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Law

by
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CATHOLICS, RACE, AND LAW

By the

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Catholics, Race, and Law

OUR nation, the United States of America, is a democracy founded upon the principle that all men are free and equal.¹ But, within our social structure, some fourteen million persons—one-tenth of our American people—are living under the shadow of an injustice totally alien not only to the fundamental law of the land but to the fundamental law of God.

This injustice is the corroding attitude of belief in racial inequality which is expressed either by widespread indifference or particularized ill-will toward the American Negro. This attitude must be corrected not only for the sake of those who suffer from it but also for the sake of those who hold it: for no nation can long survive as a democracy unless it practices the essential principle of democracy, which is justice to one's fellow-man.

Because this manifestation of a wrong theory of racial inequality violates the basic principle of American institutions it is the duty of every conscientious American to do his utmost to overcome its threatening menace. Because it violates the law of God it is the deeper duty of every God-loving citizen—and particularly of every Catholic citizen—to combat its miasmatic pressure. For the Catholic's better understand-

¹ The papers contained in this pamphlet were originally delivered as public addresses, one at Detroit at a mass meeting sponsored by the Catholic Interracial Council of Detroit on September 8, 1946, and the other at Lansing at a dinner meeting of the Michigan Council for Fair Employment Legislation on January 30, 1947. Apart from the deletion of platform expressions, and other minor revisions the papers are printed here substantially as given.

ing of this problem and for his aid in an attempt to solve it these following pages have been set down.

This pamphlet, dealing with the subject *Catholics, Race, and Law*, proposes to set forth the proper Catholic attitude on race equality.

Part I will take up the question: What is the Catholic position regarding Negroes, and what does that position require Catholics to do?

Part II will consider the question: What is discrimination in general and, more particularly, how is it exercised against the Negro in the vital matter of employment?

Part III will attempt to answer the question: What should government do to stamp out discrimination in employment?

I

The Catholic Position Regarding Negroes

THE Catholic position with respect to Negroes can be stated in very simple language. It holds that the Negro is equal before Almighty God to every other person among the two and one-third billion human beings in the world, regardless of the color of their skin—white, yellow, black, red, brown, or mixed.

The word “position” as used here needs no extended explanation. It means merely the “premises” on which we Catholics stand when we hold as we do that all human beings are equal in the sight of their Creator, each having come from His Hand, and each being destined to return to Him. Assuredly, we did not think out these premises ourselves. We did not discover them in test tubes or with any of the other paraphernalia of the laboratory. They were divinely revealed to us and, as Catholics, we accept them without question as coming from the single source of Truth, God Himself.

“Premises” are in everyday language “reasons.” They are the grounds on which a person stands when he asserts his beliefs. Thus the white men and women who voted in the National Opinion Research Center Poll, published August 18, 1946, gave reasons as well as votes. To the question, “Should Negroes have as good a chance as whites to get any kind of a job?”, 47 per cent of those interviewed answered that Negroes should have an equal chance, 49 per cent answered that whites should have first chance, and 4 per cent were undecided.

It is not the reasons given by the voters in that poll that are particularly worthy of comment but rather the fact that they had reasons for voting as they did. The reason most frequently offered was: “The Constitution says Negroes should

have equal rights." A housewife in Atlanta, Georgia, appealed to the Declaration of Independence: "Each individual is endowed with unalienable rights, and all men are created equal." Another person, an old-age pensioner in Waltham, Massachusetts, declared: "In a democracy people of every race and creed should have an equal chance at jobs." A librarian in Virginia asked: "Why all this talk about world democracy if we don't clear up our own back yard first?" A Chicago factory worker asserted: "I have seen Negroes being drafted in the war to fight the same as us—so they should have the same chance now."

These are reasons—the Constitution, the Declaration of Independence, ideals of democracy, and need of winning the war.

We Catholics have reasons for the position that we take on racial equality, and while as Americans we hail the glorious principles of our Constitution and the Declaration of Independence, and yield to none with respect to the necessity of maintaining democracy in war and in peace, yet as Catholics our reasons for interracial equality are deeper than any or all of those just referred to. What are the Catholic reasons? Even though they are anchored in a divine mystery, the smallest child can understand them.

Christ's Prayer for the Unity of Mankind

It was into the human race that Jesus Christ was born man. It was for the human race in its entirety—Caucasoid, Mongoloid, and Negroid—that He died, rose from the dead, and established His Church. And we may not forget that He prayed that the human race be one in Him, in order, as He Himself declared, that the world might have visible proof of His divinity. Oneness through Him was to be the evidence that men could see that God had sent Him as His Divine Son.

On the eve of His death He pleaded with His Father: "Yet not for these only do I pray, but for those also who through their word are to believe in Me, that all may be one, even as thou, Father, in me and I in thee; that they also may be one in us, that the world may believe that thou hast sent me." (John xvii. 20.) Thus it was His prayer that mankind be one in being united not only in Him, but in being united because of Him. Here would be proof for the world to see that God had sent Him.

