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## Langston Hughes: The Ethics of Melancholy Citizenship

ROBERT L. TSAI<sup>†</sup>

*As a body of work, the poetry of Langston Hughes presents a vision of how members of a political community should comport themselves, particularly when politics yield few tangible solutions to their problems. Confronted with human degradation and bitter disappointment, the best course of action may be to abide by the ethics of melancholy citizenship. A mournful disposition is associated with four democratic virtues: candor, pensiveness, fortitude, and self-abnegation. Together, these four characteristics lead us away from democratic heartbreak and toward political renewal. Hughes's war-themed poems offer a richly layered example of melancholy citizenry in action. They reveal how the fight for liberty can be leveraged for the ends of equality. When we analyze the artist's reworking of Franklin Roosevelt's orations in the pursuit of racial justice, we learn that writing poetry can be an exercise in popular constitutionalism.*

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<sup>†</sup> Professor of Law, American University, Washington College of Law. Copyright © 2009 by Robert L. Tsai. All rights reserved. An early version of this essay was originally presented at the interdisciplinary conference on democracy and membership titled, "Contested Citizenships," sponsored by the Wayne Morse Center on Law & Politics May 7-8, 2009. Close reads of the essay and various conversations are much appreciated. Interlocutors included Susan Burgess, Darren Hutchinson, Jeff Powell, . . . .

Life is for the living.  
Death is for the dead.  
Let life be like music.  
And death a note unsaid.

—Langston Hughes, *Note in Music*, 1937

## I.

It may be unwise to search for a theory of citizenship in poetry, much less in that of someone whose work spans so many of the formative events of the twentieth century. But any reservations can be safely pushed to one side because Langston Hughes's poems contain coherent—at times, compelling—motifs of a political character. These themes delineate an individual's relationship with society and the mutual obligations that are formed, tested, overcome, and in extreme moments, undone. His body of work not only paints these relationships, beliefs, and moods, but also tantalizingly implies a normative order. Admittedly, this order is mostly latent in Hughes' work, but it is there nonetheless, blurring the line between art and advocacy. Some of his poems, bursting with revolutionary themes, were published in venues associated with the American Left. It is apparent that the man's encounters with socialism informed his art, particularly in its critique of the state of politics. That said, Hughes repeatedly denied trying to destroy the country's institutions, and instead described himself as "vitaly concerned about [the nation's] mores, its democracy, and its well-being."<sup>1</sup> His poetry, grounded in African American struggles and folkways, nevertheless aspired to say something more about an authentic experience recognizable to all Americans.<sup>2</sup>

Pieced together, these philosophical fragments reveal what could be called an ethics of melancholy citizenship. By *ethics*, I mean that Hughes' poetry presents ideas about how virtuous human beings ought to behave in a self-governing society. These democratic ethics inform how citizens should carry on with their lives even when the most basic obligations of the state have not been met. Indeed, it might be said that ethical ties are most crucial when the law or public morality deviates from one's expectations. In the pages that follow I will strive to flesh out their contours. Out of necessity, this search for common themes minimizes the obvious historical development in the artist's work, his own journeys between racial and class consciousness to universal ideals, the revolutionary and the ordinary.

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<sup>1</sup> Langston Hughes, "My America," quoted in Jonathan Scott, *Socialist Joy in the Writing of Langston Hughes* (University of Missouri, 2006), 80. Speaking at a conference of the American Education Fellowship in 1947, Hughes read from his poetry and spoke at length on four themes in his poetry that had broader political salience: democratic human relationships, the formation of an anti-caste society, internationalism, and a guarded optimism. George Eckel, "Democracy Here Is Held Flexible," *N.Y. Times*, Nov. 28, 1947.

<sup>2</sup> For accounts of American membership, see Hiroshi Motomura, *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States* (Oxford, 2007); Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of America* (Princeton, 2003).

The American brought to life by Hughes' writings is not a person born in a particular place or recognized by law as such,<sup>3</sup> but rather an individual who overcomes the challenges of democratic existence. The artist's conception of political membership is broadly inclusive, with special emphasis on the neglected:

I am the poor white, fooled and pushed apart.  
I am the Negro bearing slavery's scars.  
I am the red man driven from the land,  
I am the immigrant clutching the hope I seek—

. . . .

I am the farmer, bondsman to the soil.  
I am the worker sold to the machine.  
I am the Negro, servant to you all.  
I am the people, humble, hungry, mean—  
Hungry yet today despite the dream.<sup>4</sup>

Those relegated to the margins of society are “the people.” And they are full of contradiction: “humble, hungry, mean, . . . despite the dream.”

Turning the inquiry from one of formal status to that of common experience, his work portrays the citizen as someone trapped in a politics that has yielded few tangible solutions. To be a good citizen is to act in ways that befit the burdens and privileges that are entailed. This conception of citizenship is thicker than some formulations, such as those based on birthright or territory; it is thinner than others, such as those requiring acculturation in a precise and rigorous value system.

Sorrow offers the best entry point into an ethical politics as it is ideally practiced. To Hughes a mournful disposition is principally associated with four democratic virtues: candor, pensiveness, fortitude, self-abnegation.

