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THE CATHOLIC JURIST

AND

INTEGRATED SCHOOLS

Sermon given at the Red Mass, sponsored by the Queen's Guild of Catholic Lawyers

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

AT: Immaculate Conception Church, Jamaica, New York

DATE: Thursday, September 30, 1965, 4:30 P.M.
Of all the tragic problems that have emerged in the inner core areas of Northern cities none surpasses the tragic plight of the all-Negro or predominantly Negro school. This problem, which more and more seems to be the central issue in interracial justice, poses dilemmas which Catholic jurists cannot ethically evade or professionally avoid.

The quality of education which Northern urban Negroes receive for the next two decades will be determined to an almost alarming degree by the attitudes which Catholics adopt regarding the unique needs of Negro pupils. And that attitude can be and will be formed and fashioned by the deep concern or the apathetic silence of those Catholics who are members of the bench and bar.

There is, therefore, a time of testing at hand for Catholic jurists whose most fundamental moral conviction is, of course, the equality of all men and the right of every person to equality of opportunity. The indisputable fact is that the predominantly Negro school does not and cannot provide equality of educational opportunity. This truth is so overwhelmingly endorsed by educators, psychologists and other experts that lawyers must simply accept the fact that the slum school in an urban ghetto does not in fact provide equality for Negro pupils.

If anyone and especially a Catholic jurist refuses to accept the fact of the basic inequality of racially imbalanced schools he is either very ill-informed or prejudiced to the point where his bias, unconsciously or otherwise, clouds and changes his judgment.

I speak therefore of the injustice which is being committed when the natural moral law, -- the very essence of which is the
equality of all men, -- is being violated day after day by the widespread denial of equality of educational opportunity to almost all Negro children in Northern cities. I urge Catholic jurists to accept this fact and to turn their intellectual and spiritual talents and energies to the grave injustices that occur in predominantly Negro public schools. These injustices and denials of equality merit the attention and action of Catholic jurists just as urgently as do those other issues of public policy involving the natural moral law with which we are more familiar -- divorce, pornography, abortion and the separation of God from public life.

Let us then survey briefly the present posture of Catholic attitudes and practice regarding predominantly Negro public schools. Then let us review three ways in which Catholic jurists can work to manifest their concern and to implement their desire and determination to bring to an end the violation of the natural moral law which daily occurs in the lives of millions of Negro children whose education is as inferior as the ghettos and slums to which they are confined.

THE POSTURE OF CATHOLICS TOWARDS PREDOMINANTLY NEGRO PUBLIC SCHOOLS

Any objective observer would have to report that by every indication the vast majority of Catholics in Northern cities have removed themselves by geography, by status and by their devotion to Catholic schools from any concern with the schools attended largely by Negroes. Most Catholics have left their former homes in the inner cities, have risen above the lower socio-economic classes and have generally registered their children in Catholic schools.
one can fault Catholics for doing any of these things. But the achievement of these objectives has isolated Catholics from any personal concern and, in many cases, from any responsibility as voters and citizens, from the fate and future of those downtown public schools, once populated by a heavily Catholic student body and now, two generations later, assigned to students from a virtually all-Negro neighborhood.

Negro and civil rights leaders have become accustomed to the absence and apathy of most Catholics when there is a question about improving the quality of all-Negro schools. Except for official pronouncements by the highest ranking Catholic authorities it is not unfair to say that most Catholics have been largely unconcerned about the crucial struggle being waged to obtain better schools for Northern Negroes. Indeed it is probably tragically true that Catholics have generally become involved in this struggle only when there arises the possibility that Negro children may be transferred to the all-white schools in the suburbs where Catholics reside. This possibility has prompted Catholics to join and even to form organizations which purport to express parental desires for the neighborhood school but which in effect if not by intention are established to confine the Negro to his present ghetto by preventing the entrance of his children into white suburbia.

The negative and apathetic posture of Catholics towards the drive for integrated schools is totally at variance with the viewpoint vigorously endorsed by the Brooklyn Tablet in an editorial on February 6, 1964.

Reiterating its editorial position of Jan. 2, 1964 the Tablet wrote as follows:
"Certainly every feasible and reasonable step should be taken at this time to correct the current racial imbalance in our city's schools. Formal education, it must be remembered, is nothing less than preparation for life. Children who will one day have to live, work and compete in a society that is racially mixed must learn early to mingle with and to understand those whose race and background happen to be different from their own. The classroom is an ideal place for this essential preparation."

The position of Catholics in Northern cities with regard to integrated education may be sociologically understandable but it is theologically scandalous because it betrays an immoral indifference towards one of the greatest injustices of this generation.

THE ROLE OF THE CATHOLIC JURIST

Although efforts must be made by every group within society to mitigate and, if possible, to eliminate the apathy and indeed the antipathy of Catholics with respect to the advent of integrated schools Catholic lawyers and judges more than any other group have the responsibility of enlightening and inspiring the poorly informed conscience of many Northern urban Catholics regarding the inherent inequality of de facto segregated schools. Catholic jurists can do this in three principal ways, -- by persuasion, by practice and by prayer. Let us consider briefly each of these methods.

(1) PERSUASION

The evidence that the de facto segregated school offers substantially unequal educational opportunities is so overwhelming as
to be near definitive. The poverty and near hopelessness of the Negro ghetto cannot be kept out of the slum school. The anguish and the despair of the parents among America's ten million non-white citizens in Northern cities permeates the minds and hearts of their children; the all-Negro school reinforces those feelings and almost inevitably conveys to the student in such institutions that stigma of inferiority which the United States Supreme Court stated in 1954 would come to Negro children enrolled in segregated or "separate but equal" schools.

