Radicals in Their Own Time: Four Hundred Years of Struggle for Liberty and Equal Justice in America [Introduction & Selected Chapter Extracts]

Michael Anthony Lawrence
Radicals in Their Own Time

Four Hundred Years of Struggle for Liberty and Equal Justice in America


Michael Anthony Lawrence
In teaching history, there should be extensive discussions of personalities who benefited mankind through independence of character and judgment.

-Albert Einstein, 1953
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INTRODUCTION

America in the twenty-first century exists in a perpetual Dickensian “best of times, worst of times” state when it comes to putting into practice the sacred principles of liberty and equal justice. On one hand, the once-unthinkable occurred in November 2008 when the nation – a land that had permitted and promoted human slavery for more than half of its four hundred year history - elected an African-American man president. The symbolic importance alone of placing Barack Obama at the pinnacle of power in the United States, given its sordid past practices, cannot be overstated. Yet, on the very same day, a majority of voters in the most populous state in the union, California, voted to deny thousands of their fellow citizens, gay Americans, the equal right to marry. The California experience is only one of numerous legislative-judicial struggles beginning to play out on the issue of gay marriage in other states around the nation.¹

Taking the long view, if history is any guide (and it is), there is little doubt the discriminatory laws against gay marriage will eventually end up on history’s scrapheap. The current battles will soon go the way of those of some fifty years ago involving interracial marriage, during which one Virginia trial court, in upholding the state’s anti-miscegenation statute, reasoned: “Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And but for the interference with his arrangement there would be no cause for such marriages. The fact that he separated the races shows that he did not intend for the races to mix.” Most Americans today would view such language with a mixture of shock and disbelief - but it was not long ago that legislative majorities in sixteen states gave official voice to such ignorant biases.²
Fifty years from now, the current arguments against gay marriage will seem similarly archaic. As the Reverend Martin Luther King, Jr. limned, “the arc of the moral universe is long; but it bends toward justice.” For all its faults, the United States Constitution has, over time, provided a one-way ratchet toward greater, not lesser, liberty and equal justice – every constitutional amendment but one (the eighteenth, itself repealed by the twenty-first just fifteen years later), for example, has, if anything, expanded Americans’ freedoms.3

America’s story is remarkable: a Nation, sprouting from the seeds of Enlightenment principles where “tolerance was a moral virtue, even a duty; no longer merely the prerogative of calculating monarchs, but a fundamental element of the ‘rights of man.’” For the first time in history a people - coming together toward the common goal of liberty and equal justice, and clearly cognizant of human nature’s split personality between good (freedom) and evil (tyranny and oppression) - created a government explicitly designed to resolve the tension in favor of freedom.4

That is the myth, anyway. But all is not well in the land of milk and honey; for America’s constitutional structure has failed to thwart government’s moves to the darker side: its shameful history of slavery and apartheid; its past oppression of women; its systematic subjugation of Native Americans in violation of sacred treaty promises; its pervasive discrimination against immigrants and homosexuals; and, among other more recent repressions, its curtailments of civil liberties and inexcusable use of torture in the ill-considered “war on terror.” Consider also American geopolitics of the last hundred years: World War I Censorship (Congress’s and President Wilson’s 1917-1918 Espionage and Alien Acts imposing egregious punishments on political speech); World War II Nativism (the President’s authorizing the military to force 120,000 people of Japanese ancestry, two-thirds of them American citizens, from their homes and to quarantine them in internment camps for nearly three years; Cold War McCarthyism (powerful committees of both the United States Senate and House of Representatives conducting modern-day witch-hunts of thousands of American citizens accused of having communist sympathies); and Millennial Cheneyism (the executive branch aggressively exceeding long-accepted constitutional limits on its power - even while operating in a
system that separates powers in order to provide checks and balances on each co-equal branch).

In each case, prejudice, greed, and political expediency took hold before being beaten back – for the time being. It is a constant struggle. As much as America has accomplished in advancing humankind’s perpetual quest for greater Freedom, it has never completely lived up to its own promise, for whatever reason – whether because of bitter class wars (Howard Zinn), its economically-motivated Constitution (Charles Beard), or some combination of these or other factors.5

Which viewpoint more accurately describes the true America - the mythic common-interest pursuit-of-equal-liberty view; the grittier class-warfare explanation; the more cynical economic-interest rationale; or something else altogether? The reality is that there are elements of accuracy in each. And it is useful to keep them all in mind: Lest we become swept-up in misty patriotic myth, we should recall America’s ignoble history of injustices and intolerance; or, conversely, lest we lose hope, we should remember that the myth and partial reality of America as beacon of freedom has for centuries truly inspired millions around the world. In the end, the goals represented in the positive myth are worth fighting for, both idealistically and practically, for they advance our individual and collective humanity – and offer a model of ambition, idealism and hope for future generations.

.......

In the spirit of Albert Einstein’s words above, Radicals in Their Own Time discusses the personalities of five important Americans who have led the way in bursting some of America’s most inglorious chains of injustice and oppression. As noted, progress toward greater freedom in America has never been direct or easy – democracy is messy, and the nation has had its share of despotic leaders and oppressive majorities, but one constant throughout American history has been the recurring theme of individuals of superior character and judgment who have courageously stood up to lead the fights for freedom and justice, despite considerable hardships to themselves. Every generation has them - men and women who speak truth to power in the face of sometimes overwhelming
official and unofficial resistance; people who rebel against stifling orthodoxy and demand governmental tolerance and equal treatment even when it seems they alone are waging the fight; individuals who crave freedom from arbitrary authority like the very air they breathe.

This book explores the lives of five such individuals whose lifetimes, laid beginning to end, together form a nearly-continuous sweep of four hundred years of American history: Roger Williams (1603-1683), Thomas Paine (1737-1809), Elizabeth Cady Stanton (1815-1902); W.E.B Du Bois (1868-1963); and Vine Deloria, Jr. (1933-2005). Radicals all, each did more than anyone during their respective eras to challenge and ultimately force government to honor Americans’ natural birthright of individual liberty and equal justice. Each, as we shall see, has had a profound impact on American history.

These five are especially appropriate for our purposes since all are relatively lesser-celebrated figures in the American historical tableau. None are household names in the manner of a Franklin, Washington, Jefferson, Lincoln, or King. None, moreover, were aristocratic legacies to family political dynasties. Rather, they were self-made, in true American fashion, and so represent well the millions of Americans over the past four centuries who have waged, and wage still, their own battles largely in obscurity.6

Part of the reason Williams, Paine, Stanton, Du Bois and Deloria are less-celebrated is that each was, in a sense, too principled for his or her own good. They were controversial and impolitic. They spoke truth to power in ways irritating to authorities, and all were at times harshly critical of America. They were not approval-seeking, conflict-averse people; rather, they were agitators, and they did not shrink from offending others – not only their enemies but sometimes also their own friends – as they resolutely championed the natural rights of liberty and equal justice. There were no sacred cows for these five – including, for all, the particularly combustible topic of religious orthodoxy.

Roger Williams, who moved from England to the Massachusetts Bay Colony in 1631 at age twenty-eight to escape religious persecution, was expelled from the Colony in 1635 for his nonconforming views on religious freedom and separation of church and state. Yet with his views favoring unconditional broad tolerance of the views and practices of all (believers and non-believers alike) - “I plead for impartiality and equal
freedom, peace and safety to other consciences and assemblies, unto which the people may as freely go, and this according to each conscience, whatever conscience this conscience be” - he set the template for governmental tolerance of religion in the New World in his new state of Rhode Island, which made the guarantee of religious liberty a part of its fundamental law.7

Thomas Paine, a corset staymaker’s son who moved from England to the colonies as a thirty-seven year-old in 1774, faced withering criticism from his more appeasement-minded colonial colleagues (such as John Adams) and charges of sedition in his home country of England. Yet with his flair for the written word (Ben Franklin once said, “Others can rule, many can fight, but only Paine can write for us the English tongue”; and Thomas Jefferson, who for many years sent Paine manuscripts for criticism and correction, wrote him, “You must not be too much elated … when I tell you my belief that you are the only writer in America who can write better than your obliged and obedient servant - Thomas Jefferson”), Paine was a key intellectual player in not one, but two, revolutions - penning in Common Sense the words that provided “the January heat of 1776 that balanced the July light of Thomas Jefferson’s Declaration of Independence,” and lending crucial moral support to the revolutionary cause in its darkest hours.8

Elizabeth Cady Stanton, groomed in her upbringing as daughter of a prominent judge in upstate New York to a conventional life as mother and homemaker, long endured mocking disdain from countless strangers and even her own father and husband for insisting that women were morally and legally entitled to equal treatment. Yet with her lifetime of unflinching advocacy for women’s rights - including her two singular landmark creations, the Declaration of Rights and Sentiments for the Seneca Falls Convention of 1848, and the Woman’s Bible in 1896 – Stanton did more than any single person to establish the framework for eventual gender legal equality in the United States (including the “right” to vote, gained some eighteen years after her death with the Nineteenth Amendment in 1920).

Controversy followed black radical historian, scholar and agitator-prophet W.E.B. Du Bois during his life and beyond, to the point where the government of his country of birth, America, effectively disowned him during the last year of his life by denying the renewal of his passport while he was abroad in Ghana; and the town of his birth, Great

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Barrington, Massachusetts, only grudgingly, after a bitter 1969 struggle, established a memorial park at his boyhood home. Yet Du Bois advanced a principled moral approach to race relations and society that pre-destined the end of Jim Crow and won the hearts and minds of his successors who carried on the Civil Rights Movement. Long committed to core Enlightenment principles, “Du Bois had a towering sense of the Right, of the Just,” explains Du Bois’s literary executor Herbert Aptheker, “[and] a basic faith in reason and a passionate commitment toward achieving the just through the use of reason.”

And Sioux author, scholar and activist Vine Deloria, whose views on government naturally came through his own tribal traditions, antagonized the establishment while shaking mainstream America out of its complacency with his provocative works exposing the American government’s systematic centuries-long oppression of Indian tribes. Beginning with *Custer Died for Your Sins*, his devastating 1969 critique of the United States Government and passionate call-to-action to a new generation of Native Americans, Deloria was a central figure in providing a unifying intellectual, political voice to Indians past, present and future in their battles for self-determination and reclaiming tribal heritage. As Indian Law scholar Charles Wilkinson comments, “If you mark down the great figures of the American West in recent times, [Deloria] belongs there because of his role in reshaping Indian country…. I think in the last 100 years, he's been the most important person in Indian affairs, period.”

In discussing Williams, Paine, Stanton, Du Bois and Deloria, this book makes two important observations. First, each argued in essence that governmental *tolerance* for the autonomy of all citizens is a fundamental, mandatory feature of American democracy. Second, each believed that religious orthodoxy has been a major source of society’s ills (including American government’s regular *intolerance* of citizens’ autonomy), and all five endured serious negative repercussions for saying so.

Regarding the first, they believed government must tolerate the personal autonomy of all citizens on the reasoning that matters involving individual choice not affecting the rights of others are natural rights pre-dating government itself. Indeed, in
this context Roger Williams believed the term “tolerance” is itself a misnomer, as it implies government has the authority in the first place to decide whether or not to recognize the right; whereas, the idea of pre-existing natural rights forecloses government interference - period.

Thomas Paine explained the concept in the 1792 Rights of Man: “Natural rights are those which appertain to man in right of his existence. Of this kind are all the intellectual rights, or rights of the mind, and also all those rights of acting as an individual for his own comfort and happiness, which are not injurious to the natural rights of others.” As for the role of society and government vis-à-vis those natural rights, Paine elaborated: “Society in every state is a blessing, but government even in its best state is but a necessary evil; in its worst state an intolerable one.” “Man did not enter into society to become worse than he was before, not to have fewer rights than he had before, but to have those rights better secured.” In other words, government, which is merely a useful tool devised to protect every person’s pre-existing natural rights, simply lacks authority to curtail these rights. Government, one might say, is Liberty’s servant.11

It makes perfect sense that tolerance of natural rights would be a critical governmental attribute in a country formally dedicated to “free[ing] the individual from the oppressive misuse of power, [and] from the tyranny of the state,” in the words of renowned historian Bernard Bailyn. “No idea is more fundamental,” historian Eric Foner adds, “to Americans' sense of themselves as individuals and as a nation than ‘freedom’ or ‘liberty.’”12

Conceptually, this is easy - when it comes to matters of individual free-will causing no harm to others, government is not required to do anything; rather, it must simply stay out of the way and do nothing at all. The mid-nineteenth-century English philosopher John Stuart Mill aptly articulated the concept with his “harm principle”: “The only part of the conduct of any one, for which he is amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.” A century and a half earlier, John Locke, the great thinker of the European Enlightenment who was probably the most influential source of revolutionary American political thought (Thomas Jefferson, for example, considered Locke “[one of the three] greatest men that
have ever lived, without any exception”), wrote: The care … of every man’s soul belongs unto himself, and is to be left unto himself.” To Locke, government acts properly in protecting individuals from fraudulent or physical harm; but acts improperly when it paternalistically regulates private choice. It must, in other words, tolerate individual free will.\(^\text{13}\)

The U.S. Supreme Court has also recognized this principle (albeit too infrequently). As Justice Louis Brandeis intoned in acknowledging the concept in a 1928 case: “The makers of our Constitution … conferred, as against the government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the government upon the privacy of the individual, whatever the means employed, must be deemed a violation.” Or, as a majority of the Supreme Court commented in 1943 in striking down a West Virginia law requiring schoolchildren to recite the Pledge of Allegiance, “If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what is orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” And, in one of its finest moments, in a 2003 case striking down a Texas law punishing consenting adults for engaging in certain sexual behavior within their own homes,, the Supreme Court majority explained: “Freedom extends beyond spatial bounds. Liberty presumes an autonomy of self that includes freedom of thought, belief, expression, and certain intimate conduct.”\(^\text{14}\)

To Williams, Paine, Stanton, Du Bois and Deloria too, a tolerant government does not interfere – thereby allowing diverse viewpoints and practices the necessary breathing space they require in a free pluralistic society. Roger Williams believed government should stay separate from – that it should tolerate - all religious practices. Thomas Paine was committed to the common sense principle that government must not abridge – that it must tolerate – the individual rights of all people. Elizabeth Cady Stanton demanded that government replace a legal regime imposing separate, inferior status on women with one that recognizes – that tolerates - the equal legal status of women. W.E.B. Du Bois tirelessly challenged government to repudiate laws and practices that institutionalized white supremacist principles and thereby to accept – to tolerate – black people as equals under the law. And Vine Deloria spent his lifetime exposing the practices of a U.S.
government that systematically reneged on its solemn promises to leave alone – to tolerate – Indian tribes with their native lands and traditions, and pointed the way forward for how that government should make amends for its egregious breaches of faith.

It is worth noting what governmental tolerance is not. It is not a strict libertarian approach where government would have little or no role in all matters – as Thomas Paine said, “the Public Good is to be [government’s] object.” Government has vital, important functions. In exercising these functions, however, elective government acts legitimately only insofar as it respects the individual’s “right to be let alone.” All government activity must be guided by this test - if the elective government’s action abridges individual free-will on matters of natural private concern, presumptively it is not legitimate, and should be struck down by another branch of government - the judiciary. Outside of such freedom-depriving sorts of actions, however, elective government is free to enact policy as it will – whether of progressive, conservative, or any other description. This is where the people and their representatives exercise the will of the majority in a democratic society. In such cases judicial intervention is inappropriate, and an intervening court would raise legitimate countermajoritarian-difficulty concerns. Finally, at the same time, when judicial opinions fail to respect liberty/equal-justice interests, it is elective government’s responsibility to enact legislation to (among other things) guide the judiciary.15

One last note on tolerance: as much as one may sing its praises, it is important not to view governmental tolerance as a panacea for all of society’s ills. As Professor Michael Walzer notes, “tolerance brings an end to persecution and fearfulness, but it is not a formula for social harmony. Newly tolerated groups [and individuals], insofar as they are really different, will often also be antagonistic, and they will seek political advantage.” The point is that in a governmental tolerance regime, the one thing those groups and individuals will not be able to do, even while seeking political advantage, is to enlist government assistance in denying the other groups and individuals from engaging in their preferred activities. Government, with rare exceptions, must tolerate them all.16
The second observation, again, is that each of the five profiled radicals argued that Christian orthodoxy has been a significant source of intolerance throughout American history - just as it had been for many centuries previously in Europe. Each admired Jesus Christ the man, and the principles of tolerance, equality, humility and forgiveness he advocated. “[Jesus] was a virtuous and an amiable man,” Thomas Paine explained in *The Age of Reason*. “The morality that he preached and practiced was of the most benevolent kind.” And, indeed, they admired his stubborn commitment to principle (recognizing, no doubt, some of themselves in Christ’s own life experiences): “[Christ] preached also against the corruptions and avarice of the Jewish priests; and this brought upon him the hatred and vengeance of the whole order of priesthood,” Paine recalled. “The accusation which those priests brought against him was that of sedition and conspiracy against the Roman government, to which the Jews were then subject…. Jesus Christ [likely] had in contemplation the delivery of the Jewish nation from the bondage of the Romans.” And for that, Paine explained, “this virtuous reformer and revolutionist lost his life.” One might accurately say Jesus Christ was himself a radical in his own time.17

What Paine and the others objected to were the elaborate superstitions and practices that arose around Christ’s teachings in the many centuries following his death, which variously punished, stigmatized, marginalized or victimized certain individuals or groups. And for daring to challenge the church’s dogma – which has always been accepted essentially verbatim by the vast majority of Americans, with marginal variations depending on the particular Judeo-Christian flavor – all five, to varying degrees, were vilified.

Williams railed against the hypocrisy of religious wars: “The blood of so many hundred thousand souls of Protestants and Papists, spilt in the Wars of present and former Ages, for their respective Consciences, is not required nor accepted by Jesus Christ the Prince of Peace.” In the end, for having “broached and divulged [such] diverse new and dangerous opinions against the authority of magistrates,” Williams was banished to the wilderness (literally) from the Massachusetts Bay Colony.18
Paine said, “I do not believe in the creed professed by the Jewish church, by the Roman church, by the Greek church, by the Turkish church, by the Protestant church, nor by any church that I know of,” explaining instead: “My own mind is my own church.” “All national institutions of churches, whether Jewish, Christian, or Turkish,” he added, “appear to me no other than human inventions set up to terrify and enslave mankind, and monopolize power and profit.” These are fighting words in a Christian country like America; and in 1888, approaching a century after his death, Paine was still being derided as “that dirty little atheist” by the likes of Theodore Roosevelt.19

Elizabeth Cady Stanton too charged that the clergy were responsible for much of society’s ills, especially for women. “I now see more clearly than ever, that the arch enemy to women’s freedom skulks behind the altar,” she ruminated in 1886. “No class of men have such power to pervert the religious sentiments and oppress mankind with gloomy superstitions through life and an undefined dread of the unknown after death.” But Stanton was convinced the clergy did not truly speak for the Almighty, reasoning, “I cannot believe that a God of law and order … could have sanctioned a social principle so calamitous in its consequences as investing in one-half the race the absolute control of all the rights of the other.” To so baldly criticize mainstream Christian orthodoxy at the turn of the twentieth century was too radical even for most women’s rights activists - who distanced themselves from Stanton by issuing a formal censure at the 1896 NAWSA convention, and for decades after her death rendering her _persona non grata_, even while canonizing her longtime collaborator Susan B. Anthony.20

While W.E.B. Du Bois believed the true teachings of Jesus were morally uplifting, he had “no particular affection for the Church. I think its record on the Negro problem has been shameful…. [T]he southern branch of the Church is a moral dead weight and the northern branch … never has had the moral courage to stand against it.” “The church of John Pierpont Morgan,” he stressed, “[is] not the church of Jesus Christ.” “Of course, it is the Churches which are the most discriminatory of all institutions!” The United States government sued Du Bois on trumped-up charges after his turn to the avowedly-atheist Communist nations of China and Russia, and then, as noted above, effectively disowned him in the final year of his life for his communist party membership.21
Vine Deloria was blunt in his assessment of Christian orthodoxy’s deleterious effects throughout history: “From pope to pauper, Protestant to Catholic, Constantinople to the United States, the record is filled with atrocities, misunderstandings, persecutions, genocides, and oppressions so numerous as to bring fear into the hearts and minds of non-Christian peoples. Deloria was caustic in his criticism of America and other Western nations’ use of Christian orthodoxy to justify its expansionist goals: “At one time or another slavery, poverty, and treachery were all justified by Christianity as politically moral institutions of the state.” These harsh assessments antagonized many in a mainstream American establishment thoroughly suffused with Christian dogma.22

In short, all five of the profiled radicals lived implicitly by Christ’s uncompromising moral values of peace, goodwill, and forgiveness. All spoke their mind about the hypocrisies and abuses perpetrated in Christ’s name – and all, like Christ himself, were punished for speaking truth to power. The lesson? Challenge this most sacred of cows, Christian orthodoxy – and be prepared to pay a heavy price.

