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"FREEDOM AS A LIVING REALITY"

ADDRESS

BY

HONORABLE HERBERT BROWNELL, JR.  
ATTORNEY GENERAL OF THE UNITED STATES

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Over the entrance to the United States Supreme Court building in Washington are carved the words "Equal Justice Under Law." Here, in a short statement, is the great cornerstone of our Republican form of government. It embraces the great concept of impartial administration of the rules governing the rights of man.

But beyond the relationship of the citizen to his government, the words also can be taken to refer to the conduct of men in their daily association with one another to the kind of even-handed dealing and fair play a civilized society demands of its people. For the measure of equality we find accorded to different groups best attests to the moral fibre of the nation.

It is appropriate for us tonight to consider whether this great ideal has been fully translated into meaningful realities. For it is in the acid test of the daily affairs of life that high principles become either shadows or substance.

To begin with, we can be thankful that the United States has never witnessed the massacres and mass destruction visited upon minority groups in other lands. But this is only to be thankful that we are not addicted to absolute barbarism. There is much in our history, young though we are as a nation, to demonstrate to all the world that a people intent upon freedom can make it a living reality. Regrettably, there have been and there still exist situations in which our high ideals have not been fulfilled.

It has been 92 years since the Emancipation Proclamation was issued. We are just beginning to make that concept of equality assume practical meaning. In the instance of racial groups, we have come to the realization

that there are bloodier punishments than segregation, but few more degrading.

Additionally, most of our varied peoples have not been wholly free of the whiplash of intolerance. No nation, even one as great as ours, can afford to have its component groups hostile toward one another. People who live in a state of tension and suspicion cannot use their energy and talents constructively. When groups within become pitted against each other in a struggle for social supremacy, we create the weakening discord so anxiously sought by our enemies from without.

The challenge to provide a meaningful level of equality and freedom is peculiarly one which has devolved upon us. We must meet it squarely in order to vindicate the hopes of our founders and the prayers of all of the peoples of the world. Ours is a tradition of ideals as high as any to which a nation ever aspired. If we cannot respect the dignity of man how can we expect the fulfillment of freedom in countries torn by suspicion, subjected to dictatorial tyrants, and engaged in a never-ending arms race toward total destruction.

How, then, can we build for greater strength and happiness?

Every level of government and every person has a share of the responsibility. First, in the area of Federal law, our guide is primarily the Bill of Rights--the first 10 amendments to the Constitution--with its protection against abridgement of the right to

religious freedom and the rights of free speech, a free press, and the right of the people to assemble and to petition the Government for a redress of grievances. But the Bill of Rights may be invoked only against the Federal Government and its officials; not the States or private individuals who attempt to deny their fellow citizens the free exercise of those rights. Against some evils, therefore, reprehensible though they are, a satisfying solution will not be found in Federal legislation. For example, in the instance of the infamous fraternity of professional bigots--the hatemongers--we recognize that their efforts are just as determined and as destructive as the labeled Communists and Fascists, whose foreign counterparts have so clearly proven that their ideology does not include a belief in universal civil rights. However, except for the District of Columbia, there is no Federal statutory crime of criminal libel. This is so because neither the private right to enjoy integrity of reputation nor the public right to tranquility are objects of Federal cognizance except when necessary to the accomplishment of some specified authority delegated to the Federal government by the Constitution, such as the interstate commerce power or the postal power.

Aside from acts bearing upon national security, thoughtful students of the whole and varied subject of civil rights have recognized the obstacles, legal and practical, of attempting to solve this complex problem through Federal legislation alone.

But this does not mean that the Federal Government must stand by helplessly without exercising its influence and limited powers as best

it can. Responsible officials in government remain ever sensitive to the view that complacency can never be substituted for forceful interest and action whenever any group within the nation is relegated to inferior citizenship status.

In the Department of Justice, a specially-organized group gives immediate and continuing attention to the entire civil rights field. Some months ago, for example, in Wilmington, North Carolina, the Lindbergh Kidnapping Law was invoked in the prosecution of a number of Klansmen who abducted victims, transported them across the state line, and flogged them. Nine former members were convicted. The prosecution destroyed the local Ku Klux Klan organization. At Birmingham, Alabama, a grand jury returned an indictment under the Federal civil rights statute (18 U.S.C. §242) against two public officers and the deputy warden of the City Jail who allegedly were involved in the beating of a prisoner. Investigation and prosecution in cases such as this gives concrete evidence of the determination of the Federal government to apply the full force of law wherever and whenever it is permissible and useful to do so. No longer is there to be indifference to the fate of mistreated prisoners who so frequently are targets for brutal police methods because of their minority status rather than the character of the alleged violations.