The question today therefore is not whether the racially imbalanced school should be eliminated but only when and by what methods. The lag between the consensus which exists among educators and intergroup experts on this matter and most Catholics -- as well as other individuals -- is wide and tragic.

Lawyers in American society have been, -- more than they realize, -- the nation's symbol-makers and ideal-fashioners. Catholic jurists have a role and a responsibility to be not merely lawyers in this great tradition but also to be articulate spokesmen for Christian social principles. In the contemporary struggle of the Northern Negro for equality in education the Catholic jurist has a unique and indispensable part to play. It is the lawyers who must persuade the community that the perpetuation of inequality in the education of Negroes is an injustice which can no longer be tolerated and against which Catholics at every level within the Church must protest.

In this role of persuasion Catholic attorneys must meet head-on the laudable but often exaggerated fear of white parents that the advent of integrated schools may have some adverse effect on the education of their own children. Catholic attorneys must work to highlight and to promulgate the basic principle that every
child, -- white or Negro, -- should be tested and, if need be, tutored before he is assigned to a certain academic group. To do otherwise would be to humiliate the child who is transferred and to deter the progress of the class to which he is assigned.

Catholic jurists will be able to fulfill their role of persuasion only if they are thoroughly familiar with that "hidden curriculum" of the all-Negro school which deepens the scars of the ghetto in the minds and hearts of children. Catholic members of the bench and bar must also analyze and understand the myths, anxieties and fears which, operating together, cause a certain element of the Catholic population to join that terrifyingly present and persistent group called the "white backlash".

If Catholic men of the law are to be successful in their persuasion they must also do something about the practice of interracial justice in the schools that are familiar to them.

(2) THE PRACTICE OF INTEGRATED SCHOOLS

If the resources of suburban schools are to be made available to pupils locked in the downtown ghetto with its deteriorated schools a new legal formula for metropolitanizing the schools of a total community must be devised. Lawyers will sooner or later be required to write and codify the formulas by which school districts, like electoral districts, are re-apportioned and made capable of bringing substantial equality of educational opportunity to all students.

Catholic jurists who are offended at the violation of the moral law of equality which now occurs daily in most predominantly Negro schools will not want to wait for an official public directive which will legally require racially balanced schools. Such a directive seems more and more inevitable. But those who care will want
to have integrated schools in practice as soon as feasible.

Catholic members of the legal profession therefore can and should take the initiative in promoting practical ways by which the all-white school affirmatively seeks to become an integrated school, and thereby a much more perfect mirror of American society and a better training ground for the nation's future citizens.

Similarly Catholic lawyers -- along with Catholic educators and Catholic parents -- should recognize the fact that an all-white Catholic school is a less desirable nursery of minds and hearts than a Catholic school which is integrated. If, furthermore, there is sound evidence that a meaningful exchange over a significant period of time between white and Negro children is one of the best ways to prevent interracial prejudice should not all of us strive to make available the opportunity for such an exchange to the students in Catholic schools?

Catholic jurists will not, however, be able either to be persuasive or practical about the desirability or feasibility of schools integrating all-white/unless they have a deep love of God and man. And that love comes only with prayer.

(3) PRAYER AND INTERRACIAL JUSTICE

All of the truths which impel us as Christians to act -- and especially those truths which inspire us to act courageously and even heroically -- have become a part of us only, in the ultimate analysis, because we have prayed. Our love of God and our love of man develop together. They grow only if we pray; they decay if we refuse to pray.

If any Catholic attorney hopes to achieve even a small portion of justice for even a few Negro children he must have that
interior conviction and courage which normally are given by the Holy Spirit only to those who pray. The apathy, the antagonism and indeed the hostility which a shocking number of Catholic parents have towards the urban Negro seeking a better education will neutralize and immobilize the zeal and determination of every Catholic jurist who does not pray, -- and pray a great deal.

I am not unaware that I am here urging upon Catholic members of the legal profession a task which involves almost intractable problems, and which has aroused sentiments of near-hatred upon the part of those Catholics whom otherwise we would classify as the intellectual and spiritual aristocracy of the Church. This frightening aspect of public opinion among not a few Catholics is not, however, a reason why the Catholic attorney should despair of the role of persuasion and reconciliation. The fears and anxieties that exist among Catholics regarding the prospect of racially balanced schools furnish only another reason why those who seek to influence persons with these fears must themselves be infused and inspired with that profound charismatic love of God and man which comes only to those for whom prayer is not an act but a way of life.

In the decade ahead the question of the all-Negro or predominantly Negro school will be even more of a burning issue than it is now. Both for whites and for Negroes the racially balanced school will be both the symbol and the substance of their conflicting views of the place of the Negro in American society. For the white person the advent of a Negro youth into his child's school is an event which clashes with the white majority's image of America as a nation of white-European ancestry. For the Negro the refusal or the reluctance of the white community to accept his child into an all-white school is a sign and an omen that the white majority will
resist every effort of Negroes to participate in American life on the basis of legal and social equality.

Let us hope and pray therefore that in the decade ahead the Church and the Northern cities of this nation may have as their guides and guardians countless stalwart Catholic men of the law whose persuasion, whose devotion to integrated schools and whose abiding prayer will bring about freedom, justice and equality for those ten million grand-children of slaves who endure today in Northern cities indignities and injustices which, let us never forget, are becoming everywhere more and more unendurable.