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MARSHALL AND MBOYA

You are the descendants of the tiny brave band of men who fired the shot heard round the world. Its sound has been slow to reach Africa, but now the echoes rebound from every corner of the continent. For the same freedom and right to a better life which your ancestors won we Africans now also strive.

—Tom Mboya at Carnegie Hall, 1959

[I] would like to be on the side of the natives for once.

—President Dwight D. Eisenhower, 1958

THURGOOD MARSHALL MET BERNARD TAPER in New York on a flight to Atlanta in 1956. It was a frigid and icy late February afternoon. Marshall was on the plane, in a double-breasted suit, his large frame folded into a seat, when Taper boarded. The reporter was to accompany the lawyer to a civil rights meeting. “During the takeoff, Marshall sat hunched at the window, gazing with concentration into the heavily overcast sky, as if contributing his willpower to the effort to get us off the ground.” When the plane was aloft, Marshall relaxed and lit a cigarette. “One thing troubles me about this meeting ahead,” he said to Taper. “We won’t be able to smoke. *That’s* gonna hurt.”¹

Perhaps it is a good thing that Thurgood Marshall was a large man. So outsized was the lawyer’s reputation after the victory in *Brown v. Board of Education* that the reporter, coming upon a slighter person, might have been confused. Taper, writing for

the *New Yorker*, cast Marshall as a living legend. “Few living individuals have had a greater effect than Marshall on the social fabric of America,” he wrote that spring. In the previous fifteen years, Marshall had “attained the stature of a semi-folk hero among his people. At the same time, he has earned the deepest respect of sophisticated jurists and students of the law.”²

The future should have looked sweet to Thurgood Marshall in 1956. The *Brown* case was won, and in the eyes of the nation his name was forever associated with that victory. His colleague Constance Baker Motley thought the case made Marshall the “undisputed spokesman for black America.” *Time* magazine put him on its cover in 1955. But the years after *Brown* were difficult. “He was simultaneously exhilarated and awestruck by his leadership position in black people’s struggle for equality,” Motley said. “At times, he seemed immobilized by the inherent responsibility to move forward with implementation; at other times, he was literally overwhelmed by the onrush of events that the decision set in motion. It was like trying to navigate a ship in a hurricane.”³

Marshall’s problems were confounded when in 1955 the Supreme Court undercut his efforts, requiring only “all deliberate speed” in *Brown*’s implementation. The decision was widely viewed as allowing delay, and that is just what happened. It was not until 1964 that the Supreme Court changed course, announcing that “the time for mere ‘deliberate speed’ has run out.” In 1960, over 94 percent of African American children in the South still attended all-black schools. The lack of progress was frustrating. At the same time, the National Association for the Advancement of Colored People (NAACP) and the Legal Defense Fund (LDF) lawyers were under attack in the South, targets of cold war anticommunist investigations. The war against communism was being deployed by Southern states to stymie civil rights efforts. Defending against attack drew time, attention, and resources away from enforcing *Brown*.⁴

“Where are we now?” Marshall asked Taper at some point during the flight to Atlanta, looking out the window into the darkness. “Somewhere over Virginia—North Carolina?” Going south was something Marshall had often done, but it was different now, after *Brown*. “I’m a Southerner,” he said. “I know my way around. I don’t go looking for trouble. I ride in the for-colored-only cabs and in the back ends of streetcars—quiet as a mouse. I eat in Negro cafés and I don’t use white washrooms. I don’t challenge the customs personally, because I figure I’m down South representing a client—the N.A.A.C.P.—and not myself.” Marshall hadn’t previously worried too much about trips south. But he did now, and his wife, Cissy, was anxious. “Those boys are playing for keeps.”⁵

The flight was rough, but the conversation between the two men was easy. Marshall spoke with admiration about Southern members of the NAACP. “Some of them speak out without hesitation,” he said. “I don’t know how they do it. They have more courage than I would have in their place.” What would happen at the meeting in Atlanta? Roy Wilkins, NAACP executive secretary, would be there, along with leaders from many Southern states. “When I get to this meeting,” Marshall said, “I’ll not only find out . . . what the situation is but also find out what *they* want to do about it, because they’re the ones that are gonna have to live with any action taken.” Marshall was sometimes cast as a leader “masterminding this whole campaign, somehow, against the wishes, of Southern Negroes,” but he saw it differently. “Our people in the South are actually way ahead of us on this thing.” Then Marshall, the storyteller, told a story about a man who saw a crowd rushing down a street. The man wanted to know what was going on, so he “grabbed a guy huffin’ and puffin’ along at the tail end.” He asked, “What’s goin’ on here?” The other guy pulled loose and cried, “Don’t hold me back, man! Don’t you know I’m the leader of that crowd? And if I don’t run like hell

they'll get away from me altogether." Marshall laughed. "That's me. . . . The leader at the tail end."⁶

