

These are the men whom it is proposed to "Americanize" as a remedy for industrial unrest. The best way to do that, I think, will be to Americanize their working conditions and their local government, so that they may have time for thinking and time and opportunity to hold such meetings as those they are holding now. Not since 1892 had there been such meetings in Homestead.

While in Pittsburgh, I heard about a great speech made at a strikers' meeting by a Pole. Someone who was there wrote it down for me. It was probably this immigrant's first public speech in the English language and it was something of a struggle; but he had something which had to be said.

"Mr. Chairman," he said. "Mr. Chairman—just like horse and wagon. Put horse in wagon, work all day. Take horse out of wagon—put in stable. Take horse out of stable, put in wagon. Same way like mills. Work all day. Come home—go sleep. Get up—go work in mills—come home. Wife say, 'John, children sick. You help with children.' You say, 'Oh, go to hell'—go sleep. Wife say, 'John, you go town.' You say, 'No'—go sleep. No know what the hell you do. For why this war? For why we buy Liberty bonds? For mills? No, for freedom and America—for everybody. No more horse and wagon. For eight-hour day."

Questions

1. How do the striking workers understand economic freedom?
2. Why do you think that in some instances, native-born and immigrant workers adopted different attitudes toward the strike?

CHAPTER 20

From Business Culture to Great Depression: The Twenties, 1920–1932

128. André Siegfried on the "New Society," from the *Atlantic Monthly* (1928)

Source: André Siegfried, "The Gulf Between," *Atlantic Monthly*, Vol. 141 (March 1928), pp. 289–95.

André Siegfried, a Frenchman who had visited the United States five times since the beginning of the century, commented in 1928 that American life had changed radically during the previous thirty years. A "new society," he wrote, came into being, in which Americans considered their "standard of living" a "sacred acquisition, which they will defend at any price." In this new "mass civilization," widespread acceptance of going into debt to purchase consumer goods had replaced the values of thrift and self-denial, central to nineteenth-century notions of upstanding character. Work, once seen as a source of pride in craft skill or collective empowerment via trade unions, now came to be valued as a path to individual fulfillment through consumption and entertainment. Siegfried considered the economy "sound" (a judgment soon to be disproven by the advent of the Great Depression), but

worried that Americans seemed willing to sacrifice certain "personal" and "political liberties" in the name of economic efficiency and mass production.

NEVER HAS EUROPE more eagerly observed, studied, discussed America; and never has America followed more carefully, discussed more closely, the discussions of Europe about the United States. At the same time, it is hardly excessive to state that never have the two continents been wider apart in their inspirations and ideals.

It is a widespread belief that the war is mainly responsible for that estrangement, especially, the aftermath of the war. I should be tempted to think that the deep reason is another one: Europe, after all, is not very different from what it was a generation ago; but there has been born since then a new America.

Such is the point I should like to discuss in the following pages, not *ex professo* and by summoning figures and statistics, but by plainly giving the impressions of a European who first knew the United States in 1898, and has since visited them again every four or five years. An American, thus looking at Europe, would of course have witnessed extraordinary changes, especially on account of the catastrophe of the war, but he would have to admit that the basis of the European civilization remains essentially the same. On the contrary, when I recall my impressions of the United States thirty years ago, I cannot avoid the thought that the very basis of the American civilization is no longer the same: a new society, whose foundation rests upon entirely different principles and methods, has come to life; the geographical, the moral centre of gravity of the country is no longer situated at the same place. It is not enough to say that a new period has grown out of the old; something entirely new has been created. Such a change did not clearly appear to me in 1901 or 1904; it was noticeable in 1914, and patent in 1919 and 1925.

• • •

Two principal facts seem to have brought a change the importance of which cannot be exaggerated. First, the conquest of the continent has been completed, and—all recent American historians have noted

the significance of the event—the western frontier has disappeared: the pioneer is no longer needed, and, with him, the mystic dream of the West (the French would say the *mystique* of the West) has faded away. Thus came the beginning of the era of organization: the new problem was not to conquer adventurously but to produce methodically. The great man of the new generation was no longer a pioneer like Lincoln, nor a railroad magnate of the Hill type, but that genial *primaire* Henry Ford. From this time on, America has been no more an unlimited prairie with pure and infinite horizons, in which free men may sport like wild horses, but a huge factory of prodigious efficiency.

Thus was born—and this thanks solely to the American genius—a new conception of production, and, with the success of it, that wonderful progress in the standard of living of the American people. In this creation the United States was indebted for nothing essential to Europe. The rope was cut that had so long made of the new continent a persistent colony of the old. There appears to lie the main cause of the immense change which has made of the United States, in the twentieth century, a really new civilization, in which the legendary types of nineteenth-century America are in vain looked for by the traveler of to-day. Where is the hectic and semiwild millionaire of Abel Hermant in his *Transatlantiques*? Where is the gentleman cowboy of Bourget? Where is the old *gentilhomme* of the South, so long preserved in ice for our pleasure and delight? Above all, where is the liberty of the past—swallowed in one gulp by the ogre of efficiency?

