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The Humanity Archive

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On June 5, 1934, about a year and a half after Adolf Hitler became Chancellor of the Reich, the leading lawyers of Nazi Germany met to plan what became the Nuremberg Laws, the centerpiece of Nazi racial legislation. A stenographer recorded every word—ink on paper, archived where most Americans will never look.

The transcript reveals something we'd rather not remember: the meeting opened with a detailed memorandum on the race laws of the United States.

For hours, these Nazi lawyers debated American legal precedents. They discussed whether to bring Jim Crow segregation to Germany. They analyzed anti-miscegenation statutes from thirty American states. They examined how the U.S. classified and constrained the citizenship and political status of colonized peoples (including Native Americans and Filipinos) across different eras.

They were particularly impressed by the “one-drop rule”—some states defined anyone with even one Black ancestor, however distant, as Black.

And here's the part that should haunt us: as Yale law professor James Q. Whitman documents in Hitler's American Model, some Nazi jurists considered parts of U.S. racial law too extreme to implement in 1934.

Let that settle in. The architects of the Holocaust looked at Jim Crow and thought, “That might be going too far.”

This meeting reveals what Black intellectuals had been warning about for years: Jim Crow was more than a failure of American democracy. It was American fascism, fully operational. Impressive enough that the Nazis used it as their blueprint.

We prefer to think of fascism as something foreign, something that happened over there. But as Whitman documented, America in the early 20th century was “the leading racist jurisdiction in the world,” and Nazi lawyers knew it.

Here's the problem: fascism has an American accent, but we've trained ourselves not to hear it. We know the Berlin book burnings but not the Tulsa massacre (1921), where a prosperous Black neighborhood was bombed from the air and burned to ash. We remember Kristallnacht but forget Rosewood (1923), where an entire Black town was erased.

We teach the Nuremberg trials but not *Buck v. Bell* (1927), where the Supreme Court legalized forced sterilization with the words "three generations of imbeciles are enough." We built concentration camps for Japanese Americans (1942–1945) while fighting fascism abroad.

The U.S. ran medical experiments on Black men in Tuskegee (1932–1972) for forty years. We turned convict leasing into slavery by another name, we drew redlining maps (1930s onward) that still determine who builds wealth and who doesn't, and we did all of it with legal precision and bureaucratic efficiency.

That's not a catalog of failures. That's fascism with American characteristics. And our refusal to name it has let it survive, adapt, and return.

While most Americans remained blind to the fascist system in their own country, Black intellectuals saw it clearly. They lived inside it.

W.E.B. Du Bois, writing in the 1930s and '40s, explicitly connected Jim Crow to European fascism. He argued that American racial oppression had anticipated Nazi Germany. When McCarthyism emerged, Du Bois warned that anti-communist repression was "American fascism" that "would use the negroes much as Hitler used the Jews." Hyperbole? Not at all. He was being precise.

Claudia Jones, a Black Communist organizer, spent the 1940s and '50s warning that Jim Crow, union-busting, and political repression constituted a fascist system. When she was put on trial in 1948, she told the court she was fighting "the fascist drive on free speech and thought in our country." For this, she was imprisoned, then deported.

Richard Wright published *Native Son* in 1940 and explicitly compared the psychology that created Big Tom to the psychology that produced Nazi Germany. He was sounding an alarm. It went unheard.

Fringe voices? No. They were intellectuals with intimate knowledge of American fascism, describing exactly what they saw. We refused to call it by its name. Jim Crow was a complete political system.

One-party rule? The Democratic Party controlled the South absolutely, just as fascist parties controlled their states.

Political violence? Thousands of lynchings, with state protection for perpetrators and zero convictions.

Racial hierarchy as explicit state policy? Enshrined in law from the Black Codes of 1865 through Plessy v. Ferguson (1896) to the dismantling that finally began with Brown v. Board (1954) and the Voting Rights Act (1965).

Economic exclusion? Sharecropping, wage theft, segregation that destroyed wealth accumulation.

Extrajudicial killing? Spectacle lynchings where towns gathered, took photographs, sold postcards.

This was a fascist system, running in America for a century. We just called it something else.

The Voting Rights Act didn't end the system. It regulated it. And for sixty years, we've been systematically removing those regulations.

The Supreme Court gutted preclearance requirements in Shelby County v. Holder (2013). Voter ID laws proliferate. Polling places close in Black neighborhoods. Voter rolls are purged using the same logic as literacy tests—technical requirements that seem neutral but function to exclude.

Then 2025 arrived. The components rebooted in public.

Remember the components of the Jim Crow fascist system? They're roaring back, operating in plain sight.

One-party rule? Republican-controlled state legislatures have gerrymandered themselves into permanent power. In several states, precision-drawn maps have produced durable

majorities from minority vote shares, letting parties pre-decide outcomes before ballots are cast.

Manipulation of citizenship? Orders and drafts targeting birthright citizenship revive a legal architecture the Nazis studied—and it echoes here, the same state-by-state strategy that made Jim Crow untouchable for a century. Create the legal theory in friendly courts. Spread it through executive action. Let states enforce it locally.

Political violence with state protection? January 6th defendants are being pardoned and celebrated. Reporting shows federal voting-rights enforcement has receded—staff exodus, case withdrawals, and shifting priorities. Armed “observers” and intimidation resurface in Black and Latino precincts. No convictions. No consequences. The state protects the perpetrators—just like it did during Jim Crow.

Economic exclusion? DEI programs were ended by executive order, with knock-on effects in grants and contracting; parts of the contractor regime and equity rules are in flux or under court review. Wealth routes are narrowed by policy choices that systematically reduce opportunity and capital access.

Extrajudicial control? Police violence continues with qualified immunity intact. Mass deportation plans target mixed-status families, separating citizens from non-citizens using the same logic that once separated “Negro” from “white.” The cruelty is the system working as designed.

The question echoes across a century: Can states create second-class citizens? Under Trump 2.0, the answer is becoming clear. Not through mob violence this time but through executive orders, through captured courts, through laws that sound neutral but target with precision.

This is old Jim Crow putting its boots back on.

Stop asking if fascism is coming to America.

American fascism never left. We defeated its European students in 1945 but never dismantled the system they’d studied. We renamed it. We regulated it. We pretended the regulations were transformation.

The lawyers who met in 1934 would recognize what’s happening now. They’d see the same legal architecture, the same manipulation of citizenship, the same use of federalism to protect local oppression. They’d just be surprised we kept it running this long.

W.E.B. Du Bois saw it. Claudia Jones saw it. Richard Wright saw it. They told us exactly what it was. We ignored them because the truth was too uncomfortable.

This is the return of American Democracy to its original form, the one impressive enough that fascists crossed an ocean to study it.

Picture the ledger books from 1934, still filed in Berlin archives. Picture the voter rolls being purged in Georgia right now. Picture the same elegant legal language, a century apart, doing the same ugly work.

How much longer will we pretend it ever left?