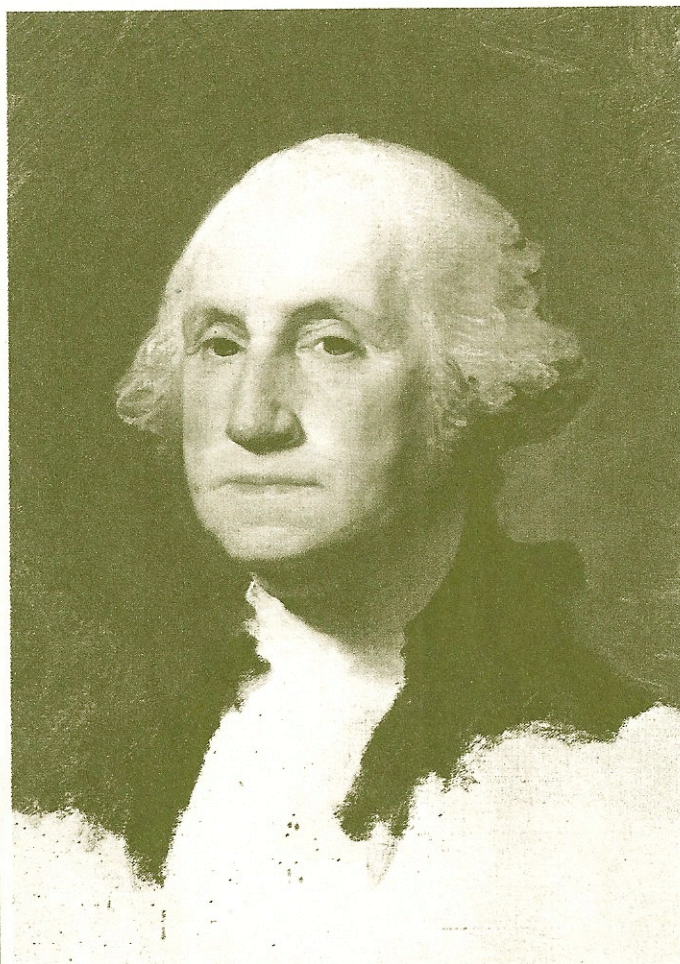


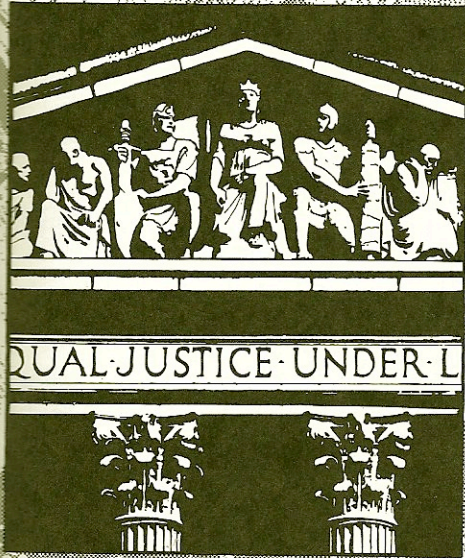
Edited by Crocker Snow, Jr.

*A collection  
of essays and letters  
about fundamental questions  
facing Americans*