To Southern whites, Marshall was an outside agitator. To many Americans, he was moving the country too far, too fast, although it didn't seem that way to the lawyers who had worked so hard on desegregation cases. *Brown* had been greeted with much fanfare in 1954. The world celebrated the fact that basic American values embedded in the nation's constitution had finally been affirmed. But as the Supreme Court delayed *Brown*'s implementation and Southern school districts devised schemes to circumvent the ruling, *Brown* became a symbol for social change that was always in the future. *Brown*'s symbolism might have reassured those worried about the nation's moral fabric or its image around the world. But symbolism would not dismantle Jim Crow or begin the work of making education equal.

What if the LDF "won lawsuit after lawsuit and court decision after court decision but couldn't get the decisions put into effect?" Taper asked. "That's the sixty-four-thousand-dollar question, and I'm not even going to try for it," answered Marshall. "I don't know what we'd do. That's something I can't even contemplate. It would be anarchy. It would be the end of the country. I can't imagine it coming to that."⁷

The civil rights meeting in Atlanta the next day lasted well into the night. It was not what the white reporter had expected, venturing into this world of "Negro leaders." Taper would not have been surprised, he wrote, at "more oratory, more emotional outbursts," or "to find deep gloom at the turn of events. . . . and demands for an agonizing reappraisal of the N.A.A.C.P.'s position, or even to hear at least some delegates, frustrated beyond endurance, call for violence or other direct action." What surprised him was "the orderliness—indeed the ordinariness—of the procedure." It was "the concreteness, the calm, the serene feeling of assurance that the law would eventually prevail." Or

so it seemed to him when the meeting broke at midpoint and he took a walk through the streets of Atlanta.⁸

For all the centrality of law and order in Marshall's thoughts about strategy, he had not always chosen peaceful solutions rather than violence. Growing up in Baltimore during a bleaker time in American race relations, when lynchings were a more common means of policing the racial order, Marshall's father told him not to shrink from racial insults. "If any white boy calls you a nigger, you got to fight him." Marshall grew into a legendary fighter. But in spite of his imposing frame, he eventually traded in his fists for a different weapon. Law gave him an enduring way to get even.⁹

One of Marshall's early victories in the courtroom enabled him to right a personal wrong. In 1935, along with civil rights pioneer Charles Hamilton Houston, he represented Donald Murray, who was excluded from attending the University of Maryland Law School because of his race, just as Marshall had been five years earlier. The Maryland Supreme Court ruled in favor of Murray, finding that exclusion of African Americans from the state's only public law school violated the requirement of equality under the Fourteenth Amendment of the U.S. Constitution. *Pearson v. Murray* forever changed the university. Not only was Murray admitted, but the overt racial exclusion Marshall had suffered was now illegal. And *Murray* provided an important precedent in the effort to undermine the constitutionality of segregation.¹⁰

After two years of law practice in Baltimore, Marshall joined Houston at the Legal Department of the NAACP in 1936. A Harvard Law School graduate, Houston was a brilliant lawyer and teacher. As dean of Howard Law School from 1929 to 1935, he turned the African American school into a civil rights think tank, a testing ground for the ideas that would shape constitutional equality in the twentieth century. Houston's heart gave out at the age of fifty-seven, in 1950, but by then he had passed

the baton to Marshall. So it was Marshall, with Robert Carter, Constance Baker Motley, and their team, who brought *Brown* to the Supreme Court. The lawyers had their differences in later years, but in the 1950s they maintained a unity of purpose. American society had to be changed. And law seemed the right tool for their purposes.¹¹

In the evening, when the meeting in Atlanta resumed, NAACP Executive Secretary Roy Wilkins reflected on their efforts. He spoke of the "tremendous effect we are having on the nation. All these little decisions we worked out today are part of a social revolution that is taking place. The whole face of a third of America is changing."¹²

Thurgood Marshall interrupted him. "Never mind the philosophy, Roy! You don't know the news I've just heard." A young man had entered the meeting and whispered in his ear.

"Yes, I do, Thurgood," Wilkins responded. He was waiting for confirmation, he said. "Dr. Brewer's just had his head shot off."¹³

Dr. Thomas H. Brewer was the plaintiff in a lawsuit to desegregate the Columbus, Georgia, municipal golf course. His photograph had just been in the local paper. He had been receiving threats. Brewer's murder was not the first one tied to civil rights work. Two Mississippi NAACP leaders had been killed in the previous year.¹⁴

At this point, Bernard Taper's account of the meeting begins to trail off. It is as if he could not reconcile the focus on the bloodless machinery of the law with the violence that swirled around them. How could people in suits brandishing legal documents change a system that was enforced by shotguns and bombings, by a rope and a tree?

