An Appeal To The World

A Statement on the Denial of Human Rights to Minorities in the Case of Citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress

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Prepared For
THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

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Chapter I

INTRODUCTION

by

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There were in the United States of America, 1940, 12,865,518 citizens and residents, something less than a tenth of the nation, who form largely a segregated caste, with restricted legal rights, and many illegal disabilities. They are descendants of the Africans brought to America during the sixteenth, seventeenth, eighteenth and nineteenth centuries and reduced to slave labor. This group has no complete biological unity, but varies in color from white to black, and comprises a great variety of physical characteristics, since many are the offspring of white European-Americans as well as of Africans and American Indians.

There are a large number of white Americans who also descend from Negroes but who are not counted in the colored group nor subjected to caste restrictions because the preponderance of white blood conceals their descent.

The so-called American Negro group, therefore, while it is in no sense absolutely set off physically from its fellow American, has nevertheless a strong hereditary cultural unity, born of slavery, of common suffering, prolonged proscription and curtailment of political and civil rights; and especially because of economic and social disabilities. Largely from this fact, have arisen their cultural gifts to America—their rhythm, music and folk-song; their religious faith and customs; their contribution to American art and literature; their defense of their country in every war, on land, sea and in the air; and especially the hard, continuous toil upon which the prosperity and wealth of this continent has largely been built.

The group has long been internally divided by dilemma as to whether its striving upward, should be aimed at strengthening its inner cultural and group bonds, both for intrinsic progress and for offensive power against caste; or whether it should seek escape wherever and however possible into the surrounding American culture. Decision in this matter has been largely determined by outer compulsion rather than inner plan; for prolonged policies of segregation and discrimination have involuntarily welded the mass almost into a nation within a nation with its own schools, churches, hospitals, newspapers and many business enterprises.
The result has been to make American Negroes to a wide extent provincial, introverted, self-conscious and narrowly race-loyal; but it has also inspired them to frantic and often successful effort to achieve, to deserve, to show the world their capacity to share modern civilization. As a result there is almost no area of American civilization in which the Negro has not made creditable showing in the face of all his handicaps.

If, however, the effect of the color caste system on the North American Negro has been both good and bad, its effect on white America has been disastrous. It has repeatedly led the greatest modern attempt at democratic government to deny its political ideals, to falsify its philanthropic assertions and to make its religion to a great extent hypocritical. A nation which boldly declared "That all men are created equal," proceeded to build its economy on chattel slavery; masters who declared race-mixture impossible, sold their own children into slavery and left a mulatto progeny which neither law nor science can today disentangle; churches which excused slavery as calling the heathen to God, refused to recognize the freedom of converts or admit them to equal communion. Sectional strife over the profits of slave labor and conscientious revolt against making human beings real estate led to bloody civil war, and to a partial emancipation of slaves which nevertheless even to this day is not complete. Poverty, ignorance, disease and crime have been forced on these unfortunate victims of greed to an extent far beyond any social necessity; and a great nation, which today ought to be in the forefront of the march toward peace and democracy, finds itself continuously making common cause with race-hate, prejudiced exploitation and oppression of the common man. Its high and noble words are turned against it, because they are contradicted in every syllable by the treatment of the American Negro for three hundred and twenty-eight years.

Slavery in America is a strange and contradictory story. It cannot be regarded as mainly either a theoretical problem of morals or a scientific problem of race. From either of these points of view, the rise of slavery in America is simply inexplicable. Looking at the facts frankly, slavery evidently was a matter of economics, a question of income and labor, rather than a problem of right and wrong, or of the physical differences in men. Once slavery began to be the source of vast income for men and nations, there followed frantic search for moral and racial justifications. Such excuses were found and men did not inquire too carefully into either their logic or truth.

The twenty Negroes brought to Virginia in 1619, were not the first who had landed on this continent. For a century small numbers of Negroes had been arriving as servants, as laborers, as free adventurers. The southwestern part of the present United States was first traversed by four explorers of whom one was an African Negro. Negroes accompanied early explorers like D'Ayllon and Menendez in the southeastern United States. But just as the earlier black visitors to the West Indies were servants and adventurers and then later began to appear as laborers on the sugar plantations, so in Virginia, these imported black laborers in 1619 and after, came to be wanted for the raising of tobacco which was the money crop.

