate of the United States: "The more freedom and the more privilege a Negro is given, the more he will abuse that privilege. He will run wild and do violence to the society in which he moves." It is manifest, we submit, that after hearing Senator Ellender some white Americans might think it their duty to prevent Negroes from

doing "violence to the society" in which they move by seeing to it that they do not get "more freedom" and "more privilege."

By means of this spurious rationale, genocide is made into civic virtue. To view such expressions as philosophic abstractions or political huckstering is to ignore the violence and death that are the daily fare of the Negro people as a direct result. Senator Walter F. George of Georgia, wrote in a moment of candor in 1936: "Why apologize or evade? We have been very careful to obey the letter of the Federal Constitution—but we have been very diligent and astute in violating the spirit of such amendments and statutes as would lead the Negro to believe himself the equal of the white man. And we shall continue to conduct ourselves in that way."

Klan Terror

With statesmen justifying genocide, it remains for others in the scores of vigilante organizations that dot the South, chartered and encouraged, as we shall show, by the various states, to carry out the crime more specifically. Great inflammatory anti-Negro meetings in which thousands of robed members participate are common throughout the South particularly during election years. A Reverend Harrison, known as the "Railroad Evangelist," told a meeting of the Atlanta Ku Klux Klan, for example, on November 1, 1948, "In God's sight it is no sin to kill a n—r, for a n—r is no more than a dog." At the same meeting, according to witnesses, one "Ithy-Trigger-Finger" Nash, an Atlanta patrolman to whom the Klan had given an award for killing more Negroes than any of his colleagues, expressed the hope that he would "not have to kill all the Negroes in the South by myself. I want some help from my brother Klansmen."

Typical of the membership oaths of these vigilante organizations is that of the United Sons of Dixie, which was incorporated in Tennessee, on December 28, 1943 and operated as a wartime front organization for the Ku Klux Klan. The oath included: "Will you fight to make the U.S.A. a white man's country? These United States of America must, and shall be, a white man's country for white people, the master race. We must keep it that way. . . ." At one point in a ceremony for new members, according to a report filed with the Federal Bureau of Investigation, the president of the United Sons of Dixie said, "We want 15,000,000 members in the United States, and every one of them with a good gun and plenty of ammunition. Eventually we must eliminate the Negroes from this country."

Typical, too, of speeches heard on many street corners in Southern cities, was that of Homer Loomis, Jr., leader of the Columbians, a racist vigilante organization chartered by the state of Georgia, on the corner of Stovall Street and Flatshoals Avenue, Atlanta, Georgia, on October 1,

1946. "We don't want anybody to join," he said, "who's not ready to get out and kill n-----s and Jews." Two days later at a meeting of the Columbians at 198½ Whitehall Street, Atlanta, Loomis said, "There is no end to what we can do through the ballot. If we want to bury all n-----s in the sand, if we will organize white Gentiles politically to combat the Jew and n-----r blocs, we can pass laws enabling us to bury all n-----s in the sand." During the same year, Loomis told the Imperial Kloncilium of the Ku Klux Klan, East Point Klavern, Georgia, "We propose that all n-----s in America be shipped back to Africa with time-bombs on board the ship as an economy measure."

Other racist terrorist organizations include, as we shall show, the American Gentle Army, sometimes called the Commoner Party, and J. B. Stoner's Anti-Jewish Party. But by far the largest is the Ku Klux Klan, chartered in most of the Southern states as well as elsewhere. Its philosophy, so reminiscent of Hitler's, is exemplified by the statement of its Imperial Wizard, Hiram W. Evans, writing in "Negro Suffrage—Its False Theory":

"The first essential to the success of any nation, and particularly of any democracy, is a national unity of mind. Its citizens must be One People (Ein Volk). They must have common instincts and racial and national purpose. . . . We should see in the negro race a race even more diverse from ourselves than are the Chinese, with inferior intellect, inferior honesty, and greatly inferior industry. . . . His racial inferiority . . . applies equally to all alien races and justifies our attitude toward Chinese, Japanese, and Hindus. . . . No amount of education can ever make a white man out of a man of any other color. It is a law on this earth that races can never exist together in complete peace and friendship and certainly never in a state of equality."