Yet it was this very violence that drove the lawyers into the courtroom. It was because there were hooded men who roamed at night that they sought refuge in the legal order. It may have been slow but it seemed more than steady. For Thurgood

Marshall, it was the only way he knew to overturn the social order without a conflagration.

There was one thing Marshall didn't know in 1956: that this struggle for justice in America would lead him many miles from home, for the story of *Brown* had special meaning on another side of the world.

FOR A BLACK NEW YORKER IN 1956, flying to Atlanta meant crossing a boundary into Jim Crow territory. But borders are relative. When Tom Mboya from Kenya flew into New York's Idlewild airport that same year, he crossed more than national boundaries. He was a colonial subject in search not of a new homeland but of a lever to employ in his revolution back home. George Houser and his friends at the American Committee on Africa cannot have known what a phenomenon Mboya would become when they first met him at the airport in 1956. A polite young man with a ready smile, Mboya told them simply, "I am very glad to be here."¹⁵

Mboya had much in common with the NAACP leaders he met on this trip. Like them, he believed in democracy and the rule of law. But Mboya was attracted as well to another element in American history. This democracy was governed by law, but it had been forged in revolution. In Carnegie Hall one night in 1959, he reminded Americans of their revolutionary heritage. "You are the descendants of the tiny brave band of men who fired the shot heard round the world," he said. "Its sound has been slow to reach Africa, but now the echoes rebound from every corner of the continent. For the same freedom and right to a better life which your ancestors won we Africans now also strive."¹⁶

Africans could see themselves in the story of America, Mboya wrote in 1956. The American War of Independence had made the United States a symbol of "the struggle and success of a people to free themselves from the yoke of colonialism." The icons of the American revolution became symbols for Africans:

"The Boston Tea Party, the Stamp Acts, and the 'No taxation without representation' slogan . . . are common knowledge among Africans." "Government of the people, by the people, for the people" from the Gettysburg Address was a common slogan in African politics. Because American history served as an inspiration to Africans, "there is a sense of remote alikeness, sometimes even of belonging, and an unspoken acceptance of America as the symbol of heroic victory over colonialism."¹⁷

This sense of a shared identity was reinforced by the presence of descendants of Africans in the American population. But the status of African Americans cut both ways. "The segregation of Negroes in schools in the South," said Mboya, "has done a lot of harm to American prestige. As the upholder of democracy she is expected to be blameless within her own boundaries." But progress had been noted. The *Brown* case in particular had special meaning: "the Supreme Court decision of 1954 is hailed by many Africans, particularly in British East and Central Africa and in South Africa, where Africans do not have the right to bring discriminatory practices before courts."¹⁸

Many Americans were inspired by Mboya. Africa was the "dark continent" and he brought news of its "political awakening." Only twenty-six years old when he first arrived in the United States, Mboya was a labor leader in Kenya, a colony in which labor politics were restricted by a state of emergency. The son of a sisal worker who had just completed a year at Oxford University, Mboya made clear the purpose of his 1956 visit in a statement released on his arrival. "The United States is not a colonial power, but the problems of Africa are a challenge to the whole of the free world." The role of the United States was important, for the "American attitude to colonialism can be a decisive factor in the struggle of the African people to gain their freedom and to raise their standards of living." Mboya hoped to engender "an enlightened American public opinion on Africa."¹⁹

Mboya returned for a whirlwind tour of the United States in 1959, starting with a spellbinding performance on the CBS news program *Face the Nation*. By this point, he had chaired the All-African People's Conference in Accra, Ghana, in 1958 and was widely regarded as a leader of great promise. Many in both Africa and America pinned their hopes on him. Still, the thing that was most often said about Mboya was that he was so very young. "I'd read a lot about this serious young man who sat across the luncheon table from me," wrote a reporter for *Sepia* magazine who opened his interview by asking Mboya how old he was. "Twenty-nine," the article continued. "The same age, I thought, as our own Martin Luther King."²⁰

Mboya believed that Americans had much to learn about Africa. "You still see us in Hollywood terms of jungles, wild beasts and fierce, ignorant, furiously dancing tribesmen," Mboya said. "Little do you Americans, with whom we have basically so much in common, realize that Africa, too, shares in the 20th Century—that we have modern cities, roads, airfields, houses, cars and so on." One obstacle to Mboya's efforts to build bridges with Americans was the way the Western press had characterized Kenya's recent history.²¹

