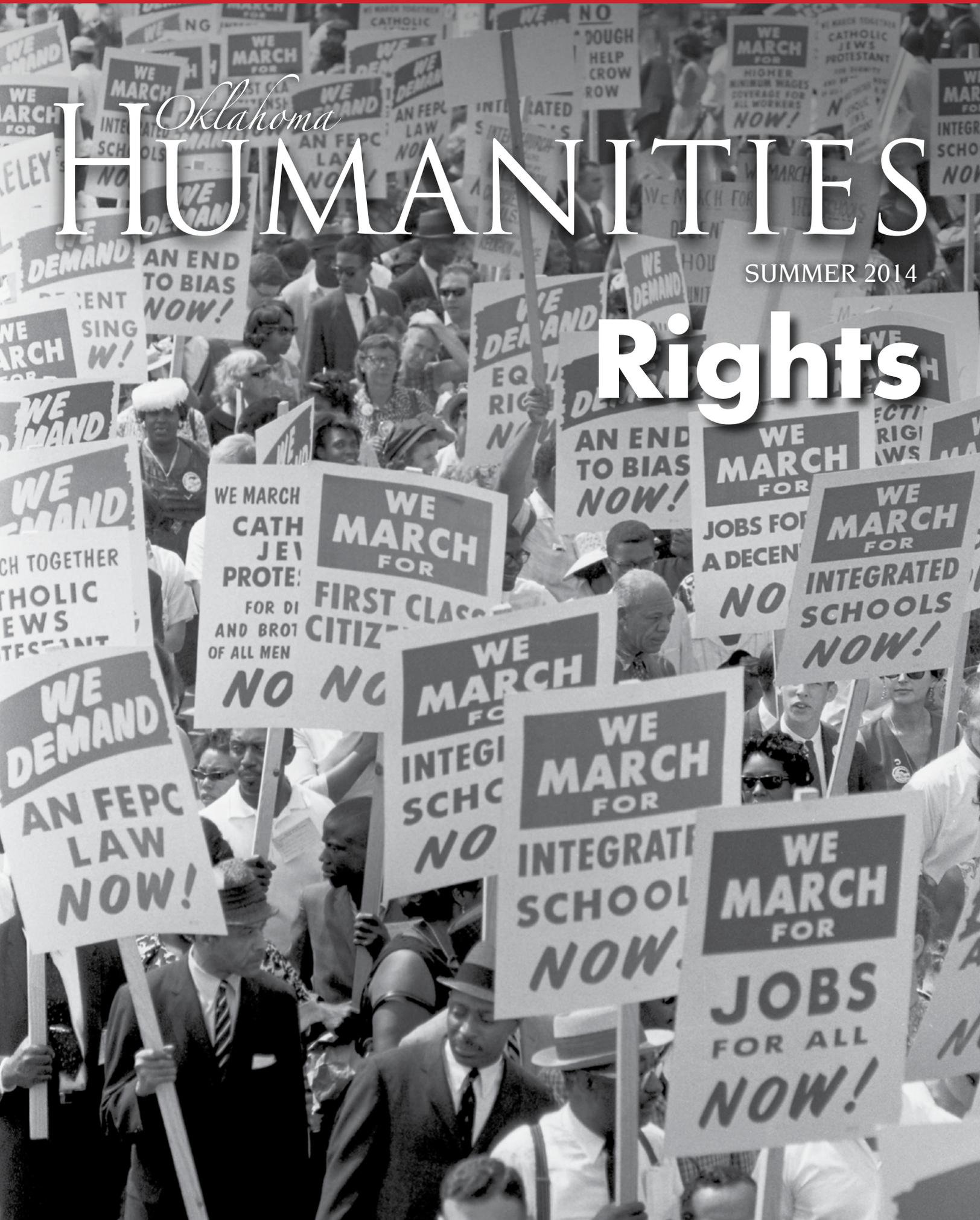


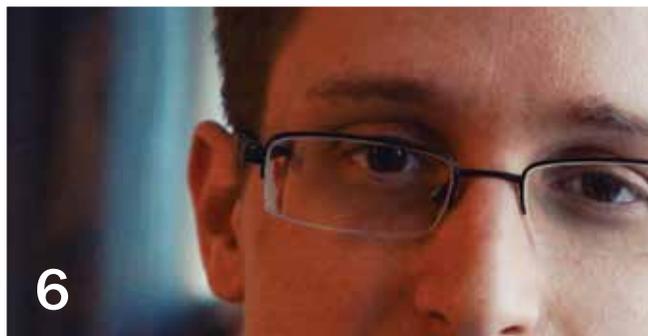
# Oklahoma HUMANITIES

SUMMER 2014

## Rights



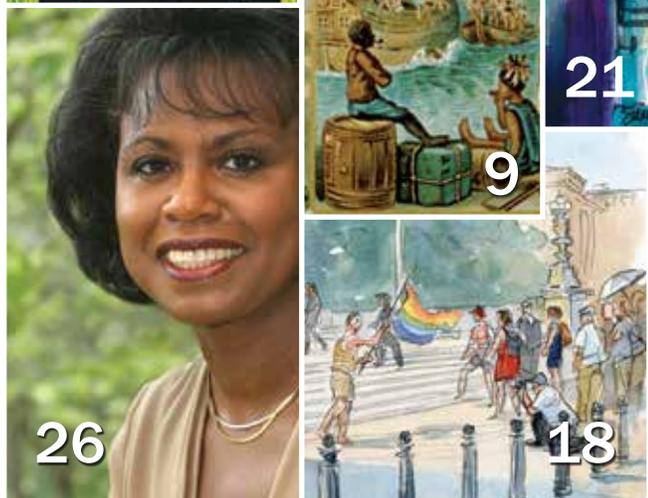




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9

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## IN EVERY ISSUE

- 4 From the Executive Director
- 4 Letters
- 5 From the OHC Board of Trustees
- 31 End Notes from the Editor

FROM THE TIME AMERICA WAS ONLY AN IDEA, citizens have been fighting for individual liberties. In this issue, we're reminded that the achievement of those rights is anything but easy; one person's civil liberties may be in direct competition with another's rights and values. We hold a precarious balance in winning rights. It's tempting to toe the line, to stay in one hard-won place. But society changes, prods us along, challenges us to look ever farther ahead to accommodate those changes. The slightest slip in attention could result in a loss. As we look forward to the new America, it is valuable to know how far we've come as well as how far we still have to go.

## FEATURES

### 6 Cashing In—Trading Privacy for Security

What your digital footprint reveals, and why you should care.  
BY RYAN KIESEL

### 9 Blessings of Liberty

The rights and responsibilities of modern citizenship.  
BY WILLIAM E. WHITE

### 12 The Color of Blood

Chief Standing Bear's journey for justice.  
BY JOE STARITA

### 18 Marriage, Religion, and Equal Protection

What happens when religious doctrine becomes imbedded in the law?  
BY RICK TEPKER

### 21 Fiction and Social Responsibility—Where Do They Intersect?

Using the power of the written word to effect change.  
BY NAOMI BENARON

### 26 Reimagining Equality: Stories of Gender, Race, and Finding Home

Without first securing home, there can be no equality.  
BY ANITA HILL



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From the Executive Director  
ANN THOMPSON

### MY BELOVED OKLAHOMA

I purchased a painting last year. The artist, an Iraqi refugee living in Oklahoma, took the outline of the state, put it in an elaborately painted frame, and with Islamic calligraphy swirls wrote the title, “My Beloved Oklahoma” from Little Dixie to the Panhandle. He was an interpreter for U.S. troops but had to leave that work after being threatened.

I was touched by the sentiment, being aware that life as a Muslim in Oklahoma is no guarantee of equality or freedom from bigotry. Of the 3.7 million inhabitants in the state, there are roughly 35,000 Muslims. Their small numbers do not mean they have gone unnoticed.

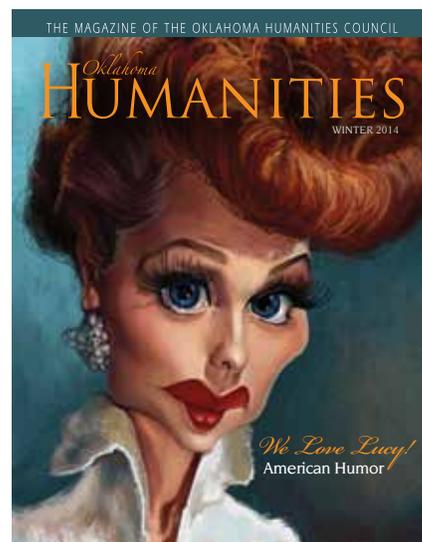
Paintballs and spray paint have been used against the Grand Mosque of Oklahoma City. Recently a woman in a headscarf was assaulted in Tulsa, her car vandalized while her assailant called her derogatory names alluding to her being a Muslim. The state voted in 2010 to prohibit the use of Sharia law in our courts though a federal judge later said it violated the freedom of religion provisions of the U.S. Constitution.

Our organization has always worked to provide learning opportunities to Oklahomans that would enable us to understand the human experience and entertain new perspectives. These programs have sometimes focused on world religions and cultural diversity and today we have reading and discussion programs centered on the Muslim experience in America and what it is like to be a young American of Muslim faith.

These programs have engendered pushback from some members of the public. One email suggested I should be ashamed for these programs, that our organization should focus on programs about Christianity instead. Several people disrupted a reading program at a local library stating that the Muslim author Eboo Patel was a terrorist. Had they read the book they would have known that this was a story of how he established an interfaith youth group in Chicago dedicated to community service.

This is the challenge for all of us: to entertain ideas and worldviews that are different from our own. We are personally enriched, we learn about our neighbors, and our communities are strengthened. When we are brave enough to confront the ‘other’ among us, we go a step farther to creating an America where differences are not assailed but celebrated and an Oklahoma that deserves its label as “beloved.”

## Letters



### READ | CLICK | GIVE

I am writing because yesterday I received the *Oklahoma HUMANITIES* magazine and I could not put it down until I had read it cover-to-cover, examined the art work, the photographs, etc. I thought the issue was truly delightful. I learned a lot, much of what I knew was affirmed (which always delights one), and I just thoroughly enjoyed myself. When I finished, I went to the computer and made a donation to the magazine. I want to be sure that I receive future copies and that the magazine continues to bring satisfaction as it brings information and scholarship to Oklahomans.

—Erma Stewart, Oklahoma City

### SHARP ON ROGERS

Thank you for sharing a copy of your beautiful new issue of *Oklahoma HUMANITIES*. Brett Sharp’s article [“Will Rogers in the 21<sup>st</sup> Century,” Winter 2014] is excellent, the topic so timely.

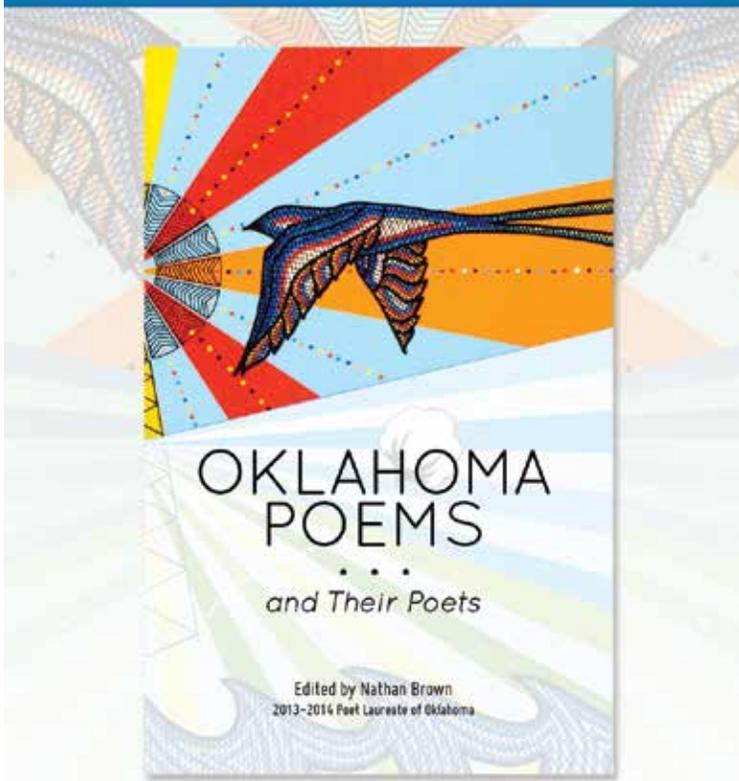
—Steve Gragert, Director, Will Rogers Memorial Museums

### HIT LIST

*From Facebook:* OHC hits another home run with the Winter 2014 issue of its magazine. Fabulous articles on a great topic, American humor. Congratulations!

—Humanities Nebraska

Send your comments, questions, and suggestions to  
Editor Carla Walker at: [carla@okhumanities.org](mailto:carla@okhumanities.org)  
or mail correspondence to *Oklahoma HUMANITIES*, Attn.: Editor,  
428 W. California Ave., Ste. 270, Oklahoma City, OK 73102.



This new anthology from Mezcalita Press, edited by the 2013-2014 Oklahoma Poet Laureate Nathan Brown, includes poems about Oklahoma that are written by natives, ex-pats, and visitors alike. These poems are an honest, and sometimes raw, look at the state's past and present. Among the poets represented are Pulitzer winners Stephen Dunn and N. Scott Momaday, as well as Naomi Shihab Nye, Joy Harjo, George Bilgere, Ron Padgett, and many others. A portion of proceeds benefit the Oklahoma Humanities Council.

Available on Amazon and [www.brownlines.com](http://www.brownlines.com)



From the OHC Board of Trustees  
DR. WILLIAM BRYANS, CHAIR

Americans greatly value their rights and the freedoms upon which those rights are founded. We lay claim to a good many of them, too—the right to vote; the right to due process and a trial by a jury of one's peers; the right to equal protection under the law and freedom of association; freedom of the press and freedom of religion; the right to bear arms; states' rights, property rights, patient's rights, student rights, parent's rights, privacy rights; and many others. Some rest on the provisions of the U.S. Constitution, some on statutory law at all levels of government, and still others on common law. Some result from long-standing traditions and practices. Some are considered natural or inalienable. Make no mistake about it. Americans enjoy a plethora of rights.

Yet, those rights are not necessarily absolute. Supreme Court Justice Oliver Wendell Holmes in 1919 declared that freedom of speech did not extend to a person falsely yelling "fire" in a crowded theater and provoking panic. There is also the legal metaphor that "the right to extend your fist ends where my nose begins." You need only pay attention to contemporary events to see that no consensus exists on what constitutes the right to bear arms, or whether the right to religious freedom excuses owners of for-profit businesses from complying with federal laws based on their personal religious beliefs, or whether those charged with terrorism can be incarcerated indefinitely without charges being filed and a trial scheduled. Differences about what our rights precisely entail, of course, is nothing new. In many ways, our legal system exists to attempt resolving these differences.

Determining the lengths to which various rights extend can be difficult and contentious. The humanities, however, can offer guidance. History, philosophy, and jurisprudence especially help us understand the origins of our rights, the intent of those who framed them, and give us the perspective to understand the implications of those rights in the present. This issue of *Oklahoma HUMANITIES* illustrates the intersection of the humanities and rights. I am confident you will enjoy and learn from our fine contributing authors. As always, I close by asking that you consider supporting the Oklahoma Humanities Council in the good work it does to bring the humanities to bear on the issues of this world, including how we view and exercise our many rights.

