

## **A History of Racism**

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The noted sociologist, economist and racial visionary W.E.B. DuBois is quoted as having written: “True freedom and equality for the African American is but an ever-receding mirage.” In other words, when you think you see the Oasis of complete freedom and equality it is but a false illusion.

Did George Floyd's murder make a difference? Did his demise bring America to a time of racial reckoning, a tipping point beyond which the coalition of Whites and Blacks intent on social justice could bring about significant and lasting change?

We thought so at different historical junctures only to see America yield to political expediency. Did you know America was the first nation in the history of the world to invent the classification of whiteness?

Let me quote at length from Isabel Wilkerson’s best seller “Caste”:

“The American caste system began in the years after the arrival of the first Africans to the Virginia colony in the summer of 1619, as the colony refined the distinctions of who could be enslaved for life and who could not. Overtime colonial laws granted English and Irish indentured servants greater privileges than the Africans who worked alongside them. And the Europeans were fused into a new identity that has been categorized as white, the polar opposite of black. The historian Kenneth M. Stampp called this the assigning of a race, a caste system which divided those whose appearance enabled them to claim pure Caucasian ancestry from those whose appearance indicated that some or all of their forebears were Negros. Members of the cast Caucasian, as he called it, believed in white supremacy and maintained a high degree of caste solidarity to secure it.”

As a window into their exploitation, consider that in 1740, South Carolina like other slaveholding states, finally decided to limit the workday of enslaved African Americans to 15 hours from March to September and 14 hours from September to March, double the normal workday for humans who actually got paid for their labor. In that same era common prisoners found guilty of actual crimes were kept to a maximum of 10 hours per workday. Let no one say that African Americans as a group have not worked for our country.

Thus, each new immigrant ... the ancestors of most current day Americans ... walked into a preexisting hierarchy, bipolar in construction, arising from slavery and pitting extremes in human pigmentation at opposite ends. Each new immigrant had to figure out how and where to position themselves in the hierarchy of their newly adopted land. Oppressed people from around the world, particularly from Europe, passed through Ellis Island, shed their old selves, and often their old names, to gain admittance to the powerful dominant majority.

Somewhere in this journey Europeans became something they had never been or intended to be or needed to be before. They went from being Czech or Hungarian or Polish to white, a political designation that only has meaning when set against something which was black. They would join a new creation, an umbrella category, for anyone who entered the new world from Europe. Germans gained acceptance as part of the dominant caste in the 1840s, according to immigration and legal scholar Ian Haney Lopez. The Irish in the 1850s to the 1880s and the eastern and southern Europeans in the early 20th century who became Americans also had become white.

“In Ireland or Italy,” Lopez wrote, “whatever social or racial identity these people might have possessed — being white wasn't one of them.”

Serbs and Albanians, Swedes and Russians, Turks and Bulgarians who might have been at war with one another back in their mother countries fused together, on the basis, not of shared ethnic culture or language or faith or national origin, but only on the basis of what they look like in order to strengthen the dominant caste in the hierarchy.

“No one was white before he or she came to America,” James Baldwin once said.

The idea of race is a recent phenomenon in human history. It dates to the start of the transatlantic slave trade and to the subsequent caste system that arose from slavery. The word race likely derived from the Spanish word *raza* and was originally used to refer to the cast or quality of authentic horses, which are branded with an iron so as to be recognized. This was written by Audrey and Brian Smedley. As Europeans explored the world, they began using the word to refer to the new people they encountered. Ultimately, the English in North America developed the most rigid and exclusive form of race ideology. Thus, the Smedleys wrote: “race in the American mind was a statement about unbridgeable differences. It conveys the meaning of social distance that cannot be transcended.”

When I look back on our nation's history, built on a foundation of human bondage, I think of the long struggle to live up to our founding ideals. The shortcuts, the compromises we made. The moral debt we incurred, eventually paid in painful installments. Thomas Jefferson, a slave owner himself, originally included in the Declaration of Independence a 168-word passage condemning

slavery as one of the evils foisted on the colonies by the British crown. It was cut from the final wording, disallowing the Enlightenment ideas of freedom and equality to apply to the enslaved.

5,000 black people fought for revolutionary freedom but none of us were then set free. I was inspired to write an ode to Frederick Douglass on what the 4th of July meant to a slave.

