

CAN CIVIL RIGHTS WAIT FOR DEMOCRATS TO WAKE UP?

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Nearly a decade ago I published an essay, "Will The Court Say No to Segregation," in anticipation of the Supreme Court's decision in the *Bakke* case. In that essay I correctly predicted that the Court would uphold the rights of medical student Alan Bakke to a consideration independent of race for admission to medical school. I incorrectly foretold, however, that the Court would also eliminate once and for all the pretense that there ever could be a legitimate recourse to race by civil authorities for purposes of assigning either penalties or benefits within American society. Rather, the Court said no to the segregation of Alan Bakke, but yes to the lingering temptation to resort to segregation in other cases on the slenderest rationalizations.

The Court's missed opportunity in 1978, more than any other single event, has entailed the bitter developments in the field of civil rights in this country which have troubled us ever since. It is the immediate source of those disputes over the United States Commission on Civil Rights disputes which discover certain liberals in the posture of pretending that there are no urgent civil rights questions, while certain conservatives persistently urge "getting on" with the reconstruction of American society. The wait-it-out, close-your-eyes liberals do not consist of every American liberal but rather only those who have become particularly identified with the governmental institutions, which heretofore had been identified with pushing a civil rights agenda. They are the civil rights janizaries, found within governmental agencies and established civil rights special interests. Their attitude stems from the conviction that they, alone, can speak in behalf of civil rights in the United States and that they, alone, have the right to manage such policies.

The civil rights janizaries, marching behind lead janizary, Congressman Don Edwards, took aim at the Commission on Civil Rights during the period of controversy in 1983 between the Commission and the Reagan Administration. While the Commission is often referred to as "Reagan dominated," it has in fact been plagued ever since Congressman Edwards re-designed it in 1983 by an ideological stand-off. The President names four of its eight members, while Congress names the other four. Further, wholly apart from the Commission's own constitution, Congressman Edwards and his allies have worked consistently ever since to reduce Commission budgets, obstruct Commission operations, and divert attention from important civil rights questions, which have arisen before the Commission.

Today I would not be surprised if most Americans conceived the civil rights agenda to consist entirely of "affirmative action" and "forced busing." These are the issues that have been repeated ad nauseam by the civil rights janizaries as characterizing the concerns of the Commission. In fact, however, these issues have been far from monopolizing attention. Besides being not so much issues as proposed remedies, Commission attention has covered a vast range of topics extending from fair housing to IQ tests to Indian civil rights. The focus on affirmative action and busing reveals what is at stake. Although many intelligent people think that the problems to

which those proposed remedies respond can be better solved otherwise, the proponents of these methods refuse to entertain any debate of alternative methods. They insist rather that the problems go unsolved (though they cannot be unnoticed) than that serious attention be given to counterproposals, which may mean, for them, a loss of initiative and control in the areas of civil rights.

Had the Bakke decision been a fairer statement of American constitutional principle this impasse would never have arisen. Even now it is doubtful that it could continue, if the American people understood fully just how far their own status is compromised by the position of the civil rights janizaries. One of Edwards' lieutenants, Senator Lautenberg of New Jersey, has declaimed that he has "no concern for what happens to any individual member of the majority." This expresses the light in which the janizaries refuse to admit that civil rights are essential and intrinsic dimensions of American citizenship rather than a source of group distinctions. The idea that some citizens are to be guaranteed rights that are explicitly denied to others could never sit well with the American mind. Nor, once they understood, could they continue to admit the use of that meaningful republican term, "majority," as the racial epithet it is rapidly becoming in the hands of civil rights janizaries.

Thus, the game plan of the janizaries, to place the Civil Rights Commission in deep sleep until such time as they can recover it in their hands without anyone looking over their shoulders, is a direct slap at the authority and good sense of the people of this country. It contributes to a malign neglect of pressing civil rights urgencies in this country at the same time as it undermines confidence in our governing institutions. In a free land the habit of one's heart is to repose confidence in one's fellows. Such habits suffer greatly, however, under the continual repulses of ideologues. When we ask, therefore, how long we must wait before Democrats decide to play fairly by civil rights, it is no idle inquiry. We are asking as well how long the American people can abide this cavalier abuse of their most precious rights.