

Q: And you have too, ~~xgh~~ though, a counterpoise of middle class, upper class, Negro families, ~~saxx~~ sending their children to private schools, further depressing the "ghetto schools."

HASTIE: That's true, of course, again, you have considerations and impulses that are not racial, ~~motiati---~~ motivating people who are identified with the racial struggle.

END OF TAPE 1.

TAPE TWO.

Q: Let me ~~xxx~~ read you a quotation, Judge Hastie, from Dr. Kenneth Clark about Martin Luther King's philosophy. "On the surface King's philosophy appears to reflect health and stability, while the black nationalists betray pathology and instability. A deeper analysis however, might reveal that there is also an unrealistic if not pathological basis in King's doctrine. The natural reaction to injustice, oppression and humiliation, is bitterness and resentment, The form that such bitterness takes need not be overtly violent, but the corrosion of spirit, seem inevitable. It would seem, therefore, that any demands that the victims of oppression be required to love those who ~~oppress-them--~~ oppress them, places an additional and probably intolerable psychological burden upon the victims."

HASTIE: Well, the answer to that, of course, is an ~~xxx~~ answer that the psychologist has to give, and I'm not a psychologist. As you were reading I was thinking that the model for Dr. King of course, was Ghandi. And we are essentially a pragmatic people

in this country, I would suggest that the answer to that, -er might be sought in the experience of other people who had practice such an approach. Of course, looking at this comparison, we know that it was not all perhaps a relative few of the people of India, who thoroughly accepted Gandhi's counsel of nonviolence. ~~■~~ Indeed, the epoch of Gandhi in India, saw a tremendous amount of violence. I would suspect that many people, rather than having their personalities ~~bruised---~~bruised by an unnatural acceptance of nonviolence, just reject it when it goes too much against the natural human reaction, and so instead of being bruised, they ~~bruise-the--~~bruise the adversary despite all the admonition of the Gandhi-like leadership.

I, other than that, I'm not sure what I would say about Dr. Clark's comment.

Q: Of course, Dr. King says Dr. Clark does not understand him.

HASTIE: Dr. Clark what?

Q: Does not understand him.

HASTIE: Oh, well, I don't know what Dr. King means when he says Dr. Clark doesn't understand him.

Q: Dr. Clark ~~has~~ hasn't read me.

HASTIE: King, of course, is philosophically assuming a goodness of the human spirit, I suppose, which Clark is denying. And that goes to the fundamental concept of man's nature, which was not



solved before the present revolution, it will certainly not be ~~sua~~ solved during it.

Q: There is also the tactical nonviolence which says , as Dr. Abernathy put it in a conversation, it's right , nonviolence is right, but also the white folks have more guns.

HASTIE: Well, ~~whx~~ of course, when the spirit gets bruised enough, people forget who has most, more guns, and people charge into the mouth of guns. But certainly in sober and more thoughtful moments, the recognition of where the heavy artillery motivates human conduct.

Q: There's one line of thought ~~xxxxx~~ that I've encountered, that says nonviolence used aggressively, is inherent in the history of the Negro in America. This is merely continuing a natural impulse, a natural situation, there are all sorts of things, the ~~planati~~--plantation slowdown; the joke, ~~xxxxxxx~~ the yassah-ing somebody to death; all of these things belong to the technique of nonviolence<sup>t</sup> aggression . Now to philosophize this, if this philosophizes three centuries of expertise in the matter.

~~xxxx~~ ~~hx~~ HASTIE: Well, there's something to that . This three centuries ~~of expertise~~-- of expertise is , has been of course, a necessity of survival. When, ~~ixx~~ people are in slavery or when they are in a subjugated condition, which is not formally slavery, survival requires that limited type of nonviolent aggression. But the difference is that King is preaching that even in situations ~~here~~--where for the moment, some gain might follow from violent

assertion, that the human spirit should be so disciplined, that it would reject that. But I'm not sure too much what is gained by rationalizing this, as a continuation of the survival tactics of any subjugated minority. But I think historically there's truth in it.

Q: I don't know ~~what is~~--what is gained that way either. I report this, I've encountered it several times, and I hadn't thought about it in this light, until someone offered this to me. It's always struck me as strange that there was no slave rising during the civil war.

HASTIE: You're contrasting that with the slave risings before the civil war. / Here's a golden opportunity, and there was none.

