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What's
Happening
To Civil
Rights?

By Father
Hesburgh

(Article starts on page 3.
At left, a recent photo of
Hesburgh)

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'The White House Staff Was Unusually Churlish ---'

What's Happening On Civil Rights Commission?



THIS PHOTO of Father Hesburgh was transmitted around the globe when he was appointed chairman of the Civil Rights commission in 1969.

About This Article - - -

THE REV. THEODORE HESBURGH, C.S.C., President of the University of Notre Dame, served on the United States Commission of Civil Rights for 15 years, part of that time as its chairman. In this article he describes some of the major problems faced over the years, what the commission accomplished, and some of the things that remain to be done. Father Hesburgh resigned from the commission in November.



HESBURGH IS NO STRANGER to White House conferences and commissions. He appears here, left, at a conference called by President Kennedy, second from right, in the White House cabinet room on April 6, 1962 to discuss international education and cultural affairs.

By Rev. Theodore M. Hesburgh
President, University of Notre Dame

CIVIL RIGHTS HAS PASSED through a remarkable era and is, I am sure, facing even greater problems in the years ahead, all of which will call for new ideas and new leadership. I sincerely hope the President provides for that in his appointment of a new chairman of the U.S. Commission on Civil Rights as my successor.

My resignation as Chairman was requested right after the re-election of President Nixon, which was his right, and I also resigned as Commissioner, which seemed appropriate since my presence might be embarrassing to the new Chairman, whomever he might be. Anyway, fifteen years is a very long time on any Washington Commission.

I am not given to sour grapes, even though the White House staff was unusually churlish in the way they treated the resignation request.

Neither the Commission nor I had made them very

happy over the past four years. But that was true of the past three administrations, too. Civil rights is not a very happy subject. If you call it the way it is, and say both what ought to be done and what is not being done, and if the TV, radio, and newspapers find this comment newsworthy and repeat it widely, any administration feels set upon. Most of the time they should be. In civil rights matters it is uphill all the way. Shyness goes nowhere, especially in a Commission that is supposed to be honest in its presentation of facts, and forthright and non-partisan in its recommendations. This is not the way to make friends in Washington, but it does at times influence people, and that is troublesome.

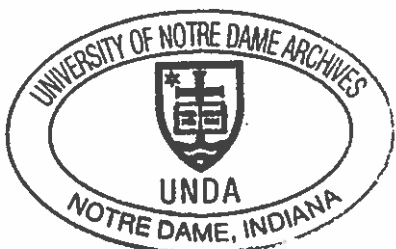
After 15 years of existence, I think it is a fair statement to say that the Commission had bad days, good days, and great days, little successes, big suc-

cesses and disheartening failures. In this, it has not been different from most human endeavors, however enlightened.

The Commission began as an effort to do little more than end a Congressional filibuster in the Summer and Fall of 1957 on the subject of voting rights. It was suggested as a fact-finding Commission, with a two years' life, that would ascertain, through study and hearings, what the actual situation regarding deprivation of voting and other rights was, and then suggest possible solutions to the President and the Congress. It had no enforcement powers, although it could subpoena witnesses. Its only real power was publicity—it could publicly say to the President and the Congress,

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THREE



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Struggle On Civil Rights Commission

(Continued from Page 3)

for all to listen if they would—this is how bad things are and this is what ought to be done to correct it.

AFTER THAT THE COMMISSION'S life was renewed for a few years at a time by the Congress, once as an amendment to the last bill through the Congress, a peanut subsidy act. At least the Congress took our facts and recommendations seriously enough to enact about 70 per cent of them into federal law, despite the fact that there had not been federal law on civil rights for 80 years previous to the Commission's beginning in 1957.

There was a change-over of about a dozen Commissioners in its first 15 years of life, but only two Chairmen: John Hannah, then President of Michigan State University for the first eleven years, and I for the last four.

What progress was effected during the past 15 years was phenomenal if compared with the almost total national inactivity in securing civil rights since the Reconstruction Period following the Civil War. In what originally loomed as our primary task—equality of opportunity to vote—the Commission proposals enacted into federal law have for the first time since slavery assured the rights of millions of black citizens to vote.

Consequently, while there were only about six black elected officials in the whole South in 1957, there are almost 1,000 today, including some U.S. Congressmen. One of the most satisfying victories was the complete elimination by the Civil Rights Act of 1964 of all the Jim Crow practices sanctioned by law and custom for over 200 years. Overnight this removed a daily series of insults to the human dignity of millions of Americans.