The first dimension of a melancholy ethics holds that each citizen must hone a capacity to see the nation's imperfections as well as its perfectability. Hughes spoke of trying to “look at [American democracy] with clear, unprejudiced eyes.”<sup>5</sup> An unhappy mood fosters clarity of observation. Of Justice, he notes ruefully that the concept is represented as a blind goddess whose “bandage hides two festering sores / That once perhaps were eyes.”<sup>6</sup>

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<sup>3</sup> For a taste of contemporary debates over legal and territorial citizenship, see Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton, 2006); Kevin R. Johnson, *Opening the Floodgates: Why American Needs to Rethink its Borders and Immigration Laws* (NYU, 2007); Peter H. Schuck & Rogers M. Smith, *Citizenship Without Consent: Illegal Aliens in the American Polity* (Yale, 1985); Leti Volpp, “The Citizen and the Terrorist,” in 9/11 in Mary L. Dudziak (ed.), *History: A Watershed Moment?* (Duke, 2003); Sarah Song, “What Does It Mean to be an American?,” *Daedalus*, Mar. 22, 2009, at 138:31.

<sup>4</sup> “Let America Be America Again,” *Esquire* (July 1936), 92.

<sup>5</sup> *Id.*

<sup>6</sup> “Justice,” *Amsterdam News* (Apr. 25, 1923), 12.

Frequently, the protagonists in his work (as well as the audience for his exhortations) are the demoralized and downtrodden, whose contributions are unsung. They are the “desperate / Who do not care . . . The tearless / Who cannot / Weep”.<sup>7</sup> His poems address such parties and by extension any sympathizers, giving them all reasons to go on, urging them not to abandon the democratic experiment. The unmistakable message is that the sacrifice of innocents, while a tragedy, will eventually be redeemed. To “the kids who die,” Hughes says somberly:

Maybe your bodies'll be lost in a swamp,  
Or a prison grave, or a potter's field,  
Or the rivers where you're drowned like Liebknecht,  
But the day will come—  
You are sure yourselves it is coming—  
When the marching feet of the masses  
Will raise for you a living monument of love,  
. . .  
The song of the new life triumphant  
Through the kids who die.<sup>8</sup>

A truly authentic membership, then, demands a visceral confrontation of inequity, degradation, and hypocrisy—evidence of democratic deficits. Sorrow fosters pensiveness, an essential (and second) attribute of citizenship. *Call to Creation* emphasizes this theme of shared pain as a basis for political community: “Give up beauty for a moment. / Look at harshness, look at pain, / Look at life again.”<sup>9</sup> The astonishing command—to “give up beauty” for an instant—catches the reader by the throat, turning her head toward “a past . . . minted / Of blood and sorrow”<sup>10</sup> despite more civilized instincts to look away in embarrassment. Only in a tour of others’ grief can one “Look at life again.” In another place, Hughes teaches: “Open wide your arms to life, / Whirl in the wind of pain and strife”.<sup>11</sup>

Ironically, suffering inures one to the squalor of democratic disappointments in a manner that is ultimately productive. It enables critique of the social order without the disabling effects of fear—yet a third dimension of citizenship. That fortitude is essential to meaningful participation is discernible in a distasteful, casual encounter: “Sure, call me any ugly name you choose— / The steel of freedom does not stain.”<sup>12</sup> Those who labor on behalf of worthy ideals such as liberty are, by implication, “steel[ed]” against the “stain[ing]” influences of ridicule, oppression, and doubt. In other words, the citizen must learn to cope with democratic heartbreak.

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<sup>7</sup> “Vagabonds,” *Opportunity* (Dec. 1941), 367.

<sup>8</sup> “Kids Who Die,” in *A New Song* (New York: International Worker Order, 1938),

<sup>9</sup> “Call to Creation,” *New Masses* (Feb. 1931), 4.

<sup>10</sup> “History,” *Opportunity* (Nov. 1934), p.339.

<sup>11</sup> “Song,” *Survey Graphic* (Mar. 1, 1925), 90.

<sup>12</sup> “Let America Be America Again,” *supra* note 4.

Injustice within the political order can then be confronted without apology:

But I laugh,  
And eat well,  
And grow strong.

Tomorrow,  
I'll sit at the table  
When company comes.  
Nobody'll dare  
Say to me, "Eat in the kitchen,"  
Then.<sup>13</sup>

The gadfly is on display in his needling of Franklin Roosevelt during a time the president is giving grandiose speeches meant to help lift the nation out of the Depression, and later, onto the international stage with Americans' confidence restored.<sup>14</sup> In this respect, poetry itself can serve as a text-based strategy for weaving a counter-democratic culture, one that at times reinforces and at other times undermines official messages and programs. Through their reading or performance, long-forgotten commitments are remembered, critical faculties are engaged, totems smashed, policies exposed. Like official texts such as the Constitution but unlike more fleeting events such as street protest, poetry can be codified, cataloged, shelved, handed off, re-packaged, criticized. Their inscription enables such works to enjoy political salience in a society that privileges the written word—preserved and circulated along with other texts, its forms and meanings painstakingly scrutinized by the strong and weak alike.

