

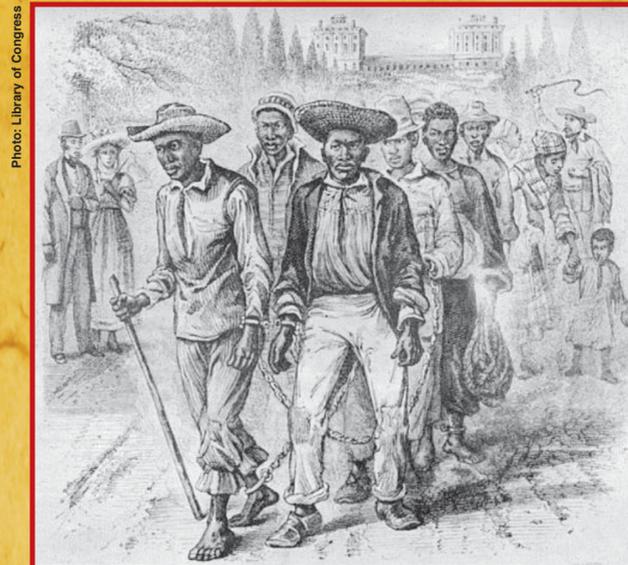
In the 200 years since the foundation of the United States, the oppression of Black people has been constant and unrelenting. There have been waves of titanic struggles waged against this oppression. And through this time, there have been major changes in U.S. society itself, and changes as well in the relation of the masses of Black people to the economic, political, and social relations in society. But in all that time, one very basic thing has NOT changed: this system has not done away with the oppression of Black people as a *people*. The segregation of the majority of Black people in decaying neighborhoods with prison-like schools that provide no economic future beyond dead-end jobs and/or the drug trade; the consequent filling up of the prisons over the past three decades with young Black men; the constant reality of police brutality, and the continual recurrence of police murder of young men and, increasingly, women, all concentrated in the communities of Black people, as well as other oppressed nationalities; the never-ending discrimination in jobs and loans and housing visited on Black people, including the Black middle-class; the demonization in the media . . . all these add up to a reality that CRIES OUT for fundamental, radical societal change.

Yet now Barack Obama, the Democratic presidential candidate and the first serious Black contender for the presidency in the history of the U.S., tells us that all this can be settled through the U.S. Constitution. In his “speech on race” last March, Obama acknowledged that slavery was America’s “original sin” (sic)*, but only to immediately say that the “answer to the slavery question was already embedded within our Constitution.” In fact, along with the near-genocide and robbery of the Native American Indians, slavery WAS one of the two towering crimes at the heart of America’s foundation. Moreover, slavery WAS at the very foundation of a great part of the tremendous wealth that America went on to accumulate. And the legacy of slavery, which has NEVER been dealt with by this society, REMAINS inextricably at the core and heart of the very essence of American life.

Ironically, but unsurprisingly, you can get a sense of this by actually examining the U.S. Constitution—and the whole history of its interpretation. The Constitution—far from a document promising liberation—has been a framework for betrayal, and the history of its interpretation documents that.

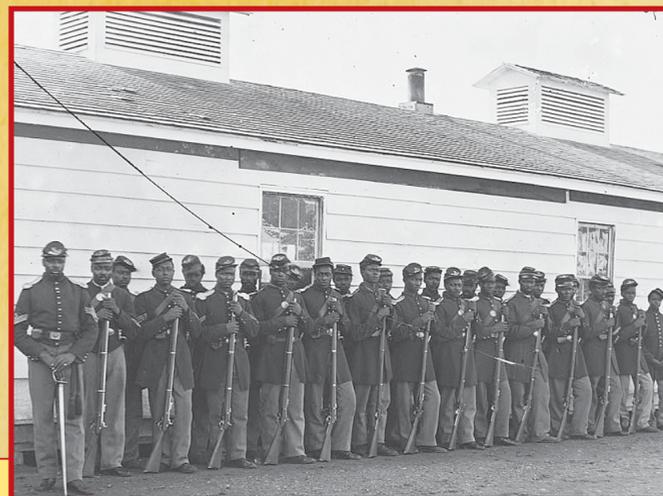
*There is no such thing as “sin,” because the concept refers to going against the ways of god, and there is in fact no god. But while there is no sin, there is morality—there is right and wrong. And the fact that slavery and genocide were upheld for decades and even centuries as moral and just says something very profound about the kind of morality embedded in the whole history and culture of the United States.