Accordingly, in Catholic thinking there is no such thing as "races," minority or otherwise. There is but one race. It is the human race. No matter what it is called—human species, *homo sapiens*, or simply mankind—it is one.

It is hardly necessary to discuss the careless and even selfish uses to which the term "race" is frequently put. We have heard *ad nauseam* of the "Nordic" race, the "Jewish" race, and even the "Super" race, and we are all too aware of how these terms have been utilized to incite class hatred, to exalt the national *ego*, and even to promote war.

Neither is it necessary to spend any time on the erroneous popular beliefs that there are *essential* (as distinct from merely accidental) physical differences between Negroes and whites. Needless to say, these suppositions, however widely held, are completely without foundation. Sister Mary Ellen of Rosary College, Chicago, has examined them from the scientific standpoint in her splendid pamphlet *Racial Myths*, found them to be wholly without factual basis, and rightly consigned them to the realms of imagination and prejudice.

The Testimony of Saint Paul

Hardly anything is so foreign to Christian sentiment as the idea of basic differences or of anything suggesting essential inequality among the various branches of the human family.

The Apostle of the Gentiles taught without reservation or restriction: "There is neither Jew nor Greek; there is neither slave nor freeman; there is neither male nor female. For you are all one in Christ Jesus." (Gal. iii. 28.) And he placed the essence of this oneness in the one Mediator, Who links the whole human family to its Creator: "For there is one God, and one Mediator between God and men, himself man, Christ Jesus, who gave himself a ransom for all, bearing witness in his own time." (1 Tim. ii. 5.) Thus he could assure the Ephesians: "One Lord, one Faith, one Baptism; one God and Father of all, who is above all, and throughout all, and in us all." (iv. 5.)

One more reference may be made to Saint Paul. In at least three of his epistles he asserted that the followers of Christ form a corporate whole—or one might say a corporation—and he compared this corporation to a person's body. He seemed to like the metaphor.

To the Romans he wrote: "For just as in one body we have many members, yet all the members have not the same function, so we, the many, are one body in Christ, but severally members one of another" (xii. 4). In his first letter to the Corinthians he discusses the organic unity of the human body at some length, and likens it to the unity holding Christ's followers together: "For in one spirit we were all baptized into one body, whether Jews or Gentiles, whether slaves or free; and we were all given to drink of one Spirit. For the body is not one member, but many. . . . If the whole body were an eye, where would be the hearing? . . . And if one member suffers anything, all the members suffer with it, or if one member glories, all the members rejoice with it" (xii. 13-26).

Peter versus Plato

Now, it is interesting to note that the pagan Plato, some 400 years before Saint Paul, used this same metaphor, likening

a well governed state to a healthy human body. In fact in his *Republic* Plato does little more than work out the analogy between a perfect man and a perfect state. In Book V he repeats what he had frequently said: "We had agreed, moreover, as to the greatest good of a state, by comparing a well-managed state to a body, which feels pleasure or pain affecting any part of it." Further quotations seem unnecessary.

But it is extremely important to remember that Plato's State did not include *all*. It included only free men. While Plato condemned the practice of the Greeks having Greeks as slaves, his State excluded non-free persons. It definitely accepted the philosophy of "minority" races, discriminating against not only blacks but a multitude of whites as well.

Here, then, is the crux of the whole question. Plato, in spite of his high-mindedness, and even of his religious-mindedness to the point of admitting in the individual person a "rational principle at the root of moral distinctions," did not include *all* in what he conceived to be a well regulated state. Pagan that he was, and living before the Son of God had come into the world, he could not and did not grasp the sublime truth: "There shall be one fold and one shepherd." (John x. 16.)

One fold and one shepherd! His Holiness Pope Pius XII in his first encyclical reaffirmed this lofty conception of mankind calling it "that law of human solidarity and charity which is dictated and imposed by our common origin and by the equality of rational nature in all men, to whatever people they belong, and by the redeeming Sacrifice offered by Jesus Christ on the Altar of the Cross to His Heavenly Father on behalf of sinful mankind." (*Summi Pontificatus*, p. 16.)

This is the voice of Peter, the Vicar of Christ. It echoes the voice of the first Peter: "God is not a respecter of persons, but in every nation he who fears Him and does what is right is acceptable to Him." (Acts x. 34.)

So much for Christian teaching on inter-racial equality.

Christian doctrine on the subject clearly reprobates the idea of "minority" groups as something opposed to oneness in Christ, and as something pagan. Further, it anathematizes every form of "isolationism"—political, racial, or any other—as anti-Christian and foreign to the unity of all men in Jesus Christ.

Charity, the Mother of Justice

It might be well to look next at the virtue which dictates the obligations that men as equals have toward one another. That virtue of course is charity.

