

LAW AND ORDER IN THE SIXTIES

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So what have the draft riots of 1863 to do with today?

With Richard M. Nixon ensconced in the White House and the furor of the presidential campaign subsiding, one can pause to take stock of the political affairs of the past few months. Even now, though, faint echoes of the campaign are still to be heard. Of the domestic issues involved the catch phrases "law and order" and "social justice" still evoke a lively response.

A survey of the election results clearly reveals that Mr. Nixon owes no political IOU's to minority groups or northern industrial cities. These—at the very heart of our society's disorders—went for Hubert Humphrey. However, Mr. Nixon did build up a gigantic IOU to his "forgotten man"—the middle-class white who pays his taxes and yearns for domestic stability and tranquility. This great middle element in American society was especially troubled by what it perceived to be a growing disrespect for traditional symbols of authority.

Thus, with the majority of Americans concerned about the issue of law and order—and, hopefully, social justice—one might pose several questions regarding these two concepts. First, within the American milieu does a dynamic relationship exist between them? Or, are they mutually exclusive? Exactly what is meant by "law and order"? Everyone realized that when George Wallace used the term he was assuming an unaccustomed sophistication. Translated into his everyday vernacular "law and order" meant simply: "Nigger, get off the streets!" While the great majority of American voters disregarded Mr. Wallace's wild harangues, the implication clear in his discussion of riots and disorder did strike a harmonious chord

with many. A great number of Americans, perhaps the majority, associate rioting and civil disorders with blacks. It seems that Americans believe rioting to be endemic to black people.

Perhaps some light may be shed upon law and order, social justice, rioting, and blacks by investigating one of the most destructive riots that our nation has ever suffered: the New York draft riots of 1863. The parallels between that riot and those of today will be striking indeed.

In order to better understand the four-day riot of mid-July, 1863, one must have at least a cursory acquaintance with the social conditions existent in that city. A chasm prevailed between the opulent and the poor. The former lived in outlandish splendor while the latter subsisted in wretched conditions. Only those familiar with Jacob Riis's *How the Other Half Lives* can fully comprehend the incredible squalor of those areas inhabited by the Irish and other recent immigrants. Packed into rat-infested tenements, often living in windowless basements constantly flooded with water or sewerage, these people barely "lived" at all. Their section of the city was plagued by roving gangs of toughs—the "Plug-Uglies," "Dead

Rabbits," "Bowery Boys," and others—from whom there was no protection. The corruption-ridden police department put officers on the beat who equated Irish with dogs (both of which were to stay off the grass and out of the shops in certain parts of the city). Within blocks of this misery were the fine homes of the wealthy, with their liveried servants, French cuisine, and lavish parties.



With the coming of the Civil War this chasm increased, as did the oppressed people's awareness of it. Class resentment began to swell. While the Union army fought for its life, the rich became richer and lived more ostentatiously. The "captains of industry" reaped a fortune from the miseries of war. Shamelessly overt profiteering was the rule rather than the exception. Men speculated on the future of the Union army, for the price of gold rose and fell with the success or failure of that force. The ring of bitter, ironic truth hung about the quip that it was a rich man's war and a poor man's fight.

In the minds of New York's poor the federal Enrollment and Conscription Act gave official governmental sanction to class discrimination and exploitation. Regardless of how Secretary of War Edwin M. Stanton or President Abraham Lincoln might color it, this act creating a draft seemed to work in favor of the rich. It allowed a draftee to pay three hundred dollars for a substitute and thus avoid service. No matter how it was presented, a rich man had three hundred dollars and a poor man did not.

The draft began in New York City on July 11, 1863, and the first day went with businesslike formality. Occasional shouts of protest or vitriolic denunciations of Lincoln, the abolitionists, blacks, or the rich were heard, but no incidents or resistance occurred.

Sunday, July 12, dawned blazing hot, sultry and still. Masses of New Yorkers filtered into Central Park in a futile search for a cooling breeze. The city's poor sought relief from their steamy tenement cells in the streets, but there was none. Wherever they congregated the draft was the topic of conversation. Reporters from James Gordon Bennett's *Herald* made a swing through the Five Points district in the heart of the Irish slums and found heavy drinking and abuse of both Lincoln and the draft. A typical query went: "Does he think that poor men are to give up their lives and let rich men pay three hundred dollars in order to stay at home?" While talk was cheap, uglier incidents did occur. Ghetto-dwellers delivered speeches to large groups while others made scattered attacks on blacks and well-dressed whites. Thus, night-fall saw the city sleeping a fitful sleep. It was plain that a sullen ferment of resentment bottled up too long was near the bursting point.

