

# “The Law of the Land”

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From “Black Swan”, Essays on the Civil Rights Movement in  
St. Augustine in 1963 and 1964

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As I walked the charming streets of downtown St. Augustine, I remember thinking “this is why I moved to Florida”. It is a city of unconventional appearance, located on the Atlantic coast just south of Jacksonville. The downtown area is picturesque with no visible shortage of small shops and people on foot eager to part with their money. Some of the buildings at its center are older than the republic. Where other cities have a stadium and a park, St. Augustine has a Spanish fort and a historic plaza replete with monuments and canons. It bills itself as “the oldest city in America”; A claim that may be restated more precisely as “the oldest city established by Europeans in America”.

In 1963 St. Augustine had a population of about 15,000, a black population of about 25% and was largely dependent as it is now, on tourism. It was lovely but conventional in its enforcement of strict racial segregation. Blacks were prohibited from using beaches, hotels, restaurants, public schools and all other public areas used by whites. This was the law of the land, enacted by the State of Florida and most of the other southern states. Lincolnville was one of several segregated black neighborhoods that I reference in other essays. But the purpose of segregation was far more sinister than the word implies: More than a desire by whites for separate living arrangements, it was an effective device for limiting the aspirations of blacks and their access to power in its many forms, especially political power. It reminded them of their status as second-class citizens. May I speak freely? It was also used to control social interaction with the primary objective of eliminating everything that even remotely bordered on sexual contact between black men and white women; a vexing, persistent threat that featured prominently in the overactive imaginations of bigots everywhere, especially in the South. It’s complement (namely, sexual contact between white men and black women) while frowned upon, provoked a less animated response.

Humor me for a moment and consider the strangeness of this picture: In 1963, the electronics revolution was off to a brisk start with the invention of the transistor 12 years earlier. With this invention, simple computers could be made smaller - small enough to fit into tiny manned spacecraft (called “space capsules”) and the foundation was thus laid for an epoch of ever-shrinking electronic innovation. Seeking ambitiously to shrink the genetic imprint of blacks in America, a northerner named William Shockley (one of the Nobel Prize winning inventors of the transistor) began in earnest to apply his otherwise wonderful mind to his racist theories of eugenics disguised as impartial science.

As blacks in Florida considered the meaning of yet another cottage fire-bombed by the KKK, NASA in Florida considered improvements to the rockets that would hurl their capsules - controlled by Shockley's transistors - into space again, this time to orbit the earth. Florida the "sunshine state" was at once home to both the past and the future. Shockley's wacky theories (now demolished by the Human Genome Project) confirm that even the north's white elite suffered (in their own way) the ghastly wounds of the nation's past under its fairly new suit of super power clothing. I should state that the northern states were no utopia for blacks either. To be black was to be on guard wherever you lived but nowhere were the wounds of the nation more evident than in the southern states with segregation codified into state law. But how did these laws come to be?

Yes, the southern states were slave states defeated in the Civil War. By the late 1860's the practice of slavery had mostly ended in America. And yes, racism could be found then as now, almost anywhere on earth. But how was it that white supremacy was so strong a belief that it extended its long dark shadow from a time before the republic was born into the dawn of man's adventure into space? And why here, in a democratic republic with a constitution that upholds personal freedom above most everything else? Because the powerful belief (or "culture") of racial supremacy was absolutely necessary to establish and expand the slave-based plantation economy of the south when it was on a roll. White supremacy was dug in like a boar tick. Without this culture of belief and its overwhelming support by the majority of white Christian churches in the south, it may not have been possible to sustain the crimes against humanity that are the history of the American slave trade. How else could otherwise rational men participate in it and build their economic lives upon it? There were islands of resistance; pockets of rational, critical thinking. During slavery, most "enlightened" whites (including Abraham Lincoln) could not have envisioned the nation as we know it where the races operate as social equals. For Abe at least, whites would always be closer to God. But for them, no appeal to tradition, the Bible or "state's rights" could justify the level of cruelty that was the monster in the machine of slavery. But the culture succeeded in instructing the national white population that they were entitled by their birth as whites to dominate this continent and everything on it. This belief was taken to its radical extreme in the south.

So powerful was the economy of the south that Thomas Jefferson scratched his original version of the Constitution that forbade slavery in order to include the southern states in the union and thus accelerate the acquisition and conquest of the continent. The northern states also benefitted from ancillary businesses indirectly related to slavery. Thomas Paine had begged Jefferson to sign the first draft of the Constitution, saying in effect "we can begin anew and wash ourselves of this stain". But Jefferson's mind was fixed. By means both ingenious and cruel, Jefferson's America started as a thin band of coastal colonies that somewhat resembles Chile and ended as an empire that stretched from "sea to shining sea". Regarding slavery, Jefferson would later write "I tremble for my country when I remember that god is just" and as the empire continued to grow, the southern culture of white supremacy deepened still as its economy strengthened, setting the stage for a national implosion nearly a century later: The most devastating war this nation has ever suffered.

So when their world collapsed in military defeat; when their plantations were set afire; when their financial system failed; when they saw blacks running for public office and earning money, southern whites elected fascists who did what politicians do best: tell their constituents what they yearn to hear while getting paid and perfecting their golf game. They could have reinvented the south and led it toward modernity. Instead these 19<sup>th</sup> and 20<sup>th</sup> century leaders declared “You may be poor, but at least you’re white and southern by the grace of God.” The preachers lamented, saying: “I’d like to help the blacks but it is against God’s will”. The lawmen said: “To subjugate the black is to protect our white women”. And so slavery - America’s “original sin” (as Christopher Hitchens put it) - assumed another ghastly if less powerful shape. As the White House busied itself with other matters in the late 1800’s, the body of state and local laws known to southerners then as “Jim Crow” and to us now as “Segregation” were enacted and remained in effect for nearly a century.

In 1963, “the law of the land” was the part of the national wound that you could see easily. Below this wound was the infection, namely: The myth of race and racial supremacy. This and other dogmatic myths and their deliberate delivery into the minds of populations in order to achieve wealth and geo-political objectives is part of the human dilemma; a dilemma that is as old as our species. The delivery system changes but the nature of the message remains the same: It is a repetitive sales pitch from those in authority, inviting you to set your skepticism and critical thinking aside in favor of emotion-based belief in both the seller and what is being sold. The platform for serious debate is removed and dissenters are silenced until the people – even an armed and educated people - behave (in the words of Peter Joseph) like “sheep that no longer need a sheep dog to control them, for they ... control each other”. Usually the sales pitch involves the identification of an enemy and includes words like “honor”. Take care my friends when you hear the word “honor” because when you do, somebody is about to get killed.

The “law of the land” was a clever reinvention of an old song. You’ve heard this song before. In its verses we learn how to bypass and undermine our own laws by redefining words like “citizen” and “human”. Faster, more terrifying versions of this song have played to large audiences in Europe, South-east Asia and Africa and it never seems to go out of style. This is what Dr. Jacob Bronowski called the “assertion of dogma that closes the mind” as he knelt over the mass grave that held 60 or more of his relatives at Auschwitz . This is the basic math that we - as a species - keep forgetting and then have to relearn with tragic consequences: If you’re in the slavery business, the racism business, the “empire at any cost” business, the fascism business, the Stalinist business or the religious fanatic business - then closing the minds of the people while crafting an enemy for them to fear and loathe is what helps keep your nameplate firmly attached to the double-wide polished walnut doors to your office and keeps your banker smiling.