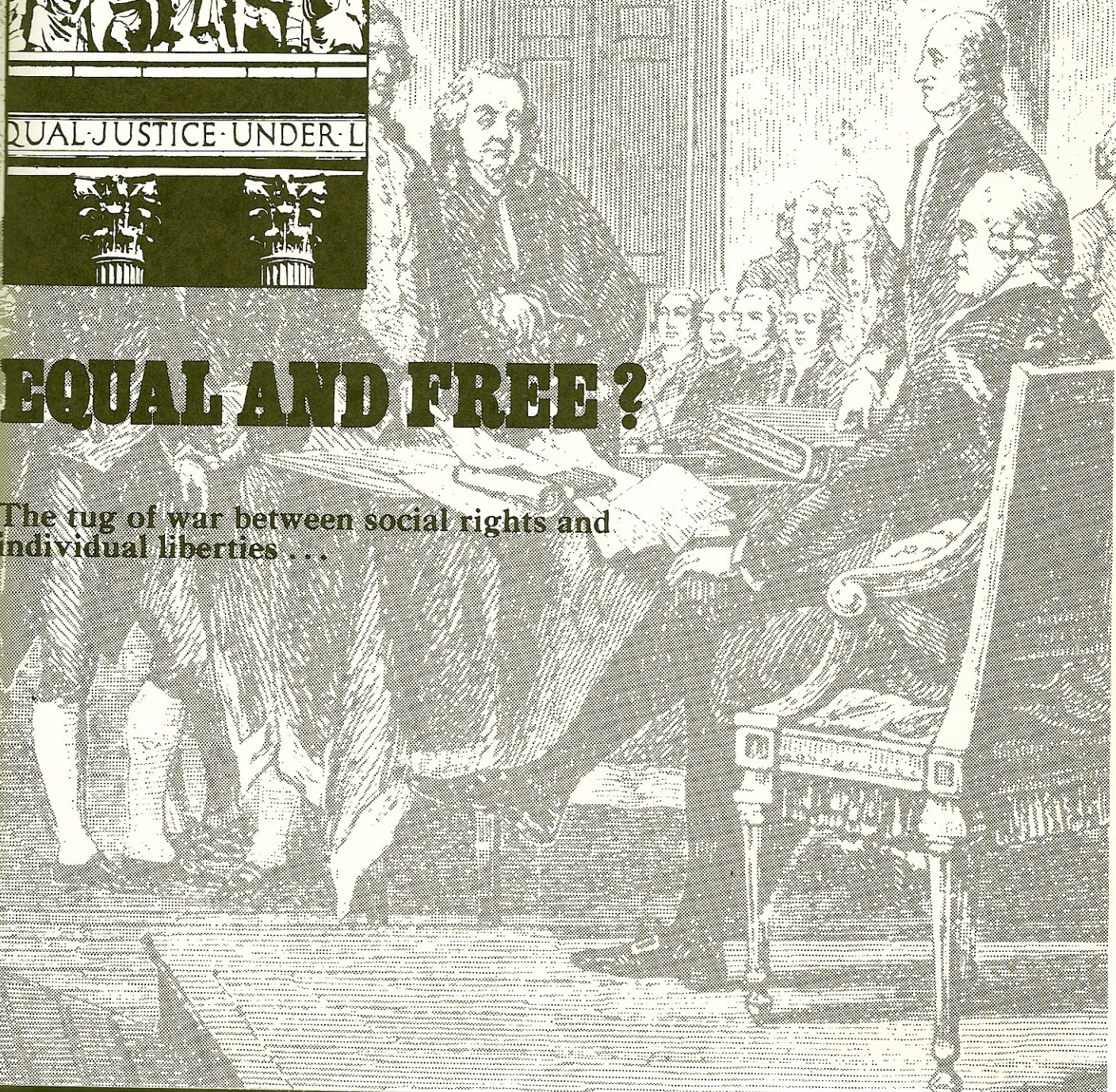
# THE UNFINISHED REVOLUTION

A Boston Globe Bicentennial Publication



# EQUAL AND FREE ?

The tug of war between social rights and individual liberties . . .



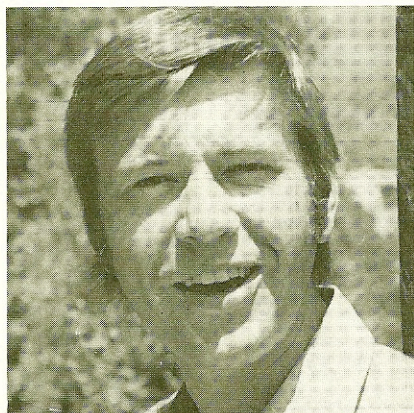
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## EQUALITY

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# The promise of today's revolution

By Michael E. Tigar



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I know we can be both equal and free. I suspect we cannot be free unless we extend equal rights, equal justice, equal dignity and an equal voice to all.

And 1976 is a good year to reflect on those issues: The teaching of yesterday's revolution is indissolubly linked to the promise of today's.

It is mistaken to believe that freedom was the dominant theme of the Revolution in 1776, and that equality was at best a minor concern of the colonists. I have heard talk of late that the ideal of equality is a late arrival on the American scene, and that talk of making things equal is implicitly hostile to freedom. Let me suggest a different view of American history, and of the relationship between being equal and being free. I think the history of America has been that of ordinary people demanding, fighting for and seizing a greater and greater power to decide the issues that affect their lives. Freedom, our people have learned, is illusory if it means only that some are free to tell others what to do; or if it gives advantage to some but denies equal treatment to others.