Operating on this principle thousands of hooded, masked Klansmen, robed in white, ride through the countryside, killing, flogging, shootings, wrecking, pillaging. Their activities are winked at by what passes for democratically elected legal authority, when not initiated by it. Police officers themselves often participate in their activities. The target of their organized terror is almost always the Negro people — although with increasing frequency members of the Klan are hired to prevent the unionization of workers to keep wages down. The terror organized by the Klan, with the cooperation as we shall prove, of the various states, is a powerful mechanism in preventing almost two-thirds of those eligible to vote under the law and the Constitution in seven Southern states from actually voting. It is the major instrument of terror in preventing political democracy in Southern United States, thus perpetrating in power, as we shall show, a minority clique and the corporate interests they represent, not only locally but also nationally in the Federal Congress.

Mental Harm

Our evidence includes many instances of psychological terror and mass intimidation on the basis of "race" particularly as perpetrated by the Klan. These, we maintain, contravene that part of the Genocide Convention forbidding the causing of "serious mental harm to members of the group." Some indication of this terror is manifest in the following cases:

Cyclops Roper of the Georgia Ku Klux Klan reported on April 1, 1946 that he had conferred with gubernatorial candidate Eugene Talmadge on ways and means of keeping Georgia Negroes from voting and that Talmadge had replied by writing the word "Pistols" on a scrap of paper.

In a radio address from Jackson, Mississippi, on June 22, 1946, Senator Theodore Bilbo of that State announced that he was a Klansman. He called upon "every red-blooded American in Mississippi to resort to any means at their command" to prevent Negroes from voting. After a good deal of violence against those Negroes who tried to vote, Bilbo was re-elected.

On March 2, 1948, 300 robed Klansmen at Wrightsville, Georgia, paraded around the courthouse square and burned a cross there on election eve. Said Dragon Green: "Whenever the Negro takes his place at the side of the white man blood will flow in the streets of the South."

On March 20, 1948, at Jeffersonville, Georgia, crosses were burned on the courthouse lawn on Saturday and Sunday nights before the county primary day. Small coffins labeled "KKK" were placed on the doorsteps of those Negroes who it was thought might try to vote.

At Columbus, Georgia, KKK white supremacy leaflets were dropped from an airplane over Negro districts just before the primary election.

On June 30, 1948 at Macon, Georgia, a cross was burned before the home of Larkin Marshall, Negro Progressive Party candidate for the United States Senate. He also received notes threatening him if he did not withdraw his candidacy.

On July 23, 1948 at Stone Mountain, Georgia, three thousand robed Klansmen, conveying in cars from all parts of Georgia and fourteen other states, induced seven hundred new members under a 30-foot fiery cross. Herman Talmadge was extolled by Dragon Green as "the only man in the gubernatorial race who believes in white supremacy." Green again predicted that blood would flow in the streets if Negroes were given their Constitutional rights.

On August 9, 1948, on the eve of the Democratic primary at Columbia, South Carolina, the Klan burned fiery crosses in front of a Negro church where the mechanics of voting were being explained.

At Nashville, Tennessee, postal authorities on November 2, 1948 began

an investigation of hundreds of threatening notes received by Negroes and signed by the Klan warning them not to vote.

In Florida on November 3, 1948 a Klan motorcade burned fiery crosses in Negro residential districts from Mount Dora to Miami.

A Klan procession, including fifty motor cars, paraded through the streets of Brighton, Alabama, on December 22, 1948, to intimidate Negroes. A similar demonstration for the benefit of the Negro people took place on the same date in Bessemer, Alabama.

Forty automobiles filled with hooded Klansmen warned the student body of Talladega College in Alabama on January 17, 1949 not to participate in the Alabama Students Conference on Civil Rights.

Mrs. J. M. Sweat, a Negro school teacher, received a threatening note from the Ku Klux Klan on January 24, 1949 when she moved into a white neighborhood in Richmond, Virginia. The note contained a bullet and said, "You Are Not Smart."

Police provided an escort for a Klan demonstration bearing an electric cross and Klan flags in Tallahassee, Florida on January 27, 1949.

