

# MAIL FRAUD CHARGES AGAINST MARCUS GARVEY

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON CRIMINAL JUSTICE  
OF THE  
COMMITTEE ON THE JUDICIARY  
HOUSE OF REPRESENTATIVES  
ONE HUNDREDTH CONGRESS  
FIRST SESSION

ON

EXPRESSING THE SENSE OF THE CONGRESS THAT MAIL FRAUD CHARGES BROUGHT AGAINST MARCUS GARVEY BY THE FEDERAL GOVERNMENT WERE NOT SUBSTANTIATED AND THAT HIS CONVICTION ON THOSE CHARGES WAS UNJUST AND UNWARRANTED

JULY 28, 1987

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# MAIL FRAUD CHARGES AGAINST MARCUS GARVEY

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TUESDAY, JULY 28, 1987

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON CRIMINAL JUSTICE,  
COMMITTEE ON THE JUDICIARY,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2:15 p.m., in room 2237, Rayburn House Office Building, Hon. John Conyers, Jr. (chairman of the subcommittee) presiding.

Present: Representatives Conyers, Edwards, and Gekas.

Staff present: Cedric Hendricks, assistant counsel; Raymond V. Smietanka, associate counsel; Bennie Williams and Rosalind Jackson, clerks.

Mr. CONYERS. Would everyone take seats in the hearing room so we can begin this hearing of the Subcommittee on Criminal Justice. Welcome, everyone here today. The subcommittee will come to order. We are pleased to be joined here by the ranking member from Pennsylvania, Mr. Gekas. This hearing is on House Concurrent Resolution 84, submitted by the Honorable Charles Rangel, to the Committee on the Judiciary, expressing the "sense of the Congress" that the mail fraud charges brought against Marcus Garvey by the Federal Government were not substantiated and that his conviction on those charges was unjust and unwarranted.

We come here today to examine a very important part of American and Afro-American history. Marcus Garvey was widely recognized as the founder of the largest African-American organization of this century, the Universal Negro Improvement Association. Garvey espoused the cause of economic independence for black Americans through entrepreneurship, establishing such enterprises as the Black Star Line, the Negro Factories Corporation, and the Black Cross Navigation and Trading Country.

Marcus Garvey was a Jamaican national who came to the United States in 1916 to meet with other Jamaicans living in this country, and with Booker T. Washington of the Tuskegee Institute, in an effort to secure support for an industrial and agricultural training institute in Jamaica. Dr. Washington, unfortunately, passed on before Garvey could see him, but Garvey continued with his mission, embarking on an extensive 38-state tour, during which he spoke to a wide spectrum of church and community groups. He traveled around the country during the time when the United States was mobilizing for World War I.

Racial relations were at an all-time low. Riots were occurring in East St. Louis and Houston. Racial awareness and racial pride was being promoted by new leaders within the black community. You may recall, historically, that the NAACP had just been created in 1909. Efforts were made to suppress this movement, which led to violent clashes in Washington, DC. and in Chicago during the year 1919. The Federal Government responded to this situation and instituted a massive surveillance campaign, targeted at the leadership of UNIA.

Marcus Garvey came from the great oratorical tradition, starting as a street corner orator in Harlem in 1916, becoming the leader, eventually, of a mass movement with millions of followers throughout the United States, Africa, the Caribbean and Central America. He was very, very widely traveled. He fell under the scrutiny, of course, of the new director of the Intelligence Division at the Department of Justice, J. Edgar Hoover. Hoover's agents regularly monitored Garvey's appearances and had informants planted in his organization.

There were attempts to deport Garvey as an undesirable alien, but there apparently was no real evidence to support that. A Federal grand jury in New York subsequently indicted Garvey in 1922 for conspiracy to use the mails in furtherance of a scheme to defraud. He was charged along with three of his business associates, none of whom, incidentally, were convicted. Each of these individuals were officers of the Black Star Line. It is important to note that the shipping business went through a slump immediately after World War I. This factor, coupled with inadequate business practices, combined to make Black Star Line a very unprofitable venture for the UNIA. The defendants were charged with sending promotion circulars through the mail with intent to defraud their recipients by selling stock in what had become a worthless corporation.

The trial went on for a month and during the course of it, Marcus Garvey discharged his attorney and proceeded to plead his own case. He was found guilty of a single count of mail fraud, and for that he was sentenced to a 5-year prison term, and ordered to pay a \$1,000 fine, plus court costs.

The Government had introduced into evidence at the trial an empty envelope addressed to a Mr. Dancy, claiming that a letter promoting the purchase of stock in that company had been mailed inside of it. Dancy testified at the trial that he had supplied the envelope to Government agents but he could not remember the specific contents. He indicated that he had often received mail from the UNIA, Black Star Line, and others.

Garvey served time in Federal prison in Atlanta. His sentence was commuted by the President of the United States. He was released in 1927 and was deported to Jamaica and, notwithstanding appeals, he was never allowed to return to the United States.

I must say to my colleague, the distinguished gentleman from the 16th Congressional District of New York, that this is a Resolution that I wished that I had thought of before him. This is a matter of extreme importance and seriousness to black America. The rise and fall of Marcus Garvey occupies an exceedingly impor-

tant part of our history and this Resolution represents a very appropriate way to clarify the record of it.

Charles Rangel, of course, besides being a colleague, is a former Chairman of the Congressional Black Caucus; a ranking member of the Ways and Means Committee, I think probably the second or third member of that committee; has distinguished himself in civil rights; is himself a former U.S. Attorney, as well as private practitioner; and has done work, that has to be mentioned here, in promoting world trade. He has worked hard and long to create, in New York, a place where trade and export from Africa and the Third World and other countries can be expedited and increased. It is with great pleasure that I recognize my colleague at this point for any remarks that he chooses to make.

**TESTIMONY OF THE HONORABLE CHARLES B. RANGEL, MEMBER, UNITED STATES HOUSE OF REPRESENTATIVES, AND AUTHOR OF H. CON. RES. 84; HIS EXCELLENCY KEITH JOHNSON, AMBASSADOR, EMBASSY OF JAMAICA, WASHINGTON, DC; AND DR. JULIUS GARVEY AND MARCUS GARVEY, JR., SONS OF THE LATE MARCUS GARVEY, SR.**

Mr. RANGEL. Mr. Chairman, thank you. I ask permission of the subcommittee to have my prepared statement entered into the record at this time.

Mr. CONYERS. Without exception, it is so ordered.

Mr. RANGEL. I also would like to put into the record a statement that has been prepared by former Ambassador Rattray of Jamaica, who represents the People's National Party, which is the opposition party. Ambassador Rattray has taken time to come here to make it abundantly clear to this subcommittee and to America, that there is no partisanship in terms of the support of the Jamaican people for my resolution.

Mr. CONYERS. The subcommittee would be pleased to receive that document as well.

Mr. RANGEL. Mr. Chairman, let me thank you for outlining why we are here today and for expediting the Resolution before this subcommittee, and to Mr. Gekas for taking time out of his schedule to make certain that we have a subcommittee representative here to hear this important matter. I can tell you, that as a member of Congress and a member of the Ways and Means Committee, as a former member of the Impeachment Committee serving with Mr. Conyers, that I have had many proud moments as a member of Congress, those 17 years. But I can think of none that makes me more proud than this moment. For that reason, Mr. Gekas, I ask to allow my prepared statement to go into the record to share with you some of the more emotional feelings that I have about this Resolution and feelings that I know that every American, no matter what country of origin, will fully appreciate.

In the days during slavery, and after slavery, it was abundantly clear that one of the most important elements for slave owners in a country that condoned slavery, was to control not only the bodies of the slaves, but the minds of the slaves. I would believe that no matter what pain and torture and scars that black Americans, African-Americans have today, the one that hurts the most is the

scar of allowing black people to truly believe that they were inferior to white Americans in this country. Even today, in certain areas, we have to work hard to remove that stigma.

During these troubling days, black Americans were trying to assimilate. Many thought that the way to be a good American, tragically, was to be a white American. So many would try to change the complexion of their skins with ointments, to straighten their hair, and to marry in such a way as that they were trying to look more like that figure white Americans said Americans should look like. And along came a man named Marcus Garvey. He looked black and he looked beautiful, he looked like every treasure from Africa would look. Marcus Garvey brought to this country those standards which black Americans and slave Americans should have had, but were losing, pride.

It was incredible, Mr. Gekas and Mr. Edwards, how thirsty and hungry black Americans were to show their patriotism for this great country, but in order to do so they had to refine those values that made them feel like they were somebody. It tore apart the black community. Those who thought they were somebody greater, because they were accepted by whites and not making any problems, versus those who thought in terms of what we are trying to do today. Those African-Americans like Marcus Garvey, who taught that a good American was one that respects himself, has pride in himself, his family and his background, but more importantly, is not dependent on someone else for that pride and for survival.

Marcus Garvey was able to come to my Harlem and to instill a sense of racial pride and to incorporate people who were poor, to give parts of their money to start a shipping line, and to get into business. As that movement grew, he went to Chicago, he went to St. Louis, he went around the country and it was spreading. It just defies belief to see the depth of hatred that he generated in the white community as this new type of leadership was emerging among what had been considered slave people. The only way you could possibly feel the depth of the anger and the hatred that was generated by Marcus Garvey, is to take a page from the hatred that was generated against the late prince of peace, Dr. Martin Luther King.

How easily we forget how the FBI became, not a defender of Dr. King's constitutional rights, but infiltrated the civil rights movement to such an extent, that the infiltrators became the perpetrators and those that committed the crime, even though they were the FBI. And it was the very same FBI that had to find some way to stop Marcus Garvey's movement, because they thought that it was making just too much trouble for people to re-identify with their racial pride. I tell you that he has become a legend in our community.

We are blessed that Marcus Garvey's two sons who have never given up the fight for exoneration. A fight that no matter what profession these young men entered, they still would go around the country to accept the love and affection that is generated by their father's memory. But more importantly, we find a country of origin, which is so unusual, and if you look around this hearing room, we are just making history today, in which we are privileged



to be participants. You will see representatives not only from Jamaica, the birth place of Marcus Garvey, but the Ambassador from Barbados and other Caribbean countries, pleading with this Congress to restore dignity to a man who thought enough about his people to take the rocks and to take the sticks, in order to allow a people to truly feel independent.

You will hear from historians. You will hear from community people, but I just would want to thank you, Mr. Chairman, and the members of this committee to say, that on this historic occasion, we are going to feel so proud of ourselves as Americans. Today we have an opportunity to make right a wrong that was committed during a time when white people in this country really did not know how to say that they could respect someone even though they disagreed with the method they were using. It is ironic that the method that was being used was not civil disobedience or violence, but economic development, something that we are trying to do today.

And so, we have this opportunity and do not say that you wish you had done it first because there is not a kid on Lennox Avenue or in any inner-city around this country, that cannot say that this is not their Resolution. Certainly Mr. Conyers, as one of the most outstanding members of Congress and the Chairman of this Judiciary subcommittee, I can tell you that the pride of authorship belongs to all of us as Americans and we can share in the fact that we have exonerated a wrong and I thank you for this opportunity, Mr. Chairman.

[The statement of Honorable Charles B. Rangel follows:]

Statement of Congressman Charles B. Rangel  
Subcommittee on Criminal Justice  
Chairman John Conyers, (D-Mich)  
Hearings to Examine the Mail Fraud Conviction of Marcus Garvey  
July 28, 1987

Mr. Chairman,

Thank you. Thank you for allowing me the opportunity to bring before the Subcommittee on Criminal Justice my legislation denouncing the conviction of the Honorable Marcus Hosiash Garvey as unjust and unwarranted. One of America's greatest unsung heroes, I submit that Marcus Garvey was the victim of wrongful political persecution at the hands of J. Edgar Hoover. And, it is my hope that the members of this subcommittee, after hearing my testimony and the testimony of the scheduled witnesses, will recognize that the case against Mr. Garvey was based on unsubstantiated evidence.

Mr. Chairman, in introducing this legislation I sought to first bring this unfortunate political prosecution to the attention of the Congress and the Administration. Secondly, I want to move to correct this awful injustice by having Congress, the representatives of the American people, declare that Marcus Garvey was and is innocent of the charges for which he was convicted.

This goal is an important one because of the significance of Marcus Garvey's teachings. Born in 1887, Garvey grew up as a black colonial during the Edwardian era. Garvey's memory has attained the status of folk myth, he is a legend in communities where his memory is used to inspire new generations. Garveyism is an ideological movement which began in black Harlem in the

spring of 1918, and then burgeoned throughout the black world.

### MARCUS GARVEY

Marcus Mosiah Garvey was born of humble circumstances in St. Ann's Bay, Jamaica. A self-educated man, Garvey first read Booker T. Washington's classic autobiography, "Up From Slavery", during his travels to England. This work inspired him to take up the challenge of carrying forward Washington's goal of racial improvement, and it was with this idea that he returned in 1914 to Jamaica after travelling through Central America.

In the spring of 1916 Marcus Garvey travelled to America to visit Tuskegee Institute. He came to solicit the support of the founder of Tuskegee Institute and from Jamaicans living in this country for an industrial and agricultural training institute in Jamaica along lines similar to Tuskegee. Garvey never met with Booker T. Washington. Mr. Washington died before Garvey could arrive in the United States. Garvey remained in America to pursue his original goal and within the space of less than two years found himself the leader of the United Negro Improvement Association.

### THE MOVEMENT

To this day there has not been a leader in America's Black community who has focused on the need to develop and influence the inclusion of African Americans into the economic spectrum of American life. And, as we all know, economic independence is one of the rungs to the ladder of success in this country. This was the crux of the Garvey teachings.

Among Mr. Garvey's most notable achievements were his

proposals to foster economic development and self-sufficiency in the Black community. Mr. Garvey envisioned the development of a cargo and passenger shipping line that would be the key to the economic development of the Black community. It was his efforts to solicit funds for this business venture that brought him notoriety as a revered leader of people.

Mr. Garvey, through his leadership in the Universal Negro Improvement Association, instilled in many African-Americans a deep sense of pride and self-esteem. In his words, "True freedom lies in closer cooperation and reliance with one another. No nation (or race) can be free unless it controls its own economy." In his wisdom, Mr. Garvey proposed to the African-American community that in order to be true players in the American ball park, one must adopt the principles of his economic teammates.

The Garvey movement grew in an environment ripe for change for Black Americans. In this same period America saw masses of southern Blacks make the great trek to the northern cities of New York, Chicago and St. Louis. It was the period of the Harlem Renaissance where Black writers, musicians and artist found support for their artistic genius. It was the time of the "New Negro." In response to the heartbeat of the African American community, Marcus Garvey awakened a race consciousness that made Harlem felt around the world.

#### THE PERSECUTION

Unfortunately, Mr. Garvey's teachings were also the subject of intense criticism. He became the focus of attacks by an eager young attorney at the the Justice Department, J. Edgar Hoover.

Mr. Hoover, in his role as director of investigations on "Negro Activities", became obsessed with extinguishing the flames of the man who had become known as the "Negro Moses".

For more than four years, the Bureau of Investigations scrutinized Garvey's activities -- intercepting mail, tracing his movement and infiltrating his organization with paid informants. Even with this intense investigative campaign against Marcus Garvey, the bureau had still not ascertained anything definite enough to take action. Nonetheless, Mr. Garvey continued to be victimized by a system threatened by his ability to mobilize the consciousness of the oppressed.

There is clear evidence to show that the charges for which Marcus Garvey was convicted were not substantiated and were unjust. Under the leadership of Hoover, the government infiltrated the United Negro Improvement Association with paid spies. These individuals recorded financial information in minute detail. Government intelligence agents laid in wait for any possible wrong. When nothing happened, the government made broad assumptions that had no factual basis to accuse Marcus Garvey of mail fraud. The fact of the matter is that Marcus Garvey was soliciting support for the Black Star Line, a cargo and passenger shipping line which was designed as the basis of African-American economic independence.

While there is no substantial support for the government's conviction of Marcus Garvey, there is substantial information showing the obsession of J. Edgar Hoover in "getting rid of a Negro agitator." My bill, H. Con. Res. 84 expresses disapproval of this injustice and offers long overdue relief to a man whose only

crime was having great courage and vision.

Like Dr. Martin Luther King, Jr., another leader in a later era in the Black community, Marcus Garvey suffered relentless scrutiny and harassment from the Justice Department and the FBI. There are questions in my mind, and in the minds of many, regarding the legitimacy of the charges brought against Mr. Garvey. There are questions concerning the fairness of his trial, and the refusal of the government to review his request for reentry into the country even though his sentence had been commuted by President Coolidge.

#### CONCLUSION

Mr. Garvey, a native son of Jamaica, came to America to share his philosophy with the African American people. His teachings began in his own country and produced the same type of spirit and enthusiasm there as he did in America. When he was deported from this country, he settled back in his homeland, maintaining his efforts in service to his race. The Jamaican government and its people hold Mr. Garvey as we hold some of our greatest sons. He is respected as a national hero, as we respect Abraham Lincoln; he is cherished as we cherished John F. Kennedy and his spirit is immortalized as is the spirit of Dr. Martin Luther King, Jr.

Mr. Chairman, and honored members of the subcommittee, we can, on the centennial of his birth, eliminate the discredit to Marcus Garvey's memory by expressing our opposition to the wrongful conviction of Marcus Garvey. In doing so, we will step forward, making a strong statement in support of economic

independence for all people, the principle which was the ultimate goal of Garvey's philosophy.

Today, in this country, the progressive thought is that African-Americans must work to save their community from economic destruction. He could see the need for greater cooperation among all African people for the salvation of our history, our culture and our heritage.

In these times of major budget deficits, welfare reform and trade deficits, the instructions of Mr. Garvey provide a positive focus for all Americans. He placed the greatest emphasis on pride, and always stressed the need for economic independence and self-help for all people. I hope that you will take a moment to consider the importance of the statement expressed in Mr. Garvey's teachings, as well as the historic injustice of his conviction. I hope you will listen <sup>to</sup> ~~to~~ the individuals who have come here to provide you with the substance of my argument.

In closing, I would like to add that Marcus Mosiah Garvey is the link from past revealing to us the platform for the future. However, acceptance of his ideals will only come after justice has been done! This hearing is an historic first step, which places before the American people recorded opposition to the injustice suffered by this most revered world leader.



Mr. CONYERS. Thank you, Congressman Rangel. I would like to recognize the gentleman from Pennsylvania, who is the ranking minority member. He is of Greek-American ancestry and it is not too infrequently that we observe March 25th, the Greek National Day, as you did I remember, and we are delighted to recognize Mr. Gekas at this point.

Mr. GEKAS. I thank the Chair. I welcome our colleague, the gentleman from New York, as well as the Ambassador and his colleagues and all those who will be participating in this hearing. The eloquent foundation, which our colleague from New York has laid for the hearing is, no doubt, going to be justified by the quality of testimony that we are going to be receiving.

At the core of the hearing and of the process in which we will be engaged will be the question of the quantum and quality of the original evidence that was forwarded at the trial of the subject matter here, as well as, and I wanted the witnesses to be aware of what we are going to be looking at, as well as the eventual commutation and the briefs and evidence and other matters that substantiated the granting of the commutation. So with that, I am eager to proceed with listening to what is going to be presented and to again, welcome everyone who is going to participate.

Mr. CONYERS. Thank you, Mr. Gekas. I would like to recognize now the gentleman from California, who has worked on constitutional and civil rights questions for a considerable period of time, the third ranking member of the Judiciary Committee, Mr. Edwards.

Mr. EDWARDS. Thank you, Mr. Chairman. I too, welcome everybody who has come today and we are all indebted, as we always are, to the gentleman from New York, Congressman Charles Rangel. He is an inspiration to us day in and day out. He calls us to account on matters of conscience and morality and decency and this is just another example of the kind of leadership that Mr. Rangel offers. Mr. Rangel, you have brought this issue to the right subcommittee, chaired by John Conyers, who is my leader in these areas and who understands what this issue is all about. This is very important and we are grateful, I think it is very nice, in our 200th year, that we are doing this. So, thank you again and I feel privileged to be here.

Mr. CONYERS. Thank you very much, Mr. Edwards. We should have the record reflect that Congressman Edolphus Towns and Congressman Reverend Floyd Flake were also present in the hearing room and we appreciated them coming by. We would like now to turn to the Ambassador from Jamaica, His Excellency Keith Johnson, a dear friend of ours, and ask him to make, in his own way, any remarks that he would like to begin this hearing. Welcome.

Ambassador JOHNSON. Thank you so much, Mr. Chairman. Mr. Chairman, honorable members of the subcommittee on Criminal Justice, it is a singular honor for me to appear before you today. My name is Keith Johnson and I am privileged to represent my country, Jamaica, as Ambassador to the United States of America.

How well I recall, as a boy, seeing the Right Excellent Marcus Mosiah Garvey. How well I recall that we had governors of Jamaica, in colonial times, who were always bedecked in white tunic,

white helmet, white plumes. How well I recall how impressed I was, indeed, how inspired I was to see Marcus Mosiah Garvey, black tunic, black helmet, black plumes. How well I recall listening to him as a great orator, as he was, when my mother took me to a place in Jamaica called Edelweiss Park. It was something that has lived with me and, indeed, whatever I am, I owe in part to Marcus Garvey.

On behalf of the Government and people of Jamaica, I wish first of all, to place on record our gratitude to Congressman Charles Rangel of New York for his indefatigable efforts in bringing before the American people, through their elected representatives in this honorable House, the views shared by us that "the charges brought against Marcus Garvey by the Federal Government were not substantiated and that his conviction on those charges was unjust and unwarranted."

Mr. Chairman, my purpose today is not to make a case for Garvey's innocence. In this respect, I defer to other witnesses who will later testify. They are academicians and legal experts who have pored over the trial notes, the intelligence reports of the Bureau of Investigation, as well as Justice Department documents and are therefore, more qualified than I am, to shed light on the peculiar circumstances of Garvey's conviction and imprisonment. Rather, I appear before you today to convey the fervent desire of the Government and people of Jamaica, that the good name of our First National Hero, the Right Excellent Marcus Mosiah Garvey, be cleared by the Congress. I shall also attempt to explain what Garvey and his philosophy mean to Jamaica and, indeed, to black people everywhere.

Garvey's sojourn in the United States covered the years 1916 to 1927, a period which marked the high point of his career as an international leader. The organization which he founded, the United Negro Improvement Association and African Communities League was, by 1921, unquestionably the largest black organization in history, with a membership running into millions and spanning three continents. Never before nor since then, has there been a mass movement commanding such wide geographic support. UNIA branches existed in all the Caribbean countries, the States of the United States, in Panama, Costa Rica, Ecuador, and Venezuela, in England, Wales, and in African countries such as Ghana, Liberia, Nigeria, and Sierra Leone.

Garvey's philosophy and work engendered much controversy as he pitted himself against the conventional attitudes that relegated people of African origin to an inferior status. He dedicated his life to reversing this negative perception. He had to fight not just the white establishment and vested interests, but privileged blacks and some black intellectuals who, subscribing to the integrationist approach, regarded his formula for solving this problem as an anathema.

Garvey preached black pride, black self-reliance, and the confraternity of African peoples. He exhorted them with the inspiring words, "Up you mighty race, you can accomplish what you will." In explaining the aims of the Universal Negro Improvement Association, Garvey stated: "We are organized for the absolute purpose of bettering our condition industrially, commercially, socially, reli-

giously, and politically. We are organized not to hate other men, but to lift ourselves and to demand respect for all humanity."

Marcus Garvey believed that the black man could achieve anything, if only he believed in himself. But he would have to break the shackles of 400 years of oppression, denigration and crippling prejudice, which had created a state of "mental slavery." Garvey, therefore, sought to demonstrate, through tangible commercial projects, that black people could take charge of their own destiny. He also felt that as long as Africa was not free, black people would never gain full respect before the world. African redemption was, thus, a central part of Garvey's philosophy.

Mr. Chairman, it is worth noting that as an activist and mass leader, Garvey was perhaps unique in his scrupulous respect for the laws of the land. Wherever he went, he took great care to caution his followers to "give unto Caesar the things that are Caesar's." In his own words, and I quote, "I was not disloyal to anything American, to anything British, or to any constituted government in the world. All I was interested in was the liberation of the people who looked like me. . . The world has made being black a crime

. . . and instead of making it a crime, I hope to make it a virtue. That was all I had in mind when I travelled from one part of America to the next."