Now "charity" does not mean merely the benevolence that prompts a man to give \$5 or even \$5 million to the poor. It means something wider, deeper, higher. It means the *vinculum perfectionis*, the bond of perfection (Col. iii. 14), binding men together as brothers of Christ and binding them to Him. It means the divine impulse that prompts a man to feel kindly and to speak kindly to everyone, and to put down his inner repugnances, his dislikes, and his prejudices, because the blessed law of Christ requires him to do so.

"Charity" can even mean justice itself. Lessius, the great seventeenth century authority on justice, holds in his classical work *De Justitia et Iure* that charity is in effect the mother of justice. He writes: "Thus the term justice may even be used for *charity*; for charity renders a man's will conformable to the whole law of God, and accordingly charity in a way contains within itself the sum of all the virtues." (*Lib. 11, Cap. 1, Dub. 1.*)

Justice, to be sure, has different forms: justice, binding a government to apportion burdens and privileges equitably to all its citizens, which is called distributive; justice, binding each citizen in proportion to his ability, to discharge his duties to the entire body politic, which is called social; and justice, binding each citizen to render to every other what is his, which

is called commutative. But whatever form justice assumes—either as obligating a government to its citizens, or individual citizens to the whole social body, or individuals to individuals—in Christian thinking it has its roots in charity, and in the charity of Him who taught: “By this will all men know that you are my disciples, if you have love for one another.” (John xiii. 35.)

This, in brief, is the Catholic doctrine on racial equality and the duties it entails. It is the answer to the question, “What is the Catholic position regarding Negroes?”

Justice in Action

A pertinent question is, “What does that position require Catholics to do?” That they should *do and not merely believe* goes without saying. And that the doing may not be put off is likewise beyond argument, particularly in view of the fact that, because of past failure on the part of Catholics, less than three per cent of the nearly fourteen million Negroes in the United States are Catholics.

St. Peter Claver, a white native of Spain, who worked among the Negroes in Cartagena, Colombia, up to the time of his death in 1654, might well be regarded as a model for action, not merely because he took medicine, bread, brandy, lemons, and tobacco to the Negroes in the slave sheds at the port, but because he believed that he owed far more than lip-service to his fellow men. The same crisis that Peter Claver had to face, with over ten thousand slaves landed at Cartagena each year, is before us, but only under a different form. He met it, with God’s grace, with incredible success, by *action*. Action, organized and individual, is what is asked of us, in the Church, in industry, and in government.

Duties of Catholics

There is need of more and more Catholic interracial conferences to disseminate and put into practice the Catholic position on race. The conferences of the Catholic Interracial Councils of New York, Detroit, and other cities, and those convened during the past year by the Social Action Department of the National Catholic Welfare Conference are indeed worthy of imitation and support.

But besides organized action there is urgent need of individual action by Catholics. Unfortunately, the number of Catholics is all too few who make it a matter of conscience to be fair and just and charitable to Negroes as well as to their other fellow citizens. Nevertheless, there are such Catholics, both men and women, who have even immunized themselves to the ridicule of shallow friends and acquaintances. They are the salt of the earth.

A few years ago, a Commissioner of Police in a metropolitan area with a population of over 900,000 had the courage, after holding a competitive examination, to promote a Negro staff policeman to the rank of lieutenant. He was of course denounced as a "nigger lover." This same Commissioner told the writer, in something of a Celtic accent but with real Celtic faith: "Father, I had to promote that man. He stood highest in the examination. He had a right to that promotion. If I didn't promote him, I couldn't make my confessions." This public official was putting his Faith into practice. His conduct illustrates what is meant by personal action.

Another instance may be cited. Recently a Catholic man and his wife were asked to sign a compact binding home owners in their neighborhood not to sell their homes to Negroes. This couple refused to sign. Actually they were the only home owners in the block who declined to do so. As a result, they and their children were subjected to every kind of cheap sar-

casm and abuse by their neighbors. But they stood firm. They acted as they did because they were Catholics, declining to do what they were asked to do because, as they said, it was wrong. Here again was personal action, even something like heroic action.

Duties of Management and Labor

There is another field in which individual action under the spur of conscience is definitely called for—the field of industry. In this connection a personal opinion may be allowed for whatever it may be worth. As a matter of practical strategy, we should concentrate our available resources on getting decent, Christian, brother-to-brother relationships between Negroes and whites established in industry. We will thereby hasten progress in getting like standards established in social and political life. Whether this strategy is well-advised or not, the steps to be taken to break down the vicious discrimination now practiced outside of industry—for example, through the poll tax, restrictive covenants, and segregation in hotels and trains and the rest—will not be discussed now since only what should be done to assure equal employment opportunity as between Negroes and whites is being considered.

Industry, as everyone knows, is carried on by two parties, management and workers. And management, contrary to popular notions, is not something abstract or ethereal. One should apologize for saying such an obvious thing, but management is men, men with flesh and blood, men with family ties, and men with the same capacity for noble conduct and for pettiness as workers. Moreover, as men, employers are accountable in conscience for the policies in their establishments, and their responsibility increases or decreases, depending on whether they are big employers and are on big boards of directors or are small employers and on small ones.