Part of what makes Williams, Paine, Stanton, Du Bois and Deloria such compelling figures is that they were ready to pay the price - regardless of the consequences. For them, principle prevailed. As Stanton’s collaborator Susan B. Anthony mused in 1873, “cautious, careful people always casting about to preserve their reputation and social standing, never can bring about a reform. Those who are really in earnest must be willing to be anything or nothing in the world’s estimation, and publicly and privately, in season and out, avow their sympathy with despised and persecuted ideas and advocates, and bear the consequences.” One should never follow the path, Du Bois suggested, of Galileo Galilei, who renounced his life’s work seeking scientific truth when threatened by the Catholic Church. “By that lie, civilization was halted, science was checked, and bigotry was more strongly enthroned on its crimson glory.”23

As oft-criticized, ridiculed, and even shunned by government and society as they were, Stanton, Du Bois and the others still lobbied, agitated, and generally made nuisances of themselves in their efforts to correct the injustices they encountered. They
knew that behind the self-inflating posturing, “government” is no more than a collection of mere men and women cloaked in special clothing to serve a defined narrow purpose; and they demanded change to the existing order so that they – and we all – might one day see liberty and equal justice served.

It is no stretch to say that without their efforts we would not enjoy the scope of freedoms we have today. They knew, along with the nation’s founders, that the natural tendency of government is “threatening, pushing and grasping; … too often in the end … destroy[ing] its benign victim.” Alexis de Tocqueville presciently recognized this threat in America as early as 1835, commenting: “The [democratic] sovereign … spreads a fine mesh of uniform, minute, and complex rules, through which not even the most original minds and most vigorous souls can poke their heads above the crowd…. Rather than tyrannize,” this subtle government power-grab “inhibits, represses, saps, stifles, and stultifies, and in the end reduces each nation to nothing but a flock of timid and industrious animals, with the government as its shepherd.” And the fact is, the flock rarely acts against the shepherd’s subtle abridgments, as the Declaration of Independence expressly recognizes. “All experience hath shown,” the Declaration observes, “that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.”

Even while the masses may be “disposed to suffer” such a death by a thousand cuts, at the same time they vicariously enjoy the exploits of the few who refuse to be intimidated. So, in any given holiday movie-going or summer reading season, it is possible to find fictional radical characters pushing back against overweening or unjust government. “Who are we to just lie there and do nothing?” asks fictionalized radical-James Farmer Jr., for example, in the 2007 movie The Great Debaters, during a debate about the morality of civil disobedience in response to Southern lynchings in the 1930s. “There is no Rule of Law in the Jim Crow South,” Farmer continues, “not when Negroes are denied housing, turned away from schools, and hospitals. And not when we are lynched. St. Augustine said, ‘An unjust law in no law at all,’ which means I have a right – even a duty – to resist, with violence or civil disobedience. You should pray I choose the latter.”
“Pay no attention to the man behind the curtain,” the Wizard-government of Oz commands as he madly works the levers and wheels trying to maintain his grasp on power in one of the most popular movies of all time, The Wizard of Oz - while radical-Dorothy scolds him for his hubris and refuses to allow him to usurp her own autonomy or to mistreat her friends. Dorothy implicitly understands the Wizard is human, no better or worse than herself – and she demands the restoration of justice and tolerance to the Land of Oz.26

Or, on the lighter side, Theodore (Dr. Seuss) Geisel’s radical-turtle Mack in Yertle the Turtle implicitly knows that King Yertle is not so special that he should be able to cruelly command all of the other turtles to stack themselves up merely so Yertle will have a better view from atop the stack - so he does something about it. Mack “did a plain little thing. He burped. And his burp shook the throne of the king! … And Yertle, the King of all Sala-ma-sond, Fell off his high throne and fell Plunk! In the Pond! And today the Great Yertle, that marvelous he, Is King of the Mud.” And best of all - “the turtles, of course … all the turtles are free. As turtles and, maybe, all creatures should be.”27

There is good reason Americans today are so inspired by underdog stories of courageous individuals who take on an unjust Establishment and prevail – it is in their blood. It was their ancestors, after all, who against heavy odds declared and won independence from the mighty British Empire on the audacious principle that government serves only as liberty’s servant; and that the people may *abolish* any government that fails to do so:

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed … with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness. That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of those
Ends, it is the Right of the People to alter or to abolish it, and to institute a new Government, laying its Foundation on such Principles….

This was a bold statement to the world. As Thomas Jefferson wrote on the fiftieth anniversary of the signing of the Declaration of Independence just days before his death, “May [the Declaration] be to the world, what I believe it will be (to some parts sooner, to others later, but finally to all), the signal of arousing men to burst the chains, under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings & security of self-government.”

And it was their ancestors who then crafted a Constitution establishing a governmental structure guaranteeing liberty and equal justice, thereby making America the first nation in the history of the world to break the bonds of feudalism. While the promises of the Declaration and Constitution have fallen far short in the execution, the mandate for a constitutionally-limited government dispensing equal justice is every American’s birthright. “It is the protection of the humblest individual against his own government; [his] bulwark against autocratic power, and against the impulses of an irresponsible majority,” Gaspar Bacon rhapsodized in 1928.

So, when Americans are presented with anecdotal reminders of liberty, individual autonomy and equal justice triumphing over a rigid shepherd, it stirs something familiar from deep within themselves: a welling pride, a visceral longing, a sheer hope, that someone - maybe even oneself or loved ones – will have the courage to claim the full promise of Freedom bequeathed by their forebears. Americans are hungry to believe liberty and equal justice will ultimately prevail. Dorothy in 1939, The Great Debaters in 2007, and even Yertle the Turtle in 1959, speak to this hunger, and stand – as do their real-life counterparts Roger Williams, Thomas Paine, Elizabeth Cady Stanton, W.E.B. Du Bois and Vine Deloria - as timeless American heroes for courageously challenging a powerful, often unjust and intolerant Establishment - and winning in the end.
(CHAPTER EXTRACTS)

1

ROGER WILLIAMS

(1603-1683)

Freeborn

I plead for impartiality and equal freedom, peace and safety to other consciences and assemblies, unto which the people may as freely go, and this according to each conscience....

-Roger Williams, 1652

I. The Old World

The thirty-two year old man, very ill, stood on October 8, 1635 before the General Court of the Massachusetts Bay Colony, considering how to respond to the Court’s questions about his role in writing two letters bitterly critical of civil authorities for interfering with church matters. The Court was prepared to offer one last chance at leniency.31

“Do you wish for the Court to postpone action for a month for further conference or disputation?,” Governor John Haynes asked the man standing, Roger Williams, a minister with the Salem congregation.
Williams, who had cultivated a devoted following during his two years at the Salem church, was a family man, with a two-year old daughter and a wife expecting their second child within the month, so he had every reason to hope for a light sentence.

“No, I do not,” Williams answered.

“Very well then,” Haynes replied a bit wonderingly. “Mr. Hooker will debate the issues for the Court.”

The Boston minister Thomas Hooker then attempted to “reduce him from his errors,” but Williams - who had been called before the Bay authorities on numerous prior occasions to answer for his troubling views - was unrepentant.

“I can justify both of these letters; moreover, I maintain all of my opinions,” he stated stubbornly.

On earlier occasions Williams had apologized and sought forgiveness for his nonconforming transgressions, but no longer. No human authorities, preaching their false doctrines, would again come between him and his quest for the true church. The Puritan religious orthodoxy, as practiced in the Massachusetts Bay Colony, was in his view little better than the hated Church of England the Puritans had left behind.

Something had changed in him. No longer was it possible to accept anything other than God’s true word; it followed that any interference in the spiritual realm by civil authorities was utterly unacceptable. In short, when it came to matters spiritual, in any civil society there must be liberty of conscience. Williams knew his savior Christ Jesus had suffered for spreading God’s word; and that throughout the centuries others too had suffered for preaching the gospel. So the authorities could do what they would with him, but he would not yield.

The next morning, Governor Haynes announced the sentence banishing Roger Williams from the Massachusetts Bay Colony:
Whereas Mr. Roger Williams … has broached & divulged diverse new & dangerous opinions, against the authority of magistrates; [and] has also written letters of defamation, both of the magistrates & churches here…. [I]t is therefore ordered, that the said Mr. Williams shall depart out of this jurisdiction within six weeks … not to return any more without license from the Court.\textsuperscript{32}

So Roger Williams was to be cast out of the Bay with his two year-old daughter and long-suffering, very pregnant wife. Important decisions would need to be quickly made (how and where to go?); but first, within weeks the young family had important, happier business to attend to in welcoming their newborn daughter into the world, and in deciding what to name her.

Given the circumstances, only one name would do: \textit{Freeborn}.

Roger Williams is remembered today primarily as the person who first advanced the idea of separation of church and state in America; or perhaps as the founder of Providence, Rhode Island. Not as well remembered is the connection between these two seemingly disparate efforts: the reason Williams had the “opportunity” to found Providence in the first place was that just four years after arriving from his native England, he was banished by the Puritans from the Massachusetts Bay Colony for his nonconforming religious views - in particular, for refusing to bow to conventional Puritan religious orthodoxy favoring heavy government involvement in religion. Once banished, he relocated to the territory now encompassed by Rhode Island, befriended the native Wampanoag and Narragansett Indians (Williams was centuries ahead of his time in identifying the abusive practices of the settling Europeans against Native Americans, especially in matters involving real property), founded Providence and made the colony a
beacon of religious tolerance that became the very model for separation of church and state in the founding of the United States some 140 years later.

We may take for granted religious freedom in twenty-first century America, but in the early colonial America inhabited by Roger Williams, individual free-will and self-determination were still vastly circumscribed (for example, no equal suffrage for all adult citizens, male and female, regardless of property ownership; absence of free speech; few criminal procedural protections, and more) compared to what exist today. So Williams’s insistence on the individual right of liberty of conscience – the right to practice (or not to practice) religion according to one’s own desire, free of government interference - was in his own time a revolutionary concept.

Above all, Roger Williams - like the other four radicals profiled in the following chapters - demanded governmental *tolerance*, which would in turn allow liberty and equal justice to fully flourish. Where he saw official *intolerance*, he called it out, regardless of the negative repercussions to himself.

Secondly, Williams observed that those negative repercussions frequently originated with the very people he believed should have known better - ministers and other members of the religious establishment who claimed to have God on their side. Williams’s understanding on this point was shared by another preacher some three centuries later, Martin Luther King, Jr., who recognized the potential for the repressive uses of Christian values by those seeking to protect the power of an entrenched establishment. Writing from the Birmingham jail in April, 1963, King addressed his fellow clergymen:

> I came across your recent statement calling my present activities … extreme. At first I was rather disappointed that fellow clergymen would see my nonviolent efforts as those of an extremist,…[but p]erhaps I have once again been too optimistic. Is organized religion too inextricably bound to the status quo to save our nation and the world? Perhaps I must turn my faith to the inner spiritual church, the church within the church, as the true ekklesia and the hope of the world. …
THE ROGER WILLIAMS MONUMENT
Unveiled at Providence, R. I., 1877

Roger Williams

Image Courtesy of Google Books.
King hastened to add that he was not implicating all clergy, explaining, “some noble souls from the ranks of organized religion have broken loose from the paralyzing chains of conformity and joined us as active partners in the struggle for freedom.” “Yes,” he acknowledged, “they have gone to jail with us. Some have been dismissed from their churches, have lost the support of their bishops and fellow ministers. But they have acted in the faith that right defeated is stronger than evil triumphant.”

Roger Williams – and Thomas Paine, Elizabeth Cady Stanton, W.E.B. Du Bois and Vine Deloria as well - would fully understand Martin Luther King, Jr.’s sentiments. Each of these individuals bemoaned the sometimes-regressive tendencies of organized religion in America; and all were punished in some way for challenging the religious orthodoxy. More generally, all five learned it is not easy being a trailblazer. The thicket is rough, with many obstacles along the way – and the person at the head of the line bears the brunt of the hardship.

Little is known of Roger Williams’s boyhood. He was born in London, probably in late 1603, to a well-connected lesser-gentry mother and a textile shopkeeper father; and grew up as the middle of three brothers and an older sister. The working class Williams family lived on Cow Lane in the Smithfield section of northwest London (Smithfield was notorious as the site where hundreds of religious dissenters were burned at the stake starting in 1555 during the reign of Queen “Bloody” Mary). It is unknown when Roger first became serious about religion, although he said many years later that it had been during his childhood that his soul had been touched with a love of the Father of Mercies, the Son and the holy Scriptures; and it was at the impressionable age of eight where practically in his own back yard the Separatist Bartholomew Legate was burned to death for his religious beliefs in March 1611. Williams later espoused some of Legate’s heretical separatist tenets, as well as those of Edward Wightman, who was burned at Lichfield in April 1612. One might surmise that these gruesome executions were themselves burned into Williams’s consciousness. What those impressions might have been we cannot know; what we do know is that in a 1632 letter to John Winthrop he
commented upon how during his boyhood and early adulthood he was “persecuted even in and out of my father’s house these 20 years.” Might a headstrong, eight-year-old Roger Williams, voicing horror about the sickening events playing out almost literally in his own backyard, have met with parental scorn or disapproval for sympathizing with seditious traitors?34

Williams attended a free grammar school in his youth before enrolling shortly after his father’s death in 1621 at the Charterhouse preparatory school for indigent boys under the sponsorship of the eminent jurist Lord Edward Coke, who was on the school’s board of governors. Lord Coke had hired Williams some years earlier to assist him in taking notes of court proceedings (in an age when official case reporting had not yet taken hold) in the “Star Chamber” court of equity, as he himself had done since 1572 in order to pen the case reports and commentary - Reports and Institutes – along the way making himself the foremost legal authority of the seventeenth century. Coke saw a special spark in Williams and considered him “so hopeful a youth,” and after being presented with his shorthand work Coke came to regard Williams as a son.35

From 1623 to 1627 Williams attended Pembroke College at Cambridge University (sponsored again by Coke, who may have paid some of his fees there after Williams’s excellent record at Charterhouse earned him entrance into the prestigious academy at age twenty – six years older than most of his classmates). Pembroke, one of Cambridge’s older colleges, had a reputation as “studious, well-learned, and a good setter-forth of Christ’s Gospel and of God’s true Word”; and for being “strongly Anglican, strictly orthodox and anti-Puritan.” In all likelihood the influence of his benefactor Lord Coke, with his avowed Anglicanism (and sometimes irascible, disagreeable manner), played a large role in his choice.36

All told, Williams was less than satisfied with his Cambridge experience, believing, as his contemporary John Milton put it, that the rote learning of the classics, to the exclusion of the new world discoveries of Columbus, Copernicus, Galileo, and Descartes, was so much “sowthistles and brambles.” A university committed to “Protestantism, classical scholarship and a gentleman’s education” was inherently limited; and Francis Bacon criticized the “contentious learning” of memorization as failing to exercise human intellect. Williams later wrote of his time at Cambridge as
Lord Edward Coke

Image Courtesy of the Daniel R. Coquillette Rare Book Room, Boston College Law Library.
“monkish and idle”; and while he “honour[ed] Schooles for Tongues and Arts,” he objected to the notion that it required a university education to understand religion.

Cambridge was far from a hotbed of nonconformist thought in the early seventeenth century; together with its older sibling Oxford University, it largely hewed to the royal party line. Nonetheless, Williams earned his B.A. from Cambridge in 1627, signing the required oath of sound religious faith required (since 1623) of all graduates, wherein he pledged to subscribe to King James’s “three darling articles” accepting the Church of England’s Prayer Book and Thirty-Nine Articles, and acknowledging the king’s supremacy in spiritual matters. Over the next two years he then completed all of the requirements to become a member of the official clergy and earn his master’s degree, save one: formal application to the episcopacy – a requirement he simply could not stomach (and so never completed) given his hardening opposition to Anglican orthodoxy.37

Williams’s resolve was likely triggered in part by the escalated efforts during these years of the Church of England’s advocates to eradicate dissent through the royal mandate of King Charles I (who had succeeded to the throne upon his father James’s death in 1625) “that all further curious search [into church doctrine] be laid aside.” Charles elevated William Laud to increasingly powerful positions on the Privy Council, then to postings as Archbishop of London in 1628 and Archbishop of Canterbury in 1633 - positions from which Laud instituted a program of strict discipline and uniformity of worship on all parishes in England, severely punishing dissenters. At Laud’s urging, in 1629 Charles issued a royal decree imposing Arminianism (that is, favoring the reinstatement of church ritual and ceremony that existed prior to the Reformation) as a test of loyalty to church and crown.38

This decree was only the latest in a series of outrages in England over the prior century. Between Protestant King Henry VIII’s death in 1547 and his daughter Elizabeth’s accession (reinstating Protestantism) in 1558 – during which time his son Edward VI ruled until 1553 (strengthening Protestantism), upon whose death daughter Mary ruled until 1558 (reinstating Roman Catholicism). While some of the ruling monarchs during the sixteenth and seventeenth centuries were more moderate than others,
none, regardless of their religious proclivities, were charitable toward those not sharing their views, each persecuting the out-group to varying degrees.\textsuperscript{39}

When the first in the Stuart dynasty, James I, ascended to the throne at the end of Elizabeth’s long reign in 1603, Protestants could be forgiven for thinking that the new monarch, coming as he had from Calvinist Scotland, would be relatively benign. If anything, however, the reign of the Stuarts was even more tumultuous than that of the Tudors before it. James did embrace Protestantism, but of a strictly-enforced rigid Anglican variety, leaving precious little room for variation or discussion.

A certain group of Protestants was at odds with the official theology as practiced both in its relatively more moderate form under Elizabeth and more rigid iteration under James. The “Puritans” believed that the Protestant Church should be cleansed of all traces of Roman Catholicism; whereas the Protestantism of the Church of England maintained too many aspects of “popery” for the Puritans’ taste. Like Catholics, Anglicans still bowed at the mention of Jesus’s name, for example, and at baptisms still made the sign of the cross. Moreover, Puritans believed that clergy should be able to marry and that decisions involving excommunication should be made within the church as a spiritual, not political, matter.\textsuperscript{40}

A small sect of extremist Puritans, the Pilgrims, believed that no royal appointee should sit in a position of power over the Church, and that Puritans should thus completely separate from the Church of England. For them, the persecution became so severe that some chose to leave the land of their births for an uncharted North American wilderness in order to freely practice their religion. The Pilgrims, many whom had earlier moved to Leyden, Holland to escape persecution and establish a congregation, sailed in 1620 from Southampton aboard the \textit{Mayflower}, settling in an area just north of present-day Cape Cod they called Plymouth, after the English town of the same name. Although the Pilgrim leaders had pragmatically “come back half the way” out of Separatism by presenting an unthreatening document to King James in order to get the royal blessing for emigrating to the New World in 1620, once in New Plymouth they
were able to practice their own brand of Christianity largely outside the reach of royal oversight.\textsuperscript{41}

It was during James’s and the early years of Charles I’s reign (beginning in 1625), in the midst of Archbishop Laud’s aggressive efforts to stamp out dissent and compel compliance with approved Anglican practice, that Roger Williams came of age. Such restrictions were surely untenable for young Williams, whose character was beginning to coalesce around principles of individual liberty of conscience. Having implicitly renounced the religious orthodoxy through refusing the ordination rite (which would have provided, in addition to the M.A., ordination, church preferment and permanent security), Williams began moving actively within a long-established underground Puritan resistance. In early 1629 Sir William Masham, a Member of Parliament whom the king had jailed in 1626 for opposing the king’s “forced loan” tax imposed upon every subject to finance an unpopular war with France, hired Williams as household chaplain at his manor in Otes, Essex County.\textsuperscript{42}

Williams had to have been aware that in signing up to serve as house minister in Masham’s home that he would be joining an underground resistance of sorts. It was through such house ministries that the Puritans attempted to circumvent Laud’s dragnet. During the time he worked at the Masham manor Williams attended meetings at Sempringham and elsewhere, where he met a broad group of ministers and others – many of whom were among the first group of Puritans to eventually migrate as the Massachusetts Bay Company to New England in the 1630s. This group included the squire John Winthrop of Groton, Suffolk, Thomas Hooker, and John Cotton (incumbent minister of a church in Boston, Lincolnshire), all whom were vocal in favoring the establishment of congregationalist churches in every parish under royal patronage and protection. Each local congregation would rule itself, free from the help or interference of bishops and church councils. King Charles, Archibishop Laud and the rest of the Anglican church hierarchy had no such plans, however; and they were determined to root out questioning voices by banning house ministries. On a happy personal note, Williams met his wife, Mary Barnard, a maid-in-waiting, while in the Masham employ. They married in November 1630, and by accounts their long union of forty-seven years, which produced six children, was a happy one.\textsuperscript{43}
With Charles I and Archbishop Laud turning the screws ever-tighter on dissident religious practice, another wave of Puritans was prompted to flee the Old Country for the New. In 1630 nearly one thousand men, women and children, led by John Winthrop on the *Arbella* with royal charter in hand, sailed on eleven ships to establish the Massachusetts Bay Colony. Soon enough Williams would feel the need to move as well, as “the only minister in the Barrington-Masham family circle of clerics not to suffer some form of ecclesiastical suspension, investigation or similar action from Laud’s office” – so in December 1630 he too sailed with his bride of one month on the *Lyon*. As Raymond Camp reports, “the Archbishop’s efficiency [prompted] Williams’s motivation for his hasty exit. Beyond a doubt, [Williams’s] concern for his ‘libertie’ was justified.”