The U.S. Constitution and Black People— A Document of Betrayal, Not Liberation



Shackled slaves pass the Capitol in Washington, DC, around 1815.

1 The Constitution of the United States represented a compromise between southern slaveholders and northern capitalists. As such, it was dedicated to protecting *both* forms of exploitation. James Madison, a “founding father,” wrote that “Government is instituted no less for protection of the property, than of the persons of individuals.” In 1857, on the eve of the Civil War, in the face of an abolition movement dedicated, among other things, to protecting slaves who ran away to the North and struggles among Black people against slavery, the Supreme Court ruled that Dred Scott, a Black “run-away” slave living in the non-slave North, remained the “property” of his owner, and that, according to the U.S. Constitution, Black people were “beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations, and so far inferior that they had no rights which the white man was bound to respect.”



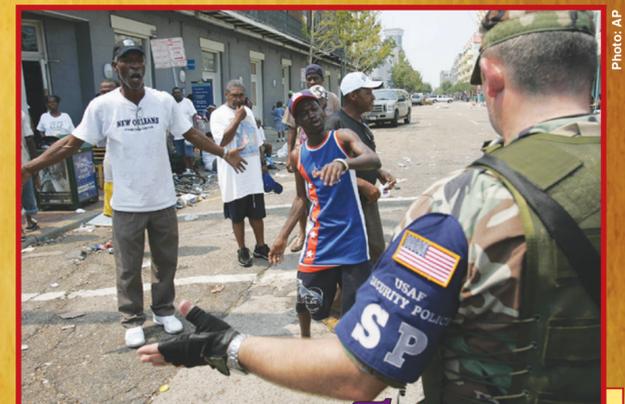
Black soldiers of the Union Army during the Civil War.

2 As capitalism continued to expand in the United States, it came into increasingly sharp conflict with slavery. This finally exploded into the U.S. Civil War, the bloodiest conflict in American history. Over 180,000 ex-slaves and free Black men fought in this war, giving their lives at twice the rate of the white Union soldiers. At the end of the war, the Constitution was amended to ban outright chattel slavery and to give Black people some political rights. In the ten years following the Civil War, the ex-slaves and their allies among whites fought to transform the South—this was the (brief) period of Reconstruction. The white ex-slaveholders answered back with terror. By the early 1870s the northern capitalists had integrated the southern U.S. back into the national economy, and the political and economic rights of the ex-slaves now came into conflict with how the capitalists perceived their interests. The Constitution was again re-interpreted, this time to legally institutionalize an oppressed position for Black people. On April 13, 1873, white supremacists massacred over a hundred African-Americans in the town of Colfax, Louisiana. In *United States v. Cruikshank*, the Supreme Court ruled that federal prosecution of the perpetrators of the massacre would violate so-called “States’ Rights,” giving a green light to the wave of racist terror sweeping the South, and effectively disenfranchising Black people for generations. In *Plessy v. Ferguson*, the Court ruled that segregation under the doctrine of “separate but [so-called] equal” was constitutional. Through this era, the U.S. Constitution sanctioned “neo-slavery” in the South—in the form of sharecropping and chain-gang labor enforced by the horrific and barbaric “southern custom” of lynching.