A propensity to endure pain and recognize the suffering of others makes possible the subordination of the self in the cause of enlightened goals—the fourth virtue of melancholy politics. At this point Christian influences on the poet's ideology are most visible. He posits causal links between selflessness, affection, and liberation to craft his brand of redemptive politics. "Serve—and hate will die unborn," he asserts. "Love—and chains are broken."<sup>15</sup> Notions of shared sacrifice permeate Hughes' writings. He is promiscuous about the acts that qualify as proof of such virtuous behavior, but never relinquishes the thought that freedom is a collective enterprise rather than simply a plea to be let alone. To say it aloud is to remind oneself: "Alone, I know, no one is free."<sup>16</sup>

Throughout, the African American experience is transfigured into a lesson to us all. If those who were asked to give up so much—"Just a herd of Negroes / Driven to the field,"<sup>17</sup> and, in more recent times, marched off to die for noble ideals—somehow found a way to keep the faith by "[s]inging sorrow songs,"<sup>18</sup>

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<sup>13</sup> "I, Too," *Survey Graphic* (Mar. 1, 1925), 683. Well before Martin Luther King, Jr. popularized it in his speeches, the Christian theme of table fellowship served the poet's vision of equality.

<sup>14</sup> See *infra* Part III.

<sup>15</sup> "Alabama Earth: At Booker Washington's Grave," *Tuskegee Messenger* (June 1928), 93.

<sup>16</sup> "To Captain Mulzac," *Jim Crow's Last Stand* (Atlanta: Negro Publication Society of America, 1943).

<sup>17</sup> "Share-Croppers," *Proletarian Literature* (1935), 167.

<sup>18</sup> In "Aunt Sue's Stories":

then surely any other sacrifice for the sake of democratic justice will be modest by comparison. Regardless, the poet's words are for all who may listen, as "Black people don't remember / any better than white."<sup>19</sup>

Hughes is a democrat to the core, pushing against a republican order originally designed to keep those like him on the outside looking in. Yet the artist is not so much concerned with effective use of the franchise or the workings of certain institutions as he is worried about the integrity of the nation's leaders, the condition of the American psyche, and the survival of enduring ideals within each citizen. Wallowing in the depths to which humanity can sink, however briefly, brings the emotional intensity necessary for political re-engagement.

Once exposed to misery, want, and treachery, it is easier to muster the will to employ the force required to remake the world, "To smash the old dead dogmas of the past— / To kill the lies of color / That keep the rich enthroned."<sup>20</sup> Again and again, his poetry emphasizes the distinction found in the political canon between temporary caretakers and "the people" in whom sovereignty ultimately rests:

From those who live like leeches on the people's lives,  
We must take back our land again,  
America!

....

Out of the rack and ruin of our gangster death,  
The rape and rot of graft, and stealth, and lies,  
We, the people, must redeem  
The land, the mines, the plants, the rivers.  
The mountains and the endless plain—  
All, all the stretch of these great green states—  
And make America again!<sup>21</sup>

These multiple facets of an ethical life could be seen in developmental terms, but it would be an error to view them as little more than stages in a one-way progression to a final enlightened state. Instead, members of the polity find

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Black slaves  
Working in the hot sun,  
And black slaves  
Walking in the dewy night,  
And black slaves  
Singing sorrow songs on the banks of the mighty river  
Mingle themselves softly  
In the flow of old Aunt Sue's voice,  
Mingle themselves softly  
In the dark shadows that cross and recross  
Aunt Sue's stories.

*Crisis* (July 1921), 121.

<sup>19</sup> "Shame on You," *Phylon* (1<sup>st</sup> Quarter 1950), 15.

<sup>20</sup> "An Open Letter to the South," *New Masses* (June 1932), 10.

<sup>21</sup> "Let America Be America Again," *supra* note 4.

themselves in a “lazy sway” between states of vulnerability and callousness; terror and outrage; isolation and brotherhood. A recurring trope in Hughes’ work is “the blues,” both in terms of the psychological condition and the genre of music.<sup>22</sup> Weaving together the two ideas, he employs a fatalistic humor to suggest we all look for reasons to go on. In the bleakest hour, any reason will do:

I got those sad old weary blues.  
I don’t know where to turn.  
I don’t know where to go.  
Nobody cares about you  
When you sink so low.

...

But I ain’t got  
Neither bullet nor gun—  
And I’m too blue  
To look for one.<sup>23</sup>

For all of his fascination with “the swirl of the bitter river,”<sup>24</sup> Hughes insists that resignation cannot be tolerated as a permanent state. It is, rather, one moment in “a drowsy syncopated tune” full of contradictions known alternatively as the “cryin’ blues” or the “Sweet Blues.” Whether one is the poet-as-citizen or the citizen-as-audience member, all can hear “a deep song voice with a melancholy tone.” That song goes something like this:

“Ain’t got nobody at all in this world,  
Ain’t got nobody but ma self.  
I’s gwine to quit ma frownin’  
And put my troubles on the shelf.”