But it is not only in cases affecting specific individuals found violating the law that action has been taken. The problem of segregation, for example, has been attacked on a number of fronts.

The Federal government's position that racial distinctions have no place in our schools was successfully espoused before the Supreme Court of the United States. Continuing Federal interest remains in the implementation of the Court's findings. Segregation has been abolished in the armed services and projects maintaining segregation practices are denied Federal financial aid.

The national government also has taken the position and has given forceful application to the principle that those who wish to do business with it must agree, in their contracts, not to discriminate against any applicant for employment or any employee because of race, religion, color, or national origin. As a result, thousands of new job opportunities have recently been opened up for members of minority groups.

The States, too, have a large share of the responsibility for according equal protection to all of its citizens. It is gratifying to observe the great strides made in recent years under local law. They reflect a more sensitive awareness of minority problems and a forceful disposition to strike at the roots of the several evils which have persisted.

Today, every State in the Union has laws to punish libels directed at individuals. It is true that problems of identification and reasonable agreement on meaning, as well as scrupulous regard for the constitutional protection afforded by the 14th Amendment, prevent such laws from offering complete or comfortable solutions.

Nonetheless, so long as local government seeks ever to push forward, by legislation and by example, enlightened progress is well served.

In the instance of group defamation, the Supreme Court of the United States in 1952 reviewed an Illinois law which sought to curb poisonous utterances against minority groups. The Court laid bare the problem in these words: "wilful purveyors of falsehood concerning racial and religious groups promote strife and tend powerfully to obstruct the manifold adjustments required for free, ordered life in a metropolitan, polyglot community." In order to cope with the disturbing influence of such villifiers, the Court upheld the right of the State to outlaw defamation of minority groups who have long suffered vicious and brutal attacks. Reckless and incendiary utterances against the more defenseless classes of our people no longer enjoy unlimited constitutional protection (Beauharnais v. Illinois, 343 U.S. 250).

But groups libel laws hit at the manifestation of prejudice, not at the prejudice itself or its causes. When a locality eliminates a slum area and gives to those long forced to live in filth and darkness the opportunity to breathe deeply of the freshness of life, a breeding ground for prejudice also has been removed. When a police force is educated to the complex problems and tensions which exist among a mixed people, and is taught how properly to regard the dignity of all men, the corroding fear of the oppressed has been dissolved. When children, in the innocence of mind and purity of heart, come to know that free public schools and playgrounds mean exactly that, the State has translated a philosophic vacuum into a living Constitution.

In many other circumstances, the long, inexorable shift of the nation toward racial democracy is becoming evident through local activity. In the last few years, such States as Virginia, Alabama, Georgia, Florida, and South Carolina have passed and enforced anti-mask and anti-cross-burning statutes and ordinances. An aroused South has shown that it will not tolerate hooded hoodlums bent on splitting the nation into mutually-repellent fragments.

In 1948, an estimated 750,000 Negroes registered to vote in the South. In 1952, the total was 1,350,000. Though this be progress inch-by-inch, it is nevertheless progress in the right direction. It is also no longer a rare novelty for Negroes in the South to be attending State-owned university graduate schools, to play on school and professional ball teams, and to be admitted to local medical and other professional societies. Though prejudice often gives way only with groaning noises, the suppressed climb upward continues.

But our Federal and State governments are only instruments for the regulation of society. They can only give to each of us the opportunity to solve the major parts of the problem as individuals, each in his own sphere of life. Laws have their proper place, but the responsibility of worthy citizenship is a personal one. We each have a separate and individual share in eradicating social evils and in refusing to perpetuate practices odious to a free nation.

It has been said, with much truth, that nobody knows so little about a minority group as an American who has lived near it for years.



Often deliberately, sometimes unwittingly, the surface behavior of non-representative members of a group has caused us to wall off the whole group. Knowledge must not be permitted to stop at this superficial level.

Those who insist upon thinking of groups in terms of individuals would do well to give thanks for the great and lasting benefits given to all of mankind by "the rejected". I could not here attempt to catalogue the accomplishments which have emerged from our minority peoples. But I would remind you that the giant who has emerged in the fight against the dreaded polio disease--Dr. Jonas E. Salk--is a Jew. He is the same kind of person still barred from living anywhere he might please by the practical effect of obnoxious restrictive covenants. He is still not acceptable in country clubs and social organizations whose members search for superiority in caste aristocracy.

