11-29-1964

The Pre-Election Moratorium on Demonstrations and the Future of the Civil Rights Movement

Robert F. Drinan, S.J.
Boston College Law School

Follow this and additional works at: http://lawdigitalcommons.bc.edu/law_school_publications

Part of the Civil Rights and Discrimination Commons, Legal History, Theory and Process Commons, Politics Commons, and the President/Executive Department Commons

Digital Commons Citation
http://lawdigitalcommons.bc.edu/law_school_publications/144

This Article is brought to you for free and open access by the Law School Archive at Digital Commons @ Boston College Law School. It has been accepted for inclusion in Law School Publications by an authorized administrator of Digital Commons @ Boston College Law School. For more information, please contact nick.szydlowski@bc.edu.
THE PRE-ELECTION MORATORIUM ON DEMONSTRATIONS

and

THE FUTURE OF THE CIVIL RIGHTS MOVEMENT

Address by: Rev. Robert F. Drinan, S.J., Dean
Boston College Law School

TO: Catholic Interracial Council of Milwaukee

AT: Milwaukee Auditorium

Sunday, November 29, 1964 at 10:00 A.M.
One of the least discussed of all the major recent events in the Freedom Movement is the moratorium on demonstrations and direct action for the period of the Presidential campaign agreed to by major civil rights organizations, with CORE dissenting, shortly after the nomination of Senator Goldwater in San Francisco. It is curious that there has been little post-election speculation as to whether that decision to halt Negro militancy for 100 days was in fact a wise course to have followed.

The major assumption which led to the decision to call a moratorium on all organized civil rights protests was, of course, the feeling that such protests might tend to spread or deepen the "white backlash", even to the point of altering the results of the Presidential election. Prior to the election there was no method by which any certainty regarding the advisability of the moratorium could be secured and, unfortunately, no such post-election method has been discovered.

The deliberate delay of 100 days, however, cannot simply be written off as an event that has passed into history. The moratorium on civil rights demonstrations during the 1964 Presidential election may turn out to be one of the major turning points — for better or for worse — of the entire Freedom Movement. Without minimizing or maximizing the presumed effects of the moratorium, it seems warranted to note at least the following conclusions or inferences which may be made regarding the unprecedented voluntary postponement for three months of civil rights demonstrations: —
Perhaps the most important — although possibly the most erroneous, — inference which may be drawn from the moratorium and the election is the conclusion that militant tactics by Negro and civil rights leaders in a pre-election period will cause many white persons to vote against the Negro cause whereas the absence of such tactics will result in a white vote not discernibly based on anti-Negro sentiment. This conclusion appears to be widely accepted.

Although one can argue that the "white backlash" would not have been significant in the vote in Northern cities even if civil rights demonstrations had in fact continued during the campaign the fact is that a feared white anti-Negro vote appears to have disappeared between Labor Day and Election Day, 1964. Did the black-out on Negro militancy cause the fade-out of the "white backlash"? One can fear that the answer to that question by countless persons would be "yes" and that the 1964 election may become in the popular imagination a symbol of the apparent truth, however appalling and erroneous it may be, that the presence of Negro militancy during the period of an election campaign may elicit more anti-Negro than pro-Negro voters.

It must be remembered that this conclusion was the major assumption which led Negro leaders to adopt the moratorium. One may not therefore recoil from accepting its validation in the election results — however repugnant and however open to question the validation may be. It may well be that the leaders of CORE were correct when they refused to agree to the moratorium and when they argued that its adoption was a fundamental error. But the ironic tragedy is that the moratorium on demonstrations presumably brought about within a few weeks
(2) A second conclusion which may have been silently reached by many individuals is the judgment that we should be gratified and grateful that any significant "white backlash" vote in Northern cities was eliminated from the 1964 Presidential election. This conclusion is premised on the assumption that the neutrality or apathy towards civil rights by the white majority which is assertedly visible in the election results is better for the Negro than a clearly anti-Negro vote would have been.

The fundamental premise -- or myth -- which apparently leads to these conclusions is the concept that the Negro needs friends in the white community and that the way to cultivate such friends is not to test their loyalty at the polls but to postpone Negro demands during certain pre-election periods.

Those who rejoice at the absence of a notable "white backlash" vote in the election and who attribute its absence to the moratorium on demonstrations, must also conclude that the loss of the friends for the Freedom Movement who would have been obtained if demonstrations had continued during the pre-election period is clearly offset by the advantages to the Negro people of an election where no Northern community -- unlike five Southern states -- expressed its resentment against the Negro by voting for a man who thought the Civil Rights Act of 1964 unconstitutional.