...

I got the Weary Blues  
And I can’t be satisfied. . . .<sup>25</sup>

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<sup>22</sup> As a commentator has noted: “Action in Hughes’ blues, as in the popular blues, is characteristically undramatic, understated, laced with irony and humor.” Onwuchekwa Jemie, *Langston Hughes: An Introduction to Poetry* (New York: Columbia University Press, 1976), 52-53. Jemie considers Hughes’ ability “to capture and transmit this ethos so completely in this work . . . among his greatest achievements.” *Id.* at 53.

<sup>23</sup> “Too Blue,” *Contemporary Poetry* (Autumn 1943), 5.

<sup>24</sup> “The Bitter River,” *Negro Quarterly* (Fall 1942), 249-51. It begins:

There is a bitter river  
Flowing through the South.  
Too long has the taste of its water  
Been in my mouth.  
There is a bitter river  
Dark with filth and mud.  
Too long has its evil poison  
Poisoned my blood.

<sup>25</sup> “The Weary Blues,” *Opportunity* (May 1925), 143. It is often considered one of Hughes’ “most powerful” poems. Arnold Rampersad, *The Life of Langston Hughes, Vol. I: 1902-1941* (New York: Oxford, 1986), 65. Rampersad observes: “[T]he technical virtuosity of the opening lines is seen only when one measures them

A musician's performance will end, but the "sad raggy tune" goes on: "The singer stopped playing and went to bed / While the Weary Blues echoed through his head. / He slept like a rock or a man that's dead." The citizen's orientation toward politics is not unlike that of the artist to the music: it is not a simple matter to create, it is even harder to sustain, but one way or another the project must go on.

## II.

As Whitman did before him, Hughes gazed at the great landscape of American life and witnessed an abundance of peoples and experiences. Even so, Hughes' vision of hopefulness is forever tinged with a profound sadness. Riffing off Whitman's epic vision, *I Hear America Singing*, he states matter-of-factly:

I, too, sing America.

I am the darker brother.  
They send me to eat in the kitchen  
When company comes, . . . .

I, too, am America.<sup>26</sup>

Elsewhere, he notices the "One handful of dream-dust / Not for sale";<sup>27</sup> and contemplates the "Lonely people / In the lonely day / Work to salt / Their dream away."<sup>28</sup> To live the America Dream is to struggle—not always in dignity.

America—  
Hoping, praying  
Fighting, dreaming.  
Knowing  
There are stains  
On the beauty of my democracy,  
I want to be clean.  
I want to grovel

---

against the cadences of urban black speech, derived from the South, with its glissandos, arpeggios, and sudden, unconventional stops." *Id.* "The Weary Blues" begins:

Droning a drowsy syncopated tune,  
Rocking back and forth to a mellow croon,  
I heard a Negro play.  
Down on Lenox Avenue the other night  
By the pale dull pallor of an old gas light  
He did a lazy sway. . . .  
He did a lazy sway. . . .

On the role of music in Hughes's work, see Pat E. Bonner, *Sassy Jazz and Slo' Movin' Blues: Music in the Poetry of Langston Hughes* (New York: Lang, 1996); Steven C. Tracey, "To the Tune of Those Weary Blues: The Influence of the Blues Tradition on Langston Hughes's Blues Poems," *The Journal of the Society for the Study of the Multi-Ethnic Literature of the United States* 8, 3 (fall 1981): 73-98.

<sup>26</sup> "I, Too," *supra* note 13.

<sup>27</sup> "Dream Dust," *Fields of Wonder* (New York: Knopf, 1947).

<sup>28</sup> "Little Song," *Opportunity* (July 1948), 104.

No longer in the mire.<sup>29</sup>

Inevitably, a person's mood brightens long enough so it is possible to envision once again the potential for renewal and change. Out of misery comes an awareness that is a precondition to recommitment: "Suddenly the earth was there, / And flowers, / Tree, / And air, / And like a wave the floor— / That had no dignity before."<sup>30</sup>

Hughes does not valorize those who would choose to affect an ironic pose, detached from humankind. In this refusal, his writings move between description and prescription; observation and action. How to effectuate this shift in orientation? The poem, *Gods*, points out that the dominant ideas that govern, the things taken to be unchanged and unchanging, are entirely of humanity's own making:

The ivory gods,  
And the ebony gods,  
And the gods of diamond and jade,  
Sit silently on their temple shelves  
While the people  
Are afraid.  
Yet the ivory gods,  
And the ebony gods,  
And the gods of diamond-jade,  
Are only silly puppet gods  
That the people themselves  
Have made.<sup>31</sup>

This simple arrangement operates at once as a searing indictment of "the people themselves" for giving too much power to "silly" human creations to cause misery and as a liberating revelation of their artificiality—"puppet[s] . . . made" and placed "on their temple shelves." Using precious jewels to signify different peoples and their belief systems, he universalizes his message even as he assumes the integrity of those who worship the gods of "ivory," "ebony," "diamond," and "jade."

