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## Time to Plead Our Cause

By A. Leon Higginbotham, Jr.

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If I were to proffer a theme that would be as relevant a century from now as it was over a century and a half ago, where would I find it?

It would seem somewhat inappropriate to rely on a theme from the Declaration of Independence — because when they spoke of “the self-evident truth, that all men are created equal,” the framers did not mean to include either Blacks or women. In fact, many of the signatories owned slaves and others profited from the slavery system. Their daily conduct was a repudiation of the egalitarian concepts they proclaimed.

Similarly, it would not be appropriate to cite the Preamble of the United States Constitution, because when they spoke of “We, the people, in order to form a more perfect union, establish justice, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity,” they did not recognize Blacks either as people protected by that constitution or as individuals entitled to justice or liberty.

In seeking a theme almost as old as the Republic, a theme from declarants who meant what they said and practiced what they declared, I would prefer the statements in the first editorial of *Freedom's*

published in this country. The editors, Samuel Cornish, a Black Philadelphia abolitionist, and John Russwurm, the second Black college graduate in this nation, wrote:

*We wish to plead our own cause.  
Too long have others spoken for us.*

In their editorial, they noted the ambiguity of American democracy and emphasized “the neglect” and the repudiation of those “self-evident truths.” They said: “Though all men acknowledge the excellency of [Benjamin] Franklin’s expressions of equality, yet comparatively few practice upon them.” They recognized that “it avails little to mourn.” But they were not willing to accept the past as a prologue for the future. They were determined to change the course of American history, and the key to that change would be pleading their own cause, and recognizing that “too long have others spoken for us.”

### Why Howard is Unique

If one were to reflect on the history of Howard University, if one were to ask, why is Howard so unique, why has it been and why is it one of the great universities in the world and *why must it always remain so*, the answer is that you [1980 class] have exemplified the dream of Russwurm and Cornish to “plead our own cause.”

When I speak of Howard’s profound contribution in “pleading our own cause,” I do not speak of what Howard has meant only to Blacks — yet if that was all that it had done, Howard would be entitled to one of the highest niches of esteem for American universities. *Think of what our nation would be today if there had not been a Howard University, or its equivalent*; what would be the condition of America and of Blacks if there had not been a Howard University which stayed on the cutting edge of excellence, providing better options for Black Americans. Both Black people and the entire nation would have suffered irrevocable losses.

Even though a few Blacks received their graduate degrees from the most

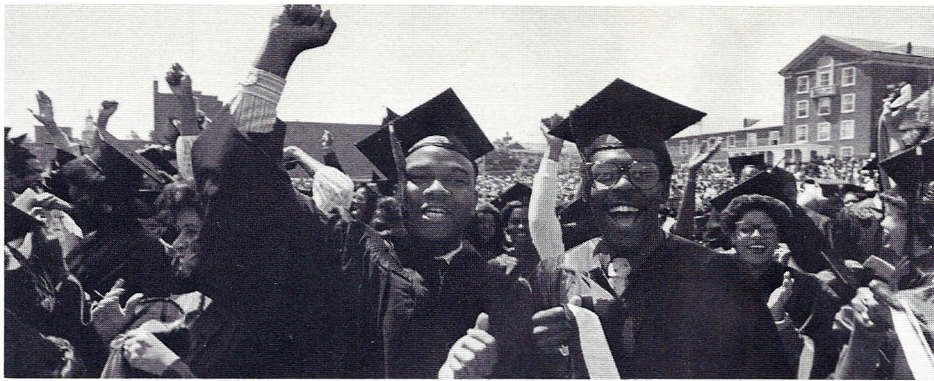
prestigious universities in the nation, until the 1960s they were almost never invited back to teach at their alma maters. [William] Hastie and [Charles Hamilton] Houston finished Harvard law school with honors but taught at Howard law school. A similar pattern followed for John Hope Franklin, Rayford Logan, Ralph Bunche, Carter Woodson, Alain Locke, Charles Wesley, James Nabrit, Mordecai Johnson, Charles Drew and hundreds of others.

Through its law school, Howard became the primary architect of the modern American civil rights movement, developing the legal doctrines which led to *Brown v. Board of Education* and to earlier key civil rights decisions in employment, housing, fairness in the criminal justice system and voting. Until the 1960s, Howard had trained almost 50% of the Black doctors and lawyers in this country.

It is frightening to envision how decadent America would be today if the nation had not been the beneficiary of the contributions which Howard has made for more than a century. Think of it! What would have been the educational options for Blacks today if we had been deprived of the thousands of teachers whom Howard has trained to nurture the minds and guide the aspirations of Black schoolchildren. Similarly, it is appalling to contemplate what America would be today if there had not been a Howard to educate, to develop, to motivate and to train innumerable scholars, artists, scientists, architects, engineers, doctors, dentists, lawyers, activists, critics, and public officials who went on to plead the causes which others did not espouse.