Just after sunrise on Monday, groups of Irish from the Lower East Side slowly moved across Broadway and gathered along Eighth and Ninth Avenues in the middle of the West Side. By six a.m. small clots of angry men milled about brandishing clubs, bricks, and any other weapon they could lay their hands on. Then, steadily increasing in numbers, they began to drift northward along Eighth and Ninth Streets. Finally, two vast streams of people came together in a vacant lot just east of Central Park.

This upper-class neighborhood was a strange area for these slum-dwellers since it was a long distance from both their normal territory and from the draft office. Nonethe-

less, the mob was there and it slowly began to surge down Forty-seventh Street. By now many of its members carried crudely lettered placards declaring NO DRAFT. As this mass of humanity moved down Forty-seventh Street, gangs of burly Irishwomen began to tear up the street railway while their men cut down the telegraph lines. Hardware shops were plundered of their axes and any other tools of destruction they would yield. When the mob reached Third Avenue it swung southward toward the draft headquarters. There it was met by some sixty club-swinging policemen who were quickly overwhelmed. The angry crowd broke into the draft headquarters, attacked the hated lottery drum with axes, and then set the entire building afire.

This success aroused the passions of the people to a fever pitch, and Third Avenue became a seething cauldron of humanity as thousands upon thousands of rioters began to vent their pent-up wrath upon all about them. Spilling over into the streets east and west from Third Avenue, they began to pillage and loot. A detachment of troops moved up Third Avenue toward the blazing draft building, but, expecting to reinforce the police, they were too few and too late. Even while advancing steadily with fixed bayonets they were met with a shower of brickbats thrown by thousands of Irish. The mob charged, sustained a volley, and then swarmed over the fleeing soldiers. Most of the troops managed to escape. The unfortunate did not. One such individual was knocked down and savagely kicked and beaten to death. The assailants left his body in the street where children pelted it with rocks. Rioters captured a second trooper scrambling up a rockpile near Forty-second Street. A mass of toughs followed him and according to a newspaper account, "grabbed him, and taking him to the top of the rocks, stripped his uniform off him, and after beating him almost to a jelly, threw him over a precipice some twenty feet high on the hard rocks beneath. . . ."

At this point John A. Kennedy, the Superintendent of Police, went out to attempt to calm the rioters. Upon recognizing this man perceived to be their deadliest enemy, the mob attacked him and left him for dead. When Kennedy's men returned him to the police station, he was alive but beaten beyond all recognition.

By this time the fire started in the draft headquarters had spread to several adjoining buildings which housed working-class families on their upper floors. The mob had become so irrational in its blind fury that its members attempted to keep these people trapped in the burning structures. When firemen arrived, the rioters prevented them from putting out the blaze. They could only watch an entire block be gutted. During this time gangs of men shrieking "Down with the rich!" accosted any well-dressed individual in the vicinity and many had to flee for their lives. More squads of police were beaten in the rioters' seemingly indiscriminate fury.

Soon, however, a large portion of the mob did find a sense of direction. Several hundred gathered outside an orphanage for Negro children located on Fifth Avenue between Forty-second and Forty-fourth Streets. From the very beginning the passionate opposition to the draft had been fed by race hatred and now some of that hatred was to be slaked. (Many Irish reasoned that had it not been for slavery there would have been no war and thus no draft; therefore, blacks were to be held responsible.)

When knots of unruly men began to congregate outside the orphanage, its director kept his head, bolted the door, and hurried his children out the back way. He accomplished this none too soon, for gangs of men broke down the door and began to demolish everything inside the building. Those cheap toys left behind by the fleeing children were either carried off or smashed. When several rioters, intent upon their destruction, discovered a frightened little black girl huddled under a bed, they hacked her to pieces with their axes. By this time the building was ablaze. Again rampaging men and women pelted firemen with rocks, thus preventing them from attempting to control the fire. The orphanage became a smoldering rubble.