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Edward Snowden

Photo: Laura Poitras/ACLU

# CASHING IN

## TRADING PRIVACY FOR SECURITY

BY RYAN KIESEL

**I**T HAS BEEN ALMOST A YEAR since the first documents leaked by National Security Agency (NSA) contractor Edward Snowden were published. Revelations prompted investigations of the NSA's surveillance program by the Obama administration, Congress, two federal courts, and countless non-governmental advocacy organizations. Given the scope of Snowden's leaked documents and of the program itself, it is no wonder that news breaks daily. More and more scrutiny is being placed on the NSA; all the while defenders argue the necessity of widespread data collection, including that of American citizens regardless of suspicion.

Governments at all levels in the United States deploy surveillance techniques once relegated to foreign battlefields and science fiction. Traffic cameras and license plate scanners track the whereabouts of individuals and vehicles. Drones will soon transform everyday life, from public safety purposes to fulfilling society's ever-increasing demand for convenience at a lower price point. Acquisition and operation costs are, like the price of last year's televisions, dropping. The natural limits that once prevented the widespread gathering of personal data are quickly eroding

and, in some instances, we see evidence that those limits no longer exist.

The erosion of limitations and costs is not occurring in a vacuum; it is happening in concert with the ubiquity of personal technology. It is the true outlier who doesn't carry at least one piece of once-unimaginable communication hardware. From the moment we wake up to the moment we close our eyes at night (often with the glow of a screen backlighting our eyelids), our connection to technology is akin to plants and photosynthesis: one cannot exist without the other.

Psychological dependence on technology even manifests itself in physiological ways. Have you ever thought you heard your phone ping a text message or new Facebook post or buzz in your pocket only to realize that perception was a hallucination of sorts? Research has shown that positive interactions on social media platforms like Facebook can release dopamine in the brain and physically reinforce the desire to look away from dinner companions, a sporting event, or a concert and turn our attention to a screen.

Not only have large numbers of the population developed a

psychological and physiological dependence on devices, they use the cloud-based platforms such as Facebook, Twitter, Tumblr, etc., to project themselves to the world and to gauge self-value from how their online networks react to that projection. In a recent essay entitled “The Viral Self,” Rob Horning, executive editor of the digital magazine *The New Inquiry*, says that an online presence marks our engagement with society at large:

If you are not growing your online presence, if your content is not circulating ever more widely, then you are failing. You are disappearing.

If taken as an accurate observation, Horning’s commentary suggests our use of the Internet has moved well beyond ordering books, banking and paying bills online, and keeping track of long-lost childhood friends. Every photo shared, every Liked comment, every Retweet, is a signal to the online world that defines our very existence—and, according to Horning, if we’re not online, we’re not contributing to the “social bottom line.”

Of course social projections existed well before social media and the Internet. What civic clubs you belong to, the kind of car you drive, bumper stickers, sports team affiliations, and so on were once the “signals” we projected to the world. But the nuance and volume with which we use digital tools today to define ourselves creates a high-resolution portrait that far surpasses indicators in previous societies.

Public data combines with (presumed) private email and text messages, online ordering history, banking and credit card transactions, phone calls, and location data from mobile devices, creating a catalog of information that has obvious appeal to the state and retailers. We are broadcasting ever more complete pictures of ourselves—voluntarily, sometimes privately, and often publically—into the digital ether, while public and private sectors are acquiring and deploying ever more sophisticated means to track, with or without suspicion (or permission), our physical and online persons. The apparatus for a police state that could act alone or in concert with the private sector to exploit data and technology makes it possible to manipulate people, suppress ideas, neutralize political opponents, and chill opposition.

That explains, in part, why Edward Snowden’s revelations represent such a turning point for privacy advocates. His leaks verified what they had long suspected, and more. After all, among the initial fallout from the leaks was evidence suggesting that top intelligence officials lied under oath to members of Congress. Even so, in the face of a growing surveillance state with its sights trained on American citizens, public outrage was relatively mute.

Shortly after those first leaked documents were published, I wrote that, to my surprise, many fellow civil libertarians were apathetic to the entire ordeal. They had nothing to hide, they assured me, their communications were vanilla and unlikely to arouse the interest of government agents and, in the event they did, it would be inconsequential.

It’s a strange reaction from individuals that otherwise possess a healthy dose of skepticism towards their government. Why, instead of outrage, were these self-proclaimed rights advocates so ready to mitigate the existence of a secret spying program (with an unknown scope), one that is overseen by a secret court whose orders are classified and administered by agents who actively misled policymakers about the program’s very existence?

This seeming acceptance is better explained not as a philosophical alignment but as a symptom of apathy and futility. The issue is so wide-ranging, the technology so incomprehensible to most people that it leads to a political posture of resignation. Further, when privacy is cashed in, be it for convenience or security, it is not easily taken back. Just compare the level of personal privacy we enjoyed a decade ago to current levels and you begin to get a sense of how much we have lost. We give up privacy in bits so small we don’t appreciate the loss unless it is put

in historical perspective—and even then the lengths it would take to recapture that privacy fuels a sense of futility and apathy, an attitude that suggests convenience is a clear winner over the constitutional right to privacy.

Too, there are events so cataclysmic that they excuse taking a hatchet to privacy rather than the slow precision of the scalpel. While these

events have fortunately been rare, they prey on our worst fears. Following the attacks of 9/11, Americans readily handed over privacy in trade for a sense of security.

Convenience. Security. Apathy. Futility. Each of these, taken alone, are powerful barriers for privacy reformers to overcome; taken together, they explain the relatively limited outrage in response to domestic surveillance and the failure of the American public to engage in a thoughtful conversation about the direction of society, the power of government, and the future of individual privacy and autonomy.

It is not too late for the conversation to begin. Decisions that impact the trajectory of future data collection and privacy rights *will* be made. It is simply a matter of whether those decisions are made with or without the contributions of an engaged public. In fact, Glenn Greenwald, the journalist who met with Edward Snowden and wrote about the documents Snowden provided to him, has stated that it is naive to believe that policymakers and those in positions of power, both public and private, will regulate themselves. Greenwald argues that if privacy is to be protected in the future, it will come more from decisions we as citizens make than from an act of Congress. Whether we are willing to adapt and adjust our online habits to self-secure our privacy are among key questions we need to discuss and answer.

While we may feel too lost in the fog to begin that conversation, the good news is that we have blueprints for taking action based in fiction. In films and stories of a dystopian future, the protagonist is easy to spot. We anxiously watch as the hero struggles to set the world right against an all-seeing, all-knowing surveillance state, to stay ahead of a network of cameras, geolocation devices, and





*Persecutors, Alex Andreev*

satellites that track every move. Increasing amounts of privacy are sacrificed as the fictional society hedges against unspeakable dangers.

We don't often cheer deployment of technology against the masses. Novel and spectacular as the capabilities may seem in the context of a movie or book, these plotlines invite skepticism when characters are asked to exchange privacy for some vague promise of security. We recognize the dangers and side with the characters being watched, not the ones doing the watching.

The justifications for these fictional surveillance states are familiar: security and order. Proponents of maintaining and increasing the powers of government to ensure security have archetypes in fiction as well—especially when plots depict the success of domestic spying in defeating terrorism. A study by Amy Zegart, co-director of Stanford University's Center for International Security and Cooperation, found that those who regularly watched "spytainment," fictional accounts of government spy operations, were more likely to approve of "government collection of telephone and Internet data."

In reality, the stakes are more consequential and we should be careful not to use the fictional success of a spy agency as a substitute for actually measuring whether surveillance programs are effective in stopping terrorist attacks. On the other hand, fiction can distill a very complicated reality into broader principles with which we have more experience. It invites us to consider the profound effects of decisions today on generations to come.

Our consideration of what balance to strike between personal privacy and the watchful eyes of government agents and private marketers must look well beyond how it will impact the present or near future. We in 2014 cannot imagine how our world will be shaped by the technological revolution. Future generations will be unable to imagine any other state of being. The laying of the foundation for a new paradigm is happening. If only we would participate.

RYAN KIESEL is the Executive Director of the ACLU of Oklahoma. He holds a J.D. from the University of Oklahoma College of Law and served three terms in the Oklahoma House of Representatives. He writes and speaks on a wide range of political and legal issues and has been cited by local and national media. Prior to joining the staff of the ACLU of Oklahoma, Kiesel was in private practice with an Oklahoma City law firm. He teaches a seminar on "Politics and the Law" as an adjunct professor at the University of Oklahoma College of Law.

ALEX ANDREEV lives in St. Petersburg, Russia, and has been drawing, painting, and doing graphic design for over 20 years. He was senior concept artist for *Kool! Kin-Dza-Dza*, which won a 2013 Asia Pacific Screen Award for best animated film. alexandreev.com

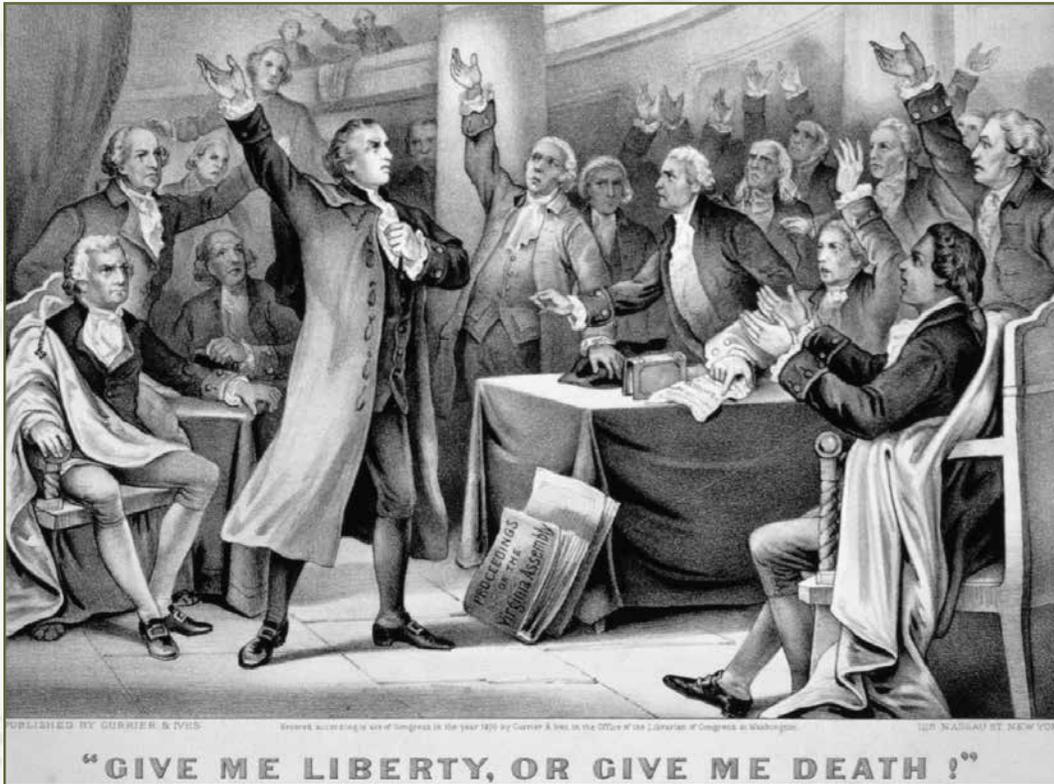
#### **EXTRA! | READ | THINK | TALK | LINK**

- ▶ "Government Can't Hold NSA Surveillance Data Longer," Bill Mears, CNN, March 12, 2014. Article: FISA Court Judge Reggie Walton rules Justice Department procedures would infringe on the privacy of U.S. citizens. [cnn.com](http://cnn.com)
- ▶ *Intelligence Squared U.S.* Podcasts of experts debating national issues. [intelligencesquaredus.org](http://intelligencesquaredus.org) (search for debate topics: "Snowden was Justified" and "Spy on Me, I'd Rather be Safe")
- ▶ *Network - Experiential Information Extravaganza*, video by Michael Rigley. Motion-illustration defines metadata and shows how digital interactions reveal our personal information. [vimeo.com/34750078](http://vimeo.com/34750078)
- ▶ "Spytainment: Fake Spies Influence Perception of Real Intelligence," Amy Zegart, Center for International Security and Cooperation, Stanford University, Nov. 4, 2013. Commentary and video on the gap between intelligence practices and what people know about them. [cisac.stanford.edu/news](http://cisac.stanford.edu/news)
- ▶ "State of Deception," Ryan Lizza, *The New Yorker*, Dec. 16, 2013. Extended article on the modern history of national intelligence and efforts to promote transparency in government agencies that collect data on American citizens. [newyorker.com](http://newyorker.com)

# Blessings of Liberty

BY WILLIAM E. WHITE

*The rights and responsibilities of modern citizenship*



“Give me liberty, or give me death!” Patrick Henry delivering his great speech on the rights of the colonies, before the Virginia Assembly, convened at Richmond, March 23<sup>rd</sup> 1775, concluding with the above sentiment, which became the war cry of the revolution. Currier and Ives, c. 1876. Library of Congress, LC-USZC2-2452

Modern Americans are self-indulgent. Consumerism, social media, selfies, and more: Americans seem increasingly focused on the “me” of life.

Self-centeredness is evident even in our politics. On one side we argue that government involvement in social and economic entitlements has corrupted individualism. On the other side we argue that hoarding social and economic resources narrows the opportunity for liberty. Partisan debate has a common thread: rights. Across the conservative to liberal spectrum, all cite the founding generation’s commitment to freedom. Appeals for responsible taxation, small government, social programs, gun rights, gun control, equality, healthcare reform, veteran’s benefits, Social Security, and civil rights all rest on the common theme of individual rights.

What are the inherent rights and liberties of the individual? How do we realize them and protect them? Are there limits? Do they include only the specifics listed in the Bill of Rights? Do they

include, as Franklin Roosevelt proposed, rights to employment, housing, healthcare, education, and retirement?

The very future of the American republic depends on answers that a new, rising generation of citizens will discover and apply. We are engaged in a great debate to discover, as Abraham Lincoln asked 150 years ago, can “a new nation, conceived in liberty, and dedicated to the proposition that ‘all men are created equal’” long endure?

I am concerned that the current debate leads us astray. It skews our attention to individual rights. Early America was, of course, concerned about liberty—individual freedom. We hear that refrain repeatedly in our history, in our children’s textbooks, and in our political debate. Patrick Henry’s injunction, “Liberty or Death,” is a powerful echo across the ages. But if we hear only Henry’s call for freedom to exercise individual rights, we miss an essential lesson of the founders and their revolution: responsibility. Responsibility is the true genius of the American Revolution.

History tells us that, in most cases, revolution leads to social, cultural, and political turmoil—at least initially. Nevertheless, thirteen colonies of British North America threw off an oppressive British government and, in the process, not only articulated the rights vested in the individual but also the principles of responsible citizenship. Twenty-first century Americans would do well to look closely at the way individual citizens in the 1770s and 1780s took on responsibilities not just for themselves, but for the whole of their community.



“His most sacred majesty George III, King of Great Britain.” William Pether, engraver, published 1862. Library of Congress, LC-USZ62-7819

### FROM SUBJECT TO CITIZEN

John Murray, the earl of Dunmore, became royal governor of Virginia in 1771. His tenure coincided with a sharp tightening of relations between American colonials and the British crown. The new governor found Virginians difficult to rule. And make no mistake about it—his job was to rule. Virginians in the 1770s



“Boston Tea-Party. Three cargoes of tea destroyed. Dec. 16, 1773. A number of the inhabitants, disguised as Indians, boarded the ships in the night, broke open all the chests of tea, and emptied the contents into the sea.” Based on engraving by D. Berger; pub. c. 1903. Library of Congress, LC-USZC4-1582.

were not citizens with individual agency, they were subjects of the British monarch. In this worldview, God ordained kings and queens, who granted rights and privileges to their subjects. Even in Great Britain’s progressive constitutional monarchy, King George III expected loyalty and obedience. Dunmore represented the King’s personal presence and authority in Virginia.

