

## *The Show of Violence*

**American Violence: A Documentary History**; edited by Richard Hofstadter and Michael Wallace, *New York: Alfred A. Knopf, 1970. xiv 478 pp., index. \$10.00.*

THE LATE DeWitt Clinton Professor of American History at Columbia University and a younger collaborator and recent graduate student there, have supplied an elaborate anthology of violence—rather narrowly defined—in the American experience. In a graceful and occasionally perceptive prologue, the senior partner recalls a statement that America has a history but not a tradition of violence. Our violence, that is to say, though not infrequent, has been spontaneous, aimed at specific grievances, nonideological, soon relieved and almost as soon forgotten by a people which insisted, with persuasiveness, that it had one of the stables of governments and was among the least volatile of societies.

Sustaining the thesis is an elaborate cataloging of the forms and occasions of violence with a scholarly exordium for each and then direct statements, descriptive and narrative, from principals, trial witnesses, newspaper accounts. Ample supplementary material is cited for each episode. Here are, as the editors categorize them, Political Violence (like the terrorism against the Loyalists in 1774-75); Economic Violence (such as the Memorial Day massacre in steel strikes of 1937); Racial Violence (subdivided into Slave Revolts, Race Riots, Ghetto Riots); Religious and Ethnic Violence; Anti-Radical and Police Violence; Personal Violence (like *Hatfield vs. McCoy*, 1873-88); Assassins, Terrorism, Political Murders, Violence in the Name of the Law.

As a collection of episodes, sharply selective but broad in reach and time and vividly documentary, the volume has value. The editors are becomingly scornful of the hate-

America Americans who find our errors demoniacal and unique. But they are less satisfactory at exposition. Hofstadter himself is "driven," he says, "to the conclusion that ethnic, religious and racial mixture—above all the last of these—are the fundamental determinants of American violence." Moreover, "under normal circumstances violence has more characteristically served domineering capitalists, or trigger-happy police, peremptory sergeants or fascist hoodlums . . ." On these premises he ventures to generalize that "for the long span from about 1938 to the mid 1960's, despite the external violence of World War II and the Korean War, the internal life of the country was unusually free of violent episodes . . ."

But why, then, did violence abruptly resurface in the 1960's? Causes and occasions there certainly were—Vietnam, race discrimination—but why, say, did the dirty word *jacquerie* at Berkeley break out of the normal channels of dissent? On the whole range of campus violence, where we would expect an academic historian to probe most expertly, Hofstadter is rueful, apprehensive, but discursive and has no substantive listing in his catalogue for the violent kids. Can it be that some subtler factor has eluded his research? Is there a clue in his narrow definition of the word violence itself? "As I use the term here," he says, "acts of violence are those which kill or injure persons or do significant damage to property." There were indeed sticks and stones and worse in the later Berkeley manifestations, but dirty words came early. Is there a definition of violence which would include them, too?

As it happens, there is. One of the seminal political scientists warned some years ago that words must be used "with propriety." All senses proper to them must be acknowledged, not just their worn and overt facets, but their roots and ranging intimations. Violence, says a popular dictionary, is from *violare*, a Latin word meaning to violate, to trench or infringe on, also to break or disregard, to do violence to any-

thing that should be held sacred or respected. . . .

Echoes of this fuller and proper definition may sound retroaudibly in the memories of thoughtful readers who have lived rather more attentively through the 1938-to-mid-sixties span which to Hofstadter was all but violence-free. "We recommend the rejection of this bill as a needless, futile and utterly dangerous abandonment of constitutional principle," a Senate committee announced in June, 1937, and went on to assert that

It establishes the method by which the people may be deprived of their right to pass upon all amendments of the fundamental law. . . . It stands now before the country acknowledged by its proponents as a plan to *force* judicial interpretations of the Constitution, a proposal that *violates* every sacred tradition of American democracy. [*Italics supplied*]

As a historian, Professor Hofstadter would have recognized this passage instantly from the adverse report of the Senate Judiciary Committee which killed the famous 1937 bill to "reorganize the judicial branch of the government," meaning mostly the Supreme Court. But surely as a historian he was also obliged to consider the spectacular violence—in his own definition—against persons and property which formed the background of the court-reorganization controversy. Yet curiously enough, the great sitdown strike movement of 1937 in the Michigan automobile plants is hardly mentioned in the Hofstadter-Wallace survey, and a minor reference actually gives the wrong date for its termination.