Like all great leaders who attempt to change the social order for the betterment of their people, Garvey was subjected to persecution, chicanery, sabotage, misrepresentation, and ridicule. He suffered imprisonment, escaped an assassination attempt and faced repeated betrayals by people he trusted. Yet, his determination never wavered. This unrelenting pursuit of his mission is, in itself, an inspiration.

Marcus Garvey had a tremendous impact not only on the civil rights movement in the United States and on socio-political advancement in the Caribbean, but also on nationalist struggles in Africa. Leaders such as Jomo Kenyatta of Kenya and Kwame Nkrumah of Ghana acknowledged their debt to him for the inspiration of his lectures and writings. Garvey also helped to organize liberation movements in other parts of Africa and the African National Congress is still today, in the forefront of the struggle for human dignity and justice.

As I intimated earlier, it was chiefly in the United States that Garvey was able to put in practice, the tenets of his philosophy and experience the gratification of the spontaneous response by black people to his exhortations. His arrival on the United States scene in 1916 was propitious. He drew on and advanced the work of distinguished black leaders before him. As such, he was merely a link, albeit a very important one, in the continuous chain of black activism, reaching through time to another great leader, Dr. Martin Luther King, Jr.

Mr. Chairman and members of this honorable committee, we in Jamaica honor and treasure the memory of Marcus Garvey. Black peoples throughout the world are indebted to him and thank God for his life and his talents. As we, in this year, celebrate the centennial of his birth, it would be a most fitting tribute if, by exoneration, the Congress would signify its recognition of his invaluable

contribution to the universal advancement of human dignity. It is now 60 years since his five-year sentence was commuted by President Coolidge. With hindsight and clearer vision of the ensuing years, a fresh look at the circumstances of Garvey's prosecution is warranted.

Mr. Chairman and honorable members of this committee, House Concurrent Resolution No. 84, as introduced by Congressman Charles Rangel, is in harmony with the representations made by my Prime Minister, the Right Honorable Edward Seaga to the President of the United States of America, Mr. Ronald Reagan.

It is our view that history has vindicated the words and actions of Marcus Mosiah Garvey; in consequence of this, he stands not only as Jamaica's First National Hero, but his bust now stands in the Hall of Heroes at the Organization of American States here in Washington. His positive contributions are now recognized throughout Africa and other parts of the world. The acceptance of this Resolution by the Congress of the United States of America, would assist greatly in convincing the supporters and admirers of Marcus Garvey throughout the world, that the Constitution of the United States, whose 200th anniversary is being celebrated, does indeed guarantee justice, even if delayed, for all, irrespective of race or religious belief. I thank you, Mr. Chairman.

[The statement of Ambassador Keith Johnson follows:]

TESTIMONY OF AMBASSADOR KEITH JOHNSON AT  
HEARINGS OF THE SUBCOMMITTEE ON CRIMINAL  
JUSTICE OF THE HOUSE JUDICIARY COMMITTEE  
JULY 28, 1967

MR. CHAIRMAN, HONOURABLE MEMBERS OF THE SUBCOMMITTEE ON CRIMINAL JUSTICE, IT IS A SINGULAR HONOUR FOR ME TO APPEAR BEFORE YOU TODAY. MY NAME IS KEITH JOHNSON AND I AM PRIVILEGED TO REPRESENT MY COUNTRY, JAMAICA, AS AMBASSADOR TO THE UNITED STATES OF AMERICA.

ON BEHALF OF THE GOVERNMENT AND PEOPLE OF JAMAICA, I WISH FIRST OF ALL, TO PLACE ON RECORD OUR GRATITUDE TO CONGRESSMAN CHARLES RANGEL OF NEW YORK FOR HIS INDEFATIGABLE EFFORTS IN BRINGING BEFORE THE AMERICAN PEOPLE, THROUGH THEIR ELECTED REPRESENTATIVES IN THIS HONOURABLE HOUSE, THE VIEWS SHARED BY US THAT "THE CHARGES BROUGHT AGAINST MARCUS GARVEY BY THE FEDERAL GOVERNMENT WERE NOT SUBSTANTIATED AND THAT HIS CONVICTION ON THOSE CHARGES WAS UNJUST AND UNWARRANTED."

MR. CHAIRMAN, MY PURPOSE IS NOT TO MAKE A CASE FOR GARVEY'S INNOCENCE. IN THIS RESPECT I DEFER TO OTHER WITNESSES WHO WILL LATER TESTIFY TO DO SO. THEY ARE ACADEMICIANS AND LEGAL EXPERTS WHO HAVE PORED OVER THE TRIAL NOTES, THE INTELLIGENCE REPORTS OF THE BUREAU OF INVESTIGATION AS WELL AS JUSTICE DEPARTMENT DOCUMENTS AND ARE THEREFORE MORE QUALIFIED THAN I AM TO SHED LIGHT ON THE PECULIAR CIRCUMSTANCES OF GARVEY'S CONVICTION AND IMPRISONMENT. RATHER, I APPEAR BEFORE YOU TODAY TO CONVEY THE FERVENT DESIRE OF THE GOVERNMENT AND PEOPLE OF JAMAICA TO CLEAR THE GOOD NAME OF OUR FIRST NATIONAL HERO, THE RIGHT EXCELLENT MARCUS MOSIAH GARVEY. I SHALL ALSO ATTEMPT TO EXPLAIN WHAT GARVEY AND HIS PHILOSOPHY MEAN TO JAMAICA AND INDEED TO BLACK PEOPLE EVERYWHERE.

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GARVEY'S SOJOURN IN THE UNITED STATES COVERED THE YEARS 1916 TO 1927, A PERIOD WHICH MARKED THE HIGH-POINT OF HIS CAREER AS AN INTERNATIONAL LEADER. THE ORGANIZATION WHICH HE FOUNDED, THE UNITED NEGRO IMPROVEMENT ASSOCIATION AND AFRICAN COMMUNITIES LEAGUE WAS BY 1921 UNQUESTIONABLY THE LARGEST BLACK ORGANIZATION IN HISTORY WITH A MEMBERSHIP RUNNING INTO MILLIONS AND SPANNING THREE CONTINENTS. NEVER BEFORE, NOR SINCE THEN HAS THERE BEEN A MASS MOVEMENT COMMANDING SUCH WIDE GEOGRAPHIC SUPPORT. UNIA BRANCHES EXISTED IN ALL THE CARIBBEAN COUNTRIES, ALL THE STATES OF THE UNITED STATES, IN PANAMA, COSTA RICA, ECUADOR AND VENEZUELA, IN ENGLAND, WALES, AND IN AFRICAN COUNTRIES SUCH AS GHANA, LIBERIA, NIGERIA, SIERRA LEONE AND SOUTH AFRICA.

GARVEY'S PHILOSOPHY AND WORK ENGENERED MUCH CONTROVERSY AS HE PITTED HIMSELF AGAINST THE CONVENTIONAL ATTITUDES THAT RELEGATED PEOPLE OF AFRICAN ORIGIN TO AN INFERIOR STATUS. HE DEDICATED HIS LIFE TO REVERSING THIS NEGATIVE PERCEPTION. HE HAD TO FIGHT NOT JUST THE WHITE ESTABLISHMENT AND VESTED INTERESTS, BUT PRIVILEGED BLACKS AND SOME BLACK INTELLECTUALS WHO, SUBSCRIBING TO THE INTEGRATIONIST APPROACH - REGARDED HIS FORMULA FOR SOLVING THIS PROBLEM AS ANATHEMA.

GARVEY PREACHED BLACK PRIDE, BLACK SELF-RELIANCE AND THE CONFRATERNITY OF AFRICAN PEOPLES. HE EXHORTED THEM WITH THE RINGING WORDS, "UP YOU MIGHTY RACE, YOU CAN ACCOMPLISH WHAT YOU WILL." IN EXPLAINING THE AIMS OF THE UNIVERSAL NEGRO IMPROVEMENT ASSOCIATION, GARVEY STATED: "WE ARE ORGANIZED FOR THE ABSOLUTE PURPOSE OF BETTERING OUR CONDITION INDUSTRIALLY, COMMERCIALY, SOCIALLY, RELIGIOUSLY AND POLITICALLY. WE ARE ORGANIZED NOT TO HATE OTHER MEN, BUT TO LIFT OURSELVES, AND TO DEMAND RESPECT TO ALL HUMANITY."

-3-

MARCUS GARVEY BELIEVED THAT THE BLACK MAN COULD ACHIEVE ANYTHING IF ONLY HE BELIEVED IN HIMSELF, BUT HE WOULD HAVE TO BREAK THE SHACKLES OF 400 YEARS OF OPPRESSION, DENIGRATION, AND CRIPPLING PREJUDICE WHICH HAD CREATED A STATE OF "MENTAL SLAVERY". GARVEY THEREFORE SOUGHT TO DEMONSTRATE THROUGH TANGIBLE COMMERCIAL PROJECTS THAT BLACK PEOPLE COULD TAKE CHARGE OF THEIR OWN DESTINY. HE ALSO FELT THAT AS LONG AS AFRICA WAS NOT FREE, BLACK PEOPLE WOULD NEVER GAIN FULL RESPECT BEFORE THE WORLD. AFRICAN REDEMPTION WAS THUS A CENTRAL PART OF GARVEY'S PHILOSOPHY.

MR. CHAIRMAN, IT IS WORTH NOTING THAT AS AN ACTIVIST AND MASS LEADER, GARVEY WAS PERHAPS UNIQUE IN HIS SCRUPULOUS RESPECT FOR THE LAWS OF THE LAND. WHEREVER HE WENT, HE TOOK GREAT CARE TO CAUTION HIS FOLLOWERS TO "GIVE UNTO CAESAR THE THINGS THAT ARE CAESAR'S." IN HIS OWN WORDS, "I WAS NOT DISLOYAL TO ANYTHING AMERICAN, TO ANYTHING BRITISH, OR TO ANY CONSTITUTED GOVERNMENT IN THE WORLD. ALL I WAS INTERESTED IN WAS THE LIBERATION OF THE PEOPLE WHO LOOK LIKE ME.....THE WORLD HAS MADE BEING BLACK A CRIME.....AND INSTEAD OF MAKING IT A CRIME I HOPE TO MAKE IT A VIRTUE. THAT WAS ALL I HAD IN MIND WHEN I TRAVELLED FROM ONE PART OF AMERICA TO THE NEXT."

LIKE ALL GREAT LEADERS WHO ATTEMPT TO CHANGE THE SOCIAL ORDER FOR THE BETTERMENT OF THEIR PEOPLE, GARVEY WAS SUBJECTED TO PERSECUTION, CHICANERY, SABOTAGE, MISREPRESENTATION AND RIDICULE; HE SUFFERED IMPRISONMENT, ESCAPED AN ASSASSINATION ATTEMPT AND FACED REPEATED BETRAYALS BY PEOPLE HE TRUSTED. YET, HIS DETERMINATION NEVER WAVERED. THIS UNRELENTING PURSUIT OF HIS MISSION IS IN ITSELF AN INSPIRATION.

-4-

MARCUS GARVEY HAD A TREMENDOUS IMPACT NOT ONLY ON THE CIVIL RIGHTS MOVEMENT IN THE UNITED STATES AND ON SOCIO-POLITICAL ADVANCEMENT IN THE CARIBBEAN BUT ALSO ON NATIONALIST STRUGGLES IN AFRICA. LEADERS SUCH AS JOYO KENYATTA OF KENYA AND KWAME NKRUMAH OF GHANA ACKNOWLEDGED THEIR DEBT TO HIM FOR THE INSPIRATION OF HIS LECTURES AND WRITINGS. GARVEY ALSO HELPED TO ORGANIZE LIBERATION MOVEMENTS IN SOUTH AFRICA, ONE OF WHICH -----THE AFRICAN NATIONAL CONGRESS (ANC) --IS STILL TODAY IN THE FOREFRONT OF THE STRUGGLE FOR HUMAN DIGNITY AND JUSTICE IN THAT TROUBLED COUNTRY.

AS I INTIMATED EARLIER, IT WAS CHIEFLY IN THE UNITED STATES THAT GARVEY WAS ABLE TO PUT INTO PRACTICE THE TENETS OF HIS PHILOSOPHY AND EXPERIENCE THE GRATIFICATION OF THE SPONTANEOUS RESPONSE BY BLACK PEOPLE TO HIS EXHORTATIONS. HIS ARRIVAL ON THE U.S. SCENE IN 1916 WAS PROPITIOUS. HE DREW ON AND ADVANCED THE WORK OF DISTINGUISHED BLACK LEADERS BEFORE HIM. AS SUCH, HE WAS MERELY A LINK, ALBEIT A VERY IMPORTANT ONE, IN THE CONTINUOUS CHAIN OF BLACK ACTIVISM, REACHING THROUGH TIME TO ANOTHER GREAT LEADER, DR. MARTIN LUTHER KING, JR.

MR. CHAIRMAN AND MEMBERS OF THIS HONOURABLE COMMITTEE, WE IN JAMAICA HONOUR AND TREASURE THE MEMORY OF MARCUS GARVEY. BLACK PEOPLES THROUGHOUT THE WORLD ARE INDEBTED TO HIM AND THANK GOD FOR HIS LIFE AND HIS TALENTS. AS WE CELEBRATE THE CENTENNIAL OF HIS BIRTH THIS YEAR, IT WOULD BE A MOST FITTING TRIBUTE IF THE STAIN ON HIS INVALUABLE CONTRIBUTION TO THE POLITICAL DEVELOPMENT OF THIS HEMISPHERE WERE TO BE REMOVED. IT IS NOW SIXTY YEARS SINCE HIS FIVE-YEAR SENTENCE WAS COMMUTED BY PRESIDENT COOLIDGE. WITH THE HINDSIGHT AND CLEARER VISION OF THE ENSUING YEARS, A FRESH LOOK AT THE CIRCUMSTANCES OF GARVEY'S PROSECUTION IS WARRANTED.



MR. CHAIRMAN AND HONOURABLE MEMBERS OF THIS COMMITTEE, HOUSE CONCURRENT RESOLUTION No. 89 AS INTRODUCED BY CONGRESSMAN CHARLES RANGEL IS IN HARMONY WITH REPRESENTATIONS MADE BY MY PRIME MINISTER THE RIGHT HONOURABLE EDWARD SEAGA TO THE PRESIDENT OF THE UNITED STATES OF AMERICA, MR. RONALD REAGAN.

IT IS OUR VIEW THAT HISTORY HAS VINDICATED THE WORDS AND ACTIONS OF MARCUS MOSIAH GARVEY; IN CONSEQUENCE OF THIS HE STANDS NOT ONLY AS JAMAICA'S FIRST NATIONAL HERO, BUT HIS BUST NOW STANDS IN THE HALL OF HEROES AT THE ORGANIZATION OF AMERICAN STATES HERE IN WASHINGTON, D.C. HIS POSITIVE CONTRIBUTIONS ARE NOW RECOGNIZED THROUGHOUT AFRICA AND OTHER PARTS OF THE WORLD. THE ACCEPTANCE OF THIS RESOLUTION BY THE CONGRESS OF THE UNITED STATES OF AMERICA WOULD ASSIST GREATLY IN CONVINCING THE SUPPORTERS AND ADMIRERS OF MARCUS GARVEY THROUGHOUT THE WORLD THAT THE CONSTITUTION OF THE UNITED STATES, WHOSE 200TH ANNIVERSARY IS BEING CELEBRATED, DOES INDEED GUARANTEE JUSTICE, (EVEN IF DELAYED,) FOR ALL, IRRESPECTIVE OF RACE OR RELIGIOUS BELIEF.

THANK YOU MR. CHAIRMAN

Mr. CONYERS. Well, we appreciate your eloquence, Ambassador Johnson. It is a very important and fitting way to begin these hearings. We now have the sons—the two sons—of Marcus Garvey. First we have Dr. Julius Garvey, a heart specialist. I have looked over your vitae, which shows your affiliation over the years with Columbia, Einstein College of Medicine; Stonybrook; State University of New York; and Long Island Jewish Hillsdale. We welcome you here and invite you to make any comments you would like to at this time.

Dr. GARVEY. Thank you very much, Congressman Conyers. Mr. Chairman, distinguished other members of the subcommittee, Congressman Rangel, supporters. It is indeed a pleasure for me to be here in many respects. What I learned of my father I learned largely from my mother, who was his life-long helpmate and supporter and buttressed the organization when he was forced, by circumstances, to be away from the helm of leadership. I think she taught me well, because everything that I have since read, since experienced, and since come to understand has confirmed my conviction that I was indeed very fortunate to have chosen well as a father.

My father created a revolution among black people, a revolution of the mind. He traveled widely throughout the Caribbean, Central American, South America, England, Europe, here in the United States. He read extensively. He met with many, many people from Africa, so that he learned of the world situation. What he observed was that black people everywhere were being used. Their resources were being taken by alien peoples in Africa, and utilized to their own betterment. Black people, who had been enslaved, were continuing to be denied their rights, even in their own homeland of Africa, as well as in the countries to which they had been brought by slavery.

He looked at the situation and, because he was a man of destiny, he felt it was up to him to do something to correct the situation that he saw. What he felt that he had to do was to unite the black peoples of the world, to lift them up in one mighty alliance and to regain control of our African homeland. He therefore created, in 1914, the Universal Negro Improvement Association and African Communities League and within this framework, he created a new black culture, a black culture that was based solidly on the history of blacks.

Going back to homo erectus, homo habilus, homo sapiens, the first man on earth, black man in eastern Africa. He linked the black man of his day with the black man of Egypt, that gave the world the first civilizations; that gave the world medicine; gave the world art; gave the world agriculture; its first geometry; the first algebra; the first mathematics. All of this created by black men. But all of this was obscured by the powers of the world of that day, who denigrated the history of the black man, who enslaved him, who raped his wealth, and continued to abuse him physically, as well as mentally.

Marcus Garvey created then several entities within the UNIA to rectify these situations and it spanned the whole breadth of black culture. In doing this, and in spreading this to the black peoples of the world, he essentially created a new Negro, a new black man

that would no longer tolerate the status quo, that was no longer content to bow his head, was no longer content to walk on his knees in the presence of any man. Of course, in promulgating this philosophy and in basing it in self-reliance, self-respect, self-dependence, and a strong economic base, he challenged the status quo.

He knew this was inevitable. He did not shrink from it. He knew this was his destiny. He knew that he would be abused. He knew he would be betrayed, but this was his destiny, to lift up the black race from perdition and from abuse, and bring it back once again, into the light of civilization.

Mr. CONYERS. Thank you very much. We now turn to Marcus Garvey, Jr., who was born in St. Andrew, Jamaica; educated in London, England; the West Indies; and New York as an engineer, physics expert, mathematics expert. He is a Registered Professional Engineer in the State of Massachusetts. He has done a great deal of study and work on the life of his father and I had the privilege of witnessing recently a television production, I think, from Holland, in which you made some very important comments about him. I am very delighted that you are before the Subcommittee on Criminal Justice and we welcome you for your own remarks.

Mr. GARVEY. Mr. Chairman, members of the Congressional Committee in the Congress, I welcome this opportunity to speak briefly on the matter in hand. As the older son of Marcus Garvey, I have consistently articulated my father's viewpoint because his viewpoint is also my viewpoint. I come here today to state that Marcus Garvey, who was hounded by the imperialist powers of the world, acting in conjunction with the FBI, pressuring the American justice system to get at Marcus Garvey, I have come here to say that that man, my father, is a hero, irrespective of any conviction or any legal action that was taken against, here in the United States or in the Caribbean.

It is indicative of the development of the system here that I can be here and these other gentlemen can be here speaking to you on this matter at this time, and it is in the progress of the social order, it is in the progress of the democratic ethic, that a society, a people and a country shows their greatness. Marcus Garvey was a man with a mission. Quite simply, to raise up the degraded African race. We must remember the times in which he started his work, 1919, the terror of lynching; 1888, when slavery was abolished in Brazil; and a few years before, it had been abolished in the Spanish-speaking countries. So he came at a time when the black man was the most degraded in the world.

The King of the Belgians ruled the Belgian Congo with an iron fist, mutilating black people, African people in their own homelands, in order to extract rubber. Those were the times; that was the age that spawned Marcus Garvey. He came with a clear message for African people. Simply, to seek empowerment; to seek power over your social conditions; to seek economic power; to seek political power; to seek, to change the status quo, and that set the world against him.

He preached a message of African identity that black men have a common heritage and a motherland of Africa. African pride that we, as a people, in our great civilizations in Northeast Africa, had

created wonders for the world to see, that what we had done in the past, we could do again. And he emphasized, more than any other black leader, African self-reliance. If Marcus Garvey had lived today, he would be physically sickened at the sight of succeeding generations of black people, living on the welfare state.

Marcus Garvey said rise up black man, you can achieve what you will and he proceeded to do something about it. He established industries and factories and he established a Black Star Line which, eventually, was the cause of his downfall. But it is noteworthy that Kwame Nkrumah of Ghana, when he took power in Ghana, named the shipping line of Ghana the Black Star Line, so that the Black Star Line would live again.

Marcus Garvey was persecuted by the strangest conglomeration of people that the world has ever witnessed. At the same time that the imperialists were attacking him, he was under relentless attack by the Communists and the Socialists. And I want to emphasize that, for very rarely, in the history of the world, has one man or group or institution or organization been attacked simultaneously by the left and the right. And the Marxists were attacking him because they wanted to use the black masses of America as shock troops for the revolution that they had in mind.

Marcus Garvey faced persecution all over the world. The Negro World, his great newspaper that was written in English, Spanish and French, the only black organ that has ever been produced in three languages, and was intended to communicate with black people all over the world, was banned in all of the imperial countries. The death penalty, in the Belgian Congo, existed for reading the Negro World. Marcus Garvey was banned from entering Africa. He was banned in many of the Caribbean Islands and the courts were relentlessly used to attack him here in the United States and in his own land of Jamaica.

He was subject to attacks by the FBI, relentless persecution by the FBI and acts of bribery and corruption of the members, key members, of his movement, and in many parts of the South, intimidation against Garvey members. And this was a common practice in the imperialist colonies in West Africa and the Caribbean. If you were a member of the Garvey movement, you could lose your job immediately. Despite all of these things, Marcus Garvey created a great movement, a movement which many say has failed totally. The fact is that today he is recognized in many ways all over the world.

He has been recognized by the Republic of Senegal on its postage. He has been recognized by the Republic of the Cameroon on its postage. He is, of course, the National Hero of Jamaica, the First National Hero of Jamaica, and he is honored in the United States and in England by many institutions and public highways that bear his name. He was acknowledged by both Kwame Nkrumah and Jomo Kenyatta, as a prime influence on their African nationalist outlook and my mother was honored by Nnamdi Azikiwe, the former President of Nigeria, when she visited there. He purposely asked her to come over to Nigeria in honor of Marcus Garvey.

I want to close with some of the words of Marcus Garvey. To judge a man, it is better to judge him from his own mouth and

with your permission, learned and distinguished members of Congress, I will read from the words of Marcus Garvey. He said, "The world does not count races and nations that have nothing. Point me to a weak nation, and I will show you a people oppressed, abuse, taken advantage of by others. Show me a weak race, and I will show you a people reduced to serfdom, peonage, and slavery. Show me a well-organized nation, and I will show you a people and a nation respected by the world."

"Radical is a label that has always applied to people who are endeavoring to get freedom. Jesus Christ was the greatest radical the world ever saw. He came and saw a world of sin and his program was to inspire it with spiritual feeling. He was, therefore, a radical. George Washington was dubbed a radical when he took up his sword to fight his way to liberty in America, 140 years ago. All men who call themselves reformers are, perforce, radicals. They cannot be anything else because they are revolting against the conditions that exist. Conditions as they exist, reveal a conservative state and if you desire to change these conditions, you must be a radical. I am therefore satisfied to be the same kind of radical, if through radicalism I can free Africa."

Mr. CONYERS. We would like to invite you, sir, to include any further comments that you would like to make, in your prepared statement.

Mr. GARVEY. That is all right. I am going to close now with this last comment. "No Negro, let him be American, European, West Indian or African, shall be truly respected until the race, as a whole, has emancipated itself, through self-achievement and progress, from universal prejudice. The Negro will have to build his own government, industry, art, science, literature and culture, before the world will stop to consider him. Until then, we are but wards of a superior race and civilization, and the outcasts of a standard social system."

