

NEGROES AND CIVIL RIGHTS LAW IN AMERICA

Chang Pao-min

INTRODUCTION

On October 7, 1975 a Negro by the name of K.A. Gbedemah was turned away from a Howard Johnson restaurant in Dover, Delaware. He turned out to be Finance Minister of Ghana.¹ On March 9, 1961 another Negro named William Fitzjohn was refused service at a restaurant in Hagerstown, Maryland. He was Sierra Leone charge d'affaires.² These were but two among the numerous incidents of racial discrimination occurring in the United States. They were sufficient, however, to indicate the persistence and seriousness of a century-old problem confronting the United States. Over 100 years have elapsed since the Emancipation, but what have been the consequences? Did the American federal government ever make serious attempts to eliminate racial discrimination? How much improvements have there been? Can the problem ever be solved? How?

There is no ready answer to any of these questions. Nevertheless, it is hoped that a general review of the whole issue and its past developments may provide some useful clues to a solution.

It is generally agreed that racial discrimination in the United States has its origin in the concept of white superiority or supremacy which had dominated the country until the last few decades. The concept of racial inequality has in turn been based upon the claim that physiological traits of a race are closely linked to its cultural progress, and that one race is by nature produce a stage of civilization as high as another is by nature inferior. Such race is a positive barrier to the progress of a superior race, and the racial integrity of the latter must therefore be carefully safeguarded in order to preserve its cultural intactness in the forward march of civilization. Consequently, as Professor Grimes pointed out:

Racial exclusiveness of the dominant race is felt to be emotionally desirable as well as morally defensible, and the discriminations which surround the allegedly inferior race are therefore legitimized.³

It should be noted, however, that Negroes were not the first nor the only "inferior" race suffering discrimination in the United States. In the early colonial period the European settlers tended to remain aloof from the native American Indians and never hesitated to resort to cruelties whenever conflicts broke out between the whites and the natives.