In Boston in 1761, the colonists' lawyer, James Otis, spoke out against puppet judges' sending troops into the homes of colonists suspected of smuggling and sedition. "Then and there," wrote John Adams later, "the Child Independence was born." Otis said no more than this: The colonists were entitled to be as secure in

their homes as were the King's subjects in England; yet they were being made second-class citizens by a regime which deprived them of basic liberties. Freedom, argued Otis, must mean *equal rights*.

The Revolution of 1776 thus had its origins in the 1760s, even as the revolutionary changes of today trace back a decade and a half.

In 1960, it seemed, millions of Americans began to realize that something was terribly wrong with the system of political freedom, that they were far from free, that the content, direction, goals and tempo of their own lives were largely in the control of others. They saw that the systems by which they supposedly ratified this control over themselves were corrupt, malign and, above all, exclusive.

Do you think I exaggerate? Recall with me how some of these disaffected Americans started to demand a something-like-equal voice in the decisions that affected them.

In 1960, black Americans began the wave of lunch counter sit-ins and set in motion a revolutionary movement which continues today. This movement no more than echoed the words of Lincoln and the undeniable promise of the constitutional amendments enacted after the Civil War, that the nation could not exist — let alone presume to call itself free — unless its freedoms were extended to all equally. Today Bostonians angrily debate one consequence of the 1960s' demand for equality: equal education for all children. Perhaps in reading on, we can gain a useful perspective on these events as well.

The year 1960 saw also the first stirrings of campus unrest, over the issues of war and peace, civil rights and equal rights for students. It seemed to the new generation of students a betrayal of fundamental American values that administrators and (a sometimes co-opted) faculty should have sole and unique power to direct the educational process. If, as John Kennedy was to say in his 1961 inaugural address, the torch had passed to a new generation, then the generation behind should begin to be taken seriously. Academic freedom, the students claimed, was not

simply a right of the faculty: students ought to have it, too. They ought to have the rights to speak, to argue, to associate, to advocate, even to have a voice in the fundamental decisions in the educational process. Only then could they be educated to be citizens rather than automatons or ciphers.

In short, freedom means *equal freedom*. Otherwise, it is but a nicer word for privilege. These same students — and other young people — stood up to say that they could not any longer be victims of a war declared by old men for young men to fight.

I would prefer, though, to evoke another example of a "Declaration of Equality and Independence," in sovereign resistance to the Vietnam War. I refer to the bold act of the Massachusetts General Court in passing a law that the federal government could not conscript young men of Massachusetts for service in Vietnam.

I testified, along with other lawyers and law professors, in favor of that bill. It seemed to us that the federal government had turned deaf and blind. The young demonstrated; in rejecting Barry Goldwater, the people had declared their hostility to a wider war. All the "freedoms" had been used: speech, press, assembly, petition, ballot. The majority wanted the war stopped, although it would not know until the Pentagon Papers were published just how arrogant, mendacious and calculating the government had been in continuing to sell the war as "in the national interest."

Yet, the power to wage the war acknowledged no restraint or hindrance — and permitted none — from the freedom to criticize and vote. Freedom, it seemed, was worthless, because it did not carry equality with it. Free only to be ruled and to grumble about it is not very free at all.

Against this turn of events, the General Court raised its voice. Its enactment, that Massachusetts might forbid conscription of its young men for service in an illegal war, did not legislate an end to the war. It did, however, provide a focus for dissent, and an example of courage.

The descendants of James Otis knew that raising one's voice was a necessary precondition to insisting that one be heard. The movement that took root in Massachusetts was instrumental in slowing the war.

The struggle for equality for blacks, equal rights for students and a voice for the people in the waging of war continue. In some places, these movements for change are less apparent, the rhetoric of change more muted. At the same time, however, a movement has come into view which may well eclipse those of the 1960s in importance, and may rival the Revolution of 1776 in its effect on American society. I refer to the movement of working people concerned with democratic rights in their places of work, a movement which has acquired support, militancy and a sense of urgency from the deepening economic recession.

Workers know that democracy usually stops short at the plant gate; the rules of work are the employer's rules, subject to only minimal control by the union grievance process. And in the 1960s many workers began to see that their union leadership was no more responsive than their elected political leaders. I believe the double-barreled challenge to employers and to entrenched, undemocratic union leadership is the most important of the revolutionary movements born in the 1960s and now flowering as we move into the bicentennial year.

Its importance lies partly in numbers, partly in the unity of black and white, young and old in this struggle, and partly in the fundamentally revolutionary character of the demand for equality at the place of work.