Yet the fact is that the court-reorganizing president was almost as close to the sit-down movement as he was to the simultaneous attack upon the court. He was in steady contact with the Michigan governor who refused to enforce court orders for the evacuation of plants seized by workmen, as he was with administration managers in the congressional effort to counter the Judici-

ary Committee rebuff. After the Michigan electorate had repudiated the governor in his bid for reelection on the sitdown issue, the president named him, first to the highest law office in the executive branch as Attorney General; and then to the first vacancy on—the Supreme Court:

Had Professor Hofstadter paid closer professional attention to the events of 1937, he could hardly have missed noting how the quiet violence of the court plan assimilated to and reciprocated with the overt violence of the plant seizures; how the seizures were used by witnesses before the Senate committee to press for the plan; how the Congress which checked the court plan was itself checkmated by subsequent court nominees willing to do what the court bill had aimed at doing—to amend the Constitution in behalf of special views, not to say special interests, without consultation with the people; and how the violence-to-violence paradigm persisted through the years.

A 1942 Supreme Court case is only one example, but not unrepresentative. Members of a union, as Chief Justice Stone explained,

lay in wait for trucks passing from New Jersey to New York, forced their way onto the trucks, and by beating or threatening to beat the drivers, procured payments for themselves from the drivers or their employers of a sum of money for each truck, \$9.42 for a large truck and \$8.41 for a small one, said to be the equivalent of the union wage for one day's work. In some instances they assisted or offered to assist in unloading the truck and in others they disappeared as soon as the money was paid. . . .

This, said Stone, was in palpable violation of the Anti-Racketeering Act of 1934. No, said the Court majority, on the basis of reasoning which, if valid, Stone protested, "would render common law robbery an innocent pastime." The majority included the erstwhile but once-only Governor of Michigan and five others nominated since 1937.

The late Justice Robert H. Jackson took no part in the truckers' case, but remonstrated at frequent intervals to the end of his life against the Court's flexing, now this way, now that, in behalf, so he said, of criminals, subversives, even those who demanded not only, and justly, protection for dissent, but "from the embarrassment that always attends non-conformity. . . ."

Naturally the Court's persistence in the paradigm of 1937 begins slowly to infect susceptibles in the general society and to embolden those already alienated. Older ideas of due process, of waiting for the people to amend (if they want to), for the Congress to legislate (or not legislate), to demand executive papers within its constitutional competence to do so—all this wanes, first almost wholly in labor matters. But street confrontations and campus seizures emerge, modeling themselves, with now certain impunity on 1937. These in turn breed the riots which are at last resisted in a panicky reflex from indulgence to bloodshed. Crime rises as well, and the ideologues who blame society rather than the criminals see their judgments ratified after a fashion in the *de facto* house arrest that seals millions of Americans in and out of the cities behind their own locks, bolts, chains, grilles, shutters and bars at every nightfall.

In 1964 leaders of the presidential party actually campaigned against law and order, which for them had become merely code words for racial bigotry. In the '70's there is a sudden contagion of document thefts, with a leading presidential candidate broadcasting government secrets affecting domestic security and great newspapers publishing classified material about the national defense against foreign enemies. Here the Supreme Court, now partly remanned, is jostled into an unripe decision on insufficient study of the very grave and first impression questions raised under the First Amendment. The new Chief Justice sadly acknowledges a declining support even among the Justices for his own "naive" belief that

one of the basic and simple duties of every citizen with respect to the discovery or possession of stolen property or secret government documents . . . was to report, forthwith, to responsible public officers.

And was there, as well, a brief recurrent pang at the recent publication by one of his colleagues, held-over from the '30's, of an outright call for revolution in a popular magazine also featuring a photographed young woman performing *fellatio*? Is violence the wrong word for such a publication in such a context by a Supreme Court Justice?

It was Hofstadter himself who wrote in the volume under review that

any liberal democratic state is in danger of wearing away its legitimacy when it repeatedly uses violence at home and abroad when the necessity for that violence is wholly unpersuasive to a substantial number of its people.

He was talking of the Vietnam war, with a view not quite to condone the violence of its critics, but with manifest animus against those now in charge of our involvement—or devolvement. Yet he might have stressed more pointedly the relevance of his remarks to what has been called a new counter-government—of judges who violate the people's right to amend, bureaucrats, politicians and *ad hoc* messiahs lay and otherwise who violate files, students and teachers who violate the academic freedom of other teachers to teach and other students to learn, with their demi-clientele of classroom drop-outs ("They are our children," said a distinguished counter-government man) who violate the persons of peace officers, the decorum of courts, the safety of streets and the security of town houses, campus laboratories and the capitols of government. In a book on the history of violence in America, two scholars are clear about everything except the subtler etiology of the circumambient and ever-escalating violence that right now, in 1972, besets us.

They are clearly not in that *trahison des clercs* which still knowingly promotes what we may now call a kind of galloping anomie; but looking straight at it in one of its primary places, they do not see it. This is a serious failing.

Reviewed by C. P. IVES