124-A-1 SCHOOL AND/OR SCHOOL (8)
DECISION CON
Beginning May 17, 1954

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CENTRAL FILES

CARLETON PUTNAM

4415 Kirby Road
McLean, Virginia

July 29, 1959

Mr. David Kendall
Special Assistant to the President
The White House
Washington, D. C.

Dear David:

The enclosure is being sent in confidence to a selected list of those whom I know to be interested in the racial integration of southern schools.

The publication of my letters to the President and to the Attorney General has led to a circulation of some nine million for the former and over a million for the latter. Comments from readers have been numerous, and the suggestion has been made that I combine the two letters in a small book, together with a Question and Answer Section devoted to the more typical questions which readers have raised.

Before attempting such a publication, I would like to make sure that I have considered the subject from as many angles as possible, and I am anxious to have your personal views. Are there any questions you would like to see included in the enclosed group, or any answers you believe to be in error? If so, I would be glad to add or correct to the best of my ability. No names would be mentioned.

I shall be grateful for any cooperation you may be able to give me.

Sincerely yours,

Carleton

CP/dh
Enclosure

Excuse this obvious "form" letter. The limitations of time and staff continue to plague me. A duplicate goes to the President. I doubt if it gets to him.

but this one may. I hope we can get together soon. We are in the new house and loving it but, god, the watering grass-cutting, weeding. Are you in town through August? If so, we'd love to have you & Mrs. Kendall out.

File

CARLETON PUTNAM

The Westchester
Washington 16, D.C.

March 17, 1959

Mr. David Kendall
Special Counsel to the President
The White House
Washington 25, D.C.

Dear Dave:

I have sent a copy of the enclosed letter to the Attorney General direct to the President. Both copies will probably land on your desk. I make no comment upon it, except to say that I think it more important than my letter to him of October 13. Incidentally, the latter has now had a circulation of over six million.

Equally important, to my mind, is my letter of transmittal to the President. I pray he reads both.

Sincerely,

Carleton Putnam

Carleton Putnam

enc.

The Westchester
Washington 16, D.C.

March 17, 1959

The Honorable Dwight D. Eisenhower
President of the United States
The White House
Washington 25, D. C.

My dear Mr. President:

The enclosed letter to the Attorney General deals with the subject of school desegregation somewhat more in detail than did my letter to you of October 13. Apart from it, however, and as a result of further study since I wrote you, I would commend to your attention the extent to which an equalitarian ideology has infected our society, its unAmerican nature, and the sources from which it springs. Opposed to it, I invite you to consider the remark of Alexander Hamilton in the Constitutional Convention of 1787:

> "Inequality will exist as long as liberty exists. It unavoidably results from that very liberty itself."

I have been interested to hear from my friends in the foreign service who have returned from posts among backward peoples that what these peoples want is not freedom, which it will take them decades to understand and far longer to sustain. What they want is equality, as untrained children want the jam pot. I beg you to consider the ramifications of this fact---in our domestic, as well as in our foreign, policy---before the jam pot is empty, the children ill, and the kitchen a mess.

My letter to you of October 13 has now had a circulation of six million, largely as a news item throughout the South, almost entirely as an advertisement throughout the North, paid for by the contributions of thousands of Northerners. The overall response has been 96% favorable. There is unquestionably a tide of inarticulate sentiment among the still numerically predominant native American stocks in this country. These people do not control the more powerful Northern organs of publicity. They are crying for leadership. You are the only man who can provide it. While the enclosed excerpts, which I had photographed last fall, are mainly from the South, I could make you up many times as many now from the North. Glance at a few of them.

May I say in conclusion, in regard to your remarks concerning the duty of the Executive Branch to enforce the law, that no President worthy of the office has ever submitted supinely to a bad decision of the Supreme Court, particularly when that Court stood where this one does in the opinion of the rest of the bench, and of the bar.

Sincerely yours,

Carleton Putnam

CARLETON PUTNAM
The Westchester
Washington 16, D. C.

March 16, 1959

The Honorable William P. Rogers
Attorney General of the United States
Department of Justice
Washington 25, D. C.

My dear Mr. Attorney General:

Following my correspondence with your Department in December, I have had a chance to review your briefs in the school desegregation cases and also to scan, as carefully as time permitted, the nine relevant volumes of the Supreme Court's Records and Briefs. I hesitate to impose further upon your kindness, but my survey has left one question in my mind upon which the record does not appear to touch, and which you may be able to answer.

