Q: And you have too, though, a counterrpoise of middle class, upper class, Negro families, 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, motivating people who are identified with the racial struggle.

END OF TAPE 1.

TAPE TWO.

Q: Let me read you a quotation, Judge Hastie, from Dr. Keneth 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 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, or 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 Ghandi's counsel of nonviolence. Indeed, the epoch of Ghandi in India, saw a tremendous amount of violence. I would suspect that many people, rather than having their personality 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 adversary despite all the admonition of the Ghandi-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 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
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, 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, there recognition of where the heavy artillery motivates
human conduct.

Q: There's one line of thought 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
plantation slowdown; the joke, the yassah-ing
somebody to death; all of these things belong to the technique of
nonviolence aggression. Now to philosophize this, if this
philosophizes three centuries of expertise in the matter.

HASTIE: Well, there's something to that. This
three centuries of expertise, has been of course,
a necessity of survival. When, 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
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 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 who of the able-bodied whites had gone away to war, those who remained were preoccupied with so many essential things directly or indirectly related to the war, society was in a stage of some disorganization. So I would suspect that the statistics would show, if they were kept, and again, they probably weren't kept, very well during that 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---by the male 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 Myrdals'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 \textit{slavery--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 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?

\textbf{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 \textit{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 regarded as a more radical view. I have 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 sector
that has been vanquished in war, to be under the domination of the victors and have the 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 and orientation, of society, even though the circumstances for that change are imposed by the will of the victor, and through an administration that is not democratic, or responsive to the will of the vanquished. So, my speculation, and of course, 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 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 than government generally in that day and time. We, history has preserved the record of many excesses that certainly were not decent, and I think, has tended to either not discover or not 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 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, for the freeing of 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 believer 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 if Booth had missed, what course would the 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 have had such a prestige, a prestige countrywide, that impeachment wouldn't have been feasible.

Q: Did you see any irony in the fact that the March on Washington, wound up at the Lincoln monument, with 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 his presidency before the Emancipation Proclamation, it does not 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 Lincoln that we have built.

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

HASTIE: That's true. My cutoff date is wrong.

Q: In other words, you take this in his symbolic role, rather 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: What about Thomas Jefferson? The same sort of thinking.

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

Q: He was a slave holder.

HASTIE: A slaveholder, who favored the progressive 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: You see, as part of ironical or satirical device, to have the great men saying bad things on the race question.

Hastie; Right

A: As a piece of dramatizing, propaganda. This, but you prefer
to leave him as a symbolic role, is that it, without presenting this
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
of the individual as a symbol of something very wholesome and worthwhile
is itself useful, and the fact that 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 any 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 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 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: 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, Max 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 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 saying we can, can we respect, do we respect a man for a decision based on personal judgment, of a higher 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 and the American Union, the cause of

Q: The trouble with death, and this union burns the constitution, and is covered with death, in league with death and in 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 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 conservative 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 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 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 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 is the explanation and in the personality of the individual.

END OF TAPE TWO.