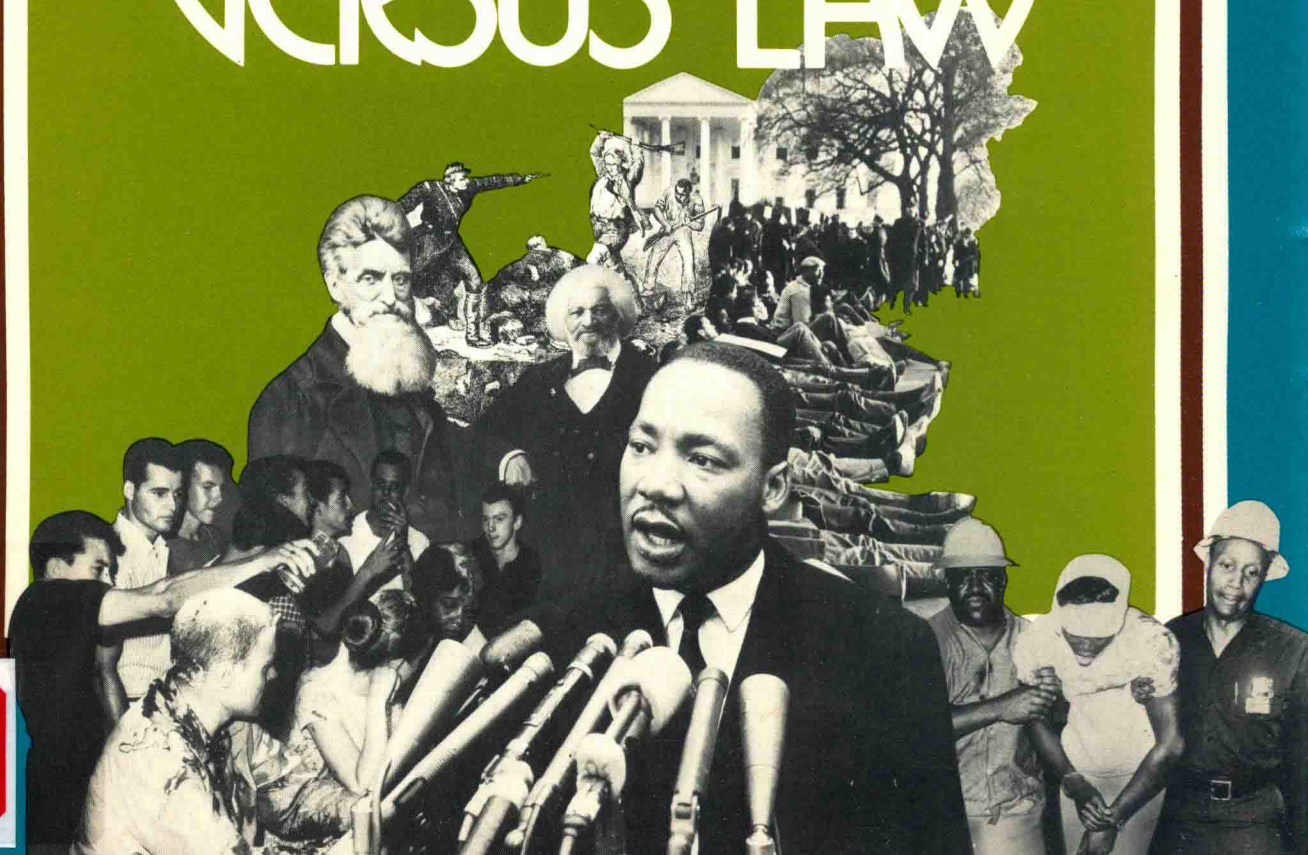


Case Studies  
in the American  
Experience

BERNARD FEDER

# CONSCIENCE VERSUS LAW



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CONSCIENCE  
VERSUS LAW



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# CONSCIENCE VERSUS LAW

# ABOUT THE BOOK

**D**URING the years before the Civil War, many Americans objected to laws that permitted and protected slavery. People who regarded such laws as unjust had to decide whether to accept these laws or obey their *consciences*—their own personal beliefs as to right and wrong. Some obeyed the laws but at the same time worked through peaceful and legal means to change them. Others refused to obey laws which their consciences could not accept. Among this group, some attempted change through peaceful disobedience (that is, by disobeying the law without using violence). Others, however, believed that violence was the only way the system of slavery would be done away with.