I don't know really what it's worth  
To celebrate July the 4<sup>th</sup>.  
Pay tribute to our nation's past  
When in the slave role we were cast.  
Somehow the nation has forgot  
The part we played within that plot  
To break the back of subjugation  
Born of Britain's rank taxation  
5,000 soldiers of my hue  
Gave battle to ensure that you  
Enjoyed the fruits of liberty  
Though none of us were then set free.  
Oh promises were freely made.  
That after battle we could trade  
Our chains for spoils of victory  
And join with free humanity.  
But lobbies strong of southern view  
Made mockery of leaders who  
Would make the constitution stand  
For liberty throughout the land.  
In every war for from then we thought  
That if we battled, if we fought  
You'd recognize our loyalty  
And in due course would set us free.  
It took the spilling of your blood  
With ours upon this native sod  
To mount in fact a great crusade  
To right the error that you made  
By failing to make us a part.  
Of this great nation from the start.

Indeed, the first to fall in the revolutionary struggle was a black man: Crispus Attucks. Black soldiers were at Lexington, Concord and Bunker Hill. Many of us fought for the crown as they offered us our freedom.

Many thought slavery would die out on its own. That thought vanished in 1792 with the invention of the cotton gin which revolutionized production, breathing life into an otherwise inefficient and moribund industry. Thus, the rationalization for slavery shifted from a necessary evil to a positive good. Cotton was this nation's leading export from 1803 to 1938.

When I think of that, I hear the ringing words of civil rights activist, singer and actor Paul Robeson as he spoke before a congressional hearing in 1942:

“Because my father was a slave, and my people died to build this country, I'm going to stay here and have a part of it just like you. And no fascist-minded people are going to drive me from it.”

With the San Francisco Boy's Chorus, I had the privilege of singing with Paul Robeson in 1957. He sang at the Third Baptist Church in San Francisco. It never occurred to me why with his stature he couldn't command the Civic Auditorium. We were in the midst of the McCarthy era, and Robeson was thought to be a communist sympathizer. To familiarize those of you who may not know who he was: Robeson was a four-letter athlete and a straight-A student at Rutgers. He played professional football, graduated from Columbia law, dropped the practice when his white secretary refused to take dictation from him. He was the prototype for Gershwin's Porgy, became an acclaimed world-renowned singer, movie star, and actor. He was stripped of his passport which one of my law professors, Leonard Boudin, got back for him. Boudin was the grandfather of the recalled San Francisco District Attorney Chesa Boudin.

Another compromise was effected in 1787, to ratify the United States Constitution, when slaves were counted as  $3/5$ 's of a person for purposes of seats in the House of Representatives. That apportionment gave the South  $1/3^{\text{rd}}$  more seats and  $1/3^{\text{rd}}$  more electoral votes.

The next accommodation was the Compromise of 1820 when Maine entered the union as a free state balanced by Missouri as a slave state, leaving the balance at 12/12. That year sticks out with me as it is the year my maternal great-great grandfather was born in this country.

The 1803 bloody overthrow of Napoleon and the French in Haiti by Toussaint Louverture sent shockwaves which reverberated through the nation, with the thought of a free independent Black nation on America's doorstep.

Two significant events occurred in 1831. Nat Turner's slave uprising in Virginia and the publication of William Lloyd Garrison's Liberator newspaper in Boston marking a major step in the advancement of abolitionism. You would think Massachusetts, later a hotbed of Yankee anti-slavery sentiment would have welcomed Garrison, but not then. The textile industry of New England was a huge profit center uniting the Lords of the Loom with the Lords of the Lash.

Garrison was marched through the streets of Boston with a rope tied around his neck — nearly lynched the first year of his newspaper's publication.

A little-known event took place in Boston in 1849. A little Black girl, Sarah Roberts, with the representation of Robert Morris and future Massachusetts Senator Charles Sumner, filed suit for having to walk past 3 perfectly fine schools to be forced to attend a dilapidated segregated institution. For the first time the argument was waged by Sumner: segregation was inherently unequal. Judge Lemuel Shaw argued the case could not be settled upon philosophical grounds. Later when Sumner's allies gained the majority in the Massachusetts State House, the law was overturned. You may note the argument separate versus equal was successfully advanced 105 years later by Thurgood Marshall in his successful *Brown versus Topeka School Board* case, overturning segregation in American schools.