In the minds of the early planters, there was no distinction as to labor whether it was white or black; in law there was at first no discrimination. But as imported white labor became scarcer and more protected by law, it became less profitable than Negro labor which flooded the markets because of European slave traders, internal strife in Africa; and because in America the Negroes were increasingly stripped of legal defense. For these reasons America became a land of black slavery, and there arose first, the fabulously rich sugar empire; then the cotton kingdom, and finally colonial imperialism.

Then came the inevitable fight between free labor and democracy on the one hand, and slave labor with its huge profits on the other. Black slaves were the spear-head of this fight. They were the first in America to stage the "sit-down" strike, to slow up and sabotage the work of the plantation. They revolted time after time and no matter what recorded history may say, the enacted laws against slave revolt are unanswerable testimony as to what these revolts meant all over America.

The slaves themselves especially imperiled the whole slave system by escape from slavery. It was the fugitive slave more than the slave revolt, which finally threatened investment and income; and the organization for helping fugitive slaves through Free Northern Negroes and their white friends, in the guise of an underground movement, was of tremendous influence.

Finally it was the Negro soldier as a co-fighter with the whites for independence from the British economic empire which began emancipation. The British bid for his help and the colonials against their first impulse had to bid in return and virtually to promise the Negro soldier freedom after the Revolutionary War. It was for the protection of American Negro sailors as well as white that the war of 1812 was precipitated and, after independence from England was accomplished, freedom for the black laboring class, and enfranchisement for whites and blacks was in sight.

In the meantime, however, white labor had continued to regard the United States as a place of refuge; as a place for free land; for continuous employment and high wage; for freedom of thought and faith. It was here, however, that employers intervened; not because of any moral obliquity but because the Industrial Revolution, based upon the crops raised by slave labor in the Caribbean and in the southern United
States, was made possible by world trade and a new and astonishing technique; and finally was made triumphant by a vast transportation of slave labor through the British slave-trade in the eighteenth and early nineteenth centuries.

This new mass of slaves became competitors of white labor and drove white labor for refuge into the arms of employers, whose interests were founded on slave labor. The doctrine of race inferiority was used to convince white labor that they had the right to be free and to vote, while the Negroes must be slaves or depress the wage of whites; western free soil became additional lure and compensation, if it could be restricted to free labor.

On the other hand, the fight of the slave-holders against democracy increased with the spread of the wealth and power of the Cotton Kingdom. Through political power based on slaves they became the dominant political force in the United States; they were successful in expanding into Mexico and tried to penetrate the Caribbean. Finally they demanded for slavery a part of the free soil of the West, and because of this last excessive, and in fact impossible effort, a Civil War to preserve and extend slavery ensued.

This fight for slave labor was echoed in the law. The free Negro was systematically discouraged, disfranchised and reduced to servitude. He became by law the easy victim of the kidnapper and liable to treatment as a fugitive slave. The Church, influenced by wealth and respectability, was predominately on the side of the slave owner and effort was made to make the degradation of the Negro, as a race, final by Supreme Court decision.

But from the beginning, the outcome of the Civil War was inevitable and this not mainly on account of the predominant wealth and power of the North; it was because of the clear fact that the Southern slave economy was built on black labor. If at any time the slaves or any large part of them, as workers, ceased to support the South; and if even more decisively, as fighters, they joined the North, there was no way in the world for the South to win. Just as soon then as slaves became spies for the invading Northern armies; laborers for their camps and fortifications, and finally produced 200,000 trained and efficient soldiers with arms in their hands, and with the possibility of a million more, the fate of the slave South was sealed.

Victory, however, brought dilemma; if victory meant full economic freedom for labor in the South, white and black; if it meant land and education, and eventually votes, then the slave empire was doomed, and the profits of Northern industry built on the Southern slave foundation would also be seriously curtailed. Northern industry had a stake in the Cotton Kingdom and in the cheap slave labor that supported it. It had expanded for war industries during the fighting, encouraged by government subsidy and eventually protected by a huge tariff rampart. When war profits declined there was still prospect of tremendous postwar profits on cotton and other products of Southern agriculture. Therefore, what the North wanted was not freedom and higher wage for black labor, but its control under such forms of law as would keep it cheap; and also stop its open competition with Northern labor. The moral protest of abolitionists must be appeased but profitable industry was determined to control wages and government.

The result was an attempt at Reconstruction in which black labor established schools; tried to divide up the land and put a new social legislation in force. On the other hand, the power of Southern land owners soon joined with Northern industry to disfranchise the Negro; keep him from access to free land or to capital, and to build up the present caste system for blacks founded on color discrimination,peonage, intimidation and mob-violence.

