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A.C. speech

Desegregation

Excerpts of speech of
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National Association for the
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Much of the confusion concerning the interpretation of the Supreme Court decision has been deliberate and for the purpose of delaying public acceptance of the program of desegregation. Now that everyone has had an opportunity to study the decisions of the Supreme Court, it might be wise to clear the air. Immediately after the May 31st decision, state officials, newspapers and indeed many private individuals speculated as to which side won in the Supreme Court. This was followed by a sort of choosing sides game. The truth of the matter is that in all such litigation, the only party in interest is our democratic form of government. In these cases no one can deny that our democratic principles have been advanced and that a further step has been made toward bringing our practice of democracy more in line with our stated principle.

At the very outset it must be clearly understood that the May 17th decision of last year and the May 31st decision of this year must be read together, must be understood together, and must be used together. The reason I say this is important is because I gather from reading and listening to statements of pro-segregationists that they seem to be misled to the extent of believing that segregation in public education was not declared to be unconstitutional and is a question of how long it will be before they recognize that it is unlawful. Too many people seem to forget or have ignored the first paragraph of the May 31st decision of this year that:

> *"These cases were decided on May 17, 1954. The opinions of that date declaring the fundamental principle that racial discrimination in public education is unconstitutional, are incorporated herein by reference. All provisions of federal, state, or local law requiring or permitting such discrimination must yield to this principle. There remains for consideration the manner in which relief is to be accorded."*

This paragraph notifies all public school officials and all concerned with public education that the continued maintenance of segregated public education is unlawful and in violation of the United States Constitution. Anyone requiring such public segregated education is deliberately and with full knowledge operating contrary to the United States Constitution. In doing so they are deliberately laying themselves open to the full impact of the civil and criminal federal statutes prohibiting state officials from denying Americans their rights guaranteed by the United States Constitution.

Every parent of school children attending racially segregated schools is notified that they and their children are being educated in a manner which is contrary to the law of the land.

To all Americans who, while previously recognizing that racial segregation was wrong, unjust, immoral, and detrimental to the well-being of the children of the country at large, are now free to take all necessary political and legal action to eradicate this vicious practice. For, the Supreme Court has now made it crystal clear that all laws and practices requiring racial segregation in public education not only are unconstitutional but must ''yield'' to the law of the land. Such state laws and constitutional provisions are since May 31st not worth the paper they are written on. There is no longer any legal barrier to discussion and action toward integration.

Under these circumstances any unbiased student of government, unfamiliar with realities, would assume that the legislatures of the several southern states would be convened and would promptly remove from their statute books these unconstitutional segregation laws. Anyone familiar with the realities of the situation would immediately discard this proposition as even a possibility in the majority of the southern states. We are, therefore, convinced that the battle ahead will not be lessened by any such hope. There is no doubt that we will have to continue to ''educate'' these public officials over and over again in the federal courts throughout the South. Even this has its good points because as we educate these recalcitrant public officials who know better, many other people in these communities will also be educated. They will learn not only the principles involved in our United States Constitution and especially the Fourteenth Amendment but will also get the first hand demonstrations of the detrimental effect to their communities by the constant waste of taxpayers money being used in the fruitless efforts to evade and circumvent the Constitution of the United States. It will be just a matter of time before these individual citizens and taxpayers of these states take the necessary political action to replace such officials with other officials who will not violate their oaths of office to support the Constitution of the United States as well as the constitutions of their own states.

Getting back to the May 31st decision of the Supreme Court having once reemphasized the principle of law recognized in the May 17th decision and removing from the problem of the state statutes requiring segregation, the unanimous Supreme Court remanded the cases to the three-judge federal courts. The Court then set down the guideposts for implementation of the principle of law already established. The Supreme Court made it clear that the three-judge district courts must recognize the right of the Negroes to admission to public schools on a non-discriminatory basis and the further stipulation that they must be admitted to such schools on a non-discriminatory basis ''<u>as soon as practicable</u>.''

While recognizing that a large measure of responsibility for this rests upon local school authorities, the Supreme Court insisted that these school authorities, must proceed with ''<u>good faith</u>'' in the ''implementation of the governing constitutional principles.''

While authorizing the local courts to give consideration to such time as might be necessary from a purely administrative standpoint to bring about the

transition from segregated to non-segregated public education the Court again placed limitation on this by stating "but it goes without saying that the vitality of these constitutional principles (right to non-segregated public education) cannot be allowed to yield simply because of disagreement with them." This limitation should be borne in mind whenever we read statements of southern governors and other officials to the fact that they don't like the decision of the Supreme Court and that they don't think it is a good one or similar such statements. The truth of the matter is that liking or disliking this constitutional principle has been deliberately, explicitly and finally removed from consideration insofar as future legal action is concerned.

In all of this it should be borne in mind that in normal judicial proceedings the primary responsibility for fact-finding has always been with the lower courts. Secondly, it should be borne in mind that all of the federal courts from the smallest United States district court to the United States Supreme Court are all a part of the same federal judiciary and, thirdly, it should be borne in mind that any action taken by any federal court is subject to review by the United States Supreme Court.