During the late war some influential employers, whatever their motive, took their obligations to Negro workers seriously, and enforced a policy of non-discriminatory employment throughout their plants, both in hiring and upgrading. It is a matter of regret to have to report from personal observation that not more than two or three important employers who took that stand were Catholics. Here, indeed, is place for individual action directed by individual conscience.

But what of the workers? What of the white man on the assembly line who will not work with Negroes? What of the white girl in a telephone exchange who will not sit beside Negro girls, however refined or well trained the latter may be?

There is no blinking the fact that in industry this un-Christian attitude is even more prevalent among employees than it is among employers. Personal experience warrants the statement that many employers would relax their refusal to hire and upgrade Negroes, if they could be reasonably sure that their employees would not bitterly resist the innovation. The same holds true for most if not all top union officials, who would be more than glad to abandon all union restrictions against Negroes, if the rank and file membership of the Union would not violently protest such action.

This deplorable attitude among white workers can in no way be condoned, even when full allowance is made for their fear that Negroes would "come in" to take their jobs, even at lower rates. Undoubtedly, the major explanation is a narrow, selfish, and un-Christian prejudice on the part of too many white men and women who work.

What should be done? The most hopeful approach would be to examine and extend the successful experiments that were carried on in defense plants during the war, in which whites and Negroes worked side by side, with a maximum of harmony, even surprising themselves that the thing could be done. These

experiments prove that the idea is not academic but, when sincerely tried, works. On the part of management, it will call for foremen training and foremen schools, the careful selection of Negroes for the departments to which they are sent to work with whites, and equally careful selection of superintendents who will be put in charge of these departments. On the part of workers, it will call for conviction within the white employee's soul that his Negro brother is, in Christ, his brother, and that he owes him in charity and justice no less than what he owes his white fellow-employees.

Behold a form of Christian charity and justice too long neglected! Behold the "forgotten" virtue in shop and office! Is it too much out of line to suggest that Catholic wage and salaried employees take the initiative and form an organization of workers who will pledge themselves to the practice of racial charity and justice, and who will be ready to stand up and be counted to make it a reality?

Duties of Government

Moreover, individual Catholics and non-Catholics might well call on Federal and State governments to enact Fair Employment Practice Commission (FEPC) legislation without further delay. We should be ashamed of the little that an FEPC law would require. All that it would do is to take from the employer the unwarrantable freedom which he now holds to deny a man an opportunity to earn his livelihood or to improve himself, merely because his skin is black or because he belongs to a so-called minority group. Both Christian ethics and common decency require government to do its part to put an end to such injustice and inhumanity.

The states of New York, Massachusetts, and New Jersey, have already responded to the enlightened demands of the people of these commonwealths, and have enacted FEPC laws,

barring discrimination in employment because of race, creed, color, or national origin. But even more than FEPC laws in separate states is necessary. There is, in the judgment of all competent observers, need and crying need of a Federal FEPC, providing for education through conciliation of complaints and, in the event that conciliation efforts fail, for full power of enforcement in the Federal Courts. A vast area of economic injustice, long awaiting redress, cannot be reached by state action alone, for one reason among others, because state courts have no jurisdiction, except perhaps concurrently with the Federal courts, over industries engaged in interstate commerce. But apart from any nice legalisms, a nation-wide evil exists which can be remedied only by nation-wide action.

It may be urged that law cannot reform morals. As a general proposition this objection may be regarded as valid in part, but only in part. As directed against a Federal FEPC or a State FEPC it is hardly valid at all. When leveled at the field of legislation here under consideration the objection overlooks the important lesson of history that when a high principle of justice and humanity is embodied into law, even over the opposition of a considerable minority, that principle takes on the majesty of government, and the law itself becomes a mighty force of education and moral betterment. Such beneficial results would doubtless follow from the enactment of a Federal FEPC and State FEPC laws.

But Federal and State FEPC laws are directed against discrimination in only one field—industry. There are, to be sure, numerous other areas in which this vicious anti-Christian and anti-American practice prevails. Here, too, the same formula of charity is to be applied as in business and industry.

What should Catholics do? What should all our people do? The Saviour answers: "Thou shalt love the Lord thy God with thy whole heart. . . . And thy neighbor as thyself. . . . Do this and thou shalt live." (Luke x. 27, 28.)

II

Discrimination in General and Specifically in Industry

HAVING considered Catholic teaching and Catholic practice with respect to racial equality we may next take up the question of discrimination both in general and more specifically in employment. The former type covers the whole field of life, running around the clock twenty-four hours a day, whereas the latter is limited to working hours in the shop, office, or store. The former is as broad as all of life, the latter as broad only as one's job or perhaps the lack of it.

What Is Discrimination?

