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THE ROLE OF PUBLIC OFFICIALS I

*Theodore R. McKeldin**

Some months ago Mr. Ralph McGill, editor of the Atlanta Constitution, made an analysis of the school segregation issue that hit uncomfortably close to where I was standing at the time. He asserted that a very large part — I think he said the major part — of our current difficulties is due to the failure of southern political leadership to prepare its constituency for what was coming.

Since I was Governor of Maryland in 1954, when the first Supreme Court decision was handed down, and since a governor is, or certainly should be, a political leader, I was squarely in Mr. McGill's line of fire. As it happened, I got no more than a scratch, because we have had no public upheaval in Maryland, and only one or two attempts at violence, all of which were promptly taken care of by the police. But the shot was close enough to make me think, and the more I have thought about it, the more I am convinced that the editor had a point.

I concede it because I am sure that his definition of political leadership includes more than men in office and candidates for office, avowed and unavowed. Political leadership includes all persons with an appreciable influence on public opinion. Many of the most effective are not party workers at all, but commercial and industrial leaders, educators and professional men, especially among the clergy.

In Maryland we were pretty well prepared for the decision of 1954 and its successors, but it would be silly for me to claim that it was all my doing, or that of my predecessors in the office of governor. Public opinion in Maryland had been kept accurately informed at least as much by the press, the pulpit and the school as by men actively engaged in party politics; and I

* Governor McKeldin was governor of the state of Maryland from 1950 to 1958. He served as mayor of the City of Baltimore from 1943 to 1947, where he is presently engaged in private law practice.

have no doubt at all that this long preparation was largely responsible for the peaceful and orderly transition from the old system to the new.

At the same time I am a politician and I do not intend to try to dodge the politician's responsibility by shifting it to the shoulders of other leaders. Men in public office cannot perform this task alone, but there is no doubt that they can do a good deal about it, and they are responsible for doing all that they can. When they evade or avoid their responsibility they are undermining good government, and that applies not to racial segregation alone, but to every issue of large importance. All that I ask is that you will take whatever I say about the duty of men in public life as based on the assumption that they will have the active support of leaders of public opinion who have no wish to hold any political office.

With this agreed upon, I have no hesitation in saying that men active in politics, taken as a class, have not measured up to their full responsibility in this respect. Whether other leaders have done any better, I leave to their representatives to determine. I am bound to admit, too, that a certain measure of guilt rests upon politicians for not having done so. Self-interest, stupidity, and a certain measure of plain cowardice have all played a part in depriving the American public of the wise leadership it should have had.

But I submit that this is not the whole story. The man in public life is hindered in exercising true leadership by some handicaps not laid upon him by his own weakness and folly, but by the environment in which he lives. Let us be realistic — a man with no followers cannot be regarded as a leader. To qualify for leadership the very first essential is to attract and hold a following. But the moment you admit that, you admit that the leader cannot adhere to what he regards as the ideal if that ideal is totally alien to the minds of the public to which he appeals.

Take this issue of racial segregation in the public schools. It is not the only issue of the kind before us today, and I do not believe it is by any means the most important issue. But it happens to be one that excites tremendous interest at this time, and it serves admirably to illustrate what I have in mind.

To begin with, I am not here to take any holier-than-thou attitude because we have handled that issue pretty successfully in Maryland. As I said a few minutes ago, we were fairly successful because we were more or less prepared for it; and one reason, among several others, why we were prepared for it is the fact that we are a border state in which the clash of opinions has been incessant ever since the foundation of the republic.

That condition does not exist far to the north or far to the south of the Mason-Dixon Line. I mean, of course, that it does not exist as regards to the differences between the North and the South. The case is different if you choose some other issue, one, for example, on which the difference is between East and West, or between urban and rural, or between sect and sect. But segregation is an issue on which the difference is roughly between North and South, with Maryland in the middle. So Maryland was in the position — whether fortunate or unfortunate, I leave you to say — of being prepared for anything.

It follows that the Governor of Maryland in this matter is a rather special case. Living below the Mason-Dixon Line he is technically of the South; but living above the Potomac he has to contend with the public opinion of the North. So let us drop him, and consider the position of officials more typical of the regions, say the Governor of Connecticut and the Governor of Georgia.

Ideally, the Governor of Georgia should have prepared his people for the inevitable decision of 1954; and ideally, the Governor of Connecticut should have prepared his people for the furious resistance of the South. Actually, neither did much along that line and the result is a division that has embarrassed the nation in its foreign relations and that cuts far deeper than the single issue of administration of the public schools.

The Governor of Georgia is obviously on the losing end of this controversy and the errors of the loser are always easy to spot, so let us pass him by for the moment and concentrate on the preparation that the Governor of Connecticut should have given his people. He would have had to say to them, "This decision, logically unavoidable, nevertheless will revive all the passions of Reconstruction days; for the truth is that while the thirteenth amendment was adopted in good faith by the states of the late Confederacy, the fourteenth was imposed upon them by superior force and never received the assent of the southern people. It has never been fully effective, especially in the Gulf States, therefore we must be prepared for vigorous and determined resistance to this effort to make it effective. Its enforcement will be costly and you must be ready to pay that cost, whatever it may be."

Answer honestly, now, what would have been the effect of such a pronouncement by any northern governor? I have a very strong suspicion that he would have been blasted not merely out of office, but out of politics. He would have been called a reincarnation of Jefferson Davis and held up before the nation as the very model of a reactionary, probably secretly wishing for the revival of slavery. Yet he would have been telling the plain truth, as we can all see now, five years after the event. But it is an unpleasant and regrettable truth, therefore certain to be resented.