When we began, there were no white Southern state universities with black students — today there are none without them, numbering in the thousands totally. The Southern black school system, once sustained by law, has been eliminated by law. Housing and employment have been equalized in many ways, although resistance here is still active and successful to the shame of America's Constitutional promises to all of its citizens. Lately, the government has been on the side of the bad guys.

THE GREATEST PROGRESS was made in the 60s, especially by the great landmark laws of '64, '65, and '67, passed under the vigorous leadership of President Johnson and in the shadow of gruesome assassinations of civil rights leaders.

No one should attribute all of these great successes to the Civil Rights Commission alone, even though we were involved in most of them. There was an expectation of progress during the 60s, great leadership at times from the Courts, the Congress and, especially,

FOUR



'THE UNITED STATES NEEDS a shaking on Civil Rights,' Heschburgh says in discussing a Civil Rights Commission report at a Washington news conference in October of 1970. With him is Frankie M. Freeman, St. Louis, Mo., a member of the commission.

the Executive Branch. We may all have oversold the promises — such as those of the White House Conference on Civil Rights — but we were all concerned about the right problem, whatever the faultiness of some of the solutions proposed.

Then came the lull. To some extent, rising violence scared people and made them wonder if we were not moving too quickly — after three centuries of not moving at all! Some groups, just a step up the socio-economic ladder from most of the minorities, felt threatened by their advance. And finally, it is much easier to enact legislation than to administer it. The government showed an increasing lack of concern for what the law said it should do. There was foot-dragging in both high and low places. Partisan politics played a role, too, as success followed a play on people's fears and prejudices.

I said earlier that we are entering a new era in the civil rights movement. Some see progress grinding to a halt, even slipping backwards.

THERE ARE FEW ENTHUSIASTIC white voices

for minorities in Washington and state capitols today. The Supreme Court, which really started it all with the Brown decision in 1954, seems to be moving less aggressively than before, after the addition of new members, although one should wait before judging too quickly. Impassioned pleas for civil rights, which in the sixties excited millions, now draw a stifled yawn, and of course, the politicians read the signs of the times very well. Some of yesteryear's heroes are today's pussy-footers or even the destroyers of past progress.

What to do? It is discouraging to pass from enthusiasm to lassitude, from support to suppression. Most of our best civil rights leaders are discouraged at best, and at least, mighty frustrated.

I can think of no area of American life needing firmer commitment today than the Constitutional promise of equal opportunity, especially for those Americans, mainly colored other than white, who suffer injustice, or for whom the American promise seems to be still empty words. The majority of the world's people today is colored, not white. Their greatest hope in American ideals cannot be justified if



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...y see Americans, colored like themselves, enjoying only second-class citizenship. Power they can easily discern in America. Equality is what convinces them that it is our moral leadership that they should follow.

THE MORE ONE CONTEMPLATES the essential oneness of humanity, our common hopes and dreams on this smallish planet, so hopelessly divided racially, culturally, religiously, and politically, the more one hungers for moral leadership for America, the one nation best positioned to give that leadership.

Apart from this broader consideration, important to all mankind, there is the essential need of our own people for the kind of internal unity and cohesiveness to which we have aspired in the brief motto engraved on our coins, "e pluribus unum"—from many peoples, one nation.

I have always thought that governments, to be great, must be responsive primarily to those needing the protection of their constitutional rights. Granted that this is most often not politically expedient, since these people are the poor, those suffering injustices, the powerless, the minorities, women—nonetheless it is in serving these citizens that political leaders loom large in the moral sense, and give their nations greatness. "Without vision, the people perish."

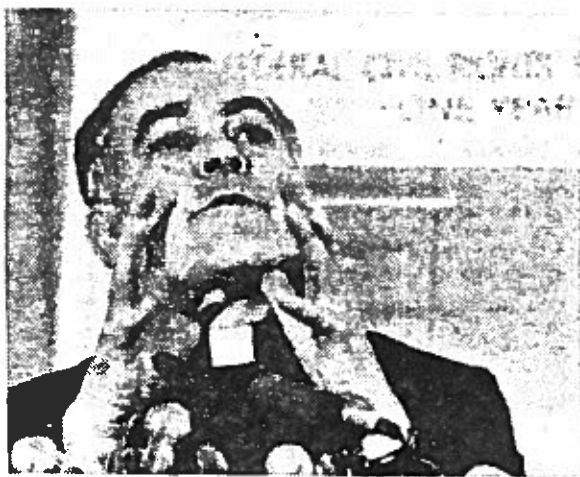
There is a feeling among the poor and the powerless today that somehow the firm commitment to our ideals just isn't there, or that it has drifted or weakened. Even good people are losing heart.