As a starting point it might be well to look at the word *discrimination* itself. In its original Latin form discrimination (from *discernere*) had a very innocent and even reputable meaning. It meant only making a selection, or passing a judgment. But in present day language, it has taken on an additional meaning, and one that is not at all innocent or reputable. True, we still say that a person has *discrimination* if he can choose or decide between what is good and evil or between what is refined and less refined. But it is not in this praiseworthy sense that we commonly use the word *discrimination*. Today, in everyday language *discrimination* generally means something that is wrong and contemptible, and to say that a person *discriminates* is to charge him with playing favorites, with being intolerant and even unjust.

Those who in the language of the day *discriminate* say in effect: "We will draw a circle around ourselves and include in that circle only those people we want. We will even try to help those inside our circle, but we will not and we refuse to

do anything for those outside it. For us they do not exist. Actually we do not much care what happens to them." The more sordid details can be readily filled in.

Where is discrimination most commonly practiced in our country? It is well known that it operates with full force and effect in the deep South, and only with a lesser degree of intensity in the high North, and above all against Negroes.

Let the reader pass before his mind's eye the cruel bars of discrimination that are set up against these fourteen million men, women, and children day after day and year after year. There is discrimination in housing, in schools, in train travel, in hotels, in restaurants, in movies, and, not least of all, in job opportunity.

Examples of Discrimination

The writer recalls a rather striking incident that occurred in Washington a few years ago involving a Negro attorney. This gentleman was cited by Treasury Department officials to appear in a given room at a specified hour in one of the more prominent hotels in Washington, to explain some items in his income tax report of the previous year. It is common knowledge that Negroes have to pay income taxes the same as white citizens do, and it should be no cause for surprise that some Negroes have difficulty in explaining their income tax reports just as some white citizens have. In any event, when this Negro attorney came to the hotel, under the summons of the United States Government, the manager of the hotel refused to allow him to enter because he was a Negro. And the Negro was not admitted. There is no need of going into what was done in the matter, or the humiliating compromise that the Government had to resort to in order to meet with this taxpayer. The episode is told merely to show that the Government which imposes the same tax rates on Negroes as on whites, and yet is unwilling to insist that Negroes be accorded

the same common courtesies as those accorded to whites, does the Negro an obvious injustice. What is pertinent here is that the Government does so by yielding to the stupid pressure of discrimination.

Another incident may be cited. Here names can be mentioned. Milton P. Webster who is a vice-president of the Brotherhood of Sleeping Car Porters was a member of the Federal FEPC of which the author of this pamphlet was chairman in 1943. Webster is a Negro as are the members of the Brotherhood of Sleeping Car Porters. One morning when the FEPC was in session, Webster digressed for a few minutes to complain to the committee of the treatment to which he had been subjected the day before on the train from Atlanta to Washington. He was not allowed to ride, he said, on the regular sleepers that members of his own race are charged with attending and keeping in order. After reciting this incident he addressed himself to the white members of FEPC, saying: "*You* white people are all right. *You* recognize this is a shocking condition. *You* want to do something about it. But after all *you* don't know what discrimination is. *You* have never been discriminated against."

These two incidents illustrate discrimination in only two areas, one in hotels, the other on trains. The list can be extended to cover every department of life.

It should be noted that it is not only Negroes who are discriminated against in all these different ways. In certain sections of the Southwest Spanish-speaking people are in some respects treated with even less humanity than that shown Negroes. On the West Coast, even before the war, many persons of Oriental descent, including those who were American citizens, were looked down upon and denied the ordinary amenities extended to white persons. There are, too, as everyone knows, the multitude of discriminations practiced against Jews, and not merely in what remains of Nazi Germany but throughout the United States. Truly, we have a long way to go.

Evils of Discrimination

But some might ask: "What is wrong about discrimination?" The answer is that it is evil because it does violence both to God's law and to all American concepts of fair play. At this point, however, it will be enough to say that discrimination inflicts character injury both on those who discriminate and on those who are discriminated against.

First, it strikes back on those who discriminate. It inflates them with a better-than-thou attitude toward others, which, as the history both of families and of individuals shows abundantly, finds retribution sooner or later in the humiliation that follows pride. There seems to be little need to labor this point.

Moreover, if discrimination is an evil for those who discriminate, it is assuredly no less an evil for those who have to suffer under it. One need only recall the soul-depressing and demoralizing wounds which a minority suffer because the majority regard them and treat them as inferior. Is it not extraordinary that the members of the Negro "minority" in particular have been able, in the face of this cruel handicap, to hold up their heads, to send their boys and girls to school, and to look forward with something like hope to a better future? When it is recalled that even as late as 1947, Negroes are told openly in one State at least that they must submit to "white supremacy" and that they had "better not vote," must one not marvel at the restraint they have put upon themselves and at the progress they have made in the short space of years since 1870?