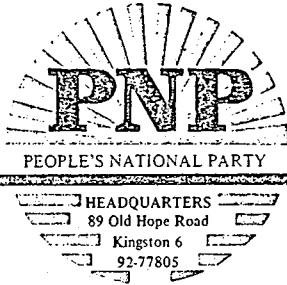
Mr. CONYERS. Thank you very much.

Mr. GARVEY. Thank you.

Mr. CONYERS. Congressman Rangel, Ambassador Johnson, Dr. Garvey, Marcus Garvey, Jr., we thank you very much for giving us this testimony.

Mr. RANGEL. Mr. Chairman, at this time, I would like to submit, for the record, the testimony of the Honorable Alfred Rattray, on behalf of the People's National Party.

[The statement of Honorable Alfred A. Rattray follows:]



STATEMENT BY THE HON. ALFRED A. RATTRAY, O.J.; LL.B.; F.C.A.; A.C.I.S.,  
PRESENTED TO THE SUBCOMMITTEE ON CRIMINAL JUSTICE OF THE HOUSE COMMITTEE  
ON THE JUDICIARY, JULY 28, 1987.

Mr. Chairman, Honorable Members of the Committee, I am Alfred A. Rattray. I thank you for the opportunity to present this statement to you on this very important matter. I am a former Ambassador of Jamaica to the United States and a former Ambassador/Permanent Representative of Jamaica to the Organization of American States. I am a Member of the Executive and a Shadow Minister for Investment and Foreign Trade of the People's National Party, which last formed the Government of Jamaica from 1972 to 1980. I am also Chairman of the North America Committee of the People's National Party of Jamaica.

Marcus Mosiah Garvey is one of a select few who have had a profound effect upon world history and human affairs during the 20th century.

Most of the territories of the Americas and the West Indies suffered conquest by external powers, and over time there arose liberators who freed individual territories or groups of territories from colonialism, or from foreign occupation. Marcus Garvey came along and ushered in a new concept of liberation. He viewed a world demeaned by the scourge of colonialism - that system whose very purpose is the enforced exploitation of whole races and classes of people by others more powerful than themselves. He saw everywhere in the Americas and in Africa, the denial of reasonable economic, social and educational opportunities for the vast majority of people. He observed the entrenched systems which deliberately and systematically debased and at times even sought to exterminate or enslave whole races, minority groups and disadvant-

/disadvantaged....

PRESIDENT: Michael Manley, VICE-PRESIDENTS: Portia Simpson, O.D. Ramtallie, Seymour Mullings, Winston Jones.  
CHAIRMAN: P. J. Patterson, DEPUTY CHAIRMAN: Bobby Jones, GENERAL SECRETARY: Paul Robertson. DEPUTY  
GENERAL SECRETARY, ORGANISING: Donald Buchanan, TREASURER: Robert Pickersgill.

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aged persons.

There seemed no end to this global oppression of one race by another, of the weak and powerless by the strong and the powerful. The victims seemed powerless to throw off the shackles which so effectively impeded their economic, cultural, social and political mobility. The plight of the Negro race and of other oppressed peoples everywhere seemed hopeless.

And then, the 20th century produced Marcus Garvey. He led and helped to spawn a new breed of liberators who developed new strategies and employed new techniques to wage war against the seemingly impregnable fortresses of human selfishness, abuse, exploitation, callousness, and cynicism.

Tracing through the pages of history the methods and techniques used along the way to secure and perpetuate the bondage of oppressed peoples, Garvey noted that the Negro race, and by extension all oppressed people, were the victims of man's inhumanity to man. They were victims of that brutal inhuman urge which produced the twin systems of slavery and of colonialism, and which even today is dominant wherever one nation or class of people for whatever motive seek to dominate another.

Observing his people in Jamaica, in the Americas and in Africa, and learning from the lessons of history, Garvey noted that the conquest and subjugation of the human spirit was at least as important and as effective a strategy of enslavement, as the conquest and subjugation of the human body.

The establishment and perpetuation of the political, social, economic and psychological bondage of the Negro race, and indeed of all oppressed peoples, were facilitated and indeed secured by the false notion of their inherent inferiority. This notion was invariably implanted into their minds by their oppressors - be they slave masters, colonial masters, or other breeds of exploiters.

So carefully and relentlessly cultivated throughout the ages has been this notion of the inherent and inescapable inferiority of the oppressed, that it emerged as perhaps the greatest stumbling block to his liberation.

The abiding greatness of Marcus Garvey, and that which assures for him his place in the history of mankind, is not only that he clearly perceived all this, but also that he embarked upon a process which showed the way for the liberation of the enslaved spirit of oppressed people everywhere - in Jamaica and the Caribbean; in the Americas; in Africa - everywhere. It was

/this liberation ...

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this liberation of the besieged spirit of the Negro race and of other oppressed peoples throughout the world that was the focus of Garvey's strategies and endeavours. He knew that once the human spirit is liberated the human being can reach out and firmly grasp and guide his own destiny. By the power of his ideas and his philosophies and by example, Garvey aroused in the mighty Negro race an appreciation of their true value, of their inherent worth, of their inherent equality, and their potential to achieve. A profound believer and practitioner of democracy he summoned the Negro race to unity of purpose and clarity of vision and set them on the road in pursuit of their political, economic, and social emancipation. Thus Garvey and the organizations he created and promoted waged war on ignorance and on inferiority syndromes, and in their place, sowed and nourished to maturity human dignity, self respect and self esteem.

His teachings, which had a profound impact upon Black and other oppressed people everywhere, helped to spawn that new breed of 20th century liberators and set in motion in Africa, in the Caribbean and in North America that irresistible tidal wave which swept away colonial empires and produced the massive gains of civil rights for so long denied to our people.

Such giants of history as Mahatma Gahndi, Namdi Azikiwe, Kwame Nkrumah, George Padmore, and Dr. Martin Luther King, Jr., some of the 20th century heroes of Asia, of Africa, of America, and of the Caribbean with numerous others from these areas, were deeply influenced and inspired by Garvey in the pursuit and fulfillment of their own great deeds.

Garvey's main gift to humanity was spiritual and his influence upon humanity will continue to increase with time.

Marcus Mosiah Garvey is National Hero of Jamaica and his life and work are a unifying influence in that great young nation. He has been acclaimed Hero of the Americas and his bust adorns the Hall of Heroes of the Americas at the O.A.S. in this great city. His great and untiring efforts which reached out to the world were wrought mainly in the small proud great nation of Jamaica and in our mighty proud great neighbour and friend the United States of America. Thousands of your people share with us and others throughout the Americas, the Caribbean, and Africa a common pride in this great man.

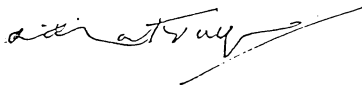
/May his ...



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May his life and work, his struggles, his sacrifices and his triumphs and the realization of what he means to millions in our two countries and throughout the world, become and continue forever as a source of mutual respect, mutual understanding and friendship.

The people of Jamaica and I believe the vast majority of the people of the United States share the view that the charges brought by the Federal Government against Marcus Garvey were unsubstantiated and the conviction was unjustified and unwarranted. The People's National Party of Jamaica, on whose behalf I testify today, unequivocally supports H. Con. Res 84 as introduced by Representative Charles Rangel and sincerely hopes that in this the Centennial Year of Marcus Garvey's birth the Congress of the United States will adopt this resolution.

A handwritten signature in cursive script, appearing to read "A. A. R. R.", written in dark ink on a white background.

Mr. RANGEL. And point out to the subcommittee that we have with us, in the audience, the Deputy Prime Minister of the Government of Jamaica, as well as Queen Mother Moore, one of the disciples of Marcus Garvey and is celebrating her birthday here with us today, and so many others of the organizations.

Mr. CONYERS. Happy Birthday.

Mr. RANGEL. And the Marcus Garvey Centennial Committee are here. Let me thank the entire committee for the courtesy that you have extended to us today.

Mr. GEKAS. Mr. Chairman?

Mr. CONYERS. Yes. Let me recognize the gentleman from Pennsylvania.

Mr. GEKAS. It dawned on me that with the Ambassador's appearance here today, I believe as far as I can remember, that he is, according to protocol, the highest ranking public official ever to testify before this subcommittee.

Ambassador JOHNSON. Profoundly honored.

Mr. GEKAS. We accept that honor.

Mr. RANGEL. Thank you very much, Mr. Chairman, and if the committee would permit, I would like to join you for the rest of the hearing.

Mr. CONYERS. Yes, definitely. Please join us up here, Mr. Rangel.

Mr. RANGEL. Thank you.

Mr. CONYERS. I would like now to call our second panel, Dr. John Henrik Clarke, Professor Emeritus, Hunter College, New York City; Professor Judith Stein, City College of New York; Professor Robert Hill, University of California at Los Angeles; Dr. Tony Martin, Department of Black Studies, Wellesley College in Massachusetts. Ladies and gentlemen, will you all join us here. It is a very distinguished panel. All of the statements here that you have brought forward will, without objection, be made a part of our record, as well as the additional documents submitted by Congressman Rangel.

This is a very distinguished panel of historians. There are a lot of questions I could ask you on a lot of subjects now that I have all of you before me, but we are here on a very limited purpose. Let us begin with Dr. John Henrik Clarke. We welcome you very emphatically to this subcommittee, sir.

**TESTIMONY OF DR. JOHN HENRIK CLARKE, PROFESSOR EMERITUS, HUNTER COLLEGE, NEW YORK, NY; PROFESSOR JUDITH STEIN, CITY COLLEGE OF NEW YORK, NEW YORK, NY; PROFESSOR ROBERT HILL, AFRICAN STUDIES CENTER, UNIVERSITY OF CALIFORNIA, LOS ANGELES, CA; AND DR. TONY MARTIN, PROFESSOR, DEPARTMENT OF BLACK STUDIES, WELLESLEY COLLEGE, WELLESLEY, MA**

Dr. CLARKE. Thank you, Mr. Chairman. I appreciate the invitation to address the committee. I will be brief and to the point. The one thing that the Nation had most against Marcus Garvey was not what they put him on trial for. They put him on trial for a nebulous, vague charge to cover up the fact that there was no law against what they really had against him. What he had done is to awaken in the African-American an awareness of what slavery and

oppression had taken away—had taken away from the Afro-American, more than they had taken it way from any other immigrant group in America, the concept of "Nation."

We were then and we are now, a nation within a nation, searching for a nationality. Every immigrant group in this country claims a nationality and once we claim a nationality, we will stop answering to the silly word "minority." We will understand that between the Caribbean Islands, the United States, and Brazil, it has the largest black population outside of Africa. There are nearly 200 million African people, with the population of Africa counted as 500 million, not to count the millions of Africans in Asia, including 10 million Dravidians who are now proclaiming their African-ness. We are a major part of the population of the earth.

Now, what Marcus Garvey did was to start black Americans to dreaming again, hoping again, feeling whole again, as a people, and to feel whole again as a people, you must feel that you belong to the nation concept, that you must understand the nation concept. He began to understand his uniqueness, through Garveyism, as an immigrant group. We were the only immigrant group that was invited here and the nature of the invitation will not be discussed here, but we were the only immigrant group that were invited here.

In that invitation, they robbed us of the concept that we came from someplace that was big and we performed bigger things, built nations, and that for most of our existence on this earth, we were a free, self-governing people and many times we did those jobs exceptionally well, long before the first European wore a shoe or lived in a house that had a window. When you want to oppress a people, you have to destroy their self-confidence and historical memory, the memory of what they had then, so that they can be confused about what they are, and more confused about what they still must be.

Garvey's crime, declared by this Nation, that he had awakened in us old fires, old memories, that we had been more than servants, we had been kings, ruled nations, and we had ruled them exceptionally well and we might do it again. And he began to create the semblance of nationhood, so that we could see ourselves within the framework of "nation." He came into an atmosphere, after the first world war, when we had been told, almost officially, that our lot would not be changed by virtue of having participated in the war. And then he got across to us, well, they brought you here to do labor. The labor they brought you here to do is somewhat obsolete now. They have got machines.

Let us pack up. Let us get ready to go home psychologically, if not physically. Let us get our own ship. Let us get our own concept of nation and get it together. That frightened America. It would not have frightened them in any other immigrant group, except the black Americans, because the black American was not brought to the country to be given citizenship. When the dream was dreamed, he was not a part of the dream and when the promise was made, he was not a part of that promise.

The concept of Garvey is that "I will lead you to a new dream, a new promise, and a new land." America did not want its slaves awakened and that was the real crime they charged him for. A

nebulous case of using the mail for fraud was something they did not care anything about, because they do not care too much about what happened between blacks and blacks, until they decided to use it to conquer both of them. Thank you, Mr. Chairman.

Mr. CONYERS. Thank you very much. Professor Judith Stein, welcome to our hearing.

Professor STEIN. Mr. Chairman and distinguished members of the Committee, it is with great pleasure that I am here this afternoon. Marcus Garvey was indicted and convicted of the crime of mail fraud, in connection with the building of the Black Star Line, a shipping company. Because the Line failed, some people may think that there is a basis to the Government's case. What I would like to do this afternoon is show how and why the Black Star Line was intrinsic to Garvey's conception of black progress, not a "scheme" as the Government charged. Other members of the panel will discuss the politics behind the indictment and the trial itself.

Today, our conception of a black leader is either a Martin Luther King, who self-consciously mobilized people to change laws, or elected representatives, who use formal mechanisms of government. It is easy to forget that this kind of politics depends upon a mobilized and voting black community, a sympathetic Supreme Court, Congress, academic community, labor movement, and public opinion. I recount these ingredients because, in order to understand Marcus Garvey's place in history, it is necessary to recreate the world as it looked to him and many blacks during the period of World War I and the 1920s. Then, none of these resources existed.

When Marcus Garvey came to New York in 1916, the civil rights issue had disappeared from national politics. After the election of 1876, Congress refused, for instance, to permit the Army or Federal Marshals, to protect black voters. By the turn of the century, a southern advocate of black disfranchisement could confidently say "We have now the sympathy of thoughtful men in the North to an extent that never before existed." In 1901, the last black representative left Congress.

The Supreme Court offered no more hope. As early as 1873, a five-man majority asserted that it was not the purpose of the 14th Amendment to transfer the security and protection of civil rights from the States to the Federal Government. By the end of the century, the Supreme Court Justices, writing into constitutional law their own belief that blacks were inferior, produced a legal counter-revolution. Few intellectuals spoke out. Academics, clergymen, and editors vied to justify white supremacy by appeals to Darwinism and Anglo-Saxonism. The few who remained concerned with racial injustice counseled gradualism, rather than immediacy. Thus, the South received all the permission it needed to institutionalize white supremacist beliefs.

The key change at the turn of the century, was disfranchisement. Political impotency affected every aspect of black life. Unable to participate in the enactment or enforcement of the law, Southern blacks became increasingly vulnerable to physical assault, oppression, and Jim Crow.

The southern changes were significant because in 1910, nine out of every ten blacks lived there, three-quarters of them in rural areas, proscribed by the isolation and poverty of plantation labor,

as much as the formal proscriptions of law. A few, mostly members of the tiny northern black elite, organized to protest the new conditions.

But even the new NAACP, established in 1909, did not seem promising. The civil rights organizations of the early 20th century, lacked adequate finances, political leverage, mass support, white allies, and access to the major institutions shaping public opinion and policy. Although northern blacks voted, their numbers were strategically insignificant. Before the World War I migration, only one million were northern, and they were scattered. Five percent of Philadelphia and Pittsburgh, two percent of New York and Chicago, and barely visible in Detroit, Cleveland, and Newark.

Blacks fared no better in other parts of the world. By 1903, after 20 years of the new imperialism, Africans remained sovereign in only six of 40 political units. Conditions were no better in March in Garvey's Jamaica. Ruled by Great Britain, political participation in local government was limited by stiff property qualifications. Economically, old land and international competition depressed its sugar economy. Jamaicans went abroad to work; some of them emigrated permanently.

Thus, Marcus Garvey, born in 1887, grew up in a society where economic well-being, not to say opportunity, was meager for the mass of Jamaicans. The son of a master mason, the young Garvey was apprenticed to his godfather, a printer. Like Benjamin Franklin, Garvey found that the printing trade brought him into a world of advanced thought and politics. Like other Jamaicans, however, he left the Island in 1910 and traveled throughout Central America, England, and Europe, seeking work and some understanding of the ways that black life could be bettered.

In London, he met other blacks, many from Africa, and he began to believe that group, or Pan-African methods, could be efficacious. Returning to Jamaica in 1914, he began a new organization, the Universal Negro Improvement Association. The name captured his Pan-African scope, but also revealed the main methods he would use. The word improvement, at that time, meant to make better, but it also implied that the way to make things better was through profitable enterprise. Economic development corporations then, were frequently called improvement companies. Yet, in Jamaica, economic prospects were not very promising.

Garvey's hopes remained, however. He had read about the economic ideas of Booker T. Washington, the head of Tuskegee Institute in Alabama. In March of 1916, he arrived in Harlem and subsequently traveled about the United States lecturing and learning. Garvey's optimism was fueled by new changes in the United States. As the Nation entered the war, black appointments in the Labor and War Departments, recognized the new importance of the black population, both as soldiers and as workers. One-half million migrated to the North. The higher wages earned by blacks in cities stimulated the growth of new black businesses. But all was not encouraging.

There was no major change in the legal status or the power of the Afro-American community in the South. The right to vote was still denied. An attempt by black sharecroppers to form a union in Elaine, Arkansas was met with violent repression. Contests for

scarce housing, in some northern cities, triggered race riots. Yet, for the first time since the end of Reconstruction, prospects for change appeared promising. Both the ideology of the war “to make the world safe for democracy”—and real changes in the world, the removal of the Russian czar, the setting up of new nation states in Eastern Europe gave many people the sense that empires would be replaced by new democratic nation states everywhere. Although in retrospect, we know the changes were more limited, at that time the possibility of change stimulated many to organize and demand democratic rights.

During this period, Garvey established branches of the UNIA in many Eastern cities. Although he protested unjust treatment of blacks and demanded self-determination, Garvey was not simply a critic. He did not believe that the Supreme Court—

Mr. CONYERS. Excuse me, Professor Stein. Those two bells require that all the members vote on a matter now pending on the Floor of the Congress, so we will take a short recess and we will resume your testimony as soon as we return.

[Recess]

Mr. CONYERS. Will everyone take their seats please, so that the subcommittee hearings can proceed. The subcommittee will come to order. Professor, you may continue.

Professor STEIN. Garvey did not believe that the Supreme Court, the national Government, or the South, would alter the key mechanisms of white supremacy. Rather, he continued to believe that economic power was a sure route to black equality.

He told an audience, on February 1, 1919, that blacks must become a “commercial and industrial people.” Garvey’s solution was to build a Pan-African shipping line. From the perspective of 1919, it was not an unsuitable vehicle for black aspiration.

In 1919, ships were preeminent symbols of national power. The United States Government created a corporation to increase the American fleet. The shortage of shipping made it a very profitable business, too. Moreover, a shipping line offered Pan-African dividends. African and West Indian shippers felt that the British, who dominated their trade, were discriminating against them in favor of European traders. Many of them encouraged Garvey to build the Black Star Line. The idea appealed to blacks of ambition and talent, who found normal entrepreneurial routes blocked. American corporations, at this time, rarely hired blacks in managerial positions. Hugh Mulzac, one of Garvey’s ship captains, had been unable to obtain a position on the bridge after the War.

One thing should be made clear. At the time, and still today, some people believed that the Black Star Line was the vehicle for a back-to-Africa movement. An aide of Garvey’s tried to clarify the issue. He said that the UNIA is not a “Back-to-Africa” movement. “The Negro in America has had a better opportunity than any other Negro.”

Thus, the UNIA plan for Liberia was not an exodus, but in modern language, a plan to build an infrastructure so that the nation could develop in the western way. The Black Star Line was an important link in the economic development of the black world. After incorporating the Black Star Line, Garvey obtained his first ship. Although he acquired others, paid for by selling \$5.00 shares,

the Black Star Line failed. Although Garvey and his associates made some mistakes, ultimately, they were victims of the depression of 1920-1921.

The postwar depression, by drastically reducing world trade, made the shipping business unprofitable. At the same time, the American economy suffered a brief, but sharp, depression. Nationwide unemployment hovered at 20 percent and over 100,000 businessmen went bankrupt. The unemployment was greatest in the Tidewater area and midwestern cities, which had attracted many blacks during the war. Many of these areas were the homes of the strongest UNIA locals. Forced to seek work, many members became inactive. The unfavorable economic conditions proved decisive.

Garvey fought a losing battle to sustain the Black Star Line. It was in this period of vulnerability that the Justice Department indicted him for mail fraud, an issue which others will address in detail. Identified as an agitator, a radical, and even a Communist by J. Edgar Hoover, the bureau chief had attempted to find a crime so that Garvey, an alien, could be deported. Failing to discover income tax violations, sexual improprieties, or passport irregularities, the Justice Department hit upon mail fraud at the time the Black Star Line was in economic difficulties.

However, Justice Department documents reveal that the thread running through the prosecutor's case was that Garvey was, in the words of J. Edgar Hoover, a "dangerous race agitator." One must remember the context of that judgment and the meaning of those words. To many whites in power, the race question would be solved gradually and through the goodwill of sympathetic whites. To agitate, meaning to protest, was outside the boundaries of legitimate racial politics. To attempt to organize the masses of blacks, independently, was similarly out of bounds. To try to build a black shipping line could only be a fraudulent scheme to them.

But by 1927, the efforts of Garveyites began to have effect. Congressmen, Senators, as well as ordinary people, joined the campaign for pardon. The Attorney General suddenly discovered that the facts of the case were not as the prosecutor had presented them, and that UNIA shareholders did not believe they had been defrauded. Nevertheless, the Government was still motivated by its conception of racial politics. Garvey was not pardoned. In 1927, his sentence was commuted and he was deported. Garvey, an alien, was the most vulnerable kind of political dissident.

The legal system should not be used, as it was in all stages of this case, to suppress dissent or serve the political prejudices of bureaucrats. Exonerating Marcus Garvey, by passing House Resolution No. 84 is not only an acknowledgement that many people admire Garvey's work. It will remind people that American justice has not been perfect and that the Nation can acknowledge its errors. Both effects will strengthen American democracy.

[The statement of Professor Judith Stein follows:]

STATEMENT IN SUPPORT OF HOUSE RESOLUTION  
NO. 84, SUBMITTED TO THE SUB-COMMITTEE  
ON CRIMINAL JUSTICE OF THE COMMITTEE ON  
THE JUDICIARY, JULY 28, 1987

JUDITH STEIN  
PROFESSOR OF HISTORY  
THE CITY COLLEGE OF NEW YORK



For most people today, the model of a black leader is Martin Luther King, who self-consciously and deliberately tried to end discriminatory laws and practices in the United States through the use of mass civil disobedience, or a black elected official who does the same through the formal mechanisms of government. While the course of the civil rights movement beginning after World War II-- from protest to politics -- seems inevitable, it was not. Many things changed between the two world wars which caused that route to change. In order to understand Marcus Garvey's place in history, it is necessary to recreate the world as it looked to him and many blacks during the period of World War I and the 1920s. From their perspective, King's way would have seemed utopian. The ingredients of the successful politics of the 1960s -- a mobilized black community and a sympathetic Supreme Court, Congress, academic community, labor movement, and public opinion -- did not exist.

When Marcus Garvey came to New York in 1916, the circumstances of black life and the possibilities of black politics were much narrower. After the election of 1876, the civil rights issue disappeared from the national political agenda. After acting to end slavery and establish equality, including voting rights, the Congress permitted the white South to disregard black rights and disfranchise Afro-Americans formally and informally. Thus, it refused to permit the use of the Army or federal marshalls to protect black voters. By the turn of the century, a southern, white

advocate of disfranchisement could assert confidentially that "we have now the sympathy of thoughtful men in the North to an extent that never before existed." In 1901, the last black representative left Congress.<sup>1</sup>

The Supreme Court offered no more hope. Although the aim of the framers of the Fourteenth Amendment had been to protect the legal and political rights of Afro-Americans against arbitrary state action, a five-man majority asserted as early as 1873 that it was not the purpose "to transfer the security and protection of civil rights ... from the states to the federal government." Throughout the late nineteenth century, the Amendment was narrowed and state laws permitting or mandating segregation, excluding blacks from jury service, permitting disfranchisement, and barring interracial contact -- in one state playing checkers in parks -- were found to be acceptable. Writing into the Constitution their own belief that blacks were inferior, Supreme Court justices produced a legal counter-revolution.<sup>2</sup>

Few American intellectuals spoke out. Academics, clergymen, and editors vied to justify white supremacy by appeals to Darwinism and Anglo-Saxonism. The few who remained concerned with racial injustice counseled gradualism rather than immediacy. Thus, total acquiescence by Northern liberals and government officials gave the white

1. C. Vann Woodward, The Strange Career of Jim Crow, 2nd rev. ed. (New York, 1966), esp. 70, 74.

2. Slaughter-House Cases, 16 Wallace 36 (1873); and see United States v. Cruikshank, 92 U.S. 542 (1876) and United States v. Reese, 92 U.S. 214 (1876).