I turn to you for the reason that, as a non-adversary party to these proceedings, I understand you to have represented the people of the United States. Since a majority of the population of the South are obviously against integration, and since the Gallup Poll for September 24, 1958, indicates that 58% of the white population of the North would not put their children in schools where more than half the enrollment is Negro, it becomes a close question whether the decision of the Supreme Court in these cases was not in fact contrary to the wishes of a national majority. While I recognize that this would in no way affect the validity of the decision, it would seem to have placed a peculiar responsibility upon you.

The matter which I find curious is the omission in your briefs of any challenge to the authorities cited by the Court in Footnote 11 to their opinion of May 17, 1954. I assume there must have been some indication, in argument or elsewhere, that these authorities were to be used. They appear, in large measure, to form the foundation of the decision. They reflect a point of view rooted in what I may call modern equalitarian anthropology---a school which holds that all races are currently equal in their capacity for culture, and that existing inequalities of status are due solely to inequalities of opportunity. While the briefs for the State of Virginia touch upon the qualifications of some of the individual psychologists who testified in the lower courts, they contain no examination of the underlying anthropological theory. It seems to me that such an examination should have been made. I have a science degree, I have read with some diligence

in the field of anthropology and I have discussed the subject with competent anthropologists. It is my considered opinion that two generations of Americans have been victimized by a psuedo-scientific hoax in this field, that this hoax is part of an equalitarian propaganda typical of the left-wing overdrift of our times, and that it will not stand an informed judicial test. I do not believe that ever before has science been more warped by a self-serving few to the deception and injury of so many. On this subject there may be disagreement. But it is clear to me the Court should have been invited to examine the question.

Allow me to give my reasons for this opinion. The Court says in Footnote 11 "see generally Myrdal, An American Dilemma," and I start with this book. I need hardly dwell upon the highly socialistic bias of its foreign author, and the startling remarks with which his text is peppered, such as his comment that the American Constitution "is in many respects impractical and ill-suited for modern conditions," that the Constitutional Convention of 1787 "was nearly a plot against the common people" and that in the conflict between liberty and equality in the United States, "equality is slowly winning." A foreign socialist could not, perhaps, have realized that Jefferson's statement "all men are created equal" was a corruption from the Virginia Declaration of Rights, where the original wording read "all men are created equally free," nor that if equality (in any sense other than equality of opportunity and equality before the law) is defeating liberty in the United States, then everything America has stood for is in jeopardy, but certainly it was essential that these matters be called to the Court's attention in evaluating Myrdal's book.

I hasten, however, to the basic hypothesis underlying Myrdal's 1400 pages. On pages 90-91 he introduces the doctrines of Franz Boas, a foreign-born Columbia University professor who arrived in the United States in 1886, who was himself a member of a racial minority group, and who may be called the father of equalitarian anthropology in America. From these pages forward, Myrdal's Dilemma is founded upon the philosophy of Boas and his disciples. Thereafter, one constantly finds in Myrdal such sentences as these:

> "The last two or three decades have seen a veritable revolution in scientific thought on the racial characteristics of the Negro. . . . By inventing and applying ingenious specialized research methods, the popular race dogma [that races are not by nature equal in their capacity for culture] is being victoriously pursued into every corner and effectively exposed as

> fallacious or at least unsubstantiated. . . . It is now becoming difficult for even popular writers to express other views than the ones of racial equalitarianism and still retain intellectual respect."

If you have not already read him, I invite you to a thorough and impartial study of Boas. I am confident you will find his views wholly unconvincing, his doctrines more "unsubstantiated" than those he attacks, and his approach so saturated with wishful thinking as to be pathetic. In even the most superficial analysis of the subject, Boas should have been challenged and his more obvious errors exposed. Boas, for example, may have been convinced that the average African's improvident indifference to "tomorrow" is just a healthy "optimism", but I dare say the proverbial reasonable man on a jury would think of it less charitably.

If the deceptions of the Boas school were unconscious, they were nevertheless serious. People, for instance, were induced to believe that because early anthropologists put emphasis on brain pan size in their studies of race, and brain pan size was later proved to be an invalid criterion, this automatically made all races equal. No one took the time to point out that not only is brain pan size not a final test of intelligence, but that, even if it were, equal brain size would not prove equal capacity for civilization. The character-intelligence index---the combination of intelligence with all of the qualities that go under the name of character, including especially the willingness to resist rather than to appease evil---forms the only possible index of the capacity for civilization as Western Europeans know it, and there is no test for this index save in observing the native culture in which it results. Such observation does not sustain the doctrine of equality.