Men and women have had to make similar choices in every period of American history. In our own time, various minority groups are demanding equal rights and opportunities as citizens of this country. Laws and customs regarded as unjust or unfair are being challenged. As in the days before the Civil War, all Americans must decide how to deal with such laws.

In this book you will be comparing history-making, controversial events in the days of slavery with those of modern times. The book tells about people in each of these time periods who faced the conflict between their consciences and the law. We will see how they dealt with this conflict and, it is hoped, gain insights into coping with the question of conscience versus law in our own time. The *case studies*, the true stories about these people, deal with several important questions.

- If a person thinks a law is unfair or unjust, should he or she obey conscience instead of the law?
- What are the most effective ways of fighting unjust laws?
- What happens to society when people disobey laws?
- What happens to society when people seek change by turning to violence?

The selections that follow may help you form personal judgments about the questions above.

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# CONSCIENCE VERSUS LAW



## CHARLES WINGFIELD TAKES A STAND

Charles Wingfield, a high school student in a small Georgia town, was faced with a difficult decision. He could avoid trouble by keeping silent, or he could protest a situation he thought was unfair. As you read this true account, decide if you would have acted as Charles did.

**C**HARLES WINGFIELD lived in Lee County, Georgia. Life for him was harder than for most young people. As a young man, here is how he remembered his teen-age years.

Countless nights I cried myself to sleep. Sometimes I could look at my mother and I could feel the pains her body was undergoing because of the hard work done each day to make ends meet. . . . Sometimes mother would see the tears falling from my eyes. . . . When she asked me what was wrong I told her that something stuck in my eyes or a bug was in them. I must have asked God why a thousand times but I never got an answer. There were nine of us kids in the family and we all had to work. I stayed out of school a lot of days because I couldn't let my mother go to the cotton field and try to support all of us. I picked cotton and pecans for two cents a pound. I went to the fields six in the morning and worked until seven in the afternoon. When it came time to weigh up, my heart, body and bones would

From an account in *SNCC: THE NEW ABOLITIONISTS* by Howard Zinn. Beacon Press, 1965, Wingfield quotation from pages 136-7. Copyright © 1964, 1965 by Howard Zinn. Reprinted by permission of Beacon Press.



*Picking cotton on a Mississippi plantation. This is the kind of work Charles Wingfield did as a youth. Why is cotton-picking such difficult work?*

be aching, burning and trembling. I stood there and looked the white men right in their eyes while they cheated me, other members of my family, and the rest of the Negroes that were working. There were times when I wanted to speak, but my fearful mother would always tell me to keep silent. The sun was awful hot and the days were long. . . .

In 1961, when he was sixteen, Charles learned about SNCC (pronounced "Snick"), the Student Nonviolent Coordinating Committee. This organization of young black people was active in Albany, Georgia, a few miles from his home. SNCC members tried to organize black people in the South to change laws and customs they felt were unfair. They worked especially hard to get black people to register and to vote. There were more blacks than whites in Lee County. But very few blacks were registered to vote. Like Charles' mother, most of them were afraid. They worried that they would lose their jobs, or that their families would be threatened.



On Thanksgiving weekend in 1961, three young SNCC workers went into the Trailways Bus Terminal in Albany. It was like other bus stations throughout the South. It had separate waiting rooms, separate toilets and separate drinking fountains marked WHITE and COLORED. The three SNCC workers were arrested for waiting in the white restaurant. Later that afternoon, two college students from the all-black Albany State College went into the white waiting room. They too were arrested. In addition, they were expelled from the college. Hundreds of students marched to the college president's house to protest the expulsion. Many were fired from jobs they held on campus.

On December 10th, four SNCC officers came to town. They were met by more than a hundred black people at the railroad station. As the people were getting into cars to go downtown, they were arrested. Albany's police chief called out, "I told you to get off the street. You are all under arrest."

Hundreds of other black people began to march in protest against the arrests. They too were arrested.

*For many years, blacks were separated from whites in public places such as railroad station waiting rooms. Civil rights groups attacked this practice in the 1960's. If you had belonged to a civil rights group in the early 1960's, what ways would you have recommended for integrating waiting rooms and restaurants?*





*Black demonstrators were led by the Reverend Dr. Martin Luther King through the business area of Albany, Georgia in late 1961. Dr. King, 264 other black people, and one white youth were arrested and jailed as they marched on City Hall. Do you think it was right to arrest these marchers? Why?*

Civil rights leaders Martin Luther King and Ralph Abernathy came to town. King told a crowd in the Shiloh Baptist Church, "Don't stop now. Keep moving. Don't get weary. We will wear them down with our capacity to suffer."