II. *The New World*

*However in Civil things we may be servants unto men, yet in Divine and Spiritual things the poorest peasant must disdain the service of the highest Prince: Be ye not the servants of men.*

-Roger Williams, 1644 (quoting I Corinthians 14)

The young couple on horseback ambled along the Thames River on a chilly November day in 1630, making their way westward from London toward the port of Bristol and a date with the *Lyon* bound for Massachusetts. Roger Williams and his wife Mary had been married less than a year, and were now striking out for parts unknown. Likely traveling together with friends and a few other emigrants, they moved along the Thames and Avon Rivers, crossed Berkshire and Wiltshire to Bath and the hills of Somerset, before arriving some 120 miles later in Bristol.

Passing Windsor early along the way just a few miles south of Sir Edward Coke’s thousand-acre forested estate at Stoke Poges, Roger
Williams must have ruminated upon his relationship with the esteemed Justice, now nearly eighty years old. Lord Coke, after all, had been Williams’s father-figure and benefactor for the past dozen years, sponsoring him in his preparatory and university education.

Williams adored Lord Coke, saying years later that the Justice had instilled in him the qualities of industriousness and patience; Coke, for his part, was pleased to call Williams his son. So, Williams was “bitter as death” not to tell the esteemed Justice, a committed Anglican, of his impending journey. But circumstances in England had deteriorated by 1630 to the point where non-Anglicans practiced their preferred religion only at risk of imprisonment at the hands of the prevailing Church of England orthodoxy, thus leading Williams and other Puritans - who advocated the power of individual congregations as opposed to that of the church hierarchy - to cast their lot elsewhere in order to freely practice their religion.45

Williams’s arrival in Nantasket just outside Boston in February 1631 after a hard sea journey met with the initial approval of the Massachusetts Bay authorities, who were pleased to welcome “a godly minister” who could presumably replace John Wilson, who was returning to England later in the year to reunite with his wife. They were most surprised, then, when Williams, demonstrating that his principles had solidified considerably in the couple years since leaving Cambridge, declined the Boston church’s plum offer to serve as Teacher on grounds that he “durst not officiate to an unseparated people.” He openly expressed his opinion, moreover, that the Boston civil government was acting outside its authority in punishing violations of the “First Table” (the first four commandments dealing with the responsibilities and duties to God); and he refused to take communion with the Boston church membership.46

To the Boston Puritans, this was odd behavior indeed. Williams’s biographer Ola Elizabeth Winslow paints the picture:
Here he was in a strange land with a wife to support and a home to establish. He had cut all connections with the first twenty-seven years of his life. He had come with no committals, no plans for self-support. Harvest was still many weeks distant. Here was an immediate way of independence, a position which would take care of his physical needs, give him a work to do, an honored place in the community and perhaps a future. It was a position for which he was professionally trained and in which he had already made a successful start. He was equipped for no other. The offer had come without seeking. But no, he “durst not officiate to an unseparated people,” and accordingly he shut the door in his own face. He did so not only against his own interest, but against all common sense…. It was unthinkable. [The Boston Puritans could be forgiven for wondering,] “Pray, what kind of ‘godly minister’ is this who has come among us?”

…”

[End of Chapter 1 Extract]
Revolution

When it shall be said in any country ... “my poor are happy, neither ignorance nor distress is to be found among them; my jails are empty of prisoners, my streets of beggars; the aged are not in want; the taxes are not oppressive ...; when these things can be said, then may that country boast its constitution and its government."\[144\]

-Thomas Paine, 1792

1. England

The boy had an odd, unpleasant feeling as he exited the sanctuary. He could not quite put his finger on it – but recently he had been experiencing the feeling more regularly when attending his mother’s Anglican church.
Picking his way carefully down the churchyard steps, the boy was struck by an insight of such crystalline clarity that it stopped him in his tracks.

“The preacher says God Almighty is passionate and good,” he puzzled to himself. “And they say he killed his son to teach the people a lesson. But I am certain a man would be hanged if he did such a thing…. So, it must be impossible that God, who is good, would have killed his son.”

For all his effort, young Thomas Paine could not imagine why clerics preached such frightening sermons; and at that moment on the garden steps, he decided that “any system of religion that has anything in it that shocks the mind of a child, cannot be a true system” – a conviction Paine held for the rest of his days.

The words of Thomas Paine played a pivotal role in the histories of no less than three nations and two revolutions. *Common Sense*, first published on January 9, 1776, instantly transformed the debate from a question of if the American colonies would declare independence from England, to a matter of when they would make the break. The pamphlet had an astounding immediate impact, going through twenty-five editions and selling as many as 150,000 copies in 1776 alone - with countless other people in the thirteen colonies reading borrowed copies.¹⁴⁵

Paine’s *American Crisis* series, published in eighteen papers during the Revolutionary War from 1776 until 1883, focused on the practical challenges facing Americans during wartime. The first installment, commiserating that “These are the times that try men’s souls…,” contains some of the most immortal words in the English language. By war’s end, Paine - himself now known as “Common Sense” – had become a popular American hero.¹⁴⁶
Years later, after Paine had essentially retired to a quieter life of scientist-inventor, events in Europe led him to write *The Rights of Man* in 1791 and 1792 (Part Two). With these volumes Paine altered the course of history in England and France, becoming a hero to many and bitter villain to others. The book encouraged and emboldened the French citizenry during the Revolution, prompting Paine’s election to the revolutionary French National Constitutional Convention. In England, *The Rights of Man* spurred a massive reform movement that, though effectively squashed by the ruling regime, persisted underground for decades and more before emerging in the form of empowered working classes in the nineteenth and twentieth centuries.

Published in 1794 and 1795 (Part Two), *The Age of Reason* harshly criticized Christian orthodoxy even while expressing great admiration for Jesus Christ the man, and maintaining that God’s divinity touched everything on earth. Like *Common Sense* and *The Rights of Man* before it, *The Age of Reason* was also a blockbuster bestseller, going through seventeen editions and selling tens of thousands of copies in America and many more abroad. Paine’s words inspired many for decades and centuries afterward (including, among others, Abraham Lincoln, Mark Twain, Thomas Edison, and more). Finally, *Agrarian Justice*, published in 1796, continued the case Paine had been making elsewhere for government’s affirmative responsibility in guaranteeing the welfare of all citizens.147

With such a remarkable record of influential writings, one would expect a spot in the pantheon of history’s greats - with the attendant plaudits, statues and riches - would be assured for Thomas Paine. Yet Paine died in disgrace; and for well over a century the memory of his contributions was forgotten by all but a relative few devotees.

Why the massive societal denigration? The answer depends, in part, on which side of the Atlantic the question is asked. In England, once it became clear that the ideas Paine had espoused in *The Rights of Man* were stirring up the working classes, William Pitt the Younger initiated a comprehensive – and brutally effective - anti-Paine campaign in 1792.

In America, by contrast, everything changed when Paine published *The Age of Reason*. Paine’s direct repudiation of Christianity’s core tenets enraged the Christian establishment - which, especially in light of reports from around the country of increased
Thomas Paine, 1792

Image Courtesy of Library of Congress.
“infidelity” to God, viewed the work as a major threat. From that point forward, any self-respecting, devout American was simply not permitted to tolerate Thomas Paine.148

The story of Thomas Paine’s fall from grace is a potent reminder that one challenges dominant Christian religious orthodoxy only at considerable risk in America – a lesson Paine’s fellow radicals Roger Williams, Elizabeth Cady Stanton, W.E.B. Du Bois and Vine Deloria, Jr. learned as well.

Thomas Paine was born in Thetford, England, the only child of the Joseph Pain (the e was added after Thomas moved to America), a maker of whale-bone stays for women’s corsets who also owned a small farm in the country, and Frances Cocke, who was nearly forty when Thomas was born. The couple was solidly lower-middle class - humble, but not impoverished.149

As in other parts of eighteenth-century England, a popular form of entertainment in Thetford (located about seventy miles northeast of London) on the only public holidays for workers besides Christmas and Easter were the public hangings for transgression of one of the two hundred capital offenses, including theft of such items as a handkerchief or a box of tea. Paine’s family – like Williams’s before him and Stanton’s after - lived within close distance of the Gallows Hill.150

Paine’s father was a Quaker and his mother an Anglican. Although Paine was baptized in the Church of England and nominally identified himself as Anglican into his late-thirties, even as a boy he was troubled by much of the church’s doctrine, as dramatized above. He also regularly attended Quaker meetings with his father, later crediting his exposure to Quaker principles for his “exceedingly good moral education and … tolerable stock of useful learning.” Paine’s Quaker background, then, was the more influential in forming his aversion to hierarchy and his passion for social reform. He was not above criticizing the Friends, however (especially the loyalist Pennsylvania Quakers during the American Revolution) for their passivity and general affect: “[I]f the taste of a Quaker could have been consulted at the Creation, what a silent and drab-
colored Creation it would have been!” he exclaimed. “Not a flower would have blossomed its gayeties, nor a bird been permitted to sing.”

Paine spent seven years studying at Thetford Grammar School (at no small financial sacrifice by his parents), where “the natural bent of my mind was to science” and poetry - here reflecting, for example, on the death of a pet bird he buried in his yard:

Here lies the body of John Crow,
Who once was high but now is low;
Ye brother Crows take warning all
For as you rise, so must you fall.

In school Paine obstinately failed to learn Latin, which would have qualified him for higher education and a way out of the craftsman’s life to a more lucrative career in law, medicine or theology. Latin was frowned upon by the Quakers; plus, it “smacks of popery,” Paine later explained in The Age of Reason.

Bereft of additional educational options, Paine left school in 1750 at age thirteen to become an apprentice in his father’s staymaking shop – a profession where he would spend most of the next twelve years pursuing the typical path of advancing from apprentice to journeyman (day worker for a master craftsman) to master staymaker. After six years with his father he joined the shop of Mr. John Morris, “a very noted stay-maker” as a journeyman in 1756.

Paine never much cared for the trade, with its considerable physical demands and its requirement for “a tolerable share of assurance” with women. So, feeling “raw and adventurous” and “heated with the false heroism of a [ship’s] master,” he ran off one day in 1756 at the outset of the Seven Years War with France to crew on the privateer Terrible, captained by the aptly-named William Death. “All gentlemen sailors, and able-bodied landmen, who are inclined to try their fortune, as well as serve their King and country are desired to repair on board the said ship,” the Terrible’s fliers had enticed. Before Paine could set off, however, his father Joseph intervened and prevailed upon him not to go. Good thing, too, for within days out of port the Terrible was set upon by a
French privateer, the *Vengeance*, and all but seventeen men, of over one hundred sixty-five on board, perished.\(^\text{155}\)

Undeterred, Paine returned to the docks and signed on with the *King of Prussia* – and this time his father was unable to stop him. Fortunately for Paine, the *King of Prussia* was more successful than the *Terrible*; and in his eight months “between the devil and the deep blue sea,” Paine assisted in the taking of a number of merchant vessels and their cargoes. Paine was not enough enamored of life at sea to sign up for another cruise; so he remained ashore, thirty pounds richer (a small fortune for a young man of Paine’s standing) and wiser for the experience.\(^\text{156}\)

Twenty years old when he left the *King of Prussia*, Thomas Paine as a young man was broad-shouldered, about five feet ten inches tall, and medium athletic build; with blue eyes his most distinguishing physical characteristic. His long-time friend and eventual biographer, Thomas Clio Rickman, commented: “His eye, of which the painter could not convey the exquisite meaning, was full, brilliant, and singularly piercing. He had in it the ‘muse of fire,’” Rickman wrote. An historian described his eyes as “full of fire, the eyes of an apostle.”\(^\text{157}\)

Paine then spent about the next year (1757-1758) in London. For seemingly the first time in his life, Paine fully indulged his intellectual interests, thoroughly immersing himself in the offerings of London - a city of six hundred thousand, with riches of lectures, bookstores, theaters, and debating clubs. On this and later visits he reveled in learning about the nuances of a Newtonian-ordered universe, and especially enjoyed the lectures of the painter/astronomer James Ferguson and mathematician/spectacle-maker Benjamin Martin, befriending both. It was during his time in London that Paine first began seriously considering the ideas of London’s artisan-intellectual community – including those of “commonwealthmen” who looked back to Cromwell’s republican-inspired reign with fondness, and of John Locke, who discounted divine right in favor of natural rights and consent-of-the-governed forms of governance.\(^\text{158}\)
When his money ran out, Paine moved first to Dover in 1758 to resume his trade as a journeyman staymaker; then, with a ten pound loan from his master Mr. Grace, he opened his own staymaking business in Sandwich in 1759. Despite his skepticism about religion, he attended and occasionally preached in gatherings of Methodists. It may have been at a Methodist gathering where he met and fell in love with Mary Lambert, whom he married in September 1759.159

Paine’s attempt to open his own staymaking business was short-lived; indeed, he and his pregnant wife Mary were forced to sneak out of their home in Sandwich one night in early 1760 with creditors literally banging on the door. Thereafter they settled in Margate, but soon afterward, Mary died during childbirth, an all too common occurrence in those days. Paine, maintaining a stiff British upper-lip, wrote, “there is neither manhood nor policy in grief” - then he returned, broke and alone, to his parents’ home in Thetford.160

He stayed in Thetford for the next couple years, spending a good portion of his time studying, at Mary’s father’s recommendation, for the excise officers exam given by the customs service. By virtue of his ability to write clearly and calculate math reasonably well, together with the favorable recommendation of the Duke of Grafton and Mary’s father (himself an excise officer), Paine passed the exam and was accepted into the customs service in December 1762, and the following August began at the low-level position of excise tax collector in Alford, along the North Sea coast.161

It was not an easy job. In addition to collecting duties on legitimately imported goods, Paine patrolled the firm sand shoreline on horseback looking for smugglers. He enjoyed the work, but was fired little more than a year later for the not-uncommon offense of “stamping his ride” (taking the importer’s word and stamping the goods without actually inspecting them).162

After failed attempts in 1765-1766 to resume staymaking both in Diss, near Thetford, and then Lincolnshire, Paine taught English at two different schools in London and then Kensington for the “poverty-level” amount of twenty-five pounds per year, about half his customs service salary. He lived for a time in the Covent Garden area of London, one of the city’s “dreadful places” of crime and wretchedness.163
Though nearly destitute, Paine resumed his pursuit of knowledge in London, attending lectures on the wonders of science and voraciously reading the newest scientific journals. Paine was influenced deeply by the work of Sir Isaac Newton, who had commented in *Principia* in 1687: “This most beautiful system of the sun, planets and comets, could only proceed from the counsel and domination of an intelligent and powerful Being . . . eternal and infinite, omnipotent and omniscient; that is, his duration reaches from eternity to eternity.” Ironically, for making essentially the same religious arguments in *The Age of Reason*, Paine was vilified for nearly two centuries.\(^{164}\)

In July of 1767, two years after being sacked from the excise officer post, Paine filed a contrite petition with the customs service asking to be reinstated. His petition was granted, and in February of 1768 he accepted a posting as an exciseman to Lewes, a town of five thousand residents fifty miles south of London, where he would live for most of the next six years until his move to America. In Lewes he lodged with Samuel Ollive, a prominent local tobacconist and grocer; and he happily fit into the life of the community, getting elected to the town council and working on the local Anglican Church’s parish committee responsible for disbursing aid to the poor. Lewes, a center of political dissent dating back to the thirteenth century, provided fertile ground for Paine’s radical development, and provided him with an altogether new perspective on England’s history.\(^{165}\)

He also was an enthusiastic participant in the Headstrong Club that met at the White Hart Inn for drinking, dining and debating. Paine started expressing his political views at Headstrong – he was “at this time a Whig, and notorious for that quality which has been defined perserverance in a good cause and obstinacy in a bad one,” according to his friend Thomas Clio Rickman, whom he first met around this time in Lewes. “He was tenacious of his opinions, which were bold, acute, and independent, and which he maintained with ardour, elegance, and argument” – and honed his debating skills, frequently winning the Headstrongs’ competitions.\(^{166}\)

Paine moved out of Ollive’s home when Ollive died in 1769; then two years later in 1771, at the urging of Ollive’s widow, he married daughter Elizabeth and helped operate the store in addition to continuing his excise work. While Paine was quite happy
with his life in Lewes, he and Elizabeth were poor, even with his excise salary of fifty pounds per year (out of which came his considerable travel expenses).  

So Paine was well-disposed when his fellow Sussex excise officers, resentful of their poverty, nominated him in 1772 to draft a formal request to the government for higher salaries. He took this task seriously, writing a thoughtful petition entitled *The Case of the Officers of Excise*. The letter displayed some of the themes that Paine would more fully develop in his subsequent works, such as compassion for the poor and criticism of excessive wealth. Caring for the poor was actually good policy, he argued, as it would have the meritorious effect of lowering crime rates: “Poverty, in defiance of principle, begets a degree of meanness that will stoop to almost anything. . . . He who never was [hungry] may argue finely on the subjection of his appetite,” Paine reasoned. “But poverty, like grief, has an incurable deafness, which never hears; the oration loses all its edge; and *To be, or not to be* ’ becomes the only question.”

Nearly every excise officer in the country signed the petition and contributed a small amount to send Paine to London, where he stayed for a number of months over the winter of 1772-1773 attempting to make the case to Parliament. While in London he befriended a number of influential people, including George Lewis Scott, historian Edward Gibbon (*The Rise and Fall of the Roman Empire*), author Samuel Johnson – and Benjamin Franklin, who himself later invited Paine to join his “Club of Honest Whigs” in London which included among its numbers the influential Dissenting authors James Burgh, Richard Price, and Joseph Priestley.

Paine’s efforts on behalf of the excisemen ultimately failed. Adding insult to injury, the Excise Commission fired Paine on April 8, 1774 for abandoning his post in Lewes, exposing him to immediate arrest for debt. A week later a notice appeared in the *Sussex Weekly Advertiser*: “To be sold . . . all the Household Furniture, Stock in Trade and other Effects of Thomas Pain, Grocer and Tobacconist….” By June, Elizabeth and Paine had separated.

It is uncertain whether the financial difficulties were a cause of the separation, for as Paine told Clio Rickman: “it is nobody’s business but my own; I had cause for it, but I will name it to no one.” Neither Paine nor Elizabeth ever requested a final divorce or remarried, even though they both lived nearly another four decades and died just eight
months apart. For the rest of their days, they clearly felt respect, if not affection, for the other – with Paine anonymously sending Elizabeth money when he learned years later that the Ollives were having financial difficulty; and Elizabeth categorically refusing the British government’s offers to pay her to participate in its 1790s efforts to defame her ex-husband.171

After the disintegration of his life in Lewes, Paine returned to London in June 1774, renewing former acquaintances and immersing himself once again in the intellectual life of the city. Despite his own lack of education and breeding, Paine - with a natural charm and pleasant disposition, together with a straightforward, comfortable way of speaking – once again made his way remarkably well in the crowd of London sophisticates including Franklin (who was now Pennsylvania’s agent in London).172

Franklin was especially taken with Paine - perhaps seeing something of himself in this nerve, loquacious (no longer “young,” at thirty-seven years of age) man. Despite their thirty-one year difference in age, the men complemented each other well. Both were born into the lower classes of English society; both, while lacking in formal education, were committed autodidacts who ended up ranking among the foremost thinkers of their own and succeeding generations; both were fascinated with science and invented various useful devices; both shared a healthy skepticism of Christian orthodoxy; and both were deeply committed to the principle of virtue – work for the public good – as a key attribute for good governance and self-development alike. Indeed, Franklin steadfastly chose not to patent inventions such as the lightning rod and stove, and Paine scrupulously declined to copyright even his most successful writings - both so their intellectual property could be more widely distributed and prove useful to greater numbers of people.

In short, the two men were kindred spirits. After Franklin encouraged Paine - who had completely depleted his options in England - to consider re-settling in America, he wrote a strong letter of introduction to his son-in-law, Richard Bache, and son, William Franklin (royal governor of New Jersey), to help get Paine started:

The bearer, Mr. Thomas Pain, is very well recommended to me as an ingenious worthy young man. He goes to Pennsylvania with a view of
Benjamin Franklin

Image Courtesy of The National Archives.
settling there. I request you to give him your best advice and countenance, as he is quite a stranger there. If you can put him in a way of obtaining employment as a clerk, or assistant tutor in a school, or assistant surveyor (of all which I think him very capable) so that he may procure a subsistence at least, till he can make acquaintance and obtain a knowledge of the country, you will do well, and much oblige your affectionate father.173

Franklin’s letter for Paine marked the start of a lifelong friendship. Franklin adopted Thomas Paine as a kind of “political son” – and Paine, consulting Franklin on everything he wrote and invented, would “reinvent himself” in America, “and become Benjamin Franklin unleashed.” Neither man, even in his wildest dreams, could have imagined the sort of momentous impact Paine would have in America less than a year and a half later.174

II. America

_These are the times that try men’s souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us; that the harder the conflict, the more glorious the triumph._

-Thomas Paine, 1776
The weary soldiers huddled close to the fires in the cold December night. After months of defeats and retreats, the men were exhausted and discouraged.