At Denmark, South Carolina on February 9, 1949, 269 hooded Klansmen held an anti-Negro demonstration, parading through the rain, carrying red flares.

Klan activities, and their mob counterparts, are not confined to the South. Organized anti-Negro violence, often under police protection, has spread its pattern in the north.

At Union, New Jersey, on February 19, 1949, a five-foot cross was burned before a Negro school after a meeting protesting the death sentence against the so-called Trenton Six Negroes.

At Peekskill, New York, on August 27, 1949 a cross was burned during the assault of veterans upon those attending a concert.

This psychological and physical terror carried out by the Ku Klux Klan and other organized groups against the Negro people deters millions of them, as it is intended to, from voting or otherwise exercising their rights under the Constitution of the United States and the Charter of the United Nations. Under the weight of these calculated demonstrations the Negro people, particularly in the South, live their lives in fear of violence for allegedly overstepping one of the many prohibitions in the extra-legal white supremacy code enforced by the Klan—which often operates as a "state within a state." If Negroes sometimes avoid physical violence, they never escape from "serious mental harm directed against the group," in violation of Article II of the Genocide Convention.

Denial of Right to Vote

If millions of Negroes are prevented from voting through fear, thousands are brave enough to attempt it and risk the fate of Robert Mallard, Isaiah Nixon, and Macio Snipes, tragic instances of Negroes killed in Georgia for voting in accordance with their legal right under the Constitution. Typical of the experiences suffered by Negro citizens in attempting to vote were those testified to before a Senate Investigating Committee inquiring into the election of Senator Theodore Bilbo of Mississippi in 1946. Despite such testimony as the following, the Senate Committee ruled that no terror had occurred during the election.

EROY FLETCHER, a veteran of the armed forces of the United Nations, testified that on June 12, 1946 when he attempted to register for voting at Brandon, Mississippi, he was beaten and flogged with a heavy wire cable. He was threatened with death, he said, if he made another attempt to vote.

RICHARD DANIEL, a veteran of the armed forces of the United States, testified that on July 2, 1946 at Gulfport, Mississippi, he was struck on the head by two election officials when he attempted to register for voting and then was arrested and beaten unconscious in his cell.

DR. WILLIAM BENDER, a minister from Touhaloo College, Touhaloo, Mississippi, testified he had been kept from the polls on Election Day by two white men who insulted him and another white man who met him at the polls with a pistol.

JOSEPH PARNAM testified that the sheriff had told him on election day, "You're too old to get in trouble" and that white men asked him, "What kind of flowers do you want?"

THE REVEREND C. M. ERLAND, minister of Louisville, Mississippi, testified that two white men stopped him at the polls and told him they didn't want Negro soldiers (veterans) to vote and if they allowed him to vote, the soldiers might vote, too.

J. D. COLLINS, of Greenwood, Mississippi, testified that the Mayor of Greenwood and two other leading citizens had called on him and A. C. Montgomery, giving them a list of Negro veterans and urging them to visit them and tell them not to vote.

Witnesses testified before the Senate Committee that terror had kept all but 2500 of the state's potential 500,000 Negro voters away from the polls on Election Day. Mississippi's tactics are common to other Southern states where the Fourteenth and Fifteenth Amendment to the Constitution of the United States are honored in the breach but not in the observance. Your petitioners venture the hope that this will not be the case

with the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the General Assembly.

The "Black Belt"

The primary locale of the genocide being practiced against the American Negro people, both historically and geographically, is the so-called Black Belt of the southern United States, where some five million Negroes live, a third of the Negro population of the United States. The Black Belt forms a crescent through twelve southern states, from Virginia's tidewater into North Carolina, South Carolina, lower and central Georgia and Alabama, into Florida, engulfing Mississippi and the Louisiana delta and wedging into eastern Texas and southeast Tennessee, with its western anchor in southern Arkansas. Here the Negro population, historically a majority, is larger than the total population of such countries as Switzerland or Norway.

