

When it comes to activism, law enforcement has always had a double standard

The FBI's long history of oppression of people advocating for racial justice

By Denise Lynn

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On Oct. 31, The Washington Post released a [report](#) detailing the many federal intelligence and law enforcement failures leading up to the Jan. 6 insurrection. It revealed that despite being alerted by social media companies and FBI informants of the potential for violence, several agencies did not take the warnings seriously or, in the case of the military, feared that the appearance of soldiers using force would be bad optics. The FBI decided that social media proclamations about bringing weapons to the capital and threats made to lawmakers were all protected First Amendment speech — a markedly [different approach](#) from how the FBI and law enforcement have treated Black Lives Matter protesters.

And that is not surprising. When it comes to issues of racial equality, the FBI has regularly violated activists' First Amendment rights through surveillance, disruption and a variety of punitive measures.

During the Cold War, criticism of U.S. containment policy and advocacy for peace were dismissed as un-American and criminalized. In particular, advocates for racial equality were surveilled, harassed, arrested, detained, deported and condemned as treasonous.

Consider, for example, the case of communist and activist Claudia Jones and her friends Shirley Graham Du Bois and W.E.B. Du Bois — all vocal critics of U.S. foreign policy, which they argued amounted to neocolonial interventions in newly liberated countries. The FBI started its surveillance of Jones in 1942, even while the United States was at war and allied with the Soviet Union. That same year, it opened its file on the well-known professor and writer W.E.B. Du Bois. Under J. Edgar Hoover, the FBI sought to maintain the racial status quo, thus civil rights demands were akin to subversion.

President Franklin D. Roosevelt and later President Harry S. Truman expanded the bureau's investigative powers for fear that American communists might be passing information to the Soviets. Hoover took the opportunity to further his own authority by authorizing his agents to break into suspects' homes, bug phones and open mail.

continued to equate growing civil rights demands with communism.

In 1947, after nearly five years of investigation, the FBI learned that Jones was not a citizen. She immigrated to the United States from Trinidad when she was 8 and as an adult had been denied naturalization because of her affiliation with the Communist Party. The bureau immediately tried to find ways to have her deported, and she was arrested in 1948 under the 1918 Immigration Act that allowed for the deportation of radicals. She was released on bail while she appealed her case.

Jones and the Du Boises became especially concerned when Truman announced in January 1950 that the United States would pursue construction of a hydrogen bomb. They weren't alone. In March 1950, the Partisans of Peace gathered in Stockholm to write the Stockholm Appeal. Also called the Ban the Bomb petition, it called for outlawing all nuclear weapons and weapons of mass destruction and for any nation that used these weapons to be tried for crimes against humanity. Jones urged American women to rally behind peace and to sign the petition. She also argued that the U.S. military was the means by which capitalists secured resources by exploiting workers in newly decolonizing nations and at home. Peace, she argued, was a prerequisite for liberation.

Months later, when the United States entered the Korean War and Truman did not dismiss the possibility of using the atomic bomb, anxiety among peace activists increased — but so too did their public criticisms. Peace, Jones and the Du Boises insisted, was needed to secure the rights of Black Americans and the freedom of former colonies. The Du Boises had been co-founders of the Peace Information Center (PIC), an organization that distributed information about the global peace movement and the Ban the Bomb petition via Peacegrams. They and other peace activists asked how the United States could claim to be securing democracy abroad while Black Americans did not have access to democracy at home.

In July 1950, Secretary of State Dean Acheson called the Ban the Bomb petition a Soviet “propaganda trick,” immediately linking it in the minds of Americans and intelligence agencies with communism. W.E.B. Du Bois pushed back, writing a letter to Acheson explaining that it was always the poorest who were killed in war while war producers increased their wealth. Surveillance on Du Bois and the PIC intensified. The following month, the Justice Department notified the PIC that it had to register as a foreign agent under the Foreign Agents Registration Act. The PIC responded that it was not a foreign agent and Du Bois tried and failed to make appointments with the Justice Department and the attorney general to challenge the order. The PIC chose to disband rather than register.

In February 1951, the Justice Department indicted W.E.B. Du Bois and three other PIC members for failing to register under the Foreign Agents Registration Act. The Du Boises traveled the country raising money for the group's defense and to raise awareness about the global peace movement and its criticisms of U.S. Cold War policy.

An examination of both Jones's and the Du Boises' FBI files make it clear: The bureau considered advocating for peace and equal rights a criminal act.

In Jones's FBI file, an agent noted that her writing and speeches, which would be cited in her trial, had to do primarily with Black and women's rights. W.E.B. Du Bois's file lists statements he made in support of peace and his denunciations of the case against him.

While Du Bois was eventually exonerated, he and his wife had their passports seized and not returned until 1958. Jones was convicted under the Smith Act, sentenced to prison and fined. She was remanded to a segregated prison in 1955 where she served 10 months; two months after her release, she was deported to England in poor health after years

children and elderly parents of individuals, got children of communists kicked out of preschools or summer camps and made it difficult for people to make a living.

In short, federal intelligence agencies have historically viewed racial justice demands as un-American and seditious and have used the full force of the state to undermine movements for Black equality. The tactics the FBI used against Black activists at the height of the Cold War would continue to be deployed against civil rights and Black power activists, most famously in its Cointelpro program that targeted people such as the Rev. Martin Luther King Jr. This continues today. In 2017, the FBI identified Black Lives Matter activists as “Black Identity Extremists” and began regular surveillance, including of social media posts.

And yet, this outsize reaction to Americans pursuing racial equality stands in stark contrast to the treatment of the Jan. 6 insurrectionists, many of whom threatened lives, announced their intention of overthrowing a democratic election and now face short prison sentences and meager punishments.

As some within the FBI told The Washington Post, the agency seems particularly insistent on protecting speech when it involves White Americans. In the wake of Jan. 6, and at a time when some White Americans seek to remove anti-racist education from school curriculum, its even more imperative for social justice advocates to learn the history of entrenched White supremacy and how institutions with tremendous power and authority have actively undermined the fight for civil rights — then and now.