The struggle to overthrow colonialism had deep roots in Kenya, and it came to a head in the 1950s. The colony's largest tribe, the Kikuyu, struck back in what was called the Mau Mau rebellion. Americans heard the story of the resistance, and of Britain's bloody and torturous counterinsurgency campaign, from the British press and a handful of sensationalistic American reporters. They did not tell of the torture, the murders in the prison camps, or the detention of entire communities of Kikuyu. Instead, their focus was the stories of the whites in Kenya and the Africans loyal to the colonialists. Kenya was depicted as the site of violent debauchery, and those who committed the so-called Mau Mau murders could not be seen as

fully human. Mboya hoped to tell “the other side of the story,” about the atrocities committed by the British colonial government against Africans in Kenya.²²

With his dazzling smile, his quick intelligence, and his pleasant manner, Mboya was a reassuring figure to many Americans. Some remained skeptical. Could anything but chaos follow if self-governance were placed in the hands of Africans? But most Americans believed that were African nations to govern themselves, power should be vested in people like Mboya.

Mboya’s travels in the United States won him financial support, which would aid his rise to political prominence in Kenya, and ultimately would be his Achilles heel, limiting his influence. But in 1959, his future seemed bright. Many Americans saw their own history reflected in events in Africa. Robert L. Tallmon, a retired farmer from Creston, Iowa, wrote Mboya a letter after reading about him in *Time* magazine. “To your country,” he wrote, “you are what George Washington was to our United States.”²³

Mboya’s rise to global prominence emerged through his work as a labor leader. He became general secretary of the Kenya Federation of Labor at the age of twenty-three and represented the union in the International Confederation of Free Trade Unions (ICFTU), a labor organization composed of national noncommunist unions, which provided support for African trade union activity in Kenya. Through the ICFTU, Mboya met American AFL-CIO leaders. Walter Reuther of the United Auto Workers Union was taken with this charismatic and articulate young African and became an important supporter of Mboya’s activities. A. Philip Randolph of the Brotherhood of Sleeping Car Porters also became a supporter and mentor. Randolph served as a bridge between Mboya and the labor and civil rights communities. Mboya met with Roy Wilkins and NAACP staff and with Martin Luther King Jr. among others.²⁴



Tom Mboya (right) and Harry Belafonte meeting with others, including Eleanor Roosevelt (not pictured), April 1, 1959. (Photo by Joseph Scherschel/Time & Life Pictures/Getty Images)

One of Mboya’s objectives in 1959 was to generate support for an airlift of Kenyan students to the United States. Mboya gained support in this effort from baseball player Jackie Robinson, entertainer Harry Belafonte, and others. With \$1 million in private funds committed for scholarships in 1960, he sought U. S. government support for air transportation, and when that was not forthcoming presidential candidate John F. Kennedy provided \$100,000 to the effort, boosting Kennedy’s appeal among African American voters. Mboya’s political rival Oginga Odinga in turn organized an airlift to communist countries. Two beneficiaries of the airlifts were Barack Obama Sr., the father of U. S. senator and 2008 presidential candidate Barack Obama, and Raila Odinga, Kenyan opposition presidential candidate in 2007.²⁵

One feature that attracted Americans to Mboya was that he aligned himself with Western anticommunists. When he spoke at Carnegie Hall for the first African Freedom Day in 1959, he called for an "internationalism of democracy" to "match the internationalism of communism." His vision of democracy included a dedication to "freedom, independence and the elimination of disease, poverty and ignorance all over the world." Many were concerned that African independence would play into the hands of communists. Mboya responded by saying that if those who made this charge "spent all their efforts in practicing the democracy they preach they would have nothing to fear from communism."²⁶

Mboya did not make anticommunism a part of his political platform, however. He worked effectively with nationalists from other African countries who were sympathetic to socialism, and he served as chair of the pan-Africanist All-African Peoples Conference in Ghana in 1958. Mboya argued that Kenya should be nonaligned, which attracted Americans, many of whom were coming to see Africa as a cold war battleground. Some who offered support to Mboya made it clear that they did so not because they supported African nationalism generally but because they saw in him a moderation they hoped for. Mboya's support in the United States came not only from labor and civil rights leaders, but also from Americans with vague backgrounds and lucrative offers. For example, Keith Smith, who identified himself only as an American businessman, attempted to meet with Mboya in late 1959 and early 1960, offering him \$250,000 in support from unnamed foundations. Smith stressed that "by not associating yourself with the less reliable and overtly radical political elements of Africa, you will ultimately succeed in leadership of your people after these other foolish people have destroyed themselves. May you ever continue your sane, sensible, non-violent approach to freedom for your people." This came at a time when the

Central Intelligence Agency (CIA) was reaching out to moderate African leaders. Whether "Keith Smith's" offer was part of those efforts was not disclosed.²⁷