It is this fact that underlies many of the contradictions in the social and political development of the United States since the Civil War. Despite our resources and our miraculous technique; despite a comparatively high wage paid many of our workers and their consequent high standard of living, we are nevertheless ruled by wealth, monopoly and big business organization to an astounding degree. Our railway transportation is built upon monumental economic injustice both to passengers, shippers and to different sections of the land. The monopoly of land and natural resources throughout the United States, both in cities and in farming districts, is a disgraceful aftermath to the vast land heritage with which this nation started.

In 1876 the democratic process of government was crippled throughout the whole nation. This came about not simply through the disfranchisement of Negroes but through the fact that the political power of the disfranchised Negroes and of a large number of equally disfranchised whites was preserved as the basis of political power, but the wielding of that power was left in the hands and under the control of the successors to the planter dynasty in the South.

Let us examine these facts more carefully. The United States has always professed to be a Democracy. She has never wholly attained her ideal, but slowly she has approached it. The privilege of voting has in time been widened by abolishing limitations of birth, religion and lack of property. After the Civil War, which abolished slavery, the nation in gratitude to the black soldiers and laborers who helped win that war, sought to admit to the suffrage all persons without distinction of "race, color or previous condition of servitude." They were warned by the great leaders of abolition, like Sumner, Stevens and Douglass, that this could only be effective, if the Freedmen were given schools, land and some minimum of capital. A Freedmen's Bureau to furnish these prere-
quisites to effective citizenship was planned and put into partial opera-
tion. But Congress and the nation, weary of the costs of war and eager
to get back to profitable industry, refused the necessary funds. The effort
died, but in order to restore friendly civil government in the South the
enfranchised Freedmen, seventy-five per cent illiterate, without land or
tools, were thrown into competitive industry with a ballot in their hands.
By herculean effort, helped by philanthropy and their own hard work,
Negroes built a school system, bought land and cooperated in starting a
new economic order in the South. In a generation they had reduced their
illiteracy by half and had become wage-earning laborers and share-
croppers. They still were handicapped by poverty, disease and crime, but
nevertheless the rise of American Negroes from slavery in 1860 to
freedom in 1880, has few parallels in modern history.

However, opposition to any democracy which included the Negro
race on any terms was so strong in the former slave-holding South,
and found so much sympathy in large parts of the rest of the nation,
that despite notable improvement in the condition of the Negro by every
standard of social measurement, the effort to deprive him of the
right to vote succeeded. At first he was driven from the polls in the South
by mobs and violence; and then he was openly cheated; finally by a
“Gentlemen’s agreement” with the North, the Negro was disfranchised
in the South by a series of laws, methods of administration, court
decisions and general public policy, so that today three-fourths of the Negro
population of the nation is deprived of the right to vote by open and
declared policy.

Most persons seem to regard this as simply unfortunate for Negroes,
as depriving a modern working class of the minimum rights for self-
protection and opportunity for progress. This is true as has been shown
in poor educational opportunities, discrimination in work, health and pro-
tection and in the courts. But the situation is far more serious than this:
the disfranchisement of the American Negro makes the functioning of
all democracy in the nation difficult; and as democracy fails to function
in the leading democracy in the world, it fails in the world.

Let us face the facts: the representation of the people in the Congress
of the United States is based on population; members of the House of
Representatives are elected by groups of approximately 275,000 to 300,-
000 persons living in 435 Congressional Districts. Naturally difficulties
of division within state boundaries, unequal growth of population, mi-
gration from year to year, and slow adjustment to these and other changes,
make equal population of these districts only approximate; but
unless by and large, and in the long run, essential equality is maintained,
the whole basis of democratic representation is marred and as in the
celebrated “rotten borough” cases in England in the nineteenth century,
representation must be eventually equalized or democracy relapses into
oligarchy or even fascism.

This is exactly what threatens the United States today because of
the unjust disfranchisement of the Negro and the use of his numerical
presence to increase the political power of his enemies and of the enemies
of democracy. The nation has not the courage to eliminate from citizen-
ship all persons of Negro descent and thus try to restore slavery. It
therefore makes its democracy unworkable by paradox and contradic-
tion.