In December 1773, after years of mounting tensions with the British government about trade, taxation, westward expansion, and individual rights, a throng of Bostonians destroyed more than 300 chests of East India Company tea that sat aboard ships in Boston

Harbor. Parliament reacted by passing a series of laws to punish the whole of Boston. The Coercive, or Intolerable Acts as they came to be known, shocked colonials. Virginia’s legislative assembly passed a resolution calling for a “day of fasting, humiliation, and prayer” to protest Parliament’s actions and show solidarity with the people of Boston. Angered by their resolution, Dunmore dissolved the Virginia legislative assembly, reminding these subjects of their duty to the crown. Virginia legislators would have none of it. They reconvened as the First Virginia Convention, unauthorized and outside of any acknowledged or legal entity. Delegates pledged themselves and urged the entire colony to join them in a non-import/non-export protest: no import or consumption of British goods, no export of American goods to Britain.

Virginians continued to meet in these extra-legal assemblies. At the Second Virginia Convention in Richmond, 1775, Patrick Henry delivered his famous “give me liberty or give me death” speech and called for the arming of Virginia patriots. In June 1775, Lord Dunmore fled the capital of Williamsburg, took command of a flotilla of British warships, soldiers, and loyalists, and declared the colony of Virginia in rebellion. The governor intended



“Patrick Henry.” Detroit Publishing Co., c. 1904. Library of Congress, LC-DIG-det-4a26383.

to use military force to reinstitute royal authority. The Third and Fourth Virginia Conventions met to establish a Committee of Safety that would coordinate the business of Virginia in the absence of an official British administration.

By the spring of 1776, many Virginians were convinced that there could not, and should not, be a restoration of British constitutional government. But it was not merely a handful of radicals that effected independence from Britain. No longer acquiescent subjects of a monarch, individual citizens across the colony took responsibility; they elected representatives for the Fifth Virginia Convention and instructed delegates on how to proceed. The voters of James City County, for example, addressed newly elected delegates on April 24, 1776: “We, therefore . . . do request and instruct you, our delegates . . . to exert your utmost abilities . . . towards dissolving the connexion between *America* and *Great Britain*, totally, finally, and irrevocably.” A significant change was underway.

### THE AMERICAN CITIZEN: INFORMED, ENGAGED, RESPONSIBLE

Almost fifty years later, Thomas Jefferson reminded Henry Lee that the ideas in the Declaration of Independence were “an expression of the American mind.” These were not “new principles, or new arguments, never before thought of,” Jefferson noted, but rather ideas synthesized from “conversation, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc.” The study of history, economics, philosophy, languages, and religions—the humanities—helped this remarkable generation of Americans create a *new citizen*. That legacy is modern citizenship.

The founders were convinced that a new kind of self-governing citizen could prosper in America. Consequently, early republic documents were not just enumerations of rights. The founding generation spent just as much time discussing individual responsibility. Nowhere do we see this more clearly than in the Virginia Declaration of Rights.

Independence was the first order of business for the Fifth Virginia Convention. On May 15, 1776, they declared Virginia independent (the first colony to do so) and immediately turned their attention to creating a new government. What would it be? The Virginia Declaration of Rights—adopted even before a state constitution was written—enumerates the rights that modern Americans recognize from the U.S. Constitution’s Bill of Rights, ratified thirteen years later: freedom of religion according to conscience, freedom of the press, freedom of assembly, rights of property and person, the right to a speedy trial by jury, prohibitions on cruel and unusual punishment, as well as the rights of life, liberty, and property. Delegates enumerated other rights as well: the right to happiness and safety, the right of suffrage, and the expectation of free and open elections.

The Virginia Declaration of Rights also shaped the principles of enlightened citizenship—modern citizenship. All men, they declared, are “by nature equally free and independent”; no one was



“Flight of Lord Dunmore. From Smithey’s History of Virginia, American Book Co.” Jamestown Amusement & Vending Co., c. 1907. Library of Congress, LC-USZC2-6371.

entitled to special privileges. If, as the document states, government is instituted for the “common benefit, protection, and security of the people, nation, or community,” then it is the obligation of those people—of citizens—to keep it functioning. If government strays, the people’s responsibility does not lessen; rather, a “majority of the community has an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public [welfare].”

Authors of the Virginia Declaration of Rights did not just create a government—though that is impressive enough. They took what Enlightenment philosophers had only theorized and implemented those principles to construct a society in which rights were vested in the individual, not bestowed from on high. They understood

what we have forgotten: individual rights are maintained through individual responsibility. Article Fifteen reminded citizens that:

No free government, or the blessings of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue and by frequent recurrence to fundamental principles.

These new-citizen leaders understood that maintaining individual rights required responsible, engaged citizens; that differences of opinion, of values, of worldview would require citizens to debate the issues in their own communities. And they hoped that this debate might be informed by evidence and reason, not passion. As they launched this experiment in self-government, the founders understood that succeeding generations would have to secure the fragile, imperfect experiment for themselves. Each generation had to embrace its responsibility.



The success of good government rests with the people. A modern citizen is aware, informed, engaged, intentional, and responsible. As citizens of our community, our state, and our nation, we must work every single day to preserve “the blessings of liberty.”

“Thomas Jefferson.” Reproduction of painting. W.H. Gallagher Co., c. 1907. Library of Congress, LC-USZ62-53985

WILLIAM WHITE is the Royce R. & Kathryn M. Baker Vice President of Productions, Publications, and Learning Ventures for the Colonial Williamsburg Foundation. He leads the Foundation’s education and outreach media programs and co-authored *The Idea of America: How Values Shaped Our Republic and Hold the Key to our Future*.

**EXTRA! | READ | THINK | TALK | LINK**

- ▶ “*The Coming of the American Revolution*.” Explore events and documents (letters, handbills, diaries, newspaper accounts, assembly journals, etc.) that reveal the American Revolution and determined individuals that built our nation. [masshist.org/revolution](http://masshist.org/revolution)
- ▶ “*The Charters of Freedom*.” Documents that formed the founding principles of our nation. Includes the Virginia Declaration of Rights, the Declaration of Independence, the U.S. Constitution and Bill of Rights, and more. [archives.gov/exhibits/charters](http://archives.gov/exhibits/charters)
- ▶ *Enlightenment*, Stanford Encyclopedia of Philosophy. Describes the movement of new thought that influenced American Founders. [plato.stanford.edu](http://plato.stanford.edu) (enter *Enlightenment* in the search box)

# THE COLOR OF BLOOD



By Joe Starita

Art by Donel Keeler

## Chief Standing Bear's journey for justice

Somewhere along the flanks of the great river, not far from a valley once flush with buffalo, beaver, bald eagles, and yellow-shafted flickers, where two centuries ago the captain explorers looked out and saw both America's past and future, somewhere near these rugged chalk bluffs lie the bones of a father and son.

For as long as anyone could remember—before the horses, fur traders, whiskey, fever, and the pus-filled spots; before the steamboat, glass beads, and another god—their people had lived in this ancient river valley straddling the border of what would become Nebraska and South Dakota. Inside this expansive territory, there lived dozens of Indian nations, clustered in villages along some of the tens of thousands of miles of creeks and streams and rivers.

One of those rivers was well known to the father and son. The Niobrara begins as a small stream in the high plains of Wyoming and flows clear and swift 535 miles east, growing steadily as it meanders across arid Sandhills, rugged canyons, rolling prairie, forests of pine and hardwood, and moist, fertile valleys before emptying into the Missouri near the high chalk bluffs.

In 1804, the occupant of the White House had long harbored dreams of westward expansion. At the core of Thomas Jefferson's vision was an almost mystical belief in the powers of ordinary, salt-of-the-earth citizens who could harness the nation's potential. How exactly the people living in their Niobrara River homeland—and the many more like them—would share in this new reality had vexed the nation's leaders for a long time. The native people possessed enormous tracts of land that needed to be transformed into industrious American farms if the restless, young republic was to fulfill its destiny.

Jefferson had long advocated buying Indian lands in an orderly, friendly fashion. But when romantic push evolved into pragmatic shove, he came to see the native people as an entrenched impediment in civilization's path—one that would have to be removed, ruthlessly if necessary—views that would set in motion policies that led to removal, reservations, assimilation, and the end of one age-old way of life.

The Ponca were avid horticulturists and dedicated farmers. In rich bottomlands near the mouth of the Niobrara lay fields of squash, pumpkins, beans, tobacco, and a variety of corn. At river's edge, channel cat, carp, bluegill, grass pickerel, and trout nourished the food supply. By the middle of the eighteenth century, the Ponca had settled into a comfortable seasonal rhythm.

But in the winter of 1800-1801, a smallpox epidemic swept through their village, wiping out half the tribe. The captain explorers estimated that only about two hundred had survived. Decimated by smallpox, terrorized by Lakota war parties, the Ponca were forced to seek refuge with their friends the Omaha the winter after Lewis and Clark left.

In 1829, the father had been born along the banks of the Running Water. In their language he was called *Ma-chu-nab-zba*. By the time he was a young man, Standing Bear saw that the old and new ways were on a collision course. Throughout Standing Bear's childhood, the squeeze from the Lakota to the west, an infusion of whites from the east, and the specter of disease all around never let up. Fifty years into the new century, the wild game began to disappear and it wasn't long before the only buffalo on the plains lay in piles of bleached, white bones.

In 1876, seven weeks after the Little Bighorn, President Ulysses S. Grant authorized \$25,000 to move the Ponca from the Niobrara to the Indian Territory, lands that would one day become Oklahoma.

### GOING HOME

On January 2, 1879, thirty Ponca men, women, and children finished loading their belongings. The morning came in at nineteen below zero with a steady north wind. They hadn't much in the way of winter clothing and it was coming down harder as the two worn-out horses stood motionless in the blinding snow. The boy was dressed in his best clothing and the chief gently placed him in a box and carefully lowered it into the back of one of the wagons. Then the father and mother turned their faces north and began walking away from the Warm Country, heading toward the Running Water. Their boy was going home.



Six days passed before Agent Whiteman discovered the Ponca had left. He sent an urgent message to his superiors, asking them to alert agents at the Omaha and Otoe reservations. Standing Bear and his group had left without permission. If the agents saw them, they should arrest them, march them back south to Indian Territory.

After a journey of sixty-two days, Standing Bear and the Ponca were camped west of the Omaha Reservation, just a few days' journey from their Niobrara homeland. Some of the Omaha went to visit Standing Bear's camp. They were shocked at what they saw—faces hollowed from hunger and skin blackened from frostbite, gaunt children, ragged clothes, emaciated horses, and so many sick. The Omaha held a council with their agent, asking him to let Standing Bear have some land, to let his group become a part of their tribe. The agent said he would not give advice; Standing Bear could continue on to the Niobrara or come to the Omaha—the choice was his.

Standing Bear chose to stay awhile, to get his sick and hungry people back on their feet. The Omaha gave them some land and some seed and the Ponca began to break ground and plant.



The Omaha agent immediately telegraphed the Commissioner of Indian Affairs. As ranches throughout the American West grew larger, as more tribes settled in the Warm Country, no one in Washington wanted to see a group of disgruntled Ponca break free, actions that might encourage others to do the same. Six days later, Lieutenant William Carpenter and six men of the Ninth Infantry arrived in the Ponca camp.

Standing Bear spoke to the soldier chief. He told him they had separated from the rest of their people, had come away to live in

peace, to support themselves by working on their own land, just like the white settlers. The lieutenant decided to let the chief speak to his superior, the commander of the Department of the Platte. After a two-day march, Standing Bear and the Ponca arrived at Fort Omaha, where they set up camp just south of the entrance. The government seized their belongings, forbade the Omaha to offer them sanctuary, and cut off their annuities. Standing Bear gathered the splintered remnants of his small band and told them they had gone as far as they could, it was useless to resist any more.



In the dark, early morning hours, a visitor quietly made his way to the offices of the local newspaper. After a long talk, the assistant editor of the *Omaha Daily Herald* bid goodnight to his visitor and finished putting the paper to bed. After a few hours' sleep, he set off on a brisk four-mile walk, thinking there might be a decent story in the Indian lodges. In his thirty-eight years, Thomas Henry Tibbles had walked a good many roads. After the Civil War, he married, became an ordained Methodist preacher, and set out on horseback to spread the word. Later, he spent a few winters among several Indian tribes along the Missouri. Tibbles retired from the ministry and turned to pen and paper as a way to achieve social justice.

Tibbles and an Omaha Indian interpreter, Charles Morgan, sat and talked with several Ponca gathered in the chief's lodge. The newspaperman asked a lot of questions and patiently recorded the answers in his notebook. Standing Bear recounted how the Ponca were taken from their lands and marched to the Indian Territory, where they had nothing to do but sit still, be sick, starve, and die. His son, he said, was a good boy. He had done all he could to educate him in the other ways, so that when he himself was gone the boy would know how to read and write and earn a living from the land, skills to survive in the new world.

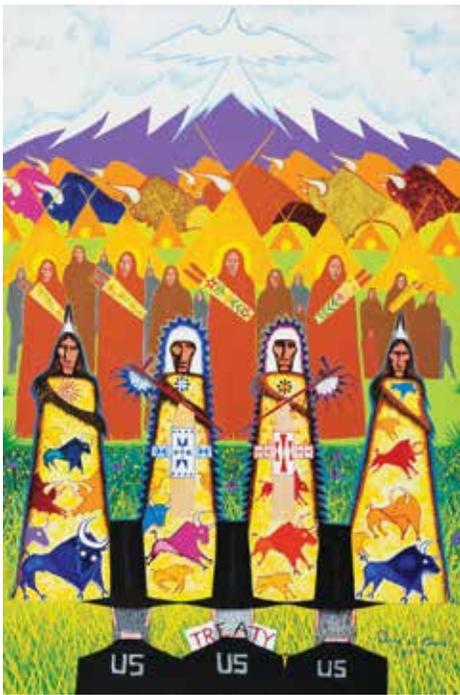
"My boy who died down there, as he was dying looked up to me and said, 'I would like you to take my bones back and bury them where I was born.' I promised him I would. I could not refuse the dying request of my boy. I have attempted to keep my word. His bones are in that trunk."

The preacher turned newsman put the notebook in his pocket. At 11 P.M., Tibbles made it back home and sat down at his writing desk, transcribing the words he had heard until shortly after 5 A.M.



The next day, Brigadier General George Crook, the commander of the Department of the Platte, summoned Standing Bear to a meeting. Charles Morgan arrived to interpret and Tibbles, the only civilian, came with his notebook.

Crook had long been regarded as the Army's most experienced Indian fighter, a distinction derived from more than twenty years of military campaigns against western tribes. And for many of those years, he held firmly to the popular belief that the enemy was a roadblock in civilization's path. But in recent years, Crook had grown weary of the broken treaties, the unprovoked massacres of women and children, the moral bankruptcy of the reservation agents. He began to see the Indian as a person whose beliefs and culture had sustained him for centuries, someone who could not be forced to adopt radically new values in a few short years. Yes, he was a soldier first, but he was becoming bolder in trying to resolve the inner conflict between humanity and military duty.



Standing Bear asked the officers to take pity on them, to help them get their land back, to help him save the women and children. They had nowhere else to turn. The general said he sympathized with them. The best he could do was to let them stay a few more days, let them rest up for the long trip south. He promised they would have plenty of food until it was time to leave. After three hours, the Ponca stood and shook hands with the officers.

On the morning of April 1, readers of the *Omaha Daily Herald* awoke to find “Criminal Cruelty, The History of the Ponca Prisoners Now at the Barracks” covering most of page four. Tibbles recounted his interviews and the meeting with General Crook. In an adjacent column—“The Last Indian Outrage”—he used his editorial as a pointed forum, pleading the Ponca case and Indian reform.