Once the veil is lifted, democratic renewal can begin. The citizen must continue to labor on America's behalf regardless of whether one's conception of the good life is fully realized:

I take my dreams  
And make them a bronze vase,  
And a wide round fountain  
With a beautiful statue in its center,  
And a song with a broken heart,  
And I ask you:

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<sup>29</sup> "America," *Opportunity* (June 1925), 175.

<sup>30</sup> "Harlem Dance Hall," *Fields of Wonder* (New York: Knopf, 1947), 94.

<sup>31</sup> "Gods," *Messenger* (March 1924), 75.

Do you understand my dreams?  
Sometimes you say you do  
And sometimes you say you don't  
Either way  
It doesn't matter.  
I continue to dream.<sup>32</sup>

For while the theme of alienation figures prominently in the poet's work, he stops short of endorsing or romanticizing that state of mind. Isolation of the self and the disintegration of bonds cannot be a serious option. Such a dislocated state of being must, in the final analysis, be decisively rejected. "Weary, / Weary, / Trouble, pain. / Sun's gonna shine / Somewhere / Again."<sup>33</sup> His protagonists are visibly tired yet often sleepless; the "Aching emptiness" they feel can be traced to this root cause: "Desiring, / Needing someone, something."<sup>34</sup>

At another point Hughes wonders aloud:

Why is it that an empty house,  
Untouched by human strife,  
Can hold more woe  
Than the wide world holds,  
More pain than a cutting knife?<sup>35</sup>

In this respect, Hughes resembles Keats, whose *Ode on Melancholy* begins:

No, no, go not to Lethe, neither  
twist  
    Wolf's-bane, tight-rooted, for its  
poisonous wine;  
Nor suffer thy pale forehead to be  
kiss'd  
    By nightshade, ruby grape of  
Prosperpine;

Although Hughes does not credit the Romantic poet and is more overtly political in his reworking of the virtues of mournfulness than Keats, their works nevertheless share a common structure. Sadness is a temporary state ("But when the melancholy fit shall fall/ . . . / That fosters the droop-headed flowers all, / And

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<sup>32</sup> "Dreamer," *Ebony and Topaz*, ed. C.S. Johnson (New York: National Urban League, 1927), 36.

<sup>33</sup> "Blues Fantasy," in *The Weary Blues* (New York: Knopf, 1967).

<sup>34</sup> "Summer Night":

My soul  
Empty as the silence,  
Empty with a vague,  
Aching emptiness  
Desiring,  
Neeing someone,  
Something . . .

*Crisis* (Dec. 1925), 66.

<sup>35</sup> "Empty House," *Buccaneer* (May 1925), 20.

hides the green hill on an April shroud), offering an opportunity to be experienced. Doing so may yield nutrients for the soul (“Then glut thy sorrow on a morning rose”). Indeed, Keats, like Hughes, contends that beauty and pain are inseparable: “She dwells with Beauty—Beauty that must die.” Only those who accept this insight can hope to enter

the very temple of Delight  
Veil'd Melancholy has her  
sovrain shrine,  
Though seen of none save  
him whose strenuous tongue  
Can burst Joy's grape against his  
palate fine;  
His soul shall taste the sadness of  
her might,  
And be among her cloudy  
trophies hung.

The individual who discovers wisdom in a people's anguish becomes remade in the process, no longer merely revealing the nature of things and warning of the future, but rather participating in self-governance. She has become newly sensitized to the plight of others and grateful for small miracles, though hardened in the ways of the world. Only then are they capable of improvisation and group action. Calling his readers forth, Hughes describes the engaged citizenry already in various states of action: “Hoping, praying / Fighting, dreaming.”<sup>36</sup>

Therein lies the promise of a more fulfilling democratic existence. But a basic ambivalence remains at the core of political membership, captured in these few lines:

O, yes,  
I say it plain,  
America never was America to me,  
And yet I swear its oath—  
America will be!<sup>37</sup>

An imperfect attachment to the nation-state's relentless program leads to a contradiction (one's willingness nevertheless to affirm her allegiance), and finally

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<sup>36</sup> “America,” *supra* note 29. He exhorts his brethren onward in “Freedom's Plow” thus:

America!  
Land created in common,  
Dream nourished in common,  
Keep your hands on the plow! Hold on!  
If the house is not yet finished,  
Don't be discouraged, builder!  
If the fight is not yet won,  
Don't be weary, soldier!

*Opportunity* (April 1943), 66-69.

<sup>37</sup> “Let America Be America Again,” *supra* note 4

an imperative (to do yeoman's work on behalf of Democracy). This mysterious element of self-governance reveals itself in unanticipated ways in the endless unfolding of America.

### III.

The ethics of melancholy citizenship became refined during the Second World War and in its aftermath, a period in which official notions of the nation-state became aggressively (and at times, violently) reformulated. As American elites sought international recognition and influence, escalating opportunities arose for others to leverage nationalistic ambitions for other ends.<sup>38</sup> Thus, it may be illuminating to lay Hughes' rendering of the political order alongside the official construction of liberal democracy to identify the places of mutual reinforcement, critique, or repudiation. For the poet, war is an inescapable brutality accompanied by "soft lies," but one that can nevertheless be turned toward the ends of justice. As he delves into the contentious questions of segregation and civil rights, Langston Hughes urges his readers to gird themselves for the dangers and disappointments ahead in the rough-and-tumble of politics.