Let us see what effect the disfranchisement of Negroes has upon
democracy in the United States. In 1944, five hundred and thirty-one
electoral votes were cast for the president of the United States. Of these,
one hundred and twenty-nine came from Alabama, Arkansas,
Georgia, Louisiana, Oklahoma, North and South Carolina, Texas, Vir-
ginia, Florida and Mississippi. The number of these votes and the party
for which they were cast, depended principally upon the disfranchisement
of the Negro and were not subject to public opinion or democratic
control. They represented nearly a fourth of the power of the electoral col-
lege and yet they represented only a tenth of the actual voters.

If we take the voting population according to the census of 1940,
and the vote actually cast in 1946 for members of Congress, we have a
fair picture of how democracy is working in the United States. The
picture is not accurate because the census figures are six years earlier
than the vote; but this fact reduces rather than exaggerates the dis-
crepancies. The following are the figures concerning the election of 1946.

UNITED STATES
Total Population, 21 and over, 1940 79,863,451
Total Voters, 1946 34,410,009 43 %
Non-Voters: (Disfranchised, Incompetent,
Careless) 45,453,442 57 %

SOUTH ATLANTIC STATES
Total Population, 21 and over, 1940 10,402,423
Negroes, 21 and over, 1940 2,542,366 24.4%
Actual Voters, 1946 22.2%
Non-Voters: (Disfranchised, Incompetent,
Careless) 77.8%

EAST SOUTH CENTRAL STATES
Total Population, 21 and over, 1940 6,100,838
Negroes, 21 and over 1,532,291 25 %
Actual Voters 16.5%
Non-Voters: (Disfranchised, Incom-
petent, Careless) 83.5%

WEST SOUTH CENTRAL STATES
Total Population, 21 and over, 1940 7,707,724
Negroes, 21 and over 1,382,482 17.9%
Actual Voters 14.2%
Non-Voters: (Disfranchised, Incompetent, Careless) 85.8%

WHOLE SOUTH
Actual Voters 18 %
Non-Voters 82 %

The number of persons of voting age who do not vote in the United States is large. This is due partly to indifference; women particularly are not yet used to exercising the right to vote in large numbers. In addition to this, there is a dangerously large number of American citizens who have lost faith in voting as a means of social reform. To these must be added the incompetent and those who for various reasons cannot reach the polls. This explains why only 43% of the population of voting age actually voted in 1946. Rivalry and economic competition between city and country districts has led to deliberate curtailment of the power of the city vote. Notwithstanding all this, in New England, the Middle Atlantic States and the Middle and Far West, about 100,000 persons cast their votes in a congressional election. In the sparsely settled mountain states this falls to 90,000. But where the Negro lives, in the Border states, less than 50,000 elect a congressman; while in the Deep South, where the Negro forms a large proportion of the population, men are sent to Congress by 22,000 votes; and in South Carolina by 4,000.

When we compare with this the record of the South, we see something more than indifference, carelessness and incompetence and discouragement. We see here the result of deliberate efforts not only to disfranchise the Negro but to discourage large numbers of whites from voting. In the South as a whole, eighty-two per cent of the persons of voting age did not vote, and in the West South Central States this percentage reached nearly eighty-six per cent.

Two tables follow which show the respective votes in three pairs of states where the same number of members of Congress were elected but the difference in number of votes cast is enormous. In the second table the number of votes cast for a single Congressman is contrasted for a series of states, showing a hundred and thirty-eight thousand votes to elect a Congressman from Illinois and four thousand votes to elect a Congressman in South Carolina.

ELECTION OF 1946

VOTE FOR 8 MEMBERS OF CONGRESS
Louisiana 106,009
Iowa 593,076

VOTE FOR 9 MEMBERS OF CONGRESS
Alabama 179,488
Minnesota 875,005

VOTE FOR 10 MEMBERS OF CONGRESS
Georgia 161,578
Wisconsin 983,918

NEGRO CONGRESSMEN
Powell, New York 32,573 in total of 53,087
Dawson, Illinois 38,040 in total of 66,885

SOUTHERN WHITE CONGRESSMEN
Dorn, South Carolina 3,527 in total of 3,530
Rankin, Mississippi 5,429 in total of 5,429

HOW MANY VOTERS DOES IT TAKE TO ELECT A REPRESENTATIVE IN CONGRESS?

