

Article Section

Civil Rights Versus Natural Rights

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CONGRESS IS BIG with a litter of "civil rights" bills. Activity in the two Committees on the Judiciary indicates that both Houses will soon be in labor pains. Unless public clamor or parliamentary maneuverings result in miscarriages, some of these pups will be inflicted on the public during the present session.

There is nothing in the purposes of these "rights" bills that bears more than a wordy resemblance to the American doctrine of natural rights or to the Constitutional Bill of Rights. Whatever comes out of Congress on this subject is likely to partake of centralism, which has long been the single greatest domestic threat to freedom.

The titles of these bills are misleading, perhaps designedly so, since they hint at some relation to the Declaration of Independence and bear a semantic reference to the Bill of Rights. But this is the old trick of using prestige words to make collectivist poison palatable. Before we take a swallow, we would do well to brush up on the indigenous American tradition of rights; it will then be seen that the words "civil" and "rights" on the labels of these bills are merely patent medicine words.

The American doctrine holds that men "are endowed by their Creator with certain unalienable rights." To be sure, the idea did not originate with Jefferson, for we find traces of it in the writings of the Stoics of ancient Greece, and it is indeed the political phrasing of the

Christian doctrine of individual dignity. But, though the idea is of ancient vintage, the organization of the United States was the first attempt in history to found a nation on it. Though the Declaration of Independence is not the law of the land, and "unalienable rights" does not appear in the Constitution, the deliberations of the Founding Fathers were bounded by that frame of thought, and to this day, despite twistifications, it is the context of American polity. "I have a right," is the immediate reaction of every American who comes into conflict with authority, and legislators are under constant obligation to square their official acts with this tradition. Unless the "rights of the people" appears or is implied in the preamble of a proposed law it will not swallow well.

NOW, WE MUST never forget that the concept does not ascribe authority for these rights to the Government. They inhere in the individual by virtue of his existence and come with him when he is born. Government is instituted for the sole purpose of preventing a person (or a gang of persons, even a majority) from invading the rights of any person or persons coming under its protection. That is, the Government is a policeman only, having no other competence in the field of rights.

Above all — and here is the essence of Americanism — the Government is itself enjoined by this concept from using its monopoly of power to invade the God-given rights of the

individual. To pin down this injunction, the Bill of Rights was put into the Constitution. As every schoolboy should know, the Bill tells the Government "this is what you must not do."

What are these "unalienable rights"? The Declaration says that "among these are the right to life, liberty and the pursuit of happiness." John Locke, with whose writings the Founding Fathers were quite familiar, made it: "life, liberty and property." The Declaration is simply more extensive; unless a man is free to own and enjoy the product of his efforts, he has no liberty and his pursuit of happiness is delimited; a slave has no right to property.

Let us now consider the purport of the "civil rights" bills in relation to this enumeration of natural rights.

First, nothing is said in the latter about the right to vote; it would be difficult to maintain that participation in government is a prerogative that stems from God, and the Founding Fathers certainly did not so hold. Suffrage is a human convention, the rules of which are fixed by the majority. As a preventive for majority arrogance or ruthlessness, the Founding Fathers made the business of suffrage a local matter as far as feasible; each state made its own rules. In the beginning, all the states attached property qualifications to the voting privilege, and it was not until the modern era that women were allowed to vote. Even now there is an age qualification; also, aliens residing in the country, even though they must pay taxes and obey the laws, are not included in the electorate. Conviction of a crime automatically abrogates the voting privilege. Thus, suffrage is a concession, not a natural right.

BY NO STRETCH of the imagination can it be said that social equality is a natural right. In fact, one who so maintains inferentially

denies the right of the individual to pursue happiness in the way he sees fit. Companionship is undoubtedly an essential ingredient of happiness, but only if it is congenial, and that is a matter of individual discrimination. A prudish woman would find little joy in being compelled to fraternize with a woman of light morals, a man of literary tastes would find no contentment in the company of illiterates — particularly if he had no choice in the matter. Association without discrimination is the rule of the prison, which is no place for pursuing happiness. A law which prescribes social integration, on any score, transgresses a natural right of man.

The energumens of "civil rights" are dead set against discriminatory practices on the grounds of race or religion in the hiring of employees. However, they find nothing wrong with laws that enable unions to exclude from employment those workers who do not wish to belong to them. One kind of discrimination is wrong, the other is right. Yet, the fact is that discrimination in the selection of business associates is a matter of conscience and convenience, a natural prerogative, and not within the scope of the law. If an employer prefers an incompetent worker to a competent one, for any reason, he may be acting foolishly, as the market will shortly inform him, but he does not violate a natural right; the worker cannot derive from his kinship to God any claim to a particular job. Likewise, the worker who refuses to work alongside another, for any reason, is pursuing happiness in his own peculiar way. Wherein in the nature of things is it writ that an atheist may demand employment in a religious publishing house?