HASTIE: Well, I suspect, I don't know, I'm not a sufficient student of that period of history, I suspect running away was substantially easier during that period, than before. So many of the able bodied whites had gone away to war, those <sup>who</sup> ~~were~~ remained were preoccupied with so many essential things directly or indirectly <sup>related</sup> ~~related~~ to the war, society was in a stage of some disorganization. So I would suspect that the statisticians would show ~~that~~, if they were kept, and again, they probably weren't kept, very well during that ~~period~~--period, that the escaping of slaves was much more extensive and possibly there being that safety valve, that you could run away, it was easier to run away, than to stand and revolt.



Q: Have you read, Judge Hastie, a book by Stanley Elkins, called Slavery, it came out three years ago.

HASTIE: No, unfortunately I haven't.

Q: I wish you had, I'd like to have your views on that. It's a very interesting book.

HASTIE: Well, do you want to summarize his point of view.

Q: Well, I think might do it violence by doing that, oh, I could summarize it, or indicate in a way, by referring to a remark by a Negro psychiatrist, with whom I've talked, he regards, from his perspective, of the present movement, as a discovery of the male principal among Negroes. After centuries of matriarchy, and the loss of the full range of meaning ~~of the~~ by the male ~~prink~~ principal. Does that make any sense to you?

HASTIE: Well, I suspect it's an extreme oversimplification, but like most oversimplifications, it has, it has some kernel of truth in it. But I doubt very much if I could make any meaningful comment upon it.

Q: It's not really fair for me to offer a sentence like that, I suppose, and carry a long argument behind as to its actual meaning. Let's turn for a moment to Myrdal's scheme, for what would have been, according to him, a good and fruitful reconstruction policy in the south, after Civil War.

I'll outline that in a few strokes. One, compensation to ~~slavery--~~  
~~northern-southern slaveholders for the emancipated slaves.~~ Two,  
expropriation of land in the south, to accommodate the freedmen,  
but compensation to the landowners for the land. Three, the  
~~istributio--~~distribution of land, but not his guilt, on some long  
range basis of payment, plus supervision and protection against  
sale and so forth, a lot of stuff like that. Then, some shifting  
of population, free land in the west, and so forth, some actual  
population shift. How do you respond to these proposals? Do you  
think they make sense?

HASTIE: Well, taking them in reverse order, I think the  
population shift, or the organized population shift, probably would  
not have been too important a factor. The south wasn't that badly  
overcrowded, and there unquestionably would have been considerable  
voluntary population movement in any event. The preceding items  
in Myrdal's catalog, represent a program for giving the Negro  
an economic start and a basis of individual independence, while  
at the same time, giving the ~~xxx~~ ravaged south as a whole, some  
economic stake for moving forward again, through the device of  
compensation for property. I have no doubt that those things  
would have been useful. However, I have what I suppose would be  
~~regard--~~regarded as a more radical view. I have a , the idea that  
if the reconstruction could have been continued another ten years,  
with some basic decency in the effort, without program of that sort,  
that very great and constructive changes would have been accomplished.  
I take two contemporary examples. The administration of Germany,  
and the administration of Japan. After the second world war,  
it is not a pleasant or an agreeable thing, to a community, or section



that has been vanquished in war, to be under the domination of the ~~veetre~~-victors and have the ~~vax~~ victors' will imposed for a period of time. But if it's done with decency and respect for the community, there can be, I believe, a radical change of community outlook and ideas ~~maxax~~ and orientation, of society, even though the circumstances for that change are imposed by the will of the ~~vaxxk~~ victor, and through an administration that is not democratic, or responsive to the will of the vanquished. ~~xixyxxx~~ So, my speculation, and of course, ~~istean---~~ ~~xxxxx~~ it can only be speculation, is that a decently and fairly administered reconstruction, under the will of the victors, could in another ten years, have accomplished changes in the society, that would have avoided what we are going through now, 75 to 100 years ~~fter--~~ after the ill-fated reconstruction.

Q: Did you feel that the period from '65, to '76, a great sell-out, was a decent and fairly administered program?

HASTIE: Truthfully, I don't know, and I don't say that to evade it. I am, I sometimes doubt whether it was any less decent ~~maxx~~ than government generally in that day and time. We, history has preserved the record of many excesses that certainly were not decent, and I ~~xxxxxkx~~ think, has tended to either not discover or not ~~ublish---~~ publish, the many constructive changes that were taking place. The beginning of free unsegregated public schools in South Carolina, for example, with about roughly half of the students white, and half of the students ~~max~~ colored, in communities that had had no free public schools of any sort, before. I just have the feeling that we have not yet had, perhaps now the evidence is not to be found, and perhaps we never will have a truly objective appraisal of the reconstruction.