Morale was exceedingly low - indeed, most of the men were counting the hours until they would fulfill their service obligation and return home to their loved ones. Suffering miserable conditions for a seemingly futile cause, many were straggling away from the army.

The general pondered the woeful scene. Having made the decision to engage in a highly risky surprise attack against a better-equipped, more-rested enemy, he knew he had to do something special to motivate his demoralized men.

So he turned to the words of an unlikely person - a man new to America who had himself endured his share of failure and hardship, but who, having only recently experienced a meteoric mid-life rise as a writer, understood the importance and power of maintaining hope when all seemed lost.

Assembling his men in every military encampment shortly before his fool’s errand, then, the general and his officers read aloud Thomas Paine’s now-immortal words:

“These are the times that try men’s souls.... What we obtain too cheap, we esteem too lightly: it is dearness only that gives everything its value.”

Inspired by these words, General George Washington and his Continental Army, after crossing the Delaware River in the dead of night, successfully executed their surprise attack on the Hessian troops at Trenton on Christmas Day, 1776 – proving to the world, and themselves, that they were for real.175

…

[End of Chapter 2 Extract]
[I] cannot believe that a God of law and order ... could have sanctioned a
social principle so calamitous in its consequences as investing in one-half the
race the absolute control of all the rights of the other.

-Elizabeth Cady Stanton, 1879

I. Context & Formative Years: The Gallows

It was a cold December 1827 day in Johnstown, New York when the
jailer’s wife opened the cell door to allow her twelve-year-old friend entry to
visit the man inside.

“I’ve brought you some fruit,” the young girl said.

The prisoner surely was grateful for the kind gesture. The girl had been
visiting almost daily since his arrival weeks before – some days bringing fruit,
other times cakes and candy. Sometimes they talked, other days she read to him. As she had gotten to know him better, she was impressed with how gentle and teachable he was, almost like a child himself.

“How are you today?” she inquired.

Responding to this innocent question must have been difficult - how well can one be when sentenced to die at the gallows within a few short days? But it would have been inappropriate to dwell on the macabre with this young girl who had shown him such kindness.

“Oh, I’m alright,” he lied.

The dreadful reality of these somber final days, slipping like sand in an hourglass, went unspoken between the man and his young visitor. The man had occupied all of the girl’s thoughts; and though she was but a child, she was deeply troubled. Even if the man was a horrible wretch, as the mobs said he was, should he have the most dearest of freedoms – life itself – taken away? He was a living human being like anyone else, after all, with hopes, dreams and fears of his own. She wondered how it could be that anyone could judge another so severely as to take his life. And it broke the heart of the girl, who would later have seven children of her own, to think of how the man’s mother might have felt about the tragic fate of her beloved child.

So she decided she could not let him die. “It seems he can only be saved by some special intervention,” she thought to herself as the awful day approached. “And as I’m afraid he is too wicked for Heaven, I must save him myself.” She watched the building of the gallows on a distant hill and decided to cut the rope so it would break when he fell. But when she hurried early to the spot on the morning of the day he was to die, there was no rope – and there was nothing she could do.

“Oh! how I wept and prayed and wondered what I could do, on that cold December morning,” Elizabeth Cady Stanton recalled years later. “At length I heard the distant music, saw the military surround the gallows, saw the poor man ascend it, heard the prayer, saw the death struggle, and in anguish hurried
home, and there I lay many weeks in a terrible fever, and every execution I read of in our public Journals, brings back that terrible memory.”

This childhood gallows incident offers a revealing insight into the early character of an activist who would, more than any other single person throughout America’s four hundred year history, define the terms of equal justice by which moral government must treat women. For more than fifty years Elizabeth Cady Stanton agitated to cut the rope of unjust orthodoxy from the necks of the women. During her life she played the leading role in introducing the most controversial, intimate issues to public consciousness in her efforts to promote women’s “self-sovereignty” – the respect for the “individuality of each human soul,” independent of “incidental relations of life, such as mother, wife, sister, daughter.”

Whether agitating for greater sexual autonomy, revised notions of the marriage relationship, liberalized divorce and child custody laws, greater labor equality, the right of suffrage, or even exposing Christian orthodoxy’s insidious role in the oppression of women, she firmly maintained that anything that served to focus attention on women’s rights was desirable. “If I were to draw up a set of rules for the guidance of reformers,” she wrote in her diary in 1888, “I should put at the head of the list: Do all you can, no matter what, to get people to think on your reform, and then, if the reform is good, it will come about in due season.”

As we shall see, Stanton took her own advice to heart – often alienating the more conservative activists, and at times even her own closest friends and supporters, with her aggressive take-no-prisoners approach. And when, by the turn of the twentieth century, Gilded Age American culture had moved in a decidedly more conservative direction, Stanton, with her radicalism, had become something of a relic, preaching to a diminished audience. “I am a leader in thought,” she admitted in her later years, “not in numbers.”

But of course Elizabeth Cady Stanton would not have had it any other way. In the long-term, it was always better to stand on principle than to yield to political expediency - she would no more permanently compromise her principles than voluntarily stop breathing. It simply was not part of her DNA to accept injustice where it existed – even if accepting such injustice seemed a necessary price to pay for progress elsewhere.
Noises had only recently begun to be heard in America about women’s rights when young Elizabeth Cady befriended the prisoner at the Fulton County jail in 1827, an age when women were still subjected to breathtakingly inequitable laws. During this era women were unable to vote, forbidden from serving on juries, banned from testifying in court, powerless to sign contracts or to keep and invest earnings, barred from owning or inheriting property, possessed of no rights in divorce including child custody, and considered to be the legal property of their husbands who were entitled by law to their bodies and wages. 359

In the decades immediately following the American Revolution the prevailing view was that women fulfilled a “republican motherhood” role - to be kept in a “separate sphere” outside of the political process so as to be better able to provide bias-free moral guidance on voting and other political issues. “Mothers do, in a sense, hold the reins of government and sway the ensigns of national prosperity and glory,” wrote one author in Cott’s The Bonds of Womanhood in 1802. “Yea, they give direction to the moral sentiments of our rising hopes.” Such sentiments were pervasive, and no doubt motivated women’s work in various benevolent societies throughout the era. 360

In hindsight, one cannot help but view such obsequious rationale for denying political rights to an entire class of people as so much self-serving apologia; or at least with a healthy dose of skepticism. Indeed, starting in the 1820s and 1830s, a more egalitarian “feminism of equal rights” began emerging to challenge the notion of woman’s separate sphere. This new egalitarianism was based on the “self-evident Truth” identified in the Declaration of Independence that “all [humans] are created equal” and are thus possessed of certain “unalienable Rights” - decidedly not the prevailing notion of equality of the sort expressed by one Reverend John Cosens Ogden in the 1793 Female Guide, that “Every man, by the Constitution, is born with an equal right to be elected to the highest office, And every woman, is born with an equal right to be the wife of the most eminent man.” 361

One of the first persons to challenge women’s status quo in America was Scotswoman Frances Wright, who visited the United States at age twenty-two in 1820 and published Views of Society and Manners in America a year later. Among this trailblazing
pioneer’s observations was that “the education of women has been but slightly attended to.”

Accordingly, improving education for girls and women became a major focus for many in the first half of the nineteenth-century. While the moral imperative of improving literacy for its own sake was no doubt a major motivator in improving educational opportunities for girls and women, another factor arguing for a more educated female work force was the economic necessity of staffing the rapid expansion of textile mills throughout New England between 1814 (when Francis Cabot Lowell opened the first power-loom factory in the United States in Waltham, Massachusetts) and 1840.

The autonomy that young single women were able to achieve working in the mills enabled them a greater degree of choice in whether to enter into the institution of marriage – which in the early nineteenth century carried with it oppressive legal inequities for women. While a single woman (femme sole) had the legal rights of a man (except for voting and jury duty) under the common law, once married she became “overshadowed” (femme covert) and ceded all of her personal and property rights to her husband. Under the femme covert doctrine the husband owned all of his wife’s wages and labor, for women were considered incapable of managing or spending money. Everything - her household goods, clothing, household goods, dowry and inheritance - was his. “The subordinate and dependent condition of the wife, opens the husband such an unbounded field to practice on her natural timidity, or to abuse a confidence … that there is nothing, however unreasonable or unjust, to which he cannot procure her consent,” wrote a disapproving Pennsylvania court in Watson v. Mercer in 1820. “[H]ere he has the power to obtain her personal estate, not only without condition, but in some instances … even to turn real property into [his] personal estate, against her consent.”

Neither could she sue, enter into contracts, or make a will on her own. “It excited my towering indignation to think it was necessary for [my husband David] to sign [my will],” exclaimed the early activist Lydia Child in the 1830s. “I was indignant for womankind made chattel personal from the beginning of time, perpetually insulted by literature, law, and custom. The very phrases used with regard to us are abominable. “Dead in the law.” “Femme Couvert.” How I detest such language!”
Moreover, the husband owned his wife’s person in terms of sexual and parenting rights. “The right of a husband to the person of his wife is a right guarded by the law with the utmost solicitude,” commented an 1816 book on domestic relations. Beginning in 1819 women lost their legal right to choose to end a pregnancy; and fathers at any time could apprentice children without their mother’s knowledge or turn them over to guardians without her permission. Divorcing was extremely difficult as well. Courts only rarely granted divorce - only for extreme cruelty, adultery, desertion or nonsupport - and once divorced the woman lost custody of her own children. In short, observes author Ellen Carol DuBois, “no people, with the exception of chattel slaves, had less proprietary rights over themselves in eighteenth-century and early nineteenth-century America than married women.”

No less incisive observer than Alexis de Tocqueville commented in his 1831 masterpiece, Democracy in America, that “[i]n America the independence of women is irrevocably lost in the bonds of matrimony.” Tocqueville pointed to two factors for the near-complete subjugation of women within the marriage institution: one, America’s religious nature; and two, its mercantile focus. “Religious peoples and trading nations entertain peculiarly serious notions of marriage,” he explained. “[T]he former consider the regularity of woman’s life as the best pledge and most certain sign of the purity of her morals; the latter regard it as the highest security for the order and prosperity of the household. The Americans are at the same time a puritanical people and a commercial nation: their religious opinions, as well as their trading habits, consequently lead them to require much abnegation on the part of woman, and a constant sacrifice of her pleasures to her duties which is seldom demanded of her in Europe.”

Tocqueville’s observation of Christian orthodoxy’s effect on women is epitomized in an 1832 comment of one American preacher: “The wife who possesses a mind of superior cultivation and power to her husband’s [should] be in subjection to his authority… because this is conformable to the general order God has established…. Subordination to principles and laws of order is absolutely essential to the existence of the social state. Break up the order of the social state,” he concluded, “and woman must become the most abject and helpless of all slaves.”
It is impossible to discuss the early days of American feminism without including the movement to abolish slavery; for it was from the abolitionist movement that women received early political training, support and constituency. The roots of the movement can be traced to young William Lloyd Garrison.368

Employing an absolutist natural rights doctrine that demanded liberty and equal rights of the sort claimed by America’s founders and framers (whom he labeled as hypocrites, with their failure to practice what they preached in the Declaration of Independence, and for enacting a pro-slavery Constitution), Garrison welcomed women’s participation in his American Anti-Slavery Society, capitalizing on the republican-motherhood tradition to further his abolitionist goals. “You cannot be ignorant of the victorious influence which you possess over the minds of men,” Garrison wrote an early colleague, Sarah M. Douglass, a free black Quaker woman in Philadelphia. “There is not a glance of your eye,” he continued, “not a tone of your voice – however seemingly the look of remonstrance or entreaty be disregarded, or the word of admonition or advice be slighted – but has a direct connexion with the results of masculine actions and pursuits.”369

Emphasizing the cruelties suffered by slaves, Garrison tapped into the complex network of (mostly New England) female benevolent associations which had arisen as a respectable non-political means for women to participate in issues outside the home. “Garrison’s invitation was special,” says Professor Suzanne Marilley, “because by publicly including women as a key constituency along with the clergy and newspaper editors, he effectively asked women to deny the traditional separation of the public and domestic spheres.”370

While they were initially drawn to the abolitionist cause to abolish slavery, women began extending Garrison’s universal equal rights doctrine to apply to women’s rights as well, often through a scripturally-based moral equality approach (years later, Stanton herself employed this appeal-to-religious-morality approach before becoming so soured on religious orthodoxy that she could no longer make such appeals). In 1833, for example, the free black woman Maria W. Stewart wrote, in defending herself against criticisms for speaking out in public, “What if I am a woman; is not the God of ancient times the God of these modern days? … [H]oly women ministered unto Christ and the apostles; and women of refinement in all ages, more or less, have had a voice in moral, religious and political subjects.” Angelina
Grimke added in 1836, “Women as well as men were to be living stones in the temple of grace, and therefore their heads were consecrated by the descent of the Holy Ghost as well as those of men”; and her sister Sarah Grimke wrote, “The Lord Jesus defines the duties of his followers in his Sermon on the Mount…. I follow him through all his precepts, and find him giving the same direction to women as to men, never even referring to the distinction now so strenuously insisted upon between masculine and feminine virtues. Men and women were CREATED EQUAL!”

Throughout these years the abolitionist movement’s radical message of change, and the fact that women were active participants, created a backlash – some of it violent, despite the Garrisonians’ avowedly pacifist approach. In 1834 the homes of forty-five free African-Americans were destroyed in Philadelphia; and throughout 1835 abolitionist speakers were jeered and sometimes beaten. When Angelina Grimke’s *Appeal to the Christian Women of the South* reached Charleston in 1836, the postmaster publicly burned all copies, and the police warned the Grimke family that Angelina should not return to the city. And in 1838, when Lucretia Mott and other organizers of the Second National Anti-Slavery Convention of the American Women refused the requests of the Philadelphia mayor and others to “ask the black women to stop attending the meeting” and persisted nonetheless in their activities, a mob of 17,000 (many of them visitors from the South) burned the newly-constructed Pennsylvania Hall to the ground at the end of the three-day convention.

Many men, and some women, objected specifically to the increased role of women in the movement. When women brought numerous petitions calling for the end of slavery in the District of Columbia to the House of Representatives in 1834, a group of southern Congressmen prevailed in passing the Pinckney “Gag Rule” to block them; prompting representative and former President John Quincy Adams to actively defend citizens’ right to petition (and thus triggering the first discussions in Congress on the woman’s rights issue).

The clergy in particular mounted attacks condemning women’s participation in antislavery activities as “unfeminine” and urging women to restrict their activities to the “separate sphere” of the household and less controversial issues. In an 1837 pastoral letter, the Council of Congregationalist Ministers of Massachusetts argued that when a woman “assumes the place and tone of man as public reformer… her character becomes unnatural”; and criticized the Grimkes for “threaten[ing] the female character with wide-spread and
permanent injury.” To which Sarah Grimke responded with a series of letters for the Spectator demanding educational reform, equal wages and an end to other forms of discrimination against women. “I ask no favors for my sex. I surrender not our claim to equality,” she explained, while adding the memorable riposte: “All I ask our brethren is that they will take their feet from off our necks and permit us to stand upright on that ground which God designed us to occupy.”

Besides offering cover for these early pioneers, Garrison’s Anti-Slavery Society continued to be important for the next several decades. Most who joined the women’s rights movement before the Civil War began their activism with antislavery efforts, and their participation in the abolitionist cause seasoned them. “[T]heir antislavery activity put them outside the pale of respectable womanhood,” DuBois explains. “Already branded as abolitionist extremists, they were not frightened by public hostility or press indictments of long-haired men and short-haired women.” Through the abolitionist movement they were able to advance their arguments that Article IV of the Constitution (specifying that Congress “shall guarantee to every State in this Union a Republican form of government”) mandates equal treatment for all people within every state. Republicanism, they reasoned, admits of no class boundaries between citizens.

With all of these controversies, by the end of the 1830s many abolitionist men had concluded that the prominent leadership of women within the antislavery movement was counterproductive, at the very least; or that “equality of the sexes” was “not God’s will.” Some even challenged women’s constitutional right to petition.

Garrison stood with the women, however, staunchly defending them on the universalist egalitarian grounds that, just as first principles of absolute human equality ignored physical, cultural, and historical characteristics that might distinguish Blacks from Whites, so too should they ignore differences based on sex. The basic disagreements among the abolitionists led to a contentious split in the abolitionist movement, when James G. Birney, the 1840 Liberty Party candidate for President, spearheaded the formation of a new group in April 1840 to rival Garrison’s American Anti-Slavery Society - the American and Foreign Anti-Slavery Society, which opposed the “insane innovation” of allowing women to be speakers and officers and favored the gradual emancipation of slaves through political solutions.
It was into this cauldron of social upheaval that twenty-four year-old Elizabeth Cady found herself drawn in 1839 and 1840. She had not gravitated naturally to activism from an early age, notwithstanding her girlhood efforts to save a prisoner from the hangman’s noose. She was a child of relative privilege - born in Johnstown, New York in 1815 of a father, Daniel Cady, a successful lawyer and later judge who, according to a guest, was a tough-minded “John Quincy Adams type of man”; and a mother, Margaret, from the prominent local Livingston family, a “very refined, lady-like, loving, spirited woman.” Servants and private schools were part of her childhood life. She was a bright girl, eager to please her father with her mastery of Greek and other intellectual pursuits typically reserved exclusively to males.

But Judge Cady, a socially conservative man in a socially conservative era, could not fully accept her as an individual, ruminating to Elizabeth on at least a couple occasions, “I wish you were a boy!” As hard as she tried, Elizabeth never was able to fill the space of a son in her father’s life. Much later, even once she had amassed considerable recognition and plaudits as the erudite leader of a worthy cause, her father continued to disparage her efforts. After one demoralizing visit with him in 1852, for example, she confided bitterly to her long-time coadjutor Susan B. Anthony (on whom more later), “To think that all in me of which my father would have felt a proper pride had I been a man, is deeply mortifying to him because I am a woman…. I never felt more keenly the degradation of my sex.”

Elizabeth attended Emma Willard’s Troy Female Seminary (one of the twelve thousand young women educated there between 1821 and 1872) because, at the time of her 1830 enrollment, the opportunity to attend college simply did not yet exist for women. Her earlier experience at the coeducational Johnstown Academy had been happy. “[Although I] was the only girl in the higher classes of mathematics and the languages,” she recalled, “in our [play] all the girls and boys mingled freely together. In running, sliding downhill, and snowballing we made no distinction of sex…. Equality was the general basis of our school relations.” She was uninspired, by contrast, with her experience at the Troy Seminary, commenting, “the isolation of the sexes breeds all this sickly sentimentality, romantic reveries, morbid appetites, listlessness and lassitude.” Coeducation, she believed, was the
Elizabeth Cady Stanton With Infant Daughter, Harriot, 1856

Image Courtesy of Library of Congress.
better way to go, as it allows “girls [to] acquire strength, courage and self-assertion and boys
courtesy, refinement and self-control.” She graduated in 1833; and then, in “the most
pleasant years of my girlhood… enjoy[ed] a period of irrepressible joy and freedom” riding
horses, attending dances and hayrides, visiting relatives, and singing along while playing the
guitar and piano.\textsuperscript{377}

By 1839, Elizabeth was meeting a fascinating array of people in her frequent visits to
the home of favorite cousin Gerrit Smith in nearby Peterboro, New York. Intrigued and
intellectually stimulated by the changing cast of fugitive slaves, male and female
abolitionists, Oneida Indians, politicians and other reformers of all shapes and descriptions
who passed through Smith’s home, she found there “new inspiration in life and … new ideas
of individual rights.” One of the people she met there in October 1839 was abolitionist
speaker Henry Stanton. Henry, ten years older, was smitten with Elizabeth’s intellect and
spirit, and she with his intellectual commitment to the anti-slavery movement, as well as his
dancing skill and good looks. They began courting, and less than a month later, in “one of
those charming revelations of human feeling which brave knights have always found
elloquent words to utter and to which fair ladies have always listened with mingled
emotions,” Henry asked her to marry him; and Elizabeth, in a moment of “pleasure and
astonishment,” accepted his proposal.