In one respect the "civil rights" bills now pending do pay homage to natural rights; it is in a provision that some of them contain, outlawing lynching. Lynching is murder, which

is not only in violation of natural rights but is also in violation of statutes now on the books. Why this new concern with lynching, a form of homicide far less prevalent than love murders? The answer to this question lies in the enforcement clause that appears in various forms in all of these bills; it puts apprehension and punishment in the hands of Federal, rather than local, authorities, not only for lynching but also for violation of any of the proposed "civil rights" laws.

The title of one of these bills reveals the purpose of those pushing for their enactment. It reads: "To protect the civil rights of individuals by establishing a Commission of Civil Rights in the Executive branch of Government, a Civil Rights Division in the Department of Justice, a Joint Congressional Committee on Civil Rights, to strengthen the criminal laws protecting the civil rights of individuals, and for other purposes."

There we have the real motive of the agitation. The concern of the agitators is not in what is called "civil rights" but in the further strengthening of the Federal Government, the establishment of another powerful bureaucracy, the putting of another club in the hands of a national police. The title of another of these bills makes this point clear: "To declare certain rights of all persons within the jurisdiction of the United States." That is to say, the citizen is to be deprived of the protection of his local government, over which he has some measure of control, and placed under the jurisdiction of a government less amenable to his inclinations. If he violates any provision of the "civil rights" legislation — even though in pursuance of his natural rights — he will be subject to arrest by Federal police and punishment by a Federal court; local sentiment, operating through a jury of peers, will not protect him. "Civil rights,"

therefore, becomes a vehicle for that concentration of power which the Bill of Rights specifically prohibits, and for the further downgrading of the authority of the states.

SPEAKING ON ONE of these bills, Representative William E. Miller (R.-N.Y.) said: "This bill in its present form gives no right, no privilege, no benefit to a single individual in the United States that he does not already have. But what does it do? It creates a commission with authority to subpoena us any place, to Washington, California or Texas, and hold us under subpoena at our own expense interminably. On what? Some allegation perhaps that I am exerting unwarranted economic pressure on somebody. Who? The corner grocer who alleges that I do not trade with him and get my friends not to trade with him because he is a Jew or a Catholic."

The bill in question, illustrative of the entire batch of bills, gives the Attorney General authority to hale into court a state official who, in performance of his duties, enforces local voting laws, whether in respect to literacy requirements, residential requirements or whatnot. It makes it possible for the proposed Commission to drag a man away from his home to a distant court, on its own whim or on a charge made by an unnamed neighbor, for examination of the "secret thoughts of his heart or of his secret opinion." Furthermore — and here we see how the proponents of "civil rights" think — it provides that the Commission may utilize the services of volunteers in the detection of violators of its decrees; thus it opens the door for that malicious snooping on neighbors and relatives that characterized nazism and is encountered in communistic countries. What would prevent the Commission from offering a fee for information leading to prosecution?

And would not the morally deficient collectivists be the most willing volunteers?

The target for this crop of "civil rights" laws is the South, where the impact of the infamous Reconstruction has left its mark in legal disabilities imposed on the Negro. The same racial prejudice is present in the North, but is more subtly expressed; as, for instance, the exodus of whites from Manhattan and Brooklyn to the suburbs of New York, leaving large residential districts in these two boroughs in possession of Negroes and Puerto Ricans. But in the South there are laws, and laws are more vulnerable to attack than social customs and habits of mind. The reason for selecting the anti-Negro laws of the South is purely political: the Negro vote is at stake.

If the truth were known, it would show that many of the Congressmen plugging for these laws, on humanitarian grounds, do not practice what they preach. In Washington, where Negroes constitute 35 per cent of the adult population and 70 per cent of the school population, these Congressmen move away from neighborhoods as the Negroes move in; they make sure that their children are educated either in public schools where Negroes constitute only one or two per cent of the student body, or else in private schools — which, though they do not discriminate against Negroes, are financially out of their reach. Except in political clubs, neither legislators nor their wives socialize with Negroes. Their enthusiasm for "civil rights" is in proportion to the number of Negro voters in their respective districts.

The "civil rights" bills, if enacted, will not accomplish the purposes ascribed to them. More likely, the prejudice, which the years have been gradually eroding, will be revived and exacerbated by this attempt to make people "good" by law. The difficulties of enforcement will in short order give these laws nothing but a nui-

sance value, for the purposes of professional do-gooders and determined collectivists. The politicians who are now urging these laws will lose interest in them as soon as the primary purpose, the capturing of the Negro vote, shall have been accomplished.

ONE MORE THING will remain. That is the accretion of power in the central Government. The bureaucracy will be enlarged, and to insure itself of an improvement of its prerequisites and an expansion of its prerogatives, it will find reason for widening the provisions of the laws by "interpretation." For instance, there is some agitation at present for the abolition of college fraternities on the ground that these voluntary associations are discriminatory; the Commission could bestir itself in that direction. It could, by "interpretation," justify an investigation of discriminatory practices in the handling of unemployment funds on the local level; say, the exclusion of Communists from the largess, or the preference given them. Conceivably, the Commission might look into local laws putting disabilities on prostitutes. And so on.

The issue involved is not North versus South. Basically, it is constitutional government versus Government by Commission. It is "civil rights" versus natural rights.

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