In the lyrical *Poem to a Dead Soldier*,<sup>39</sup> Hughes faces the brutality of war head-on, as well as the unpleasant fact that the sacrifices of those who died inexorably become the subject of political discourse:

Now we spread roses  
Over your tomb—  
We who sent you  
To your doom.  
Now we make soft speeches  
And sob soft cries  
And throw soft flowers  
And utter soft lies.

We would mould you in metal  
And carve you in stone,  
Not daring to make statue  
Of your dead flesh and bone,  
Not daring to mention  
The bitter breath  
Nor the ice-cold passion  
Of your love-night with Death.

Utilizing the collective "we" and addressing the youthful dead as "you," the speaker establishes a hushed intimacy. In doing so, the author instantly takes ownership of war's demands and its abuses. Gentle repetition of two-word

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<sup>38</sup> Mary Dudziak cautions us not to see wartime and peacetime in such sharp relief. Mary Dudziak, *Law, War, and the History of Time* (working paper on file with author); Cf. Mark Brandon, "War and the American Constitutional Order," in Mark Tushnet, ed., *The Constitution in Wartime*, 11 (arguing that America has been at war 80% of its existence).

<sup>39</sup> "Poem to a Dead Soldier," *Workers Monthly* (Apr. 1925), 261.

phrases starting with the same word (“soft speeches,” “soft cries,” “soft flowers,” “soft lies”) welds a soothing overlay of the official project of remembrance to undoubtedly raw emotions. For Hughes, war does not end, but rather rages on as to its very legacy. The difficult task is figuring out how to recall the “bitter” realities of “dead flesh and bone” even as the nation busily constructs its memorials.<sup>40</sup>

If war (as an extended variation on suffering) is ineradicable, the question naturally becomes what to make of it. Hughes’s answer: it is best to turn the horrors of war toward enlightened ends. America’s reputation had to be harnessed for real-world gains or else the professed commitments to equality and liberty would be revealed, once and for all, as empty sloganeering. Mary Dudziak has demonstrated how lawyers and politicians, concerned with America’s growing status as a moral leader on the world stage, began to take steps at mid-century to address racial inequality.<sup>41</sup> Working in another domain and with different materials, Hughes’ writings are nevertheless deeply engaged in that same reconstructive project, pushing and prodding those in positions of authority to make good on their promises. It is an example of what I call “war constitutionalism” practiced by an artist and critic.<sup>42</sup>

For Hughes, shame proves to be an attractive instrument for progressive change. In his hands, pride and its opposite are to be mobilized for the ends of democratic justice. The poet declares: “They’ll see how beautiful I am/ And be ashamed—.”<sup>43</sup>

The President is an effective foil in this endeavor, given his frequent appeals to political freedom. But the technique also rests on astute insight: over the years, the occupant of the Oval Office has come to embody the country’s fervent hopes and desires. Americans’ faith in their strong president and pride in themselves as fair-dealing folks would become the vehicle for change. “We need a delegation to / Go see the President,” Hughes urges, “And tell him from the shoulder / Just why we are sent: / Tell him we’ve heard his speeches / About Democracy— / But to enjoy what he’s talking about / *What* color must you be?”<sup>44</sup>

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<sup>40</sup> In “World War,” *Harlem Quarterly* (Winter 1949-50), 9, Hughes pricks our memory by creating a jarring competition between a jolly post-war reconstruction and the fading facts of death:

What a grand time was the war!  
Oh, my, my!  
What a grand time was the war!  
My, my, my!  
In wartime we had fun,  
Sorry that old war is done!  
What a grand time was the war,  
My, my!

Echo:  
*Did*  
*Somebody*  
*Die?*

<sup>41</sup> Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, 2002).

<sup>42</sup> Robert L. Tsai, “The Practice and Perils of War Constitutionalism” (working paper on file with author).

<sup>43</sup> “I, Too,” *supra* note 13.

<sup>44</sup> “NAACP,” *Crisis* (June 1941), 201.

In *Will V-Day Be Me-Day Too?*,<sup>45</sup> a letter writer who describes himself as “a Tan-skinned Yank” juxtaposes the equal sacrifices made by black Americans in the war effort with inequality on the home front. History matters, but the calculation is that recent history matters more than ancient history in persuading others to fulfill the promise of equality. The first several stanzas work to establish the speaker’s credibility as a function of his ferocity and success in battle:

Over There,  
World War II.

Dear Fellow Americans,  
I write this letter  
Hoping times will be better  
When this war  
Is through.

...

I wear a U. S. uniform.  
I've done the enemy much harm,  
I've driven back  
The Germans and the Japs,  
From Burma to the Rhine.  
On every battle line,  
I've dropped defeat  
Into the Fascists' laps.