Needless to say, discrimination against "minority" groups flies in the face of all for which our country stands. From the beginning, we have prided ourselves that the United States is the land of free opportunity. In 1787 we wrote into the Preamble of our Constitution that the Constitution seeks as one of its aims to secure "the blessings of liberty to our-

selves and our posterity." Later, in 1868, we spelled out this purpose in the 14th Amendment by declaring that no State shall "deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." In 1870 we added the 15th Amendment asserting, "The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

On May 18, 1917 President Wilson signed the Selective Military Act to draft troops for World War I. All men between the ages of 18 and 30, regardless of race, religion, or other "minority" affiliation, were conscripted for service, and all races and "minorities" served, and all shed their blood, as they had done in earlier American wars where they had served as volunteers. Likewise after Pearl Harbor in World War II there was the same conscription and the same patriotic response. All men of military age, regardless of race, creed, or color, were called into service, and all races and religious bodies made their sacrifice quite apart from any consideration of race, creed, or color. *In war no distinction is made. In peace none may be made. This is elementary justice and it is elementary Americanism.*

But one can go much further. Anything that has any remote resemblance to discrimination is not only anti-American, but anti-Christian as well. Jesus Christ, the Son of God, declared that second only to the supreme law binding us to love our God is the law binding us to love our neighbor. "Thou shalt love thy neighbor as thyself" He taught. And He added, "Do this and thou shalt live." (Luke x. 27.)

This law reaches into the heart of man. It takes hold of his inner being. The present problem, however, is to have this law, insofar as it applies to discrimination in employment embodied in the statutes of our land. To this problem the reader is now asked to turn.

III

What Government Should Do

THE typical FEPC Bill now currently discussed, either for the Federal or State governments, is directed at only one form of discrimination, namely, that practiced in industry. The usual FEPC bill has nothing to do with the poll tax, or lynching, or restrictions on housing or hotel accommodations, or any of the other tyrannies practiced against "minorities" because of difference in race, creed, color, or national origin. It singles out only one of these tyrannies and it forbids an employer, a union, an employment agency, or an individual citizen to do anything that would deny equal job opportunity, when merit of candidates is equal, to any man or woman because he or she belongs to what is called a "minority" group.

Even though such a bill is limited to the outlawing of job discrimination, every day experience justifies the prediction that the bill, when made law, would be a tremendous help in breaking down the numerous other discriminations imposed on "minorities" outside of industry. It is axiomatic that when people learn to work together, they also learn to live together.

An FEPC law would say to an employer: When you take on new employees and those who present themselves for jobs are of equal capacity, you may not refuse to hire any one of them solely for the reason that he or she belongs to a "minority" race or group. It would also say to him: Assuming equal skill and seniority among your employees, when you upgrade or make any changes in your personnel, you may not penalize a person, only because of the color of his skin or because of his race or creed or national origin, by slipping in someone else ahead of him.

An FEPC law would also forbid a labor union or an employment agency or any individual citizen to do anything that would prevent a person from getting a job or from enjoying equal job opportunity with all others, merely for reasons of race, creed, color, or national origin. Thus it is clear that a law of this kind would place no great burden on employers or on anyone connected with industry. It would merely require them to give a Negro or any other "minority" person what our robust American colloquialism calls an "even break."

At this point an objection frequently lodged against an FEPC may be considered. The objector may say: "Sure, everyone should get an equal break with every one else. That's just plain fairness and simple decency. But you are not going to get those things done by law. Education, not law, is the remedy."

To this the reply is at hand: Of course, let us have education, and more and more education. But at the same time let us not deceive ourselves by using education as a subterfuge for doing nothing. We can educate at the same time that we legislate. And it is very much to be doubted whether in the field of job discrimination we can educate unless we also legislate. Actually the law itself will be a potent force to teach men and women by actual practice, that white people and Negro people and people of different "minorities" can work harmoniously side by side. Experience will be the teacher. Educate, indeed, but pass a law to help the process of education.

The Right to Work

An FEPC law should be viewed from the standpoint of a man's moral right to work. Common justice demands that whenever a job is open, regardless of the skill it requires, a Negro or any "minority" person possessing the qualifications necessary for the job together with the seniority rights equal

with those of other applicants, has a right that is equal (and indeed one that is higher if he has higher seniority) to the right of any of these applicants, to that job. It may be that this affirmative statement of principle will be brushed aside as so "safely academic" as to be meaningless. If so, its full import will perhaps be clearer when put in negative form. So worded it would read: When a job, however skilled, is available, no Negro or "minority" member who is equally competent with others or who holds the same seniority as any one of them, may be excluded from the job in question, solely because of his race, creed, color, or national origin. Moreover, if this person stands higher than the others on the seniority list, he has in justice a prior right over them to the job and may not in justice be shut out from it. In actual practice it is this right against exclusion either from work or from bettering oneself at work, and only this right, that a statutory FEPC would protect.

In this connection, the writer recalls what Samuel Zemurray, President of the United Fruit Company, and an employer member of the Federal FEPC in 1943, used to say, and say with considerable warmth: "It is the height of arrogance for one man to say to another: 'You have no right to work.' When he says *that*, he says in effect, 'You have no right to live.'" Mr. Zemurray's statement is nothing more than good old-fashioned American common sense, heavily charged with good old-fashioned American regard for justice.