Q; Would you feel any emotional resistance, looking back 100 years, to the compensation of slave owners, ~~and~~ for the freeing of ~~their~~ their "property." the property being men.

HASTIE: No, I don't feel any emotional reaction to it, perhaps what I said before, would indicate that I think of it as just one of the possible devices, of subsidizing a war torn and disrupted economy.

Q: A marshall plan.

HASTIE: A Marshall Plan, and the device being , or the measuring stick, being a compensation for the loss of slaves. It might be done without that, just as grants available to everybody for machinery and seeds and what not, but the , perhaps the compensation for slaves, is a rationalization, that would have made it more successful than if it had been done as an act of a charity, so to speak.

Q: Well, this all comes from that learned Swede of course, it never would have occurred to anybody in the north, of the Mason Dixie Line.

HASTIE: I believe there were many suggestions of compensations. I think Lincoln made some suggestions of that sort.

Q: The radical Republicans.

HASTIE: Oh, surely. This was also part of the the whole speculation -- ~~xxxx~~ if Booth had missed, what course would the ~~xxxx~~ Reconstruction have taken.



Q: Lincoln would have been impeached before the two years; before his term was up maybe.

HASTIE: Maybe, and yet, his , as the victor in the war, as the victorious war president, he might hve had such a prestige, ~~across~~ nationwide, that im peachment wouldn't have been feasible.

Q: Did you see any irony ~~xxxx~~ in the fact that the March on Washington, wound up at the Lincoln monument, ~~with-Lin--~~ taking Lincoln's attitude on race?

HASTIE: No, I don't see any irony of it, because whatever Lincoln's actual views might have been, Lincoln today is to America, and to the world, the symbol of the goals of the March. So recognizing Lincoln's utterances before he became President, and in the days of ~~is pre---~~ his presidency before the ~~A~~ Emancipation Proclamation, it doesnot seem to me ironic that one can find in an examination of Lincoln's utterances, many things that are contrary to the symbolic figure of ~~the~~ Lincoln that we have built.

Q: Actually, after the Emancipation Proclamation, one ~~of~~ or two of his most positive statements on race was made.

HASTIE: That's true. My cutoff day <sup>is</sup> is wrong.

Q: In other words, you take this in his symbolic role, rather ~~hard-hi--~~ than his role as a human being, a prisoner of his times, is that right.

HASTIE: Yes, I think his importance to us today, is that of

symbol, rather than as he may in fact have been .

Q: ~~Q: A: X~~ What about Thomas Jefferson? The same sort of thinking.

HASTIE: Well, I'm not sure what aspect of Thomas Jefferson you ~~x~~ mean.

Q: He was a slave holder.

HASTIE: A slaveholder, who favored the prog ressive emancipation of slaves, unquestionably.

q; He also regarded the Negro as inferior being.

HASTIE: Oh, I

Q: His actual quotes are quite standard racist quotes. Take a look at the Declaration of Independence. Now there's a play on in New York, off-Broadway, a sort of a dramatized reading of statements about race, and Jefferson comes off very badly.

HASTIE: Yes.

~~Q: A: X~~ Q: You see, as part of ironical or satyrrical device, to have the great men ~~xxxx~~ saying bad things on the race question.

hastie; Right

A: As a pieceof dramatizing, propaganda. This, but you prefer



to leave him as a symbolic role, is that it, without presenting this ~~other historical~~-----other historical fact, about him.

HASTIE: Well, I don't say I prefer to do it, I say that whether it be Lincoln or Jefferson, the community ~~acceptance~~--acceptance of the individual as a symbol of something very wholesome and worthwhile is itself useful, and the fact that ~~the~~ the individual in his life and utterances may not have measured up to the symbol, doesn't make me wish to reject the symbol and all the value that I think is in it.

Q: What should a historian do, though, if he had to write a life of Thomas Jefferson? Or an essay on Thomas Jefferson's views, can you simply refurbish the symbol, and leave these other things out, how do you relate them, how should you relate them? To each other.

HASTIE: I'm not sure that I can answer that. You're saying, I suppose you're suggesting that history should not be written ~~with an~~---with any ~~preconception~~--preconceptions of the concepts that will emerge, that if it is so written, it isn't history, but is historic fiction. If I were writing historic material about Jefferson or Lincoln, I would feel a moral compulsion, to put down what my research disclosed. In the case of both of them, I think the historic data would bring out an over-all influence of the man, in his times, in accord ~~with~~ with the present symbolism of the man.