“Is it not a strange commentary upon this professedly religious and humanitarian policy of the Indian department? ... Here is a band begging to be allowed to support themselves, and the government will not allow them to do it.”

Tibbles kept it up, day after day, imploring the citizens of Omaha to do a good deed, to send food and clothing to the Ponca, to right a wrong. Soon, his message spread to local pastors and lay leaders, who formed the Omaha Ponca Relief Committee. It went up the Missouri—to Niobrara, Sioux City, and Yankton. Farther up river, senators sent petitions to Washington to let the thirty homesick Ponca stay on the old lands or stay with the Omaha, sentiments that neither the Commissioner of Indian Affairs nor the Secretary of the Interior responded to.

Tibbles knew that any day now the Ponca would again be forced to turn their faces south. In earlier years he had studied the law some, so one afternoon he went to a law library and sat down to carefully read the Fourteenth Amendment.

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.” He kept reading. “... nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” He began to wonder how far the promise of “equal protection” went. Did it go far enough to

include Indians? Had the government deprived Standing Bear of basic freedoms guaranteed by the law?

The only way to find out, Tibbles knew, was to file a lawsuit, to bring these questions to a federal court. He went to see a young Omaha lawyer, an old friend, John Lee Webster. He, too, was intrigued by the idea. But he cautioned it would be a tough, complex case, a long shot. Still, he said, it would do no harm to try. And it was the right thing to do. Given the magnitude of the case, the intricate web of constitutional issues, they would need help. Someone with political savvy and consummate courtroom skills.

Andrew Jackson Poppleton was smart, shrewd, stubborn, and proud, a wealthy power-broker whose ancestors had fought in the Revolutionary War. He became the first lawyer to practice in Omaha, a member of the first territorial legislature, and the first president of the Nebraska Bar Association. He was elected Omaha’s second mayor and became the Union Pacific Railroad’s general counsel. “I believe you have a good case,” Poppleton said. He would be pleased to assist—and he would do it for free.

Time was now the enemy. The editor knew the general could stall for only so long. He desperately needed a judge.

Elmer Scipio Dundy was appointed a territorial judge by President Abraham Lincoln and, in 1868, became the first judge of the U.S. District Court in Nebraska. He was a rugged man, a superb hunter, who counted Colonel William F. Cody among his closest friends, and he ventured out into the wild at least once a year to look for bear.

After an exhaustive review of the issues, the lawyers arrived at a straightforward request: They wanted the United States government to prove it had the legal right to arrest Standing Bear and the twenty-five Ponca under guard at Fort Omaha. They wanted the judge to grant a writ of *habeas corpus*, a Latin phrase for “you have the body.” If granted, the prisoners would appear in court where the judge would determine whether they had been unlawfully jailed. As far back as the Magna Carta in 1215, *habeas corpus* had been a fundamental hallmark of justice, a safeguard against arbitrary and unlawful arrests. In the 103-year history of the United States, no writ of *habeas corpus* had ever been filed on behalf of an American Indian. Tibbles and Lieutenant Carpenter witnessed the application for the writ, which was filed in Nebraska Federal Circuit Court as *Ma-chu-nab-zha v. George Crook*.

Four days later, Judge Dundy signed the application and it was served on General Crook that same day.



For a long time afterward, the assistant editor of the *Omaha Daily Herald* and the two prominent local attorneys would be grateful to the man who had tipped them off to the Ponca’s plight, who initiated the idea of an American Indian suing an Army officer, the one who had first suggested using a writ of *habeas corpus* to get the case before a federal judge.

They would all be indebted to the defendant—Brigadier General George Crook.

## THE COLOR OF BLOOD

The government was unwavering in its view. It was certain Standing Bear had “gone wrong” by leaving his assigned reservation. And they were equally certain that a judge would confirm its legal rights to uphold their policy, to keep the reservation system intact. They were certain, too, of one other thing: that an American Indian had no legal standing in a federal courtroom.

General Crook's evolving philosophy on America's "Indian problem" had been forged from personal contact and intimate observation. His sympathetic views placed him at odds with superiors. It's what had prompted him to tip off the reporter after the arrest orders came down, to suggest applying for a writ of habeas corpus when he was told to turn the Ponca faces south. It also triggered an angry response to an official court document above his signature. The government's lawyer had amended the document—unbeknownst to Crook—to claim the Ponca were "not pursuing the habits and vocations of civilized life," were on the Omaha Reservation illegally, where the government had the legal right to arrest them and return them to Indian Territory "where they belong."

When Crook discovered the amended document, he complained bitterly to the military judge advocate, then took his complaint to the trial judge, arguing he could not allow his name to support alleged facts he did not agree with. The judge patiently explained his signature did not appear as a private citizen, but simply as a government official, as a U.S. Army brigadier general. The legal distinction was lost on Crook and he continued to protest to no avail.



At ten o'clock on the morning of May 1, 1879, U.S. District Court Judge Elmer Dundy's gavel smacked the wooden bench and the trial of *Ma-chu-nah-zha v. George Crook* was underway.

They had read about it for weeks in the local papers and heard about it in their churches and discussed it around town, and so on that Thursday morning the courtroom was unusually crowded. Newsmen and curious lawyers and several judges and some of the town's leading citizens jockeyed for a better position in the boisterous room. General Crook had arrived on this unusually warm spring morning in the full dress of a brigadier general.

When the crowd temporarily parted, they saw something that no one had seen before: an American Indian seated at the plaintiff's table in a federal courtroom.

The judge asked the attorneys to call their first witness. Willie W. Hamilton, the agency store clerk on the Omaha Reservation, approached the stand. He spoke both Omaha and Ponca fluently and had met the prisoners two months earlier. The younger of Standing Bear's two attorneys, John Lee Webster, asked the witness to describe the condition of the prisoners. Hamilton testified they were in bad shape.

*What did they do after they arrived?* Attorney Webster asked.

*All the healthy ones began to break ground and sow crops,* the witness replied.

Genio Lambertson had questions on behalf of the government and his client, General Crook. Young and brash, he was trying his first case as the newly minted district attorney.

*When the prisoners were on the Omaha Reservation,* Lambertson asked, *who was their chief?*

*Standing Bear was the head chief,* the witness replied.

Lambertson asked if they depended on the government for their wagons, clothes, and blankets.

*Yes, for the most part.*

Lieutenant Carpenter, the arresting officer, was the second witness. When the plaintiffs announced their third witness, the government lawyer jumped to his feet.

"Does this court think an Indian is a competent witness?" Lambertson asked.

"They are competent for every purpose in both civil and criminal courts," the judge replied. "The law makes no distinction on account of race, color, or previous condition."

Standing Bear took the oath and the store clerk, Hamilton, translated.

*How had things been for them on their old reservation on the Niobrara?* Webster asked.

"We lived well," Standing Bear said. "I had my own land, and raised enough to get along nicely. My children went to school."

*How were things in the Warm Country?*

"I couldn't plow, I couldn't sow any wheat, and we all got sick, and couldn't do anything. . . . They died off every day. From the time I went down there until I left, 158 of us died."

The witness looked up at the judge.

"I thought to myself, God wants me to live, and I think if I come back to my old reservation he will let me live. I got as far as the Omahas, and they brought me down here," he said, his voice getting louder and stronger. "What have I done? I am brought here, but what have I done? I don't know."

The judge told the interpreter to tell the witness not to get too excited. Standing Bear sat back down. His lawyer turned to the interpreter.

"Ask him how many of his children died in the Indian Territory before he came away?"

"He says two died down there. He says his son could talk English and write, and he was a great help to him . . . and whenever he thinks of it, it makes him feel bad."

*Does he still consider himself the chief of his people?*

"He says he didn't consider himself a chief . . . He says he felt himself to be as poor as the rest of them."

The district attorney wanted to know why he left the Indian Territory.

"He says he wanted to go back to his own land . . . that his son when he died made him promise if ever he went back there that he would take his bones there and bury him, and that he has got his bones in a box, and that if ever he goes there he will bury his bones there; that there is where he wants to live the rest of his life, and that there is where he wants to be buried."

When Standing Bear finished, his lawyers rested their case. The government offered no witnesses and no testimony. The closings were postponed until the following day.



The next morning, Standing Bear's younger lawyer, Webster, began to lay out his case. For three and a half hours, Webster roamed far and wide across the oratorical landscape, alternately quoting William Cullen Bryant, Alexis de Tocqueville, and Frederick Douglass. If Standing Bear and the Ponca had broken away from the rest of the tribe, he argued, if they had declared their commitment to a new way of life, then they had come out from under the government's yoke. They had the right to return to the lands they owned, or to share the Omaha land, and the government had no legal right to restrain, detain, or return them. Wasn't that the point of the Fourteenth Amendment—to promote and protect individual liberties? That the Indian prisoners qualified for its protection, he told the judge, there could be no doubt. As proof, he cited an 1870 U.S. Senate report specifically stating that when tribal relations are dissolved, the Fourteenth Amendment applies. And when the amendment applies, it made "an Indian who was born in this country and who did not owe allegiance

to any other form of government, a citizen beyond all dispute.” So if these prisoners were not citizens, then what were they? “Are they wild animals, deer to be chased by every hound?” He said it came down to a matter of fundamental civil rights, of basic human liberties. Webster spoke until three o’clock.

For the next three hours, Lambertson laid out the case for the government. The 1871 federal law forbidding any more treaties with Indian tribes absolved the government from needing Ponca consent to move them to the Territory. U.S. laws did not apply to Indian tribes. To be included, Indians had to be either foreign subjects or citizens—and the Ponca were neither. And he recounted the history of Indian atrocities, implying they were a people too savage to be given legal rights. The court had grievously erred in granting Standing Bear a hearing for a writ of habeas corpus and the opportunity to sue an Army general. This was a legal right available only to American citizens. Furthermore, the Ponca retained tribal ties, an allegiance to their chief, and depended on the government for their survival. So, clearly, they were not entitled to Fourteenth Amendment protection.

To support his main argument—that only American citizens had access to U.S. courts—the district attorney relied on a case decided twenty-two years earlier. In 1843, a slave named Dred Scott offered his master’s widow three hundred dollars for his and his wife’s freedom. When she refused, he asked the courts to set him free—a test case his supporters hoped would lead to the freedom of all slaves. After a decade of appeals and reversals, his case landed in the United States Supreme Court. In a 7-2 vote, Chief Justice Roger B. Taney issued the court’s opinion: Anyone of African ancestry—slaves and those set free by their masters—could never become a U.S. citizen and therefore could not sue in federal court. Slaves were the private property of their owners, and the court could not deprive owners of their property. To do so would violate the Fifth Amendment. According to the law, Scott would remain a slave.

Lambertson did not want the present court to forget: Judge Taney’s decision remained the guiding legal principle. If a Negro did not have access to federal court, then surely an Indian didn’t either.

When the district attorney finished at six o’clock, the judge ordered a dinner recess. The last summary would begin in an hour.



Andrew Jackson Poppleton had been scheduled to have the final say, and so on the warm May evening, the dean of the legal community made his way to the front of the courtroom. For the next three hours, he fused history and philosophy, religion and politics, humanity, literature, and the law—isolating each of the district attorney’s arguments with a focused rebuttal.

*No Ponca consent needed?*

The district attorney had cited the 1871 resolution banning further treaties as justification for removing the Ponca without their permission. But he neglected to mention that the law was not retroactive. The original treaty still applied—the government needed Ponca consent.

*U.S. laws don’t extend to Indian tribes?*

Then why had the government entered into numerous treaties with the Indian people—treaties ratified by Congress. The government, he told the judge, can’t have it both ways.

*The Indian—as neither citizen nor foreign subject—has no rights?*

If the government no longer sees them as tribes or Indian nations, what are they? “Are we to say that the Ethiopian, the Malay, the Chinaman, the Frenchman, and every nationality upon the globe without regard to race, color or creed, may come here and become a part of this great government, while the primitive possessors of this soil ... are alone barred from the right to become citizens?”

He did not believe that this government—his government—would do such a thing. “Is it possible that this great government, standing here dealing with this feeble remnant of a once powerful nation, claims the right to place them in a condition which is to them worse than slaves, without a syllable of law; without a syllable of contract or treaty? I don’t believe, if your honor please, that the courts will allow this; that they will agree to the proposition that these people are wild beasts; that they have no status in the courts.”

*And were they really dependent government wards?*

The prisoners had established families and communities throughout their Niobrara homeland. They had become skilled farmers and peaceful neighbors. And just as they were well on the way down civilization’s path, the government illegally pulled them from lands they owned and shipped them to strange, barren ones where they died in droves.

Poppleton then began to drive a legal wedge between the slave of yesterday and the Indian who sat before them. *Dred Scott*, he said, was strictly a citizenship issue. The only question the case resolved was that since Scott was not a citizen of Missouri, he could not sue in federal court. It had also confirmed that a slave at that time in American history had no civil rights. But in his haste to justify slavery, Chief Justice Taney had strayed far from the legal question at hand and now—twenty-two years later—his ruling was out of date. In 1879, there were no slaves. The Fourteenth Amendment had seen to that. This case now before the court was simply about who had a legal right to a writ of habeas corpus. And the law on this particular point was quite clear. It said nothing about being a citizen. It said only that “*any person or party*” had the legal right to apply for a writ.

So there was really but one question, and one question only, before the court: Was Standing Bear a person? To deny his legal right to the writ, the court would have to conclude that he and the other Ponca prisoners were not people. They were not human beings.

The lawyer paused and turned, glancing at Standing Bear.

“That man not a human being? Who of us all would have done it? Look around this city and State and find, if you can, the man who has gathered up the ashes of his dead, wandered for sixty days through a strange country without guide or compass, aided by the sun and stars only, that the bones of that kindred may be buried in the land of their birth. No! It is a libel upon religion ... to say that these are not human beings.”



It was well after nine o’clock. The judge made an announcement. One last speaker had asked permission to address the court. He supposed it was the first time in the nation’s history such a request had been made, but he had decided to grant it.

The crowd saw Standing Bear rising slowly from his seat, and they could see the eagle feather in the braided hair, the bold blue shirt trimmed in red cloth, the blue flannel leggings and deer-skin moccasins, the red and blue blanket, the Thomas Jefferson medallion, the necklace of bear claws. When he got to the front,

he faced the audience and extended his right hand, holding it still for a long time. After a while, he turned to the bench and began to speak in a low voice.

“That hand is not the color of yours, but if I pierce it, I shall feel pain. If you pierce your hand, you also feel pain. The blood that will flow from mine will be of the same color as yours. I am a man. The same God made us both.” He turned and faced the audience, staring in silence out a courtroom window, describing after a time what he saw.

“I seem to stand on the bank of a river. My wife and little girl are beside me. In front the river is wide and impassable.” He sees steep cliffs all around, the waters rapidly rising. In desperation, he spots a rocky path to safety. “I turn to my wife and child with a shout that we are saved. We will return to the Swift Running Water that pours down between the green islands.” They hurriedly climb the path.

“But a man bars the passage ... If he says that I cannot pass, I cannot. The long struggle will have been in vain. My wife and child and I must return and sink beneath the flood. We are weak and faint and sick. I cannot fight.” He stopped and turned, facing the judge, speaking softly.

“You are that man.”

In the crowded courtroom, no one spoke or moved for several moments. After a while, a few women could be heard crying and some of the people could see that the frontier judge had temporarily lost his composure, and that the general, too, was leaning forward on the table, his hands covering his face. Some people began to clap and a number of others started cheering, and then the general got up from his chair and went over and shook Standing Bear’s hand, and before long, a number of others did the same.

The bailiffs asked for order and when it finally grew quiet, the judge said he would issue his decision in a few days. Then he adjourned the court.