• • •

This brings me to one definite conclusion: in the last twenty-five or thirty years America has produced a new civilization, whose centre is mid-continental, and for this reason, as well as because it owes little to us, is further away from Europe than before—it is American and autonomous. This may perhaps explain the growing estrangement between the old and the new world.

Just before leaving the United States in the last days of 1925, after a six months' visit, I tried to sum up for myself, in a very short note which was not destined to be printed, my leading impressions of the present American civilization. It may be interesting to reproduce

that note, not as giving any original view, but as representing, on the contrary, the spontaneous reaction of an average Frenchman—that is, of an average Western European.

'From an *economic point of view*, the country is sound, because its prosperity is based, first on a boundless supply of natural produce, and second on an elaborate organization of industrial production, the perfection of which is nowhere approached in Europe.

'From the *point of view of civilization*, it is perhaps to be feared that standardization may, in the long run, tend to lessen the intellectual and artistic value of the American society—the part of the workingman in the factories where mass production is realized is not likely to increase his own value, as an individual; and in order to secure material comfort for the bulk of the American population it seems necessary to produce a common level of manufactured articles, which perhaps does not mark progress in comparison with the civilization of Europe.

'From a *moral point of view*, it is obvious that Americans have come to consider their standard of living as a somewhat sacred acquisition, which they will defend at any price. This means that they would be ready to make many an intellectual or even moral concession in order to maintain that standard.

'From a *political point of view*, it seems that the notion of efficiency in production is on the way to taking precedence of the very notion of liberty. In the name of efficiency one can obtain, from the American, all sorts of sacrifices in relation to his personal and even to certain of his political liberties.'

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Mass production and mass civilization, its natural consequence, are the true characteristics of the new American society.

• • •

Lincoln, with his Bible and classical tradition, was easier for Europe to understand than Ford, with his total absence of tradition and his proud creation of new methods and new standards, especially conceived for a world entirely different from our own.

Questions

1. What are the most important elements of the "new society," according to Siegfried?
2. What "liberties" does he believe Americans are willing to sacrifice?

129. The Fight for Civil Liberties (1921)

Source: American Civil Liberties Union, The Fight for Free Speech (New York, 1921), pp. 15-18.

The repression of dissent under the Espionage and Sedition Acts of World War I sparked a new appreciation among some reformers of the importance of civil liberties. In 1917, a group of pacifists, Progressives shocked by war-time attacks on freedom of speech, and lawyers outraged at what they considered violations of Americans' legal rights formed the Civil Liberties Bureau. In 1920, it became the American Civil Liberties Union (ACLU). For the rest of the century, the ACLU would take part in most of the landmark legal cases that helped to bring about a "rights revolution." Its efforts helped to give meaning to traditional civil liberties, like freedom of speech, and invented new ones, like the right to privacy. When it began, however, the ACLU was a small, beleaguered organization. Its own pamphlets defending free speech were barred from the mail by postal inspectors.

One of the first documents issued by the ACLU was a general statement defining civil liberties, especially in areas where they had been violated during World War I. The group also insisted that civil liberties should apply equally to all Americans, regardless of race. Full protection of the rights outlined by the ACLU lay years in the future.

**A STATEMENT DEFINING THE POSITION OF THE AMERICAN CIVIL
LIBERTIES UNION ON THE ISSUES IN THE UNITED STATES TODAY**
(Adopted by the National Committee)

We stand on the general principle that all thought on matters of public concern should be freely expressed without interference. Orderly social progress is promoted by unrestricted freedom of opinion. The punishment of mere opinion, without overt acts, is never in the interest of orderly progress. Suppression of opinion makes for violence and bloodshed.

The principle of freedom of speech, press and assemblage, embodied in our constitutional law, must be reasserted in its application to American conditions today. That application must deal with various methods now used to repress new ideas and democratic movements. The following paragraphs cover the most significant of the tactics of repression in the United States today.

1. Free Speech. There should be no control whatever in advance over what any person may say. The right to meet and to speak freely without permit should be unquestioned.

There should be no prosecutions for the mere expression of opinion on matters of public concern, however radical, however violent. The expression of all opinions, however radical, should be tolerated. The fullest freedom of speech should be encouraged by setting aside special places in streets or parks and in the use of public buildings, free of charge, for public meetings of any sort.

2. Free Press. There should be no censorship over the mails by the post-office or any other agency at any time or in any way. Privacy of communication should be inviolate. Printed matter should never be subject to a political censorship. The granting or revoking of second class mailing privileges should have nothing whatever to do with a paper's opinions and policies.

