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Southern Regional Council
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VOICE OF THE PEOPLE—

'At This Very Late Hour'

The co-authors of this letter are citizens of Birmingham. James A. Head, President of James A. Head & Company (office furniture), is a former president of the Birmingham Chamber of Commerce, and the Birmingham Rotary Club. Charles Zukoski is a consultant to the First National Bank of Birmingham and a former vice-president of the bank, as well as president of a state committee to improve public schools.

The bombings continue. Birmingham drifts downward, amid heart-sick doubt at home and unrestrained, bitter censure abroad. Unless we can find the way to retrieve ourselves from this tragic state, our fate as a community is indeed sealed.

For almost a decade we have been listening to misguided prophets. Ever since the school cases, we have been told, day in and day out, that the Supreme Court has been guilty of unconstitutional violation of our rights, that the Federal Government is some kind of alien power seeking to deprive us of our liberty, and that if we would only hold fast, we could in the end maintain our traditional way of life. Even when, as the pressure grew, some few wise citizens were bold enough to face the inevitable and come out with a plea for law and order, there was no heart in their voices and their words were unaccompanied by any moral conviction.

This is no time for recriminations. At this very late hour, when Birmingham has been blazoned across the front page literally of every paper in America and throughout the civilized world as the most lawless community in our country, when all of us are tasting the bitterness of violence and frustration, it is time for some new appraisals and for a new course of action. We suggest that in charting these, the community must face up to some basic truths:

(1) The Negro is a human being, with all of the feelings, the hopes and the aspirations of his white fellow-man. He is entitled, as a matter of simple fairness, to all of the rights and opportunities before the law possessed by any of us.

(2) The American Constitution guarantees to every citizen the equal protection of the laws. We know in our hearts that segregation has been and is our way of keeping the Negro in his place; that is its

purpose and that is its effect. We have wanted it that way, and to say that under segregation there can be any true equality of the races is just a self-serving, plain denial of fact.

(3) The Supreme Court has not violated our system of law. From early English times, ours has been a system of common law, of law made by the judges in day to day determination of controversies between men. In our American system we have engrafted upon this judge-made law constitutional guarantees and the power of the legislature to make changes by statute. But the history of our courts and of the Supreme Court is replete with instances of changing interpretations of constitution, statutes and judge-made law. This has been in fact one of the chief glories of our system, giving it a flexibility, a responsiveness to changing conditions and attitudes of our society, not possessed by any other system. If the people do not like what the

courts have decided, they can, through legislation or constitutional amendment, overturn it.

(4) The Federal Government is not attempting to order all our affairs. In the sphere of civil rights, it has merely been saying that we must all obey the final determinations of the Federal courts, and must not, in the arena of public affairs, discriminate on racial lines. The whole structure of our society depends on the maintenance of law and order, and the decision as to what constitutes the law must necessarily be in the court.

(5) There has been no serious effort made in Congress or by either of the major political parties to overturn the Supreme Court decision, and there can be no rational hope that it will be changed in our lifetime or in the lifetimes of our children.

(6) In city after city throughout the South, the people have accommodated themselves to desegregation rather than to destroy their society through a breakdown of law and order. They have found the result, to say the least, tolerable. In every responsible quarter of our own region, we, almost alone, stand condemned.

(7) Terrorists threaten our community. Many people, both white and Negro, are fearful for their property and their lives. Many are afraid to speak out. Our Birmingham Negroes have behaved on the whole and in the face of unprecedented provocation, with great patience and restraint. They still want to work this problem out peaceably with us. There is still time to grasp their hand and to ease the transition.

(8) The Supreme Court, in its implementing decree of 1955, recognized it would create a serious social problem and gave the South time to meet it. We in Birmingham have done scarcely anything to embrace this opportunity. We have looked away, we have insisted on an illusion the outcome of which is now upon us.

(9) The community's bitter-end resist-

ance to desegregation has literally threatened our economy with destruction. Our downtown area is steadily losing established businesses and patronage. We have, over a period of years now, gained very few new industries and have lost others. An abject discouragement and sense of hopelessness has descended on many of our merchants and industrial leaders. If this trend is not arrested soon, it will have a paralyzing effect on jobs, on purchasing, and on our whole economic cycle.

There are several steps, it seems to us, which the community might now take. One would be for the City Council to appoint and activate immediately the Group Relations subcommittee of its Community Affairs Committee, which it has planned but has not yet brought into being. This committee, consisting of both white and Negro citizens, could study and propose plans for observance of the law, for recognition of basic Negro rights, for implementing more effectively the citizens' agreement of last spring, and for generally reducing tensions. It could obtain, too, we believe, Negro acceptance of a moderate pace of change, as consistent as possible with the deep-seated white feeling on desegregation. And most important, it could begin to re-establish communication between the races without which no betterment of the situation will be possible.

Another frequently suggested and sound step would be immediate action by the Mayor, under power he already possesses, to employ Negro policemen. This would be in line with policy of many Southern cities, including some in Alabama, and would help greatly in maintaining peace and order in Negro districts, in preventing repetition of the bombing outrages and in apprehending criminal offenders. It would also constitute an effective recognition of the Negro's part and responsibility in maintaining law and order.

Other steps would be removal of segregated facilities and irritating segregation

signs on premises open to the public, admission of qualified Negroes to practice in our hospitals and to take membership in our professional societies and on boards of community-wide, public-oriented, civic organizations, opening of various other public conveniences to both races, resumption by the city on an unsegregated basis of at least some additional public recreation programs, and development of better job opportunities for the Negro worker.

But any or all of this will be of no avail unless the people of Birmingham will begin to face realistically the facts of life and the principles upon which the American people have so clearly indicated they intend to proceed. It will not do, as our leaders again attempted in their conference with the President last week, to place the blame almost entirely on outsiders. We cannot honestly blame our failure to act simply on outside pressures, and must not permit such pressures, bad as they may be, to serve as an excuse for our not taking the proper course. The fault unfortunately lies in largest measure within us. Unless Birmingham begins to face up to the great moral issue involved, and to recognize the rightness as well as the inevitability of the change, it will indeed be dead.

We do not minimize the difficulty this process of regeneration poses for many sincere men and women. We dare not hope that they will quickly change their minds. But surely now, in the great tragedy of the hour, they will see—as Lee did 100 years ago, when in the face of final defeat he laid down his sword and took up the educator's task of leading his people into a new life not of their choice—that we are faced with ultimate compulsions, which at least many think are right, and which, whatever our view can no longer be avoided, and that it is for all of us to behave as men and women capable of bravely facing the future that lies so inexorably ahead.

JAMES A. HEAD

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