America compromised once more over slavery in 1850, settling the slave and free state confrontation resulting from the territories gained in the Mexican American War. California came into the union as a Free State and the New Mexico and Utah territories would be determined by popular sovereignty as to whether they would allow or disallow slavery. To sweeten the pot for the South, heavy restrictions were added to the fugitive slave law.

This uneasy truce lasted until 1854 when Stephen Douglas blew up the Missouri Compromise. It now banned slavery above the 36°30' parallel, organizing Kansas and Nebraska territories around the principle of popular sovereignty. Hence Bleeding Kansas, where John Brown and others rushed in to swell the ranks, to make the territory free, and in opposition to the slavery elements.

In 1856 Charles Sumner, now a United States Senator, was nearly caned to death on the floor of the United States Senate after delivering a scathing attack on Senator Butler of South Carolina because of his support for slavery. Butler's cousin Preston Brooks beat him on the floor of the United States Senate chambers. Many mark that as the first blows of the civil war.

Another significant event was the 1857 Dred Scott decision, where Scott, an enslaved man, and his wife were transported by their master into the free Minnesota territory. Once there the Scotts were technically free. That did not happen. They sued in a series of cases eventually decided by the Supreme Court. The opinion was authored by Roger B. Taney, who ironically in the *Luther versus Borden* case in 1848 originated the phrase judicial restraint. Ironic, because he went well beyond what was needed to rule the case, stating that not only could Blacks not be citizens but they did not have any rights whites were bound to respect. To show how views can change over a lifetime, let me read you from another opinion from a younger Roger B. Taney: "A hard necessity, indeed, compels us to endure the evil of slavery for a time. It was imposed upon us by another nation, while we were yet in a state of colonial vassalage, it cannot be easily or suddenly removed. Yet, while it continues, it is a blot on our national character, and every real lover of

freedom confidently hopes that it will be effectually, though it must be gradually, wiped away: and earnestly looks for the means by which this necessary object maybe at best attained. And until it shall be accomplished, until the time shall come when we can point without a blemish to the language held in the Declaration of Independence, every friend of humanity will seek to lighten the galling chain of slavery, to better, to the utmost of his power, the wretched condition of the slave.”

Buchanan, a presidential candidate in 1856, knew what Taney's decision was going to be in the Dred Scott case. He asked Taney to hold off on releasing it until the 1857 term so as to not interfere with Buchanan’s election. As a further stroke of irony, Taney held the Bible to swear in Abraham Lincoln and the new era.

The Lincoln-Douglas debates for Senate of 1858 is where Lincoln caught Douglas in the Freeport doctrine. Slavery could be prohibited from the territories by popular sovereignty. Douglas was sunk in his presidential race two years later in the four-way competition for the presidency between Lincoln, Douglas, Breckinridge and John C. Bell.

John Brown's raid on Harpers Ferry and the election of Abraham Lincoln were triggering events heralding the Civil War.

The best history day of my life was being in Washington DC getting up at 4:00 AM driving out to Gettysburg. I toured the battlefield, then drove to Harpers Ferry, closing out the day at the Frederick Douglass home. I felt like I'd touched base with three honored places of the America past.

I will quote to you from the democratic campaign song of 1860:

Tell us of his fights with Douglas, how his spirit never quails  
Tell us of his manly bearing, of his skill in splitting rails.  
Tell us he's a second Webster, or a better Henry Clay.  
That he's full of genial humor, placid as a summer's day.

Call him Abe or call him Abram, Abraham is all the same.  
Abe will smell sweet as either, we don't care about the name.

Tell again about the cord wood, 7 cords or more per day.  
How at night he seeks his closet there, alone to kneel and pray.  
Say he’s capable and honest, loves his country good alone.  
Never drop drank a drop but whiskey.  
Wouldn't know it from a stone.  
Tell us he resembles Jackson, say if he wears a larger boot.

Say he's broader cross the shoulder, say taller by a foot.  
Any lie you tell swallow. Swallow any kind of mixture.  
But oh we beg and pray you, only please don't show his picture.

Although there was initial opposition, more than 187,000 Black troops fought for the Union in the Civil war and 25,000 in the Navy were shipboard to fight for the North.