If libelous, fraudulent, or other illegal matter is being circulated, it should be seized by proper warrant through the prosecuting authorities, not by the post-office department. The business of the post-office

department is to carry the mails, not to investigate crime or to act as censors.

There should be no control over the distribution of literature at meetings or hand to hand in public or in private places. No system of licenses for distribution should be tolerated.

3. Freedom of Assemblage. Meetings in public places, parades and processions should be freely permitted, the only reasonable regulation being the advance notification to the police of the time and place. No discretion should be given the police to prohibit parades or processions, but merely to alter routes in accordance with the imperative demands of traffic in crowded cities. There should be no laws or regulations prohibiting the display of red flags or other political emblems.

The right of assemblage is involved in the right to picket in time of strike. Peaceful picketing, therefore, should not be prohibited, regulated by injunction, by order of court or by police edict. It is the business of the police in places where picketing is conducted merely to keep traffic free and to handle specific violations of law against persons upon complaint.

4. The Right to Strike. The right of workers to organize in organizations of their own choosing, and to strike, should never be infringed by law.

Compulsory arbitration is to be condemned not only because it destroys the workers' right to strike, but because it lays emphasis on one set of obligations alone, those of workers to society.

5. Law Enforcement. The practice of deputizing privately paid police as general police officers should be opposed. So should the attempts of private company employees to police the streets or property other than that of the company.

The efforts of private associations to take into their own hands the enforcement of law should be opposed at every point. Public officials, employes of private corporations, and leaders of mobs, who interfere with the exercise of the constitutionally established rights

of free speech and free assembly, should be vigorously proceeded against.

The sending of troops into areas of industrial conflict to maintain law and order almost inevitably results in the government taking sides in an industrial conflict in behalf of the employer. The presence of troops, whether or not martial law is declared, very rarely affects the employer adversely, but it usually results in the complete denial of civil rights to the workers.

6. Search and Seizure. It is the custom of certain federal, state and city officials, particularly in cases involving civil liberty, to make arrests without warrant, to enter upon private property, and to seize papers and literature without legal process. Such practices should be contested. Officials so violating constitutional guarantees should be proceeded against.

7. The Right to a Fair Trial. Every person charged with an offense should have the fullest opportunity for a fair trial, for securing counsel and bail in a reasonable sum. In the case of a poor person, special aid should be organized to secure a fair trial, and when necessary, an appeal. The legal profession should be alert to defend cases involving civil liberty. The resolutions of various associations of lawyers against taking cases of radicals are wholly against the traditions of American liberty.

8. Immigration, Deportation and Passports. No person should be refused admission to the United States on the ground of holding objectionable opinions. The present restrictions against radicals of various beliefs is wholly opposed to our tradition of political asylum.

No alien should be deported merely for the expression of opinion or for membership in a radical or revolutionary organization. This is as un-American a practice as the prosecution of citizens for expression of opinion.

The attempt to revoke naturalization papers in order to declare a citizen an alien subject to deportation is a perversion of a law which was intended to cover only cases of fraud.

Citizenship papers should not be refused to any alien because of the expression of radical views, or activities in the cause of labor.

The granting of passports to or from the United States should not be dependent merely upon the opinions of citizens or membership in radical or labor organizations.

9. Liberty in Education. The attempts to maintain a uniform orthodox opinion among teachers should be opposed. The attempts of educational authorities to inject into public school and college instruction propaganda in the interest of any particular theory of society to the exclusion of others should be opposed.

10. Race Equality. Every attempt to discriminate between races in the application of all principles of civil liberty here set forth should be opposed.

HOW TO GET CIVIL LIBERTY

We realize that these standards of civil liberty cannot be attained as abstract principles or as constitutional guarantees. Economic or political power is necessary to assert and maintain all "rights". In the midst of any conflict they are not granted by the side holding the economic and political power, except as they may be forced by the strength of the opposition. However, the mere public assertion of the principle of freedom of opinion in the words or deeds of individuals, or weak minorities, helps win recognition, and in the long run makes for tolerance and against resort to violence.

Today the organized movements of labor and of the farmers are waging the chief fight for civil liberty throughout the United States as part of their effort for increased control of industry. Publicity, demonstrations, political activities and legal aid are organized nationally and locally. Only by such an aggressive policy of insistence can rights be secured and maintained. The union of organized labor, the farmers, radical and liberal movements is the most effective means to this.

It is these forces which the American Civil Liberties Union serves in their efforts for civil liberty. The practical work of free speech

demonstrations, publicity and legal defense is done primarily in the struggles of the organized labor and farmers movements.

Questions

1. In what ways can the ACLU's statement be seen as a reaction against violations of civil liberties before and during World War I?
2. Why does the ACLU identify "organized movements of labor and of the farmers" as waging the "chief fight" for civil liberties in the United States?