South all the permission it needed to institutionalize white supremacist beliefs.<sup>3</sup>

Senator Carter Glass of Virginia proclaimed at a constitutional convention: "Discrimination! Why, that is precisely what we propose; that, exactly, is what this convention was elected for -- to discriminate to the very extremity of permissible action under the limitations of the Federal Constitution, with a view to the elimination of every Negro voter who can be gotten rid of, legally."<sup>4</sup> And so it went. Political impotency affected every aspect of black life. Unable to participate in the enactment or enforcement of the law, southern blacks became increasingly vulnerable to physical assault and oppression. Jim Crow laws mushroomed after the turn of the century. Atlanta mandated Jim Crow Bibles in its courtrooms, New Orleans segregated prostitutes, Oklahoma, telephone booths. Black schools, segregated before the new era, became marked by gross inequalities when blacks were excluded from the political community in the South.<sup>5</sup>

The southern changes were significant because in 1910, nine out of every ten blacks lived there, three-quarters of

3. William Gossett, Race: The History of an Idea in America (Dallas, 1963), ch. 7; I.A. Newby, Jim Crow's Defense (Baton Rouge, 1965), ch. 1.

4. Cited in Paul Lewison, Race, Class, and Party: A History of Negro Suffrage and White Politics in the South (New York, 1932), 86.

5. Ibid., 84-85; 214-20; Woodward, Strange Career of Jim Crow, 97-102; Charles Wallace Collins, The Fourteenth Amendment and the States (Boston, 1912), 77-78; Horace Mann Bond, Negro Education in Alabama: A Study in Cotton and Steel (Washington, D.C., 1939).

them in rural areas. Most of them labored as sharecroppers on other people's land. Their possibilities were proscribed by the isolation and poverty of plantation labor as much as by the formal proscriptions of law.

Some blacks voted with their feet by migrating. Between 1890 and 1910 nearly 200,000 Southern blacks fled to the North. A few, mostly members of the tiny, northern black elite, continued the civil rights protest movement they had inherited from the abolitionists and Radical Republicans of the Reconstruction era. They spoke out for racial equality and justice in the Afro-American Council, the National Equal Rights League, Antilynching League, the Boston Suffrage League, the Niagara Movement. Few responded. The civil rights organizations of the early twentieth century lacked adequate finances, political leverage, mass support, white allies, and access to the major institutions shaping public opinion and policy.

A new biracial organization was established in 1909, the National Association for the Advancement of Colored People (NAACP). It declared its purposes to be "to promote equality of rights and eradicate caste or race prejudice ... to advance the interests of colored citizens; to secure for them impartial suffrage; and to increase their opportunities for securing justice in the courts, education for their children, employment according to their ability, and

complete equality before the law.<sup>6</sup> It fought a defensive and a losing battle. Its approach seemed promising to few.<sup>6</sup>

Another organization, the National Urban League, funded by philanthropists, established in 1911, tried to assist the increasing numbers of black migrants in northern cities. Confronted, however, with the massive migrations of World War I, the League turned to training professional social workers; during the 1920s it conducted investigations of conditions among Negroes. The Urban League shunned politics and agitation and relied on conciliation and private negotiations. It produced few tangible successes.<sup>7</sup> Although northern blacks could vote, their numbers were strategically insignificant. Before the World War I migration, only one million blacks were northerners, and they were scattered, making up 5 percent of Philadelphia and Pittsburgh, 2 percent of New York and Chicago, and barely visible in the censuses of Detroit, Cleveland, and Newark.

As the gains and promises of the Reconstruction era dimmed, conditions in other parts of the world populated by blacks fared no better. In Africa, the new imperialism produced dramatic changes. European nations ruled scattered enclaves on the coast in 1879. During the next eleven years, five millions square miles, inhabited by over sixty million Africans, were seized more or less according to a

6. Charles Flint Kellogg, NAACP: A History of the National Association for the Advancement of Colored People, Vol. I: 1909-1920 (Baltimore, 1967), ch. 2.

7. Nancy Weiss, The National Urban League, 1910-1940 (New York, 1974, 3-129.

blueprint that Europeans had created at the Berlin Conference in 1885 to adjust their conflicting claims. By 1903, Europeans were sovereigns of all but six of Africa's forty political units.<sup>8</sup>

Conditions were no better in Marcus Garvey's Jamaica. Ruled by Great Britain, political participation in local government was severely limited not by race, but by stiff property qualifications. The island, once Britain's richest colony, stagnated as old land and international competition depressed its sugar economy. Although the former slaveowners blamed the blacks, Jamaican peasants, purchasing, renting, and squatting on unused land, pioneered in the development and production of bananas and for a while through hard work managed to maintain their independence and self-sufficiency.

But the new economy had its limits. Big corporations like the United Fruit Company, with vast amounts of capital, ships, and connections soon dominated the crop. Over time, without additional land, the peasantry grew impoverished. If the peasants or their sons had been able to find industrial jobs on the island, their condition might have been difficult but not hopeless. However, colonies had not been founded to compete with home production. Imperial commercial restrictions and the absence of cheap sources of power aborted new industries.<sup>9</sup>

8. Roland Oliver and J. D. Fage, A Short History of Africa (Harmondsworth, England, 1962), 185.

9. Gisela Eisner, Jamaica, 1830-1930: A Study in Economic Growth (Manchester, England, 1961), 169-70, 179-80, 228-30.

So Jamaicans went abroad to places where wages often doubled and trebled the rate on the island. One hundred thousand left to build new railroads in Central America and work on the banana plantations that had made them necessary. They dug the Panama Canal, and they cultivated sugar on other islands, like Cuba, where it was profitable. Jamaicans participated in the economic development of the region, but their labor did not contribute to their own society. Many Jamaicans at this time emigrated permanently. Those who returned used their earnings to try to prop up the peasant communities they had left.<sup>10</sup>

Marcus Garvey, born in 1887, grew up, in a Jamaica where economic well-being, not to say opportunity, was meager for the mass of Jamaicans. Garvey was the son of an artisan, a master mason. The surrounding, stagnant countryside affected his possibilities. While still in primary school, the young Garvey was apprenticed to his godfather, a printer. Stimulated by the books and newspapers he read in the printshop, Garvey went to the big city, Kingston.<sup>11</sup>

Like Benjamin Franklin, Garvey found that the printing trade brought him into the world of advanced thinking and politics. Somehow he scraped up enough money to begin his own newspaper; he also joined a political club. Yet it was

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10. G. W. Roberts, "Demographic Aspects of Rural Development: The Jamaican Experience," Social and Economic Studies, XVII (1968), 277.

11. Amy Jacques Garvey, Garvey and Garveyism (Kingston, Jamaica, 1963), 3-7.

hard to see a way to alter Jamaican society. In 1910, like many other Jamaicans, he left the island. An uncle obtained employment for him as a timekeeper on one of the United Fruit Company's plantations in Costa Rica. Garvey began a newspaper, observed the exploitation of workers, and experienced the frustrations of improving the conditions of migrant and alien agricultural labor. Although his petitions to local British consuls were ignored, Garvey won a small reputation as an agitator who demanded the rights of British subjects for his people. From 1910 through 1912, he traveled to Ecuador, Venezuela, and Colombia, and throughout Central America.<sup>12</sup>

Returning to Jamaica in 1912, he discovered that the island offered no more than before. Garvey resumed his travels, this time in England and on the Continent. He took courses at Birkbeck College, which eventually became a branch of the University of London meant for working-class youth without the standard preparation for the university. He spent hours in the visitor's gallery of the House of Commons, where he heard Lloyd George and others debate the issues of the day. While he was dismayed at their discussions about the colonies, he was impressed with the wealth, freedom, and range of culture in England.<sup>13</sup>

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12. Marcus Garvey, "A Journey of Self-Discovery," in John Henrik Clarke (ed.), Marcus Garvey and the Vision of Africa (New York, 1974, 71-73.

13. Judith Stein, The World of Marcus Garvey: Race and Class in Modern Society (Baton Rouge, 1986), ch. 2.



While in London, he met a group of African students, editors, and businessmen who furthered his education. He began to learn of the conditions in Africa and some of the ways that black people could advance themselves. Because he believed that there was a similarity in the status of blacks wherever they lived, he began to espouse group, or Pan-African efforts. Returning to Jamaica in 1914, he began a new organization, The Universal Negro Improvement Association and African Communities League. The name captured the Pan-African scope of his ambitions but also revealed the main methods he would use. The word improvement had a slightly different connotation then. It meant to make better, but it also implied that the way to make things better was through profitable enterprise. During the nineteenth century, economic development corporations were frequently called improvement companies. Yet, in Jamaica, economic prospects were not very promising. Despite two years of hard work, Garvey's organization did not grow.

Garvey's hopes, however, remained. He had read about the economic ideas of Booker T. Washington, the principal of Tuskegee Institute in Alabama. Garvey wrote to him to ask his advice. He decided to come to the United States to see for himself. In March, 1916 Garvey arrived in Harlem and found part-time work as a printer. He traveled around the United States, visited Tuskegee, and lectured on the West Indies. He was very impressed with Afro-Americans. Eight

months after his arrival, Garvey judged "the American Negro ... the most progressive ... in the expansive chain of scattered Ethiopia. Industrially, financially, educationally and socially, the Negroes of both hemispheres have to defer to the American brother, the fellow who has revolutionized history in race development."<sup>14</sup> Garvey was impressed with the growing black business enterprises he saw in the nation's cities.

Garvey's optimism was fueled by real changes. American mobilization for war produced some encouraging developments. Overriding southern preferences and army blueprints, Secretary of War Newton Baker authorized a new fighting division and an officer training school for blacks. New black appointments in the War and Labor departments recognized the new importance of the black population. One-half million blacks migrated to work in northern factories during the war, replacing alien workers who had returned to their homeland and filling the large demand for new labor on the part of industries bloated by military orders. The higher wages earned by blacks in cities stimulated the growth of new black businesses. Even sharecroppers benefited from twenty-seven-cent-per-pound cotton. To limit the migration north, some southern politicians offered better school facilities, paved roads, and fairer treatment.<sup>15</sup>

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14. Marcus Garvey, speech at meeting of Baltimore UNIA, December 18, 1918, file 10218-261/33 and 34, Military Intelligence Division, Record Group 165.

15. Stein, The World of Marcus Garvey, 38-40.

All was not encouraging. There was no major change in the legal status or power of the Afro-American community in the South. The right to vote was still denied. An attempt by black sharecroppers in form a union in Elaine, Arkansas was met with violent repression. Contests for scarce housing in some northern cities triggered race riots. Yet for the first time since the end of Reconstruction, the prospects for change appeared promising.

Blacks, like labor and ethnic groups, saw in the fight for democracy a confirmation of values which could improve their own situation. A former governor of South Carolina acknowledged, without pleasure, that the state's black population could no longer be contained because of "the liberating world forces set loose by the war, . . . this moving spirit of world democracy."<sup>16</sup>

World events strengthened the hopes of subordinate groups. The removal of the Russian czar, the symbol of autocracy, was noticed by all. The setting up of new nation states in Eastern Europe gave people the sense that empires -- the Russian, Austro-Hungarian, and German - would be replaced by new democratic nation-states. Although in retrospect, the gains would be more limited, the possibility of change stimulated many to organize and demand change. In the era of soapbox oratory, Harlem streets were crowded with

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16. Thomas Hemmingway, "Prelude to Change: Black Carolinians in the War Years, 1914-1920," *JOURNAL OF NEGRO HISTORY*, LXV (1980), 222.

speakers appraising the significance of the heady world events.

During this period, Garvey established a branch of the UNIA in New York. By 1919, he had set up branches in other eastern cities. Although he protested unjust treatment of blacks, Garvey was not simply a critic. He did not believe that the Supreme Court, the national government, or the South would alter the key mechanisms of white supremacy. He believed that the building of economic power was a surer route to black equality. The local UNIAs were forums for talk about the new economic opportunities. Civil rights activist Mary Church Terrell reminded a UNIA audience "that the war is going to give the Negro a larger economic and industrial freedom." Many of the locals started small businesses.<sup>17</sup>

Garvey, however, was thinking of bigger things. He told an audience on February 1, 1919 that blacks must become a "commerical and industrial people." Garvey's ultimate solution was to try to build a Pan-African shipping line. In retrospect, we know it was not economically successful. However, Garvey was serious about it and from the perspective of 1919 it was not an unsuitable vehicle for black aspiration.<sup>18</sup>

In 1919, ships were preeminent symbols of national power. A government corporation built ships to increase the

17. Home News, October, 10, 1917, reprinted in Robert A. Hill (ed.), The Marcus Garvey and Universal Negro Improvement Association Papers, (Berkeley, 1983), I, 224.  
 18. Negro World, February 1, 1919.

American fleet, previously a satellite to the British. The war had demonstrated throughout the world that there was a shortage of ocean transport. Favorable conditions made shipping companies very prosperous throughout the world. Shipowners had reaped huge profits during the war because rates for ocean transportation rose as high as 1250%. The American-Hawaiian Steamship Company made net profits of 236.2% in 1916; the Luckenback Steamship Company earned 66.9% in 1917; the Atlantic, Cuba and West Indies Company's profits exceeded its capital investment from 1915 through 1920. A shipping executive told a Senate investigating committee in 1922 that in those days "anybody experienced or inexperienced in the shipping trade could make money." 19

In this context, the shipping business appeared to be an excellent prospect. But for blacks, a shipping line offered, in addition, Pan-African dividends. African and West Indian shippers felt that the British were discriminating against them in favor of European traders and looked with favor at new shipping lines. Thus, within the general context of a profitable industry, blacks could be served by a Pan-African company. Moreover, Garvey and many others believed it would stimulate black enterprise, advance Pan-African contacts, and in general serve as a lever to advance black well-being.

The idea appealed to many blacks of ambition and talent who found normal entrepreneurial roots blocked. American

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19. Cited in Morris R. Werner, Privileged Characters (New York, 1935), 320-21.

corporations at this time rarely hired blacks in managerial positions. A man like Hugh Mulzac had a related problem which a black shipping line could solve. Mulzac had completed a training course run by the U.S. Shipping Board and received a perfect score on the master seaman's exam. The demand for bridge officers during the war had permitted Mulzac to sail as a deck officer on four vessels from 1914 to 1918. After the war, despite his skill and experience, Mulzac could not obtain a bridge position. The old racial barriers had returned. For Mulzac, the line permitted him to pursue his craft.<sup>20</sup>

One thing should be made clear. At the time, and still today, some people believe that Garvey's Black Star Line was the vehicle for a back-to-Africa movement. An aide of his tried clarify the issue: "The UNIA is not a 'Back to Africa' movement, it is a movement to redeem Africa. The Negro in America has had a better opportunity than any other Negro."<sup>21</sup> Redeeming Africa, to the Garveyites, meant to develop it economically. Thus, their plan for Liberia was not an exodus but, in modern language, an infrastructure so that the independent nation could develop in the western way.<sup>22</sup> The Black Star Line was an important link in the economic development of the black world.

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 20. Stein, The World of Marcus Garvey, ch. 4; Hugh Mulzac, A Star to Steer By (New York, 1963).

21. Negro World, May 28, 1922.

22. Elie Garcia, "Confidential Report," August, 1920, in A. J. Garvey (ed.), Philosophy and Opinions of Marcus Garvey, II, 402-03.

After incorporating the Black Star Line, Garvey obtained his first ship in October, 1919. He subsequently acquired others. He appealed to the members of the UNIA, which expanded rapidly after the first ship appeared, to buy shares in the company and help build and work for it. Despite strenuous effort, Garvey's Black Star Line failed. Although he and his associates made many mistakes, Garvey was ultimately the victim of the depression of 1920-21.

The postwar depression hurt the Black Star Line in two ways. First, internationally the collapse of wartime trade produced a surplus of ships; ocean rates plummeted, driving many small shippers out of business. Second, precipitated by reduced government spending and declining demand for exports, the American economy went into a depression. Nationwide unemployment hovered above 20 percent, and over 100,000 businessmen went bankrupt. The unemployment was sharpest in the Tidewater area and in midwestern cities of the United States, which had attracted many blacks during the war. Many of these areas were the homes of the strongest UNIA locals. Seeking work, members became inactive. The unfavorable economic conditions proved decisive.

Garvey was not the only victim of the new conditions. Labor unions that had grown during the war, were decimated by the economic contraction and by a business offensive. The number of workers in the trade union movement declined from 5 million in 1920 to 3.4 million. Those who sought to organize blacks into unions found it impossible. A. Philip

Randolph would not know success until the mid-1930s. Similarly, the NAACP lost thousands of members and locals.<sup>23</sup>

Garvey was fighting a losing battle to sustain the Black Star Line. It was in this period of vulnerability that the Justice Department indicted him for mail fraud, an issue which others will address. As often happens in times like this, political rivals debated the virtues of Garveyism and found it wanting. Some of the criticism from other black leaders was sincere. After all, there was a lively debate about various strategies for racial progress. In the early 1920s, no one route appeared to be certain. Other criticism was motivated by political rivalry. Still other was fueled by opposition to Garvey's efforts to bring ordinary blacks into the political debate.<sup>24</sup>

Even while Garvey was struggling to save the Black Star Line and after it went bankrupt, UNIA locals performed important functions for its members. A young man found that the UNIA gave him "hopes of a coming industrial future instead of an all-religious affair."<sup>25</sup> For many in this era, the church was a restricting institution. The UNIA opened the door to a wider and secular understanding of the world among people ignored by the more elite racial organizations.

23. Leon Wolman, The Growth of American Trade Unions, 1880-1923 (New York, 1924); William Harris, Keeping the Faith: A. Philip Randolph, Milton P. Webster and the Brotherhood of Sleeping Car Porters, 1925-1937 (Urbana, 1977).

24. Stein, The World of Marcus Garvey, ch. 10.

25. Negro World, April 11, 1925.



A man I interviewed, who died a few years ago, found that his knowledge of the world was expanded by the UNIA. Thomas Watson Harvey had been named for the Georgia Populist Tom Watson. His parents had been forced to leave the area during the repression which accompanied Watson's efforts to create a biracial coalition during the 1890s. Young Harvey migrated to Philadelphia during the war. Illiterate until an army friend taught him how to read, another friend introduced him to the UNIA in Philadelphia in 1921. Harvey told me that what attracted him to the UNIA was a speech Garvey gave on disarmament. (Garvey was supporting the worldwide movement to reduce battle ships, which was achieved in the Washington treaty.) Harvey said that this was the first time he had ever heard a black commenting on world affairs. It was the first time he had the opportunity to consider such matters. Men like Thomas Harvey were not often asked their opinions on such issues. But the UNIA brought these issues and many others to its membership.

After Garvey's indictment in January, 1922 and the collapse of the Black Star Line, his efforts were defensive. But UNIA locals continued to provide many services for its members. Garvey's conviction in 1923 and imprisonment in 1925 limited these developments. Garvey's efforts for vindication, however, had some effect. Although Garvey was indicted for a commercial crime, the thread that ran through the prosecution was that Garvey's real crime was that he was

"a dangerous race agitator," in the words of F.E. Shea, the post office inspector of New York.<sup>26</sup>

One must remember the context of that judgment. To most whites in position of power, the race question in the United States would be solved gradually and through the good will of sympathetic whites. To agitate, meaning to protest, was outside the canon of legitimate racial politics. To attempt to organize blacks independently was similarly out-of-bounds.

Yet by 1927 Garveyites and others began to be effective. Leading blacks, some Congressmen like George Huddleston of Alabama and Emmanuel Celler from Brooklyn, Senators like James Watson of Indiana, joined the campaign for pardon. Attorney-General John G. Sargent, who like many others, had accepted the facts of the case from the brief of the prosecutor, now saw a different picture from the "arguments made and briefs presented in an attempt to combat or explain many of the damaging statements made by the United States Attorney in his report upon the case." The new information convinced Sargent that the mass of alleged victims did not feel that they were defrauded and that "it really stands and is regarded by them as a class as an act of oppression of the race in their efforts in the direction of race progress and of discrimination against Garvey as a negro. The facts as reported to the Department [by U.S. Attorney Mattuck] are perhaps somewhat severely stated and

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26. Inspector Shea to Inspector in charge, July 14, 1925, Garvey file, Federal Bureau of Investigation records, RG 65.

are susceptible of modification and explanation in many respects.<sup>27</sup>

Nevertheless, the government was still motivated by its conception of racial politics. It was still suspicious of a race agitator. Garvey was not pardoned or exonerated. In 1927, Garvey's sentence was commuted and he was deported. Garvey was an alien, the most vulnerable kind of political dissident. Thus, convicted of a crime, he was summarily deported. Although he tried many times to return to the country, he never was successful. He went to Jamaica and eventually London, where he died in 1940.

Marcus Garvey's greatest political success was in the United States. Unlike A. Philip Randolph, who rooted black politics in labor unions, or later, Martin Luther King Jr., who assaulted segregation through mass civil disobedience, Garvey believed black equality could be created through Pan-African economic enterprise. Given the balance of power at that time, this effort was creditable. Garvey also was outspoken in his defense of black rights and abilities. His organizing work brought politics into layers of the black population ignored by other leaders.

Identified as an agitator, a radical, and even a Communist, J. Edgar Hoover had attempted to find a crime so that Garvey, an alien, could be deported. Failing to discover income tax violations, sexual improprieties, or

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27. Attorney General John G. Sargent to President Calvin Coolidge, November 4, 1927, file 42-793, Pardon Attorney records, RG 204.

passport irregularities, the Justice Department discovered mail fraud. Not only was the evidence presented at the 1923 trial flimsy -- one witness allegedly received a Black Star mailing but could not remember its contents -- by objective standards. The government itself acknowledged that the substance of their belief -- that Garvey had defrauded thousands -- did not stand up to the facts.

The legal system should not be used, as it was in the various stages of this case, to suppress dissent or serve the political prejudices of its bureaucrats.

Exonerating Marcus Garvey by passing House Resolution No. 84 is not simply an acknowledgment that many people admire Garvey's work. Rather, it will remind people that American justice has not been perfect and that the country can acknowledge its errors. Both effects will strengthen American democracy.

Mr. CONYERS. Thank you very much. From Los Angeles, Professor Robert Hill.

Professor HILL. Mr. Chairman, members of the committee, I feel it a special honor and privilege to be invited by you to testify today before this committee that is hearing testimony on House Concurrent Resolution 84. I wish to express to this committee my full support for the Resolution. Marcus Garvey was, in my view, innocent of the criminal charges of mail fraud, by which he was wrongfully accused and unjustly convicted. As one who has spent almost every day for the last 20 years engaged in scholarly research into the Garvey phenomenon, and as the editor-in-chief of the multivolume edition of the Marcus Garvey and UNIA papers, I do feel qualified to evaluate the record of this case and to present to you, members of this committee, reasons why I believe Marcus Garvey should be exonerated.

It is not only proper, but I think it is also fitting, that in the year marking the centenary of his birth, Congress, speaking for the people of the United States, should re-affirm the constitutional rights of the persecuted black leader in the face of accusations brought against him for one, and only one, purpose, namely that of politically ridding the United States of the leader of the largest mass movement of people of African descent ever organized, then and now. A careful perusal of the voluminous trial record, running to over 2,800 pages, fails to reveal any substantial support for the Government's conviction of Marcus Garvey.

Furthermore, convicted of a single count of mail fraud, out of a possible nine counts, the harshest possible sentence permissible under law, was meted out by the court to Garvey, five years in the Atlanta Federal Penitentiary with a fine of \$1,000. Such punishment, in my opinion, was nothing short of unusual. The facts surrounding the case of Marcus Garvey break down conveniently into two broad stages. The first stage, which lasted from the Fall of 1918 until the Fall of 1921, was consumed by an extensive campaign of Federal political surveillance of Garvey in search of possible evidence of sedition, in order to secure his deportation from the United States under the wartime sedition law aimed at aliens.