Part of the story lies in the complex terms of the Kennedy-Landrum-Griffin Act of 1959. Some of the act's provisions were no doubt anti-labor, but the core of it is a "Bill of Rights" for union members: "Every member . . . shall have equal rights . . . to participate. . . . Every member . . . shall have the right to . . . assemble . . . and to express any views . . ."

Strengthened by these rights, and by other provisions promising honest elections, rank-and-

file union members in many basic industries have tossed out corrupt, old, unresponsive leadership and put the members back in control.

It must be recalled that American workers fought hard for the *freedom* to join a union and the freedom to strike. They paid for these freedoms during a hundred years of struggle. (See S. Lynd, "A History of the Steelworkers Union," New England Free Press, Somerville, Mass.) But they have learned that only a union made up of equal members, with equal rights and duties, is strong enough to stand up to the boss. So union local after union local is joining the movement toward rank-and-file control, toward being both equal and free.

In Youngstown, Ohio, a slate of officers elected by the Rank and File Team (RAFT), is putting the members' voices and energies to work in a large member union of the United Steelworkers of America. In the Chicago-Gary area, a coalition of rank-and-file groups has elected new district leadership, after a long struggle which included a legal challenge to a rigged election. As a lawyer working with these groups, I have sat in caucus meetings with rank and filers and worked with them in litigation to vindicate their claims. After experience as a lawyer in civil-rights, civil-liberties, student-rights and war-resister cases, political litigation is nothing new.

But I felt in those meetings an energy and sense of purpose unlike anything I had ever experienced. Black and white, men and women, young workers and old hands joined together. Their protest and their cause seemed more real, perhaps because they are closer to the heart of America, closer to the process of production, than students and the largely middle-class movement of protest which seemed dominant in the middle 1960s.

These rank-and-file groups are not seeking freedom and equal rights in the abstract. They know that only a strong union can join issue with the boss on the crucial questions of equality and freedom on the shop floor. Employers like to claim that their "freedom" includes exclusive power to prescribe rules of work. They will bar-

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gain on wages and benefits — what the worker takes home — but not about what he or she does in the plant.

With renewed rank-and-file militancy, a new day is coming. The first major stirrings took place in the steel plants and in the fields. Steelworkers protested that unsafe conditions and unfair work rules created safety hazards. When the union leadership refused to process these claims as grievances, the rank-and-file conducted wildcat strikes. The union pays more attention now to these work-rule problems.

In the fields of California, Cesar Chavez and the United Farm Workers have been contending that pesticides create such danger for fieldworkers that their use should be a subject of collective bargaining.

Workers are saying to the boss: You own this plant but you don't own me; you may be free, but so am I, and the only way to resolve these conflicting ideas of freedom is by the use of one magic word — equality.

This "equality" means a voice for the workers in the conditions of work and a fair share of the profits. Workers know that even while jobs are disappearing, profits in many major sectors are at an all-time high. Equality, seen this way, is a precondition to, and a part of, real freedom.

We ignore the stirrings toward a free and equal society only at great peril, for we are reminded that George III probably thought James Otis was a tiresome, harmless demagogue who had become a lawyer for disloyal malcontents only so he could make a lot of noise in public.

But the striving to control one's own destiny, to be equal and free, was rather stronger than that, and ran rather deeper than George III was led to think.

I said that I would return to the unrest which has beset Boston of late and try to view it in context. Those who resist changes in Boston schools are saying, it seems to me, that their freedom is being undermined by the new demands for equality. But think of the matter from the other side: Those who favor changes designed to promote equal educational opportunity

are saying that for years now their freedom has been restricted, and that only by introducing the concept of equality can freedom have any real meaning for the whole of the people.

Employers faced with demands from the rank and file are likely to say also that their freedom is being curtailed. How shall we evaluate their claims? I suggest that these lines from Khalil Gibran's "The Prophet" provide an answer:

"But what of those... to whom life is a rock, and the law a chisel with which they would carve it in their own likeness?

"What of the cripple who hates dancers?

"What of the ox who loves his yoke and deems the elk and deer of the forest stray and vagrant things?

"What of the old serpent who cannot shed his skin, and calls all others naked and shameless?

"And of him who comes early to the wedding-feast, and when overfed and tired goes his way saying that all feasts are violation and all feasters lawbreakers?"

Let 1976 be the year when some of those who have feasted long and well at the table move aside a little to make room for others. Some such message — though no doubt more bluntly put — will motivate the American Revolution that is now under way.

April 13, 1975