130. Bartolomeo Vanzetti's Last Statement in Court (1927)

Source: Robert P. Weeks, ed., Commonwealth v. Sacco and Vanzetti (Englewood Cliffs, N.J., 1958), pp. 220-23.

The trial and execution for murder of two Italian immigrant anarchists, Nicola Sacco and Bartolomeo Vanzetti, became one of the most controversial events of the 1920s and sparked a worldwide movement to save the condemned men. Their trial in 1921 took place in an atmosphere of anti-immigrant and anti-radical hysteria and was marked by flagrant appeals to prejudice by the prosecution and bias by the presiding judge. To many immigrants, including those who did not share Sacco and Vanzetti's political views, the pair became symbols of the excesses of the anti-immigration movement that culminated in the 1924 law closing off entry for nearly all migrants from southern and eastern Europe. Overseas, the trial led to a transformation of the image of the United States from an asylum for liberty to a land where justice was perverted by the demands of the powerful. After six years of appeals, the two men were sentenced to death in 1927. Vanzetti's last statement in court reaffirmed his innocence and suggested some of the reasons for the verdict.

WHAT I SAY is that I am innocent. . . . That I am not only innocent of these two crimes, but in all my life I have never stolen and I have never killed and I have never spilled blood. . . . Everybody that knows these two arms knows very well that I did not need to go into the streets and kill a man or try to take money. I can live by my two hands and live well. But besides that, I can live even without work with my hands for other people. I have had plenty of chance to live independently and to live what the world conceives to be a higher life than to gain our bread with the sweat of our brow.

My father in Italy is in a good condition. I could have come back in Italy and he would have welcomed me every time with open arms. Even if I come back there with not a cent in my pocket, my father could have give me a position, not to work but to make business, or to oversee upon the land that he owns. . . .

Not only have I struggled hard against crimes, but I have refused myself of what are considered the commodity and glories of life, the prides of a life of a good position, because in my consideration it is not right to exploit man. I have refused to go in business because I understand that business is a speculation on profit upon certain people that must depend upon the business man, and I do not consider that that is right and therefore I refuse to do that.

Now, I should say that I am not only innocent of all these things, not only have I never committed a real crime in my life—though some sins but not crimes—not only have I struggled all my life to eliminate crimes, the crimes that the official law and the moral law condemns, but also the crime that the moral law and the official law sanction and sanctify,—the exploitation and the oppression of the man by the man, and if there is a reason why I am here as a guilty man, if there is a reason why you in a few minutes can doom me, it is this reason and none else.

We were tried during a time whose character has now passed into history. I mean by that, a time when there was a hysteria of resentment and hate against the people of our principles, against the foreigner, against slackers, and it seems to me—rather, I am positive of

it, that both you [the judge] and Mr. Katzmann [the prosecutor] have done all what it were in your power in order to work out, in order to agitate still more the passion of the juror, the prejudice of the juror, against us. . . . Everybody ought to understand that the first beginning of our defense has been terrible. My first lawyer did not try to defend us. He has made no attempt to collect witnesses and evidence in our favor. . . .

My conviction is that I have suffered for things that I am guilty of. I am suffering because I am a radical and indeed I am a radical; I have suffered because I was an Italian, and indeed I am an Italian; I have suffered more for my family and for my beloved than for myself; but I am so convinced to be right that you can only kill me once but if you could execute me two times, and if I could be reborn two other times, I would live again to do what I have done already.

Questions:

1. Why does Vanzetti feel that he did not receive a fair trial?
2. How do Vanzetti's political views come through in his statement?

131. Congress Debates Immigration (1921)

Source: Congressional Record, 67th Congress, 1st Session, pp. 511-15.

Fears of foreign radicalism sparked by the labor upheavals immediately following World War I and the increased concern with Americanizing immigrants greatly strengthened pressures for wholesale immigration restriction. In 1921, Congress debated a proposal to limit immigration from Europe temporarily to 357,000 per year (one third the annual average before the war). The excerpt that follows, from April 20, 1921, pitted Congressman Lucien W. Parrish, a Democrat from Texas, an advocate of immigration restriction, against Meyer London, a Socialist from New York and himself an immigrant from Poland.

Parrish's views prevailed. And three years later, Congress permanently limited European immigration to 150,000 per year, distributed according to a series of national quotas that severely restricted the numbers from southern and eastern Europe. The law aimed to ensure that descendants of the old immigrants forever outnumbered the children of the new. The law also barred the entry of all those ineligible for naturalized citizenship—that is, the entire population of Asia, even though Japan had fought on the American side in World War I. The quota system remained in place until the immigration reform act of 1965.

MR. PARRISH: We should stop immigration entirely until such a time as we can amend our immigration laws and so write them that hereafter no one shall be admitted except he be in full sympathy with our Constitution and laws, willing to declare himself obedient to our flag, and willing to release himself from any obligations he may owe to the flag of the country from which he came.