Americans like quick victories. We tended to lose interest and concern when the brave new rhetoric concerning equal opportunities and civil rights in the sixties led us into stormy waters in the seventies. Some of the solutions cut too close to the bone of those who could demand their rights and, moreover, had the political power to enforce them. As long as liberal Northerners could practice virtue for the South, virtue was easy. As long as blacks, Chicanos, or Indians lived, worked, studied somewhere else, we were all for equal justice. As long as the inner city could be the dumping ground for most of modern man's major problems, the white suburbs could nod at the conventional rhetoric and still be untroubled.

PERHAPS OUR FIRM CONVICTION of the 60s was mainly that someone else, the government, the leadership, the other fellow, should do what needed to be done to achieve equality of opportunity for everyone—as long as it did not touch me.

We can no longer take refuge in that kind of feeble vicarious commitment and still expect to deliver on what each school child must pledge allegiance to each morning: "One nation, under God, with liberty and justice for all."

It is time that we begin anew, perhaps with more realism and less naivete this time, to commit this country to be what it professes before all the world to be. If this means afflicting the powerful, the smug, the leaders who do not lead, the complacent, those who have never had it so well before, then so be it.



HESBURGH IN 1971 discusses a Civil Rights Commission report which claimed the Nixon administration had failed to take a firm and continuing interest in Civil Rights laws.

A Letter From Nixon to Hesburgh

Following is the text of a December 20 letter to Father Hesburgh from President Richard M. Nixon:

Dear Ted:

It is with deep gratitude for your contributions to the well-being of our nation that I accept your resignation as Chairman and Member of the U. S. Commission on Civil Rights, effective November 17, 1972.

As a leader of the Commission for nearly 15 years, you have worked courageously and tirelessly to advance the civil rights of every American.

In spite of the systematic difficulties, to which you have often referred, great progress has been made over these years. But neither of us can be satisfied while so much remains to be done.

In 1976 we will celebrate our nation's 200th birthday. In that remarkable document which stated to the world our purpose and resolve, Jefferson wrote of the "unalienable Rights" endowed to each of us. Through your devoted work, you have helped to protect and perfect these rights, and for this I join with every American in expressing my deep appreciation.

With warmest personal regards,

Sincerely,

(Signed) Richard Nixon

We may at least be heartened by what was accomplished in the 60s: The vote for millions unable even to register before; elected political office for a thousand minority members who never could run before; open public accommodations for those who faced rejection and crass disrespect a dozen times a day; one school system in the South and access to better schools to those newly admitted and transported there; new employment opportunities for minorities, and high educational openings that grew across the land while the pressure was on from government officials on all levels, from business and religious leaders, minority leaders, too. At least we proved that something could be done, was done, and often enough was institutionalized in fragile form for the future.

NOW BOTH THE MOVEMENT and the mood seem more and more one of drift. Some firm progress in civil rights has been undone or postponed or, even worse, canceled. We argue about code words—busing, quotas, amnesty—instead of substance. We use our imagination and creativity for just about everything else, but not to find new solutions to this old and festering problem. What used to be a relatively accepted and important civil rights cause begins to die for lack of enthusiasm and leadership. The more pessimistic say that we face a second abandonment of a promising Reconstruction Period, a new rebirth of apartheid in America.

As one who can, with some experience, testify to the growing unpopularity of this cause today, may I say that it was never more important to our nation and to the world that we rededicate ourselves to the growing realization of equality of opportunity in America.

We have dallied too long in doing what can and must be done, in education, in employment, and in housing particularly. The problems will not go away. Each day we dally, the problems grow larger and seem more unmanageable.

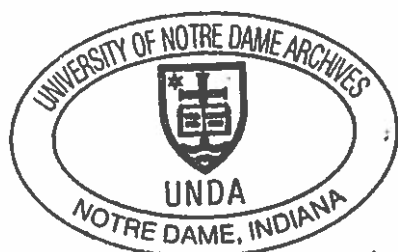
What we probably need most of all at this moment is a deeper understanding of how much the achievement of equality of opportunity for all Americans means to the complete realization of the America of which our Constitution speaks. We need to understand the great leadership role of America in a world where color often means automatic prejudice, and where we have the unique opportunity to show the world what real liberty and equality mean in a free country of truly equal people. And, of course, we need inspiring and committed leadership from top to bottom in America in this cause which is so central and essential to America's coming of age.

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