Ten days after hearing about the rising flood waters, about the color of blood, Judge Elmer Dundy delivered his decision in a lengthy written opinion to the Indian prisoners, the Army general, and their lawyers.

“During the fifteen years in which I have been engaged in administering the laws of my country,” he began, “I have never been called upon to hear or decide a case that appealed so strongly to my sympathy as the one now under consideration.”

If sympathy were the only issue before the court, the judge said, the prisoners would have been freed the moment closing arguments ended. But in a nation where law determines liberty, sympathy alone cannot guide the courts. Instead, fundamental legal principles must decide this case.

The judge broke down the government’s legal arguments and—one by one—systematically addressed them. Who could legally apply for the writ? The law, Dundy said, clearly states “persons” or “parties” can do this—it says nothing about citizens or citizenship being a requirement. And the most natural and reasonable way to define a “person,” the judge wrote, is simply to consult a dictionary. “Webster describes a person as ‘a living soul; a self-conscious being; a moral agent; especially a living human



being; a man, woman or child; an individual of the human race.” This, he said, “is comprehensive enough, it would seem, to include even an Indian.”

Judge Dundy wrapped up his opinion with a five-point summary. First, “an *Indian* is a PERSON within the meaning of the laws of the United States, and has therefore the right to sue out a writ of habeas corpus in a federal court.” Second, General Crook

had illegally detained the Ponca prisoners. Third, the military has no legal authority to forcibly remove the Ponca to Indian Territory. Fourth, “Indians possess the inherent right of expatriation as well as the more fortunate white race, and have the inalienable right to ‘life, liberty, and the pursuit of happiness.’” And fifth, since they have been illegally detained in violation of their constitutional rights, the Ponca “must be discharged from custody, and it is so ordered.”

With a stroke of his pen, Judge Dundy had declared for the first time in the nation’s history that an Indian was a person within the meaning of U.S. law.

Andrew Jackson Poppleton remembered something else about the case. “General Crook was the first person to suggest the remedy of habeas corpus,” Poppleton wrote six years after the general’s death. “I believe him to have been the first person who conceived of the idea that the great writ would lie at the suit of a tribal Indian. This, in my judgment, is not the least of his titles to the affection and gratitude of his country.”

Readers of the *Omaha Daily Herald* awoke Tuesday morning, May 13, to find “Standing Bear’s Victory—An Indian has Some Rights Which the Courts will I Protect.” Tibbles had reprinted the entire text of the judge’s opinion.

One week after the judge’s decision, the orders from Secretary of War G.W. McCrary made their way down the military chain to General Crook: Standing Bear and the other twenty-five Ponca men, women, and children were now free, free to go, shielded from the Army’s grasp by the Fourteenth Amendment.

In the short term, Dundy’s ruling would trigger far-reaching changes in federal Indian policy. In some ways, it had also begun to chart the headwaters of a much larger issue: The rights of blacks, women, Indians, and other minorities to vote, to own property, to live where they wanted, to engage in the full democracy.

JOE STARITA is a former investigative reporter and New York bureau chief of *The Miami Herald*, where one of his stories was a Pulitzer Prize finalist. He is now a professor at the University of Nebraska’s College of Journalism and author of *The Dull Knives of Pine Ridge*, which garnered a second Pulitzer Prize nomination and won the Mountain and Plains Booksellers Association Award. The preceding text is excerpted from *I Am a Man* by Joe Starita. Copyright © 2009 by the author and reprinted by permission of St. Martin’s Press, LLC.

DONEL KEELER is a self-taught artist, working in Omaha, Nebraska. His award-winning artwork is held in private collections and has been on loan at the University of Nebraska. Although enrolled Dakota, Keeler also has Ponca ancestry. His father was Winfred “Babe” Keeler and his grandmother was Lilly Birdhead, daughter of Chief Joseph Birdhead of the Ponca tribe of Nebraska. Art titles in order of appearance: *Good Old Buffalo Days*, *Chief Standing Bear*, *Trick or Treaty*, and *Still Here*.

# MARRIAGE, RELIGION, AND EQUAL PROTECTION

By Rick Tepker

Sketches by Art Lien

*What happens when religious doctrine becomes imbedded in the law?*

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—Declaration of Independence, 4 July 1776

Human beings often pursue a personal vision of happiness by seeking love, companionship, a family, and a home. Sharing fate, fortune, and property with a loved one is, for most, a key to living a good life. The law protects the individual “pursuit of happiness” by recognizing, respecting, and enforcing an exchange of promises to share a life—sometimes, not always, called marriage. The exchange is a contract—and more.

Some human beings, persons of faith, choose to base their marriages, as they guide their lives, in visions of a duty to God or a path to personal salvation. They inform their search for happiness by following the teachings of a church or other religious establishment. Holy matrimony is an apt term for a consecrated contract to share a life. One element of liberty is the individual right to choose whether to marry in a church. Religious establishments have the right—and the exclusive right—to develop and defend religious doctrine on the subject of holy matrimony.

But what happens when religious doctrine defining what is holy and sacred becomes imbedded in the law? What happens when legislators and judges measure the law by what they believe God commands? What happens when government does not respect the alternative choices of the skeptical or the disbelieving or those who accept God but do not accept every teaching of a particular religious establishment?

Specifically, the law of our past has almost always defined marriage as between one man and one woman. It is equally important to remember that this legal tradition grows out of religious tradition. The defenders of the tradition frequently refer to “God’s plan” as explanation, justification, and as a claim of an irrefutable truth. For example, Pope Francis I, who has earned well-deserved praise for his pronouncements on equality and dignity for gay persons, cited “God’s plan” when opposing same-sex marriage laws as a bishop in Argentina.

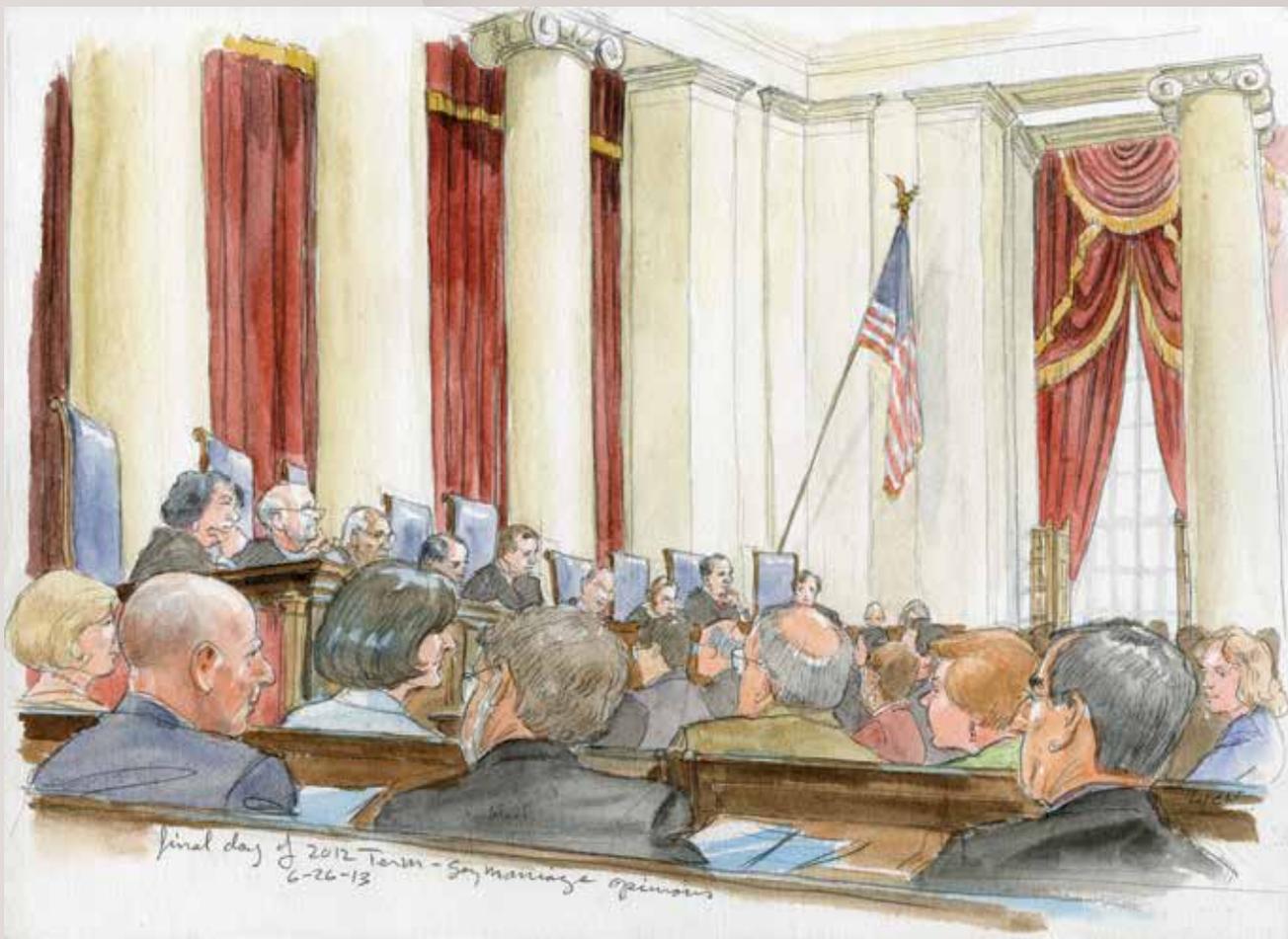
The federal courts are now struggling with the claim that all have a right to marry the person of their choice, regardless of gender—and regardless of traditional forms, rituals, and thinking. The first chapter in the legal contest focused on the Defense of

Marriage Act, or “DOMA,” signed into law by President Clinton in 1996. The controversial federal statute “defined” marriage as a union between a man and a woman only. The definition had the effect of excluding benefits for unions between two persons of the same gender, even if the unions were recognized and sanctioned by state law.

Just as vision of “God’s plan” has animated many popular campaigns for state constitutional restrictions against same-sex marriage, DOMA was explained by supporters (and opponents) as preference, respect, and protection for traditional marriage. In this way, supporters proclaimed their purpose and, in so doing, confessed to discrimination against non-traditional marriage.

The religious character of the thinking behind DOMA was addressed obliquely by a federal appeals court in *Windsor v. United States*. A majority of the Court balanced competing interests and decided that DOMA did not promote important objectives, adding: “Our straightforward legal analysis sidesteps the fair point that same-sex marriage is unknown to history and tradition. But law (federal or state) is not concerned with holy matrimony.” The dissenting opinion thought that traditional thinking deserved respect. As collected by friends of the Court submitting briefs in the *Windsor* litigation, many legislators echoed the rhetoric of Senator Robert Byrd of West Virginia who proclaimed: “One only has to turn to the Old Testament and read the word of God to understand how eternal is the true definition of marriage.”

In a five-to-four decision in 2013, *United States v. Windsor* (same case, higher court, different name) the Supreme Court ruled DOMA was an unconstitutional deprivation of equal protection. Five justices found that the disparate treatment required by federal law was not justified. The Constitution’s guarantee of equality, as explained by the majority, “must at the very least mean that a bare congressional desire to harm a politically unpopular group cannot” justify disparate treatment of that group. The dissenters took careful aim at the Court’s critical assessment of congressional thinking. For example, Justice Samuel Alito complained that the majority’s reasoning “would cast all those who cling to traditional beliefs



The Court's opinions in *Windsor* and *Perry*, delivered to a crowded courtroom, June 26, 2013.

about the nature of marriage in the role of bigots or superstitious fools."

Even the most dedicated advocates of marriage equality must concede that, as explained by the majority, the case reads like a five-to-four decision that the federal statute was mean and bigoted. However reasonable the Court's factual and psychological assessment may (or may not) be, the rationale does not speak to anyone except those already persuaded.

The Supreme Court's decision in *Windsor* offers an indistinct rationale that fails to show an authentic link to the Constitution's text, history, or tradition. Judges need not ask questions like "What would James Madison think?" or "What would framers of the Fourteenth Amendment think?" But we the people are more likely to have respect for a court's decision if judges resolve a case, particularly an important one, based on intelligible, understandable, authentic principles traceable to the Constitution's original meanings and values.

A simpler explanation is possible—and better. In this republic, we the people have never let religion, religious opinions, or adherence to religious teachings become a legal test for a person's worth, dignity, status, or enjoyment of civil rights. It is an old principle. It is traceable throughout the history of our nation—sometimes even in the breach of the principle.

In 1779, Thomas Jefferson drafted one origin of this anti-discrimination principle. In the bill that became the Virginia Statute for Religious Freedom, he wrote: "[O]ur civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry." Put simply, the statute guaranteed equal

standing for all in the community: believers and nonbelievers, adherents and non-adherents, regardless of religious opinion or practice.

What Jefferson proposed, Madison accomplished. The younger Virginian argued that religious liberty derives from the principle that the basis for all law should be equality. His defense of the Jefferson bill was explicit that rights were extended to *everyone*: "Whilst we assert for ourselves a freedom to embrace, to profess and to observe the Religion which we believe to be of divine origin, we cannot deny an equal freedom to those whose minds have not yet yielded to the evidence which has convinced us. If this freedom be abused, it is an offence against God." These ideas were an origin not only of "separation" of church and state, but also of a growing, evolving doctrine of human equality.

The year after Madison proposed a Bill of Rights and a year before ratification, President George Washington sent a message to the Hebrew Congregation of Newport, R.I.: "The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship." Three years later, Washington reaffirmed his view that equal liberty was the key: "In this enlightened Age & in this Land of equal liberty it is our boast, that a man's religious tenets, will not forfeit his protection of the Laws."

John Adams, a prudent and realistic conservative, was also a skeptic. He confessed doubts about the significance of the First Amendment and parallel state constitutional guarantees of equality

of religious liberty. Adams wrote Jefferson of his fears that true believers remained all too ready to impose their religious will on others—by harsh means.

Oh! Lord! Do you think that Protestant Popedom is annihilated in America? Do you recollect, or have you ever attended to the ecclesiastical strifes in Maryland, Pennsylvania, New York, and every part of New England? What a mercy it is that these people cannot whip, and crop, and pillory, and roast as yet in the United States! If they could, they would.

These expressions of worry and aspiration inform scholars, lawyers and (hopefully) justices, who should follow logic and justice to recognition of marriage equality. After all, marriage is one civil right. Jefferson used the term “civil rights” long before it became intertwined with issues of racial justice, voting rights, and due process protection. It referred to a well-known list of “rights” conferred by law (as opposed to natural rights), including the right to enter into a contract, to hold property, and to engage in other basic transactions of personal freedom. There was a broader, deeper consensus that religion alone cannot be the basis for denying civil



Justice Kennedy announces the opinion in *United States v. Windsor*.

rights. This principle of equality of rights emerged before the Equal Protection Clause of the Fourteenth Amendment, before the Civil War, and before arguments over slavery challenged America’s promised commitment to the idea that “all men are created equal.”

The law must conform to the sovereign duty to respect equality and afford equal protection. When two persons of the same gender join lives, they may not conform to the religious tenets of the majority. They may practice their faith in different ways. Or they may lack faith. Or they may lack faith in particular teachings. That is no reason—no acceptable reason under the law—to deny equal protection to a couple’s investment in marriage and commitment to each other.

The law must not denounce religion or faith, or its wisdom or reasonableness. Conversely, religion cannot dictate law. There is a long, real and traditional limit on what religion can justify as law. It can never rationalize reducing one class of citizens to second class status. It can never rationalize two tiers of citizenship rights. No American government has legitimate power to condemn, shun, or exile a class of human beings not adhering to religious dogma,



The scene outside the Supreme Court on the last day of the term when opinions on two same-sex marriage cases were to be announced.

rites, or forms. It lacks authority to hurl such a class away from community and into lives of loneliness, isolation, or civic indignity.