One of the most important of the guideposts established by the Supreme Court is that the local school boards and local officials now have the burden of showing the reasons for time to desegregate.

So, when we hear state governmental officials, many of whom are lawyers, say that it will take fifty, one hundred,or more years to desegregate schools in their states, measure these statements against the considerations we have set out above. I do not know how many years it will take to desegregate public schools in the southern states. I don't believe anybody knows how long it will take. Two things are certain. One is that it won't take as long as any diehard southern governmental official wishfully hopes and; secondly, regardless of how long it takes, the period of time will be a much shorter time than it would have been without these Supreme Court decisions.

In addition to the so-called lawful means of attempting to delay the enforcement of the Supreme court's ruling, we are witnessing the actions of unlawful groups. These groups, despite the difference in names, are no more and no less than revised versions of the old Ku Klux Klan. They are sprouting up in state after state under various names and are set up for the sole purpose of intimidating Americans, of all races, who insist upon enforcement of our Constitution. Many of them have the support of all southern state government officials who have once again condoned them as being over and above the law of the land. This presents a clear cut issue. There is not room enough in this country for our government and groups aimed at opposing our government through unlawful means. Both cannot survive. History has demonstrated that in the past our government has continued to survive. Certainly our government, stronger than it has ever been before, will survive these new groups of selfish, prejudiced bigoted criminals.

The important thing, however, is to make it clear that the main purpose of these groups will likewise never be attained. Specifically, I mean that American Negroes and others who believe that our government never has been and never will be impotent to enforce its law, will not be intimidated by Klansmen with or without

their bedsheets. To the Negro American in the South, from Mississippi up to and including the State of Delaware, we say that they are not fighting for themselves alone: they are fighting for all Americans and for the good name of our Government and for this we fully realize and pledge to them our wholehearted, unselfish cooperation to the fullest degree.

In the face of the threats to exhaust every legal technicality and the accompanying threats to use other unlawful means to delay implementation of our Supreme Court's decision, we take the position that we find absolutely nothing to retard us in adhering to our general program, as adopted by the N.A.A.C.P. state conferences in the seventeen southern states: to push ahead without delay in insisting upon desegregation in all of the southern states. To this end, our local branches in all seventeen southern states will work throughout the Summer and in the early fall to see to it that as many school boards as possible are petitioned to desegregate their schools beginning this September. We will continue to work with every school board that is willing to comply with the law of the land and we will continue to work with such school boards as long as they show a willingness to proceed in ''good faith'' to use the language of the Supreme Court.

In all school districts, we will insist that the first and minimum evidence of ''good faith'' shall be the recognition by the school board that students cannot be assigned on the basis of race and that racial segregation is abolished in that school system. Next, we will insist that a plan for desegregation be worked out as soon as possible but not later than September of 1955. Third, we will insist that some concrete steps toward desegregation be put into effect the next school term, beginning this Fall. Fourth, we will insist that the plan include step-by-step desegregation during the next school year. Finally, we will insist that desegregation be completed by not later than the school term beginning September, 1956.

This program of negotiating with local school boards is the primary responsibility of our local branches working under the supervision of our State Conferences of Branches. The National Office stands ready and willing, and is anxious, to cooperate at every step along the way. If the school board shows that they cannot desegregate within a reasonable time because the people are so accustomed to segregation and would not like desegregation, we will say that the Supreme Court on May 31st told the world that one of the grounds which would not be considered a legal ground is the one that the people do not agree with the law. To the school boards that say they just need a long period of time to study the problem, we will say to them that there is no need for a long protracted period of study. There obviously has been much study going on during the long period of time these cases have been in court and we are passing from the study stage into the action stage.

To the school boards that say that they do not have the administrative personnel to work out peaceful transition, we tell them that we will furnish to them, free of charge, competent personnel for that purpose.

To the school boards that say that the Negroes themselves are not ready for desegregation, we say that the Negroes have been ready for desegregation ever since they were ready to serve in the armed forces defending their country.

To the school boards which say that the Negroes themselves do not want desegregation, our answer to them should be simple, precise and to the point, namely, -- "poppycock."

It should be emphasized that the program we propose is one that was arrived at by our Convention of last year, our Board of Directors at several meetings, and came as a result of the recommendation of our seventeen southern state conferences. It should also be recognized that this program came after the careful study and research of our lawyers, our social scientists and our community specialists.

Finally, it should be emphasized that we do not intend to back down one step from this program. We believe in operating solely within the law. We insist and expect that other Americans observe the law.

There has been another interesting but not unexpected development since the decisions of the Supreme Court in these cases. Apart from avowed enemies of Democracy and integration there are many Americans who actually are or appear to be in favor of eventual integration after a period of time. We are beginning to get advice publicly and privately from these alleged friends urging us to not be impatient, not to rock the boat, not to push ahead too rapidly. I believe it is time that we examined this advice and gave to these advisers the facts of life. In regard to the elimination of racial discrimination in this country, Negroes <u>are</u> impatient. They <u>are</u> insistent. They <u>are</u> determined to get their rights as rapidly as possible. In this they are no different from any other Americans as far back as the framers of our Declaration of Independence.