On a variety of levels—reason, emotion, law, morality—the poet strives mightily to leverage a nation’s struggle for liberty to do the work of equality.<sup>46</sup>

The specter of past and future violence haunts his next words:

When I take off my uniform,  
Will I be safe from harm—  
Or will you do me  
As the Germans did the Jews?  
When I've helped this world to save,  
Shall I still be color's slave?  
Or will Victory change  
Your antiquated views?

...

When this war comes to an end,  
Will you herd me in a Jim Crow car  
Like cattle?

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<sup>45</sup> “Will V-Day Be Me-Day Too?,” *Chicago Defender* (Dec 30, 1944), 9.

<sup>46</sup> For a definition and common types of leveraging American constitutional ideas, see Nelson Tebbe & Robert L. Tsai, “Constitutional Borrowing,” *Michigan Law Review* 108 (2009): \_.

Often, the portrait of race relations and the state's inability to do right by the average American is raw, painful to behold, yet surprisingly touching. In a single sentence, a heartbreaking possibility is posited: The individual who has "helped this world to save" may still, after all his selfless labors, remain "color's slave." "[T]ak[ing] off my military uniform" signifies the act of peering beyond the nation-state's presentation of itself to the world, and marks the transition from obedient soldier to skeptical citizen. For Hughes, melancholia allows us to reflect on the nature of things more soberly; it serves as an antidote to the dominant culture's relentlessly optimistic presentations of the American Creed.

In conveying his thoughts on race and politics in the vernacular of the day,<sup>47</sup> Hughes simultaneously creates a popular audience for democratic ideas and stakes a claim of popular sovereignty on behalf of those whose fortunes hang in the balance, who may be crushed or saved by the law. In this respect, even as his poems facilitated the transmission of official utterances and helped make democratic values salient, they also challenged those caretakers' renditions of basic values. A sorrowful, unsatisfied disposition fills the space between aspirations and realities.

Throughout the 1940s, the Roosevelt administration systematically invoked constitutional principles as the rationales for making war, presenting ideological justifications well beyond national self-defense or retribution. FDR's 1941 "Four Freedoms" address served as a centerpiece of this propaganda initiative.<sup>48</sup> In official circles, that famous oration empowered litigants who sprinkled their briefs with references to its lofty reordering of political priorities; jurists such as Robert Jackson and Wiley Rutledge who accepted the basic priorities and structures of the president's war-inspired appeals; and opinionmakers who approved the turn to universal democratic virtues as the reasons for making war.<sup>49</sup>

The administration's propaganda initiative gave Langston Hughes just the opening he needs:

The President's Four Freedoms  
Appeal to me.  
I would like to see those Freedoms  
Come to be.

If you believe  
In the Four Freedoms, too,

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<sup>47</sup> Steven C. Tracy, "Langston Hughes and Afro-American Vernacular Music," in *A Historical Guide to Langston Hughes*, ed. Steven Tracey (Oxford, 2004), 85.

<sup>48</sup> My own work has focused on presidential efforts to harness popular rationales for war on behalf of other domestic priorities, such as the right of conscience. See *Eloquence and Reason: Creating a First Amendment Culture* (Yale, 2008), Ch. 5; Tsai, "Reconsidering Gobitis: An Exercise in Presidential Leadership," *Washington University Law Review* 86 (2008): 363.

<sup>49</sup> See generally Tsai, "Reconsidering Gobitis," *supra*. See also *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, (1943) (arguing, as Roosevelt had done, that "[t]o enforce those rights today is not to choose weak government over strong government"); *Thomas v. Collins*, 323 U.S. 516, 530 (1945) (extolling "the preferred place given in our scheme to the great, the indispensable democratic freedoms secured by the First Amendment.").

Then share ‘em with me—  
Don’t keep ‘em all for you.<sup>50</sup>

In an exercise of a truly popular constitutionalism,<sup>51</sup> the artist simultaneously embraces the method in order to subvert official aims. In responding to the president’s call to arms, he turns the spotlight on social ills worthy of comparable attention.

Pivoting from the President to “you”—the American public—Hughes pleads that those who sincerely “believe” in the ideals of liberty “share ‘em” rather than “keep ‘em all.” In this way, he converts constitutional interpretation into the vernacular of common decency. Sharing is a childhood form of social interaction taught to everyone before prejudice can take hold. Provocatively, the poem suggests that charity is a precursor to equality.

A handful of Hughes’ poems take the form of a letter to Roosevelt. As such, they are reminiscent of a child’s letter to an authority figure who is unlikely ever to draw his eyes across the page. They are also presented as an informal petition, an ancient democratic vehicle for airing grievances and seeking redress. By using the Chief Executive as a foil across subject matters and engaging him on the artist’s own terms, the poems help to popularize presidential leadership as a model of governance.

These citizen appeals seize on the “mighty fine” orations of the American president as a series of rights-bearing promises that must now be kept, as surely as the words of the Declaration of Independence or the Constitution.<sup>52</sup> Because Roosevelt himself did not spend much time tackling racial equality, Hughes subverts the president’s specific intentions by endorsing his invocations of political freedom in the abstract. Where FDR so often wished to go slow on matters of racial progress, Hughes urges prompt action.