During this time another portion of the mob captured an armory on Second Avenue. However, upon being reinforced, the police reformed, trapped a good many rioters inside the building, and set it afire. The structure went up like tinder, burning alive those inside. The nearest thing to an accounting of the resultant toll in human lives came several weeks later as the city began to clean up the debris. More than fifty barrels of human bones were carted off to Potter's Field.

By this time New York was gripped by panic. The ten thousand who attacked the armory were but a part of the mass of humanity surging and heaving in Third Avenue. Other crowds, lurching through side streets, carried terror and violence across the whole breadth of Manhattan Island. These people seemed intent upon turning upon society itself as they released their deep-seated resentment. As night fell, only an uneasy quiet prevailed.

On Tuesday morning the rioters resumed their blind fury of the previous day. Devastation commenced in the slum districts along the West Side dock district. It was there that the city's Negro population lived. Before the blacks became alerted to the danger, many of them were lynched from lampposts. One unfortunate soul was burned alive. While the flames began to consume his writhing body, Irishwomen danced about him pelting him with stones, sticks, and clubs. Other fleeing blacks were shot down.

As the day wore on, it became apparent that riot had turned into rebellion. Portions of the mob charged into brigades of troops, who fired into their ranks with grape and cannister from howitzers. Occasionally the mob would capture one of these guns and turn it upon the soldiers. Gangs of men roamed through the fashionable districts of

the city, plundering the fine brownstone homes of the well-to-do. One element captured Brooks Brothers clothing store and completely looted it. A great many rioters now went about their work decked out in the latest of men's fashions.

During the third and fourth days of the rebellion, pitched battles took place between elements of the mob and the ever-increasing number of federal troops that were pouring into the city (having previously been drained away to Gettysburg to fend off Robert E. Lee). Finally, the overwhelming number of troops completely crushed the revolt.

The riot's aftermath is of special interest since it, too, so closely parallels our present-day circumstances. The conviction spread among New Yorkers that the riot was the result of a conspiracy. The conspiracy theme claimed that southern sympathizers had infiltrated into the city and stirred up the passions of the ignorant and gullible Irish in an effort to weaken the North's war effort and shatter its morale. No one considered the riot to be the result of social conditions allowed to exist within the city. Nor did New Yorkers perceive, or allow themselves to see, that the feelings of hopefulness and frustration fostered by incredible discrimination in all walks of life had finally been crystallized by the Conscription Act. This bill, a concrete symbol of all the prejudice and oppression of a decade, loosed all the pent-up emotions of the persecuted immigrants.

What is to be gained from a study of the New York riot? First, it should be apparent that when a class of people are subjected to conditions of poverty, discrimination, poor housing, and poor education we can expect an explosion unless something is done to alleviate those conditions. When people feel alienated from and hostile toward the society within which they live, we cannot expect that they will respect and obey the laws and customs of that society.

Within the context of our own time the most important lesson to be learned from the New York riot is that such disorder is not limited to blacks. Any mass of people who are alienated from society through discrimination in housing, jobs, educational facilities, and other social and economic opportunities easily available to others will respond violently when all other outlets appear closed. A process of "privatization" occurs. People turn inward and become hostile toward the dominant social structure. The Irish did it in 1863 and white Anglo-Saxon Protestants did it in our own Revolution in 1776. While racism has exacerbated the bitter feelings held toward rioters today, we must disenthral ourselves from the idea that the cause of the disorders in our cities is strictly a racial one. We must understand that social and economic problems quite aside from race are involved. Once we have accomplished this we can begin to think about solutions.

But to return to the main theme, what is the relationship between law and order and social justice? Can the former be achieved without the latter? The answer is

obviously yes. George Wallace proposed to turn Washington, D.C. into a model city. He would effect this by stationing a trooper with a fixed bayonet every three feet throughout the city. There can be little doubt that Mr. Wallace would have law and order, but would he have a model *American* city? Most assuredly not. His model is fashioned along the lines of a totalitarian state, not that of the United States.