Mboya would later face criticism in Kenya for his American ties, including persistent rumors that he had CIA connections. It is entirely possible that some of Mboya's American financial support came from the CIA. His biographer, David Goldsworthy, noted that "Mboya's attitude was basically just as expedient as the Americans'. Quite simply, he wanted the money for domestic political purposes and had no qualms about its sources." And once communist sources became available, his opponents readily turned to them. "Neither Mboya nor his opponents regarded themselves for a moment as the 'agents' of their international suppliers," Goldsworthy argued. "To the Kenyans, the great powers were essentially peripheral allies in their struggles for local power."²⁸

Mboya won admiration from Americans who hoped one day to see a free Africa. At Howard University, he was given an honorary degree. For many who praised him at Howard, or who gathered at Carnegie Hall to celebrate with him on African Freedom Day, Mboya embodied hope for an entire continent.²⁹

After his triumphant tour of the United States, Mboya received a very different greeting when he returned to Kenya. Colonial police searched his luggage for two and a half hours at the Nairobi airport, looking for seditious literature and prohibited documents. They found nothing. Africans at the airport to greet Mboya were dispersed by police. "I have never been so treated and humiliated in my life," Mboya wrote to an American friend, Ralph Helstein. "But I guess under Colonial rule we have learned to take this sort of thing without any hard feelings. This is what keeps us going." The *New York Times* reported that whites in the Kenya government "contend that Mr. Mboya's speeches are provocative and that to give him a free hand politically would lead to revolution. They scoff at his appeal for 'undiluted

democracy' with an African majority in the Government and say 98 percent of the Africans do not know what he means." There was no parallel media coverage in Kenya. Nairobi's principal paper, the *East African Standard*, did not cover Mboya's most recent speech, attended by more than 3,000 Africans.³⁰

THE POLITICAL CONFLICT THAT TOM MBOYA RETURNED to in 1959 had its origins decades earlier, when Europeans laid claim to African territory. One early Scottish adventurer to Kenya, Joseph Thompson, helped spread the news of the beautiful land at the equator. On the evening of November 3, 1884, Thomson appeared before a crowd at the Royal Geographic Society in London and enthralled his audience with stories of his trek across the treacherous Maasai Land in search of a shorter route from the ports of East Africa to Lake Victoria. The land he traversed would soon become the British colony of Kenya. In the early 1880s, it was thought by Europeans to be an uncharted land ruled by a feared warrior tribe. As with any good adventure, Thomson's tale included close brushes with death, when calamity was avoided only through his own ingenuity. Western technology, of course, could trick the Maasai, whose amazement in the face of innovation fell into a predictable nineteenth-century script of white superiority and the ignorance of the darker races. Kenyan writer Nicholas Best reinforced these conceptions:

Surrounded by a Masai war party intent on cutting him to pieces, the Scots explorer Joseph Thomson did the only thing possible to save his life. He took out his false teeth and flashed them at the advancing warriors.

The Masai drew the obvious conclusion. Clearly the twenty-five-year-old white man, the first they had ever seen, was a sorcerer and caster of spells. Abandoning all thoughts of murder, they turned to run and were only persuaded to creep back after

Thomson had discreetly replaced his teeth and tapped them with his knuckles to show how firm they were.

Thomson's journey led to the bestseller *Through Masai Land*, which helped construct the image of Kenya in the mind of the British as a land of beauty, adventure, and danger.³¹

The hope of fame and the allure of exoticism were not the only things that had attracted Thomson to Kenya. "A more charming region is probably not to be found in all Africa," he wrote. Gazing on the peaks of Mount Kenya for the first time "roused stirring memories of home scenes, so distinctly European-like was the aspect of the crags." In the decades after Thomson's adventures, thousands of British citizens would make Kenya their home. Michael Blundell, a settler and important Kenyan political figure, would write, "That the region was largely populated already with Africans seems to have been lost in the general enthusiasm for the creation of a new white country in these territories."³²

For all the romance of the stories the British would tell about themselves in Kenya, however, what drove their expansion in that region of the world was trade. As Germany began to lay claim to parts of East Africa in the 1880s, the British moved to protect their access to African territory. Soon a scramble for Africa was on, until the European powers had divided much of the continent up among themselves. The boundaries of European domains would become the boundaries of their colonies, and later, by and large, the boundaries of independent African nations. "In the ten years between 1895 and 1905, 'Kenya'... was transformed from a footpath 1000 km (600 miles) long into a colonial administration," historian John Lonsdale wrote. To achieve this, "the British employed violence on a locally unprecedented scale, and with unprecedented singleness of mind."³³