After a brief break in the engagement due to Elizabeth’s father’s objection to the
match, they were married in a private ceremony on May 1, 1840 - in which Elizabeth
persuaded the reluctant minister not to include the promise that she would “obey” her
husband. Then they boarded the steamer \textit{Montreal} on May 12 to London, where Henry was
to participate as a delegate to the 1840 World Anti-Slavery Convention. She had decided to
take Stanton’s name, but not “Mrs. Henry Stanton,” commenting, “The custom of calling
women Mrs. John This and Mrs. Tom That and colored men Sambo and Zip Coon, is
founded on the principle that white men are lords of all.”\textsuperscript{378}

During the \textit{Montreal’s} journey from New York to London, she was surprised by the
narrow views of many of the antislavery delegates on the issue of women’s roles in the
abolition movement. At sea she listened as 1940 Liberty Party presidential candidate James
G. Birney criticized Lucretia Coffin Mott (the forty-six year-old Quaker minister, abolitionist
and feminist) and other female delegates for “demoralizing” the antislavery movement by
insisting on attending the Convention. Birney’s comments reflected the split of Birney’s American and Foreign Anti-Slavery Society from William Lloyd Garrison’s more radical American Anti-Slavery Society just a month earlier.³⁷⁹

To Elizabeth’s regret, Henry Stanton was associated with Birney’s new group. As “the only lady present who represented the ‘Birney faction,’” she was embarrassed when introduced to delegate Lucretia Mott, who was decidedly in the Garrison camp, while checking into the London Hotel on Great Queen Street. She managed to redeem herself at dinner later that evening, however, when, despite Henry’s nudgings under the table, she “found myself in full accord with the other ladies, combating most of the gentlemen at the table” on the matter of women’s empowerment - thereby earning the respect of Mott and others. “I shall never forget the look of recognition [Mrs. Mott] gave me when she saw by my remarks that I fully comprehended the problem of woman’s rights and wrongs,” Elizabeth later recalled.³⁸⁰

Once at the Convention, before talk of slavery even commenced, the delegates argued for hours about whether women would be allowed to participate in the proceedings. The debate was pitched, but in the end most delegates sided with the Birney faction arguing not to seat the women, so they were made to sit behind a screen out of view of the delegates. The women were furious. “The crucifixion of their pride and self-respect, the humiliation of the spirit was treated by the men as a most trifling matter,” Stanton remembered. “It was really pitiful to hear narrow-minded bigots, pretending to be teachers and leaders of men, so cruelly remanding their own mothers, with the rest of womankind, to absolute subjection to the ordinary masculine type of humanity.”

William Lloyd Garrison again showed solidarity with the women by sitting with them behind the screen, explaining, “[a]fter battling so many long years for the liberation of African slaves.” “I can take no part in a convention that strikes down the most sacred rights of all women.” Elizabeth was deeply influenced by Garrison’s stalwart commitment to principle on this (and other) occasions, commenting, “It was a great act of self-sacrifice that should never be forgotten by women.” A major disappointment for Elizabeth, however, was that Henry Stanton, although he had earlier said he supported women’s participation and made a show at the Convention in support of seating the women, ultimately sided privately with the majority and sat with the rest of the delegates on the floor. “I soon found that the
William Lloyd Garrison

Image Courtesy of Library of Congress.
pending battle was on women’s rights,” Stanton recalled, “and that unwittingly, I was by marriage on the wrong side.” Throughout their marriage Henry rarely publicly supported women’s rights, leading Elizabeth to lament, “Henry sides with my friends who oppose me in all that is dearest in my heart.” As Susan B. Anthony would much later comment, Stanton was the only one of the leaders of the women’s movement who stood “all alone, without Father, Mother, Sister, Brother, or Husband.”

Despite (and perhaps because of) the snubbing at the Convention, the trip to London and the following five-month tour of Great Britain, Ireland, and France was a transformative experience for Elizabeth, largely due to her many conversations with Lucretia Mott, who to her epitomized “an entire new revelation of womanhood.” Much to Henry’s irritation, Elizabeth “took possession of Lucretia,” eagerly soaking up Mott’s wisdom as she accompanied her on visits to London’s schools, prisons, and tourist attractions. “When I first heard from her lips that I had the same right to think for myself that Luther, Calvin and John Knox had, and the same right to be guided by my own convictions,” Elizabeth recalled, “I felt a new born sense of dignity and freedom.” On one memorable day at the British Museum, the two women talked for hours about a meeting they would one day hold in America on the topic of women’s rights. “I could not see what to do or where to begin,” Elizabeth later wrote. “[M]y only thought was a public meeting for protest and discussion.”

And she made strong favorable impressions on Mott and others during the trip, despite her relative youth and inexperience. “Elizabeth Stanton gaining daily in our affections,” read Mott’s diary entry of June 20, 1840. William Lloyd Garrison himself wrote, “Mrs. Stanton is a fearless woman and goes for women’s rights with all her soul.” “Mrs. Stanton is one in two thousand,” English reformer Richard Webb added. “I have met very few women I consider equal to her.” And Webb’s wife admired, “Elizabeth Stanton (with whom we were highly delighted) is a brave upholder of woman’s rights.”

II. Seneca Falls
I consider my right to property, to suffrage, etc., as natural and inalienable as my right to life and to liberty. Man is above all law. The province of law is simply to protect me in what is mine.

-Elizabeth Cady Stanton, 1858

Awaking on Wednesday, July 19, 1848 in her fixer-upper house on an often-muddy road on the outskirts of Seneca Falls, the thirty-two year-old woman readied herself for a meeting that would provide a welcome break in running a home and raising three young sons largely by herself - a domestic routine which had left her depressed, lonely, angry and exhausted. Her husband and she had moved their young family the previous year to Seneca Falls, a central New York community of four thousand located not far from the Erie Canal roughly between Syracuse to the east and Rochester to the west.

Elizabeth Cady Stanton might have muttered a silent curse as she dressed herself that morning in the customary lady’s garb of starched shirtwaists, ten pounds of muslin petticoats, and binding corsets made of stiff whale bones. “Take a man,” she once said, “and pin three or four large tablecloths about him, fastened back with elastic and looped up with ribbons; drag all his own hair to the middle of his head and tie it tight, and hair pin on about five pounds of other hair with a bow of ribbon … pinch his waist into a corset and give him gloves a size too small and shoes ditto, … and frill to tickle his chin and little lace veil to bend his eyes whenever he goes out to walk and he will know what woman’s dress is.”

And she may have reflected how, since moving to Seneca Falls, “the novelty of housekeeping had passed away, and much that was once attractive in domestic life was now irksome.” “My duties,” she later recalled, “were too numerous and varied and none sufficiently exhilarating or intellectual to bring into play my higher faculties. I suffered with mental hunger, which, like an empty stomach, is very depressing.”

This existence was in rude contrast to the contented life she had left in Boston, where she had lived for three years with her growing family in “a kind
Elizabeth Cady Stanton Home, Seneca Falls, NY

Image Courtesy of National Park Service.
of moral museum … afford[ing] as many curiosities in [its] way as does the British Museum in its”; where she “had never lived in such an enthusiastically literary and reform latitude before, and [her] mental powers were kept at the highest tension,” with a who’s who group of friends of notable reformers, including Abby Kelley and Stephen Foster, Frederick Douglass, Ralph Waldo Emerson, Nathaniel Hawthorne, William Lloyd Garrison, and Theodore Parker. In the midst of this intellectual ferment she was contented enough to operate mainly within the “woman’s sphere,” commenting, “It is a proud moment in a woman’s life to reign supreme within four walls, to be the one to whom all questions … are referred.”

But that season of contentment was past. Now, the realities of life as small-town housewife weighed upon her, and finally the combination of “the wearied, anxious look of the majority of women…, all I had read of the legal status of women, and the oppression I saw everywhere, intensified by many personal experiences, together swept across my soul … [and] conspired to impel me to some onward step.”

…

[End of Chapter 3 Extract]
American Apartheid

The Negro race in America, stolen, ravished and degraded, struggling up through difficulties and oppression, needs sympathy and receives criticism; needs help and is given hindrance, needs protection and is given mob-violence, needs justice and is given charity, needs leadership and is given cowardice and apology, needs bread and is given a stone. This nation will never stand justified before God until these things are changed.

-W.E.B. Du Bois, 1905

I. Great Barrington

The ten-year-old boy trembled with excitement as he and his classmates in the small wooden schoolhouse waited to begin exchanging their visiting cards. Glancing around, the boy saw his
classmates arranging their cards and whispering to one another in excited tones.

“May I see yours?” one whispered.

“‘Yes,’” another replied, offering a gorgeous folded paper creation for inspection. “They were ten-cents a package.”

“Mine too!”

When the teacher finally gave permission to begin, the boy and his classmates dashed from boy to girl, girl to boy, merrily collecting and dispensing cards.

Shortly, the boy approached a tall girl who had only recently moved to the school. He reached out his hand. “Here is a card for you,” he offered with a shy smile.

The girl looked at him briefly, dismissively refused his card, turned her back and walked away.

The festive mood rushed out of the room like air from a balloon. Left standing with outstretched arm and burning cheeks, the embarrassed boy felt as if someone had punched him in the gut.

A profound hurt sadness came over young Willie Du Bois in that moment. And, with sudden, crystal clarity, he knew. “I am different from them – all of them. And I am shut out of their world, just as surely as if separated by a vast veil.”

William Edward Burghardt (W.E.B.) Du Bois would never again be quite as innocent as he had been before this transformative spring 1878 day in the “wee wooden schoolhouse.” By his thirteenth birthday a couple years later, he had known “days of secret tears” with the growing awareness that some people in his town of Great Barrington, Massachusetts “actually considered … brown skin a misfortune; [and] some even thought it a crime.”
It seems appropriate that Du Bois was born the same year, 1868, as the states ratified the Fourteenth Amendment, which guaranteed due process and equal protection to all persons. This amendment, together with the Fifteenth Amendment ratified two years later guaranteeing the franchise to black Americans (albeit men only), was a key piece in the puzzle to reconstruct a shattered Union which in its brief history had fallen woefully short of honoring the lofty ideals expressed in the Declaration of Independence. During these heady post-Civil War days, African-Americans assumed active political roles throughout the South – dominating the state legislature in South Carolina, for example, with over 600 former slaves elected as legislators during Reconstruction; and 265 voting as delegates at state constitutional conventions throughout the South. But alas, the early promise of Reconstruction fell tragically short.469

The story of Du Bois’s ninety-five year life can be described, in a sense, as an attempt to resurrect the ideals and gains of the early post-Civil War years. Relentlessly identifying the egregious injustices imposed upon African-Americans, he stridently demanded liberty and equal justice for all, regardless of color or race. Like this book’s other radicals, Du Bois “vigorously opposed any manifestation of human intolerance and social inequality,” Manning Marable explains. Moreover, also like the others, Du Bois too was harshly critical of Christian orthodoxy, believing it to be the cause of many of society’s ills (although he continued throughout his life to champion Christ’s own principles of toleration, peace, humility, mercy and charity) - commenting in 1941, for example, “Of course, it is the Churches which are the most discriminatory of all institutions!”470

W.E.B. Du Bois (“the pronunciation of my name is Due Boyss, with the accent on the last syllable,” he often explained) was born in Great Barrington, Massachusetts on February 23, 1868, to Alfred Du Bois and Mary Silvina Burghardt. Great Barrington, located on the Housatonic River in the far western part of the state between the Berkshires to the east and the Taconic range to the west, was then a town of about 4,000 people, of which fewer than thirty families (mostly Burghardts) were African-American.
W.E.B. Du Bois, ca. 1904

Image Courtesy of Library of Congress.
Du Bois’s great-great grandfather on his mother’s side was onetime slave Tom Burghardt, brought from West Africa and sold by Dutch slavers in New York in the early 1730s. His mother, Mary Silvina, “was dark shining bronze, with smooth skin and lovely eyes; there was a tiny ripple in her black hair, and she had a heavy, kind face.” “She gave one the impression of infinite patience,” Du Bois recalled many years later, “but a curious determination was concealed in her softness.”

Du Bois’s father, Alfred, was descended from wealthy Poughkeepsie, New York physician James Du Bois of French Hueguenot origins, who fathered at least four children with slave mistresses on his Bahamas plantations, including Du Bois’s grandfather Alexander, whom he brought back with him to New York around 1812. Alexander fathered Alfred with a Haitian woman during a trip to Haiti sometime before 1833. By the mid-1850s Alfred was working as a barber, cook and waiter in upstate New York; then around 1867 he moved to Great Barrington where he met and married Mary Silvina and fathered Du Bois.

Alfred left the young family in 1869 or early 1870, apparently very hastily one night after pistol shots were fired at or near their house by some of Mary Silvina’s Burghardt nephews. Thereafter, Alfred worked as a preacher or barber in Connecticut, but it seems Du Bois never saw his father again, inflicting a deep wound from which he never completely recovered. Throughout his life he rationalized that his father had been forced to leave by the “black Burghardts [who] didn’t like [Alfred] because he was too white, and he had a lot of extra manners which they weren’t used to.” “At any rate, they practically drove him away,” the story went, and Alfred expected his wife and new baby to follow.

By Du Bois’s seventh year, he was living with his mother and stepbrother on Railroad Street, in a very poor part of the community next to the tracks and nearby bars and brothels. Regardless of his surroundings, from an early age Du Bois was highly motivated and excelled academically, advancing through to the upper grades at an age several years younger than his classmates. He indulged his love of books by lingering in Johnny Morgan’s bookstore; and it was a proud day when he was able to bring home a
full set of Macaulay’s five-volume History of England, which Morgan allowed him to pay off over time with the twenty-five cents per week he was earning at odd jobs around town. He received special mentoring from Frank Hosmer, the high school principal, who encouraged Du Bois to point toward college and helped him acquire the necessary preparatory textbooks.\textsuperscript{475}

When it came to religion, in his youth Du Bois was a product of his environment, adhering at least superficially to the New England Congregational Church and its rigid Calvinism; into early college he still “never questioned [his] religious upbringing. Its theory had presented no particular difficulties: God ruled the world, Christ loved it, and men did right, or tried to; otherwise they were rightly punished.” This too would soon change.\textsuperscript{476}

A turning point in young Will Du Bois’s life occurred in summer 1883 when he took the train to meet his father’s father, Alexander Du Bois, in New Bedford, Massachusetts before his senior year in high school. Grandfather Alexander gave fatherless Will a much-needed adult black male role model, and he soaked in the lessons of this dignified, quiet man. “I suddenly sensed in my grandfather’s parlor what manners meant and how people of breeding behaved and were able to express what we in Great Barrington were loath to give act to,” he wrote of observing a toast between his grandfather and New Bedford’s leading black citizen, Mr. Freedom. “I never forgot that toast,” he declared.\textsuperscript{477}

As one of thirteen students graduating from Great Barrington High School the following June of 1884, Du Bois gave his commencement talk on the noted abolitionist Wendell Phillips (Elizabeth Cady Stanton’s erstwhile ally, who had recently died), “provok[ing] repeated applause” from the enthusiastic audience. Following his mother’s death in March, later in 1885 Willie traveled south, enrolling as an advanced-standing sophomore at Fisk University in Nashville, Tennessee to live among his “own race in the land of the slaves.” Fisk, which opened as Fisk Free Colored School on the site of a Union army hospital in the spring of 1866 less than a year after the end of the Civil War,
Great Barrington High School Graduating Class, 1883

Image Courtesy W.E.B. Du Bois Library, University of Massachusetts Amherst.
maintained its ambitious curriculum of Latin, philosophy, science and history - contrary to the South’s emerging orthodoxy that such a liberal arts education was inconsistent with the region’s preferences for enforced racial subservience.\textsuperscript{478}

At Fisk Du Bois found “new and exciting and eternal ties” - marveling at the self-assurance of his classmates (“such airs, and colored men at that”), and reveling in the comfort of being surrounded by people of like color in a nation where such things mattered:

Consider, for a moment, how miraculous it all was to a boy of seventeen, just escaped from a narrow valley: I will and lo! My people came dancing about me, - riotous in color, gay in laughter, full of sympathy, need, and pleading; darkly delicious girls – ‘colored’ girls – sat beside me and actually talked to me while I gazed in tongue-tied silence or babbled in boastful dreams. Boys with my own experiences and out of my own world, who knew and understood.\textsuperscript{479}

During the summers after his first and second years at Fisk he worked teaching in a one-room “schoolhouse” (actually a log storage barn) just outside tiny Alexandria, Tennessee fifty miles east of Nashville - where he may as well have stepped back fifty years into antebellum Tennessee. “[I] touched the very shadow of slavery,” he recalled; but he treasured nonetheless the camaraderie he developed with his fifteen students (ranging in age from six to twenty), and experienced every teacher’s satisfaction in observing “faint and transient glimpses of the dawn in the struggling minds of my pupils.”\textsuperscript{480}

At this early unformed stage in Du Bois’s development, on matters of race relations he was conciliatory, stating in the unpublished “An Open Letter to the Southern People,” for example, “Let us, then, recognizing our common interests (for it is unnecessary to speak of our dependence upon you), work for each other’s interest, casting behind us unreasonable demands on the one hand, and unreasonable prejudice on the other.” His forthrightness in advocating women’s rights was decidedly outside of the mainstream, however – stating, for example (in language that Elizabeth Cady Stanton
surely would have applauded), that “the Age of Women is surely dawning,” in an editorial about a Women’s Christian Temperance Union meeting in Nashville.481

Just a few months after graduation Du Bois was on his way to Harvard, thanks to strong recommendations from Fisk professors and his old champion in Great Barrington, Frank Hosmer. While his memoirs speak of his thrill of “walking beneath the elms of Harvard – the name of allurement, the college of my youngest, wildest visions,” he also remembers Harvard as a place too satisfied with itself. Compared to Fisk, he “did not find better teachers at Harvard, but [merely] teachers better known.” Among his most influential teachers, philosophy professor William James (brother of Henry James) and history professor Albert Hart stand out as two who especially encouraged Du Bois both during his time at Harvard and for many years afterward.482

During his college years, first at Fisk and then Harvard, Du Bois began to question organized religion. He recalls being disillusioned at Fisk by, for example, the Episcopal church’s charges of heresy against a priest whose book was used at the university; the expulsion by the Presbyterians of a minister for heterodoxy; and being “compelled to read” The Logic of Christian Evidences (1880) by George Frederick Wright. Having experienced the “Preacher, the Music and the Frenzy” of black Christianity during his summers in Alexandria, orthodox Christian religion now “affronted my logic. It was to my mind, then and since, a cheap piece of special pleading.” The combined effect was that he “just stopped and refused to teach Sunday School any more.” At Harvard, he harshly criticized white Christianity’s “high Episcopal Niocene creed” as a tool for white supremacy. Asked many years later if he believed in God, he replied, “[If] you mean by ‘God’ a vague Force which, in some uncomprehensible way, dominates all life and change, then I answer, Yes; I recognize such Force, and if you wish to call it God, I do not object.”483

At Harvard Du Bois observed a disciplined regimen that would remain a hallmark of his daily routine for the rest of his life. (“Rising at 7:15 and breakfast. Work from 8-12:30. Lunch. Work from 1-4. From 4-5 I go to the gymnasium. 5-5:30 I take a breathing spell. 5:30-7, dinner and daily paper. 7-10:30 study or lectures or social visits, etc.”). He graduated cum laude with a concentration in philosophy in June, 1890, and delivered an enthusiastically-received ten-minute memorized speech at commencement
entitled, “Jefferson Davis as Representative of Civilization,” in which he called for a new archetype – one committed to coexistence of the races - to replace that of Davis, whose life, represented as “race, or as nation, … can only logically mean … the advance of a part of the world at the expense of the whole.” His finely-balanced language would have been heartily approved by his later arch-antagonist, Booker T. Washington. It pleased the graduation audience, anyway, which burst into applause at the speech’s conclusion, and impressed the critics as well. Said The Nation, “[Du Bois approached this] difficult and hazardous subject with absolute good taste, great moderation, and almost contemptuous fairness.” Another, Kate Field’s Washington, annointed Du Bois the “star of the occasion,” commenting: “No history of the Civil War will be worth reading, saving as fiction, until … the spirit of [Horace] Greeley and Du Bois inspires its writer.” 484

Following his triumphant Harvard commencement address, with scholarship funding for his Harvard Ph.D. studies secured, he stayed mostly in Boston for the summer, where the affluent “Charles Street” African-American community began to assimilate this rising young star. During his second year he met and fell in love with Maud Cuney, “a tall, imperious brunette, with gold-bronze skin, brilliant eyes and coils of black hair,” a student at the New England Conservatory of Music. They socialized happily with others among their elite Charles Street friends, and although she declined his marriage proposal, they remained intimate friends until her death in 1936. During these years too he met the dashing Monroe Trotter (the first African-American junior Phi Beta Kappa, who made his way in the Cambridge social scene much more easily than the serious-minded Du Bois), with whom Du Bois would maintain a love-hate relationship for decades afterward. Taking time out from his “limited leisure” to speak at the March 1891 meeting of the National Colored League, he urged his audience to “get a liberal education,” with the comment: “Never make the mistake of thinking that the object of being a man is to be a carpenter, the object of being a carpenter is to be a man.” 485

The twenty-two year old scholar received his Master of Arts degree in 1892, continuing to impress at Harvard and beyond. His professor Albert Hart thought enough of his master’s thesis paper, “The Enforcement of the Slave Trade Laws,” to invite him to present the paper to the American Historical Association (AHA) in December 1891,
where it was adjudged by a reporter from the New York *Independent* as one of the conference’s three best. “[H]ere was an audience of white men listening to a black man,” the reporter marveled, “listening, moreover, to a careful, cool, philosophical history of the laws which have not prevented the enslavement of his race.”