It is conceivable that the judgment of these persons may turn out to be correct. But it is clear that there are so many imponderable and unknowable factors that it is simply impossible to
make any over-all judgment at this time — and perhaps ever — on the wisdom and the advisability of the moratorium.

What is very clear, however, is the fact that, during the present interim period before the Freedom Movement resumes its militancy, there are dangers, fallacies and fears, both for whites and Negroes, which need constant and careful analysis. Let us address ourselves to some of these pitfalls.

THE NEGRO "BACKLASH"

(1) Not many white persons have worried very much over any resentment and bitterness which may have understandably come into the hearts of Negroes over the fact that their leaders felt impelled by the intensity of anti-Negro feeling among whites to suppress for 100 days the Negro's right to present his grievances. It may be that the virtue of long-suffering, so remarkably present in the Negro soul, has been instrumental in softening whatever resentment may have come about as a result of the addition of 100 days to the 100 years during which the American Negro has patiently waited for freedom and equality.

But what can we say about the effect of the moratorium on those countless Negroes who are aware of the frightening fact that the presumed extent of anti-Negro feeling in Northern cities may well have brought about irreparable harm and irreversible trends in public opinion as a result of the disappearance for three months of a program by civil rights organizations? And, ever more importantly, will many Negroes, bowing to anti-Negro feeling in the white community, succumb to the temptation to continue to substitute caution for courage or even
try to forget the unendurability of the Negro's condition in America?

(2) Is it possible that the relative peace during the moratorium on civil rights demonstrations could have had such an impact on both Negroes and whites that most of the impetus of America's Third Revolution could disappear? Could a desire to have law and order be raised to a virtue above that of a hunger for justice? Could the mood of the Northern white moderates dominate the orientation of the civil rights movement? Could discretion be substituted for dynamism and prudence for progress as a result of the cessation of militancy for three months?

It is obvious that no one has the answers to these disturbing questions. But what does emerge from the moratorium more clearly than ever before is the necessity of analyzing, explaining and justifying the program of direct, non-violent action adopted by civil rights leaders to bring justice and equality to the American Negro. Relatively few white persons have apparently ever understood the mystique, the purposes and the indispensability of a campaign of direct, non-violent action designed to eliminate the badges of slavery which still afflict the Negro in America. Let us try therefore to probe deeply into the reasons why the Negro feels that he can secure justice only by means of direct, non-violent action.

THE REASONS FOR DIRECT, NON-VIOLENT ACTION

In 1932 Reinhold Neibuhr wrote prophetically about the Negro's plight in his book "Moral Man and Immoral Society" in these words: ---
"It is hopeless for the Negro to expect complete emancipation from the menial, social and economic position into which the white man has forced him, merely by trusting in the moral sense of the white race . . . . However large the number of individual white men who do and who will identify themselves completely with the Negro cause the white race in America will not admit the Negro to equal rights if it is not forced to do so. Upon that point one may speak with a dogmatism which all history justifies." (Emphasis supplied.)

If anyone disagrees substantially with Dr. Neibuhr's conclusion that the white majority will not give justice to the Negro "if it is not forced to do so" he has a difficult and perhaps an impossible task in collecting evidence to support his view. The Negro leaders in America decided many years ago that the white majority would not yield "if it is not forced to do so". It is this fundamental premise which makes the campaign of direct, non-violent action indispensably necessary.

If one doubts the judgment that progress for the Negro has come about only by forcing the white majority to yield he should recall the following recent events in Negro history: —

(1) It was a threatened march on Washington by Negro organizations in the early 1940's which caused Congress to create the first
Fair Employment Practices Commission (FEPC), — an agency quickly abolished immediately after World War II by pressure from Southern Congressmen.

(2) It was a planned march on Washington in the late 1940's which was instrumental in bringing about President Truman's directive to desegregate the military — a victory of monumental proportions for the Negro in America.

(3) It was the famous demonstration in Washington in August 1963 which electrified the nation and assisted enormously in the enactment of the Civil Rights Bill of 1964.