British troops first took control of the Kenya coast, then moved into the interior, first along the route of a railway constructed

from the coast to mineral-rich Uganda. But how would the country, without great expense, gain sovereignty over the interior, in a territory about the size of France? To accomplish this, Lonsdale explains, the British needed to turn the force of conquest “into internal, negotiable and productive power.” To do this, they emulated “their own Roman governor, Agricola, of whom the admiring Tacitus said that ‘when he had done enough to inspire fear, he returned to mercy and proffered the allurements of peace.’” Kenya’s first British commissioner said, “These people must learn submission by bullets—it’s the only school; after that you may begin more modern and humane methods of education.”³⁴

The British then applied themselves to capitalizing on the politics of conquest. Having claimed this part of the earth, the next step was to make it pay for itself. In contrast to Uganda and Tanganyika, which did not attract large white settler populations, the more temperate Kenya highlands, Blundell wrote, “were euphemistically and flatly called ‘White Man’s Country’, as if the bracing air of the Yorkshire Moors was consonantly sweeping through the African plains.” The British government encouraged settlement with promises of land. After World Wars I and II, Kenyan land was given to British soldiers as a reward for their wartime service. Veterans received a thousand acres to settle and till. Though the settlers would say it was empty, some land in the highlands had been temporarily vacated by the Kikuyu tribe due to disease and drought.³⁵

The white-owned farms needed laborers. Taxing Africans offered a way to generate a labor pool and to raise money for colonial government expenses at the same time, since the Africans needed the wages to pay the taxes. The growing colony attracted immigrants from East Asia. Some came temporarily to work on the railroad. Others came as traders and stayed. In time they would become the racial and economic middle class in a strictly stratified colonial society.³⁶



A Kenyan farmer on his horse, supervising workers on his farm picking pyrethrum flowers, including women with small children, circa 1960. (© POPPERFOTO/Alamy)

SIR EVELYN BARING, GOVERNOR OF KENYA, insisted in 1954 that British support for the settlers would be enduring: “Her Majesty’s Government are not likely to lend themselves to encouraging people to come if they intend to betray them. They will be entitled to feel confidence in the possession of the homes they have built for themselves and for their children.” Though nationalist tensions were growing in the early 1950s, Blundell claimed that the settlers were unaware of them, having “little conception of the stirrings of nationalism which were all around” them.³⁷

The Kenyan highlands seemed a paradise to the white settlers. Best described trout fishing, hunting dogs, and outdoor sport. There were “luxurious log fires at night and endless wild parties in each other’s homes.” The 1920s were the “daffodil days” of the settlers, the “days of opulent manor houses, flowing green lawns, and picnic[ing] on the grass.... The altitude was

high, the air was clean and it was a life of laziness and laughter and long, lingering looks between fit men and their best friends' wives, leading invariably to strange beds and a reputation for casual promiscuity that ultimately gave the place and the people the enduring nickname of Happy Valley." While Thomson saw in Kenya an essence of the Britain he had left behind, these white settlers found an escape from the more rigid sensibilities of their native land.³⁸

British rule in Kenya was not a happy experience for the Africans, of course. By the time of the Mau Mau rebellion, the colony had been divided into regions based on race, class, power, and privilege. The best land was the domain of the whites, while the Africans were divided and assigned to "reserves." Colonial government efforts to divide and rule the Africans reinforced tensions and divisions between tribes. By the late 1950s, many white settler families were in their third generation, on land that Africans worked but could not claim title to.³⁹

We can see this experience reflected in the characters of *Weep Not, Child*, by Kenyan novelist Ngũgĩ wa Thiong'o. There is Mr. Howlands, a "typical settler," who had escaped his memories of World War I England by turning to Africa, "a big trace of wild country to conquer." When he lost his son in World War II, he "lost all faith.... He would again have destroyed himself, but again his god, land, came to the rescue. He turned all his efforts and energy into it. He seemed to worship the soil." But Ngotho, who worked the land, watched over the same soil. "Ngotho felt responsibility for whatever happened to this land. He owed it to the dead, the living and the unborn of his line, to keep guard over this *shamba*." When Howlands confessed to Ngotho one day that he didn't know who would cultivate the land when he was gone, Ngotho asked if he was thinking of going home. "My home is here!" Howland retorted. "Ngotho was puzzled," wrote Ngũgĩ. "Would these people never go?"⁴⁰