The next step in Du Bois’s first-rate education would take him to Berlin to study at the esteemed Friedrich-Wilhelm III University (the University of Berlin), supported by the John F. Slater Fund. Sailing for the first time outside of the United States in July 1892, he was “in a trance… It’s not real; I must be dreaming!” He traveled in Germany before starting his studies, thoroughly enjoying the relaxed racial mixing practiced in Germany - often on the arm of Dora Marbach, a pretty young Dutch woman enough taken with Du Bois that she wanted to get married “at once” (which he declined, knowing “this would be unfair to her and fatal for [his] work at home”).

He began his Berlin studies in late October, where the demands of an autonomous German program, including a course-load of six lectures totaling twenty hours a week, suited the solitary and supremely self-motivated Du Bois well. The sociologist in him observed fairly quickly in Germany “a restlessly pessimistic state founded on obedience,” moving at all times at “half military stride”; as compared to the “boundlessly optimistic [United States] founded on individual freedom.”

During his second year in Berlin, he took a room in the family-style Braun pension, pugnaciously pleased with “the opportunity to teach an American family what a ‘nigger’ is”; though he “lived more or less regularly” with a young Berlin shopgirl. When classes resumed in October, he committed himself even more to his deep studies, finding particular affinity in Goethe and Hegel. He also began visiting meetings of the German Socialist Party, but revealed the lingering elitism which would remain with him for decades in a journal entry commenting that many Socialists are part of “that anarchistic, semi-criminal proletariat which always, in all countries, attaches itself to the most radical party.”

Although he had hoped to finish his Ph.D. at the conclusion of his second year in Berlin, his plans were thwarted by a technicality requiring that students could not stand for doctoral examination until after the completion of a bare minimum of four semesters in residency; since he had been there only three, he would have needed to stay an extra
semester before qualifying to take the exam. The Slater Fund was unwilling to extend its support for the additional semester, instructing him to complete the Ph.D. at Harvard instead (where he would be the first African-American to do so); so Du Bois swallowed his disappointment and, after final visits to Paris and London, returned to the U.S. from his magical two years abroad. The contrast was sobering – from learning in Europe to understand white “men and women as [he] had never met before … [as] not white folks, but folks,” to being “dropped suddenly back into ’nigger’-hating America!”

Upon his return from Europe, Du Bois found his first teaching job (classics) at Wilberforce University. “Life was now begun and I was half happy,” he ruminated during the train ride to the Wilberforce campus. “Up through the Berkshire valley with its quiet beauty, then across New York I glided, wrapped in dreams. The lights of Buffalo bade me goodnight, and half asleep, I drifted across Ohio.” Wilberforce turned out to be a poor match, however. Discouraged by the autocratic administration of president S.T. Mitchell (“the most perfect realization of what the devil might be in the closing years of the 19th [century]”), the religious evangelism often practiced on campus, and other laments, Du Bois came to conclude that he “had made a mistake” in coming to Wilberforce. “I found myself against a stone wall…. Nothing stirred before [my] impatient pounding!,” he later recalled. “Or if it stirred, it soon slept again.”

Among the rare strong stirrings were those prompted by the 1895 commencement address visit of seventy-six year-old African Methodist Episcopal priest Alexander Crummell, who in his 1877 sermon “The Destined Superiority of the Negro” had written about the way forward for African-Americans after the abandonment of Reconstruction, and whose feminist and social ideals deeply affected the young scholar. First “politely, then curiously, then eagerly,” Du Bois spoke for hours with Crummell apart from the crowd (“where the storming of the lusty young orators could not harm us”), on such matters as Crummell’s ideas of a natural Platonic aristocracy that would lead the African-American race through troubling times. (Du Bois’s later advocacy of a Talented Tenth leading the African-American race owes props to Crummell.) “Instinctively I bowed
before this man,” Du Bois recalled, “as one bows before the prophets of the world. Some seer he seemed, that came not from the crimson Past or the gray To-come, but from the pulsing Now.”

Du Bois completed his 12-chapter Harvard doctoral dissertation, *The Suppression of the African Slave Trade to the United States of America, 1638-1870*, during his first year at Wilberforce, which Harvard (again with the strong recommendation of Professor Hart) arranged to publish the following year. This critically acclaimed book took on a particularly venerable sacred cow - the Constitution’s framers – in challenging the conventional wisdom that the constitutional bargain allowing slavery’s continuation was inevitable and proper: “It is neither profitable nor in accordance with the scientific truth to consider that whatever the constitutional fathers did was right, or that slavery was a plague sent from God and fated to be eliminated in due time.”

Du Bois also met others at Wilberforce, including, most importantly, student Nina Gomer - “a slip of a girl,” in Du Bois’s admiring words, “beautifully dark-eyed and thorough and good as a German housewife.” Du Bois and Nina, the well-mannered, well-spoken daughter of a Cedar Rapids hotel chef, were married on May 12, 1896.

During the time Du Bois and Nina were courting early in his second year at Wilberforce, Booker T. Washington, a former slave from Mississippi who had risen to become principal at Tuskegee (Alabama) Institute and an influential public speaker on the education of African-Americans, gave what was to be one of the most influential speeches in the history of American race relations before the Cotton States International Expo in Atlanta. “In all things that are purely social [Blacks and Whites] can be as separate as the fingers, yet one as the hand in all things essential to mutual progress,” Washington explained in his speech of September 18, 1895. “The wisest among my race understand that the agitation of questions of social equality is the extremest folly.” Washington essentially proposed a bargain: that Blacks would drop their demands for “social equality” and the right to vote, in exchange for the South’s ruling white elite allowing parallel vocational, educational and social progress for Blacks and taking steps to reduce violence by southern bigots.

The editor at Atlanta’s influential *Constitution* enthused, “[t]hat man’s speech is the beginning of a moral revolution in America”; and President Grover Cleveland,
meeting Washington shortly after his speech, expressed a “new hope” for Negroes. Du Bois too was among the masses lauding Washington’s Atlanta speech, writing him directly, “Let me heartily congratulate you upon your phenomenal success at Atlanta – it was a word fitly spoken”; and in a letter to New York Age: “here might be the basis of a real settlement between Whites and Blacks in the South, if the South opened to the Negroes the doors of economic opportunity and the Negroes cooperated with the white South in political sympathy.” Within just a few years, however, Du Bois would emphatically renounce those same words.495

II. The Road to Atlanta

_The American Negro ... wishes neither of [his] older selves to be lost. He would not Africanize America, for America has too much to teach the world and Africa. He would not bleach his Negro soul in a flood of white Americanism, for he knows that Negro blood has a message for the world. He simply wishes to make it possible for a man to be both a Negro and an American, without being cursed and spit upon by his fellows, without losing the opportunity of self-development, without having the doors of opportunity closed roughly in his face._

-W.E.B. Du Bois, 1903

The two proud men maintained cordial outward appearances, but upon closer observation they were deeply wary of each other – rather like a pair of rival lions positioning themselves to lead the pride. Their correspondence during the summer and fall of 1903 reflected the
maneuvering. The subject was the organization of a January 1904 conference in New York City’s Carnegie Hall meeting rooms for key African-American leaders; and they could not agree on whom to invite.

“We must agree upon certain fundamental principles and see in what way we understand or misunderstand each other,” suggested former slave Booker T. Washington, now principal of the powerful Tuskegee Institute.

“Here are my proposed names,” W.E.B. Du Bois, the renowned Atlanta University professor and author of highly-regarded scholarly studies and other more provocative works, replied.

“The more I think of it, the more I feel convinced that one should not attend,” Washington parried, “but that another be added.”

“Very well. Then I think it would be appropriate to add someone else altogether,” Du Bois responded.

“But the list should reflect that the bulk of our people are in the South,” Washington countered. “Please do try to make a special effort to drop out of consideration all personal feelings.”

Disgusted, Du Bois finally threw up his hands and ceased communicating.

After a time, Washington, understanding the importance of Du Bois’s attendance, anxiously telegraphed to inquire if he planned to attend.

“I do not think it will be profitable to give further advice which will not be followed,” Du Bois announced curtly. “The conference is yours and you will naturally constitute it as you choose.” Moreover, he added, “I do not know if I will attend, for I am unsure whether my own presence would be worthwhile.”

Coy to the end, Du Bois did finally attend; and he agreed to serve on a post-conference planning committee of Twelve. But it was not long before Du Bois discovered he could no longer equivocate.
“We should no longer kiss the hands that smite us,” he wrote publicly, directly criticizing Washington. “Negros should settle for nothing less than full equal rights, and if they fail, die trying.”

All efforts at maintaining even the appearance of cordiality between Du Bois and Washington now ceased; thereafter “[i]t was war to the knife, and knife to the hilt.”

…

[End of Chapter 4 Extract]
Betrayals & Bridges

The primary goal and need of Indians today is not for someone to feel sorry for us and claim descent from Pocahontas to make us feel better. Nor do we need to be classified as semi-white and have programs and policies made to bleach us further.... We need fewer and fewer “experts” on Indians. What we need is a cultural leave-us-alone agreement, in spirit and in fact.

-Vine Deloria, Jr., 1969

III. Context & Beginnings

From a certain hill on the Pine Ridge Sioux Reservation in South Dakota, it is possible on a typical summer afternoon to look out over the expanse to see towering cumulous clouds marching in orderly regiments
toward the distant horizon. Lowering one’s gaze to the ravine and meandering creek below, one might imagine the events that occurred at this very spot in 1890.

Focusing intently, it seems almost possible still to make out within the valley mist the shapes of several dozen ghost tepees, with wisps of smoke curling lazily from their smoke-holes, camped near the banks of the creek. In a clearing among the tepees is an ephemeral group of Sioux warriors seated in a circle, surrounded by several ranks of apparitional blue-coated United States Army soldiers with locked-and-loaded artillery guns.

“All of you men bring your guns and arms and stack them in the middle,” an Army officer demands of the Indians. Groups of soldiers then enter the tepees, bringing out axes, knives and tent stakes, piling them near the guns. “Remove your blankets,” the officer orders, “so we can see you are not hiding anything.”

It is hard to see exactly what happens next, but as a medicine man, Yellow Bird, defiantly begins chanting a holy song and dancing the steps of the feared Sioux Ghost Dance, a young Sioux of poor reputation, Black Coyote, holds his prized Winchester over his head while shouting that the rifle belongs to him and had cost much. As several soldiers grab him, the rifle discharges – and then all hell breaks loose. A deafening “lightning-sound” of tearing canvas and powder smoke immediately fills the air as the Army troops begin indiscriminately firing their carbines into the Indian encampment. Then comes a brief lull in the din.

In the whispering, whistling wind, one can almost hear the wails of the defenseless women and children.

Then, from that very spot on the hill overlooking the scene, the Army’s Hotchkiss guns begin firing volley after volley of deadly shells – about one every second – spreading grapeshot and shrapnel into the tepees and at the retreating Indian men, women and children. In the end, some three hundred Sioux men, women and children are dead.
“We tried to run,” Wounded Knee survivor Louise Weasel Bear said, “but they shot us like we were buffalo.”616

Vine Deloria, Jr. visited the site of the 1890 Wounded Knee Massacre as a young boy in the late 1930s-early 1940s – an event he later called the “most memorable” of his early childhood. The visit must have left a lasting impression on Deloria of America’s harsh treatment of Indians – an impression that ultimately led, after an adolescence and young adulthood of trying to escape his Indian past, to four decades of lecturing, writing, and cajoling on behalf of Native American peoples. His was a strong, articulate unifying voice for all Indians.617

Like Roger Williams, Thomas Paine, Elizabeth Cady Stanton, and W.E.B. Du Bois, Vine Deloria, Jr. detested oppressive authority; and he spoke out passionately for broad recognition and tolerance by the dominant United States government of Indian sovereignty, self-determination, and traditions. “What we [Indians] need,” he demanded, “is a cultural leave-us-alone agreement, in spirit and in fact.”

Deloria, as we shall see, sought to educate people that under the terms of their historically unique political arrangement with the United States, Indian tribes are entirely separate (albeit dependent) sovereigns. As such they are entitled, under well-established principles of international law, to the respect given any other such sovereign state. Early on, the United States Supreme Court (if not the President and Congress) recognized these principles. “The settled doctrine of the law of nations is, that a weaker power does not surrender its independence - its right to self government, by associating with a stronger, and taking its protection,” Chief Justice John Marshall wrote in reference to Indian tribes in the 1832 Worcester v. Georgia case. “A weak state, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government, and ceasing to be a state…. ‘Tributary and feudatory states,’” Marshall continued, quoting Swiss scholar Emmerich de Vattel, perhaps the leading international law scholar of the day, “‘do not thereby cease to be sovereign and
independent states.’’ In short, Deloria explained, the dominant society is duty bound to leave the tribes alone to exercise their sovereign rights of government.\^{618}

Moreover, Deloria added, Indians stand apart (not more- or less-favored - just apart) from other minority groups in America. When a federal or State court (as opposed to a tribal court) asserts jurisdiction over people, whether Indian or non-Indian, on reservation land, for example, Deloria and other Indian law experts view the issue as involving tribal political rights, as opposed to civil rights or racial justice. “The larger issue at stake in nearly all Indian law cases,” Professor David Getches has written, “is the relationship of tribes to the United States – a matter rooted in centuries-old policy created as part of the nation’s constitutional framework.”\^{619}

Also like Williams, Paine, Stanton and Du Bois, Deloria - himself deeply spiritual - was harshly critical of Christian religious dogma. “The track record of individual Christians and Christian nations is not so spectacular as to warrant anyone seriously considering becoming a Christian,” he declared. “From pope to pauper, Protestant to Catholic, Constantinople to the U.S., the record is filled with atrocities, misunderstandings, persecutions, genocides, and oppressions so numerous as to bring fear into the hearts and minds of non-Christian peoples.” More than the others, however, Deloria was critical of dogma of any sort – including that of Western science, which he believed itself had become like a religion to many. He saw danger in the zealousness of rationalist thought wherein scientists “act like priests and defer to doctrine and dogma when determining what truths would be admitted, how they would be phrased, and how scientists themselves would be protected from the questions of the mass of people whose lives were becoming increasingly dependent on them.”\^{620}

Dubbed early in his career “the Rousseau of the new Indians” and “the red man’s Ralph Nader,” Deloria’s influence has been profound; although, given the relative recency of his writings, his legacy is still a work in progress. As Indian law scholar Charles Wilkinson opined upon Deloria’s 2005 death, “If you mark down the great figures of the American West in recent times, he belongs there because of his role in reshaping Indian country…. I think in the last 100 years, he's been the most important person in Indian affairs, period.” Clifford Lytle, his co-author on two books, added, “It is a rare issue that does not have his footprints somewhere in the background.”\^{621}
Vine Deloria, Jr., ca. 1975

Image Courtesy of Philip J. Deloria.
In addition to his quick, intuitive intelligence, Deloria’s effectiveness is also attributable to the wealth of experience he acquired during his lifetime in many aspects of the dominant government and culture – first in receiving a degree in theology from Lutheran missionary school; then directing the National Conference of American Indians, putting him in close touch with policymaking within the federal executive and legislative branches; then earning a law degree, giving him a deep understanding of the federal judiciary and its decisionmaking; and finally, working for years as an academic within the American higher education system. By the time he began publishing in his mid-thirties, Deloria had more than the normal insider’s view. All these experiences provided him with especially keen insights into the workings of the dominant culture – insights that he leveraged into an advocacy that was at once strident and humble. Even though he “has been connected with most of the major movements in Indian politics” since the sixties, Lytle explained, Deloria, true to his tribal heritage, “adopted a style of action that seeks to minimize public presence” - on the reasoning that fame can distract from important substantive issues.

Vine Deloria, Jr. is known primarily for his advocacy of tribal sovereignty and self-determination. Yet there was another aspect of his work that may eventually transcend even his political efforts: his exploration of Native religions, and, toward the end of his life, his brilliant work synthesizing Western rational thought and science with Native spirituality through the person of Swiss psychologist Carl Gustav Jung. “It is almost as if, looking down from a distance, we can watch as Sioux, Jungian, and scientific cosmologies draw close,” Deloria observed in this final work, *C.G. Jung and the Sioux Tradition*, published posthumously in 2009: “Where Jung would say, ‘Theoretically it should be possible to ‘peel’ away the collective unconscious, layer by layer, until we came to the psychology of the worm, and even of the amoeba,’ the Sioux would simply say that such a demonstration proves we are related to all life and that possibility is self-evident. As the psyche is the world, so too is the Great Mystery.”

These ideas resonate deeply with modern-day people of all nationalities. And it is here, perhaps, that Deloria shares characteristics with his fellow radicals Roger Williams, Elizabeth Cady Stanton, Thomas Paine and W.E.B. Du Bois on a deeper level.
Might all five have been intuitively more closely attuned than most others to the great universal Mystery – a state where the common interconnectedness of all of creation (living and inanimate alike) allows as the only acceptable moral approach one where the natural principles of liberty, equal justice, and tolerance are fully internalized and freely practiced?

. . . . .

A profound culture gap has always existed between the two major groups that have inhabited North America throughout human history – Native Americans first, and the European settlers who followed. While Indians have practiced a form of pagan spirituality premised on the unity between sacred landscapes and one’s own existence, Europeans were primarily agrarian Christians. While Indians believed in the harmonic interconnectness of all beings and things, the newcomers viewed humans as placed on earth by a stern God to rule and tame a wild planet.

It is perhaps inevitable that two neighbors with such divergent world views will have conflicts – especially when they live in such close proximity. So long as each respects the other’s boundaries, however, their differences – say, one neighbor prefers to keep her yard in its natural wildflower state while the other favors a more manicured lawn - should be of little concern. No worries. But when one of the neighbors – indeed, the noisy newcomer – begins to bully and eventually forceably subjugates the other because of his desire for the old-time neighbor’s land, it becomes an unconscionable ethical breach.

This is essentially what has happened over the centuries in North America with the original Indian occupants and newcomer Europeans. Early on, when “the Indian nations were the equal of any power on earth[, t]he European nations scraped and bowed before the Indian chiefs, hoping for allies to insure the existence of their colonies,” Deloria explained. “Without the Hurons,” for example, “the French would have been unable to exist in North America, and the Iroquois enabled the English colonies to withstand the might of the French and their Indian allies.”

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Needless to say, the newcomers generally respected the Indians’ boundaries during this era; although they advanced various dubious theories for superior title to the land based on their “higher” agricultural use, as opposed to the “lesser” use of the itinerant Indians. (Deloria acknowledged, however, that not all Europeans held such views, including, specifically, fellow-radical Roger Williams.) The 1786 Northwest Ordinance unequivocally laid out the new nation’s deferential policy on Indian affairs:

The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken from them without their consent; and in the property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them.  

Recognition by the nascent United States of full tribal sovereignty was reflected also in the 1787 Constitution, which expressly identified Indians as independent sovereigns in the all-important Commerce Clause, which gave Congress the power “to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes”; and the Taxation & Representation clause, which excluded from the equation “Indians not taxed.” The implication could not be more clear: in the eyes of the nation’s founders, Indian Tribes were themselves sovereign domestic “nations.” Hence, in those days the United States dealt with the Tribes as they would any other nation, by negotiating and entering into treaties.

Consistent with these legislative and constitutional directives, during the nation’s early years the United States’ adopted an “expansion with honor” approach in its land acquisition efforts. As George Washington explained, “I repeat it, again, and I am clear in my opinion, that policy and economy point very strongly to the expediency of being upon good terms with the Indians, and the propriety of purchasing their Lands in preference to attempting to drive them by force of arms out of their Country.” More generally, President Washington insisted that the proper mechanism for dealing with
Indian tribes was through the treaty process. For its part, early Congresses agreed - providing, for example, in the Indian Trade and Intercourse Act of 1802, that tribal land cessions should occur only pursuant to treaty. After a few short decades, though, as the newcomers’ power and security solidified, their voracious hunger for land increased and they began breaking promises - eventually taking over the Indians’ land outright. Reflecting on this history, a centenarian Creek Indian named Speckled Snake said around 1830:

“Brothers! I have listened to many talks from our great white father. When he first came over the wide waters, he was but a little man… very little. His legs were cramped from sitting long in his big boat, and he begged for a little land to light his fire on…. But when the white man had warmed himself before the Indians’ fire and filled himself with their hominy, he became very large. With a step he bestrode the mountains, and his feet covered the plains and valleys. His hand grasped the eastern and the western sea, and his head rested on the moon. Then he became our Great Father. He loved his red children, and he said, ‘Get a little further, lest I tread on thee.’