Irony also attends the work of Dr. Charles R. Drew of Howard University, who perfected the process of preserving blood plasma. Many soldiers owe their very lives to this man they would not ask into their homes except by the back door for fear of violating the racial taboos that have too long blinded our people to individual worth.

But more and more, and in countless ways, our individual efforts are unifying all of our people in the common bonds of mutual understanding, faith and respect. The ability of differing peoples to live together in a stable, enduring and beneficial society is being proven in every corner of our land. It is evidenced in the greater number of

businessmen who are realizing that when they hire for skill and talent alone, they best serve their personal interest and that of the nation. It is reflected in the admission practices of most of our colleges which have eliminated the abominable quota system, a device to exclude qualified students from professional life simply because of the color of their skin, their religious faith, or their national origin. We see it in the awareness of the average American who now realizes that for his own well being he cannot regard as harmless indulgence giving vent to his irritation on Americans of foreign parentage or those of a particular creed or color.

In this growing atmosphere of amity and brotherhood, our individual efforts have been greatly aided by community relations groups and national organizations. They have contributed significantly to adult education and social science research, to the protection of democracy without sacrifice of civil rights, and to the techniques for reducing group hostility.

In adult education, an example of a mutually cooperative effort to improve understanding in this field is shown by the National Conference on Christians and Jews and Syracuse University. These bodies jointly sponsored a summer program on "Human Relations and Intergroup Education" for teachers, school administrators, and community workers. It was designed to create a more wholesome atmosphere for intergroup relations in the family, in educational institutions, and in neighborhood centers.

At the primary educational level, the famed "Springfield Plan" has been an inspiration to those willing to work toward eliminating the innumerable snags in group relationships. As many of you probably know, about a dozen years ago, Springfield, Massachusetts, initiated one of the most successful events in public education.

Investigation had shown that children do not have a natural aversion to people of other races or creeds. Hostility of this kind is acquired from parents or others. Springfield, therefore, undertook to teach racial and cultural understanding in its public schools. The program was fashioned so as to give students effective, practical experience in living and working together. The children were encouraged to take pride in their backgrounds. They were not allowed to feel that membership in a minority group was something shameful. All of the students talked, wrote, and learned about the wonderful contributions each group has made to America. Parents, too, were given the same chance to talk and exchange information of this kind through forums, round tables, and adult classes conducted by the school system.

Springfield has been surprised by the acclaim accorded to it for this progressive program. It is merely a typical eastern American city with an assimilation problem. Fortunately, it also had a group of people who could see the problem and were willing to go to work constructively on it. The same ingredients are present in almost every city and town in the United States. A little vision and a little effort will go a very long way in providing permanent benefits in the form of happier, more useful lives.

But a wholesome national climate need not depend upon organizational programs. A single spontaneous gesture may itself be a moving experience in brotherhood.

The story is told that while Dr. Mordecai Johnson, president of Howard University in Washington, was going south one day he noticed a Negro boy on the train who appeared to be worried. Dr. Johnson asked the boy what was troubling him. He replied "I am the first Negro to be admitted to the University of Arkansas, and I don't want to enter. I feel that I will have a most unpleasant experience. But all my relations and friends insist that it is my duty to go there".

The boy's anxiety was increased when he reached Fayetteville, Arkansas, where the school was located, for he found thirty-five white boys waiting for him at the station. This had the appearance of a terrifying situation. However, his concern quickly turned to relief when one of the boys came up, extended his hand, and said: "Last night a group of us were talking about you and how you would feel on coming to the University. And we decided to come here and offer you our friendship". This was democracy in action!

All of these forces--from the simple handshake to the carefully planned program of experts--embrace the values of tolerance, charity, mercy, and brotherhood urged upon humanity by the great teachers of history.

We have come to realize that bread alone will not sustain life. Neither will a small crust of freedom to a few sustain our American way of life. If tolerance cannot be found in the schools and churches,

in the shop and in the market place, it will nowhere be found. It will not exist.

A nation that can tear away the barriers of time and space through technological brilliance has the force and imagination to create a golden age for civil rights.

In no other nation in history have a people come as close to the realization of full freedom and equality as in the United States. We have shown the courage and the wisdom to come this far. Let us demonstrate the will to execute fully the high duty and solemn responsibility resting upon each of us to bring the fullest measure of justice and honor to all of our people.