<table>
<thead>
<tr>
<th>State</th>
<th>Votes</th>
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<tbody>
<tr>
<td>Illinois</td>
<td>137,877</td>
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<tr>
<td>Rhode Island</td>
<td>136,197</td>
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<tr>
<td>New York</td>
<td>104,720</td>
</tr>
<tr>
<td>California</td>
<td>101,533</td>
</tr>
<tr>
<td>Iowa</td>
<td>74,135</td>
</tr>
<tr>
<td>Kentucky</td>
<td>64,811</td>
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<tr>
<td>North Carolina</td>
<td>37,685</td>
</tr>
<tr>
<td>Virginia</td>
<td>28,207</td>
</tr>
<tr>
<td>Arkansas</td>
<td>21,619</td>
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<tr>
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<td>19,345</td>
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<tr>
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<td>19,943</td>
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<tr>
<td>Louisiana</td>
<td>13,251</td>
</tr>
<tr>
<td>Mississippi</td>
<td>7,148</td>
</tr>
<tr>
<td>South Carolina</td>
<td>4,393</td>
</tr>
</tbody>
</table>

NORTH AND WEST

UPPER SOUTH

LOWER SOUTH

In other words while this nation is trying to carry on the government of the United States by democratic methods, it is not succeeding because of the premium which we put on the disfranchisement of the voters of the South. Moreover, by the political power based on this disfranchised vote the rulers of this nation are chosen and policies of the country determined. The number of congressmen is determined by the population of a state. The larger the number of that population which is disfranchised means greater power for the few who cast the vote. As one national Republican committee man from Illinois declared,
"The Southern states can block any amendment to the United States Constitution and nullify the desires of double their total of Northern and Western states."

According to the political power which each actual voter exercised in 1946, the Southern South rated as 6.6, the Border States as 2.3 and the rest of the country as about 1. Illustrated, this is the result. (See map on back cover.)

When the two main political parties in the United States become unacceptable to the mass of voters, it is practically impossible to replace either of them by a third party movement because of the rotten borough system based on disfranchised voters.

Not only this but who is interested in this disfranchisement and who gains power by it? It must be remembered that the South has the largest percentage of ignorance, of poverty, of disease in the nation. At the same time, and partly on account of this, it is the place where the labor movement has made the least progress; there are fewer unions and the unions are less effectively organized than in the North. Besides this, the fiercest and most successful fight against democracy in industry is centering in the South, in just that region where medieval caste conditions based mainly on color, and partly on poverty and ignorance, are more prevalent and most successful. And just because labor is so completely deprived of political and industrial power, investors and monopolists are today being attracted there in greater number and with more intensive organization than anywhere else in the United States.

Southern climate has made labor cheaper in the past. Slavery influenced and still influences the conditions under which Southern labor works. There is in the South a reservoir of labor, more laborers than jobs, and competing groups eager for the jobs. Industry encourages the culture patterns which make these groups hate and fear each other. Company towns with control over education and religion are common. Machines displace many workers and increase the demand for jobs at any wage. The United States government economists declare that the dominant characteristics of the Southern labor force are: (1) greater potential labor growth in the nation; (2) relatively larger number of nonwhite workers (which means cheaper workers); (3) predominance of rural workers (which means predominate of ignorant labor); (4) greater working year span, (which means child labor and the labor of old people); (5) relatively fewer women in industrial employment. Whole industries are moving South toward this cheaper labor. The recent concentration of investment and monopoly in the South is tremendous.

If concentrated wealth wished to control congressmen or senators, it is far easier to influence voters in South Carolina, Mississippi or Georgia where it requires only from four thousand to sixteen thousand votes to elect a congressman, than to try this in Illinois, New York or Minnesota, where one hundred to one hundred and fifty thousand votes must be persuaded. This spells danger: danger to the American way of life, and danger not simply to the Negro, but to white folk all over the nation, and to the nations of the world.

The federal government has for these reasons continually cast its influence with imperial aggression throughout the world and withdrawn its sympathy from the colored peoples and from the small nations. It has become through private investment a part of the imperialistic bloc which is controlling the colonies of the world. When we tried to join the allies in the First World War, our efforts were seriously interfered with by the assumed necessity of extending caste legislation into our armed forces. It was often alleged that American troops in France showed more animosity against Negro troops than against the Germans. During the Second World War, there was, in the Orient, in Great Britain, and on the battlefields of France and Italy, the same interference with military efficiency by the necessity of segregating and wherever possible subordinating the Negro personnel of the American army.