Q: You would take the historic perspective, the ~~relative~~--relevance of history then, and the change of climate of opinion in human possibility, as a ~~a~~ criterion, is that right?

HASTIE: Oh I should think so.

Q; Of course some people don't. They want to keep the symbolism clean.

HASTIE: Yes.

Q: How do you feel about a man like Robert E. Lee?

HASTIE: Well, I, I suppose we go back to Lee's fundamental decision, as to whether his greater loyalty was to the nation, or to his state and section. I, his decision, as to where his loyalty lay, is one that I greatly regret. Once he had made that decision, of course, he followed the course of a great military strategist, and a very decent human being. Now your question may relate more precisely to that, and if so, follow it up.

Q; ~~Maxx~~ He was an emancipationist. He freed his slaves, before the war, and you have the strange situation, of the leader of the southern army being an emancipationist, while Grant held a few slaves all the way through. What kind of ethical price tag do you put on these two facts.

HASTIE: Well, again, history emphasized the part of the person's conduct that had the greatest impact upon society, the thing that I first mentioned, that Lee's decision to throw, ~~xxx~~ Lee's decision to cast his lot with the south, was the thing of far reaching consequence, as distinguished from his personal views and his personal decisions, as far as his ~~re~~emancipating his slaves.



Q: Can we distinguish the ethical and the practical consequences in his decision to stay with Virginia?

HASTIE: Can we distinguish the ethical and the practical consequences .

Q: He presumably chose to do what he thought was right. What he thought was right, is not what you think is right. There's the practical consequence of defending something he didn't believe in, in part anyway.

HASTIE: ~~You're~~ You're saying we can , can ~~we~~ we respect, do we respect a man for a decision based on personal judgment, of a higher ~~morality~~ morality that transcends his national allegiance. I suppose we can. If we do, of course, as in some cases we do, we respect treason.

Q: How do you feel about \_\_\_\_\_ View of the American ~~Constitution~~ Constitution and the American Union,

HASTIE: Which quotation, I'm not sure,

Q: The ~~trouble~~ trouble with death, and ~~because~~ the cause of this union burns the constitution, and is covered with death, ~~in~~ in league with death and ~~HASTIE~~ in ~~covenant~~ covenant with hell. That equals Lee in a little more violent language.

How do we deal with that one?

HASTIE: Well, I should think, the ~~ix~~ legalist has to deal with it, in the same way. Again, Garrison's statement, is a truly revolutionary statement, as is Lee's position, a revolutionary position. You

Q: Lee was a conserverrvative of course.

HASTIE: Yes, but both are refusing to accept the national legal order. They are defying the legal order, and therefore they are taking a revolutionary position. Again, they ~~x~~ both preached treason, though in one case one may agree or disagree, as the case may be, with the objective or the basis position of the individual.

q; Do you regard Garrison, as a higher ethical creature than Robert E. Lee?

HASTIE: I don't know. Frankly, I never made the , I'll put it this way, I think Garrison was an intemperate person, and Lee was not. Garrison was probably the type of ~~xxx~~ person who translated into the military arena, would have been a wonderful person, to lead a charge into the face of enemy guns. But probably not the person to be the commander of an army. There are certain stages when persons like that represent the spark to a movement ~~xxx~~ or to a cause and we can recognize their value as that, without having a necessary admiration for the intemperate , even violent personality, yet we recognize that throughout history, those personalities, have been catalysts of great changes, some of them good, and some of them bad.

Q: In other words, put ourselves outside of history, and say a little bit of salt and pepper, a little bit of evil in temper, a



bit of salt and pepper makes the stew.

HASTIE: I think so.

Q: But we don't make ethical judgments that way, do we?

HASTIE: Oh, no, no, we don't make ethical judgments that way, no.

Q: Do you remember what Garrison did after the Civil War, his view toward the whole question of race and reconstruction,

HASTIE: Again, be more precise.

Q: Well, he was , sort of lost interest in it when the war was over. Put it that way, Withdrew from it, by and large, didn't care much what happened to the Negroes, you see.

HASTIE: Well, again, that's , that may be typical of a certain type of personality, the personality that leads the charge against odds, but could not handle the logistics of supplying an army. And it may well be that that that is the explanation ~~and~~ in the personality of the individual.

END OF TAPE TWO.