It is time that we act now, because within a few short years the damage will have been done. The endless tide of immigration will have filled our country with a foreign and unsympathetic element. Those who are out of sympathy with our Constitution and the spirit of our Government will be here in large numbers, and the true spirit of Americanism left us by our fathers will gradually become poisoned by this uncertain element.

The time once was when we welcomed to our shores the oppressed and downtrodden people from all the world, but they came to us because of oppression at home and with the sincere purpose of making true and loyal American citizens, and in truth and in fact they did adapt themselves to our ways of thinking and contributed in a substantial sense to the progress and development that our civilization has made. But that time has passed now; new and strange conditions have arisen in the countries over there; new and strange doctrines are being taught. The Governments of the Orient are being overturned and destroyed, and anarchy and bolshevism are threatening the very foundation of many of them, and no one can

foretell what the future will bring to many of those countries of the Old World now struggling with these problems.

Our country is a self-sustaining country. It has taught the principles of real democracy to all the nations of the earth; its flag has been the synonym of progress, prosperity, and the preservation of the rights of the individual, and there can be nothing so dangerous as for us to allow the undesirable foreign element to poison our civilization and thereby threaten the safety of the institutions that our forefathers have established for us.

Now is the time to throw about this country the most stringent immigration laws and keep from our shores forever those who are not in sympathy with the American ideas. It is the time now for us to act and act quickly, because every month's delay increases the difficulty in which we find ourselves and renders the problems of government more difficult of solution. We must protect ourselves from the poisonous influences that are threatening the very foundation of the Governments of Europe; we must see to it that those who come here are loyal and true to our Nation and impress upon them that it means something to have the privileges of American citizenship. We must hold this country true to the American thought and the American ideals. . . .

MR. LONDON: . . . This bill is a continuation of the war upon humanity. It is an assertion of that exaggerated nationalism which never appeals to reason and which has for its main source the self-conceit of accumulated prejudice.

At whom are you striking in this bill? Why, at the very people whom a short while ago you announced you were going to emancipate. We sent 2,000,000 men abroad to make the world "safe for democracy," to liberate these very people. Now you shut the door to them. Yes. So far, we have made the world safe for hypocrisy and the United States incidentally unsafe for the Democratic Party, temporarily at least. [Laughter.] The supporters of the bill claim that the law will keep out radicals. The idea that by restricting immigration you will prevent the influx of radical thought is altogether untenable. . . .

Ideas can neither be shut in nor shut out. There is only one way of contending with an idea, and that is the old and safe American rule of free and untrammelled discussion. Every attempt to use any other method has always proven disastrous.

While purporting to be a temporary measure, just for a year or so, this bill is really intended to pave the way to permanent exclusion.

To prevent immigration means to cripple the United States. Our most developed industrial States are those which have had the largest immigration. Our most backward States industrially and in the point of literacy are those which have had no immigration to speak of.

The extraordinary and unprecedented growth of the United States is as much a cause as the effect of immigration.

Defenders of this bill thoughtlessly repeat the exploded theory that there have been two periods of immigration, the good period, which the chairman of the committee fixes up to the year 1900, and the bad period since. The strange thing about it is that at no time in history has any country made such rapid progress in industry, in science, and in the sphere of social legislation as this country has shown since 1900.

The new immigration is neither different nor worse, and besides that, identically the same arguments were used against the old immigration.

By this bill we, who have escaped the horrors of the war, will refuse a place of refuge to the victims of the war.

I repeat, this is an attempt at civilization. Progress is by no means a continuous or uninterrupted process. Many a civilization has been destroyed in the tortuous course of history and has been followed by hundreds or thousands of years of darkness. It is just possible that unless strong men who love liberty will everywhere assert themselves, the world will revert to a state of savagery. Just now we hear nothing but hatred, nothing but the ravings of the exaggerated I—"I am of the best stock, I do not want to be contaminated; I have produced the greatest literature; my intellect is the biggest; my heart is the noblest"—and this is repeated in every

parliament, in every country, by every fool all over the world. [Applause.]

Questions

1. Why does Parrish consider continued immigration dangerous?
2. Why does London argue that immigration restriction is based on "prejudice" rather than "reason"?

132. *Meyer v. Nebraska* and the Meaning of Liberty (1923)

Source: Opinion of the Court, Meyer v. Nebraska 262 U.S. 390 (1923).

One expression of the anti-immigrant sentiment sparked by World War I was the passage of laws by a number of states restricting teaching in foreign languages. Robert Meyer, a parochial school teacher in Nebraska, was found guilty of violating a 1919 law that mandated that all instruction be in English. The state supreme court upheld his conviction and Meyer appealed to the U.S. Supreme Court, arguing that the law violated the Fourteenth Amendment's guarantee of liberty to all citizens.