Americans are growing accustomed to the concept of same-sex marriage. Seventeen states have legalized same-sex marriages. Many others allow civil unions. We the people are coming to a new understanding: same-sex couples seek not something strange or different; they seek what we all expect as a matter of right—the freedom to live in a community with loved ones, with equal dignity and equal respect, and with the capacities to build a life. Is this not the pursuit of happiness?

RICK TEPKER is a professor of law at the University of Oklahoma, where he has taught since 1981. His scholarship and teaching focuses on constitutional law, the First Amendment, and equal employment opportunity. He is the first professor to hold the Floyd and Irma Calvert Chair of Law and Liberty.

ART LIEN has been sketching in courtrooms since 1976 and the U.S. Supreme Court has become his regular beat. Courtroom sketching, he says, is a form of visual journalism—artists go where cameras can’t. His work is regularly featured on NBC News and SCOTUSblog. Courtartist.com

#### EXTRA! | READ | THINK | TALK | LINK

- ▶ “*The Converging Logic of Federalism and Equality in Same-Sex Marriages*,” Mae Kuykendall, ACS Issue Brief, Sept. 24, 2012, American Constitution Society for Law and Policy. Kuykendall proposes that the Supreme Court could hasten marriage equality in all states through equal protection jurisprudence. [acslaw.org](http://acslaw.org)
- ▶ *United States v. Windsor*, Oyez Project at IIT Chicago-Kent College of Law. Overview of the Supreme Court case, audio of oral arguments, and Justices’ votes. [oyez.org](http://oyez.org) (enter docket number in the search box: 12-307)
- ▶ “*Wave of Appeals Expected to Turn the Tide on Same-Sex Marriage Bans*,” Erik Eckholm, *The New York Times*, March 22, 2014. Cases in several states, including Oklahoma, concerning same-sex marriage will be decided soon by federal courts and may impel the Supreme Court to revisit the issue for a possible June 2015 decision. [nytimes.com](http://nytimes.com)

# Fiction and Social Responsibility

## Where Do They Intersect?

By Naomi Benaron



*Modern Muse,*  
Aude Van Ryn

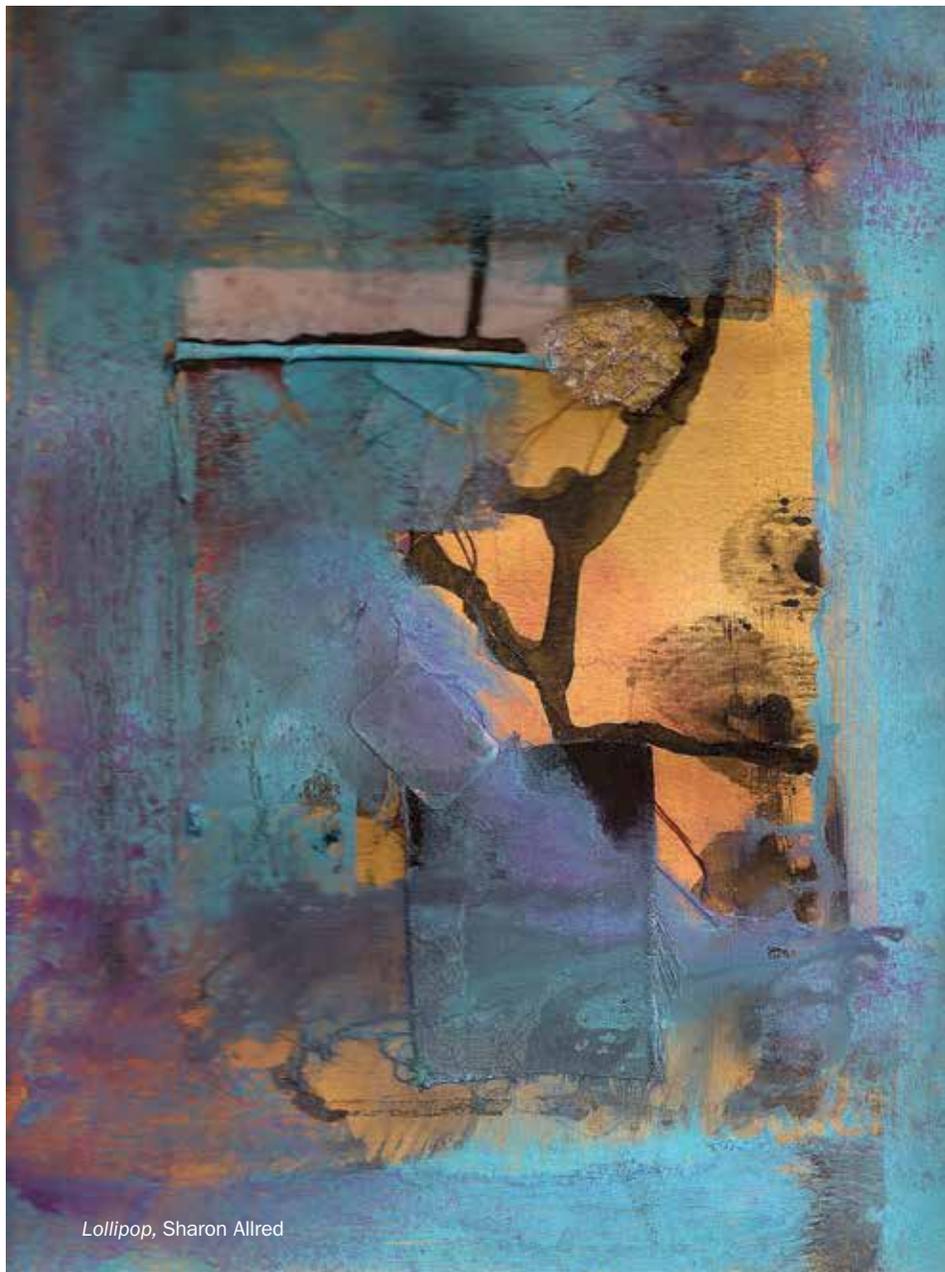
## *Using the power of the written word to effect change*

I attended the Third International Conference on Genocide, where I presented a paper on the rights and responsibilities of cultural appropriation. I wrote the paper because, having penned a novel from the point of view of a young Tutsi boy coming of age in the time surrounding the Rwandan genocide, it is a topic with which I frequently wrestle. During the Q&A, a Rwandan man raised his hand. “Don’t you feel silly,” he asked, “writing fiction about the Rwandan Genocide?”

After my initial shock and a few clarifying words, I realized that the question was not, as I had first thought, flippant but rather a query into the nature of fiction itself and into its ability to engage an event so vast and unspeakable as genocide. I realized, too, that for me, it was actually a conflation of the two central questions that define my writing. Why do I write about social justice? And, given that I am driven to address these issues, why indeed do I use fiction to address them?

Perhaps the answer to both these questions is that in my case neither of them is a choice. I have written fiction since I was a young child; fiction is in large part the way I organize the confusion of this world in order to make sense of it. I was also raised in an environment that cultivated concern for issues of social responsibility. For me to conflate the two was therefore instinctive and reflexive. I cut my novelistic eyeteeth on the literature of social responsibility—it was much of what my parents gave me to read—so when I began to write as an adult, I naturally gravitated toward similar subjects. Until the gentleman from Rwanda called this conflation into question, I had never given it much thought.

One cannot talk about the literature of social justice without speaking of social responsibility. The term “social responsibility” means that the awareness of social injustice, from the local to the global, necessitates specific actions to combat those injustices. In other words, social responsibility and social activism are inextricably



Lollipop, Sharon Allred

Social responsibility fuels passion, and passion fuels great writing. What would this world have lost if the great writers of social justice had not chosen to change the world through the written word and specifically through the art of fiction? Many of those writers live or lived in a place where speaking out in public is forbidden. By couching their message in allegory, they could slip their protests into the world.

Writers, to be sure, are not safe from imprisonment, torture, and death. Oppressive governments are well aware of the power of the book. Ken Saro-Wiwa, the Nigerian activist and writer, was hanged for his social activism against the government's environmental policies. A book burning campaign was one of the first coordinated actions when the Third Reich came to power in 1933.

I am a social activist. I am also a fiction writer. Both are part of my identity as a human being, as a teacher, and as a writer. To take either one away would be like cutting off a limb, and to have one without the other would not be possible. I chose Antioch University for my MFA in large part because it is a school devoted to "a social justice perspective."

Social justice infuses nearly all my fiction, whether directly or indirectly, and I cannot imagine what shape my stories would take if they did not in some manner address this. Issues concerning social justice are most often what first move me to put pen to paper, even if the threads of the injustice are woven into a seemingly unrelated arc. Conversely, my fiction also drives my awareness of social justice. It was the extensive research I undertook to understand the Rwandan genocide that led me to a commitment to the work of ending genocide on a global scale. It was one of the

most important decisions I have made in my life, both as a writer and as a human being.

The awareness of social justice causes and the propensity to dwell inside a world of my own fictive creation have been with me since I can remember. I have been a storyteller since I knew how to speak. I was an extremely active child, and inventing stories was how my parents kept me calm and entertained. In the car, my mother and I concocted lives past, present, and future for the occupants of every house we passed. At home, my father wrote illustrated stories for all my stuffed animals, and I had quite a few.

One of the first role models my mother gave me was Joan of Arc, and what I loved about her was that she was willing to give up her life to defend her beliefs. Despite my young age, it was a message that went straight to my heart and burrowed in, and it has stuck with me all these years. My mother's choice of heroines was not accidental, even if unconscious. A refugee from the Bukovina region of Eastern Europe, she was born in a horse-drawn wagon while her parents fled WWI. Her great-grandmother, who refused to flee, was murdered with her own Shabbas candlestick. My mother

intertwined; once aware of the injustice, one is morally obliged to act. Taking the logic one step further, fiction, in my case, becomes a form of social activism; it is one of the primary weapons I have chosen as a means to fight injustice.

The relationship between fiction writers and social responsibility is a long one. It began with Don Quixote when he became a knight-errant and set off on his quest to "right all manner of wrongs." It

## **The literature of social justice changes the world one reader at a time.**

continued with Dickens and Jane Austen, with Elie Wiesel, Chinua Achebe, Ken Saro-Wiwa, Isabel Allende, J.M. Coetzee and Nadine Gordimer. It continues today with Chimamanda Ngozi Adichie, Shahriar Mandanipour, Shahrnush Parsipur and Orhan Pamuk.

***I believe fiction has the power to shape events so that the reader can grasp them rather than turn away.***

and her parents settled in Zürich, and she came of age during Hitler's rise to power. As was the case with many Jews at that time, she was active in communist youth groups and in anti-Nazi activities. When the German ambassador visited Zürich, my mother climbed on his car and ripped off the Nazi flag. Her actions did not go unnoticed—my mother had flaming red hair—and her family was threatened with deportation. My grandfather, understanding what returning to the Bukovina meant, booked immediate passage on a ship bound for Australia. They never made it beyond Canada, but that is another long tale, the result of which was my birth.

I tell my mother's story for two reasons. The first is because I firmly believe that my own relationship with social activism was passed down to me through her DNA. She fought her way into medical school in Canada when there was a strict quota both for women and for Jews. When she married my father in 1944, she fought to retain her identity by hyphenating her last name. When my parents came to the United States, she fought her way into a professorship in psychiatry at Harvard Medical School and fought for the creation of a special department in women's studies at Peter Bent Brigham Hospital. Later, after I was born, she fought for civil rights and to end the war in Vietnam. I only hope that I have become half the fighter she was.

But I also tell my mother's story because nested in that same sequence of DNA is the need to tell stories. As I have said, the two are paired inside the double helix and cannot be unpaired. The story of Joan of Arc and the issues of justice for which she fought could not be divided in my mind, and so, when I came to understand that I had to tell the story of the Rwandan genocide, fiction was the only way I knew to tell it.

This brings us to the second part of the question, the part the gentleman from Rwanda directly addressed. Is fiction indeed an appropriate modality when dealing with atrocity and injustice on the scale of genocide, or does it somehow demean the topic? In the case of the Holocaust, this question has long been settled. During the symposia to honor the centennial celebration of the Nobel Prize, the literary symposium concentrated on the genre of "Witness Literature." As Michael Bachmann states in his paper, "Life, Writing, and the Problems of Genre in Elie Wiesel and Imre Kertész," the literature of witness is "the formative genre of the 20<sup>th</sup> century." Today's literary canon is replete with examples that extend witness literature to apartheid in South Africa, slavery and racism in the U.S., and dystopian societies that symbolize governmental injustices, to name a few.

What is it specifically about fiction that justifies its use as a weapon against social injustice on a massive scale? I believe it has to do with the empathy that the world of a novel creates. In her *New York Times* op-ed, "And the Winner Isn't ...," which

**KL**

In this photograph  
the Nazi caught the Jews  
at the moment  
when they poured out  
of the boxcars and into the air.  
Air!  
The tallest among them had seen  
out the slit  
of window the sign  
that read "KL" and had thought Lublin.  
Lublin!  
They had heard the Jews would be resettled there.

But it was Auschwitz, the *K* and the *L* tangled  
in the web of the word Konzentrationslager,  
the sound of that *l* much harsher in the throat  
harsh as ash, the last *l* in the eye,  
and all those yellow stars  
Stars!  
floating up and up into the black sky of smoke.

—Naomi Benaron  
First appeared in *The Drunken Boat*, Spring/Summer 2012,  
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Night Noir, Sharon Allred

I had to do something more than wear a green wristband and send thirty dollars to the Save Darfur Coalition, as worthy as those actions might be. Through a series of serendipitous events, I ended up working with the Somali Bantu community in Tucson as a volunteer with Jewish Family and Children's Services. Their personal stories broke my heart and took my breath, but what stayed with me was the spirit and determination of the people. Soon, fictional stories started to grow in my mind, seeded by the experiences of these quietly courageous human beings.

I decided to focus on the Rwandan genocide when I visited Rwanda in 2002. While walking on the beach at Lake Kivu, I discovered human bones in the sand. I got down on my hands and knees and gathered some of the bones together and held them in my palms. It was a seminal moment. I realized that what I cradled were not just bones but stories. I realized, too, that if someone did not tell the stories of the bones, those stories would be lost forever. That was the moment I decided to write a novel about Rwanda.

As much as I fought that decision (who was I to tell the stories?), it would not leave my mind or my heart. Before going to Rwanda, I knew a little bit about the genocide, but not much beyond the fact that it had happened, and that a lot of people

were killed. The story resonated with me because I grew up with the ghosts of the Holocaust wandering around my house. Hardly anyone in my mother's extended family survived; her side of the family is a black hole around which a few old photographs orbit. The words *never again* formed the core of my mother's being; they lit the flame of her social activism, and she passed the flame on to me.

When I came back from Rwanda and began to talk about my experiences, I realized how little people in the West knew about what had happened there. I had made friends during that first trip, and their stories had become important to me. I wanted those stories to become important to others as well. I began the long process of researching the genocide. I read every book on Rwanda I could get my hands on. I went back to Rwanda for three more extended visits, staying with Rwandans who had become my friends, interviewing survivors, standing in the sites where genocide had occurred, and listening to testimonies given during the memorial services that mark the annual April commemoration of the onset of the event. I wanted Westerners to understand that the genocide was more than a few seconds of news footage to turn away from during dinner; it was an unspeakable event that changed the lives of everyone in the country forever. Its ripples spread out across the continent, and its effects are still felt today, far beyond the borders of Rwanda.