Now and then a strong political leader has been able to force back the power of monopoly and waste, and make some start toward preservation of natural resources and their restoration to the mass of the people. But such effort has never been able to last long. Threatened collapse and disaster gave the late President Roosevelt a chance to develop a New Deal of socialist planning for more just distribution of income under scientific guidance. But reaction intervened, and it was a reaction based on a South aptly called our "Number One Economic Problem": a region of poor, ignorant and diseased people, black and white, with exaggerated political power in the hands of a few resting on disfranchisement of voters, control of wealth and income, not simply by the South but by the investing North.

This paradox and contradiction enters into our actions, thoughts and plans. After the First World War, we were alienated from the proposed League of Nations because of sympathy for imperialism and because of race antipathy to Japan, and because we objected to the compulsory protection of minorities in Europe, which might lead to similar demands upon the United States. We joined Great Britain in determined refusal to recognize equality of races and nations; our tendency was toward isolation until we saw a chance to make inflated profits from the want which came upon the world. This effort of America to make profit out of the disaster in Europe was one of the causes of the depression of the thirties.

As the Second World War loomed the federal government, despite the feelings of the mass of people, followed the captains of industry
into attitudes of sympathy toward both fascism in Italy and nazism in Germany. When the utter unreasonableness of fascist demands forced the United States in self-defense to enter the war, then at last the real feelings of the people were loosed and we again found ourselves in the forefront of democratic progress. 

But today the paradox again looms after the Second World War. We have recrudescence of race hate and caste restrictions in the United States and of these dangerous tendencies not simply for the United States itself but for all nations. When will nations learn that their enemies are quite as often within their own country as without it? Is it not Russia that threatens the United States so much as Mississippi; not Stalin and Molotov but Bilbo and Rankin; internal injustice done to one's brothers is far more dangerous than the aggression of strangers from abroad.

Finally it must be stressed that the discrimination of which we complain is not simply discrimination against poverty and ignorance which the world by long custom is used to see: the discrimination practiced in the United States is practiced against American Negroes in spite of wealth, training and character. One of the contributors of this statement happens to be a white man, but the other three and the editor himself are subject to "Jim Crow" laws, and to denial of the right to vote, of an equal chance to earn a living, of the right to enter many places of public entertainment supported by their taxes. In other words, our complaint is mainly against a discrimination based mainly on color of skin, and it is that that we denounce as not only indefensible but parasitic.

It may be quite properly asked at this point, to whom a petition and statement such as this should be addressed? Many persons say that this represents a domestic question which is purely a matter of internal concern; and that therefore it should be addressed to the people and government of the United States and the various states.

It must not be thought that this procedure has not already been taken. From the very beginning of this nation, in the late eighteenth century, and even before, in the colonies, decade by decade and indeed year by year, the Negroes of the United States have appealed for redress of grievances, and have given facts and figures to support their contention.

It must also be admitted that this continuous hammering upon the gates of opportunity in the United States has had effect, and that because of this, and with the help of his white fellow-citizens, the American Negro has emerged from slavery and attained emancipation from chattel slavery, considerable economic independence, social security and advance in culture.

But manifestly this is not enough; no large group of a nation can lag behind the average culture of that nation, as the American Negro still does, without suffering not only itself but becoming a menace to the nation.

In addition to this, in its international relations, the United States owes something to the world; to the United Nations of which it is a part, and to the ideals which it professes to advocate. Especially is this true since the United Nations has made its headquarters in New York. The United States is in honor bound not only to protect its own people and its own interests, but to guard and respect the various peoples of the world who are its guests and allies. Because of caste custom and legislation along the color line, the United States is today in danger of encroaching upon the rights and privileges of its fellow nations. Most people of the world are more or less colored in skin; their presence at the meetings of the United Nations as participants and as visitors, renders them always liable to insult and to discrimination; because they may be mistaken for Americans of Negro descent.

Not very long ago the nephew of the ruler of a neighboring American state, was killed by policemen in Florida, because he was mistaken for a Negro and thought to be demanding rights which a Negro in Florida is not legally permitted to demand. Again and more recently in Illinois, the personal physician of Mahatma Gandhi, one of the great men of the world and an ardent supporter of the United Nations, was with his friends refused food in a restaurant, again because they were mistaken for Negroes. In a third case, a great insurance society in the United States in its development of a residential area, which would serve for housing the employees of the United Nations, is insisting and reserving the right to discriminate against the persons received as residents for reasons of race and color.