By a 7-2 vote, the Court declared the Nebraska law unconstitutional. The decision expanded the freedom of all immigrant groups, and helped to lay the groundwork for the Court's decisions of the 1960s affirming a constitutional right to privacy.

THE SUPREME COURT of [Nebraska] affirmed the judgment of conviction. . . . It declared the offense charged and established was "the direct and intentional teaching of the German language as a distinct subject to a child who had not passed the eighth grade," in the parochial school maintained by Zion Evangelical Lutheran

Congregation, a collection of Biblical stories being used therefore. And it held that the statute forbidding this did not conflict with the Fourteenth Amendment, but was a valid exercise of the police power. The following excerpts from the opinion sufficiently indicate the reasons advanced to support the conclusion:

The salutary purpose of the statute is clear. The Legislature had seen the beneficial effects of permitting foreigners, who had taken residence in this country, to rear and educate their children in the language of their native land. The result of that condition was found to be inimical to our own safety. To allow the children of foreigners, who had emigrated here, to be taught from early childhood the language of the country of their parents was to . . . educate them so that they must always think in that language, and, as a consequence, naturally inculcate in them the ideas and sentiments foreign to the best interests of this country. . . .

The problem for our determination is whether the statute as construed and applied unreasonably infringes the liberty guaranteed to the plaintiff in error by the Fourteenth Amendment:

No state . . . shall deprive any person of life, liberty or property without due process of law.

While this court has not attempted to define with exactness the liberty thus guaranteed . . . without doubt, it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men. The established doctrine is that this liberty may not be interfered with, under the guise of protecting the public interest, by legislative action which is arbitrary or without reasonable relation to some purpose within the competency of the state to effect. . . .

The American people have always regarded education and acquisition of knowledge as matters of supreme importance which should be diligently promoted. The Ordinance of 1787 declares: "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." Corresponding to the right of control, it is the natural duty of the parent to give his children education suitable to their station in life; and nearly all the states, including Nebraska, enforce this obligation by compulsory laws.

Practically, education of the young is only possible in schools conducted by especially qualified persons who devote themselves thereto. The calling always has been regarded as useful and honorable, essential, indeed, to the public welfare. Mere knowledge of the German language cannot reasonably be regarded as harmful. Heretofore it has been commonly looked upon as helpful and desirable. Plaintiff in error taught this language in school as part of his occupation. His right thus to teach and the right of parents to engage him so to instruct their children, we think, are within the liberty of the amendment.

The challenged statute forbids the teaching in school of any subject except in English; also the teaching of any other language until the pupil has attained and successfully passed the eighth grade, which is not usually accomplished before the age of twelve. The Supreme Court of the state has held that "the so-called ancient or dead languages" are not "within the spirit or the purpose of the act." Latin, Greek, Hebrew are not proscribed; but German, French, Spanish, Italian, and every other alien speech are within the ban. Evidently the Legislature has attempted materially to interfere with the calling of modern language teachers, with the opportunities of pupils to acquire knowledge, and with the power of parents to control the education of their own.

It is said the purpose of the legislation was to promote civic development by inhibiting training and education of the immature in foreign tongues and ideals before they could learn English and

acquire American ideals, and "that the English language should be and become the mother tongue of all children reared in this state." It is also affirmed that the foreign born population is very large, that certain communities commonly use foreign words, follow foreign leaders, move in a foreign atmosphere, and that the children are thereby hindered from becoming citizens of the most useful type and the public safety is imperiled.

That the state may do much, go very far, indeed, in order to improve the quality of its citizens, physically, mentally and morally, is clear; but the individual has certain fundamental rights which must be respected. The protection of the Constitution extends to all, to those who speak other languages as well as to those born with English on the tongue. Perhaps it would be highly advantageous if all had ready understanding of our ordinary speech, but this cannot be coerced with methods which conflict with the Constitution—a desirable end cannot be promoted by prohibited means. . . .

The desire of the Legislature to foster a homogenous people with American ideals prepared readily to understand current discussions of civic matters is easy to appreciate. Unfortunate experiences during the late war and aversion toward every character of truculent adversaries were certainly enough to quicken that aspiration. But the means adopted, we think, exceed the limitations upon the power of the state and conflict with rights assured to plaintiff in error. The interference is plain enough and no adequate reason therefore in time of peace and domestic tranquility has been shown.

The power of the state to compel attendance at some school and to make reasonable regulations for all schools, including a requirement that they shall give instructions in English, is not questioned. Nor has challenge been made of the state's power to prescribe a curriculum for institutions which it supports. Those matters are not within the present controversy. Our concern is with the prohibition approved by the [Nebraska] Supreme Court. . . .