THE DIFFERENCES THAT TEAR AT AFRICAN COMMUNITIES can be lost to American eyes. When Americans have turned to Africa, they have embraced it, often, as a monolith, with little awareness of the differences of regions or the diversity of African peoples. Most Americans in Africa in the eighteenth and nineteenth centuries were more interested in what they could take from the continent—first African slaves, later natural resources—than in establishing a foothold there. The U.S. role in Africa changed after Winston Churchill and Franklin Delano Roosevelt met aboard ships in the Atlantic during World War II and hammered out the Atlantic Charter. They pledged that the British and U.S. governments would "respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them." Although Churchill insisted that he meant the nations then under the yoke of Nazism, not colonies like those in Africa, the cat was out of the bag. All across Africa, historian Elizabeth Borgwardt writes, "letters and articles appeared in local newspapers insisting that the Atlantic Charter should indeed apply to Africa." *Life* magazine editors wrote in an open letter to the English people in 1942: "One thing we are sure we are *not* fighting for is to hold the British empire together."⁴¹

In 1945, after the war had ended, the fifth Pan-African Congress convened in Manchester, England. For the first time, the meeting consisted principally of young leaders from Africa, including Kwame Nkrumah of Ghana and Jomo Kenyatta of Kenya. They demanded "autonomy and independence.... subject to inevitable world unity and federation," and they declared that "if the Western world is still determined to rule mankind by force," then Africans seeking freedom, might, as a last resort, need to use force, "even if force destroys them and the world."⁴²

Independence was coming, but it would play out in a global cold war arena. Africa became a pawn in the cold war, with each superpower determined to ensure that more dominoes did not fall into the camp of the other. Under the old colonial order, the principal foreign affairs dynamic in Africa involved the way relations between European powers affected the peaceful coexistence of their colonies. This was replaced by a world in which two nations that had not colonized Africa—the United States and the Soviet Union—vied for the allegiance of independent African states. As the cold war intensified, the United States became more conservative about decolonization, historian Thomas Noer has argued. Self-determination was secondary to the containment of communism. Concerned about communist involvement in independence movements, the United States tried to dampen the nationalism it had fostered. Still, Africa was a low priority during the 1950s. The CIA warned that U.S. policy left African resistance forces open to communist influence and urged that more be done “to court ‘moderate’ members of the African opposition.” But American leaders had conflicting sympathies. President Eisenhower, criticized for his lukewarm support for African independence, expressed his frustration. “[I] would like to be on the side of the natives for once,” he said in 1958. “We must believe in the right of colonial peoples to achieve independence,” but if this was emphasized too strongly, it would create “a crisis in the relations with the mother countries.”⁴³

Cold war concerns led the U.S. government to support the white South African government, but Kenya would be different. By 1960, the United States was supporting nationalists thought to be pro-Western and multiracial. Kenyan politics were driven by tribe, race, and class, but American diplomats viewed Kenya’s politicians through a simpler lens: their likely East-West sympathies. Western-style multiracialism became a proxy for pro-Western anticommunist values. Before his release

from detention, nationalist leader Jomo Kenyatta’s influence was feared, but diplomats were reduced to finding communistic qualities not in his policies, but in his dress and demeanor. Politics within Kenya then reinforced this distorting echo chamber. Once Mboya found support from Americans, his rival, Oginga Odinga, turned to the East for support and advice. Mboya’s relationship with Americans drew Odinga and his communist supporters together.⁴⁴

There was a racial politics of the cold war that affected U.S. relations with emerging African nations, having an impact on the transition from the European colonial order to the cold war order. Blundell explained the problem in 1959 by drawing a lesson for Kenya from an unexpected place: Little Rock, Arkansas.⁴⁵

What did Little Rock have to do with ethnic politics in Kenya? Race in America was a well-established international news story by September 1957 when the governor of Arkansas, supported by white mobs, blocked the integration of nine African American students into Central High School. The Little Rock crisis, with dramatic images of federal troops with bayonets escorting neatly clad students with books into a school surrounded by angry mobs, became a signal event, covered extensively in the world press over a period of weeks. Secretary of State John Foster Dulles and others urged the president to act in part because the crisis damaged the nation’s international standing. President Eisenhower was concerned as well that the rule of law at home was under siege.⁴⁶ He had sworn off using troops to enforce a desegregation order, but did an about face, explaining to the nation:

At a time when we face grave situations abroad because of the hatred that Communism bears toward a system of government based on human rights, it would be difficult to exaggerate the

harm that is being done to the prestige and influence, and indeed to the safety, of our nation and the world.

Our enemies are gloating over this incident and using it everywhere to misrepresent our whole nation. We are portrayed as a violator of those standards of conduct which the peoples of the world united to proclaim in the Charter of the United Nations.