The next day, King and Abernathy led 257 men, women and children to the county courthouse. As they marched they sang hymns. They were all arrested for parading without a permit. There were now over 700 people in the Albany jails. The story was reported in newspapers throughout the country.

King and Abernathy were released from jail when a friend paid their fine. They had wanted, however, to remain in jail. Abernathy said, "I've been thrown out of lots of places in my day, but never before have I been thrown out of jail."

While the demonstrations were going on, black people in the farming communities near Albany began to think about what they saw and heard. Charles Wingfield thought hard.

Charles was a student at the Lee County Training School for blacks. He knew the white high school was better equipped. The teachers were more highly trained, the equipment was more modern, and the building was cleaner. Charles wanted to protest this unfair treatment. He felt the same anger he had felt in the cotton fields when he thought he was being cheated.



One day, he put up a petition on a school wall. The petition asked for better school equipment. Charles was immediately expelled. In protest against the expulsion, parents of pupils at the school met and agreed to keep their children away from classes. Out of a total of 1,300 students, more than 1,000 stayed out. After several days, the students at the high school began to come back to classes. But Charles was never readmitted. He became a SNCC worker.

### THINKING IT OVER

---

1. Why did Charles' mother keep him from speaking up when he felt he was being cheated?
2. Why do you suppose it was so important to SNCC to have blacks sit in a white waiting room?
3. "Don't stop now. Keep moving. Don't get weary. We will wear them down with our capacity to suffer." What do you think Martin Luther King meant by these words?
4. Why did King and Abernathy want to remain in jail?
5. How can you explain the fact that more and more civil rights protests began to occur after 1961?
6. How did the actions of SNCC and Martin Luther King affect Charles?
7. Why do you think Charles was expelled from school?
8. In what other ways besides writing a petition might Charles have spoken up for better school facilities?
9. If you had been Charles, would you have spoken up for better school facilities, even if you had known you might be expelled? Why?

### DISCUSSING YOUR IDEAS

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1. Situation: A small group of teen-agers has been noisy in the streets at night. The city government passes a local law that says teen-agers must be off the streets by 10 P.M. You think it is unfair, because you and your friends were not part of the group.

Should you obey the law, even if you think it is unfair? Explain.

2.
  - a. Do you think you have a right to disobey rules you think are unjust? Explain.
  - b. If you think you have this right, should a person whose opinions differ from yours also have the right? Why?
3.
  - a. In 1954, the Supreme Court ruled that segregation of black students and white students in separate schools is unconstitutional. In reaction to this decision, white students in a number of schools refused to attend classes with black students and stayed away from school. Do you think they were right to do so if they thought the ruling was unjust?
  - b. What would happen to our communities and to our nation if most people disobeyed laws or rules they felt were wrong?
  - c. What other ways of dealing with unjust rules can you think of besides disobeying them?
4. *Situation: A school is broken into one night. Gym uniforms and books left in lockers are destroyed by fires. The principal announces that students must pay for destroyed books that were issued to them. Many students think the rule is unfair.*

What steps do you think the students should take first? What should they do if these steps don't work?

5. Make up a rule that will help you to judge when and how to deal with laws and rules you think are unjust. Explain your views.



## **Theme 1**

# **ATTEMPTING CHANGE THROUGH PEACEFUL MEANS**



## SLAVERY AND THE ABOLITIONISTS

**A**FTER the American Revolution, many Northerners believed the system of slavery would eventually end. Northern factories did not depend on slave labor. So in the late 1700's, slavery was **abolished**, or done away with, in many northern states. Thomas Jefferson had written in the Declaration of Independence that "all men are created equal." He had even wanted to include a criticism of slavery. Southern delegates to the Continental Congress had objected, though, and the criticism was dropped. Jefferson and others were sure, however, that slavery would disappear by itself in the South, just as it had begun to disappear in the North.

But in 1793, a northern teacher named Eli Whitney invented a machine called the cotton gin. This machine separated seeds from the cotton plant more quickly and cheaply than it had been done before. Cotton growing became more profitable, and cotton soon became the most important crop in the South. Many cotton plantations were started in Mississippi, Alabama and Louisiana. And the demand for slaves grew.

By the early 1800's, it seemed clear that slavery would not just disappear by itself. **Abolitionists**, people who wanted to abolish slavery, formed anti-slavery organizations. Among abolitionists, however, strong disagreements arose over the most effective way to end slavery.