Law and order exists in the absence of social justice

Pot on Campus

Continued from page 13

"I think in an academic atmosphere there are strong inclinations toward challenging authority and toward experimentation which can lead into drug usage. These are, perhaps, reasons why drugs have become prevalent on the campus." Jones heeds the hard to moderate line. "I feel marijuana is as dangerous as alcohol, but even more dangerous in its stepping-stone effect leading to heroin," he says. "It's as serious as someone over-indulging in alcohol, though there are no stiff penalties for drinking. Possession of alcohol isn't a felony. I believe drug usage needs to be studied as an illness. Putting someone in jail doesn't cure an illness."

Jones says he is against legalizing marijuana. "It has nothing but damaging effects on the younger generation and is an open invitation to defy authority," he says.

President Hollomon has said that the University's attitude must be that "we cannot tolerate the breaking of laws. The question of illegal drug use is subject to the rules in the Student Guide."

The guide's provisions against the use of drugs are specific, listing the use of narcotics, marijuana, and hallucinogenic drugs under regulations for which students may be disciplined.

Says President Hollomon: "The use of drugs here is not nearly as large a problem as on the East and West coasts; this is most likely due to the nature of the clientele. I think it's because the people here are some distance from a large city and because parental attitudes and the general environment have curbed drug use."

The fact that young Americans are using drugs is no longer a shocking revelation. Most psychologists, university administrators, and law en-

forcement agents readily admit that the use of marijuana and amphetamines is prevalent, and their investigations have turned toward the "why?" and "what?" of drugs rather than the "how much?" Recently three Boston University scientists released another finding to be piled upon the growing mass of literature now available on drug problems. The study concludes that "marijuana is a relatively mild intoxicant." In effect, it said, "Marijuana isn't as bad as the older generation thinks, and it isn't as innocent as the younger generation claims."

The debates about whether marijuana is harmful or not goes on. The President's Commission report addressed itself to the disagreement when it stated: "Differences of opinion are absolute and the claims beyond reconciliation. While one group points to one set of statistics, the other points to a lack of statistics." And recognizing the discrepancies among laws, the nature of the crime, and the divided opinion among the population, the commission set forth recommendations to close "existing knowledge gaps." Among the major ones was that the National Institute of Mental Health should devise and execute a plan of research to be conducted on both an intramural and extramural basis, covering all aspects of marijuana use. What the commission was implying is what most people agree on, no matter what their position: "Our knowledge is limited and there needs to be a study to end all studies." The commission recommended that the pharmacology, the relation to addictiveness, crime, and other drugs must be a major part of the investigation.

A way to determine the incidence of marijuana use on campus (a poll

only through the use of repressive means. Put simply and succinctly, such repression is unAmerican. It flies in the face of all that for which our nation stands. Thus, in the United States law and order can be maintained without social justice, but at a frightful cost. The price paid would be the very moral fiber and heritage of America.

The description of the New York riot is drawn from *The Second Rebellion: The Story of the New York Draft Riots of 1863* (New York, 1968) by James McCague.

maybe?) is not feasible, and all estimates are subject to error. The common image of the typical pot smoker is the perennial scapegoat, the long-haired nonconformist, and it is possible that the rate of use among such a group of students is relatively high. Much of the smoking is done, however, by conventional appearing students—straights—and even the epitomes of middle-class aspiration, Greeks.

To try to arrive at a percentage of use among students is pure folly. Qualifications would be necessary as to frequency in order to get an accurate picture: How many have tried pot only once or twice and now do not smoke? How many smoke regularly? How regularly? How many smoke only rarely?

There are several reasons why students persist in using a drug whose penalties for possession and sale are as severe as manslaughter and even murder. One is that it is a symbol of a generation's rebelliousness and independence. Another is that the students don't believe it is as dangerous as the adults have told them; many believe it is not harmful at all. This is because there have been many exaggerations and distortions about the drug and little evidence with which opponents can substantiate their claims of danger. "Just because you have been lied to about the dangers of marijuana doesn't mean it isn't dangerous," says Dr. Louis J. West, head of OU Medical School's department of psychiatry and a man who has conducted research with mind-altering drugs.

The students' disbelief is further compounded by the hypocrisies of laws concerning other drugs. Tobacco has been shown to be deadly in a number of ways, yet the government subsidizes the tobacco industry at the same time it investigates the danger of its product. Alcohol is