On the other hand, we are not unnecessarily impatient, insistent and determined. It is understandable that Americans who fortunately or unfortunately have not had the experience of being a Negro in our democratic form of government might find it difficult to understand why Negroes are impatient. In the first place, they should recognize that no other minority group in this country has ever been asked over and over again to forget that he is a citizen; to forget that he has rights as a citizen and/or to delay in enforcing his constitutionally protected rights.

When we as Negroes are accused of being unreasonable in insisting that local school boards comply with the decision of the Supreme Court as rapidly as is physically possible, we are no more unreasonable than any other group of Americans whose rights have been denied them in any degree for any length of time. For example, we are no more unreasonable than the local newspaper insisting that no governmental agency at any time, under any circumstances do anything to curtail its freedom of speech. We are no more unreasonable than any other Americans who insist that no governmental agency, state or federal, take their property except by due process of law. Perhaps the best way for non-Negroes to look at the problem would be for them to honestly ask themselves two questions. First, to ask themselves whether or not they know what has been done to continue the denial of rights to American Negroes and then to ask themselves the second question which is if they were in the same position how reasonable would they be in regard to the denial of their rights. Any American who truthfully answers these two questions would have to agree that Negro Americans have been too reasonable for too long a

time under too trying circumstances. Or to put it another way, instead of constantly seeking to interpose their conception of reasonableness upon Negro Americans, it would be better if other Americans would first try to put themselves into the same situation as Negro Americans have been before giving them advice.

We have never underestimated the prosegregation group in this country, yet, there are times when even we are ashamed to find out that we are correct in predicting how low they will get in the infight. Every time America is shocked by low blows from the prosegregationists and believe that they have witnessed rock bottom they find out later that they were wrong as to the rock bottom point. Specifically, as at the present time, these prosegregationists have reached a new low in their threats in some places and actions in other places against Negro teachers. In many states, such as North Carolina and Oklahoma, Negro teachers as a group are more qualified and have more experience than the white teachers as a group. Yet in areas of states such as Missouri, Negro teachers are being denied reemployment and employment even today. In other states, such as Virginia and North Carolina, the threat against Negroes who teach is not believed to be an empty one. Here is what it adds up to. The Negro teachers, as a group, are not responsible for the school desegregation fight. They have been doing their job in an efficient manner asking favors of no one and there is no more law-abiding group in the country than the public school teachers. Yet, solely because of the vindictiveness and vicious prejudiced attitude of these people, and the fact that they have lost a legal battle fought in the true American tradition, they sink below their normal depth and seek to take their spite out on the Negro teachers. When the argument is made that Negroes have not reached the level of morality which entitles them to associate with other Americans in the South, I believe we can justly say that no Negro in the South has yet reached as low a level of morality as any group of Americans who will tolerate their representative leaders in taking such senseless and vindicative action under the circumstances.

Most of this adds up to the admonition from those who are bitterly opposed to the ending of racial segregation and many who are not opposed to the ending of segregation, to those of us in the N.A.A.C.P. that the job ahead is a tough hard fight, that there will be temporary setbacks, that there will be what appeared to be, unrelenting and even vicious delaying tactics. The answer to all of this is that when the N.A.A.C.P. was started and up to and including the recent Supreme Court decisions we knew and we expected a tough hard battle and we did not expect to have our rights handed to us on a silver platter. We say that we are no more discouraged than we were in the beginning and have been throughout the existence of our Association. To this we add the tools provided by Supreme Court decisions from 1935 to date and we are equipped as we have never been equipped before to make the final stages of the fight successful. We knew the job was going to be tough. We find that we did not underestimate our problem. We knew we could cope with the problem as hard as it is or might become. We as representatives of Negro Americans will continue with unrelenting determination to save the souls of the white western world. We will not stop, we will not pause until this is accomplished.

May 17, dinner

Address by THURGOOD MARSHALL --
Director-Counsel NAACP Legal Defense
and EducationalFund, Inc.
Dinner -- Hotel Plaza, New York
Tuesday, May 17, 1955

Once again we realize that there are no miracles in this business of fighting against racial and religious prejudice. Events during the past twelve months are encouraging, yet from a realistic standpoint we are just about where we expected to be. Many local communities as far south as Charleston and Fayetteville, Arkansas have desegregated their public schools. Tens if not hundreds of thousands of American children of both races are enjoying democracy for the first time. Millions more are still being denied this opportunity and continue to be victims of the virus of racial hatred. If these children are to be rescued it will not be as the result of a miracle or wishful thinking. It will come about only as the result of careful, intelligent planning, the use of all scientific and legal know-all. Above all we must have the coordination and use of all available resources in every community.

One by one the arguments for segregation are being destroyed by facts and scientific research. One answer to the desegregation question as far South as the two towns in Arkansas has been that only a few Negroes were involved -- what about the District of Columbia which also desegregated the largest Negro school population in the United States.