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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

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complete equality before the law." It fought a defensive and a losing battle. Its approach seemed promising to few.[6]

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.[7] Altho ugh 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

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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.

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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.[8]

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.[9]

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.

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So Jamaicans went abroad to places where wages often doubled and trebled the rate on the island. One hundred thousand left to build new railraods 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.[10]

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.[11]

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

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.

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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.[12]

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.[13]

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.

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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 whereever 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, finanancially, educationally and socially, the Negroes of both hemispheres have to defer to the American brother, the fellow who has revolutionized history in race development."[14] 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.[15]

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."[16]

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

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 opportunites. 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.[17]

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.[18]

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 entreprenurial roots blocked. American

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.[20]

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."[21] 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.[22] 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 plumetted, 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 businessemen 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.[23]

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 leade. 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.[24]

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."[25] 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.[26]

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 sympathic 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 oppresion 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

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."[27]

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

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

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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 it 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 triai 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