

Group Roles in American Legal History

Part I—Introductory Remarks

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The quest of minorities for equal rights and opportunities for advancement has never been a smoothly growing, coordinated movement either in intensity or in success. Despite occasional excitements and successes, it was a scattered, scraggy movement until the beginning of the Second World War. It reflected the weaknesses of black-, brown-, red-, and yellow-skinned Americans who were largely segregated and intimidated, poverty-ridden, and undernourished.

The United States, from its beginnings, has been a land of minorities, and one of its continuing challenges has been the adaptation of these minorities to the land and to each other. The nation's history is studded with struggles, by individuals and groups, to achieve civil rights. Colonists fought against royal and proprietary powers and against each other to establish fundamental rights to what the Declaration of Independence would call "life, liberty, and the pursuit of happiness." Indians fought against whites, and whites against Indians. Many Black slaves sought insurrection and the fugitive life as ways to attain rights enjoyed by other Americans. One religious group after another and wave upon wave of immigrants struggled to secure the rights promised them in charters and constitutions. These battles, as much as any other American phenomenon, can be considered the motif of the nation's development.

For historical reasons, the language and the law of the United States is Anglo-Saxon in origin, even though the explorers and settlers of the country were mainly French, Spanish, and Dutch, as well as English. Great pressure was and is put on immigrants to learn English and to adopt what today is called the "white middle-class culture." Those who did not or could not were deprived of many of the good things in American life. Some groups (the American Indians, for example) did not want a white, middle-class style of living. Others (Blacks, for example) were kept from acquiring this life-style so that they could be kept out of the mainstream of American life. Religion and geographical isolation separated out other

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groups. Increasingly, it could be observed that the United States was less of a melting pot than a mosaic of groups, with different amounts of power, different statuses in the society, and hostility toward other groups.

The second half of the twentieth century has seen America begin the attempt to identify and sever the bonds of discrimination that have constrained so many of our citizens. Momentum is gathering to redeem our national commitment to the significance of the individual, a commitment that, for too long, minorities have found hollow and mocking. This drive to honor our commitment to the individual has now reached, and is eroding, perhaps the most ironic of our national injustices—the traditional discrimination America has practiced against its largest single majority group—women. Indeed, never before has there been so widespread a need for changes in the status of women.

Our country's political maturity and its rise to the leadership of the free world have intensified the fight against bigotry and the manifestations of discrimination wherever they may appear. In our history, we have tried in many ways to overcome this weakness in our democracy, and there may be no one formula which can cure it. The fight must go until all Americans enjoy equally the opportunities and responsibilities of our democracy without regard to race, creed, or national origin. This is the assurance of our freedom: that the denial of equality of opportunity will not be accepted as the norm in fact or in law.

The following inscription aptly sets the tone for this panel:

Statue of Liberty

Give me your tired, your poor
Your huddled masses yearning to breathe
free
The wretched refuse of your teeming
shore,
Send these, the homeless, tempest-tossed,
to me:
I lift my lamp beside the golden door.
(Emma Lazarus, 1849-1887)

[The New Colossus: Inscription for the Statue of Liberty, New York Harbor]