I also wanted Westerners to understand that the genocide was not just a fight that spontaneously erupted between two tribes. It was meticulously planned and carefully orchestrated, and in the case of Rwanda, the Hutu and Tutsi are not really two separate tribes; they are one people whose imposed permanent division

addresses the failure of the fiction judges to pick a winner for the 2012 Pulitzer Prize, Ann Patchett states:

Reading fiction is important. It is a vital means of imagining a life other than our own, which in turn makes us more empathetic beings. Following complex story lines stretches our brains beyond the 140 characters of sound-bite thinking, and staying within the world of a novel gives us the ability to be quiet and alone, two skills that are disappearing faster than the polar icecaps.

I believe there is a second reason that is related to the specific craft of fiction. Although one is certainly constrained by the holistic sense of facts when writing a novel meant to represent historical events—surely one does not have the freedom to reinvent that history—as a fictional accounting, the writer does have the liberty to shape those truths into a broader “story truth,” as Tim O'Brien puts it. In painting “story truth,” the writer can add a little lightness here, cast a shadow there, in order to heighten emotion and empathy, to guide the reader toward one certain picture of the world and away from another.

That I would tell the story of the Rwandan genocide through fiction was never a question for me. I returned to writing fiction, after a long hiatus, at the same time that I became involved with the local African refugee community. I returned to writing because after my father's death, I knew it would make me feel alive again. I decided to work with the local refugee community because the Lost Boys of Sudan were much in the news, and there was a large community of refugees from Darfur in Tucson, where I live. I knew

was largely the result of colonial intervention. I wanted Westerners to understand that genocide could happen anywhere. It could happen here, in the United States. It could happen to us.

The only way I knew to tell this story was through fiction. I needed to create characters that lived and breathed as they moved through a world in which the noose of genocide slowly tightened around their necks. I needed human beings whom the reader would come not only to believe in but also to love. I needed the reader to come to understand the insidious beast of genocide by letting those human beings I created, partly from my own imagination and partly from the melting pot of my friends and their stories, into their hearts.

As a teenager, I chose to change the world by marching and sleeping on the steps of the Pentagon, but those days for me—at least for the moment—are over. Now I fight with the word. Just as I believed then that I could reach a wide audience by adding my voice and my footsteps to the crowd, I believe now that the power of the written word will effect change. I believe that someone can read a novel and be moved to say, “There must be something I can do,” and beyond that, to do it.

The literature of social justice changes the world one reader at a time. Sometimes, the enormity of injustice can seem overwhelming. Rather than demean its scope, I believe fiction has the power to shape events so that the reader can grasp them rather than turn away. It has the power to shine a focused beam by actually deflecting it. I understood this when as a child I recreated the story of Joan of Arc in my head. My mother understood it when she first told it to me. At the time, I had no idea that the story that lay beneath the surface of this telling was of the near-annihilation of a people. Our people. But so it is with fiction. We fall in love with a world and the characters that populate it, and so, despite the unspoken horror, we keep reading.

NAOMI BENARON's debut novel *Running the Rift* won the 2010 PEN/ Bellwether Prize for a novel addressing issues of social change. Benaron's other awards include the Sharat Chandra Prize for Fiction, the Lorian Hemingway Short Story Prize, and the Joy Harjo Poetry Prize. Her fiction, poetry, and reviews appear in many print and online journals. She teaches writing online for UCLA Extension Writers' Program and is a mentor for the Afghan Women's Writing Project. This essay first appeared in *Lunch Ticket*, a literary journal produced by the MFA in Creative Writing program at Antioch University Los Angeles.

AUDE VAN RYN studied at Central St. Martins and the Royal College of Art. Her work has a diverse appeal and has led to applications in theatre posters, packaging for retailer Le Pain Quotidien, and campaigns for clients such as the British Heart Foundation. She is regularly commissioned for magazines and newspapers in the UK and US. [heartagency.com/artist/AudeVanRyn](http://heartagency.com/artist/AudeVanRyn)

SHARON ALLRED's prior career as a cardiologist nurse and a life-long love of art have led to a new passion for mixed media, collage, acrylics, and watercolor. Her work is widely exhibited and touches on the subjects of anxiety and isolation associated with illness, and the hope and serenity of healing. She studied art therapy at The Creative Center in New York and has worked as an artist-in-residence for the Art of Healing program at Hillcrest Medical Center. [allredart.com](http://allredart.com)

## The Language of Water

Because my father's grandfather did  
not know his name he became a body  
of water floating like a cloud  
above the swan's head of the Black Sea.

Twenty years of wars and only the word  
*Jew* in his heart, he walked to a place  
of tall grass swept with the broom of the wind  
and took the name of the sea, Azov, for his own.

Because my mother was conceived from the flame  
of a Yahrzeit candle, the hum of the Kaddish in her ears,  
she was born with fire under her fingernails,  
her dead brother's name singing in her heart.

In her mother's womb she learned to sleep  
with the sway of a horse-drawn wagon, the fever  
of loss and flight. It would not be the last of either.  
Behind her, the first great war boiled like a furious sea.

The brother she would never know slept  
in the earth. Her grandmother slept  
on the living room floor in a lake of blood,  
the dent of her Shabbas candlestick in her skull.

Because I was born speaking the language of water  
Because I was born swallowing flame  
I am destined to dig on my knees in the earth  
seeking the world's veined taproot, its tender viscera.

There are too many wars and there is too much  
suffering to hold in my hands. Too much death.  
I was even afraid to hold my mother when she died.  
And to think! I could have soothed her fever with the sea.

—Naomi Benaron  
First appeared in *The Drunken Boat*, Spring/Summer 2012,  
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# Reimagining Equality: Stories of Gender, Race, and Finding Home

BY ANITA HILL

ART BY BETTY REFOUR

To fully appreciate the following essay, you need to know two things: the historical significance of the author's experience, and that of Lorraine Hansberry's play about which she writes. As a young Oklahoma law professor, Anita Hill ignited national debate in 1991 when she testified before the Senate Judiciary Committee during confirmation hearings for Supreme Court nominee Clarence Thomas. Hill had worked for Thomas at the U.S. Equal Employment Opportunity Commission, where, she testified, she endured unwanted advances and inappropriate discussions with pornographic content—in short, sexual harassment. Many denied Hill's allegations, including Clarence Thomas who was confirmed by a narrow margin. Following the hearings, the topic of sexual harassment in the workplace—and putting a stop to it—became a national conversation. Anita Hill has spent the years since building a distinguished career as professor, lecturer, author, and champion of women's and civil rights.

In her most recent book, *Reimagining Equality: Stories of Gender, Race, and Finding Home*, Hill tracks the recent housing foreclosure crisis and the biases of gender, race, and class that have been the hallmarks of lending practices since the 1800s. Starting with her own family, Hill takes us through decades of history, noting the experiences of women in search for equality and “home.” According to Hill, home is “a place that provides access to every opportunity America has to offer.” Without first securing that place, she says, there can be no equality.

Among the women Hill chronicles is Lorraine Hansberry, whose ground-breaking play *A Raisin in the Sun* forever changed American theater. It appeared on Broadway in 1959 to great acclaim, making Hansberry, at age twenty-nine, the first African American to win the New York Drama Critics Circle Award for Best Play of the Year. The play is now considered a classic, an important piece of literature that, in retrospect, is prophetic in its portrayal of African-American experience, competing desires for the American Dream, and issues of race, gender, and class that would be central to the ensuing Civil Rights Movement.

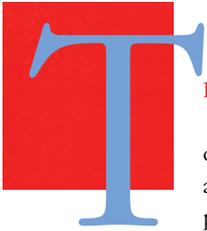
In *A Raisin in the Sun*, we witness the conflicting dreams of the Younger family: Lena (Mama) who yearns for a better life for her family; son Walter Lee, a family man struggling to make ends meet and to prove his own worth; daughter Beneatha, an ambitious young woman with plans for becoming a doctor; Walter Lee's loving and supportive wife Ruth; and Travis, Walter Lee's son and hope for the future. A \$10,000 life insurance check from the estate of the late Walter Lee Sr. is the ticket to escape the poverty and segregation of their small apartment in Chicago's south side, and each family member has big plans for the money. As the new head of household, Walter Lee feels entitled to the money and is determined to open his own business, a liquor store. Though she dreams of a larger apartment, Ruth maintains a middle road and says the decision on how to spend the money is Mama's. Lena secretly puts a small down payment on a home in a white neighborhood. When her plans are revealed, Walter Lee is enraged and disappears for several days. Lena finds her son and entrusts him with the rest of the money, some for his business and some to set aside for Beneatha's education. Meanwhile, a representative from the all-white community is sent with an offer to buy them out, a subtle racist message that the Youngers don't belong in the neighborhood. Walter Lee refuses the buy-out, but is quickly swindled by a so-called friend who disappears with the family's money. He now sees the buy-out as the only way to salvage their dreams; the rest of the family sees it as a sell-out. Though money and race are the overarching issues, Hansberry's play also explores the ideas of identity, integrity, feminism, family, and responsibility.

The opening lines of Langston Hughes' poem “Harlem” inspire the play's title: “What happens to a dream deferred? / Does it dry up / like a raisin in the sun?” As Anita Hill shows us in the following essay, dreams deferred, with persistence, can become dreams fulfilled—though progress, too, has its consequences.—Carla Walker, Editor



**HOME:** The place of one's dwelling or nurturing, with the conditions, circumstances, and feelings which naturally attach to it and are associated with it . . . not merely "place" but also "state."

—*The Oxford English Dictionary*



**THIS IS A BOOK ABOUT HOME.**

As the first decade of the new millennium came to a close, the country was still reeling from a housing crisis that caused both physical and psychological distress. The centrality of home to individuals of all stripes was never more apparent. Millions of Americans, male and female, of all races, had been set adrift as a result of reckless personal and institutional financial behavior, the precipitous decline of manufacturing industries, and in the case of Hurricane Katrina, an unprecedented natural disaster. And whether as a place or as a state of being, the significance of home to neighborhood, city, and national well-being was becoming clear. Moreover, the crisis raised questions about whether our country is

indeed a welcoming location of endless possibility to those seeking the American Dream. Our national identity was being challenged by the home ownership crisis.

Many have lost faith in homeownership, a bedrock of the American Dream. This loss is further complicated by the role of the home in defining equality and democracy—a role that is often overlooked, even though where one lives determines school assignments, voting opportunities, and often the availability of jobs, goods, and services. Yet little attention is paid to the complicated interrelationship between where one calls home, what happens inside the home, and equality outside the home.

In *Reimagining Equality*, I examine home as a place and a state of being by interweaving discussions of law, literature, and culture with stories of individuals, focusing on women, and African Americans, in search of equality. These stories reflect each woman's experience in finding and shaping a home where she could achieve some measure of equality for herself and her family.

I invite readers to think about their experiences and yearning for home, even as they read of others whose experiences are different but who share a desire to be equal participants in our democracy. The women featured and I have learned over the course of our lives that home, as well as equality, need to be reconceived as our worlds change.

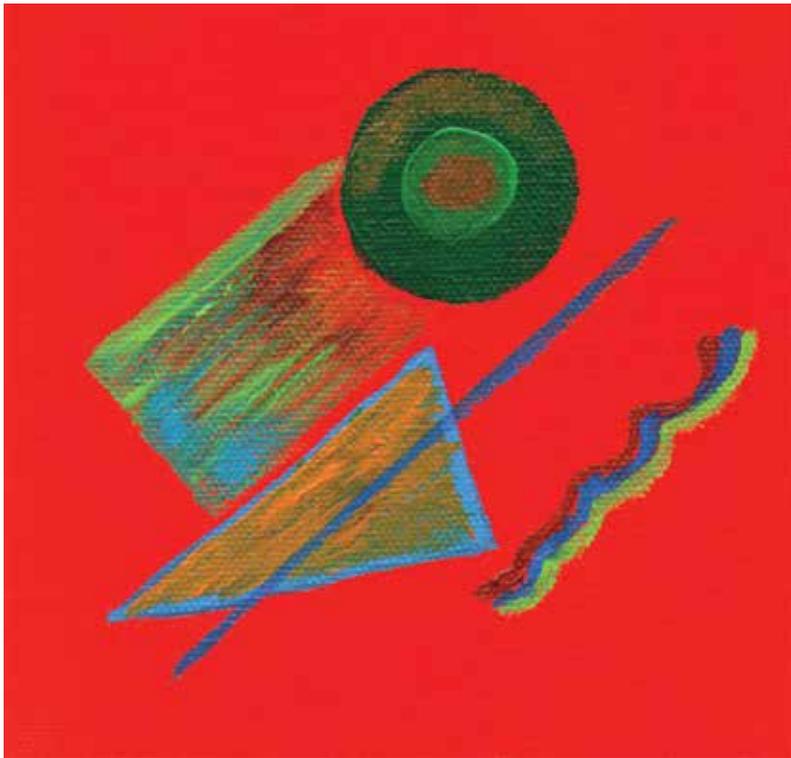
These stories of gender, race, and finding home guide us through a history of imagining and reimagining equality. They also address issues that have long been neglected in this country but must be grappled with in order to ensure that every American has the opportunity to achieve the sense of belonging that comes from being at home. As black women have come to head the majority of black households, they have become the primary "homebuilders."

They have also become dominant forces as community builders in African American neighborhoods. Their determination to build their lives, their families, and their communities, despite harsh perceptions of them, is evidence of their belief in the promise of America, even in times when that promise may seem irreparably broken. Their struggle points to an important lesson: we may have reached the



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limits of current rights legislation's ability to assure liberty and equality for all. For these women and others who have yet to be perfectly at home in our nation, we need to find other strategies.

Black women know what it means physically, socially, and economically to possess a gender and a race. They know that race and gender equality must both be realized if either is to be achieved. Like other women, they struggle to balance work and family obligations, and they suffer from violence in their homes and on the streets of their communities. Along with African American men in many racially isolated neighborhoods, they endure crime, inadequate schools, and a lack of public and private amenities. With all women and black men, they face limited employment and educational opportunities, as well as underrepresentation in political arenas. We have passed many laws to try to address these inequities, to level the playing field, and yet we have not finished the work. They struggle, as millions do, to find home in America.

### LORRAINE'S VISION: A BETTER PLACE TO LIVE

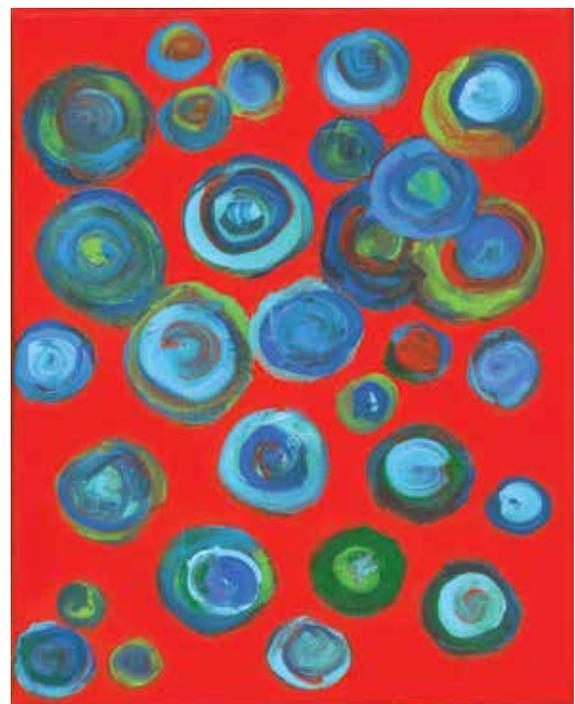
In 1983 African American writer Alice Walker took center stage with a best-selling novel that revealed the twists and turns, the starts, dead ends, and restarts of the black pursuit of a home in America. *The Color Purple*, winner of the Pulitzer Prize for fiction and an American Book Award, told the tale of a young black woman in the 1930s who embraces life and struggles against sexual abuse, racism, sexism, poverty, and illiteracy to find a home. Walker named her protagonist, Celie, after her own great-great-grandmother, a slave who was raped by her owner and gave birth to his son, Walker's paternal grandfather, at the age of twelve.