John Quincy Adams, who died in 1848, told Massachusetts Senator Charles Sumner that if a Civil War were to ever break out, the slaves could be freed based upon the military necessity clause of the constitution. And so it happened by July of 1862. Lincoln let it be known to two of his cabinet secretaries, Seward and Wells, that he was going to free the slaves. They warned him to wait until a Union victory lest it appear his decision be done from weakness. September 17th came that victory at Antietam. On the 22nd of September Lincoln met with his cabinet instructing them he was giving the States in rebellion an ultimatum. Return to the Union by January 1st or those enslaved in the States in rebellion would be declared henceforth and forever free.

Lincoln followed the Emancipation Proclamation with the 13th Amendment, which it might surprise you wasn't approved by Mississippi until 1995, and formally entered into its record with the paperwork being filed February 7th, 2013. The 13th Amendment was followed by the 14th Amendment ensuring equal rights under the law and the 15th Amendment securing the federal right to vote. The rights of the freedmen were insured during Reconstruction, which formally ended, ushering in black codes and Jim Crow, in 1877. The Hayes-Tilden election ended in a tie throwing it into the House of Representatives in 1877. Hayes promised the South to remove the remaining federal troops stationed there to ensure black voting rights were effectively ended until the Voting Rights Act of 1965.

The Congress passed an equal accommodation act in 1875 and an anti-Ku Klux Klan Act in 1871, which were both ruled unconstitutional by the High Court in 1883 — which opened the door to Plessy versus Ferguson declaring separate but equal the law of the land in 1896.

In 1903 DuBois, the great public intellectual sociologist in opposition to Booker T. Washington, wrote the book *Souls of Black Folk* proclaiming the issue of the 20th century would be the color line.

DuBois was born in Great Barrington, Massachusetts in 1868 when Frederick Douglass was the undisputed leader of Black America. He sparred with Booker T. Washington in his 1903 classic *Souls of Black Folk* and also came out in opposition to Marcus Garvey. DuBois died August 27, 1963, on the eve of the March on Washington, when the mantle of Black American leadership

was officially taken by Martin Luther King Junior. Dubois signed my baby book on April 16<sup>th</sup>, 1946 writing: “Here's hoping”.

As a result of the 1908 race riots in Springfield IL, the home of Abraham Lincoln, the following year, 1909, the NAACP was formed. Between 1915 and 1970 the largest internal migration in the history of the United States took place. It is documented by Isabel Wilkerson in a wonderful work, *Warmth of Other Suns*, that more than 6 million black people moved North from the South. In cities like Detroit, Chicago, Philadelphia, Washington DC their ranks began to swell.

That trend wouldn't reverse until 1990, when for the first time in history more blacks were moving South than North.

There are many significant events and personalities moving the race forward such as A. Phillip Randolph's formation of the first black Union. The Brotherhood of Sleeping Car Porters, the rivalry between DuBois and Booker T Washington. The Marcus Garvey Back to Africa movement. The New York 369th regiment in World War One, the most decorated unit in the war — a period of 191 days under fire, never losing an inch of ground, the entire regiment received the Croix de Guerre from the French. The riots of the red summer of 1919.

Let's quickly move through up to 1954 when the great Thurgood Marshall and others were able to overturn the 1896 Plessy ruling with the Brown versus Topeka School Board decision. Marshall worked with my dad to help equalize Black and White teacher salaries in the state of Florida, where they were paying Black teachers 47% of what they paid Whites by law. They won, but my parents were barred from teaching for life in the Sunshine State. That's when my dad moved here to set up the 11 regional states of the NAACP out of San Francisco.

But back to Thurgood Marshall. He won 29 of 32 cases before the Supreme Court. Nine out of 14 as attorney general. He was never reversed on the Second Circuit. As you know, he was chosen by LBJ to be the first African American on the Supreme Court. Because my parents and Marshall were friends, my mother solicited a contribution from him when I ran for San Francisco Supervisor in 1971. He wrote back on Supreme Court stationery saying how tickled he was I was running, but explaining as a jurist he was prohibited from making political contributions. He wound up his letter by saying besides he had two kids in college, and he was broke.

My first real taste of racial traumatization came in 1955 when my parents took me to hear the mother of Emmett Till, a 12-year-old black youngster shot, lynched, thrown into river, found mangled beyond recognition, for allegedly whistling at a white woman. His open casket picture on the cover of the program sears me to this day. That next summer traveling through Mississippi by train on the way to Florida with my parents, I ducked below the level of the window for fear of being shot as we road through Mississippi.