Much of the world lauded the president's efforts, but Little Rock remained a symbol that all was not well with American democracy, that the system of government heralded as a model for all was failing some of its own citizens.⁴⁷

Blundell invoked Little Rock to explain why there was no hope for white minority rule in Kenya by 1959, and whites in Kenya would have to support multiracial governance. "The plain truth," he argued, was that "with the heady wine of race and colour sweeping the world, the menace of communism to the north, and the anxiety of the United States of America to demonstrate to Africa that Little Rock never happened, the European in Kenya [was] not in a position to stand alone in glorious isolation." Once African independence became a reality, the United States could not count on these new nations to line up in the same cold war columns as their former colonizers. Winning them over would require two things: The United States must do its best to keep its own racial house in order and, when possible, align itself with noncommunist leaders for independence in Africa. Whites in South Africa might have found an ally in the United States of America; for whites in Kenya, however, a crisis in Arkansas helped seal their very different fate.⁴⁸

AFRICAN AMERICANS DID NOT NEED THE COLD WAR to take an interest in Africa. During the nineteenth century, many had traveled there as missionaries, hoping to "Christianize and civilize" the continent. Others moved to Liberia seeking a refuge from

American racism. Later generations saw in Africa not a primitivism in need of redemption, but a source of their history. W. E. B. Du Bois organized pan-African conferences hoping to unite peoples of African descent and to aid African liberation. Ralph Bunche played a leadership role at the United Nations, helping move the colonies of the losing powers toward eventual independence after World War II. But as the cold war closed in, anticolonial organizations found themselves on the wrong side of American cold war politics. The internationalism of African Americans during the 1950s and early 1960s was constrained by the cold war even as its politics also created opportunities, as when African American cultural figures were sent overseas on government-sponsored trips. The status of these prominent African Americans turned them into ambassadors of the multiracial character of American society, living rebuttals to Soviet propaganda that portrayed American democracy as ravaged by racial segregation and discrimination. But African Americans, along with other activists, sometimes lost their passports because of their politics, especially if they criticized American racism while overseas. Paul Robeson, W. E. B. Du Bois, and others were barred from travel during the early cold war years because it was thought to undermine U.S. foreign relations. Still, travel, for those who could manage it, had an impact. James Baldwin described the paradox of the African American soldier overseas, "far freer in a strange land than he has ever been at home."⁴⁹

The black college was an important meeting ground for Africans and African Americans. Since its founding in 1854, Lincoln University in Pennsylvania, the oldest historically black college in the United States, sought to train African Americans who would work in Africa, especially as missionaries. Many Africans attended Lincoln over the years, including Kwame Nkrumah, who became prime minister of Ghana at independence. Thurgood Marshall attended Lincoln, and Nnamdi Azikiwe, who would become president of Nigeria, was one of his undergraduate classmates.⁵⁰

In his law practice, Marshall sometimes worked on legal problems of Africans in the United States when they turned to the NAACP for assistance. For example, Reuel Mugo Gatheru, a Lincoln student from Kenya, was threatened with deportation in 1953 and sought help from the NAACP. The organization believed that the U.S. government wanted to deport Gatheru because the British suspected that he had ties to the Mau Mau uprising, and was concerned that he would be persecuted by the Kenyan colonial government. Marshall got involved, expressing "great enthusiasm at the possibility of being able to take over this particular case." He made inquiries on the student's behalf at the Justice Department, though the case was ultimately handled by others.⁵¹

Marshall got to know Tom Mboya when Mboya traveled to the United States during the 1950s. Mboya's 1959 trip was shortly before Kenyan nationalists would have talks with the British government on a new constitution for Kenya. Members of the American Committee on Africa got the idea that Thurgood Marshall would be just the person Mboya needed as an advisor at the talks. Frank Montero of the Urban League and another friend of Marshall's active in ACOA approached Marshall with the idea. That it was not Mboya who needed Marshall but rather a Kenya delegation may not have occurred to these men. They were convinced Mboya was destined to be Kenya's president. Other possible advisors had been contacted, like Yale constitutional scholar Thomas Emerson, who was interested but unable to attend the talks. But what lawyer could be better for Mboya than Thurgood Marshall? In Marshall the nationalists would find a seasoned advisor and a great legal strategist attuned to the way constitutional principles affected civil rights politics on the ground. Perhaps more important, his standing as "Mr. Civil Rights" in the United States would have a utility that his friends might not have realized. As Africans sought political

power, the rights of political minorities would become a central issue, a part of the bargain, even though the minorities in Kenya included privileged whites. How better for the nationalists to demonstrate their commitment to protect minorities than to have at their side the man most identified with the legal rights of minorities in America?⁵²

And so began Thurgood Marshall's adventure with Kenya. It was not the adventure of new places and new experiences that most excited him. Instead, it was the chance to take a tool that he used to bring about change in America and take it to a place that sorely needed it. If law could begin to transform the American South, what might it do in Africa?