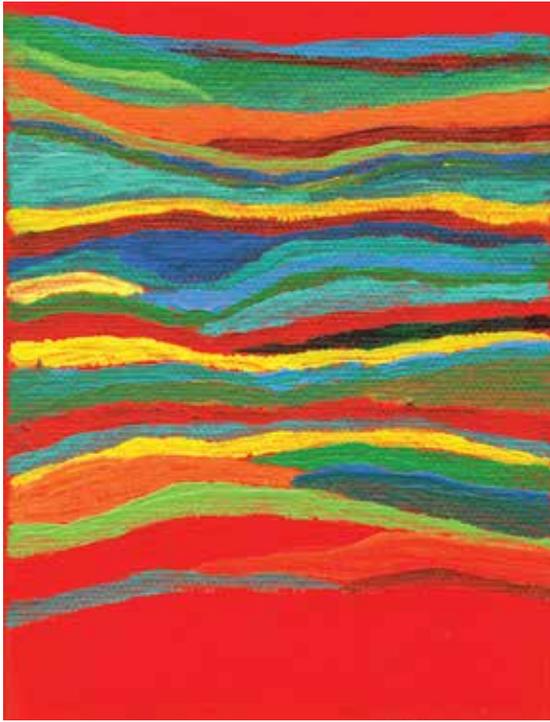
Walker's efforts to capture the sentiments of Celie resonated with many women who, because of race, poverty, or simply the fact that they were women, felt silenced and powerless even within their own households. The quietly dignified character Celie became a new model of black women's resistance to racial and sexual domination.

In 1985 filmmaker Stephen Spielberg adapted the novel for the screen. Though it received eleven Academy Award nominations, the film won none. Both the novel and the movie had their critics; among them were blacks who found their representations of African Americans stereotyped and sentimental. Walker and Spielberg were both chastised for their portrayal of black men as physically and mentally abusive. One black female critic felt that Walker's Celie was too passive and unlike the many slave women who had resisted their oppression. In sum, *The Color Purple* joined *A Raisin in the Sun* in acclaim and controversy.

In 1983 an estimated two hundred productions of *A Raisin in the Sun* were mounted to celebrate the play's twenty-fifth anniversary. In a review of the Chicago production, *New York Times* critic Frank Rich hailed Lorraine Hansberry's ability to see "the present and the future in light of the past." Throughout the years, critics have generally praised Hansberry's play. Some commended the universality of its messages about family, human dignity, and materialism. Others hailed the work as a "Negro play" about the triumph of racial pride. Many missed that the play is about home: the home in each family member's dreams for equality versus the real house, a small, three-bedroom dwelling in an unwelcoming neighborhood. *Raisin* is about the home as a location and as a place to belong, and what occurs when these elements misalign. Hansberry's actual experience and the drama she crafted from it show that when the location of the struggle for equality is the home, issues related to marriage, childhood, and family are exposed.

The universality of the themes she explored began to emerge in conversations about the drama, though Hansberry would not live to take part in the discussions. (She died in 1965 after a battle with cancer.) The conflict between Walter and Mama frames the play's debate over materialism and integrity. Walter's





materialism, his desire to own a business and strike it rich, as it plays out is easily read as selfishness. In a passage edited out of the 1959 version but reinstated in the 1983 text, Hansberry shows that what drives Walter is not purely desire for himself, but his dream for his son, Travis. Yet she also shows that even that dream is motivated by Walter's view of manhood and the role that he thinks women should play. Walter Younger explains his dream for Travis's education as he imagines his son at seventeen years old "sitting on the floor with the catalogues of all the great schools in America around" him. Once Travis makes his selection, Walter will "hand [his son] the world."

Hansberry's biographer, Margaret Wilson, points out how the passage provides Walter's altruistic justification for his conflict with his mother, wife, and sister. But as Wilson explains, for Walter to realize his dreams he must "buy into a system" of stereotypical gender and class roles. "His image is typical Americana—the independent male who controls the world and around whom the universe revolves. Wife, secretary, gardener, Cadillac, sports car—all are complements to the material universe. His manhood is at stake, he believes, and the women around him with their traditional values are holding him back." It is worth noting that this part of the play is delivered as a monologue and makes clear that Walter's conflicts are not only with his mother. He quarrels with Ruth as he dreams of ways to become wealthy, eschewing more practical choices for the family. Her prize is a sporty car to do her shopping in. His individualism conflicts with Beneatha's notions about the common good of the race. Walter finds a place for Ruth in his dream, but writes Beneatha out of the sequence altogether.

One of the most prescient scenes from *A Raisin in the Sun* brings Beneatha's and Walter's conflict to a head. Beneatha explodes into highmindedness and contempt for her brother. "I look at you and see the final triumph of stupidity in the world." The fight ends with Beneatha shouting at Walter, who has already left the room in hot pursuit of another path to money: selling the family home to the whites who have offered to buy the Youngers out. Walter

rejects Beneatha and the education and kind of knowledge she represents for himself and for her, even though he embraces it for his son.

At the conclusion of *A Raisin in the Sun*, we get a glimpse of Hansberry's vision of how equality could be achieved. As the Younger family put aside their differences, they decide to stay in the home Mama has purchased and turn down the white neighbors' offer to buy out the purchase agreement. The neighborhood representative warns, "I sure hope you people know what you're getting into." One cultural critic, Kristin Matthews, not only sees the Youngers' home as a mirror of black Americans' struggle to find a place in the nation, but also sees the play's ending as promising the family—read the race—"new life as a unified whole." This concept of wholeness on the basis of full race and gender equality might enable us to hear Hansberry's "pluralist call for committed 'builders'—those willing to use their diverse 'tools' in concert to reconstruct vital homes and come closer to realizing the dream deferred: America as 'home of the brave' and 'land of the free.'"

*A Raisin in the Sun* returned to Broadway in 2004. The success of that production set the stage for an ABC television adaptation of the drama, starring Phylicia Rashad (who won a Tony for her role in the Broadway production), Audra McDonald, and Sean "P. Diddy" Combs. Though it was difficult to envision the famously wealthy Combs as Hansberry's Walter Younger, the presence of the hip-hop icon brought the story up to date even as the play addressed the same issues raised fifty years earlier. Rashad and McDonald, as two black women trying to provide a safe and secure home for their family against the materialism represented by Walter's character, reminded the audience of the hardships that had fallen on black communities in the 1980s and that had brought them so far afield from Hansberry's idealized dream.

#### EXTRA! | READ | THINK | TALK | LINK

- ▶ "20 Years Later, Anita Hill Is 'Reimagining Equality.'" NPR, *Talk of the Nation*. Host Neal Conan and Anita Hill discuss the Clarence Thomas hearings and issues on race, women, and sexual harassment in the workplace. npr.org/programs/talk-of-the-nation (search for broadcast date: Oct. 11, 2011)
- ▶ "Anita Hill's Book on Gender, Race and Home Creating a Stir," BrandeisNOW. Interview excerpt of Anita Hill discussing her book. Includes a short video. brandeis.edu/now (enter *Anita Hill* in the search box, then select the Sept. 30, 2011 entry)
- ▶ "Harlem" by Langston Hughes. Read the poem that inspired the title for *A Raisin in the Sun*. poetryfoundation.org (enter *Harlem*, *Langston Hughes* in the search box)
- ▶ "*A Raisin in the Sun*": *The Quest for the American Dream*, EDSITEMent. Readings, discussion questions, and classroom resources. edsitement.neh.gov (enter *A Raisin in the Sun* in the search box)



*A Raisin in the Sun* illustrates not only how home became a repository for black Americans' dreams of finding a place in the nation, but also how it symbolizes all Americans' desire to belong. It is a story of race and gender and a universal experience of believing in a dream. Hansberry's is a cautionary tale revealing that "a dream deferred" doesn't just "dry up like a raisin in the sun," but as Langston Hughes's poem

suggests, instead does "explode." Moreover, the consequences of deferred dreams are not always immediate, often extending decades into the future, with consequences for generations to come.

For over fifty years, Lorraine Hansberry's audiences have focused on African Americans' clashes with the world outside their homes. Her ability to see into the future of conflicts inside the home is just as compelling. Hansberry advises us of the relationship between the problems outside and those conflicts inside. In the years since her play, I have come to fully appreciate how the two work together to enhance or to impede our chances at real equality.

By the 1980s I, like so many people of color and white women, reaped many of the benefits of the advances made during the 1960s and 1970s. But other transformations in society—among them rising materialism, increased violence, resistance to civil rights gains, and a cultural backlash against women—were occurring as well. The suburbs were expanding, and the blueprint of the homes within them grew as well. Inside the home, changes were occurring as more women of all races became part of the paid labor force. The number of law and medical degrees awarded women grew more than tenfold between 1969 and 1979. Women on their own—divorced, single, or widowed—who failed to fit the cultural norm of what "home" and "family" looked like were hit hard. Clashes between the sixties generation of equal rights advocates and their children, who were trending conservative, were escalating and gaining public attention. Though these were all matters Lorraine Hansberry forecast in her play, the ferocity with which they hit by the 1990s caught me by surprise and left many in the black community, in particular, reeling.

BETTY REFOUR is an abstract artist and caregiver for her sister, who has autism. Together they use art to advocate for causes that are important to them, including autism and cancer to which they lost their mother and grandmothers. BettyRefour.com. Image titles in order of appearance: *Spin*; *Which Way Did He Go?*; *Making Connections*; *Round and Round*; *Tapestry*; and *Torn*.



## Reflections on Giving

A friend and I were having dinner and the topic of giving to nonprofits came up. I confided that I give to the Oklahoma Humanities Council. My friend asked, "Why?" My response was immediate. "It is the right thing to do." After dinner I began to ponder: Why do I give to OHC?

From my childhood I was taught to give freely. I can still hear my mother's voice: "Now, Judy, you git yer shoes on and go down yonder and take Mrs. Jones a mess of these peas. You know she's been ailin' lately." So, yes, I was taught to do so; yet, my gifts to OHC extend beyond my upbringing.

I also give due to my Christian faith. My minister quotes Matthew 5:42: "Give to him that asketh thee, and from him that would borrow of thee, turn not away." I follow this tenet. Still, my altruism is more than allegiance to scripture or church doctrine.

One of Aesop's fables recounts the story of the grasshopper who spent his days playing, jumping from one leaf to another, singing gaily. Meanwhile, his friend the ant went about diligently finding and storing food. When winter came, the grasshopper was cold and hungry and filled with regret as he observed the ant who was warm and happy with a full tummy. The moral: prepare today for the needs of tomorrow. An OHC donor is like an ant—one who is giving, i.e. storing up, so that all Oklahomans can share in meaningful discussions and activities now and in the future. I definitely want to be an ant!

Although giving to OHC reinforces my membership in a special group (donors/ants), it goes past social identity too—it's absolute selfishness. You see, I am a direct beneficiary of OHC programming! The Council provides me places to go: exhibits, living history programs, festivals; things to do: Chautauqua, lectures, book discussions; and people to see: scholars, novelists, and poets. Without these opportunities for dialogue and participation, my life would be bleak and lonely. This Southern, faithful, egocentric ant can attest that it is best to give in order to receive!

Judy Neale, Ph.D.  
Coordinator of Community Outreach  
Cameron University Library

# End Notes from the Editor



"Nah, You Ain't Got Enough Edjiccashun to Vote." A 1958 Herb Block cartoon, published Dec. 10, 1958, in the *Washington Post*; © The Herb Block Foundation.

I recently came across a copy of my high school graduation announcement. With apologies to Sir Walter Scott, who is misquoted in the third line, it was a grand vision for a bunch of 17- and 18-year-olds:

"Breathes there a man with soul so dead,  
Who never to himself has said,  
This is My country ..."

Please join us in our celebration of  
America's 200th birthday.  
We proudly announce our Commencement  
from Putnam City High School  
into the long line of great Americans  
who made the words above so meaningful.  
The Class of 1976

Maybe we can attribute the sweeping sentiment (being added to the "long line of great Americans") to the year-long celebrations and patriotism accompanying the anniversary of America's founding, and the distinction we had as "bicentennial graduates." As I recall, there were centennial coins, fireworks, parades—generally the whole country was decked out in red, white, and blue for months leading up to July 4, 1976.

In working on the "Rights" topic for our magazine, I am reminded of some of those great Americans who fought and are fighting for individual liberties, and I wonder: out of my class of over eight hundred young men and women, what contributions have we made? Have we taken up the responsibilities of modern citizenship that William E. White writes about in his article "Blessings of Liberty"? Have we participated in civic life, expressed our views for the common good?

I don't think I appreciated my right to vote until the 2008 election year. Stunningly, a man of color stood on the brink of history as a presidential nominee. It was remarkable in light of events that marked the first decade of my life: the 1963 March on Washington; the Voting Rights Act (ending literacy tests and other voting obstacles, brilliantly illustrated in the Herb Block cartoon at right); the Civil Rights Act (ending discrimination based on race); the assassination of Martin Luther King, Jr., not to mention scores of other lives lost in the non-violent movement to gain basic civil rights for blacks.

For today's high school graduates, those hard-won milestones are "history." Young Americans profess colorblindness on matters of race. They don't have the historical context in which I grew up, so I doubt they grasp the enormity of the occasion I felt in 2008 as I stood in line for hours to vote for Barack Obama; why, to this day, I have kept the red ticket stub that indicated I was in line when the polls closed at 7 p.m. and would not be turned away before casting what I regarded as the most meaningful vote of my lifetime.

Each generation has its vantage on history. From mine, I feared an alarming setback in civil liberties last year when the Supreme Court invalidated part of the Voting Rights Act. As expected, many states rushed to implement new laws that restrict access to voting. According to the Brennan Center for Justice at New York University, 49 bills in 19 states were introduced or carried over

in the early months of this year to require stricter voter identification, limits on early voting, and reductions in registration opportunities.

But the news isn't all bleak. The non-partisan Presidential Commission on Election Administration issued its report in January, recommending ways to modernize the voting process and decrease long lines at the polls—wait time that low-wage earners can little afford. The Brennan Center also reports at least 18 states have introduced bills to *expand* online registration, relax voter ID laws, and make it easier for students and other eligible citizens to vote.

Perhaps it is fitting that I also found the following in my work on the "Rights" topic—a quote from abolitionist minister Theodore Parker, whose life overlaps that of Sir Walter Scott's and whose oratorical legacy is repeated in the speeches of great Americans, from Abraham Lincoln to Martin Luther King, Jr.:

Look at the facts of the world. You see a continual and progressive triumph of the right. I do not pretend to understand the moral universe; the arc is a long one, my eye reaches but little ways; I cannot calculate the curve and complete the figure by the experience of sight; I can divine it by conscience. And from what I see I am sure it bends towards justice.

Long before slavery was abolished, Theodore Parker took it as fact that there is "a continual, progressive triumph of the right." From where he stood to where I stand, the arc does indeed bend toward justice. To the long line of great Americans to come, I say look back. It's perspective you'll need to judge how far we've come, to remember the hard-won freedoms that are worth preserving, and to thoughtfully chart the way forward.

Carla Walker, Editor  
carla@okhumanities.org

*\*The third line of the excerpted poem should read: This is my own, my native land!—From "The Lay of the Last Minstrel," Canto Sixth, by Sir Walter Scott.*

## Next up: Fall 2014 | WORLD WAR I

The centennial of the Great War begins this year. We'll look at U.S. involvement, industrialized warfare, changing roles of women, the Espionage and Sedition Acts in Oklahoma, and more—the most content in our magazine's history. Don't miss it.



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