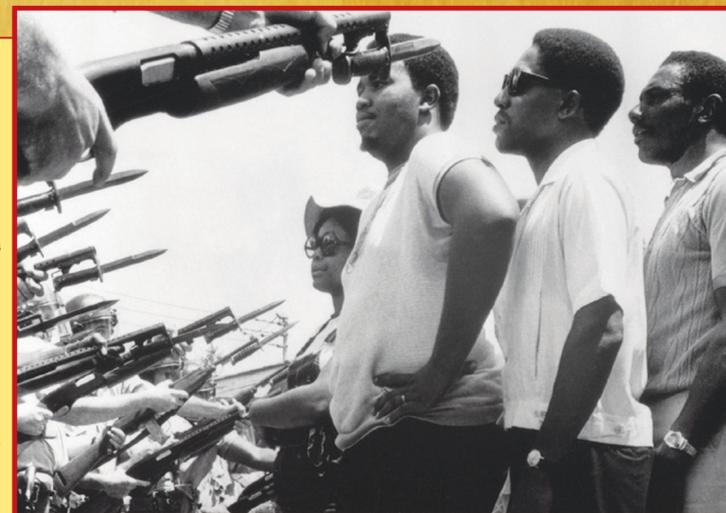
Young woman arrested for trying to sit at a whites-only lunch counter, Nashville, Tennessee, May 1964.

3 After World War 2, many global and domestic factors converged to put increasing strains on formal, legal segregation in the U.S. Internationally, the U.S. was contending with the Soviet Union (which until the mid-’50s was a socialist country but, even after capitalism was restored, traded on its legacy of support for liberation struggles) and even more so with the Chinese Revolution (which was at that time genuinely socialist) and a massive wave of national liberation struggles around the globe. Huge economic changes drove Black people from the rural South to the factories of the North. Through this whole period, the struggle of Black people against inequality had persevered in the face of government suppression and lynch-mob terror. In the face of all this, in 1954 the U.S. Supreme Court ruled in *Brown v. Board of Education* that overtly, openly segregated school districts were illegal, and that the standard of “separate but equal” was unconstitutional. Even then, the steps toward desegregation were extremely slow, if they happened at all. But Black people, especially but not only in the South, seized on this opening to take direct mass action to desegregate public facilities—these actions, and indeed even daring to go to an integrated school, were met by racist reactionary violence, usually directed by the local or state police, with the knowledge and sometimes orchestration by the FBI. Nonetheless, a massive movement was sparked, and *that* is what really began to force some changes.



Residents of New Orleans confront National Guard after Hurricane Katrina, September 2005.

The ’60s marked the transition from Civil Rights to the Black Liberation Movement. From the fiery streets to the universities to the prisons, a revolutionary wave swept society. In the face of these fierce and courageous struggles against the system, and facing a whole set of international challenges to its position as the top imperialist power in the world, the rulers of the U.S. made some concessions to the struggle for equality. These concessions included affirmative action programs that cracked open the doors of universities, graduate schools, government jobs, and other realms where Black people had been systematically excluded. But as the struggle ebbed, and the imperialists faced new conditions, these programs came under attack. In 1973, five African-American students were admitted to the University of California Medical School at Davis. In June 1978, the Supreme Court ruled that the program that allowed them into medical school violated the rights of a white student, Allan Bakke. The Bakke decision gave impetus to ongoing rollbacks of affirmative action programs that attempt to address social inequality—ruling that they violate the U.S. Constitution.



Civil rights marchers confront police, Prichard, Alabama, June 1968.

The Constitution of the United States, with its promise of “we the people” and a “more perfect union,” is proclaimed as, and far too often looked to as, a model for overcoming inequality. In reality, that Constitution was forged, and has been interpreted, to serve the needs of the capitalist system, which in the U.S. has been and is closely and inextricably linked to white supremacy. It has, at every crucial juncture, been interpreted so as to maintain and adapt that link as conditions changed. Only revolution and communism can end and overcome social inequality among peoples as part of ending all forms of oppression and exploitation, and uprooting all ideas and relations between people that reflect, serve, and reinforce exploitation and oppression.

5 In many ways, for large sections of Black people, inequality has been intensified over the last couple of decades. This, too, has been upheld as fully constitutional by the U.S. Supreme Court. On June 28, 2007, the Court struck down desegregation plans in Seattle and Louisville that used students’ race as a factor to maintain diversity in individual schools. Segregated and vastly unequal schools are, in part, a product of official government policies after World War 2 that provided home loans for whites to move to the suburbs, and placed Black people in inner-city housing projects. The Supreme Court ruling in this case sanctioned as constitutional the widespread societal segregation that continues to keep large sections of Black people in extreme and desperate conditions.