The 1940 fifth integration decision was severely tested in Little Rock AR when Melba Pattillo Beals was one of the Little Rock Nine students to integrate Little Rock high. Eisenhower had to send in the 102nd airborne to admit those students over the opposition of then Governor Orval Faubus. John Kennedy's death in 1963 ushered in Lyndon Johnson, the best civil rights president we've ever had, who passed the 1964 Civil Rights Act, the 1965 Voting Rights Act and the 1968 Fair Housing Act.

I entered Fisk University in the fall of 1963 where I marched with John Lewis and witnessed the majesties of the law. The 1964 Civil Rights Act opened the door to all the places we picketed. Segregated eating establishments, movie theaters and public accommodations.

Skip Humphrey, Vice President Hubert Humphrey's son, told me his father led the floor fight for the 1964 Civil Rights Act. To let me know his father's commitment, he told me Humphrey senior stayed in DC while his other son had life-threatening surgery, telling his wife Muriel the bill was just too important. Fortunately the boy lived and the bill passed.

I asked Lynda Bird Johnson one time what her father was thinking when he spoke before a joint session of Congress in March 1965 and said the words "we shall overcome". She said you know that old hymn — to every man and nation comes a moment to decide.

Slowly over the years the High Court became an arm of the Oval Office and blatant attempts to politicize the court began.

But it's like it was once said: he who shapes public opinion is greater than he who makes statutes. Hence back to George Floyd. It's been 30 years since we all witnessed the beating of Rodney King, more than 50 years since the Congressional report on race concluding we're moving towards two nations, one black and one white, separate but increasingly unequal.

We've seen presidents base their campaigns on racial themes. Nixon on law and order, the war on drugs and glorification of the silent majority. Reagan's announcing for the presidency in Philadelphia, MS. The only thing to have ever happened there is the lynching of civil rights activists Chaney, Schwerner and Goodman. Those deaths went unmentioned while Reagan touted states rights. He then went on to Stone Mountain, GA where he said how Jefferson Davis was a hero of his. He then traveled to Wilmington, NC asserting his opposition to school busing. He opposed the King holiday. George H.W. Bush was no better, running on the Willie Horton ad — a black parolee who murdered while out on probation. He also gave us Clarence Thomas, who was opposed on the PBS news hour.

Fast forward now to arguably the most racist president in the century. Donald Trump was supported and encouraged by white supremacists. George Floyd made us all rethink our old assumptions — who are our heroes? What part of our history have we ignored? For me, living in Marin County, heading to work for the overnight shift at KGO in the 1980s, I would have to leave a half an hour early to leave room for being stopped either in San Anselmo or Greenbrae. Eventually I put on a coat and tie, stopped in these police stations, identified myself, and told them what time I left for work at night and gave him my license, type and make of car. When the sheriff was called about my dropping off my children, and being late due to not being able to pick them up at the hour when they were done, I was always met with two squad cars of officers, with billy clubs at the ready. This had to be resolved in the Sheriff's Office. It took 22 years to resolve the ugly Dixie school name change battle. Mostly based on the real estate interests. Let me read you this piece for the Independent Journal. Youth rises to the challenge then and now.

As a teenager growing up in San Francisco's Richmond district in the 1960s, Marin was a distant concept. Sure there was my friend Greg Goodman, whose uncle Mr. Harris was a manager of Goodman's lumber. His spacious home in Sleepy Hollow with a swimming pool I would visit from time to time. I don't know if I wasn't allowed in, but I do know I was never invited to the Town and Country Club where many of my classmates luxuriated on weekends. And my buddies who played music at the Lido Club couldn't invite me to sing because the owner thought that might have tracked the wrong crowd.

My social activism consisted of breaking barriers of individual consequence. At the age of 10 with the San Francisco Boys Chorus I was the first singer of color to solo with the San Francisco Cosmopolitan Opera Company. I broke the color bar and multicultural casting playing the lead in the musical Huckleberry Finn. Later at my San Francisco high school, George Washington, in their musical production, I along with other black students were all going to play slaves. We declined. It became a huge issue. NAACP boycotted the production.