Because this area was the core of chattel slavery, at least legally abolished some eighty-six years past, and because it has the greatest concentration of the plantation system of sharecropping and peonage, those remnants of slavery, the Black Belt is the chief source of the racist contamination that has spread throughout the United States. Here the American citizen who is a Negro is virtually without political or economic rights of any kind. He is bound to the soil by a system of virtual peonage and unending debt. He is paid for the most part, not in wages but by a portion of the crop he raises. The constant threat of violence prevents him from asking an accounting from the landlord when, as is often the case, at the end of the season he is told no money is due him. Many black men have been killed for demanding such an accounting.

Most sharecroppers work from dawn to dark for a living which verges on starvation. Often these black Americans are not even able to quit or move not only because of lack of money but because of ancient debtors' laws which make it a crime to move while owing money, a condition that is constant for sharecroppers forced to buy at extortionate prices on credit in plantation stores. Much of the law of those states in the Black Belt, moreover, is directed towards guaranteeing an American peasantry without political or human rights available to work the land without pay sufficient for proper livelihood.

The Problem Agrarian in Origin

"The Negro question in the United States is agrarian in origin," writes Harry Haywood in his authoritative *Negro Liberation*.

"It involves the problem of a depressed peasantry living under a system of sharecropping, riding boss supervision, debt slavery, chronic land hunger and dependency—in short the plantation system, a relic of chattel slavery."

"It presents the curious anomaly of a virtual serfdom in the very heart of the most highly industrialized country in the world. Slave-whipping barbarism at the center of 'enlightened' twentieth century capitalist culture—that is the core of America's race problem."

The South's plantation system, concealed by the United States census through listing as "farms" those tracts operated by sharecroppers, is based on cotton as the chief money crop. In 1944 the crop, produced for the world market in successful competition with the "coolie" labor of Egypt and India, brought one and a half billion dollars. The growing and marketing of this crop by the comparatively few large land-owners who dominate this phase of American agriculture rests on large scale credits advanced, in the last analysis, by the country's largest banks. These banks in turn are dominated by the Morgans, Rockefeller, du Ponts, Mellons and associated financial oligarchies who dominate the South not only through command of credit for its chief money crop but through even more intimate control of the chief industries of the South. Thus, they profit not only from the exploitation of the sharecropper but from the depressed industrial wages that result from this exploitation.

Arthur F. Raper, well known authority on the American South, declares that the Black Belt plantation system is an incubus weighing on white workers as well as Negro and guaranteeing that industrial wages remain low. He writes:

"The Black Belt sketches the section of the nation where the smallest portion of adults exercise the franchise and it defines the most solid part of the Solid South. . . . Human relations in Atlanta, Birmingham, Montgomery, Memphis, New Orleans and Dallas are determined largely by the attitudes of the people of the Black Belt plantations from which many of their inhabitants, white and Negro, came. The standard of living in these cities does not escape the influence of this area of deterioration. No real relief can come to the region so long as the planter, who wants dependent workers, can confound the situation by setting the white worker over against the black worker, and so long as the industrialist, who wants cheap labor, can achieve his end by pitting urban labor against rural labor. There are literally millions of farm laborers in the Black Belt who are eagerly waiting an opportunity to work for wages even smaller than are now being paid textile and steel workers in southern cities."

Genocide for Profit

Thus the foundation of this genocide of which we complain is economic. It is genocide for profit. The intricate superstructure of "law and order" and extra-legal terror enforces an oppression that guarantees profit. This was true of that genocide, perhaps the most bloody ever perpetrated, which for two hundred and fifty years enforced chattel slavery upon the American Negro. Then as now it increased in bloodiness with the mili-

rancy of the Negro people as they struggled to achieve democracy for themselves. It was particularly bloody under slavery because the Negro people never ceased fighting for their freedom. There were some two hundred and fifty years of chattel slavery in the United States.

The genocide that was American slavery, the killing of part of the group so that the remainder could more readily be exploited for profit, resulted in two wars. The first was the aggression against Mexico in 1846 seeking more territory for the expansion of slavery. The second was the Nineteenth Century's deadliest war—the Civil War of the states. The American Civil War (1861-1865) was a revolutionary war in which the American people destroyed the slavocracy, that minority of slaveholders who had controlled the country and its government for generations. In the wake of this conflict, a rising industrialism, then the dominant and most revolutionary current in American life, joined with four million liberated slaves and the poor whites of the South to impose its democracy on the former slavocracy, giving the Negro the right to vote and to participate in the South's political life.