Indeed, the entire foundation of the Boas theory rests on sand. It is based on the assumption that present day cultural differences between the Negro and other races are due, not to any natural limitations, but to isolation and historical accident. This theme has been taken up again and again by later anthropologists, such as Kluckhohn of Harvard, and repeated as established scientific fact. I may illustrate the argument by comparing the condition of the white tribes of Northern Europe just before the fall of Rome with the Negro tribes in the Congo. Both were primitive and barbaric, both were isolated from civilization. With the conquest of Rome by the white barbarians, the northern tribes were brought in contact with the ancient Greco-Roman civilization and gradually absorbed its culture. The Negro, on the other hand, lacked such a contact and therefore remained in <u>statu</u> <u>quo</u>.

The Honorable William P. Rogers

This was Boas' historical accident, and his explanation of the Negro's present level of civilization in Africa. Boas had various additional points and refinements of his thesis, such as the advantage the white barbarians enjoyed in contiguity of habitat and the more moderate differences in modes of manufacture in earlier times, which made it easier for backward peoples in those days to compete commercially with more advanced cultures than was the case in later centuries when our white civilization invaded Africa, but these arguments hang on the first point. In other words, had the Negroes shown the enterprise and initiative of the white barbarians, the Negroes themselves would have established a contiguity of habitat and had the advantage of more moderate differences in modes of manufacture.

As far as isolation is concerned, it hardly seems necessary to point out that the Alps did not keep the white barbarians out of Italy, and that the Nile Valley was open to the Negroes into Egypt. One observer, recently returned from an intensive tour of Africa and himself apparently a racial equalitarian, nevertheless feels compelled to include these sentences in his report:

> "Why, when in China, India, Mesopotamia and on the Mediterranean coasts and islands, men isolated almost completely from one another, during some 5, 000 years independently developed writing and metal tools, invented compasses, built temples and bridges, formulated philosophies, wrote books and poems---why, then, did similar progress not occur in Africa?
>
> "I posed the question to many Africans. Their answer: the desert, the heat, disease, isolation---and always these words: 'For centuries our most vigorous young men were taken off as slaves.'
>
> "The answer falls short. China has a desert; India's climate is as hot and as unhealthy; Mesopotamia indeed is hotter---and was surrounded by deserts. As for the slave trade, why were the Africans not making slaves of the Portuguese and the Arabs?"

This report, prepared by the assistant to the publisher of "Time" magazine, goes on to seek justification for the equalitarian viewpoint in the modern intelligence test and the modern performance of the exceptional Negro, answers which fall as far short as the others. The field of the intelligence test, like the field of Boas' anthropology, is filled with wishful thinking, with comparisons of the better Negroes and the poorer whites, with studies of mulattoes whose successes are largely proportionate to the admixture of white genes, and with similar avoidance of the essential point, namely, that in matters of race either the average of one must be compared with the average of the other, or the best of one must be compared with the best of the other.

If we are to compare averages, there is probably no better laboratory than the rural area around Chatham, Ontario, Canada. Chatham is a town at the northern end of the pre-Civil War "underground railroad" where a community of the descendants of escaped slaves has existed for 100 years. The social and economic situation of Negroes and whites in the rural area around Chatham is approximately equal. The schools have always been integrated, yet the tests of Negroes in these rural schools show them, after 100 years, to be as far below the whites in the same schools as the Negroes in the schools of the South are below the whites in the schools of the South. Dr. H. A. Tanser, now Superintendent of Schools at Chatham, published a study of this matter in 1939. The study is never mentioned by the modern school of equalitarian anthropology, but you will find it in the Library of Congress. Did your Department give it consideration?

In this connection, you are perhaps aware that Dr. Audrey M. Shuey, Chairman of the Department of Psychology at Randolph-Macon Woman's College, published a report in 1958 surveying and summarizing the results of 40 years of intelligence tests involving whites and Negroes. Dr. Shuey took her B.A. at the University of Illinois, her M.A. at Wellesley, and her Ph.D. at Columbia. Her book contains a foreword by Dr. Henry E. Garrett who was formerly president of the American Psychological Association, the Eastern Psychological Association, the New York State Association of Applied Psychology and the Psychosomatic Society. In his foreword, Dr. Garrett says:

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> "Dr. Shuey finds that at several age levels and under a variety of conditions, Negroes regularly score below whites. There is, to be sure, an overlapping of scores, a number of Negroes scoring above the white medians. This overlap means that many individual Negroes achieve high scores on the tests. But the mean differences persist. Dr. Shuey concludes that the regularity and consistency of the results strongly imply a racial basis for these differences. I believe that the weight of evidence supports her conclusion."