Looking at the current national administration, we may have been deprived of illustrious Howard graduates such as Thurgood Marshall, associate justice of the United States Supreme Court; Patricia Roberts Harris, secretary of health, education and welfare [now health and human services]; Andrew Young, former ambassador to the United Nations; Mary





Frances Berry, former assistant secretary of education; and J. Clay Smith, Esq., commissioner, Equal Employment Opportunity Commission.

The judiciary may have been deprived of William Bryant, chief judge, United States District Court for the District of Columbia; Joseph Hatchett, United States Court of Appeals for the Fifth Circuit; Damon Keith, United States Court of Appeals for the Sixth Circuit; Robert Carter, United States District Court for the Southern District of New York, and several other distinguished judges on federal and state courts.

The nation may have been deprived of great writers such as Toni Morrison; superb actors and actresses such as Deborah Allen and Ossie Davis; activists such as Vernon Jordan, James Farmer, Christopher Edley and, some might add, Stokely Carmichael; musicians and artists such as Roberta Flack and Elizabeth Catlett; physicians such as Dr. [W. Montague] Cobb.

### The Impact of Howard

But for Howard, thousands of Black babies would have died unnecessarily; thousands of forums would not have had articulate minority spokespersons; thousands of Black children would not have had the models of excellence which Howard has produced.

And, on the world scene, thousands of Africans would not have received the academic options which allowed them to return to their homelands to ultimately assume positions of world leadership. Just as [Winston] Churchill on August 20, 1940 spoke of British airmen, similarly we can speak of Howard for "never . . . was so much owed by so many to so few."

Today, some of those prestigious institutions which remained aloof from the fray when we needed them most are starting to pay recognition to the relatively few Blacks who appeared on their campuses decades ago and who most often were

belated recognition is far better than none at all, we must never forget how miniscule — if it existed at all — the Black presence was in these educational institutions for the first two centuries of this republic.

Unlike those schools, whether we look at 50 years or a century ago, Howard did not have one or two Blacks entering every other year or every other decade. Howard has graduated more than 39,000 men and women in the professions, the arts and sciences and the humanities. It has been a mass-producer of excellence.

During the last decade, there have appeared on the educational horizon many "Johnny-come-latelys" who — like the institutions from which they were graduated — were never or seldom "around" when Blacks needed them most, when racial barriers were the status quo and when integration was unpopular if not downright illegal. Yet, some of the alumni of those very institutions today seem anxious to punish or at least to denigrate the historic Black colleges and universities — those colleges which were the victims of racism and which provided the only life raft (regardless of how weak), when the seas of bigotry would otherwise have engulfed us.

### Benefactor for All America

During its century of caring, Howard was not merely aiding Black Americans. In a very real and profound way, *it was saving the soul of all America.*

Today, at the bargaining tables of the world, our nation has greater credibility because of the victories which Howard pioneered in the courts of this land. Whether most Americans like it or not, they must face up to the stark reality that the destiny of the world will no longer be shaped exclusively or solely by persons with white skin. For our own national survival and ultimate success, the perception of this nation's racial fairness by people in Tehran, Peking, Cairo and Lagos may be at least as significant as the views of citizens of Beverly Hills or

Think of how much more intense the opposition would be today in the international forum if our courts still sanctioned state-imposed racial segregation.

Think of how much greater the handicap would be in forming international alliances if Black people in this country could still be denied the right to vote in primary elections or denied the right to buy a coke or a hot dog in a place of public accommodation.

Think of how much less credible America would be before the high court of world opinion if, under the sanction of law, governors were still espousing hatred from schoolhouse doors and shouting segregation forever.

In eradicating some of the racial villainy of the past, Howard has helped our entire nation.

Howard has been unique because it created a tradition which combined a dream of equality, a confidence in the future with an insistence for day-to-day excellence. That tradition must be maintained and, if possible, even improved.

This nation and all of us have an obligation to keep Howard at the forefront of excellence as a great university where all Americans — particularly Black Americans and other minorities — can participate freely and totally in a truly comprehensive university experience.

We must always be mindful that Cornish and Russwurm stressed that "too long have others spoken for us." They recognized that time is measured differently by those who have the power and those who are the victims of powerlessness. Regardless of how well meaning those in power may be, there is always the danger of which Cornish and Russwurm spoke. For there are always serious problems which can warrant delays. We will always be confronted with inflation or recession, depression or wars, global tensions or budget deficits. In the words of the late Dr. Martin Luther King, Jr.:

***We are faced with the fact that tomorrow is today. We are confronted with the fierce urgency of now. In this unfolding conundrum of life and history there is such a thing as being too late. Procrastination is still the thief of time. Life often leaves us standing bare, naked and dejected with a lost opportunity.*** □

The above was excerpted from the May 10th commencement address by Judge A. Leon Higginbotham, Jr., U.S. Court of Appeals for the Third Circuit.