Edmund Burke, the defender of the American Colonies during our war for independence, in 1778 in his second letter to *Gentlemen in Bristol*, put the same idea no less strongly but on a more solid basis. He asserted: "The Author of our nature has written it strongly in that nature, and has promulgated the same law in His written word, that man shall eat his bread by his labor; and I am persuaded that no man, and no combination of men, for their own ideas of their particular profit, can, without great impiety, undertake to say that he *shall not* do so—that they have no sort of right either to

prevent the labor or to withhold the bread." (*Works of Edmund Burke*, Vol. 2, p. 260.)

Here unquestionably is the most fundamental argument of all for a statutory FEPC. It starts from the premise that a man has certain rights that his Creator has placed in him; that among these rights is his inviolable right to live by honest work; and that no other man may in conscience shut him off from exercising any one of these rights.

This reasoning in support of an FEPC is quite different from another type of reasoning which also favors a legal FEPC but on different grounds. Thus many persons are heard to say, "We should have an FEPC because it will eliminate race tensions and even race riots." True, an FEPC would doubtless contribute heavily toward these salutary results.

But such reasoning is too narrow and even too selfish. Does it not seem to be born of the fear that if the majority are not just to the minority, the minority might turn on, and do great harm to the majority?

Is it not much more honorable and much more in keeping with Christian faith to start from the premise that the worker's right to a job and his right to self-improvement are *his* rights because God gave them to him? To the Christian all the links of the chain fit together. To him the Negro or the member of any "minority" is just as precious as any one else in the sight of God, and therefore no one else has the right to exclude him from exercising his God-given rights. Rather everyone has a duty before God to help him as a brother, and to help him in every lawful way. Is this anything less than genuine Americanism? Is it anything less than authentic Christianity?

Equal Justice Under Law and Equal Law Under Justice

Let the reader consider next the use of government to protect certain rights that a man possesses as a man. Over the

imposing marble building in Washington which houses the United States Supreme Court is carved in huge letters the noble legend EQUAL JUSTICE UNDER LAW. That inscription proclaims to the people of our country the whole theory of our government and especially that of our judiciary.

Every American is entitled to justice. And the justice to which he is entitled is not an arbitrary justice to be rendered by a judge who perhaps might wish to indulge his personal whims or prejudices. It is EQUAL JUSTICE UNDER LAW, that is, justice within the framework of the legislation written by the representatives of the people themselves. Moreover, it is the right of our people under our democratic government to add to or to take from the body of law as we the people see fit, in order to secure or to promote justice. Accordingly any Catholic or non-Catholic organization promoting the establishment of an FEPC is staying well within the philosophy EQUAL JUSTICE UNDER LAW. No less important, from the standpoint of its own thinking at least, such an organization is really advocating EQUAL LAW UNDER JUSTICE. In procedure and in what it seeks to accomplish it is acting in the best traditions of American democracy.

Obligation of Government to Intervene

Should our government intervene to stamp out the evils which an FEPC seeks to eradicate? Every enlightened American citizen will reply that our government has the clear duty to do so. Every informed Catholic citizen will take the identical position, reinforcing his stand with the principle which Pope Leo XIII laid down in 1891 in his encyclical *On the Condition of Workers*, and which no one can successfully gainsay. In this monumental document His Holiness drew the line between justifiable and non-justifiable intervention by a government seeking to correct either existing or threatening evils. And he concludes: "If, therefore, any injury has been done to or threatens

either the common good or the interests of individual groups, which injury cannot in any other way be repaired or prevented, it is necessary for public authority to intervene." (Par. 52.)

Surely all these conditions are present insofar as the evils of discrimination in industry are concerned. These evils are here. They not only threaten. They exist. They cannot be repaired or prevented in any other way than by governmental action. They cannot, as all experience shows, be removed by private initiative. The duty of government is clear. It has the plain obligation to intervene. It should lose no time, and enact an FEPC statute at once.

But some may say: "The evils of discrimination are evils and admittedly should be removed, but government cannot remove them." To reply one need point only to the highly successful use of government in the case of the National Labor Relations Act which has for one of its chief purposes the outlawing of another and an equally fundamental kind of discrimination, discrimination because of union activity. In this field the government was faced with an evil ruthlessly disregarding the natural rights of workers to associate for the purpose of collective bargaining. The Federal Government intervened in 1935 and it has achieved remarkable success in stamping out this evil. The National Labor Relations Act illustrates the point that when a high principle of morality is written into law, even in the face of violent opposition, the law embodying that principle can be made to work not only because the principle is right, but because it is given the added dignity of government. If one asks for experience from the field of Fair Employment Practice Commission legislation, reference can be made again to the highly successful operation of the FEPC laws in New York, Massachusetts, and New Jersey.