No emergency has arisen which renders knowledge by a child of some language other than English so clearly harmful as to justify

its inhibition with the consequent infringement of rights long freely enjoyed. We are constrained to conclude that the statute as applied is arbitrary and without reasonable relation to any end within the competency of the state. As the statute undertakes to interfere only with teaching which involves a modern language, leaving complete freedom as to other matters, there seems no adequate foundation for the suggestion that the purpose was to protect the child's health by limiting his mental activities. It is well known that proficiency in a foreign language seldom comes to one not instructed at an early age, and experience shows that this is not injurious to the health, morals or understanding of the ordinary child....

Questions

1. In what ways did the Supreme Court of Nebraska justify the English-only law?
2. Why does the U.S. Supreme Court see the law as an unreasonable infringement on liberty?

133. Alain Locke, *The New Negro* (1925)

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The migration of blacks from South to North, begun in large numbers during World War I, continued during the 1920s. New York's Harlem became famous for "slumming," as groups of whites visited its dance halls, jazz clubs, and speakeasies in search of exotic adventure. The Harlem of the

white imagination was a place of primitive passions, free from the puritanical restraints of mainstream American culture. The real Harlem was a community of widespread poverty. But it was also the center of rising racial self-consciousness, a growing awareness of the interconnections between black Americans and persons of African descent elsewhere in the world, and a vibrant black cultural community that established links with New York's artistic mainstream. The term "New Negro," associated in politics with pan-Africanism and the militancy of the Garvey movement, in art meant the rejection of established stereotypes and a search for black values to put in their place. *The New Negro*, a book of essays and literary works edited by Alain Locke, came to symbolize the "Harlem Renaissance."

IN THE LAST decade something beyond the watch and guard of statistics has happened in the life of the American Negro and the three norms who have traditionally presided over the Negro problem have a changeling in their laps. The Sociologist, the Philanthropist, the Race-leader are not unaware of the New Negro, but they are at a loss to account for him. He simply cannot be swathed in their formulæ. For the younger generation is vibrant with a new psychology; the new spirit is awake in the masses, and under the very eyes of the professional observers is transforming what has been a perennial problem into the progressive phases of contemporary Negro life.

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With this renewed self-respect and self-dependence, the life of the Negro community is bound to enter a new dynamic phase, the buoyancy from within compensating for whatever pressure there may be of conditions from without. The migrant masses, shifting from countryside to city, hurdle several generations of experience at a leap, but more important, the same thing happens spiritually in the life-attitudes and self-expression of the Young Negro, in his poetry, his art, his education and his new outlook, with the additional advantage, of course, of the poise and greater certainty of

knowing what it is all about. From this comes the promise and warrant of a new leadership. As one of them has discerningly put it:

We have tomorrow
Bright before us
Like a flame.

Yesterday, a night-gone thing
A sun-down name.

And dawn today
Broad arch above the road we came.
We march!

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The day of "aunties," "uncles" and "mammies" is equally gone. Uncle Tom and Sambo have passed on, and even the "Colonel" and "George" play barnstorm roles from which they escape with relief when the public spotlight is off. The popular melodrama has about played itself out, and it is time to scrap the fictions, garret the bogeys and settle down to a realistic facing of facts.

First we must observe some of the changes which since the traditional lines of opinion were drawn have rendered these quite obsolete. A main change has been, of course, that shifting of the Negro population which has made the Negro problem no longer exclusively or even predominantly Southern.

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Here in Manhattan is not merely the largest Negro community in the world, but the first concentration in history of so many diverse elements of Negro life. It has attracted the African, the West Indian, the Negro American; has brought together the Negro of the North and the Negro of the South; the man from the city and the man from the town and village; the peasant, the student, the business man, the professional man, artist, poet, musician, adventurer and worker, preacher and criminal, exploiter and social outcast. Each group has come with its own separate motives and for its own spe-

cial ends, but their greatest experience has been the finding of one another. Proscription and prejudice have thrown these dissimilar elements into a common area of contact and interaction. Within this area, race sympathy and unity have determined a further fusing of sentiment and experience. So what began in terms of segregation becomes more and more, as its elements mix and react, the laboratory of a great race-welding. Hitherto, it must be admitted that American Negroes have been a race more in name than in fact, or to be exact, more in sentiment than in experience. The chief bond between them has been that of a common condition rather than a common consciousness; a problem in common rather than a life in common. In Harlem, Negro life is seizing upon its first chances for group expression and self-determination. It is—or promises at least to be—a race capital. That is why our comparison is taken with those nascent centers of folk-expression and self-determination which are playing a creative part in the world to-day. Without pretense to their political significance, Harlem has the same role to play for the New Negro as Dublin has had for the New Ireland or Prague for the New Czechoslovakia.