The War Amendments—The Historical Background

It was during this progressive period, before industry had pyramided into monopoly, and in an effort to complete the revolutionary struggle, that the Fourteenth and Fifteenth Amendments to the Constitution were passed, to assure full and unimpeded rights of citizenship to the Negroes. The Fourteenth Amendment was ratified on July 28, 1868, the Fifteenth on March 30, 1870. If these constitutional safeguards were enforced, instead of being effectively abrogated by administrative and legislative action and inaction—backed by perverse judicial decisions of the United States Supreme Court—it is unlikely that this petition would be necessary.

The Fourteenth Amendment provides . . . "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. . . ."

The Fifteenth Amendment asserts, "The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude." It adds that "The Congress shall have power to enforce this article by appropriate legislation." The Federal Government's chief legal arm, the Department of Justice, holds that Congress has passed no enabling legislation permitting it to move for the enforcement of these laws, Theron Lammarr Caudle, Assistant Attorney General and head of its

Criminal Division of the Department of Justice, explicitly declaring in 1946 that "the federal government is powerless."¹

Reconstruction

For a short time the Federal Government under the Republican Party gave force to these Amendments. Democracy flourished. A free public school system was established for the first time in the South. Thousands of Negroes joined with democratic white officials to govern and administer states, cities, and counties, serving as legislators, mayors, tax assessors, members of school boards, and peace officers. Twenty-three Negroes were elected by the Southern people to the United States Senate and the House of Representatives, thirteen of them being former slaves. All remnants of slavery, all forms of segregation and discrimination were abolished by laws which for a short time were enforced.

The Republican Party, however, then the nation's dominant party and the instrument of a Northern industry fast becoming trustified, deserted the Negro people in 1876. They made a political "deal" with Southern Democrats which made the Republican, Hayes, President in return for giving a free hand in the South to the former slaveholders. This political deal merely formalized the alliance of northern industry and Southern bourbons to put down the growing resistance of labor and the farmer to the grasping power and wealth of monopoly. Southern Bourbons were obviously safer allies for defending the *status-quo* than the progressive Negro-white alliance in the South.

The Negro people fought back chiefly through the Populist parties that opposed the Wall Street trusts through the eighties and nineties of the last century. But their fight became more hopeless against the increased power of American monopoly. Terror was unleashed against them at home—there were 1,955 recorded lynchings from 1889 through 1901, according to the minimal count of Tuskegee Institute. Side by side went terror unleashed abroad, as American imperialism entered the international arena by subjugating the Filipino, Puerto Rican and Cuban peoples and reduced many Latin-American countries to economic and political vassalage.

The Growth of Terror

It was during this period of American imperialist adventure abroad that most of the state laws segregating Negroes and illegally denying them the vote were enacted in the Southern states. Disfranchisement laws were passed in Louisiana in 1898, in North Carolina and Alabama in 1901, Virginia, 1902, Georgia, 1908, Oklahoma, 1909. They but codified

¹) *An Appeal to the World*, National Association for the Advancement of Colored People, New York, 1947, p. 40.

what was taking place in life. They disfranchised poor whites as well as Negroes, thus breaking the Populist movement. It was during this period, too, in which Negroes still had a remnant of political power, that the spurious charge of rape was elevated into an institution, an extra-legal political instrument for terrorizing all Negroes, particularly those demanding their rights under the Constitution. With the charge of rape, reaction sought to justify its bestiality and to divorce from the Negroes those white allies who had helped to carry out the democratic practices of Reconstruction.

In November, 1898, during the Spanish-American War, Colonel A.M. Wadell said in North Carolina, according to the *Raleigh News & Observer*² that "we are resolved" to win the elections in Wilmington, North Carolina, "if we have to choke the current of Cape Fear with carcasses. The time for smooth words has gone by, the extreme limit of forbearance has been reached." Five days later the Colonel led an armed force against the Negro-white administration of Wilmington, slaughtered scores, and announced himself the new mayor. The Government gave silent assent.