As a 16-year-old delegate I stayed at Martin Luther King's parents' home, where I picketed against the city's mandated segregation. The next year at a San Francisco competition with other student body presidents, I ran for the position of mayor during government week. We competed by researching what are the city's problems. I did so on the basis of a paper I wrote on defacto segregation in the San Francisco school system. Naively I thought after presenting the issue, it would quickly and easily be resolved. It wasn't until 20 years later it was addressed by the school board with the assistance of the federal courts. The next year as a 17-year-old freshman at Fisk University in Nashville, I marched with my classmate John Lewis, who went on to become a civil rights icon.

All of this pales in light of what these GenX students are doing today. The Black Lives Matter movement has caught fire in Marin County, where I live. Students have joined the national and

international movement following the murder of George Floyd. They were marching in protests from Redwood City to Vintage Oaks. Their voices are being heard from the streets of Tiburon to the Mill Valley City Council. Recent Tam High grad, 18-year-old Paul Lot, quickly put together a petition calling for the resignation in Mill Valley of the mayor, when she blithely dismissed a residence request. She took a stand on white silence equals white violence. She considered an outside issue, until others took action. She's now reconsidered the sheriff's budget in Marin, which was scrutinized. The main community fund is redirecting funds to make the county more racially relevant in lot of current circumstances. The background of Sir Francis Drake high is a topic of concern, given Drake's history as a slaver. Should he be honored by roadway, school or statue?

The multiracial coalition of young people are likely to bring about more change than my generation ever did. The questions they're asking, the changes they're demanding, are likely to bring about seismic shifts in the racial landscape. It cannot come soon enough. Marin, where the issues of poverty, housing and unemployment inequality leave us dead last among the counties in the state. I'm reminded of the quote from Emerson:

So nigh is grandeur to our dust,  
So near is God to man,  
When Duty whispers low, 'Thou must,'  
The youth whispers, 'I can'.

I have four children of my own. I have pretty much allowed them to find their own way on matters of race. When the boys came of age I took them to the Dipsy restaurant to have a five minute conversation with them. I told him the fact that they live where they do, go to the school that they do, take a book out of the library, how much somebody paid a price for them, and they're going to have to pay a price for somebody else. I did not allow them to play with squirt guns when they were growing up. I wasn't going to have some police officer come to my door at dusk apologizing to me for shooting my son because it was in between light and dark. And it looked like they were carrying a real gun. I told them when their entitled friends started doing crazy things on Halloween, to call me and I'll come pick you up. You cannot get the benefit of a doubt.

I'm proud of them too. They went to Redwood high. And from there one matriculated at the University of Oregon, then USF law. He practices at a firm in the city. Another boy, after working with Oracle and Salesforce, is now at NBC and his younger brother is now with Amazon. My daughter went to Branson, then Georgetown. She left to work at Speaker Nany Pelosi's district office, where she spent four years and then six years on the Hill as her Press Secretary. Now she's become the global manager for Spotify. I got one thing I'm proudest of is along with morning clicking the clearing Pearson and the other is we got the name of the Dixie school district changed. You know it took 22 years.

When I ponder the life of George Floyd and the significance of this nation's racial awakening, I think of other martyrs for justice. Other simple men and women whom history used to advance the cause. Some known others not. People whose lives might have been recounted in the short and simple hours of pork. George Floyd's utterance mirrored that of a father, a brother, a son, a call for his mother. The circumstances of his death are even more tragic. In the last two years we found out that he told the arresting officer he was fearful he had COVID. He couldn't breathe. He'd been shot before he told them he feared they would kill him. And he died. Virtually at the knee of a Minneapolis police officer, having no idea that a worldwide movement would arise from that deadly spark. He knew that his time was at hand when heroes are mourned.

Sacco and Vanzetti did. Two impoverished Italian immigrants who many believe were wrongly accused of murder in 1920, were put to death seven years later, but not without uttering these stirring words:

“If it had not been for these things, I might have lived out my life talking at street corners to scorning men. I might have died, unmarked, unknown, a failure. Now we are not a failure. This is our career and our triumph. Never in our full life could we hope to do such work for tolerance, for justice, for man's understanding of man as now we do by accident. Our words — our lives — our pains — nothing! The taking of our lives — lives of a good shoemaker and a poor fish-peddler — all! That last moment belongs to us — that agony is our triumph.”