If one agrees that history demonstrates that the white majority in America must be forced to give justice to the Negro, the real issue then centers on the best way to bring about the required force. The Freedom Movement has adopted a program of direct, non-violent action — a concept which needs constant explanation and analysis. This program does not in any way minimize the necessity for continued recourse to the courts and to the legislatures. But direct, non-violent action assumes that the ordinary political processes and the normal legal institutions of America cannot completely solve the problems of the Negro. Prejudice is so deep, white supremacy is so taken for granted and the Negro is so downtrodden and poor that the ordinary legal processes cannot be expected to bring about the elevation of the Negro's status to
substantial equality with the majority of white citizens. Only direct 
action, — dramatic and continuous — can sear the conscience of the 
white majority and thereby bring about an improvement in the Negro's 
position.

Direct action involves a confrontation in a positive 
manner requesting or demanding equality and justice. It is not opposed 
or inconsistent with carrying on the struggle for Negro freedom in the 
courts but it insists that the struggle must also be carried on in the 
streets, in the parks, in the mass media. Direct action is designed 
to portray injustice vividly and thereby to arouse the indignation of 
those in the white majority who care.

Direct action has many faces; it can be a protest against 
slum-lords by a rent strike, an orderly march on city hall to demand 
better schools for Negroes or demonstrations at construction sites to 
remind the world that the unions involved in the construction have 
systematically excluded Negroes from their membership.

Direct action is the result of a conviction by the Negro 
that he simply cannot rely on the moral sense of the white majority. 
Direct action is therefore a way to force the white man to give justice. 
Direct action is a cry of anguish, frustration and anger from the "other 
America."

Direct action as employed by the Freedom Movement has 
always had the added element of non-violence. When the Negroes in the 
late 1950's started to assert their rights in the South by sit-ins and 
similar demonstrations they anticipated and expected violence in return 
from the white power structure. Hence the Negroes resolved to resist 
vigilence with non-violence, — in the noblest tradition and spirit of
Thoreau, Gandhi and all of those minorities in history who have practised civil disobedience to unjust laws.

Non-violence and civil disobedience have not meant the same thing in Northern cities as they have in the South. In the North the law grants equality to all but prejudiced people deny equality in housing, employment and education to non-white groups. As a result the term passive resistance is probably a more descriptive and more accurate name for the program of direct action carried on by civil rights groups in the North. But the spirit and purposes of direct action in the North are the same as in the South; in both places direct action is a means to dramatize injustice, to protest inequality and to force the white majority to yield.

There are many white moderates and even liberals who have never understood or sympathized with the direct action programs of Negro organizations. These individuals are quick to criticize one of the few extremist examples of demonstrations — probably unauthorized by any civil rights organization — and point out the adverse effects which this protest allegedly had on white citizens. But the point that the white moderate who is quick to criticize demonstrations misses is the central and crucial truth that law and morality have not solved the Negro problem and that as a result the Negro has quite understandably come to the conclusion that direct action is the only way by which he can secure equality and justice. If the white moderate wishes to repudiate direct action as ineffective and inopportune he must first either prove that law and morality will in fact bring equality to the Negro or, in the alternative, the white moderate must offer the Negro a substitute for direct action.
It seems clear that there is a widespread and profound misunderstanding of the purposes and the necessity for direct, non-violent action. The most fundamental cause of this misunderstanding is the common fallacy endorsed by countless Americans that the Negro will find his rightful place in American society just as every other ethnic or immigrant group has done. Although the naivete and the basic falsity of this supposition should be clear to everyone this totally unrealistic view of the Negro predicament in America continues to find adherents. The fact is, of course, that the Negro cannot be analogized to the immigrant or to any other ethnic group in America. The Negro's problems and predicament are unique and have never been experienced or confronted by any other white minority in America.

The Negro has disabilities beyond the obvious one of color. The fundamental disability or infirmity which the Negro must contend with is his status as the only culturally deprived minority in the whole history of America. Every other ethnic group in America can trace its origins to a particular nation, race and religion; the Negro has no ties and indeed no knowledge of the nation or religion of his ancestors. He has been deprived of his culture and exists in America almost as a person separated from the mainstream of American culture. Both Negroes and whites can sense the "nobodiness" of the American Negro. Because of this characteristic the Negro has a feeling of inferiority and a tendency to self-segregation. The same characteristic causes the white majority to have an unconscious feeling of superiority and an inclination to think that the Negro should exist apart from or outside the mainstream of white culture.
It is because of this apartness of the Negro from the White in America that a program of direct action is necessary to bring about equality for the nation's twenty million non-white citizens. Without direct action the white majority will try to forget the plight of the Negro. The campaign of direct action conducted by civil rights groups for several months prior to the moratorium in the summer of 1964 had educated and aroused the white majority more than at any other time in all of recent history. In some places to be sure apathy turned into antagonism but in many other places apathy became acquiescence, acceptance and even approval of the Negro's demands. The dramatic progress of the Negro in education and employment during the period from 1961 to the summer of 1964 is attributable in part to the fact that a sufficiently large number of citizens in the white community became aware of and angry about the injustices inflicted on Negroes in America.

