



"Where's that damn 'escape' key?"

Reconstruction-era statute that made it a federal crime willfully to deprive someone of his civil rights under color of law.

Screws argued that his actions were not covered by the statute, because he had not killed Hall under color of law. He had killed Hall in violation of the law. It was Georgia's business, not the federal government's, to prosecute him for it. The Supreme Court rejected this argument, but it reversed Screws's conviction on a theory of its own. In an opinion by Justice William O. Douglas, the Court ruled that it was not enough to show that a white sheriff had brutally murdered a handcuffed black man. The government had to prove that he did so with the willful intention of depriving the prisoner of his rights. The case was remanded, and Screws was duly retried and acquitted.

*Screws v. United States* was a jurisprudential tease. It said that discriminatory acts were covered by federal statute but that the government had to show intent, a state of mind notoriously difficult to prove. The shooting of Jimmie Lee Jackson was perfectly analogous. If Fowler killed Jackson with the intention of depriving him of a constitutional right (the right to a fair trial) but claimed to have done so in the line of duty, then the act fell under the federal statute. But, to obtain a conviction, the government would have to establish what was in Fowler's mind when he pulled the trigger.

In cases of voting, Southern states made things even more difficult by having registrars in suspect counties resign, so that, when the Justice Department

came calling, there were no officials around to charge. Also, in some Southern counties, almost no African-Americans in the twentieth century had ever even attempted to register, so there were few cases to litigate. One goal of voter-registration drives was to build up the inventory of litigable cases.

The primary goal, though, was to provoke official reaction sufficiently violent to compel the White House to produce a voting-rights bill with enforcement bite. The provocation part proved amazingly easy. All that the protesters had to do was to walk to the courthouse and ask to register. There was nothing covert about the strategy—"We are going to bring a voting bill into being in the streets of Selma," King proclaimed from the pulpit of Selma's Brown Chapel—yet Southern police, troopers, sheriffs, and deputies clubbed, sicced police dogs on, blasted fire hoses at, teargassed, and shocked with cattle prods nonviolent demonstrators, many of them clergymen and children, with an indifference to national and international opinion that was almost blithe. Their tactics were encouraged, defended, and sometimes ordered by Southern city halls and statehouses.

But in Birmingham, when the Commissioner of Public Safety, Eugene (Bull) Connor, brought out the police dogs and fire hoses, and in Selma, when Sheriff Jim Clark socked a black minister, C. T. Vivian, in the face, reporters and cameramen were right there. Many white Americans who saw or read about the violence

blamed the demonstrators, but the world blamed the American government. That got the attention of the White House.

Southern mayors and governors were playing to their electoral bases. But American Presidents were trying to run a Cold War. They could live with Jim Crow when it was an invisible regional peculiarity, but once conditions were broadcast around the world they experienced an urgent need to make the problem go away.

The pressure of world opinion was crucial to the speed with which civil-rights gains were made after 1954. It forced American Presidents to do something Presidents rarely do, which was to get out ahead of domestic opinion on the subject of race. When a bus carrying Freedom Riders was firebombed outside Anniston, Alabama, on Mother's Day, 1961, and a photograph appeared the next day on the front page of the *New York Times*, John F. Kennedy was horrified. He had never heard of the Freedom Riders and had no idea what they were doing in Alabama. (They were testing the integration of interstate bus terminals pursuant to a recent Supreme Court decision. They were obliged to conclude that the decision had had little impact.)

Kennedy called the one person in the White House with a civil-rights brief, Harris Wofford. "Can't you get your god-damned friends off those buses?" he said. "Stop them." Sixty-three per cent of the American public disapproved of the Freedom Riders, but American public opinion was not Kennedy's concern. His first summit meeting with Nikita Khrushchev was scheduled to take place in Vienna in three weeks, and he could see Khrushchev waving the *Times* in his face.

As Mary Dudziak explains in her important book "Cold War Civil Rights" (2000), the trick was to turn a failure of government into something that looked like a triumph of government. Civil rights had to become a story about how American democracy confronted an injustice and eradicated it. The nation that had liberated Europe from racist domination had gone to the rescue of another captive people. It was important to do this heroically, not apologetically. No elected official relishes having to deal with a charismatic popular leader; the usual forms of leverage are not effective. Kennedy and Lyndon Johnson did not especially like dealing with King. But they needed him,