This is not just cause for absolving northern leadership of all responsibility in the case. Eventually, the unpleasant truth has to be faced, and there are times when the man in public office must tell it, even at the risk of his career. My point is that this issue of segregation in the schools is exceptionally hard to handle truthfully because it involves a grave constitutional crisis involving far more than the schools.

The issue is how to preserve freedom of association without imposing the status of second-class citizenship upon any segment of the population. If you think that is a simple issue, you have not given the subject much thought. "The right of the people peaceably to assemble and to petition the Government for a redress of grievances" shall not be infringed, by act of Congress, by decision of the Supreme Court, or by any other authority. At the same time, "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."

So much is plain, but it is far from self-evident to what extent a citizen

may carry his privileges and immunities with him wherever he goes without coming into collision with the freedom of association of the people of some locality whose manners and customs are different from those of his native place.

The decisions of the Supreme Court have made it plain that the intervention of law marks a dividing line between freedom of association and the establishment of caste. The exclusion of any man from a purely voluntary association is not justiciable. No court can compel the admission of an immigrant to the Order of the Cincinnati. But an association established by statute, and especially one supported by taxation, is in a different category. Hence the school segregation decision of 1954 seemed to me not merely predictable, but inevitable, once the issue was brought squarely before the court.

All this, however, is concerned with legality, not morality. The task of southern leadership, therefore, is to convince its following that in this case legality coincides with morality. That is always a formidable task, regardless of the issue; and the duty of northern leadership is to convince its following that the task is formidable. How either is to be accomplished I do not profess to know; all that is certain is that neither force nor malediction will help. Certainly paratroopers can put negro children into the Little Rock schools, but that is only incidental to the real task, which is to bring Arkansas back into the Union by persuading her that desegregation is necessary and right, given the conditions of the modern world.

That work should have been started fifty years ago, but it is useless to lament for the water that is over the dam. What should concern us now is the opportunity that is not yet lost — the opportunity to develop a leadership that will effectively warn the people of what is ahead, not in this one matter of segregation, but in innumerable other details connected with the abolition of second-class citizenship.

Wisdom is called for, obviously, but what particular kind of wisdom? For my part, I think it must be compounded very largely of two elements — heart-felt devotion to the preservation of individual liberty, balanced by equal devotion to plain justice. Hatred and recrimination are out because they destroy what is the basic essential, namely, love of our country, not one region of it and not one aspect of it, but the whole Union, “now and forever, one and inseparable.”

The suggested need for an act of Congress to implement the Supreme Court's ruling on school segregation is not, in my opinion, well based. The suggestion's origin, in the deep South, makes it suspect. It is hard to believe that its integration-resisting advocates really want a federal law to spell out how integration must be accomplished. If a thing is wrong it is wrong. And the Supreme Court of the United States has interpreted the fourteenth amendment to the Constitution as saying that the laws which established separate public schools for negro children and for white children are wrong, constitutionally. We don't need a special act of Congress to spell out or enforce the constitutional provision of the freedom of speech. We don't need such a law to implement the guarantee of freedom of religion, or that

of the right to assemble peaceably. We don't need a special act, either, to tell us what the Supreme Court has stated rather clearly, at least in effect — that the public schools belong to the public, and that one public school cannot be exclusively for the white segment of the public and the other school across town for the negroes only.

I believe that my friend, Governor Leroy Collins of Florida, originated the suggestion of the need for an implementing law. At least it was he who first mentioned it to me, while we were attending a meeting of the Southern Regional Education Board in Atlanta in 1957. Two days later, at the Southern Governors Conference in Sea Island, Georgia, he made the same suggestion in a speech. Even there it got a cold reception.

Last year, Governor Collins brought it up again at the Southern Governors Conference in Lexington, Kentucky, where I was. And a few months later, I am reliably advised, he pleaded for support for such a law at an executive session of the Council of State Governments, in Chicago; and his plea was again rejected.

The purpose of the Supreme Court's ruling, is then, laws, or the effect of those laws, which proscribe segregated schools in several states. The United States Constitution, itself, is all the law that is needed in this matter. It is the Supreme Law of the land. Some, I know, will note that Congress has passed laws to implement other constitutional amendments. For example, the Homestead Act, which followed the adoption of the sixteenth amendment, national prohibition. Cases are not parallel. It was necessary to have machinery for the enforcement of Prohibition, but in the cases of the fourteenth amendment there is no prohibition against the existence of schools that contain all white pupils or all negro pupils. There is merely a ruling that the existence of such schools should not be maintained on a racially-segregated basis, by law. We have the powers now, in the Presidency and in the Department of Justice to act as a nation against any State's act of rebellion against the Constitution.

There is a very practical question, too, as to the kind of federal integration law which would suit the condition and popular temperament of, say, Maryland and Kentucky, and at the same time those of Georgia and South Carolina. When I speak of popular temperament I am referring to all citizens, negro and white. I shall not go so far as to say that Governor Collins is insincere in his proposal. I will say that his talking about this implementing Act has helped to keep him pictured before the nation as a southern moderate, while his state has avoided admitting a single negro child to a school that is occupied by white pupils, except for a single negro in a Florida university. Yet North Carolina, Maryland, Kentucky, Delaware, Oklahoma and other states have started integration without the specifics of federal law. Why must South Carolina, Georgia, Florida and others pass the buck to the Government in Washington. When obstructions to the Constitution deliberately are set up, federal law does become necessary. But we demonstrated in Little Rock that we have that law. I am as anxious as anyone to see integration accepted and established in all states in our times. And I do not believe that the sovereignty of the states must be destroyed in the process.