Brothers! I have listened to a great many talks from our great father. But they always began and ended in this – ‘Get a little further; you are too near me.”

There would be little doubt in whose favor the United States Supreme Court would rule in early land disputes. In the 1823 Johnson v. M’Intosh case, Chief Justice John Marshall explained that the “discovering” nation had priority to acquire the land, whether through purchase or conquest, from the Native inhabitants. “Discovery gave title to the government by whose subjects, or by whose authority, it was made,” Marshall wrote, “against all other European governments, which title might be consummated by possession.” The “discovery doctrine” gave Indians the right of occupancy, to be honored and protected in law, of their own ancestral homelands - but such right could be revoked unilaterally by the discovering nation. Deloria emphasized that the discovery
doctrine “did not invalidate Indian rights, since it only went to the power to extinguish [land title,] and that power rested solely with the hand of the federal government.” Chief Justice Marshall specified that only “Christian people” could invoke the discovery doctrine, however. “An indigenous seafaring tribe, by contrast, could not plant a flag in the British Isles or on the beaches of Normandy and make comparable claims to England or France,” Professor N. Bruce Duthu observed. “The potentates of the old world found no difficulty in convincing themselves that they made ample compensation to the inhabitants of the new, by bestowing on them civilization and Christianity.”

Writing a year after the eighteen-month 1969-70 Indian occupation of Alcatraz, Deloria asked: “Is the US any more justified in its claim to the land than the Indian militants of Alcatraz who claim also by Discovery? Do they not have the same claim to lands? Can one people simply ‘discover’ someone else’s land and take it by force or trickery?” He answered: “To be consistent the US government should re-examine its position as successor to the European invaders. If it intends to purchase the whole continent, however belatedly, it should do so. If not it should cede Alcatraz and other disputed lands.”

Despite M’Intosh’s self-serving discovery doctrine rationale regarding property rights, the early Supreme Court nonetheless still believed that broad-based tribal sovereignty was mandated within the nation’s constitutional structure. In 1832, for example, after Georgia courts sentenced a white missionary, Samuel Worcester, to four years of hard labor for violating a law making it a crime for a white person to reside within the limits of the Cherokee nation without having taken an oath to support and defend Georgia, Chief Justice Marshall emphatically announced in Worcester v. Georgia that “Indian communities are distinct political communities, having territorial boundaries, within which their authority is exclusive.” Since the Constitution exclusively reserves the power to interact with sovereign Indian tribes to the federal government, it follows that it is entirely inappropriate for States to engage in Indian affairs.

Marshall explained that international law principles apply to United States-tribal relations - because Indian tribes are sovereign nations that existed before the founding of the United States; and since they did not participate in the framing of the Constitution, they are outside the Constitution’s scope. As with any other nation, the primary means to
engage in nation-to-nation relations is through the treaty-making process. Following from the *Cherokee Nation v. Georgia* case the year before recognizing Indian tribes as “domestic dependent nations,” *Worcester* described the relationship between the federal government and tribes as a form of trust arrangement, analogous in some ways to “that of a guardian to its ward.” “Implicit in the relationship,” Deloria explained, “is recognition of a degree of independence by the stronger to the weaker.”

Even during the first one-third of the nineteenth century when Chief Justice Marshall was elucidating the Supreme Court’s deferential tribal sovereignty posture in *Worcester*, the other branches of the federal government took a radically different approach. In the executive branch, President Andrew Jackson was an unmitigated disaster for the tribes, with his views that Indians’ choices were either to assimilate and be subjected to State authority or to move west beyond the Mississippi River. Indeed, after Marshall decided *Worcester*, Jackson reportedly said, “John Marshall has made his decision, now let him enforce it.” Jackson disagreed with President George Washington’s earlier assertion that the proper manner of dealing with tribes was through the treaty process, stating instead that the “proper guardian is the legislature of the Union.” Within this declaration were the seeds of the doctrine that survives to this day - that Congress has plenary power *over* Indian tribes. In other words, the European newcomers - who had been so anxious just fifty years earlier to enter into treaties with Indian tribes so as better to secure their own survival - now considered themselves the Indians’ masters, and forced them to abide by *their* set of rules.

The Cherokee tribe in Georgia did not wish to go along with Jackson’s plans, however, and reminded the United States of its obligations in a memorial to the nation dated around 1830: “The treaties with us, and laws of the United States made in pursuance of treaties, guarantee our residence and our privileges, and secure us against intruders. Our only request is, that these treaties may be fulfilled, and these laws executed.” Continuing, the Cherokee memorial appealed to Americans’ sense of honor:

“We intreat [Americans] to remember the great law of love. “Do to others as ye would that others should do to you.” … We pray them to remember that, for the sake of principle, their forefathers were compelled to leave,
therefore driven from the old world, and that the winds of persecution wafted them over the great waters and landed them on the shores of the new world, when the Indian was the sole lord and proprietor of these extensive domains - Let them remember in what way they were received by the savage of America, when power was in his hand, and his ferocity could not be restrained by any human arm…. Let them bring to remembrance all these facts, and they cannot ... fail to remember, and sympathize with us in these our trials and sufferings.\(^\text{632}\)

All of this, alas, fell on deaf official ears. Congress acceded to Jackson’s wishes and in 1830 passed the Removal Bill - “the first general law passed,” Deloria explained, “giving authority to the executive branch to negotiate with the tribes to remove westward to avoid conflict with the advancing tide of white settlement.” As historian Howard Zinn detailed in his groundbreaking *A People’s History of the United States* (1980), the Removal Bill offered tribes in Georgia, Alabama and Mississippi a “choice”: “The Indians would not be ‘forced’ to go West. But if they chose to stay they would have to abide by State laws, which destroyed their tribal and personal rights and made them subject to endless harassment and invasion by white settlers coveting their land. If they left, however,” Zinn added, “the federal government would give them financial support and promise them lands beyond the Mississippi.” The State of Georgia, supported by the federal government in the person of President Jackson who renegotiated the treaties with a small minority of wealthy Cherokees who were willing to leave, simply ignored Chief Justice Marshall’s firm admonitions in *Worcester* and proceeded to put Cherokee land on sale, employing militia to crush any Cherokee objections.\(^\text{633}\)

The “support and assistance” provided by the federal government in moving the tribes west during the ensuing years was criminal in its cruelty and incompetence - resulting in the deaths of as many as four to five thousand Choctaws and (later) Cherokees on the “Trail of Tears,” to cholera, pneumonia, heat and exposure. “Marshaled by guards, hustled by agents, harried by contractors,” Dale Van Every commented in his book *The Disinherited*, the Indians “were being herded on the way to an unknown and unwelcome destination like a flock of sick sheep.”\(^\text{634}\)
All of this was too much for some Americans. Chief Justice John Marshall himself privately commented that it was to his “greatest astonishment that, after hearing the arguments in both houses, Congress could pass [the Removal Bill]”; believing it “affects deeply the honor, the faith and the character of our country.” Author Ralph Waldo Emerson wrote an open letter in April 1838 to President Martin Van Buren, objecting to the injustice of the Removal treaty with the Cherokees, which had been duplicitously signed without the approval of an overwhelming majority of the tribe. “The soul of man, the justice, the mercy that is the heart’s heart in all men, from Maine to Georgia, does abhor this business,” Emerson lamented. “[This is] a crime that really deprives us as well as the Cherokees of a country, for how could we call the conspiracy that should crush these poor Indians our government?” Emerson then challenged Van Buren directly: “You, sir, will bring down that renowned chair in which you sit into infamy if your seal is set to this instrument of perfidy; and the name of this nation, hitherto the sweet omen of religion and liberty, will stink to the world.”

Unmoved, Van Buren smugly reported in a December 1838 address to Congress: “It affords sincere pleasure to apprise the Congress of the entire removal of the Cherokee Nation of Indians to their new homes west of the Mississippi. The measures authorized by Congress at its last session have had the happiest effects.”

Within the judicial branch, soon John Marshall had passed from the scene, replaced during the middle decades of the nineteenth century on the Supreme Court by justices unwilling to honor the nation’s original obligations regarding Indian sovereignty. Now the Supreme Court completed the picture of all three branches of the federal government essentially aligned against tribal interests. Courts in states and territories were even worse. Little more than a generation after Marshall’s thoughtful Worcester opinion, what passed for wisdom in 1869 was of altogether different timber:

The idea that a handful of wild, half-naked, thieving, plundering, murdering savages should be dignified with the sovereign attributes of
nations, enter into solemn treaties, and claim a country five hundred miles wide by one thousand miles long as theirs in fee simple, because they hunted buffalo and antelope on it, might do for beautiful reading in Cooper’s novels or Longfellow’s *Hiawatha*, but is unsuited to the intelligence and justice of this age, or the natural rights of mankind.637

These dishonorable words, shocking from the Supreme Court in a territory (New Mexico) of a great nation, in fact epitomized the beginning of a concerted century-long United States effort to solve the “Indian problem” by essentially trying to eliminate the tribes - first through the systematic repudiation of treaties; then through various means including allotment and assignment of Indian children to boarding schools; then, after a more hopeful (but equally vexed) period in the 1930s corresponding with the Indian Reorganization Act, through the morally bankrupt termination policies of the 1950s. Only with President Richard Nixon’s 1970 directive to Congress “[to reject] the extremes of termination and paternalism because it resulted in the erosion of Indian initiatives and morale” did this sorry chapter end.638

Andrew Jackson’s anti-tribal approaches became standard operating procedure for the federal government through the middle decades of the nineteenth century. “After 1834 it was merely a matter of time before the Congress usurped the self-governing powers of Indian tribes and substituted a large and cumbersome administrative agency to direct the lives of Indians,” Deloria explained. “Gratuitous expenditures to encourage civilization soon became coercive measures to force assimilation. Indians were given no relief from this pressure, and by the 1880s almost everything that happened on Indian reservations was under the control of the federal government.”639

Chief Justice John Marshall’s offhand remark that Indians were as wards to the United States’s guardian, Deloria stated, “was transformed by the federal courts and Congress into a full-blown theory of wardship under which Congress had unlimited and plenary power to dispose of the lives and property of the Indians without any more justification than that it had the power and … wisdom to do so.” When it suited the United States to consider Indian tribes as wards, they were wards; and when it suited the
United States to consider them as independent separate entities, they were separate entities.  

After the Supreme Court ruled in *Cherokee Tobacco* (1870) that “a treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty,” Congress wasted no time ending the practice of treaty-making in 1871: “That hereafter no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the US may contract by treaty.” Fulfilling Andrew Jackson’s prophecy, Congress increasingly began claiming power to regulate affairs ‘of the Indian Tribes’” - instead of “with the Indian Tribes,” as expressly mandated in the Constitution.

Beginning in the 1880s, Congress created the allotment system, a key aspect of the government’s policy of forced assimilation of Indians into Western culture. Under the General Allotment Act of 1887 (“Dawes Act”), the president was directed to negotiate agreements with the tribes for the allotment of their lands among tribe members, with rights to the United States government to purchase any “surplus” and open it up to homesteaders. Instead of proceeding in a measured, prudent manner, the Bureau of Indian Affairs instead “pushed the policy on Indians as rapidly as possible,” Deloria reported. “By the 1920s, Indians had lost a substantial portion of their land, and the BIA was leasing a major portion of their remaining lands either through the device of exercising a ‘trust’ over the property of the individual ‘incompetent’ Indians,” or declaring a person “competent” and then quickly selling the land – sometimes without the person’s knowledge. Indians who objected were labeled as “irreconciliables,” subject to arrest, incarceration and forced apportionment. All told, between 1887 and 1934 (the year Congress repudiated the allotment system), total Indian land holdings diminished by almost two-thirds, from about 138 million acres to around 48 million acres.

To little avail, tribal leaders tried to hold the federal government at bay by referring to treaties which specified the terms under which land cessions would occur. By 1895, “it was apparent that the US was going ahead with tribal dissolution regardless of the treaty rights,” Deloria explained. Typical of the “negotiations” undertaken during this period was the Great Sioux Agreement of 1889, which superseded parts of the 1868 Fort Laramie Treaty: “With General Crook sitting at the table the Sioux were reminded
that if they didn’t agree to cede their lands the Army would come in and exterminate
them. In spite of the pressure, less than 10% of the adult males signed the paper agreeing
to the cession,” Deloria wrote. “Claiming total accord, the negotiators rushed to DC and
pushed the agreement through Congress as a statute.” As a result, the huge territory -
almost all of western South Dakota – “was broken into a number of smaller reservations
with separate agencies, each declared as executive-order reservations, thus depriving
them of treaty-reservation status which holds a superior right to self-government.”

As noted above, by the later decades of the nineteenth and turn of the twentieth
century the federal judiciary as well had become a full participant with the other federal
branches in stripping tribes of their land and rights. In *U.S. v. Kagama* (1886), the Court
endorsed the idea that under Congress’s commerce clause power, it possesses virtually
unlimited “plenary” guardianship authority over Indian people and tribes. Ignoring Chief
Justice Marshall’s earlier international law analysis regarding the sovereignty of domestic
dependent States, the Court reasoned, “The Indian tribes are the wards of the nation.
They are communities dependent on the United States. Dependent largely for their daily
food. Dependent for their political rights.” It follows, the Court reasoned, that “from
their very weakness and helplessness, so largely due to the course of dealing with the
Federal Government with them and the treaties in which it has been promised, there arises
the duty of protection, and with it the power” of Congress.

Then, in *Lone Wolf v. Hitchcock* (1903), the Court held that Congress had always
had the unilateral power to abrogate treaty obligations – “an assertion fraudulent on its
face,” Deloria charged. Phrasing the holding as necessary for Indians’ own “care and
protection,” the Court reasoned that to require Congress always to obtain Indian consent
(to obtain land for use in the allotment system, for example) would deprive it “in a
possible emergency, when the necessity might be urgent for a partition and disposal of
the tribal lands, of all power to act, if the assent of the Indians could not be obtained.”
Congress’s guiding principles were “considerations of justice as would control a
Christian people in their treatment of an ignorant and dependent race.”
“It was not only a shock, but a breach of common decency when Congress decided that it had absolute power over the once-powerful tribes,” Deloria fumed. “When the Supreme Court also decided that such should be the policy in Lone Wolf, the silent conquest of unsuspecting tribes was complete…. That decision slammed the door on the question of morality and justice. It was like appointing a fox to guard the chicken coop.” Lone Wolf’s outrageous effect was that “Indians had no chance whatsoever to acquire title or rights to lands which had been theirs for centuries.”

Deloria argued that Indian tribes never would have so willingly sacrificed their sovereignty, at least not without a struggle:

Few tribes would have signed treaties with the United States had they felt that the U.S. would violate them. The promises of self-government found in a multitude of treaties, the promises of protection by the U.S. from wrongs committed by its citizens, the promises that the tribes would be respected as nations on whose behalf the U.S. acted as a trustee before the eyes of the world, were all vital parts of the treaty rights which Indians believe they have received from the U.S.

In fact, the nation’s earliest federal policy “was to contain the western frontier by getting the tribes to view the U.S. as a benevolent union which they might someday join,” Deloria explained. “Indian nations were to be dealt with as sovereign entities on an equal footing with the United States.” “In neither the Delaware [1778] nor the Cherokee treaty [1785],” for example, “is any claim made regarding the primacy of the U.S. over the self-governing functions of the tribe.” He emphasized, moreover, that the various theories offered by the justices in Cherokee Nation do not “in any way support the extravagant claims now made by the U.S. and the Department of the Interior about their absolute power over the lives and lands of American Indians.”

Under long-standing international law principles, Deloria explained, the fact that Indian tribes elected to become dependent upon the United States for some purposes in no way diminishes their sovereignty and rights of self-determination. “Indian tribes still have the right to be recognized among the nations of the earth,” he emphasized, “even
with the domestic legal doctrines of the U.S. guaranteeing the validity of their titles as held in a protected status by the U.S. against the European nations.”

In any event, Congress promptly cashed the blank check given it in *Lone Wolf* with multiple instances of opening up the Indian lands of the Plains and Mountain West for allotment. The allotment land-grab continued well into the twentieth century, until the political climate changed sufficiently - largely due to the 1928 Meriam Report, attacking the Dawes Act; and the efforts of John Collier, “probably the greatest of all Indian commissioners” - to force a change of policy by the federal government in the early 1930s. In 1934, Congress passed the Indian Reorganization Act (“perhaps,” Deloria remarked, “the only bright spot in all of the Indian-Congressional relations”), which expressly repudiated allotment and initiated programs enabling Indian recovery of lost lands – resulting in an increase of Indian holdings from 48 to 52 million acres within a period of years. In addition, the IRA provided for Indian self-government of the reservations, whereby each tribe was given a right to have a constitution and charter under the law. “It was then up to the tribe to plan its own development to fit its own needs,” Deloria commented. The constitutions had to be modeled after the American constitutional design, however, which substantially limited the tribes’ governance options. Moreover, all plans had had to be approved by the commissioner - and John Collier could be “quite dictatorial in enforcing his visions on tribes,” suggests Professor Philip Deloria (Deloria’s son).

As much of an improvement as the IRA was, it was not all that it might have been. As originally proposed, “not even the most farsighted of Indian advocates was able to anticipate Collier’s vision,” Deloria said. Overall, “[a]s a reform measure, Collier’s [actually, Felix Cohen’s] original draft of the IRA was so thoughtful, philosophical, and ahead of its time that it had a hard time gaining credibility.” After convening a number of Indian congresses around the country, “[o]n his return to Congress, Collier saw his program virtually gutted. The final version of the act, after all of the compromises forced by the Indians and the several Senators and Congressmen, did not remotely approach Collier’s original version.” “Perhaps the most important omission from the new law,” Deloria later concluded, “was the absence of a provision creating a Court of Indian Affairs.” Had Collier’s original plan for national Court of Indian Affairs been followed,
it “would have gone a long way in correcting the neglect and inattention that federal
courts extended to Indian issues. The Anglo-Amjerican courts seemed both incapable
and unwilling to address themselves to these Indian needs.”

Beginnings. This was the tumultuous cultural heritage into which Vine Deloria,
Jr. was born on March 26, 1933 (shortly before enactment of the monumental Indian
Reorganization Act). Born in Martin, South Dakota on the border of the Pine Ridge
Reservation, Deloria was the first child of Vine Deloria, Sr., a prominent Dakota Sioux
Episcopal missionary priest (and the first Indian to hold a national position in the church)
and his Anglo wife Barbara Eastburn. Vine Jr. was descended from great-great-great
grandfather Philippe des Lauriers (anglicized later to Deloria), a French fur trader who
married the daughter of a Yankton Sioux headman.

Philippe’s grandson (and Deloria’s great-grandfather) Francoise, pronounced
“Saswe” in the Sioux, became a medicine man at age eighteen on the basis of a powerful
visionary experience he had at the time. Saswe settled on the Yankton Reservation in
1858, serving thereafter as a trusted healer and leader of the White Swan community. He
embraced the arrival of Presbytarian and Episcopal missionaries and welcomed their
traditions – baptizing his children and grandchildren and sending some of them to
parochial day schools.

According to tradition, Saswe’s status as a medicine man committed his
descendants to serve as intermediaries with white society – a legacy begun when Saswe’s
first son (Deloria’s grandfather) Philip Joseph Deloria (born Tipi Sapa – “Black Lodge”)
decided in 1870 at age sixteen to become an Episcopal priest, with the goal of helping his
people adjust to life on the reservation. He did so for many decades, along the way
becoming ordained as deacon in 1883 and priest in 1892, then overseeing all Episcopal
mission work on the Standing Rock Reservation until his 1925 retirement. For his
lifetime of service (some of which is described in a 1918 book, The People of Tipi Sapa),
Philip is commemorated in the carvings behind the altar at the National Cathedral in
Washington, D.C., one of only three Americans among ninety-eight “Saints of the Ages.”
Philip’s only son, Vine (Deloria’s father), also went into the ministry. Born at Standing Rock in 1901, Vine Sr. attended military school in Nebraska at age 15 after his mother died, and then went on to college in New York, where he considered attempting a professional sports career. After graduating from Episcopal seminary in New York City in 1931, he returned to serve at various parishes on and near Pine Ridge for seventeen years, then at Sisseton Mission in eastern South Dakota and an Iowa Anglo parish for three years each. He was named in 1954 as Assistant Secretary for Indian Missions in the National Council of the Episcopal Church (the first Indian national denominational executive) – a bureaucratic job he found extremely frustrating, so he left after four years to return to Iowa to another Anglo parish. Shortly thereafter he was appointed archdeacon of all South Dakota Indian parishes, a post he held until his 1968 retirement.

“People came to my father for all sorts of things,” Deloria recalled many years later. “He knew all kinds of medicine songs, [and] held on to the two cultures without much conflict until the late sixties.” By that point Vine Sr. was fed up with church orthodoxy. “The church put tremendous pressure on the Indians to integrate,” Deloria explained, to which his father replied, “We don’t have to. We can be what we are without getting into the melting pot.” This sentiment was common in Indian country, according to Deloria: “There are thousands of Indian Christians who looked upon Christianity in the old Indian way. The message of Jesus wasn’t all that big. But a lot of the Indians were turned off and ended up with no religion. My father just gave up on Christianity.”