It was only when the goal of securing evidence of sedition against Garvey proved unattainable, that other legal stratagems were pursued against him. This was the context after the failure of the straight-forward political route for the Government's resort to the expedient of pursuing charges against Garvey of commercial fraud in connection with the use of the mails.

The second stage consists of the indictment, trial and conviction of Garvey. This later stage commences with the first grand jury indictment in February 1922, and it concludes with Garvey's conviction in June 1923, and the subsequent affirmation of judgment by the U.S. Circuit Court of Appeals for the Second Circuit, in February 1925. On the basis of a careful examination of the facts surrounding the case, it is my submission that, in the words of the House Concurrent Resolution, "the mail fraud charges brought against Marcus Garvey by the Federal Government were not substantiated and that his conviction on those charges was unjust and unwarranted." Now I shall not read to you the full statement of

my testimony, which you have. I would like to make a few comments and try to summarize it as best I can.

First of all, I would like to submit that while the door is now closed to Congress, or to anyone for that matter, to effect a judicial reversal of the court conviction of Marcus Garvey, House Concurrent Resolution 84 does clear the way for a reconsideration of the merits of the original case brought against Garvey, and it also clears the way for a recognition of this man's constitutional rights.

The second point I would like to make is that the definition of fraud and to defraud someone, the definition of those terms is defined as depriving of something by deception. What the people who are testifying here today are saying, is that the notion of Garvey as guilty of fraud violates the common sense meaning of fraud; their testimony represent an appreciation that Garvey did not deprive, Garvey gave. And if fraud is activated and effected by deception, that is tantamount to saying that Garvey was obliged to deceive black people into believing in themselves.

The third point I would like to make is that even when Garvey applied for a commutation of his sentence, the position of the Justice Department in this country, in its advisory memorandum to the President of the United States, President Calvin Coolidge, was that Garvey was a menace.

I would like to read to you a brief statement from the memorandum submitted by U.S. Attorney Emory R. Bucknow, to the pardon attorney James A. Finch, dated July 8, 1925. Bucknow wrote: "No one seriously contends that the Negro should not be permitted every latitude to better himself. The methods and the means which the defendant in this case used, however, are not contemplated in the mind of a disinterested observer to benefit the Negro race as much as to benefit Garvey himself. His incendiarism has continued right up to the present day. He preaching of hate, though of a very subtle character, is extremely menacing to peaceful living in this community. Even a casual glance at the issues of his newspaper, which is known as the Negro World, will show the necessity for the care with which he and his activities should be watched."

That was in 1925. The point I would like to make is that Garvey's. His words were subverted to comport with the pre-conceived notion of an incendiary, menacing individual. This is amply borne out in the account of the Government surveillance that Garvey was subjected to. What I would like to address my remaining remarks to are the actual merits of the indictment and the merits of the case and what took place in the case.

The record of Government surveillance shows that the trial itself was only the culminating event in a witch hunt conducted against Garvey. The witch hunt did not stop, however, with the conviction of Garvey because in August of 1924, when Garvey had submitted his appeal to the U.S. Circuit Court of Appeals, the Government instituted yet a third indictment of him, this time on income tax fraud. The feeling was that if Garvey's conviction was overturned, the Government needed to have a contingency plan for dealing with him and getting him to prison. So that, the legal strategies resorted to flow logically and historically out of a program of political witch hunting.

The first indictment was laid in February of 1922. A second indictment was laid one year later. The need for the second indictment reflects the weakness inherent in the first indictment. Both indictments are premised upon the assumption that the Black Star Line was a fraud scheme. This is amazing because, in light of the wealth of evidence in the files of the Department of Justice, which we now have, those documents show clearly that the Black Star Line was never, never conceived as a fraud scheme. To associate it with a fraud scheme is ludicrous and yet, the Government sat on that evidence.

The second premise of the indictments was that not only was the scheme a fraud scheme at its inception and in its conception, but that in carrying it out, Garvey knew that the stock in the Black Star Line was worthless and knowing that it was worthless, he nonetheless tried to persuade, and succeeded in persuading, subscribers that the stock was worth its face value of \$5.

The trial judge, Judge Julian Mack, in summing up to the jury, recognized that there was no fraud in the plan, in the devising, in the promotion of the scheme, at its outset. What Mack said to the jury in the closing of the trial was that the scheme possibly became fraudulent. By that he meant, and the indictment states this, that Garvey's company fell upon hard times and instead of telling subscribers, "we are in trouble, don't buy stock," Garvey said, you have to buy stock if you are to save the greatest asset of the Negro race.

So the question hinges on worth and value. In the eyes of the American legal system, the stock of the Black Star Line was worthless. In Garvey's eyes, the stock of the Black Star Line was the salvation of the race. You cannot, on that basis, impute dishonest motive, fraudulent motive, to a man who makes claims for the historic significance of this commercial enterprise. I would also like to put in a footnote. The 1920s was known as the high point in the history of American boosterism. By any standards of the era, Garvey's claims of the Black Star Line were mild, when compared with the rampant boosterism of this era.

Now, the third point about the indictment that stands out was that it took the view that, when Garvey went out and bought the BSL's first ship, it was alleged that he intended it for a fraudulent purpose, namely, to get people to invest in stock. And when afterward he went out and bought a second ship, which he did, the official indictment said it was in order to get subscribers to invest in a third ship, which it claimed was fraudulent. Whatever Garvey did, in other words, was part of the fraud scheme.

But, yet on the other hand, the indictment stated that he did nothing to acquire the ship for the African route. There is evidence that he did, and when that evidence came out, they said but, ah, it is really in order to defraud more people. In other words, nothing that Garvey did, on the face of this indictment, escapes the allegation of fraud. Garvey said things like the progress of the Negro race depends upon this. They said that is fraudulent since, in the Government's view, how could the progress of the Negro race depend upon the Black Star Line?

Now, I wish to say something about the trial. Garvey's firing of his attorney on the second day of the trial was a very, very serious

error on his part. I think it deeply prejudiced the jury against him. It unnecessarily prolonged the trial. His belligerent and overly aggressive courtroom demeanor shocked, I think, even his own sympathetic audience. But, that being the case, what was the Government's strategy in the trial? It was twofold.

They had to blanket Garvey and surround him with so many accusations of fraudulent intent and fraudulent deeds that they could create a strong impression that fraud had been committed. And then the question became, on which of the nine counts was the jury going to pin the actual fraud on?

At the end of the trial, there was so much confusion in the courtroom among the prosecutor, the judge, and the jury, that we have, what I consider to be, a highly unusual state of affairs. In his charge to the jury, the trial judge informed the jury that the Government had withdrawn the third count of the first indictment. They were instructed to ignore that. At the end of the charge by the judge, the prosecutor told him, you misspoke, you told the jury that it was the fourth count when it should have been the third count that was withdrawn, but he did tell them that it was the third count, so the prosecutor reiterated that the third count of the first indictment had been withdrawn. Yet, when the jury returns its verdict, they find Garvey guilty on one count—the third count of the second indictment; but when they explained the evidence for the conviction, it turned out that it was based on the third count of the first indictment, which they had been told had been withdrawn.

When you examine the endorsements on both indictments, both indictments specifically state that Garvey was convicted on the third count of the second indictment, yet there was no evidence or testimony presented at the trial to support a conviction on the third count of the second indictment. My view is that the jury did not know what it was doing; the trial judge got confused; the conviction, therefore, not only did not square with the evidence but it was also outside of the trial testimony. The evidence which the jury had in its mind for the conviction of Garvey did not match the count on which the jury actually convicted him.

What is also an interesting point about the trial was that in the first indictment, two charges were made against Garvey—using the mails for the purpose of fraud and conspiring to do so. In the second indictment that came down one year later, however, only the single charge of using the mails to defraud was included and no conspiracy charge. That that was for a deliberate purpose, namely, to split Garvey off from his three co-defendants. But if, indeed, the evidence that the jury used to convict Garvey was really evidence borne out by the third count of the first indictment—mailing of a circular, without any circular being produced in the court, but just the evidence of the envelope; a circular, moreover produced jointly by all of the officers of the Black Star Line—how could they convict Garvey and Garvey alone, without also upholding the conspiracy charge against the three other co-defendants?

In other words, Mr. Chairman and members of the committee, the jury's verdict, on the face of it, makes absolutely no sense. After Garvey was convicted he filed an appeal and the Government responded almost immediately with in a new indictment, this time,



an indictment for income tax fraud. The Government was determined, at all costs, to have Garvey out of the way. This was political justice in my opinion.

Now, I would like to end by saying that it was the belief in the redemptive quality of the Black Star Line that was the motivating force for its subscribers. This is poignantly borne out in the song written by Hattie Edwards McVey entitled "Yo Fatherland" described by its author as the "only African mammy song written." The song highlighted the urge that motivated Black Star Line subscribers.

She says, "When the steamer "Phyllis Wheatley" Made her first great African run, It landed a Southern mammy With her little dark brown skin son, With eyes uplifted to Heaven—she Thanked God for what Garvey had done; Then to her little son these words did say: Dis is yo Fatherland — Dis is yo Fatherland You can go any place dat yo wants to go, Be anything dat yo wants to be. Dis is yo Fatherland — so fertile, rich and grand. Don't mind wad de white chile used to do!! Wid dat segregated country, honey, yo is thru!!! Climb up and be president — its up to you — dis is you FATHER-LAND."

Millions of black folk revered Garvey, and continue to revere him, as a redeemer, as a Black Moses. It is not an exaggeration to say that blacks regard Marcus Garvey today, with the same veneration that Americans reserve for George Washington. The purpose behind the Government's prosecution, however, was to discredit Garvey. In other words, to make him into a black Ponzi. The verdict of history has vindicated Garvey, however, not his prosecutors.

Garvey himself told the court this, when he was about to be sentenced, "I must state that I have absolutely no regret; I am satisfied to bear any punishment imposed upon me by the Court for the service I have rendered to the race, and which I intend to render in the future in any way I possibly can. And I feel that Negroes that will live hereafter and my children and [future] generations will be satisfied that I have made a sacrifice for them, so that they, too, may take a place in the Government in the great operations of the world."

Thank you, Mr. Chairman and members of the committee for the opportunity you have here extended to me to place this testimony before you.

[The statement of Professor Robert A. Hill follows:]

**THE CASE OF MARCUS GARVEY**

**Testimony**

**by**

**Professor Robert A. Hill**

**Editor-in-Chief**

**The Marcus Garvey and Universal Negro Improvement Association  
Papers**

**The University of California, Los Angeles**

**presented before**

**U.S. House of Representatives, 100th Congress 1st Session**

**House Judiciary Committee**

**Subcommittee on Criminal Justice**

**Hearing**

**H. Con. Res. 84**

**Tuesday, July 28, 1987**

## THE CASE OF MARCUS GARVEY

Mr. Chairman, members of the Committee:

I feel it a special honor and privilege to be invited to testify before this Committee hearing testimony on House Concurrent Resolution 84, a non-binding resolution "Expressing the sense of the Congress that the mail fraud charges brought against Marcus Garvey by the Federal Government were not substantiated and that his conviction on those charges was unjust and unwarranted."

I wish to express to this Committee my full support for the resolution. Marcus Garvey was, in my view, innocent of the criminal charges of mail fraud by which he was wrongfully accused and unjustly convicted. As one who has spent almost every day for twenty years engaged in scholarly research of the Garvey phenomenon, and as editor-in-chief of the multi-volume edition of The Marcus Garvey and Universal Negro Improvement Association Papers (University of California Press, 1983- ), I feel qualified to evaluate the record of the case, and to present to you, members of the Committee, reasons why I believe Garvey should be exonerated.

It is not only proper but also fitting that, in the year marking the centenary of his birth, the Congress, speaking for the people of the United States, should re-affirm the constitutional rights of the persecuted black leader in the face of accusations brought against him for one and only one purpose,

namely, that of politically ridding the United States of the leader of the largest mass movement of people of African descent ever organized, then and now. A careful perusal of the voluminous trial record running to over 2800 pages fails to reveal any substantial support for the government's conviction of Marcus Garvey. Furthermore, convicted of a single count of mail fraud, out of a possible nine counts, the harshest possible sentence permissible under law was meted out by the court to Garvey: five years in the Atlanta Federal Penitentiary with a fine of \$1,000, accompanied by a refusal of continuation of bail pending the filing of an appeal. Such punishment was nothing short of unusual.

The facts surrounding the case of Marcus Garvey break down conveniently into two broad stages. The first stage, which lasted from Fall 1918 until Fall 1921, was consumed by an extensive campaign of federal political surveillance of Garvey in search of possible evidence of sedition in order to secure his deportation from the United States under the wartime sedition law aimed at aliens. It was only when the goal of securing evidence of sedition against Garvey proved unattainable that other legal strategies were pursued against him. This was the context, after the failure of the straight-forward political route, for the government's resort to the expedient of pursuing charges against Garvey of commercial fraud in connection with the use of the mails. The second stage consists of the indictment, trial, and conviction of Garvey. This later stage commences with the first

grand jury indictment in February 1922 and concludes with Garvey's conviction in June 1923 and subsequent affirmation of judgment by the U.S. Circuit Court of Appeals for the Second Circuit in February 1925.

On the basis of a careful examination of the facts surrounding the case, it is my submission that, in the words of House Concurrent Resolution 84, "the mail fraud charges brought against Marcus Garvey by the Federal Government were not substantiated and that his conviction on those charges was unjust and unwarranted." This belief, I submit, rests upon arguments supported by the weight of historical evidence, as follows:

#### AS TO THE GOVERNMENT SURVEILLANCE OF GARVEY

The facts upon the record show that Garvey was the victim of a systematic political witchhunt conducted by the Bureau of Investigation (forerunner of the Federal Bureau of Investigation), conducted by J. Edgar Hoover, at the time special assistant to Attorney General A. Mitchell Palmer, who assigned Hoover to the post of director of the newly created General Intelligence Division in the U.S. Department of Justice. This intelligence-gathering office was the primary instrument used in the 'Red Scare' deportation cases during the Palmer-Hoover raids in 1919-20.

Hoover was involved in organizing and superintending the surveillance of Garvey, with a view to finding violation of

federal law, from as early as April 1919.<sup>1</sup> Hoover was responsible for planting the first Negro informant to be used in investigating "the principal phases of the Negro movement," including Garvey and A. Philip Randolph and Chandler Owen of The Messenger magazine.<sup>2</sup> It was Hoover who determined, in August 1919, that the Bureau of Immigration should initiate an investigation of Garvey "with a view to the institution of warrant proceedings" against him.<sup>3</sup>

In October 1919, the Bureau of Investigation showed Hoover a letter it had received from the chief of the Panama Canal Office, Washington, D.C., which the Governor of the Panama Canal, Colonel Chester Harding, requested be sent. Harding felt extreme apprehension at the rumor of a pending visit by Garvey to Panama, given the state of near rebellion against labor conditions that was then being expressed among the West Indian canal workers. Hoover promptly transmitted to a special agent the communication from the Panama Canal Office accompanied by the following memorandum:

Garvey is a West Indian negro and in addition to his activities in endeavoring to establish the Black Star

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<sup>1</sup>National Archives, Washington, D.C., Record Group 65, File OG 185161, W.E. Allen to William M. Offley, Washington, D.C., April 7, 1919.

<sup>2</sup>National Archives, RG 65, File OG 258421, J. Edgar Hoover, special assistant to the Attorney General, to Frank Burke, director, Bureau of Investigation, Washington, D.C., August 12, 1919.

<sup>3</sup>National Archives, RG 65, File OG 329359, A. Caminetti, Commissioner-General of Immigration, to John W. Creighton, special assistant to the Attorney General, August 16, 1919.

Line Steamship Corporation he has also been particularly active among the radical elements in New York City in agitating the negro movement. Unfortunately, however, he has not as yet violated any federal law whereby he could be proceeded against on the grounds of being an undesirable alien, from the point of view of deportation. It occurs to me, however, from the attached clipping that there might be some proceeding against him for fraud in connection with his Black Star Line propaganda and for this reason I am transmitting the communication to you for your appropriate attention.<sup>4</sup>

Hoover was averring in his memorandum to the reference in Colonel Harding's original communication that "no subscriber [of Black Star Line stock] will ever see his money again, and it is unfortante that means cannot be found to put a stop to such a palpable fraud."<sup>5</sup>

Hoover was promoted to assistant director of the Bureau of Investigation in June 1921. It was from this office, and coming after the eventual frustration of a prior campaign by him to have the U.S. Department of State exclude Garvey from returning in 1921 to the United States, in the course of which Garvey's applications for a re-entry visa were repeatedly denied, over a period of approximately five months, by a succession of American consular officials in the West Indies and Central America, that Hoover shifted the government campaign against Garvey away from his previous reliance on sedition and exclusion. But the change was not immediate. Before the mail fraud option came into play,

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<sup>4</sup>National Archives, RG 65, File 198940, J. Edgar Hoover to Special Agent Ridgely, Washington, D.C., October 11, 1919.

<sup>5</sup>Washington National Records Center, RG 185, File 91/212, Col. Chester Harding to A.L. Flint, Balboa Heights, Canal Zone, September 27, 1919.

Hoover casted about for still another avenue of prosecution. In August 1921, he began pursuing the idea of prosecuting Garvey on charges of violating the Mann (White Slavery) Act.<sup>6</sup> The only difficulty was that the presumed victim happened to be Garvey's personal secretary and soon-to-be-wife second wife, Amy Jacques.

The idea for pursuing Garvey for potential mail fraud approached center stage, finally, on September 23, 1921, after all other attempts at deposing the black leader had been tried and had come to nought. At that time, Hoover's law school classmate and special agent of the Bureau of Investigation, George F. Ruch, notified the Bureau of a communication received by him from the Confidential Informant "800". Ruch reported:

The Negro Factories Corporation, one of Garvey's enterprises, will close its last business running establishment this week. 800 advised me that in all probability they will continue to sell stock in the Negro Factories Corporation, after their last factory has closed. He was instructed to secure the names and addresses of persons to whom stock was sold through the mails, after this last so-called factory had closed, and to secure such evidence as would assist the Government in their prosecution of Garvey for violation of the postal regulations.<sup>7</sup>

The focus of official attention soon changed, however, from concentration on the Negro Factories Corporation to Garvey's Black Star Line steamship corporation. The change came about as

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<sup>6</sup>See Robert A. Hill, ed., The Marcus Garvey and UNIA Papers, Volume 3 (Berkeley and Los Angeles: The University of California Press, 1984), pp. 644, 715-18, 720-21, 722, 723-25, 728-29.

<sup>7</sup>U.S. Department of Justice, Federal Bureau of Investigation, Washington, D.C., File 61-826, George F. Ruch to W.W. Grimes, Bureau of Investigation, Washington, D.C., September 23, 1921. The records in this file were released under provisions of the Freedom of Information-Privacy Act.



a result of the endeavor of one of Garvey's principal black opponents, Cyril Briggs, editor of The Crusader magazine, "to get the Post Office Department to take action against Marcus Garvey and the Black Star Line for having used the United States mails to defraud its shareholders."<sup>8</sup> Briggs was head of the African Blood Brotherhood, the black auxiliary of the American Communist party, and his effort to have the government institute an investigation of Garvey for mail fraud was the result of his failure to win over Garvey and thereby bring the UNIA under the direction of the ABB. The previously intense struggle between the two leaders turned especially bitter in October, i.e., the month prior to Briggs's request to the Post Office Department, when Garvey published a denunciation of Briggs in the UNIA's official Negro World as a "White Man [and] Negro For Convenience."<sup>9</sup>

The initiative sponsored by Cyril Briggs was the prelude to the federal government's decision to pursue Garvey for mail fraud. On December 9, 1921, the Department of Justice made arrangements with the Chief Post Office inspector to undertake a review of the evidence "in order that the Post Office angles may

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<sup>8</sup>U.S. Department of Justice, Federal Bureau of Investigation, Washington, D.C., File 61, Report by Special Agent Mortimer J. Davis, New York City, November 18, 1921.

<sup>9</sup>Hill, ed., The Marcus Garvey and UNIA Papers, Vol. IV (Berkeley and Los Angeles: The University of California Press, 1985), p. 107.

be incorporated when the case is framed."<sup>10</sup>

Garvey and three other officers of the Black Star Line corporation (Orlando Thompson, Eli Garcia, and George Tobias) were indicted by federal grand jury on February 17, 1922, on four counts of "using the mails in furtherance of a scheme to defraud and conspiring to do so" (U.S. Criminal Code Sections 215 and 37).

#### AS TO THE FIRST INDICMENT

The Black Star Line was a corporation organized under the laws of the State of Delaware with headquarters in New York City. The capital stock at the beginning was \$500,000 divided into 100,000 shares of the value of \$5 each. The capital stock was increased, on December 22, 1919, to \$10,000,000 divided into 2,000,000 shares at the par value of \$5 each. Over the period of its operation, it was estimated that the Black Star Line raised approximately three-quarters of a million dollars from sales of 153,000 shares. It purchased three boats, two of which, the S.S. Yarmouth (re-christened the S.S. Frederick Douglass) and the S.S. Kanawha (re-christened the S.S. Antonio Maceo) made a total of four trips to the West Indies and Central America. The third ship, the S.S. Shadyside, a Hudson river excursion boat, was used for the entertainment of delegates attending the UNIA's "First International Convention of Negro Peoples of the World," held in

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<sup>10</sup>U.S. Department of Justice, Federal Bureau of Investigation, Washington, D.C., File 61, Memorandum for the Files by W.W. Grimes, Washington, D.C., December 9, 1921.

August 1920 in New York. The indictment alleged that the Black Star Line was devised from the outset as a fraud scheme. This was patently false and ridiculous. The efforts made by Garvey and his co-defendants to secure ships through lease and purchase for the Black Star Line, and their success in placing those ships in operation, belies any such claim. Indeed, surveillance records in the possession of the Department of Justice and the Bureau of Investigation proved conclusively the falsity of the allegation. To the contrary, these records contained abundant evidence that the Black Star Line was not a scheme to defraud but a plan by which Garvey hoped to achieve the economic emancipation of the black race. The view expressed in the indictment was against the weight of the evidence, and this evidence the Department of Justice had in its possession at the time the indictment was drawn.

The indictment made five allegations about the intentions of Garvey and the other defedants as part of their scheme of fraud. in furthering their scheme of fraud. The following were the allegations, to wit:

(1) that it was the intention of Garvey et al to secure one or more ships and to purchase an excursion boat for the purpose of making fraudulent representations "in literature circulated by mail," leading purchasers to believe that their stock was worth the price at which it was being sold;

(2) that it was the original intontion of Garvey et al to promise that a ship "to be known as the Phyllis Wheatley" would

be taken over by the Black Star Line and sail to Africa, "when in truth and in fact, no such steamship existed;"

(3) that it was the intention of Garvey et al to publish and circulate a fraudulent financial statement purporting to show that the Black Star Line had "an organization expense of \$289,066.27," which the defendants allegedly knew to be false, in order to deceive the public that a great corporation had been built up and encourage investment;

(4) that statements made by Garvey to the effect that the activities of the Black Star Line were in the interest of the black race, for the building up of Africa/Liberia and the strengthening of black commercial enterprise worldwide, including the statement that the interests of the Black Star Line were being administered by "trained business men and specialty service help, unquestionably equal to their responsible tasks," were false and known by him to have been false;

(5) that the said defendants improperly appropriated part of Black Star Line money to their own uses "in the form or guise of salary, drawing account, expenses, commissions and profits."

Having thus devised and intended the Black Star Line as a scheme to defraud its victims, according to the indictment, the defendants were alleged to have executed the scheme by using the Post Office of the United States. The indictment gave four instances where the mails were alleged to have been thus used in pursuance of fraud. The fourth count of the indictment contained allegation of the crime of conspiracy against all four

defendants.

#### AS TO THE SECOND INDICTMENT

On January 22, 1923, a second indictment was drawn up by the government against Garvey and his three Black Star Line associates.

The new indictment, which contained eight counts of mail fraud, was a sign indicative of the weakness of the first indictment. Most noticeably, the second indictment dropped the charge of conspiracy, so that the single charge of "Using the Mails in a scheme to defraud" (Section 215 U.S.C.C.) was alleged.