In 1900, when both men and newspapers spoke less circuitously than they do today, the San Francisco *Argonaut* said: "We do not want the Filipinos. We want the Philippines. The islands are enormously rich, but, unfortunately they are infested by Filipinos. There are many millions there and it is to be feared their extinction will be slow."³ In the same vein and in the same year Senator Tillman of South Carolina took the floor of the United States Senate and announced: "We took the government away. We stuffed ballot boxes. We shot Negroes! We are not ashamed of it!"⁴

Genocide and War

Thus there is ample historical precedent for genocidal crime increasing against the Negro people in time of war or threat of war as it is now increasing and has been since 1945. As Senator Edwin C. Johnson, remarked on May 17, 1951 in the United States Senate, calling for an end of the Korean war, that conflict is "a breeder of bitter racial hatred." Murder on the basis of race by police and courts, as in the typical cases of the innocent Willie McGee in Mississippi and the Martinsville Seven in Virginia, has long since become so frequent and widespread as to constitute an American phenomenon. Now it is increasing.

2) American Imperialism and White Chauvinism, Herbert Aptheker, *Jewish Life*, New York, July 1950, p. 24.

3) *Ibid.*, p. 24.

4) *Ibid.*, p. 24.

It is increasing partly because unpopular war requires a silencing of the people, a breaking of their will for resistance. Increasing violence against the Negro people goes hand in hand with increased repression throughout American life. The passive conformity found in American universities, where any new or democratic idea is suspect, according to the *New York Times*,⁵ is but a part of this larger pattern. Reaction knows that liberty is indivisible; that a victory for the Negro people in their fight for freedom may well prestage a victory for labor and the forces of peace. Moreover, it feels that clamor against this baleful American crime, against genocide by the Government of the United States, is unendurable when all iniquity is supposed to rest with the enemy. The very presence of the Negro people in the United States under the existing circumstances is an indictment and an exposure that evokes hatred against them.

In addition, the great majority of Negroes are for peace, and peace endangers profits. George Bott, general counsel for the National Labor Relations Board, has formally ruled that advocacy of peace by a worker is cause for discharge. The venerable Dr. W. E. B. Du Bois, elder statesman of the Negro people, man of letters and scholar of international renown, has been indicted by the Government of the United States for his advocacy of peace. Such advocacy, it is charged, makes him a "foreign agent." Paul Robeson, a spokesman for the American Negro people who is known and honored the world around, has been denied a passport for travel abroad because he speaks uncompromisingly for peace. His voice, too, endangers the profits from war. All these factors combine to make the Negro people in the United States the increasing target of reaction's genocidal fury.

The End of Genocide Means Peace

This genocide of which your petitioners complain serves now, as it has in previous forms in the past, specific political and economic aims. Once its goal was the subjugation of American Negroes for the profits of chattel slavery. Now its aim is the splitting and emasculation of mass movements for peace and democracy, so that reaction may perpetuate its control and continue receiving the highest profits in the entire history of man. That purpose menaces the peace of the world as well as the life and welfare of the Negro people whose condition violates every aspect of the United Nation's stated goal—the preservation "of peaceful and friendly relations among nations" by the promotion of "respect for human rights and fundamental freedoms for all without distinction as to race. . . ."

Our case is strong because it is true. As it cannot be effectively denied that mortal dies, so it cannot be convincingly said that Negroes in the United States are not persecuted, segregated, assaulted and killed, day

in and day out, on the basis of race and in such numbers as to make this oppression an American institution. Therefore, we solemnly ask the General Assembly to condemn this genocide on the score that it is not only an international crime in violation of the United Nations Charter and the Genocide Convention but that it is a threat to the peace of the world.

The end of genocide against the Negro people of the United States will mean returning this country to its people. It will mean a new growth of popular democracy and the forces of peace. It will mean an end to the threat of atomic war. It will mean peace for the world and all mankind.

PART II

The Law and the Indictment

Why the Genocide Convention was passed, its provisions as an extension of the Charter of the United Nations, its relation to American law, our right of petition, the duty of the General Assembly to hear our complaint, precedents for hearing it, and the indictment of the Government of the United States of America for the crime of genocide against the Negro people of the United States.