Will that awareness and righteous anger fade away if a program of direct action is not resumed? History suggests and indeed almost proves that the answer to that question is "yes". The white man in America will forget about the plight of the Negro, — unless he is forced to remember!

Direct action therefore cannot cease. Its necessity should shame the white man but its indispensability should never be forgotten by Negro groups.

The immediate future will be a critically important period in the Freedom Movement. Negro organizations are understandably reluctant to re-initiate an extensive program of direct action while most whites do not have the insight or the courage to urge Negroes to resume their militancy. The vacuum which currently exists is a dangerous lull — a period in fact when the Northern counterpart of the Southern White
Citizens' Council could be formed.

It is well to recall that the White Citizens' Councils in the South were formed after a period of several months following the Supreme Court's famous desegregation mandate in May 1954 -- a period when a vacuum existed in Southern leadership on civil rights. The White Councils moved into this vacuum, poisoned the atmosphere and formed a climate of opinion which has so successfully resisted the Supreme Court's mandate that in 1964 98.8 percent of the Deep South's Negro children were still in segregated schools.

Could anti-Negro movements move into the vacuum now present in Northern cities due to the moratorium and to a cessation or diminution of Negro militancy? Frightening events seem to suggest that such an eventuality is possible. The passage of Proposition 14 in California by a 2 to 1 margin, the massive resistance to the pairing of schools in New York City, the fading enthusiasm of labor and industry for plans to train Negro workers -- all of these are symptoms of the inveterate habit of the white majority to try to resolve the Negro problem by attempting to deny its existence.

All persons therefore who are deeply interested in the future of the Freedom Movement must actively and articulately urge the resumption of a program of direct action by civil rights groups. The program may be modified in important ways because of the passage of the Civil Rights Act of 1964. But it must nonetheless be militant, continuous and systematic. Events involving direct action must moreover be connected, at least in a general way, with some stated objectives; direct action programs must not give the impression that they are simply the outburst of hitherto suppressed anger and frustration.
It seems clear that the resumption of Negro militancy may depend more on the encouragement of white leaders than upon the initiative of Negro groups. Negroes will understandably hesitate to recommence a program of direct action if they feel that only a few white leaders of public opinion will endorse and support it.

White leaders therefore are, more than they realize, the intellectual advisers and professional counsellors of the Negro Freedom Movement. The white majority or the leaders of public opinion within it are now, whether they realize it or not, the architects of the moral and social structure of Northern cities for the foreseeable future. The attitude toward Negro aspirations among Northern whites is at present characterized by ambiguity and ambivalence. The moratorium on demonstrations during the Presidential campaign has brought even more confusion and misunderstanding into the minds of innumerable white citizens in the North.

It is a truism to note that Catholics will continue to be among the most influential leaders of public opinion in Northern cities with regard to the race problem. Catholics in public life and in positions of influence in public and private education will have a crucial and decisive role to play in the struggle of the Negro for equality in housing, education and employment. That struggle cannot end in victory without the active collaboration and the closest cooperation of the white majority and particularly of white public officials.

The world which our children's children will inherit may well be determined by the moral climate which is created in the generation from 1964 to 1984. That climate will depend to almost a frightening degree on the attitudes and feelings of Catholics in Northern
communities. It is time therefore for Catholics and all white citizens to re-assert the legacy of human equality which, more than any one doctrine, expresses the essence of the Freedom Movement. And it is also time for everyone who desires the Negro to have full equality in American life to confess publicly that this ideal cannot be attained unless the Negroes, aided by their white associates, resume and continue a program of direct, non-violent action.

Without such a program the white majority will soon forget the plight of the Negro and will settle down complacently into a society where de facto white supremacy prevails. But with a well-organized program of direct action the Negro in America may, — hopefully within the foreseeable future, — move into a world where race is irrelevant and human dignity is a universally respected ideal.