All these are but passing incidents; but they show clearly that a discrimination practiced in the United States against her own citizens and to a large extent a contravention of her own laws, cannot be persisted in, without infringing upon the rights of the peoples of the world and especially upon the ideals and the work of the United Nations.

This question then, which is without doubt primarily an internal and national question, becomes inevitably an international question and will in the future become more and more international, as the nations draw together. In this great attempt to find common ground and to maintain peace, it is therefore, fitting and proper that the thirteen million American citizens of Negro descent should appeal to the United Nations and ask that organization in the proper way to take cognizance of a situation which deprives this group of their rights as men and citizens, and by so doing makes the functioning of the United Nations more difficult, if not in many cases impossible.

The United Nations surely will not forget that the population of
this group makes it in size one of the considerable nations of the world. We number as many as the inhabitants of the Argentine or Czechoslovakia, or the whole of Scandinavia including Sweden, Norway and Denmark. We are very nearly the size of Egypt, Rumania and Yugoslavia. We are larger than Canada, Saudi Arabia, Ethiopia, Hungary or the Netherlands. We have twice as many persons as Australia or Switzerland, and more than the whole Union of South Africa. We have more people than Portugal or Peru; twice as many as Greece and nearly as many as Turkey. We have more people by far than Belgium and half as many as Spain. In sheer numbers then we are a group which has a right to be heard; and while we rejoice that other smaller nations can stand and make their wants known in the United Nations, we maintain equally that our voice should not be suppressed or ignored.

We are not to be regarded as completely ignorant, poverty-stricken, criminal or diseased people. In education our illiteracy is less than most of the peoples of Asia and South America, and less than many of the peoples of Europe. We are property holders, our health is improving rapidly and our crime rate is less than our social history and present disadvantages would justify. The census of 1940 showed that of American Negroes 25 years or over, one-fifth have had 7 to 8 years of training in grade schools; 4 per cent have finished a 4 year high school course and nearly 2 per cent are college graduates.

It is for this reason that American Negroes are appealing to the United Nations, and for the purposes of this appeal they have naturally turned toward the National Association for the Advancement of Colored People. This Association is not the only organization of American Negroes; there are others and worthy organizations. Some of these have already made similar appeal and others doubtless will in the future. But probably no organization has a better right to express the wishes of this vast group of people than the National Association for the Advancement of Colored People.

The National Association for the Advancement of Colored People, incorporated in 1910, is the oldest and largest organization among American Negroes designed to fight for their political, civil and social rights. It has grown from a small body of interested persons into an organization which had enrolled at the close of 1946, four hundred fifty-two thousand two hundred eighty-nine members, in one thousand four hundred seventeen branches. At present it has over a half million members throughout the United States. The Board of Directors of this organization, composed of leading colored and white citizens of the United States, has ordered this statement to be made and presented to the Commission on Human Rights of the Economic and Social Council of the United Nations, and to the General Assembly of the United Nations.

Chapter II

THE DENIAL OF LEGAL RIGHTS OF AMERICAN NEGROES FROM 1787 TO 1914

by

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In any community the positive law will define the legal rights of its citizens; but the enjoyment of these defined legal rights and the security they confer will depend entirely upon the existing sanctions that prevent their violation by elements in the community because of race or color of the persons involved.

It is a sad commentary on American constitutional jurisprudence that because of the absence of effective sanctions there exists a pitiable chasm between the doctrinal idealism of constitutional guarantees and the practical realization of constitutional protection. And in no phase of American life is this paradox more patently illustrated than in the status of American Negroes. Any discussion of the substantive legal rights of American Negroes would be fatuous indeed if it failed to consider the factors that have contributed to the insecurity of this large segment of the American population and the techniques that have been used to put the Negro outside the scope of full American citizenship.

A word may be inserted here for the benefit of persons unacquainted with the system of United States law.

The States under the Federal system are units, indispensable units in the formation of a nation; but they are not Governments independent of the nation. The powers of the National Government are such as are granted to it by the Constitution of the United States. These are express powers, couched in most cases in broad language, and conferred on Congress. Many of these powers granted to Congress are not exclusive. States in such matters may exercise power also, provided State action does not conflict with the superior powers of the National Government in the same field.

Although all powers of the National Government must be found within the terms of the Constitution, this by no means implies that all powers must be expressly granted by the document. The Constitution grants a number of important powers in broad terms to Congress and to other departments of the National Government; and it further empowers Congress "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers