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Wallace Mendelson

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## THE IRON RING OF DISCRIMINATION

### *Thoughts on the Report of the United States Civil Rights Commission*

Wallace Mendelson\*

Every culture does at least reasonably well for those at the top of its social order. The crucial test is how does it treat those at the bottom.

Something had touched the conscience of America. Maybe it was the shock of the Great Depression — or the rise of Hitler and Stalin. Later the hot, and then the cold, war must have had something to do with it. Perhaps it was all these things and more. But whatever the cause all branches of the national government responded. In the *Gaines* case<sup>1</sup> (1938) the “old” Supreme Court began the long retreat from discrimination in the schools. A few years later President Roosevelt created the Fair Employment Practices Committee. Presidents Truman and Eisenhower took giant steps to eliminate segregation in the armed forces and to continue the FEPC principle in government contract, and civil service, employment. In 1947 a group of distinguished Americans — the President’s Committee on Civil Rights — issued its disturbing report. By 1950 the “new” Supreme Court had undermined, and before the end of the decade had outlawed, the old device of “separate-but-equal” — that had served so long to perpetuate the discrimination it was supposed to abolish. Meanwhile, the platforms of both major political parties struck hard at racialism. By 1957 Congress had passed the first modern Civil Rights Act; another followed in 1960.

Only a major tide of public opinion could sustain such unremitting pressure by all three branches of government, but of course that tide did not flow uniformly throughout the land. This is the difficulty. For tension is inevitable when the momentum of national opinion collides with deep-grained, local habit — when new moral insights clash with old traditions. Extremists on both sides respond with bitterness and brutality. Others simply close their minds to the possibility of change, or demand perfection overnight. A more common response is a sense of tragedy implicit in the relentless rule that every step of progress means destruction of something that is old and dear to someone.

Discrimination against this or that minority takes many forms, but it is essentially monolithic. The important thing is not unfair treatment in the schools, or in employment, at the polls, in housing, or in the administration of justice; it is the over-all effect of all these things. For each area of discrimination feeds all the others and all are directed to achieve a single end: an iron ring of law and custom that forces *an inferior status upon its victims*. By limiting their opportunities for self-improvement it makes and keeps them inferior. The imposed inferiority then serves to “justify” the penalizing laws and

\* B.A., LL.B., Ph.D.; Professor of Government, The University of Texas; member of the Iowa Bar.

<sup>1</sup> *Missouri ex rel. Gaines v. Canada*, Registrar of University of Mo., 305 U.S. 337 (1938).

customs. In short, discrimination generates inferiority which in turn generates discrimination. And of course the suppression of a minority always gives someone an immediate advantage: a supply of cheap labor, freedom from a source of competition, a scapegoat, or a psychological punching bag.

The most difficult aspect of the extremist "Southern attitude" for outsiders to understand is its refusal to give an inch, even on seemingly unimportant points. How could Negro travelers in a "white waiting room" matter enough to anyone to provoke violence? The answer is that segregationists — and Negroes — understand the monolithic nature of discrimination. They know that a challenge at any point is a challenge to the whole system. To admit equality of opportunity anywhere is to undermine discrimination everywhere. That would mean the end of a way of life, with all its "advantages" for some and all its hardships for others.

Of course, no class or section in America ever foresaw and devised so cruel a system. Disasters of that magnitude generally spring from some accident of history, some slow and unplanned development beyond the power of human beings to foresee and block while blocking is feasible. Discrimination against our Negro citizens is a legacy of slavery that history thrust upon us long ago. Few will forget what we paid to make good the original error. But it is one thing to abolish slavery as a matter of law; it is something very different to convert a slave into a free man — or to free his master and society itself from the taint.

Slow and cruel as it may seem in retrospect, our progress has been substantial. Yet the residue of slavery is still with us in the racial prison that confines the American Negro. His freedom to vote is seriously restricted. This limits his ability to promote all his other rights and interests, including his rights in the public schools. Confined educational opportunities in turn subject him to the charge that he is not fit to vote — and drastically limit his employment opportunities. Largely restricted to menial and irregular jobs, he is apt to live in a slum. And slums have a potent tendency to produce the qualities that invite disqualification at the polls, in the better schools, and in any but the bottom levels of the economic order. Because he is confined in large measure to the very lowest strata of society, he cannot expect much help from the police or from public prosecutors in asserting his political, educational, housing and other basic rights. Indeed, in some places — especially where he is not permitted to vote — he must expect not help, but brutality, from public officials. At every point the stifling circle begins again. Each hardship leads to another. There is no saving grace by which a disability in one context is compensated by an advantage in another.

The effect upon the Negro's morale, incentives, and ambition is incalculable. Of this we may be sure: He is no stranger to Dante's insight that hell is a place in which men are condemned to live without hope. The cost in human suffering, the moral burden, the spiritual and material loss to the Nation are staggering. And in the end no man can harm another without harming himself. For conscience "doth make cowards of us all."