As a youth growing up on and near the Pine Ridge reservation during the 1930s and 40s, given his father’s work Deloria naturally participated in the ceremonies of the Sioux Episcopal Church; he also enjoyed traveling occasionally to the more traditional tribal dances. One of the most memorable events of Deloria’s childhood, as dramatized above, was visiting the nearby site of the 1890 Wounded Knee massacre, some of the survivors of which he would still see on the reservation during his boyhood. He went to an off-reservation school in Martin attended by an even mixture of Whites and mixed-blooded Indians.

“They taught us Rudyard Kipling’s world view,” Deloria recalled. “It was a simplistic theory that societies marched toward industry and that science was doing good
for us. The U.S. has never been on the wrong side of anything. The government has never lied to the people. The FBI is there to help you, and if you see anything suspicious, call them.” Unsurprisingly, “there was “nothing about the slaves. Minority history just didn’t exist. The world somehow is the garden of the white people, and everybody else kind of fits in someplace. And it’s not demeaning to fit in, ‘cause that’s the way God wants it. You’re not being put down. Western civilization’s finding a place for you.” About these teachings, Deloria reflected many years later, “It takes you a long time to realize these things aren’t real.” Before he came to this realization, though, Deloria went through a period during adolescence and young adulthood where he wanted nothing to do with his Indian heritage.654

II. Coming of Age; Tribal Sovereignty & Self-Determination

Who is to say that Indians cannot regain their independence some time in the future? Can one view the re-creation of the state of Israel after two thousand years of exile and seriously maintain that the Oglala Sioux will never again ride their beloved plains as rulers of everything they see? Or that the might of the Iroquois will not once again dominate the eastern forests? Consider. Consider....

-Vine Deloria, Jr., 1974

...
Conclusion

It is fitting that Deloria and our first radical, Roger Williams – although separated in time by some 350 years - were together in spirit as outspoken advocates for Native rights. From his earliest days in Massachusetts Bay Colony in 1632, Williams intuitively understood that simple principles of decency and fairness prohibited the newcomer Europeans from defrauding the continent’s Native inhabitants by taking their land without compensation – and he spoke out about how King Charles was seriously morally mistaken for suggesting otherwise. Those same core principles of decency and fairness motivated Vine Deloria, Jr. in his outspoken efforts to reclaim for American Indian tribes their rightful status as sovereign Nations entitled to practice their own traditions free of American government interference.

And, in the four hundred years between Williams’s birth and Deloria’s death, those same core principles of decency and fairness – as translated into the larger concepts of liberty and equal justice – informed the belief systems and activities of Thomas Paine regarding the basic rights of man, Elizabeth Cady Stanton on women’s rights, and W.E.B. Du Bois on the status of Blacks in America. That all of these radicals, each of whom did so much to advance America along the arc of justice in his or her respective ways, shared such core beliefs and experiences during their lifetimes provides, in the end, a fine testament to the Native concept of the timeless “roundness of things.”

[End of Chapter 5 Extract]
Notes:

1 The California measure, Proposition Eight, followed an earlier decision by the California Supreme Court holding that the state constitution requires equal treatment of gay marriage.

2 Loving v. Virginia, 388 U.S. 1, 3, 6 (1967).

3 Martin Luther King, Jr., "Remaining Awake Through a Great Revolution", 31 March 1968. “We shall overcome because the arc of a moral universe is long, but it bends towards justice,” King explained. “We shall overcome because Carlyle is right - no lie can live forever. We shall overcome because William Cullen Bryant is right - truth crushed to earth will rise again. We shall overcome because James Russell Lowell is right - truth forever on the scaffold, wrong forever on the throne, yet that scaffold sways the future, and behind the demon known, stands a God within the shadow, keeping watch above his own.” The “arc of the universe” quote was first enunciated by the abolitionist minister Theodore Parker (ca.1850s).

4 Amy Chua, Day of Empire (New York: Doubleday, 2007), xxxii.

5 Under Howard Zinn’s quasi-Marxist view, where virtually any political conflict may be reduced to a conflict between the classes of society, even the Revolution itself was driven primarily by class interests. “Around 1776,” Zinn speculates, “certain important people in America made a discovery that would prove enormously useful for the next two hundred years.” “It is pretended that, as in the Preamble to the Constitution, it is ‘we the people’ who wrote that document, rather than fifty-five privileged white males whose class interest required a strong central government. That use of government for class purposes, to serve the needs of the wealthy and powerful, has continued throughout American history, down to the present day.” Howard Zinn, A People’s History of the United States, 1492-Present (New York: Harper Perennial, 2005, orig. pub. 1980), 59, 684. “The movement for the Constitution,” Charles Beard explains, “was originated and carried through principally by four groups of personality interests which had been adversely affected under the Articles of Confederation: money, public securities, manufactures, trade and shipping.” Charles Beard, An Economic Interpretation of the Constitution of the United States (New York: Macmillan, 1913), 324-25.

6 Williams, Paine, Cady Stanton, Du Bois and Deloria are not the only potential worthies - we might also examine the lives of any number of others (some iconic, some not), including William Penn, Benjamin Franklin, Thomas Jefferson, George Washington, William Lloyd Garrison, Thaddeus Stevens, Ralph Waldo Emerson, Henry David Thoreau, Abraham Lincoln, Susan B. Anthony, Frederick Douglass, Malcolm X, Martin Luther King, Julian Samora, Gloria Steinem, Harry Hay, Cesar Chavez, Howard Zinn to name just a few.

7 Roger Williams, The Hireling Ministry None of Christs (1652).

18 Roger Williams, The Bloudy Tenent of Persecution for Cause of Conscience (London: Haddon, 1848, orig. pub. 1644), 1, 11, 66.
19 Paine, Age of Reason, pp.6, 9-12; Theodore Roosevelt, Governeur Morris (Boston and New York: Houghton Mifflin, 1898, orig. pub. 1888), 251. Roosevelt added, “There are infidels and infidels, but Paine belonged to the variety ... that apparently esteems a bladder of dirty water as the proper weapon with which to assail Christianity.”


28 Declaration of Independence of the United States of America.


31 Author’s note: The vignettes throughout this book’s five chapters are closely based on factual information available in the cited sources. They are written in accordance with common practice among historians of “remembering as a personal experience an event at which [they] had not been present in the flesh.” Margaret Atwood, “In Search of Alias Grace: On Writing Canadian Historical Fiction,” American Historical Review 103, no. 5 (1998), 1505. “[B]eing scrupulous,” Yale University history professor Jonathan Spence added, “we [historians] may draw conclusions that are equivalent to filling gaps…. We may juxtapose pieces of information in such a way as to imbue them with new meanings, or at least hint at their interconnections. We do not need the circumlocutions of schoolday essays – ‘surely he must have been thinking,’ or ‘no doubt she was aware of’ – to perform the same sleight of hand.” Jonathan D. Spence, “Margaret Atwood and the Edges of History,” American Historical Review 103, no. 5 (1998), 1523-24.


35 Covey, *The Gentle Radical*, 5, 14; Brockunier, *The Irrepressible Democrat*, 13-14. Lord Edward Coke became an outspoken advocate for the common law against interference by the church hierarchy and the King. Imprisoned in the Tower by King James for seven months in 1621 for his work on a *Protestation* for Parliament’s ancient rights, he did some of his greatest work in 1628 at age 77 when, as a Member of Parliament, he led the House of Commons’ effort to pass and impose upon King Charles the Petition of Right, which reasserted Englishmen’s rights against the King.


45 Covey, The Gentle Radical, 14.
46 Winslow, Master Roger Williams, 97; John Winthrop, The History of New England from 1630 to 1649 (Boston: Little, Brown and Company, 1853), 1:340; Caldwell, Complete Writings, 4:461.
47 Winslow, Master Roger Williams, 97.
51 Fruchtman, Apostle of Freedom, 256.
52 Ibid.
53 Foner, Revolutionary America, 2; Fruchtman, Apostle of Freedom, 17, 19, 20. As the daughter of a Thetford attorney, Frances married below her station in pairing with artisan Joseph, eleven years her junior. Joseph earned about thirty pounds per year - as compared to ten to twenty pounds for a schoolmaster, eight pounds for a ploughman, one pound for a common laborer, or ten thousand pounds for the Duke of Grafton. Ibid, 19.
55 Fruchtman, Apostle of Freedom, 21; Nelson, Enlightenment, Revolution, 16; Foner, Revolutionary America, 4.
56 Nelson, Enlightenment, Revolution, 16; Fruchtman, Apostle of Freedom, 22.
57 Fruchtman, Apostle of Freedom, 21-22.
58 Foner, Revolutionary America, 1; Nelson, Enlightenment, Revolution, 22; Fruchtman, Apostle of Freedom, 22; Kaye, Promise of America, 22.
59 Nelson, Enlightenment, Revolution, 20; Fruchtman, Apostle of Freedom, 22-23. Privateers were privately owned ships, operated under authority of the crown, to attack and take cargo from enemy merchant ships. Fruchtman, Apostle of Freedom, 24.
60 Nelson, Enlightenment, Revolution, 20; Kaye, Promise of America, 23; Fruchtman, Apostle of Freedom, 25. Sources disagree on how long Paine spent at sea with the King of Prussia, ranging from six months to one and a half years.
61 Fruchtman, Apostle of Freedom, 26.
63 Fruchtman, Apostle of Freedom, 26; Nelson, Enlightenment, Revolution, 38; Foner, Revolutionary America, 3; Kaye, Promise of America, 24-25.
160 Nelson, Enlightenment, Revolution, 38; Kaye, Promise of America, 25. “There has been a great deal of speculation, by Paine’s enemies and partisans alike, that he had little sexual interest in women, although he often flirted with them and enjoyed their company.” Fruchtman, Apostle of Freedom, 27.

161 Foner, Revolutionary America, 2; Fruchtman, Apostle of Freedom, 27.

162 Kaye, Promise of America, 25-26; Nelson, Enlightenment, Revolution, 39; Fruchtman, Apostle of Freedom, 28; Foner, Revolutionary America, 2. According to a couple sources, at least, Paine might have been framed or scapegoated by his supervisor, William Swallow.

163 Fruchtman, Apostle of Freedom, 28-29; Foner, Revolutionary America, 2-3, 6; Nelson, Enlightenment, Revolution, 36.

164 Nelson, Enlightenment, Revolution, 36. Paine’s interest in science remained with him for the rest of his days. Foner, Revolutionary America, 6-7.

165 Seventeen Protestants were executed in Lewes during Bloody Queen Mary’s sixteenth-century reign; and, as a traditional republican stronghold during Cromwell’s mid-seventeenth century Commonwealth, the radical anti-Popery tradition still prevailed when Paine arrived in 1768. Foner, Revolutionary America, 12; Nelson, Enlightenment, Revolution, 37.

166 Fruchtman, Apostle of Freedom, 30-31; Kaye, Promise of America, 26-27; Foner, Revolutionary America, 14.

167 Kaye, Promise of America, 27; Fruchtman, Apostle of Freedom, 31.

168 Kaye, Promise of America, 27-28; Nelson, Enlightenment, Revolution, 44.

169 Kaye, Promise of America, 26-27; Fruchtman, Apostle of Freedom, 35; Nelson, Enlightenment, Revolution, 44; Foner, Revolutionary America, 7, 15, 10.

170 Nelson, Enlightenment, Revolution, 45-46; Kaye, Promise of America, 28; Foner, Revolutionary America, 15.

171 Fruchtman, Apostle of Freedom, 36; Nelson, Enlightenment, Revolution, 46.

172 Fruchtman, Apostle of Freedom, 38.

173 Ibid., 38-39.

174 Nelson, Enlightenment, Revolution, 49-50. Franklin’s own son Francis had died of smallpox as a child; and his other son William, a British loyalist, would renounce his father during the American Revolution. Ibid., 49.

175 Fruchtman, Apostle of Freedom, 90-92.


363 Frost and Cullen-DuPont, Eyewitness, 5, 9-19, 31; DuBois, Woman Suffrage, 55. The literacy rate for women was much lower than for men in the nation’s early decades (the women’s rate was just one-half that of men in 1776, for example). Through the efforts of many women (who themselves were of widely varying opinions on the role of women in the home and society), educational opportunities for women improved dramatically throughout the first half of the nineteenth-century, to the point where the literacy rate disparity was eliminated, with the 1850 federal census reporting “equal and universal literacy skills among white native-born New England men and women. Frost and Cullen-DuPont, Eyewitness, 5, 9-19, 31; DuBois, Woman Suffrage, 55. (It must be noted that opportunities for African-American women during this same period remained virtually non-existent, even in the North.) These factory jobs themselves
became exploitive with worsening working conditions brought on by great increases in numbers of poor immigrants during the 1840s, leading to rising militancy in the female work force. *Eyewitness*, 5; Dubois 55; *Eyewitness* 9 et seq., 31, 10, 5.


368 Garrison began publishing his own antislavery paper, *The Liberator*, in 1831 and in the following two years helped found the New England Anti-Slavery Society and then the American Anti-Slavery Society, with which he sought to make the immediate emancipation of all slaves a national issue (the national government, for its part, had avoided the slavery question, defining it as a “sectional” issue). Garrisonians consciously avoided aligning with any political party. DuBois, *Woman Suffrage*, 62; Marilley, *Woman Suffrage Feminism*, 19-21.


370 Lucretia Mott was one of the first to answer the call, forming the Philadelphia Female Antislavery Society in 1833, just a few days after Garrison formed the American Anti-Slavery Society, together with other mostly Quaker women, white and black. It was to the Philadelphia Society that sisters Sarah and Angelina Grimke, born in Charleston, South Carolina but moved to the North in opposition to their family’s slaveholding, gravitated upon their arrival in the North. Jo and Buhle, *Concise History*, 69; Marilley, *Woman Suffrage*, 22.


372 Margaret Hope Bacon, Valiant Friend: The Life of Lucretia Mott (New York: Walker and Company, 1980), 77; Marilley, Woman Suffrage, 33; Jo and Buhle, Concise History, 70, 73; Frost and Cullen-DuPont, Eyewitness, 28. “The women of the South can overthrow this horrible system of oppression and cruelty, licentiousness and wrong,” Angelina Grimke wrote. “Such appeals to your legislatures would be irresistible, for there is something in the heart of man which will bend under moral suasion. There is a swift witness for truth in his bosom, which will respond to truth when it is uttered with calmness and dignity.” Marilley, Woman Suffrage, 26-27 (citing Larry Ceplair, ed., The Public Years of Sarah and Angelina Grimke: Selected Writings, 1835-1839 (NY: Columbia, 1989) 37, 66 (emphasis in original)).


374 Ann D. Gordon, ed., The Selected Papers of Elizabeth Cady Stanton and Susan B. Anthony: In the School of Anti-Slavery, 1840-1866 (New Brunswick, NJ: Rutgers, 1997), 1:559-60; DuBois, Woman’s Suffrage, 64.

375 DuBois, Woman Suffrage, 59.

376 Griffith, In Her Own Right, 4-9; ECS to Susan B. Anthony, Peterboro, 10 September 1855, in Elizabeth Cady Stanton: As Revealed in her Letters, Diary, and Reminiscences, ed. Theodore Stanton and Harriot Stanton Blatch (New York: Harper and Brothers, 1922), 2:59. Daniel Cady had wanted nothing more than to pass his legacy on to a son – a desire that was dashed when all six of his sons died in childhood or young adulthood, while his five daughters (Tryphena, Harriet, Elizabeth, Margaret and Catharine) lived full lives. “It was easily seen,” Elizabeth later reflected, “that while my father was kind to us all, the one son filled a larger place in his affections and future plans than the five daughters together.”


378 Griffith, In Her Own Right, 25-26, 33; Stanton, Eighty Years and More, 60, 72; ECS to Rebecca R. Eyster, Seneca Falls, 1 May 1847 in ed. Stanton and Blatch, Letters, 2:16. Henry was the sort of impractical radical that Judge Cady despised, and was a man of little means as well (her other sisters had married, or would later marry, more respectably - to a lawyer, journalist or law clerks in her father’s firm). Ibid.

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383 Later, during the early 1850s, some women reformers began wearing “bloomers,” Turkish-style long pants under a shorter knee-length skirt. Stanton loved the dress, for its convenience and message of rebellion. Stanton at first refused to bend to the withering, sustained criticism of bloomers in the press, arguing that “I’ll never take it off for now it involves a principle of freedom.” Nonetheless, fearing that such a trivial matter as choice in clothing was deflecting attention from more important issues, Stanton and most of the other women reluctantly gave up bloomers by 1853. ECS to Daniel C. Stanton, Seneca Falls, 14 October 1851, in Stanton and Blatch, *Letters*, 2:35-36; Frost and Cullen-Dupont, *Eyewitness*, 100,108; Baker, *Sisters*, 56.


Alexander died in 1886 during Du Bois’s junior year of college, leaving him $400 and a cache of papers giving clues of his Franco-Caribbean origins. Lewis, Biography, 72.

Booker T. Washington, “University Education,” in The Booker T. Washington Papers, 1909-11, ed. Louis R. Harlan and Raymond W. Smock (Chicago: University of Illinois Press, 1981), 10:284-85. Du Bois’s and Stanton’s shared admiration of Phillips is another thread in the intriguingly interwoven lives of this book’s five profiled individuals, although there is no record that Du Bois and Stanton ever met during their twenty-five overlapping years. Booker T. Washington, himself a former slave, recalled of the period directly after the war, “Those were wonderful days…. Suddenly, as if at the sound of a trumpet, a whole race that had been slumbering for centuries … awoke and started off one morning for school.”

At James’ invitation, Du Bois was a regular at the Harvard Philosophical Club, where he attended dinners and read philosophy in the quiet upstairs libraries alongside classmates the likes of George Santayana and others. Lewis, Biography, 80.


Lewis, *Biography*, 150-54, 177; Du Bois, *Autobiography*, 185-87; Marable, *Black Radical Democrat*, 22. Wilberforce was formed near Xenia, Ohio by White Methodists in 1856 as the nation’s first college for Negroes, then purchased in 1863 by the AME church as its flagship college.


Lewis, *Biography*, 154-56, 158-59; Marable, *Black Radical Democrat*, 22. Article I, Section 9 of the Constitution provided: “The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year one thousand eight hundred and eight.”


Marable, *Black Radical Democrat*, 52-54; Booker T. Washington to Du Bois, Tuskegee, Alabama, 8 November 1903, in *Correspondence*, Aptheker, 1:54; Lewis, *Biography*, 304.


David Getches, “Beyond Indian Law: The Rehnquist Court’s Pursuit of States’ Rights, Color-Blind Justice and Mainstream Values,” *Minnesota Law Review* 86 (Minneapolis, 2001), 329. “There is a profound difference between American Indians and all of these other groups in American,” Deloria explained in *God is Red* (1975). “The Indian is indigenous and therefore does not have the psychological burden of establishing his or her right to the land in the deep emotional sense of knowing that he or she belongs there.” Vine Deloria, Jr., *God is Red: A Native View of Religion* (Golden, CO: Fulcrum Publishing, 1994), 60.


The manner of the takeover depended on the geographic location of the tribe. For tribes east of the Mississippi River, the provisions of the 1830 Removal Act enabled the United States to initiate military forced-marches of the Indians to new reservations west of the Mississippi, thus allowing white settlers to take over the vacated land. For tribes west of the Mississippi, first came war, then a peace treaty, then five-to ten years of waiting-out the starving Indians, and finally either a renegotiation of the treaty or an Act of Congress abrogating the treaty. Matthew Fletcher, interview by Michael Anthony Lawrence, March 15, 2010.


638 Deloria, *Behind the Trail*, 135, 215-16; Cohen, *Cohen’s Handbook*, 81-82; Duthu, *American Indians*, 17. Fully one-third of all Indian children (sixteen times the rate of non-Indian children) were removed from their homes by government agencies. “The educational programs consisted primarily of ‘kidnapping’ Indian children and taking them off to government boarding schools where they were to brain-washed of any memory of their Indian heritage,” Deloria explained. “Often the parents were denied treaty annuities unless they allowed their children to be taken away.”


641 The Cherokee Tobacco, 78 U.S. 616, 621 (1870).


643 Deloria, *Of Utmost Good Faith*, 52. “Whereas treaty-right reservations have all rights inherent in the original Indian tribe,” Deloria comments, “executive order reservations only have rights implied in their establishment by the executive branch.”


645 *Id.* at 564, 565.


649 Deloria, *Behind the Trail*, 110, 111.


652 While he regularly attended church, Saswe himself was forbidden from becoming a member of the church until the matter of his marriage to three Sioux women was resolved in 1871 (with the death of one wife and another leaving to return to her home reservation). Treat, “Introduction,” *For This Land*, 6.

654 Ibid., 35-36; Philip J. Deloria, interview by Michael Anthony Lawrence, April 27, 2010.