*Dear Mr. President* is addressed to Roosevelt as “our Commander in Chief.”<sup>53</sup> “Respectfully,” the correspondent “call[s] your attention / To these Jim Crow laws / Your speeches don’t mention.” Black selflessness, as exhibited in sacrifice through training and risk of death, is juxtaposed with the crass indignity of having to ride in separate railroad busses and train cars. The work concludes simply:

I train to fight,

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<sup>50</sup> “How About It, Dixie,” *New Masses* (Oct. 20, 1942), 14.

<sup>51</sup> I use the term “popular constitutionalism” in the same spirit as the many who are mining this vein, though I generously include acts of popular culture and alternative self-organization beyond legislation, executive action, and street activity. See generally Bruce Ackerman, *We the People*, Vols. 1-2 (2000); Larry Kramer, *The People Themselves: Popular Constitutionalism and Judicial Review* (2005); Mark Tushnet, *Taking the Constitution Away From the Courts* (1999); Jeremy Waldron, *Law and Disagreement* (1999); Reva Siegel, “She the People: The Nineteenth Amendment, Sex Equality, Federalism, and the Family,” *Harvard Law Review* 115 (2002): 947; Barry Friedman, “Mediated Popular Constitutionalism,” *Michigan Law Review* 101 (2003): 2596.

<sup>52</sup> “Message to the President,” (undated), in *The Collected Poems of Langston Hughes*, ed. Arnold Rampersad (New York: Vintage, 1995), 590-92.

<sup>53</sup> “Dear Mr. President,” *People’s Voice* (July 3, 1943), 23.

Perhaps to die.  
Urgently, sir,  
I await your reply.

In *Message to the President*, the supplicant similarly intones: “In your fireside chats on the radio / I hear you telling the world / What you want them to know,” the letter-writer explains, indicating he is an observant and loyal citizen who deserves an audience.

From there, the letter moves briskly to the heart of the matter:

But there’s one thing, Mr. President,  
That worries my mind.  
I hear you talking about freedom  
For the Finn,  
The Jew,  
And the Czechoslovak—  
But you never seem to mention  
Us folks who’re black!

The stanza juxtaposes outsiders (who are urged onward toward liberty) and insiders (whose plight goes unmentioned), with a message of equal dignity. It is followed by a standard prayer for relief:

I want the self-same rights  
Other Americans have today.  
I want to fly a plane  
Like any other man may.  
I don’t like this Jim Crow army  
Or this Jim Crow navy,  
Or the lily-white marines  
Licking up the gravy.

The poem concludes, as it began, with a modest request:<sup>54</sup>

So the next time you sit down  
To that radio,  
Just like you lambast Hitler,  
Give Jim Crow a blow—

Like so many of his other fragments, this one is executed with humor, humility, and doggedness, the same virtues Langston Hughes strove to inculcate in his fellow Americans. The organization of the poem approximates that of the earlier *Ballad of Roosevelt*,<sup>55</sup> which had scrutinized the New Deal. That poem adopts the perspective of a poor person whose family situation worsens as its

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<sup>54</sup> The poem ends this way: “For all I’m asking, Mr. President, / Is to hear you say, / No more segregation in the U.S.A. / My friends, NO more / Segregation in the U.S.A.” Its modest ending matches its modest beginning: “Mr. President, kindly please, / May I have a word with you?”

<sup>55</sup> “Ballad of Roosevelt,” *New Republic* (Nov. 14, 1934), 9.

members, the quintessential “regular folks,” become “Damn tired o’ waitin’ on Roosevelt.” The antepenultimate paragraph is most wry:

I can’t git a job  
And I can’t git no grub,  
Backbone and navel’s  
Doin’ the belly-rub—  
A-waitin’ on Roosevelt,  
Roosevelt, Roosevelt.

Soaring eloquence from elected officials presents its own risks, as, even now, “a lot o’ other folks . . . Done stopped believin’ / What they been told”. Even in a time of increasing prospects for a number of Americans, democratic heartbreak lurks. Expectations raised may turn out to be hopes dashed. The prospect that popular enthusiasm may be reduced to widespread grouching is underscored by the muttering of the president’s name, “Roosevelt, Roosevelt, Roosevelt.”

The final lines of the poem exude a practical sensibility and more than a hint of anxiousness. Hear the plaintive call:

And you can’t build a bungalow  
Out o’ air—  
Mr. Roosevelt, listen! What’s the matter here?

In this and other works, Hughes models the sort of strategy that remains within the reach of even the most disaffected. When all else fails, one must continue to call out leaders for perceived hypocrisy and hold their feet to the fire.

But what if this generates no immediate response? Patience and determination must carry one through, whether one wishes to topple a regime or merely to experience a dignity long denied. The advice is as simple as it is evocative:

Face the wall with the dark closed gate  
Beat with bare, brown fists—  
And wait.<sup>56</sup>

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<sup>56</sup> “Song,” *supra* note 11.