The decision on the part of the government to drop the conspiracy charge would appear to have resulted from strategic considerations. It was probably sending a signal by dropping conspiracy from the second indictment that it would not be trying to win a conviction of Garvey's three co-defendants. In return for this concession, the other co-defendants might well have availed the government of testimony that could be used against the principal defendant, Garvey. perhaps in the hope that they would lend their testimony against Garvey during the trial in return for the concession of dropping the conspiracy charge. Indeed, the actual conduct of the trial showed that the government prosecutor lead practically no evidence whatever against Garvey's three co-defendants, who functioned simply as a sort of window-dressing to the main focus of the trial which was Garvey. Furthermore, it could be argued that from the outset the

inclusion of the three co-defendants in the first indictment served to prop up the government's case by enabling it to seek a conspiracy conviction in the event that the other substantive charge of fraud failed; additionally, their inclusion in the indictment served the political purpose of enabling the government deny that Garvey was the sole and substantial target behind the prosecution in the first place.

#### AS TO THE TRIAL

The trial began before Judge Julian W. Mack, on May 18, 1923, in the United States District Court for the Southern District of New York. At the outset of the trial, Garvey petitioned unsuccessfully for the removal of the trial judge, alleging that he was a contributor to the rival National Association for the Advancement of Colored People (NAACP). Garvey also fired his defense attorney, Cornelius W. McDougald, on the second day and assumed the trial of his own case. This was an extremely ill-advised decision on Garvey's part for obvious reasons, especially in the areas of admissibility of evidence and cross-examination of witnesses. By conducting his own defense, the trial was prolonged, so that instead of the anticipated two weeks, the trial lasted for one month, ending on June 18, 1923. Furthermore, it was unlikely that Garvey's generally aggressive courtroom demeanor endeared him to the all white jury.

At the start of the trial, the first and second indictments

(C. 31/37 and C. 33-688 respectively) were consolidated. The strategy of the government prosecutor was to build a general picture of fraudulent misrepresentation and misuse of funds against Garvey. However, in my opinion, none of the actual evidence presented in the trial substantiated the allegations of fraudulent intent set out in the first indictment (and repeated in the second indictment). As an example, I wish to cite the testimony given by Thomas P. Merrilees, the government's expert bank accountant who had responsibility of analyzing the financial records of the Black Star Line. The first indictment alleged that the figure of \$289,066.27 for organizational expense in the financial statement of the Black Star Line published in the Negro World was further evidence of fraud. The testimony of the government's expert financial witness on this important allegation was as follows:

Prosecutor: Mr. Merrilees, among the assets in the Negro World of Saturday, August 14, 1920, there is an item, "Organization Expense, \$289,066.27."

Merrilees: Yes, Sir.

Prosecutor: That differs from your organization expense to what extent?

Merrilees: I haven't got an organization expense.<sup>11</sup>

Regarding the allegation contained in the indictment that the defendants appropriated and converted to their own use revenue from sales of Black Star Line stock, the government's case rested on financial mismanagement, such as the diversion of

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<sup>11</sup>Marcus Garvey v. United States, no. 8317, Ct. App., 2d cir., February 2, 1925, pp. 1047-1048.

funds to the running of a restaurant and Garvey's drawing two checks in favor of his secretary, than upon any evidence of deliberate and substantive fraud. What the prosecutor took to be representative of fraud in this connection was the fact that the expenses of the Black Star Line corporation and the personal expenses of its stock salesmen and officers were "intermingled promiscuously" and its accounts badly kept; that large sums of money were used for support of travelling salesmen engaged in marketing stock, or for the personal expenses of Garvey; and that these expenses were continued simultaneously with appeals for further stock subscriptions.

It was also the government's contention that the proposed fourth ship (the S.S. Phyllis Wheatley) never existed save on paper, even though Garvey and the officers of the Black Star Line made strenuous efforts to secure such a ship. At the trial, for example, Orlando Thompson, vice-president of the Black Star Line, testified that negotiations for a British vessel, the S.S. Tennyson, were begun in January 1921. The Lamport and Holt Line owned the ship, and the Oceanic Freighting Co. served as brokers. The Black Star Line's overtures ended abruptly, however, when Thompson received a letter from the owners breaking off negotiations.<sup>12</sup> In the view of the government, publication of a picture of the ship, advertisements of its sailings to Africa, and bookings of passengers and freight for its voyages was evidence of fraudulent intent on the part of Garvey and his co-

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<sup>12</sup>Ibid., p. 1201.



defendants.

None of the other three allegations specifically cited in the indictments as constituting deliberate fraudulent intent on the part of Garvey and the three co-defendants were proven, in my opinion, on the evidence submitted in the trial. What the government did succeed in doing, through the testimony of various witnesses, was ultimately to spread over Garvey a kind of blanket cover of exaggerated claims, mismanagement, and negligence in his running of the affairs of the Black Star Line. Garvey's penchant for hyperbole, however, must be judged in the context of the dominant climate of boosterism in commercial affairs that prevailed in American commercial affairs during the twenties.

What did make Garvey and the Black Star Line different from the rest was their objectives which, in the opinion of the government, could have had no other basis than fraudulently induce sales of stock. Accordingly, the first indictment in the case cites as evidence of fraudulent intent statements issued by Garvey to the effect

that the Black Star Line afforded a grand opportunity to every Negro to insure himself against misfortune; that there would be a monster demonstration at Madison Square Garden October 30, 1919, to celebrate the launching of the Black Star Line steamship, S.S. "Frederick Douglass;" that the S.S. "Frederick Douglass," the first ship of the Black Star Line, has been launched on the 31st day of October, 1919, and made history for the Negro; that three ships were afloat and that we must float one every three months until we build up a great merchant marine, second to none; that amidst great difficulties we are able to bring into real existence a corporation that now holds a high place among the great business institutions of the day; that we have placed the Race 100 per cent among the great commercial institutions of the world;

that we now have under our control three ships and we are making a desperate effort to acquire the greatest ship of all, and one that is to convey to Africa our workmen and materials, for the building up of the great Republic of Liberia for the Race; that the Black Star Line S.S. Corporation has startled the world; that we are making special efforts to add ships of large tonnage to the ships now under and controlled by this concern; that the proceeds of the dollar drive will be used to donate our mother ship, all necessary equipment and make it specially and conveniently fitted for the African trade; that all our time, all our energy, all our ability, will be centered in building up of Africa as the greatest nation in the world; that between these three agencies, The African Redemption Fund, the Black Star Line S.S. Corporation and the loaning to the Universal Negro Improvement Association's Construction Loan, you (referring to the victims) will enable us to cement the finances of our race as to make it possible for us through this organization not only to build a nation, but to bind ourselves as one industrial power among the other races and nations of the world, and that whatever might have been the errors of the past, the present administration of the Black Star Line is composed of trained business men and specialty service help, unquestionably equal to their responsible tasks[.]<sup>13</sup>

Such rhetoric as this, in the eyes of white American opinion, was certain to have been interpreted as the height of dishonesty and irrationality.

The consequence of the prosecuting attorney's successful blanketing of Garvey with culpability for the failure of the Black Star Line venture was that the specific counts of the two indictments were lost sight of and became hopelessly confused in the minds of trial judge, prosecutor, and jury alike. At the close of the case, with the jury absent, the government prosecutor informed the trial judge that he withdrew the fourth count of the first indictment (the conspiracy count) and counts

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<sup>13</sup>Ibid., First Indictment, pp. 5-5.

one and two of the second indictment.<sup>14</sup> From his description of the content of the first of the withdrawn counts, however, it turns out that the prosecutor had confused the second with the first indictment. In his charge to the jury, Judge Mack declared:

In the first indictment the third count has been withdrawn, and in the second indictment the first and the second counts have been withdrawn.<sup>15</sup>

At the close of the charge of the jury, the trial records records an exchange between the government prosecutor and the trial judge regarding this question of what counts the government had withdrawn. The prosecutor offered the following correction:

Mr. Mattuck: Your honor mentioned the fourth count to the first indictment instead of the third.

The Court: Yes, that was my mistake in looking at this paper. I should have said the third count. It is not the fourth count in the first indictment.<sup>16</sup>

And there the matter of the withdrawn counts remained. From this exchange between prosecutor and trial judge conducted in the presence of the jury it will be seen that the court affirmed that the third count of the first indictment was withdrawn.

After a lengthy deliberation, the jury returned with a verdict of acquittal of Garvey's three co-defendants (Thompson, Garcia, and Tobias), and found Garvey "guilty as charged under

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<sup>14</sup>Ibid., Motions, p. 2384.

<sup>15</sup>Ibid., Charge, p. 2406.

<sup>16</sup>Ibid., Charge, p. 2414.

the third count of the second indictment" (C. 33-688).<sup>17</sup> This is confirmed by the endorsements made on both indictments which give Count 3 of the second indictment as the guilty count.<sup>18</sup>

The problem with this verdict is that it was against the evidence. The evidence on which the jury convicted Garvey was the evidence involving Benny Dancy, a Pennsylvania station cleaner who had purchased 53 shares of Black Star Line stock. It so happened that the so-called Dancy count was the third count in the first indictment, and this was the count that the trial judge had specifically instructed the jury in his charge, in two separate places in the charge, as having been withdrawn by the government. The only sense that one is able to make from this state of affairs is that the jury had decided that Garvey was guilty in general and then set about trying to find a count on which to pin the guilty verdict, in the process utilizing testimony from a count that it was told had been withdrawn and confusing it with a count in an altogether different indictment.

I can find no other way to make sense of the verdict that the jury returned. If the jury had simply made a slip in mistakenly citing the second for the first indictment, which was it had intended, then we have the problem of explaining how it was possible for the jury to convict Garvey and at the same time acquit the three co-defendants of conspiracy, the second of the

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<sup>17</sup>Ibid., Charge, p. 2417.

<sup>18</sup>Ibid., Endorsement on [First] Indictment, p. 16; Endorsement on [Second] Indictment, p. 35.

two crimes charged in the first indictment ("Using the mails in furtherance of a scheme to defraud and conspiring to do so," Secs. 215 and 37). The only reasonable inference to be drawn from the verdict of acquittal is that the jury had in its mind the second indictment, i.e., the indictment without the conspiracy charge. But this still leaves unresolved the larger question as to how the jury could have found Garvey guilty on the basis of a count that it was twice told by the trial judge had been withdrawn.

Mr. Chairman, we are left to wonder at the rendering of so confused and contradictory a verdict. It would seem to signify nothing so much as a certain slothfulness on the part of the jurors and an indifference to the rules of evidence.

#### AS TO THE SENTENCE

In determining sentence, the trial judge based punishment, in his words, on "the very serious financial injury that has come, not merely to the one party named in the indictment as having been the person to whom the letter in question was mailed, because that is not the extent of the difficulty, but to the hundreds and thousands of people who, on the face of the representations that were made -- which the jury necessarily found were made -- were led to invest their money in this enterprise." As a Progressive social reformer, Judge Julian Mack determined that the maximum punishment permissible under the law (five years and \$1,000 fine) should be levelled against Garvey

due to the "financial character of the whole mass of people who suffered".<sup>19</sup>

There was another way of evaluating the matter, however. In November 1927, in recommending the commutation of Garvey's sentence to President Calvin Coolidge, Attorney General John G. Sargent wrote:

Notwithstanding the fact that the prosecution was designed for the protection of colored people, whom it was charged Garvey had been defrauding by means of exaggerated and incorrect statements circulated through the mail, none of these people apparently believe that they have been defrauded, manifestly retain their entire confidence in Garvey, and instead of the prosecution and imprisonment of the applicant being an example and warning against a violation of law, it really stands and is regarded by them as a class as an act of oppression of the race in their efforts in the direction of race progress and of discrimination against Garvey as a negro.<sup>20</sup>

This way of looking at the Black Star Line enterprise and the motivation of the people who invested in it would have been grounds for an attenuated sentence. But to such a consideration the trial judge was deaf, so aroused was the compassion of the humanitarian reformer for the presumed "victims".

#### AS TO THE INCOME TAX CASE

While Garvey's appeal against conviction in the mail fraud case was pending, the government once more indicted Garvey, on August 4, 1924, for violation of Section 253, Internal Revenue

<sup>19</sup>Ibid., Charge, pp. 2426-2427.

<sup>20</sup>National Archives, Washington, D.C., RG 60, File 42-793-6057-F, John G. Sargent, Attorney General, to President Calvin Coolidge, November 12, 1927.

Act of 1918, and Section 125 U.S.C.C. for fraud and forgery in the filing of income tax returns.

The purpose of this third federal indictment was clear. Until the judgment in the mail fraud trial was affirmed, the government was not prepared to take any chances with the possibility of Garvey's exoneration. To prepare for such a contingency, the indictment for tax fraud (C. 38-771) was instituted. In the opinion of this observer, the government's strategy had all the qualities of a political witchhunt against Garvey. We can be sure that had Garvey's appeal proved successful, he would have faced another federal trial.

#### AS TO THE APPEAL AGAINST CONVICTION

Garvey was convicted on the count charging the mailing of a circular letter to one Benny Dancy "in furtherance of the scheme to defraud." The main burden of Garvey's appeal rested on the insufficiency of the evidence with regard to the contents of the Dancy letter.

The envelope of the Dancy letter was introduced in evidence as Government Exhibit 112. It bore the postmark of the College Station Post Office in Harlem showing that it had been mailed and bearing the address of Dancy at 345 West 131st Street. The back of the envelope bore the stamp of the Black Star Line. But whereas the envelope was given in evidence, the content itself was not produced at the trial. On this ground, it was argued by Garvey that the verdict was based upon mere "inference" and that

it should therefore be set aside.

The U.S. Circuit Court of Appeals, in dealing with this point, declared that the circumstantial evidence of the contents of the letter was ample to justify a conviction. It held that the mere fact that the mails were used was sufficient and that the contents of the letters alleged to have been sent need not have been set out in the indictment. In dealing with this point, the Circuit Court of Appeals said:

It is a reasonable inference that men regularly sending our circulars in envelopes do not send out empty envelopes; also that one who received an empty envelope would remember the emptiness, and further and finally that when Dancy identified the envelope and testified to letters and circulars so numerous that he could not remember all of them, the inference was justifiable that some one of those documents came in the envelope. Which one was of no importance. The nature of the matter sent by mail is immaterial; it is the purpose inspiring the sending that brings the scheme deviser under national law, not the language of his communication.

Thus the circumstantial evidence justified the jury in finding that the envelope did not come empty to Dancy. We note that it is the language of the count that requires the envelope to have contained a letter or the like; so far as the statute goes, it would be quite possible so to use an empty envelope or a postal card blank except for address, as to satisfy the statute.<sup>21</sup>

This line of reasoning which was the basis of affirming the original judgment of conviction against Garvey overlooked the following material points:

- (1) that the nature of the circulars mailed by the Black

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<sup>21</sup>Marcus Garvey v. United States, Circuit Court of Appeals, Second Circuit, 4 Federal Reporter, 2d Series 974, February 2, 1925, folio 2807-2817.



Star Line were treated as indiscriminately fraudulent, whether or not they were mailed before or after the date of the Dancy letter;

(2) that the deduction was made by the court that the circular mailed to Dancy was of this fraudulent nature;

(3) that the actual contents of the circulars did not prove fraudulent intent on the part of the defendants, despite the hyped up nature of their appeals for subscribers to purchase stock in the Black Star Line;

(4) and that where "the purpose inspiring the sending" of the circular was honestly motivated the basis of fraud was not present.

This takes us back to the beginning of the government's case resting on the premise that the Black Star Line was a scheme devised to defraud investors. In my view, this was not proven by the evidence; the evidence produced suggests to the contrary. So the question of fraud came down to the matter of the worth of Black Star Line stock and Garvey's knowledge and understanding of the financial exigency of the corporation. According to the trial judge in sentencing Garvey, this is what established the fraudulent nature of his activities, not the scheme as originally devised which is what the indictment alleged. He stated:

. . . It is necessarily, and I think in a judicial capacity improper for me to pass judgment upon the motives that actuated the defendant in starting this steamship company. They have have been of the very highest. They may have been aimed solely at the betterment of his race and not for any personal profit or for any personal aggrandizement. I say I do not determine and I do not intimate a view on that

question. As a charge to the jury it is utterly immaterial in the determination of this case, and in my judgment it is likewise immaterial to the punishment to be inflicted, what these original motives may have been.

The view that the jury took of the evidence they were abundantly justified in taking that view. When this company was in a hopeless condition, representations were made and authorized by this defendant that continued to induce thousands of people to put their money into what must have been known to all concerned as an absolutely losing business enterprise, even though they might have dreamed that in some way, somehow, by some miracle, it might have been pulled out of the hole and might dedound eventually to the credit of the race.<sup>22</sup>

According to the original charge in the government indictment, the defendants had contemplated fraud at the inception of the scheme and in the execution of the fraud scheme utilized the mails of the United States.

The voluminous transcript of the trial does not disclose that the subscribers purchased stock in the Black Star Line on the basis of the representations made by Garvey regarding the actual financial standing of the company. To the extent that we can extract anything from Benny Dancy's brief testimony, what stands out is the political appeal that underlay his motivation to purchase shares in the Black Star Line. The exchange between the prosecutor and Dancy on this point went as follows:

Q. Cannot you think what you were spending your money for, what they said?

A. Yes, they said in some of the letters about investing this money to help me and the rest and make

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<sup>22</sup>Marcus Garvey v. United States, no. 8317, Ct. App., 2d Cir., 2 February 1925, Charge, pp. 2426-2427.

bigger progress.<sup>23</sup>

Dancy believed that the Black Star Line was really an organization of racial uplift to strengthen the race and not merely a scheme, as the government claimed it was, to defraud poor "victims," as the indictment refers to Black Star Line stockholders, of their hard-earned money. Subscribers were "tired," in the words of Fenton Johnson's poem of the same name, "tired of building up somebody/else's civilization."<sup>24</sup>

The belief in the redemptive quality of the Black Star Line on the part of its subscribers was poignantly borne out in the song written by Hattie Edwards McVey, entitled "Yo Fatherland." Described by its author as "the only African 'Mammy' song written," the song highlighted the urge that motivated Black Star Line subscribers:

When the steamer "Phyllis Wheatley"  
 Made her first great African run,  
 It landed a Southern mammy  
 With her little dark brown skin son,  
 With eyes uplifted to Heaven -- she  
 Thanked God for what Garvey had  
 done;  
 Then to her little son these words did

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<sup>23</sup>Ibid., p. 863.

<sup>24</sup>Fenton Johnson, "Tired," quoted in Stanley Edgar Hyman, "American Negro Literature and the Folk Tradition," in The Promised End: Essays and Reviews, 1942-1962 (New York: The World Publishing Co., 1963).

say:

Dis is yo Fatherland -- Dis is yo Fatherland

Yo can go any place dat yo wants

to go,

Be anything dat yo wants to be.

Dis is yo Fatherland -- so fertile, rich

and grand.

Don't mind wad de white chile used

to do!!

Wid dat segregated country, honey,

yo is thru!!!

Climb up and be president -- its up

to you --

Dis is yo FA-THER-LAND.<sup>25</sup>

Millions of black folk revered Garvey, and continue to revere him, as a redeemer -- as a Black Moses. It is not an exaggeration to say that blacks regard Garvey today with the same veneration that Americans reserve for George Washington. The purpose behind the government's prosecution, however, was to discredit Garvey -- to make him into a Black Ponzi. The verdict of history has vindicated Garvey, not his prosecutors. As Garvey himself told the court when he was about to be sentenced:

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<sup>25</sup>Hattie Edwards McVey, "Yo Fatherland," Negro World, August 27, 1921.

I must state that I have absolutely no regret; I am satisfied to bear any punishment imposed upon me by the Court for the service I have rendered to the race, and which I intended to render in the future in any way I possibly can. And I feel that Negroes that will live hereafter and my children and [future] generations will be satisfied that I have made a sacrifice for them, so that they, too, may take a place in the government in the great operations of the world.<sup>26</sup>

Thank you, Mr. Chairman and members of the Committee, for the opportunity that you have extended to me to place this testimony before you.

Professor Robert A. Hill

July 28, 1987

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<sup>26</sup>Marcus Garvey v. United States, op. cit., p. 2423.

Mr. CONYERS. Thank you. Dr. Tony Martin from Wellesley.

Dr. MARTIN. Thank you very much, Mr. Chairman.

I also, like the other panelists, consider it a great privilege and an honor to be part of this historic event concerning the exoneration of one of our greatest leaders, the Honorable Marcus Mosiah Garvey.

There are few major black leaders who have not at some point been harassed and even imprisoned. In many ways, one might argue that there is really nothing unusual about being in prison if one is a leader of the mass of black people. It may be argued, and some have argued, why single out Marcus Garvey for this type of hearing? Other leaders as different as Elijah Muhammad, Malcolm X, Martin Luther King and Stokeley Carmichael have all at some point in their careers been unjustly imprisoned for essentially political reasons.

It is my contention, however, that there are many aspects of the Garvey case which make Garvey unique and which justify this type of a hearing concerning the exoneration of Marcus Garvey. Marcus Garvey is in many ways unparalleled among our leaders. He is unparalleled insofar as the size of his following was concerned. He built by far the largest mass movement among our people, both in this country and internationally, in history. He touched the minds and the hearts and the souls of our people in a way that few leaders have done, and our people responded to Garvey in a way which is, in many ways, unmatched.

Both in Garvey's own lifetime and since his death, there has been a tendency almost to apotheosize him, to build him up to the level of a prophet, a God. This is one way in which the masses of our people have sought to suggest both to their own generations and their posterity the way that Garvey touched them, that very personal, intimate and deep way in which Marcus Garvey touched them.

Political figures since Garvey's, time covering a variety of tendencies, have seen in Garvey a person who motivated them, who inspired them in a very intimate way. In Afro-America, you have people as different as Elijah Muhammad, leader of the Nation of Islam, who was actually a member of Garvey's movement in his youth. You have someone out of mainstream politics like ex-Congresswoman Shirley Chisholm, who tells us in her autobiography that her first experience of anything political was going to meetings of Garvey's organization in Brooklyn, New York, because her father was an ardent member of Garvey's Universal Negro Improvement Association.

You have people like Malcolm X whose father also was an organizer for Garvey's association. You have people like ex-Congressman Charles Diggs whose father was involved with the Garvey movement in Detroit, Michigan. And the list can be extended.

On the African continent also, you have people like Kwame Nkrumah who tells us in his autobiography that Garvey's famous *Philosophy and Opinions* was the book which had the greatest impact on his early political development as a student here in the United States of America.

The very first Governor General of independent Nigeria, Nnamdi Azikiwe, tells us in his autobiography that he dates the beginnings

of his political interest to the day that he saw a battered copy of Garvey's newspaper, the Negro World. Jomo Kenyatta of Kenya tells us that he considered himself a Garveyite in his early days. Almost the whole generation of political activists who came to prominence from the 1930s on in the Caribbean were people who were involved in Garvey's movement directly or indirectly, one way or another. The late Errol Barrow, Prime Minister of Barbados, who died a few weeks ago is a case in point. His father was actually one of the early members of the Garvey movement. Errol Barrow told us that he himself as a boy listened to Marcus Garvey in 1937 and was greatly inspired. Something that Errol Barrow heard Garvey say was indelibly maintained in his mind, and he actually considered it sort of a watchword and a motto.

In South Africa, the African National Congress was thoroughly organized by the Garvey movement in the 1920s and the 1930s.

So for these and for so many other reasons, Garvey's case is unique. There is no other leader of African people, at least in the 20th century, perhaps at any time, who touched the lives of Africans on an international basis as intimately as Garvey did. This is the reason I believe for the desire to see Garvey's name exonerated. This is the reason why that desire has never ever been quenched over the years. It is a desire which has come to the fore time and time again.

The bare bones of Garvey's trial can be stated very succinctly. He was arrested and indicted early in 1922. He was charged, as we have already heard, with using the mails to defraud. He was actually tried over a year later in 1923. He was convicted. He was sent to jail in the Tombs in New York City without bail for three months. He was released on bail. His appeal came up in early 1925. He lost his appeal. He went to the Atlanta Federal penitentiary. He remained in Atlanta until late in 1927 when his sentence was commuted and he was deported from this country back to Jamaica.

Those are the bare bones of his trial.

Garvey's trial took place in a political climate which made it very, very difficult for him to obtain a fair hearing. His trial was in many ways, as has been alluded to before, the culmination of a concerted effort at entrapment.

Garvey was preaching a philosophy of race uplift. He told black people three things primarily: First, he told them to be about the business of race first. He told them that black people should put their racial self-interest first, not to the detriment of anybody else but for their own upliftment.

