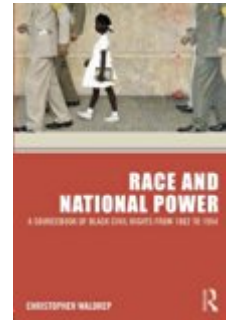


Christopher Waldrep. *Race and National Power: A Sourcebook of Black Civil Rights from 1862 to 1954.* New York: Routledge, 2011. xix + 315 pp. \$34.95, paper, ISBN 978-0-415-80281-9.



Reviewed by Paul Kens

Published on H-Law (April, 2011)

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Christopher Waldrep, the Jamie and Phyllis Pasker Professor of History at San Francisco State University, has written extensively on subjects of race, criminal justice, and the law. In *Race and National Power: A Sourcebook of Black Civil Rights from 1862 to 1954* he supplements this body of work with a collection of concise and often poignant original documents. Unlike many such collections, Waldrep's book has a definite theme. Employing documents from shortly before the Civil War to about the time of *Brown v. Board of Education*, he traces the link between the cause of civil rights and the power of the national government. The documents included, he says, "show Americans' arguments for and against an expanded national government." Furthermore, they are intended to show "the shift from majority politics as a justification for racial discrimination to politics as a tool to build a majority consensus behind rights and against racial discrimination" (p. xix).

Waldrep includes a wide array of materials including speeches, newspaper reports, reminiscences of both famous and not so famous partici-

pants in historical events, and short excerpts from government documents and law cases. The collection is organized chronologically beginning with an 1838 speech in which Abraham Lincoln sets up the underlying tension between the rule of local majorities, which in the extreme can be used as an excuse for mob violence, and the restraints imposed by American constitutional traditions. This theme of tension as it involves racial discrimination as well as violence is carried throughout the book.

The documents included in the book show changes in law and politics relating to civil rights, but they also illustrate a battle over the shaping of public opinion. Nothing brings this to light better than Waldrep's focus on the subject of social equality. In chapter 8 he provides a variety of documents in which writers discuss the meaning of the Fourteenth Amendment and debate the proposed Civil Rights Act of 1875. These accounts highlight the extent to which black leaders and supporters of civil rights hoped the federal government might use its power to enforce political

and civil rights for blacks. But they also illustrate that while black leaders yearned for full equality, most white Americans were strenuously opposed to the idea that Congress could use its powers to enforce social equality between the races.

Other chapters highlight segregation, voting rights, jury discrimination, and mob violence and lynching. Waldrep successfully uses the documents to bring out complexities and tensions surrounding each of these topics. Some of the documents are startling. For example, reacting to a lynching of a black man in 1903 President Theodore Roosevelt denounces mob violence but, refusing to recognize a racial motivation to the lynching, he assumed that “in a certain portion of these cases the man lynched has been guilty of a crime horrible beyond description” (p. 302). By contrast, in another lynching incident at about the same time Thomas Goode Jones, a federal judge sitting in Alabama, maintained that a mob was determined to “hang a negro, because he was a negro” and to prevent him from having a trial in the courts (p. 311).

Waldrep ends his collection with a letter from William Rehnquist to the Senate Judiciary Committee considering his nomination to the Supreme Court in 1971. Two decades earlier, when the Court was considering *Brown* and he was a law clerk for Justice Jackson, Rehnquist wrote a memo in which he concluded that the doctrine of separate but equal was right and that *Plessy v. Ferguson* should be affirmed. Later, in his confirmation hearings, Rehnquist disavowed the memo, explaining that it reflected Jackson’s view’s, not his own.

One might question Waldrep’s decision to end his collection at this point in time. Of course *Brown v. Board of Education* does not represent the last word on the subject of racial discrimination, and Waldrep himself recognizes that the significance of *Brown* has been hotly debated in modern times (p. 307). However, evaluating collections of this sort is not as much a matter of as-

sessing weaknesses and strengths, as it is a matter of recognizing choices. Waldrep’s choice to end with the Rehnquist letter fits well with his original goal to trace the shift from majority politics as a justification for racial discrimination to politics as a tool to build a majority consensus behind rights and against racial discrimination. Perhaps a collection of documents related to the issue of equality and discrimination in the roughly fifty years between *Brown* in 1954 to affirmative action cases *Gratz v. Bollinger* and *Grutter v. Bollinger* in 2003 will be the subject of another collection.[1]

There is plenty of interesting material in *Race and National Power*. It holds together better than most collections of documents, but like others of this genre it is most useful as a resource. As such it should be in the collection of every university library. It is also a valuable tool for scholars and teachers to have on hand. Even more it would be a wonderful supplement for both undergraduate and graduate courses in history and political science.

Interestingly, this collection may be most timely because of its emphasis on debates about national power. As the election of 2010 demonstrated, those debates have not ended. There is a new mood of opposition to federal authority among the American electorate. That, in turn, has increased interest in teaching courses on federalism. Many of today’s advocates of states’ rights blame excesses of federal power on Franklin Delano Roosevelt and the New Deal. Waldrep’s collection reminds us that the issue is more complex.

Note

[1]. *Gratz v. Bollinger*, 539 U.S. 123 (2003); *Grutter v. Bollinger*, 539 U.S. 306 (2003).

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Citation: Paul Kens. Review of Waldrep, Christopher. *Race and National Power: A Sourcebook of Black Civil Rights from 1862 to 1954*. H-Law, H-Net Reviews. April, 2011.

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