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[Two new] interests are racial but in a new and enlarged way. One is the consciousness of acting as the advance-guard of the African peoples in their contact with Twentieth Century civilization; the other, the sense of a mission of rehabilitating the race in world esteem from that loss of prestige for which the fate and conditions of slavery have so largely been responsible. Harlem, as we shall see, is the center of both these movements; she is the home of the Negro's "Zionism." The pulse of the Negro world has begun to beat in Harlem. A Negro Newspaper carrying news material in English, French and Spanish, gathered from all quarters of America, the West Indies and Africa has maintained itself in Harlem for over five years. Two important magazines, both edited from New York, maintain their news and circulation consistently on a cosmopolitan scale. Under American auspices and backing, three pan-African congresses have

been held abroad for the discussion of common interests, colonial questions and the future cooperative development of Africa. In terms of the race question as a world problem, the Negro mind has leapt, so to speak, upon the parapets of prejudice and extended its cramped horizons. In so doing it has linked up with the growing group consciousness of the dark peoples and is gradually learning their common interests. As one of our writers has recently put it: "It is imperative that we understand the white world in its relations to the non-white world." As with the Jew, persecution is making the Negro international.

As a world phenomenon this wider race consciousness is a different thing from the much asserted rising tide of color. Its inevitable causes are not of our making. The consequences are not necessarily damaging to the best interests of civilization. Whether it actually brings into being new Armadas of conflict or argosies of cultural exchange and enlightenment can only be decided by the attitude of the dominant races in an era of critical change. With the American Negro, his new internationalism is primarily an effort to recapture contact with the scattered peoples of African derivation. Garveyism may be a transient, if spectacular, phenomenon, but the possible role of the American Negro in the future development of Africa is one of the most constructive and universally helpful missions that any modern people can lay claim to.

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Questions

1. What does Locke mean when he writes, "the day of 'aunties,' 'uncles,' and 'mammies'" is gone?
2. Why does Locke consider Harlem a true "race capital" for blacks?

134. Elsie Hill and Florence Kelley Debate the Equal Rights Amendment (1922)

Source: *The Nation*, April 12, 1922, p. 421.

With the ratification of the constitutional amendment barring states from discriminating in voting qualifications because of sex, the women's movement faced a crossroads. The National Woman's Party, whose militant protests during World War I had helped secure passage of the Nineteenth Amendment, now called for a new Equal Rights Amendment (ERA) prohibiting all legal distinctions between the sexes. Only in this way, its leaders insisted, could women gain full access to the economic, educational, and other opportunities of American society. But many veterans of the movement to protect women workers feared that the ERA would wipe away their hard-won gains as well as deny women alimony and child support in the event of divorce. The result was a bitter split among feminists, illustrated in a debate in the pages of the liberal magazine, *The Nation*, in 1922. Elsie Hill, the daughter of a Connecticut congressman who had been arrested for picketing at the White House during Woodrow Wilson's presidency, represented the Woman's Party. Florence Kelley, the head of the National Consumers' League and an architect of legislation limiting the hours of work for women, offered the traditional view that women needed special protection by the government. The ERA failed, and the debate would be repeated in the 1970s when it once again entered national politics.

HILL: THE REMOVAL of all forms of the subjection of women is the purpose to which the National Woman's Party is dedicated. Its present campaign to remove the discriminations against women in the laws of the United States is but the beginning of its determined effort to secure the freedom of women, an integral part of the struggle for human liberty for which women are first of all responsible. Its interest lies in the final release of women from the class of a

dependent, subservient being to which early civilization committed her.

The laws of the various states at present hold her in that class. They deny her a control of her children equal to the father's; they deny her, if married, the right to her own earnings; they punish her for offenses for which men go unpunished. . . . These laws are not the creation of this age, but the fact that they are still tolerated on our statute books and that in some states their removal is vigorously resisted shows the hold of old traditions upon us. Since the passage of the Suffrage Amendment the incongruity of these laws, dating back many centuries, has become more than ever marked. . . .

An amendment to the Federal Constitution . . . if adopted, would remove them at one stroke.

KELLEY: Sex is a biological fact. The political rights of citizens are not properly dependent upon sex, but social and domestic relations and industrial activities are. All modern-minded people desire that women should have full political equality and like opportunity in business and the professions. . . . The inescapable facts are, however, that men do not bear children, are freed from the burdens of maternity, and are not susceptible, in the same measure as women, to poisons now increasingly characteristic of certain industries, and to the universal poison of fatigue. These are differences so far-reaching, so fundamental, that it is grotesque to ignore them. Women cannot be made men by act of the legislature or by amendment of the Federal Constitution. . . . The inherent differences are permanent. Women will always need many laws different from those needed by men.

The effort to enact the blanket bill in defiance of all biological differences recklessly imperils the special laws for women as such, for wives, for mothers, and for wage-earners. . . . Is the National Woman's Party for or against protective measures for wage-earning women? Will it publicly state whether it is for or against the eight-hour day and minimum-wage commissions for women? Yes or no?

Questions:

1. How do the arguments of Hill and Kelley reflect different definitions of women's freedom and their role in society?
2. Why does Kelley think that the Equal Rights Amendment will do a disservice to women?