Garvey also told black people that they should be self-reliant. He said that oppressed people had a duty to themselves to help themselves. They should not rely primarily on assistance from any external sources.

Garvey told his people, third, that they should be about the business of Nationhood; that is, political empowerment. That was essentially Garvey's program.

This program, as innocuous as it may seem, was nevertheless considered to be somewhat threatening to the status quo in Garvey's time. There was a tendency on the part of those in power to see any movement of black liberation as ipso facto threatening. And so you had law and order officials, who would actually admit

that what Garvey was about was quite legitimate, that the grievances which he articulated were quite correct, but who nevertheless, refused to deal with the root causes of those grievances. The attitude of officialdom was always one of law and order. Garvey was seen as a problem of law and order. This explains the political climate that Garvey had to deal with.

From very early in this country, Garvey was subjected to an incredible amount of harassment. He was under surveillance from a variety of intelligence operations, both in the Government and also from quasi-governmental organizations like the National Civic Federation. There was a heavy police presence, both uniformed and secret, at his meetings. Infiltrators were placed in his organization to try to stir up trouble and to report back on what was happening.

J. Edgar Hoover, as a lawyer in the Department of Justice in 1919, actually expressed regret that Garvey had not yet committed any crime which would serve as a pretext for deporting him. This is 1919. This is a mere 3 years after Garvey arrived in this country, and this is something like eight years before Garvey was finally deported.

Here we had a major law enforcement official, supposed to be upholding law and order, expressing regret. He said he was sorry that Garvey had not committed any crime because he was already trying to find a pretext by which he could deport Garvey.

There were attempts to put Garvey in jail on all kinds of pretexts. There were times when the officials considered arresting him under the Mann Act, the so-called "White Slavery" Act, because he traveled across State lines with his fiance. They wanted somehow to see this in the same light as transporting a woman across State lines for immoral purposes, which is what the Mann Act was intended to make illegal.

Garvey was subjected to an assassination attempt in 1919, and there is evidence that there may have been some collusion between a district attorney in New York City and the would-be assassin. Garvey came within an inch of his life when four shots were fired at him.

There were court cases aplenty against Garvey, most of them trumped up. He was charged with all kinds of things. Every year he had an international convention, and in the midst of his international convention every single year he would be arrested on one charge or another. One year it was income tax; another year it was something else. But they would always find some reason to arrest him in the middle of his convention when it would cause him the maximum embarrassment. His Liberty Halls, the meeting places of the organization, were attacked by police parties on more than one occasion.

This kind of harassment extended internationally. U.S. consular and diplomatic officials around the world colluded with authorities in various places to ban Garvey's newspaper, to deport Garveyites, to refuse visas to Garveyites entering foreign countries and so on.

So this is the context in which Garvey came to trial. The odds already stacked against him. Garvey was first indicted singly and then later jointly when it was realized that he was part of a Board of Directors of a properly constituted corporation. Despite the fact that there were co-defendants, the emphasis throughout the trial



was on Garvey. The other defendants were eventually released; they were found not guilty.

The emphasis was on Garvey throughout. There was no shirking the fact that Garvey was the object of all this attention. In fact, the prosecutor in a famous statement said to the jury, "Gentlemen, will you let the tiger loose?" This is how he referred to Garvey in the midst of what was supposed to be a fair trial. He characterized Garvey as a tiger. "Gentlemen, will you let the tiger loose?"

There were bits and pieces of evidence—in fact, crucial evidence—in the trial which left much to be desired. Some of the crucial evidence upon which the whole conviction turned seems, in retrospect, to have been somewhat inadequate. As has been heard already, Garvey was actually being tried for mail fraud. It was suggested that he caused circulars or letters to be sent through the mails, encouraging people to invest in the Black Star Line when he allegedly knew full well that the Line was bound to fail.

As Garvey said, businesses fail in the United States every day. It is no big thing for a business to fail in the United States. The mere fact that the business fails, of course, is not evidence of fraud.

In terms of concrete legal evidence, the kind of evidence upon which one could convict someone, the real evidence which was brought forward by the prosecution consisted of an envelope with the Black Star Line stamp on the outside. The envelope was empty. There was nothing in it. The prosecution never really adequately proved A, that Garvey had mailed the envelope; or, B, that he had caused the envelope to be mailed. In addition there was never introduced into evidence any particular circular which was supposed to be in that envelope. The person who this envelope was supposedly mailed to, one Benny Dancy, a porter at the Pennsylvania Station in New York City, actually said that Federal agents had come to see him and had coached him on the kind of evidence to give and so on.

So after all is said and done, this is the evidence upon which Garvey was actually convicted. I would like to quote here from Garvey's lawyer in dealing with this piece of evidence. He very clearly summed up the inadequacy of this piece of evidence:

"And when we seek to understand how it was that the jury, by some inexplicable, absurd process found that Garvey was guilty of mailing a circular or letter to Dancy, when there was not in the evidence any such circular or letter, and when there was not in the evidence any means by which the circular or letter could be identified, and when the sole exhibit consisted of an envelope that did not even appear to have been addressed by Garvey, or through his procurement, then we feel fully justified in stating that the verdict was unjust, that it was the result of speculation, if not of passion or prejudice."

Another prosecution witness, one Schuyler Cargill, claimed to have worked for Garvey. He claimed to have been the person who used to mail these circulars, and yet under cross-examination he could not identify the post office where he used to mail these circulars for months on end. He could not identify any fellow employee who worked with him for all these months in Garvey's employ. He could not identify the timekeeper who he supposedly checked in with every day. Eventually, this witness admitted under cross-ex-

amination that he also had been coached in his evidence by one of the prosecution team.

Garvey discharged his lawyer. Garvey was of the opinion from evidence that was given to him that his lawyer was about to make a deal, a deal which Garvey thought would have been against his interests. He therefore fired his lawyer, but he did hire legal counsel to advise him behind the scenes from that point on. He did have competent legal advice, even though he did defend himself.

One of the most astounding aspects of this case was that the evidence seems to suggest that the persons who were really guilty were some of Garvey's co-defendants. Garvey was forcibly kept out of the United States for several months in 1921. It was during this time that a lot of the strange dealing that took place within the Black Star Line happened. In fact, in retrospect, it almost looks like a conspiracy. It looks as though Garvey was being forcibly kept out of the country by the Government in order to allow these other persons to get the Black Star Line into financial difficulty.

When Garvey was arrested and indicted, he was in the process of trying to bring a case against these co-defendants. But the Government made it impossible for him to bring these co-defendants to justice by seizing the record of the Black Star Line record which Garvey would have utilized for his case against the defendants—in particular, one of the co-defendants by the name of Orlando Thompson. In fact, one of the members of the executive of the Black Star Line in 1927 or '28 actually swore to an affidavit in which he was able to show that this Orlando Thompson was a man who had actually taken a lot of money illegally from the Black Star Line.

The trial judge, one Julian Mack, was a member of the NAACP. There is nothing particularly unusual about being a member of the NAACP except that at that time the NAACP was spearheading one of the most vitriolic attacks—in fact, it was more than an attack; it was a campaign—to discredit Marcus Garvey. So here you had a trial judge sitting in judgment over Marcus Garvey who was a member of the organization that was in the forefront of the attempt to discredit Marcus Garvey.

Between the time that Garvey was indicted and when the actual trial took place, while the matter was *sub judice*, the NAACP was highly involved in something known as the "Marcus Garvey Must Go" campaign. They campaigned up and down the country. They went so far, together with other individuals, as to write the Attorney General of these United States telling him that Garvey was a criminal, that he should be jailed, that he should be deported.

Well, here was Garvey's case *sub judice*, and here was the NAACP at this sensitive period writing the Attorney General of the United States of America, telling him that Garvey was a criminal. And then a member of that same organization placed himself in judgment over Marcus Garvey.

Now, Garvey called upon the judge to disqualify himself at the beginning of the case, and the judge refused. The judge admitted in court that he was a member of the NAACP. He admitted that he contributed financially to the NAACP. Yet, despite all this, he refused to disqualify himself. If for no other reason, on this point alone, it seems to me that Garvey's conviction really ought never

to have taken place, ought to have been crushed from the beginning. On this point alone, if for no other reason.

About three weeks into the trial, the very same judge, Julian Mack, called together counsel and informed them that he had a Jewish convention to go to in Chicago, and he wanted them to hurry the case up. Garvey's reaction was to jump up and say, "What? And jeopardize the rights and liberties of Marcus Garvey? What is more important? The liberty of Marcus Garvey or your convention in Chicago?" And it is because of this incident, possibly, that the judge may have been so harsh in his sentence. Everybody is agreed that the sentence was much too harsh. He threw the book at Garvey; he gave him the maximum sentence, 5 years in jail, a thousand dollar fine and also imposed the costs of the trial on Marcus Garvey, followed by 3 months in jail for no good reason, followed by excessively high bail when bail was finally granted. The man was piqued because he had to go to a convention in Chicago.

More than this, throughout the trial Garvey was subjected to the most incredible onslaught by a very hostile press who made all kinds of outrageous claims. They claimed that he was storing guns in Liberty Hall in Harlem and so on. This type of harassment continued even after the trial. When Garvey was finally taken into custody in 1925, when his appeal failed, the appeal was inexplicably brought forward from the appointed date, and it caught Garvey unawares in Detroit. When he heard of the appeal having been brought forward, he hurried back to New York. His lawyer informed the authorities that he would surrender as soon as he got back to New York, and yet he was unjustly arrested. Everything was done to maximize his embarrassment.

The aftermath of Garvey's trial, again, must be unprecedented in our history. Literally, quite literally millions of people from around the world—literally millions—appended their names to petitions of all sorts that poured into various agencies of Government. Many of these signatures can still be seen. They are lodged in the files of the National Archives today. There were dozens, maybe scores, maybe hundreds of petitions, each of them containing hundreds and thousands of signatures. As far away as South Africa, you had people celebrating Marcus Garvey Sunday in church every Sunday to pray for Garvey's release and so on. A hundred and fifty thousand people turned out in Harlem in 1926 to parade and march, calling for Garvey's release.

Throughout it all, the jurors, even the jurors who had sent Garvey to jail, eventually had a change of heart. Nine of the 12 jurors—and it was an all white jury that sent Garvey to jail—nine of the twelve jurors who sent Garvey to jail eventually signed a statement saying that an injustice had been done, that Garvey should be released. I think this is crucial. The very jurors themselves had a change of heart later on, nine out of the twelve. Of the remaining three, two could not be located, and only one refused to sign that statement. This was a couple years after Garvey went to jail.

President Calvin Coolidge commuted Garvey's sentence in November of 1927, and even at the level of deportation, the irregularities of Garvey's trial could still be seen. The warrant of commuta-

tion said that Garvey should be released forthwith. There was nothing in the warrant concerning deportation. The evidence suggests that the deportation may actually have been the work of over-zealous officials, but not of the President himself.

So at every level of this case, from the surveillance before the case to the actual case itself, to the question of deportation after the case, at every level, we had irregularity. I still feel, nevertheless, that President Coolidge's commutation is very important because it can be seen as a first step, the culmination of which this committee can now accomplish today; because by commuting Garvey's sentence, at the very least President Coolidge was tacitly saying that clearly something was wrong here, something had gone wrong with the administration of justice. That was a tacit acceptance of the fact that justice had not been done to Marcus Garvey.

I see this committee here today as having a historic opportunity now to complete, in a sense, the work of President Coolidge.

I will end by a paraphrasing Garvey's lawyer again, when he said that in his 25 years as an attorney practicing in New York City he had never in his experience been part of a case in which there was such a palpable effort to convict someone unjustly.

Thank you very much.

[The statement of Dr. Tony Martin follows:]

TESTIMONY

OF

TONY MARTIN  
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Why Marcus Garvey?

Going to jail is not an unusual occurrence for major leaders in the struggle for Black equality. Elijah Muhammad, Malcolm X, Martin Luther King and Stokeley Carmichael are among the many whose activism has brought them jail sentences. It may conceivably be argued that Garvey's jail sentence was an occupational hazard and not worth unusual concern.

Yet Garvey's case is special in many ways. Garvey's conviction for mail fraud in 1923 and his subsequent imprisonment (1925 to 1927) has rankled in the consciousness of a race, on an international scale, to a degree unparalleled in the history of African peoples. There are several possible reasons for this. Garvey's movement (the Universal Negro Improvement Association) was the largest Pan-African movement in history, with branches in over forty countries and millions of followers. Probably no other leader has touched the hearts of African peoples so profoundly and on so wide a geographical scale. The impact of Garvey can be seen in a persistent tendency to apotheosize him, both during his lifetime and afterwards. Major political figures of varying tendencies have paid homage to Marcus Garvey as a factor in their development. The list includes Kwame Nkrumah, Nnamdi Azikiwe and Jomo Kenyatta in Africa; Shirley Chisholm, Elijah Muhammad and Malcolm X in the United States; Errol Barrow, T. Albert Marryshow and a host of others in the

West Indies. Garvey had a major impact on the development of the African National Congress in South Africa in the 1920s and 1930s. He was Jamaica's first (and currently most popular) national hero.

#### Trial -- The Bare Facts

Marcus Garvey was indicted in January 1922 on a Federal charge of using the mails to defraud in connection with his promotion of the Black Star Line Shipping Corporation. He was found guilty in 1923 and incarcerated, after losing his appeal, from 1925 to 1927. His sentence was commuted by President Calvin Coolidge in November 1927 and he was deported to Jamaica in December 1927.

#### Political Context of Garvey's Trial

Garvey's movement has built on the effort to uplift the mass of Black people, in the United States and the world. In the process, Garvey put forward three major ideas --

1. Race first - People of African descent should be proud of their heritage and interpret their own reality in the realm of history, literature, religion and so on.

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2. Self-reliance - Black folk should as far as possible help themselves through their own efforts, rather than relying primarily on external assistance.
  
3. Nationhood - Self-determination and political empowerment for the race everywhere and lobbying for the freedom of Africa were major objectives of Garvey's organization.

From an official viewpoint, Garvey's philosophy was a radical one, likely to make his followers unhappy with their lot and hence a problem of law and order. Even where authorities admitted the legitimacy of Afro-America's grievances, the question of maintaining law and order took precedence over addressing the root causes of Black upset.

Garvey's movement was accordingly the subject of broad official and quasi-official surveillance and harassment. Within a year of Garvey's 1916 arrival in the U.S.A., such surveillance on the part of police authorities was already heavy. Agents monitored his meetings, infiltrators joined his organization and Garvey and his associates were summoned before law enforcement officials. In 1919 J. Edgar Hoover of the Bureau of Investigation (FBI) of the Department of Justice expressed regret that Garvey had not committed any crime that might have made him deportable. "Unfortunately," said Hoover, "he has not as yet



violated any Federal law whereby he could be proceeded against on the grounds of being an undesirable alien, from the point of view of deportation." Hoover's remarks seemed to suggest an effort at entrapment.

Harassment took a variety of other forms. Garvey was arrested during each of his international conventions, the meeting places (Liberty Halls) of the UNIA were raided, and U.S. consular and diplomatic officials around the globe were implicated in hindering his movement in various ways. There were even suggestions that Garvey be charged under the Mann ("White Slavery") Act for traveling with his fiancée.

Quasi-official organizations such as the National Civic Federation augmented this surveillance and harassment.

#### The Trial

The 1923 trial represented the culmination of what were essentially political attempts to stem the tide of Garvey's movement. In their zeal to get at Garvey the authorities initially indicted him alone, ignoring the fact that he was but one member of the board of directors of the Black Star Line. The indictment was later amended, but it was evident during the course of the trial that Garvey, and not the other board members, was the chief object of the prosecution's zeal. There

were two indictments containing thirteen counts. Garvey was alleged to have sent, or caused to be sent, certain letters through the mail as part of a scheme to defraud. Some counts alleged a conspiracy on the part of the defendants to implement the same scheme. Garvey was convicted on only one count, involving "a certain letter or circular enclosed in a post-paid envelope addressed to 'Benny Dancy, 34 W. 131 Street,'" in New York City. The prosecution produced an empty envelope bearing the Black Star Line stamp and claimed that a particular letter promoting the line had been mailed in it. Dancy's testimony was very unsatisfactory. He could not remember the contents of the envelope in evidence and had been induced to testify as a result of a visit to his house by government agents.

Garvey's lawyers, in setting forth their grounds for appeal, summarized their objections to Dancy's crucial evidence in the following terms --

And when we seek to understand how it was that the jury, by some inexplicable, absurd process found that Garvey was guilty of mailing a circular or letter to Dancy, when there was not in the evidence any such circular or letter, and when there was not in the evidence any means by which the circular or letter could be identified, and when the sole exhibit consisted of an envelope, that did not even appear to have been addressed by Garvey, or through his procure-

ment, then we feel fully justified in stating that the verdict was unjust, that it was the result of speculation, if not of passion or prejudice.

Another witness, Schuyler Cargill, who claimed to have mailed Black Star Line letters, did not know the location of the post office where the letters were mailed and could not name fellow employees he was supposed to have worked with. He admitted that his evidence was concocted by a member of the prosecution team.

Several other factors helped suggest either that the trial was the result of an elaborate set-up or that it was hopelessly prejudiced, with the active or passive approval of the government. For one thing, many of the financial setbacks suffered by the Black Star Line took place while Garvey was forcibly kept out of the U.S.A. in 1921. (U.S. consuls refused to visa his passport.)

Presiding judge, Julian Mack, admitted in court to being a member of the NAACP, an organization at the time spearheading a vitriolic campaign against Garvey. The NAACP's organ, The Crisis, was full of anti-Garvey material, much of it vituperative and inaccurate. Several top ranking NAACP members were in the forefront of a "Marcus Garvey Must Go" campaign which peaked in the period between Garvey's indictment and the trial.

NAACP leaders had been among a group of eight persons writing the attorney general of the United States calling for Garvey's arrest and possible deportation, and this while Garvey's matter was sub judice. The Department of Justice made it quite clear that it was in sympathy with the signatories of that letter. Dr. W.E.B. DuBois, a major NAACP leader, even wrote the secretary of state, Charles E. Hughes, shortly before the start of the trial informing him that Garvey was a criminal.

Judge Mack admitted to being a member of, and financial contributor to this association, but yet refused Garvey's request to disqualify himself.

Judge and prosecutor exhibited considerable animosity towards Garvey. Judge Mack at one point asked the parties to hurry up proceedings because he wished to go to an international convention in Chicago. Garvey refused to have his case compromised for any such reason. Garvey, perhaps not surprisingly, eventually received the maximum sentence of five years, a fine of a thousand dollars and was additionally ordered to pay the costs of the trial. He was refused bail for three months pending appeal.

The date of his appeal in 1925 was suddenly brought forward while he was out of town and he was unnecessarily arrested on his way back to surrender himself.

Immediate Aftermath

The popular reaction to Garvey's imprisonment was unite unprecedented in Afro-American history and showed clearly what millions of people thought about the fairness of Garvey's trial. Millions from around the world appended their names to petitions praying Garvey's release. Many of these are still available for perusal in the National Archives of the U.S.A. Even many of those who had called for his imprisonment had a change of heart in light of the experience of the trial and sentence. The culminating evidence of misgivings at the course of justice came in January 1927 when nine of the twelve member all-white jury that had convicted Garvey relented. They signed a declaration saying that Garvey had been sufficiently punished. Two of the jurors could not be located and only one refused to cooperate.

It was because of this massive and broadly based outpouring of concern that President Calvin Coolidge commuted Garvey's sentence in 1927. Deportation followed and this, too, became clouded in possible illegality. For there was no stipulation for deportation in the president's warrant of commutation and evidence points to a possibly illegal deportation on the part of over-zealous officials.

The fact that the president of the United States was willing to commute the sentence in 1927, however, should be seen as a significant preliminary step towards the complete exoneration of Marcus Garvey in 1987. Then the observations of Garvey's attorney will be vindicated. "In my twenty-three years of practice at the New York Bar," said Armin Kohn, "I have never handled a case in which the defendant has been treated with such manifest unfairness and with such a palpable attempt at persecution as this one."

Mr. CONYERS. We owe all of you a debt historically for putting on the record in the Congress some of the incredible circumstances surrounding the trial and conviction of Marcus Garvey—the reconsideration of the jurors, the concealed exculpatory evidence, the absence of the element of criminal intent, the effect upon the jury of discharging the attorney, the selection of possibly the wrong count, and the indictment.

I wanted to ask you this question that seemed very interesting to me, because as I remember President Calvin Coolidge, he did not strike me as a person very prone to liberal acts such as the pardon that he granted. What do you think motivated President Calvin Coolidge to do what he did?

Dr. MARTIN. You are quite correct. Calvin Coolidge's record in race relations leaves very much to be desired.

Calvin Coolidge may have been motivated possibly by political considerations. For one thing, the mass pressure that was brought to bear on him and his administration was quite unprecedented. I am talking about 150,000 people demonstrating, millions of petitions and what have you.

At first, his Attorney General John Sergent was in favor of leaving Garvey in jail. He argued that if Garvey was released from jail and deported, his power was such that even from Jamaica, his impact on the United States might have been so great that he might have been a nuisance from the official point of view. However, by 1927, an election year was looming; 1928 was an election year. I suspect that this may have had something to do with it. He may have seen at that point that the best thing would have been to get rid of this problem, so to speak, by getting Garvey out of jail at least, and possibly out of the country. I believe that that may be part of it.

Mr. CONYERS. That commutation was very extraordinary, and I think that it may have been some of the elements of the trial that weighed on the President's decision. Do you think that is also possible?

Dr. MARTIN. Yes, I think this is absolutely true because there were several requests made by Garvey through his lawyers, at least on about three occasions. On each occasion the irregularities of the trial were detailed. So this might very well have had something to do with it, also.

Professor STEIN. And, additionally, Coolidge's pardon attorney, was genuinely convinced that the facts of this case, as the prosecutor had presented it to the jury, were not true. The truth and good politics came together in this instance. There are long memos to that effect among the records of this case. Some Government officials believed that a wrong had been done.

Mr. CONYERS. Well, I appreciate this very, very much, and I would like now to recognize Congressman Edwards.

Mr. EDWARDS. Thank you, Mr. Chairman. I have been very much moved by the testimony today and will certainly do everything I can to make sure this splendid bill authored by Mr. Rangel is enacted.

I think that the issue is larger, much larger than what happened, the tragedy and the terrible persecution of Marcus Garvey. Remember that in 1921 and 1922, they had the Palmer raids in this

country where the Attorney General of the United States put in jail hundreds of alleged radicals without trial and without any reason at all except that the Attorney General did not like the cut of their chin. Throughout our history, we have the Government persecuting individuals when the Government of the United States under our Constitution and the Federal courts are supposed to protect people from the majority or from unreasonable laws or from being harassed for their belief, protect them in their legitimate political opinions and in their economic opinions. Mr. Garvey was doing everything lawfully, and he should have been protected by the Government; instead, he was harassed and persecuted by the Government. Just as Senator McCarthy harassed people a little bit later in the House of Representatives and the House Un-American Activities Committee, and the FBI in Cointelpro.

Mr. Rangel and I sat on the same subcommittee when that came out, and we found out that the FBI was heavily involved in politics and in dirty tricks and so forth. And what the FBI did to Dr. King—this is the United States Government again—was simply unconscionable and criminal. And the State of North Carolina to the Wilmington Ten, once again the Government at work.

In so many of these cases, there is an element, an ugly element of racism which, in the Garvey case, is predominant. If a white man had been doing the same things, he would have been praised; but if a black man did it, he was suspect for trying to bring up an entire group of people into a relative state of equality.

I just received today from former Republican Congressman Pete McCloskey his brief for a new trial for Geronimo Pratt who was, in Los Angeles about 10 years ago, convicted of killing two people in the famous Parking Lot murders. Well, ex-Congressman McCloskey is convinced that it was a set-up, that it was a frame-up, because Mr. Pratt was a member of the Black Panthers. And then, Mr. McCloskey found out that the FBI had been persecuting Geronimo Pratt for many years and infiltrating the organizations that he belonged to and sending out poison pen letters about him and alienating him from other Black Panthers such as Huey Newton and the rest of them. He even has an admission from an FBI agent in his brief that I read today that there was a frame-up there. But, I do not think a new trial is going to happen. I think it is very difficult to change things like this.