Call to Employers and Fellow Workers

Assuredly the evil of job discrimination will not be abolished by merely passing a law. The law must be enforced after it is passed. Here there will be required fullest cooperation of the parties directly concerned with employment, that is, management and labor.

In the first place, employers should take the initiative and assist in securing enforcement of the law both with regard to hiring and to upgrading. Some corporations have made an enviable beginning. It is encouraging to note that the American Telephone and Telegraph Company recently announced a policy of employing qualified Negro women as telephone operators in certain large cities, such as New York, Boston and Detroit. It is not necessary to mention certain other corporations who have consistently and with no little success pursued a policy of non-discrimination for men and women employees. The only point in referring to these industries is to show that non-discrimination in employment can be effected when management sets out to effect it.

Again, labor organizations will also be expected to do their part. It is a matter of public knowledge that the record of some labor organizations in extending first-class union membership to Negroes equally with whites is much better than that of others. So far as union officials are concerned it can be said without successful denial that the overwhelming number of national union officers would strongly favor a policy of non-discrimination as to union membership and union rights, and would gladly put such a policy into effect were it not for the opposition of rank and file members here and there. To the rank and file members in particular the appeal is made to set aside all feeling of race prejudice and to support their officers to the limit in establishing within their local and national unions a policy which is at once just, humane, and Christian.

Summary

IN summary, it is clear, according to divinely-revealed Catholic doctrine, that there is but one human race for which the Son of God became man and founded His Church. Any concept of "minority races" is contrary to the teachings of Christ and is pagan. Further, the virtue of charity demands that human beings regard all other human beings as brothers of Christ and equal with themselves in the eyes of God.

These fundamental doctrines require that Catholics undertake individual and organized action to make known and to put into operation in various fields of life equal treatment of all human beings.

Discrimination, unfortunately, continues to be practiced in this country in various forms and against numerous so-called minority groups. Although Negroes are most discriminated against, Spanish-speaking Americans, Oriental Americans, and Jews are also subjected to varying degrees of unfair treatment. And discrimination, no matter what its form, is evil for those who discriminate as well as for those who are discriminated against. It is a violation of God's law and the American way of life.

A mere attitude of "tolerance" with respect to race, even though much more desirable than the general sentiment now prevailing, is not sufficient for the Catholic citizen. Knowing the Commandments of God and especially the two great Commandments upon which "depend the whole Law and the Prophets"—first to love God and second to "*do* unto others" for the love of God—he should seek to express his conviction by action. This action may be manifested both in personal relationships and in support of legislation, Federal and State,

to outlaw racial discrimination in industry. This legislation, while necessarily limited to industry, would help to destroy unfair treatment of "minorities" in other situations and relationships. It would be part of that general education of all citizens in the practice of equal justice under law and equal law under justice.

QUESTIONS

Catholics, Race, and Law

*(Prepared by Miss Mary Synon, Editorial Consultant,
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1. How does the attitude of belief in racial inequality violate the basic principle of American institutions?
2. Why must we as Catholics accept the principle of racial equality?
3. How did Plato's idea of a state differ from the Christian idea?
4. How and where did Pius XII emphasize the Christian concept of the law of human solidarity?
5. Is racial isolationism defensible in Christian doctrine?
6. What is distributive justice? What is social justice? What is commutative justice?
7. How can the ends of justice be attained? By belief alone or by belief and action?
8. How did Saint Peter Claver serve the Negroes in the slave sheds at the port of Cartagena?
9. How can Catholic Action help to win general recognition of racial equality? Should this action be individual as well as organized?
10. How can equal employment opportunities for Negroes and whites be attained in industry?
11. Are employers accountable for non-discriminatory policies in their establishments?
12. Have Catholic employers done more or less than others to establish justice in non-discriminatory employment of races?
13. Is racial discrimination in employment more prevalent among employees than it is among employers?

14. Does this widespread employee attitude affect union leaders in their decisions on racial discrimination?
15. Is white employee resentment against Negro workers caused entirely by economic fear?
16. How would a study of employment in defense plants during World War II prove the possibility of harmony in industrial racial relationships?
17. What would be a practical Catholic way to effect justice to Negroes and other workers discriminated against by others in industrial employment?
18. Why is there a crying need for a Federal Fair Employment Practices law?
19. How can an individual Catholic help enact such legislation?
20. What is "discrimination"? Does it demoralize the discriminator as well as injure the person against whom it is directed?
21. Is it only the Negro who meets discrimination in employment?
22. Should not a nation which takes the services of the Negro in time of war enforce equal employment rights for him in time of peace?
23. Is not the passage of an FEPC bill a necessary preliminary to effective social education against racial discrimination?
24. What do we mean by "the right to work"?
25. What is the most fundamental argument for Federal Fair Employment Practices legislation?
26. How has our government proclaimed its responsibility toward all our people to put into effect Equal Justice Under Law?
27. What is the manifest duty of government in a situation which unjustly affects large numbers of its people?