So this experience today is not just to get Mr. Rangel's bill passed and not just to exonerate Marcus Garvey. It also is a signal for all of us to take a giant step forward, not only to make sure that this never happens again, but to do everything we can to fulfill his dream, which is, in essence, full equality for black Americans in our society, or at least the opportunity which we denied them right and left.

That is the message I am getting out this, Mr. Chairman and Mr. Rangel, and our witnesses. I am very grateful for the opportunity to be here today because I had not been privy to a lot of this information. I feel privileged that I have had this chance.

I thank you.

Mr. CONYERS. Well, you identified a number of incidents of Government harassment.



Did any of the witnesses want to comment on anything that Mr. Edwards has said? Yes?

Professor HILL. I would like to point out that in the period of 1919 to 1920, the period you referred to as the Palmer raids, this period is known to history as the Red Scare. What is not recognized is that there was a parallel Black Scare that this Government unleashed; and that if you only see this as relating to Marcus Garvey, you do not really begin to fathom why such a powerful organized effort was made to depose him as a black leader.

The point is that Marcus Garvey was symbolic of the spirit of defense of rights, fight back for what is yours if it is taken from you. And this caused the Government to deem the movement of this era, the new Negro radical movement, as a very serious threat. The Government unleashed a parallel Black Scare to the analogous Red Scare of this period, and I think if you use that, you can then understand why in the 1960s another Black Scare was unleashed, and in the 1970s yet another Black Scare was unleashed.

This goes back to the era of slavery. Blacks have always been instrumental in the creation of these moments of hysteria in the White American mind, which causes a wave of persecution to be unleashed against the black community.

Professor STEIN. I think there is another point to be made, because actually the worst part of both the Black and Red hysteria was over by the time of the indictment in 1922. It seems to me what this indictment reveals is that individuals in the Government—in this instance, J. Edgar Hoover—you know, had a great deal of personal power, unbridled by law and institutions. (If there are contemporary parallels, I will let you make them.) Despite procedural changes that were made after the 1919-1920 Red Scare, determined individuals could still frustrate the purposes of the law. And here you see Hoover and subordinates having a great deal of power to make indictments against political dissidents and to harass despite the legal changes.

Mr. CONYERS. Mr. Rangel.

Mr. RANGEL. Mr. Chairman, I think that all of us feel that we are part of history. I was just sharing with Congressman Edwards that the record of J. Edgar Hoover as relates to the harassments of blacks in this country, one would suspect that if anyone was convicted as a result of his efforts, that it should be with the FBI to prove that they had evidence of that guilt.

I intend to make certain that copies of this eloquent testimony is a part of our Nation's history, and that those of you that have participated and, indeed, those of you that have taken the time out from your business schedules to be here, I would make certain that you would have a copy of this because it is just as much a part of the history as Marcus Garvey, as if though he were here.

And there are so many other people who have not achieved the greatness that he has that have suffered in our penal system, and yet they were not fortunate enough to have sons and supporters that have the heart and the spirit and the fight not to rest until this great day has come.

Let me thank you, Mr. Chairman. You have been a great Chairman, and you made it possible for this great committee to wrong an injustice. Could anyone tell me how one could get access to the

transcripts that have been referred to by the historians and, more specifically, Mr. Hill.

There are any number of lawyers that would want to have an opportunity to review this in legal terms rather than historic terms. And I assume that you were able to give access.

Could you state for the record how you were able to do this and where the records are located?

Dr. HILL. I would be happy to. The records in this case take three principal forms, the surveillance records beginning in November of 1918. These surveillance records are made up of Military Intelligence Division records of the U.S. War Department, general stock. They are made up of the Bureau of Investigation records, the Bureau of Immigration records, Naval Intelligence records, records from British Military Intelligence, French Intelligence, Belgian Intelligence.

The surveillance composite of records run very, very deep. There was free transmission across the Atlantic between America and Western allies of transcripts of activities of Garvey. The legal records I think perhaps I should say something about. The trial transcript of the criminal trial is deposited in the records of the United States Supreme Court in the National Archives. To my knowledge, that is the only place where the original transcript is, which runs to over 2,800 pages. It is voluminous. And the supporting affidavits, both Government and defense exhibits and affidavits, are a wealth of very rich historical information on what happened.

In addition, you have the appeal briefs by Garvey's attorneys and the response of the Government attorneys to the appeal briefs. Those can all be found in the records of the U.S. Department of Justice. It has never been satisfactorily explained how they got from a conviction on count three of the second indictment and made it transferrable to the third count of the first indictment.

Mr. RANGEL. Do you have the citations? Are you saying that the State's trial records are not deposited with the United States Supreme Court Archives?

Dr. HILL. Yes.

Mr. RANGEL. Did the case go to the Supreme Court?

Dr. HILL. No. I think an appeal for a writ of certiorari to the Appeal Court, the U.S. Circuit Court of Appeals, was denied. When Garvey's conviction was affirmed, he applied for permission to file a writ of certiorari in March of 1925, and it was denied him by the U.S. Circuit Court.

Mr. RANGEL. And so the records of the trial would be in the Washington Archives of the United States Supreme Court?

Dr. HILL. Yes.

Mr. RANGEL. Do you know the citation of the Garvey case?

Dr. HILL. Yes.

Mr. RANGEL. Could you give it for the record?

Dr. HILL. Sure. They are cited under two indictment numbers, C-31-77 and C-31-688. I could be wrong. It is in my footnotes here.

Mr. RANGEL. What you use as your testimony, would it be there because the Chairman has allowed the written testimony to be entered into the record so that you would not have to point—it will be a part of our records.

Dr. HILL. It is in my written testimony.

Mr. RANGEL. Well, I cannot thank you enough. The sons and the children have suffered enough, but you stayed, with the fight, and you fought a good fight, and certainly historians always have an opportunity to report their findings, and we are eternally grateful for your taking the time out. Thank you so much. Thank you, Mr. Chairman.

Mr. CONYERS. You are more than welcome. I would like to ask Dr. Garvey and Marcus Garvey, Jr. as well, if he is in the room, this question. How was it, under such adverse circumstances in which your father was traveling extensively and your mother had very enlarged political responsibilities, how was it that both of you got such a first-rate education both in medicine and engineering? I think this should be made a part of the record, and I know that you had some other comments you wanted to make.

Dr. GARVEY. First, in terms of my own education, I must say that in that event my mother was my main motivator on a day-to-day basis. And, of course, the historical memory of my father served the same purpose. We were always admonished that we were Garvey's sons, and we had to do something with our own lives that would make our father proud of us.

I would just like to say, as a son of Marcus Garvey, and perhaps speaking for the millions of sons and daughters of Marcus Garvey, that we are here, not because we feel that Marcus Garvey has to be exonerated. In our minds, in our hearts and our spirits, he was never a criminal. He was a martyr for the race. And this is an opportunity, I think, for America to express itself through the Congress. A great wrong has been done to black people through the ages. A great wrong has been done to black people here in these United States. A great wrong was done to Marcus Garvey as a representative of black people in 1925.

The evidence is overwhelming. It is hoped that in this 200th year of constitutional democracy in these United States, the American people will seek to ratify the Constitution, not as a clannish tribal document but, indeed, as a document that embodies universal truth and applies to all citizens within these United States.

It is my fervent hope that the American people will clear this up once and for all for posterity.

Mr. GARVEY. I would just like to say that I had the benefit of first-rate education because I had a super mother, a mother who was able to communicate to us the ambitions that she had, and to make us feel those ambitions and to do all these things single-handedly. Because when my mother did these things, my father was dead, and I was brought up by this mother who was unique and who was a great contributor to the African struggle.

The works of Marcus Garvey were continued by my mother. And it is therefore natural for me to want to excel, because Marcus Garvey called for black people to turn to science. That was one of his great principles, that the reason we were backward as a people was because of our inability to achieve an understanding of technology and science, and to apply the science. And that was the reason, one of the reasons why I—although I started out in my career to be a lawyer, and I have a degree in law, I ended up being an engineer.

Mr. CONYERS. Well, you know we came here, thanks to Congressman Rangel, to correct a wrong. But you know, in attempting to correct a wrong—and this begins the process, this does not end it, this is the opening shot across the bow.

I was mentioning to my colleague from California, Mr. Edwards, and Mr. Gekas, that usually around January, Black History Month, we get a little discussion going about Garvey, especially on the campuses there is a lot of chitchat. But, here we have gone deeply into this subject matter in order to develop a comprehensive understanding of it, not of just the history but of where we have got to go. When Congressman Edwards ran down the litany, as some of you have, of what happens to black leaders in the American political situation, this case is not unusual. We now stand as Garvey's legatees to correct the wrongs done to him and to make sure that they do not occur in the period in which we live. In doing so, we will probably make him very proud of all of us.

All of the witnesses have been supremely eloquent, and I deeply appreciate this resolution being brought to our subcommittee so we can join with you. Thank you for your attendance.

Mr. RANGEL. Mr. Chairman. I am sorry, but I would just like to acknowledge the presence today of the nephew of the Black Eagle who certainly was a dear friend and associate, William Julien is here for the Black Eagle.

Mr. CONYERS. Thank you very much. That is very important. This hearing stands adjourned.

[Whereupon, at 4:56 p.m., the subcommittee adjourned, subject to the call of the Chair.]

## ADDITIONAL MATERIAL



## NEW FUTURE FOUNDATION, INC.

477 West 142 Street, Suite 5, New York, New York 10031  
(212) 862-0080

TESTIMONY OF HARLEMS WOMEN'S COMMITTEE/NEW FUTURE FOUNDATION  
HEARINGS OF THE SUBCOMMITTEE ON CRIMINAL JUSTICE OF THE HOUSE  
JUDICIARY COMMITTEE - JULY 28, 1987

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RE: H. Con. Res. 84 - MARCUS MOSIAH GARVEY

DELOIS BLAKELY

THANK YOU MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE ON CRIMINAL JUSTICE FOR ALLOWING ME, DELOIS J. BLAKELY, TO SUBMIT A STATEMENT ON BEHALF OF THE HARLEM WOMEN'S COMMITTEE/NEW FUTURE FOUNDATION FOR THE REMOVAL OF CHARGES AGAINST MARCUS MOSIAH GARVEY.

AS A WOMEN'S ORGANIZATION BASED IN HARLEM, U.S.A., AND CONCERNED ABOUT THE PLIGHT OF AFRICAN PEOPLE, WE SEE A NEED TO JOIN OTHER WITNESSES IN AN EFFORT TO REMOVE FROM THE RECORDS THE WRONGFUL, UNJUST DEED OF CONVICTION OF THE HONORABLE MARCUS MOSIAH GARVEY OF A CRIMINAL ACT. HE WAS PERSECUTED FOR HIS IDEALOGY OF ELEVATING A PEOPLE FROM THEIR PLIGHT OF POVERTY AND DEGRADATION.

HIS ONLY CRIME WAS BEING BOLD ENOUGH TO WORK ON BEHALF OF HIS PEOPLE.

MUCH IS KNOWN OF THE EARLY BEGINNINGS OF THE GARVEY MOVEMENT. IT IS IMPORTANT TO NOTE THAT THE MOVEMENT (UNIA) BEGAN IN HARLEM AFTER THE FIRST WORLD WAR, IN WHICH MANY AFRICAN-AMERICAN MEN GAVE THEIR LIVES FOR DEMOCRACY ONLY TO FIND THAT THEY DID NOT BENEFIT FROM IT. IT WAS DURING THIS PERIOD THAT GARVEY WORKED TIRELESSLY FOR SELF-RELIANCE FOR AFRICAN PEOPLE IN AMERICA AND WORLD-WIDE. IT WAS, AND IS, A JUST CAUSE. THE

## NEW FUTURE FOUNDATION, INC.

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SUCCEEDING HISTORY WAS ATTESTED TO THE NEED FOR SELF-RELIANCE AND INDEPENDENCE OF AFRICAN PEOPLE IN AMERICA.

WE, AS AFRICAN WOMEN IN AMERICA APPRECIATE HIS WORK TO FREE AFRICAN PEOPLE IN AMERICA OF THE MENTAL BONDAGE WHICH PREVENTS DEVELOPMENT.

WE APPRECIATE THE HONORABLE MARCUS MOSIAH GARVEY'S WORK TO TEACH AFRICAN PEOPLE THE NEED TO BE A "FREE PEOPLE IN BODY AND SPIRIT"

- . TO ATTAIN THE KNOWLEDGE NECESSARY FOR CONTRIBUTION TO THE ECONOMIC, POLITICAL AND SOCIAL FABRIC OF AFRICAN PEOPLE IN AMERICA AND WORLD-WIDE.
- . BASED ON THE FACTS, HAVING BEEN DOCUMENTED IN THE TRANSCRIPTS FROM THE COURT HEARINGS THAT MARCUS MOSIAH GARVEY WAS NEVER PROVEN GUILTY BY CONVINCING DIRECT EVIDENCE OF ANY WRONGFUL DOING BUT WAS CONVICTED AND SENTENCED ON "HEARSAY".

QUEEN MOTHER MOORE

IT IS A TESTAMENT TO THE DURABILITY OF THE IDEALS OF MARCUS MOSIAH GARVEY THAT AN INDIVIDUAL INSTRUMENTAL IN SECURING HIS RIGHT UNDER THE CONSTITUTION OF "FREE-SPEECH AND ASSEMBLY", THE HONORABLE QUEEN MOTHER MOORE WAS PRESENT AT A PUBLIC MEETING IN LOUISIANA WHERE SHE MADE A STRONG EFFORT TO SECURE THIS FUNDAMENTAL RIGHT. QUEEN MOTHER MOORE, AT 89 YEARS OLD THIS PAST WEEK, IS PRESENT TO TESTIFY AT THIS HEARING.

## NEW FUTURE FOUNDATION, INC.

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THE FOLLOWING EXCERPTS FROM AMY GARVEY IS AN APPROPRIATE STATEMENT WHICH OUTLINES SOME OF OUR THINKING:

AMY GARVEY

EXCERPTS FROM OPEN LETTER TO JAMACIAN GOVERNMENT BY  
MRS. AMY GARVEY:

"I have lived with deprivation through the years, the ridicule from the misinformed, the sneers of those whose horizons stop with the shores of the country of their domicile, and above all the harassments of governmental administrators, whose lust for political power and personal aggrandisement see in me an implacable enemy, because I am against their manipulation of the economic interests of the black masses by an alien economic elite.

What these people need today is that those who have bread and a little butter, should not get more butter, while the majority do not...

Food, clothing and housing are the three essentials necessary to man's existence. All three are controlled by minority groups. From the daily large profits of the food and clothing trade, "Housing Developers" have established themselves. The real estate market is cornered.

The more wide-spread is education the more youngsters will leave schools yearly equipped to earn a living. The vast majority of them are black. Where are the jobs for them.\*

The Black people are squeezed out of business by devious, discriminatory means, and since trade is the life-line of any country, they are sinking into poverty and frustration...

It is time that the fear of a race-cry be no longer smothered, and that 98 percent of the population - black people - take their rightful stand and place in the categories of nationhood that holds the keys to prosperity for the masses...

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\*Emphasis added.

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Since money to me is not adequate compensation, and you are concerned about me, please rectify the above complaints, and give me the joy of knowing that my people are being activated by laws, regulations and the human approach to change their status in the nation...

And now to (sic) more personal requests --

Please see that Marcus Garvey's shrine is finished and railed around to prevent children from playing on the tomb, and dogs from depositing their excrement there."

C O N C L U S I O N

WE, THE HARLEM WOMEN'S COMMITTEE/NEW FUTURE FOUNDATION, RESPECTFULLY SUBMIT AND CONCLUDE THAT THE UNJUST CHARGES AND CONVICTION AGAINST MARCUS MOSIAH GARVEY BE REDRESSED. WE SEE THE NECESSITY OF THE IDEOLOGICAL THINKING OF MARCUS GARVEY AS PART OF THE ADVANCEMENT OF A PEOPLE COURAGEOUSLY WORKING TO REMOVE OPPRESSION INTERNATIONALLY.


WOMEN PRESENT - HARLEM WOMEN'S COMMITTEE/NEW FUTURE FOUNDATION:

Queen Mother Moore - Historian, World Federation Of African People.  
 Adelina St. Clair - Graduate student/International Relations and Development, City College of the City University of New York.  
 Adunni O. Tabasi - UNIA Member - Harlem Chapter.

Supported by Mrs. Aileen Avery  
 Vice Chairperson  
 The Harlem Women's Committee/  
 New Future Foundation

Respectfully submitted,

By

  
 Delois J. Blakely  
 Chairperson, Harlem Women's  
 Committee/New Future  
 Foundation and Honorable  
 Deputy Mayor of Harlem



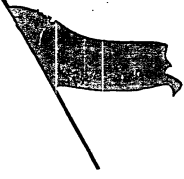
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Special thanks to Congressman Charles B. Rangel (D-NY), author of H. Con. Res. 84.

Special thanks to Universal Negro Improvement Association and African Communities League of the World - Aug. 1929 and Mr. Oduno A. Tarik.

Excerpts from an article entitled "SAYS GARVEY GOT RAW DEAL, SEEKS REDRESS" by Simon Anekwe, Amsterdam News dated January 14, 1984.



ONE GOD! ONE AIM! ONE DESTINY!

UNIVERSAL NEGRO IMPROVEMENT ASSOCIATION  
AND AFRICAN COMMUNITIES LEAGUE

AUGUST 1929 OF THE WORLD PARENT BODY

2200 E. 40TH ST., P.O. BOX 03441, CLEVELAND, OHIO 44103



MARCUS GARVEY  
FOUNDER

OCT 01 1987

MASON A. HARGRAVE  
PRESIDENT GENERAL

July 28, 1987

Congressman John Conyers, Chaired  
Subcommittee on Criminal Justice  
Congress of the United States  
House of Representatives  
Washington, D.C. 20515

RE: H. Con. Res. 84, "Expressing the sense of the Congress that the  
mail fraud charges brought against Marcus M. Garvey by the Federal  
Government were not substantiated, and that his conviction on  
those charges was unjust and unwarranted".

Dear Members of the Committee and Witnesses:

PRESENTED AS TESTIMONY

My name is Mason A. Hargrave, President-General of the Universal Negro  
Improvement Association (UNIA), and African Communities League (ACL) of  
August, 1929 of the World Parent Body; founded by the Honorable Marcus M.  
Garvey.

Marcus M. Garvey came to the shores of the United States of America in  
1916. He brought with him the organizational structure of the UNIA and ACL  
which he earlier had founded in Jamaica in 1914; after traveling through  
Central America and noting the conditions that he saw black people living in,  
and he said he would make a difference.

I have come here today to testify that I am a product of that difference.  
I first learned of Marcus M. Garvey in 1968, and have sought him religiously  
every since.

I had heard as a youngster of a man that wanted to provide ships for  
taking black people (Negroes) back to Africa. He also was responsible for  
having caused the literary folks to begin spelling Negro with a capital "N".  
I learned also that he wanted the Negro to feel good about himself--that his  
conduct should be the light to his path.

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As I learned from the Elders as I ask questions about this MAN who gave us the key to LIBERTY, and the PURSUIT OF HAPPINESS, by giving us a FLAG that allows Negroes to be so identified when we came to the social bar of justice as other races of people who come are also identified.

Maybe this may be the only way in which he will rise again as a man who has crucified and arose a long time ago (so the story is told), and has been past on for centuries.

One day I visited Virginia to question my Dad as to why he did not tell us as youngsters about Marcus M. Garvey, and he said to me "I was afraid of him". I have told my son of Marcus M. Garvey, and I have told Cleveland, Ohio, the State School Board of Ohio, the President of the United States, the high Governmental Officials; the length and breadth of this land. I have put the flag of red, black and green on display, and its principals in the hearts of everyone I have reached.

The flag of the red, black and green has flown about the Cleveland City Hall on the same flagpole carrying our Nation's flag for the past 14 years; atleast three times per year, and will do so again beginning with its birthday, August 13, 1987.

Marcus M. Garvey declared that if we were Negroes when we were down, and without recognition as men, and as a people, we will be Negroes when we have acquired status as human beings.

I AM A NEGRO. I am draped with the flag of red, black and green which carries the highest standards of human conduct known to man, and causes me to have a new value in life...TO VALUE BLACK WOMANHOOD. He carried us into a thinking revolution.

COME, YOU TOO CAN JOIN--KNOW A NEW JOY!!!

I have been President of the UNIA and ACL August, 1929 of the World since 1975 following the death of Vernon Wilson of Chicago, Illinois. My position as President-General is in line with the succession of the Founder and First President-General, The Late Honorable Marcus M. Garvey.

Marcus M. Garvey came to the shores of America in 1916, and built an organizational force of over eleven million members. We believe he was unjustly persecuted by the United States Government because of the wishes of some of the leading Negro politicians and Clergy who were able to influence the law forces of New York, and local and federal agencies. HE WAS CONVICTED OF MAIL FRAUD!!!

The transcripts read, re-read, and studied by many learned scholars of law have recorded the injustice of the decision rendered against Marcus M. Garvey.

Many books and articles have been published that have proven beyond a doubt that Marcus M. Garvey was not guilty of mail fraud, and he was unjustly convicted. Public opinion was swayed against Marcus M. Garvey by many false articles that were published about him; for which he brought suits against the publishers.

Marcus M. Garvey was loved and highly respected by many. History has recorded that he made the Negroes of his time (and down through today) feel good about themselves as a people, as a race, as a nation. Leading the cries "Let Africa be for the Africans", "Those at home, and those abroad", and "Up your mighty race; you can accomplish what you will".

I come now to plead, and join with others in our heartfelt desires for your positive decision to place a bill to exonerate The Honorable Marcus M. Garvey before our President of these United States.

Please let your hearts hear us, and let your minds give us the benefit of your intellectual thinking and courage of conviction in a highly sensitive situation. Many lives will be affected by your recommendation. Let us this day also keep in mind that Marcus M. Garvey stimulates us with "It is the thoughts of men that make a nation".

"EVERY PEOPLE NEED A FLAG". LET MY FLAG BE MY ROLE MODEL. Let my flag bearer be free to carry again (before us and others), our flag that has flown for 14 years above the Cleveland City Hall on special and selected days. That we Negroes might reach collectively for higher standards of conduct, higher standards of responsibility, higher educational achievements, and political, economical, and social involvement that is carried in the red, black and green flag adopted August 13, 1920.

"America is a two-flag system, and we Negroes of the world come with our flag of standard to the equal line of justice to establish our pride and patriotism in the land where our Fathers died".

Let me go back to Cleveland, let my son, his wife, and mother-in-law, go back to Virginia, let others return to their climes feeling good about themselves; with a sense of respect for the political structure under which we all live.

As Martin Luther King, Jr. stated in June of 1965, "The Honorable Marcus M. Garvey was the first man of color who gave millions of Negroes a sense of dignity, and made the Negroes feel that they were somebody".

Marcus M. Garvey gave to us (as a people) a constitutional guideline to live by. Should a man who gave so much of himself be made to continuously carry the stigma of a guilty verdict that was given by men of prejudicial thinking in their hearts and minds? Now, we have a privilege before the world today to ask you to raise your consciousness of thought, and grant justice to overturn an injustice done. We want your understanding---LOOK AT US!!!

We believe our educational system does not set the scene for advance thinking, for protective thinking, for the conduct standards that will allow us as a people to live together in peace. Your recommendation will allow the changes for acceptance.

When you know I am a Negro--others will know. When you know, and recognize my flag of identity--others will know my identity as a man...as a people ..and we will march together...you with your flag...me with mine... under the Nation's flag.

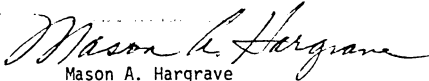
We are not here to change anything; only to carry out the order of things after trial and error amendments can be introduced for adoption.

We ARE Negroes, NOT Blacks, NOT African-Americans, NOT Colored, NOT Afro-Americans, NOT Niggers. We are a people with a heartbeat. We have developed a consciousness of thought. We as Negroes will respect your separate roads to your religious thoughts; whatever gives you comfort as you prepare for death.

Our thoughts are geared to self-government in peace and harmony with ourselves as we live among others. We are to be examples as we show an expression of the Creator's goodness and mercy; grading ourselves for social honor and distinction on the basis of conduct.

"With every drop of red blood that flows through my veins, I shall protect the dignity of BLACK WOMANHOOD as long as there is a spot of God's green earth for me to stand on".

Your brother in the struggle,



Mason A. Hargrave  
President-General

MAH/pyj  
exhibits