Dr. Shuey states that "the remarkable consistency of test results. . . all point to the presence of some native differences between Negroes and whites determined by intelligence tests", and she adds the significant comment: "The tendency for the IQ's of colored children to become progressively lower with increase in age has been reported by a number of investigators who tested Negro children. . . One is confronted with the probability of a continuance during adolescence of what seems to be a widening gap between the races." I recognize that Dr. Shuey's report was not extant at the time of the Brown decision, but a large part of her material was available, and in my opinion should have been submitted to the Court. I repeat that I do not consider the intelligence test decisive, as I believe character to be more important than intelligence, but in answer to those who use the intelligence test to support theories of racial equality, surely Tanser's and Shuey's material belonged in the record.

If, on the other hand, we compare the best with the best, the discrepancies are even clearer. I had occasion to ask Kluckhohn a question with respect to a statement in his Mirror for Man at page 126. This statement reads: "It is true that the total richness of Negro civilizations is at least quantitatively less impressive than that of Western or Chinese civilization." (Emphasis mine). I asked Kluckhohn if he would mind defining in what respects he found it qualitatively as impressive. I told him I was curious as to one poem equal to Milton's Paradise Lost, one history equal to Gibbon's Decline and Fall, one novel equal to Dickens' David Copperfield, one playwright equal to Shakespeare, one philosopher equal to Aristotle, one medical discovery equal to Salk's polio vaccine, one military leader equal to Napoleon, one inventor equal to Edison, one physicist equal to Einstein, one pioneer equal to Columbus, one statesman equal to Lincoln, one composer equal to Beethoven, one painter equal to Rembrandt. I have received no reply, but Kluckhohn's "at least quantitatively" seems to me typical of the deceptive words used by our modern

equalitarian anthropology. The Court should not have been left in the dark on this tendency. Although they do not specifically cite Kluckhohn, he is one of the leaders of the modern school on which Myrdal rests his case.

I have found that a favorite method used by Boas and Kluckhohn for throwing dust in the eyes of the public is to create an impression that there is really no such thing as race. Although Kluckhohn begins the third paragraph of the fifth chapter of his Mirror for Man with the sentence "There are undoubtedly human races," he nevertheless entitles this chapter "Race: A Modern Myth." His thesis is that culture, not race, is what makes human beings what they are. Yet nowhere is the obvious fact examined that culture is absorbed, refined and advanced in proportion to racial capacity. There are, of course, certain modifying variables, among the chief of which are climate and economic conditions. The white culture of New England differs from the white culture of the Deep South, but not as much as the white culture of Southern Florida differs from the black culture of Haiti, where the climate is approximately the same. That is to say, the effect of the variables is clearly less decisive than the fundamental difference in race.

Undoubtedly an individual or group, taken out of the cultural environment of their own race and brought up in that of another, will sometimes absorb some features of the culture of the new environment, but in such instances they become parasites upon the culture of the second race. They are carried up, or carried down, as the case may be, by the overwhelming impact of the environment of the second race. Their own capacity to contribute to, and to sustain, a culture can only be judged by the performance of their own race in its native habitat. And if that capacity is low, then too many of them, too freely integrated, must inevitably in the long run lower the culture of the second race.

There have, not unnaturally, been situations in which a race has captured the spark of culture in one habitat but not in another. In the case of the fall of the Roman Empire, the barbarians were, broadly speaking, members of the same race as the conquered. Here we find two branches of the white race, one of which had produced a culture while the other had not, and here the Boas theory of historical accident is tenable. Similarity of tinder permitted passage of the spark. It was still the white race that absorbed, and eventually carried forward, the Roman culture.

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The essential question in this whole controversy is whether the Negro, given every conceivable help regardless of cost to the whites, is capable of full adaptation to our white civilization within a matter of a few generations, or whether the record indicates such adaptation cannot be expected save in terms of many hundreds, if not thousands, of years, and that complete integration of these races, especially in the heavy black belts of the South, can result only in a parasitic deterioration of white culture, with or without genocide. I am certain neither you nor the Court, nor any significant number of Northerners would knowingly shackle upon their racial brothers in the South against their will a system which would produce either of the latter results. The sin of Cain would pale by comparison.

Yet to my mind it seems obvious that all the facts, and a preponderance of theory, are against Myrdal and his authorities. I would go so far as to say that in the last fifty years anthropology has been drafted to serve the demi-Goddess of Equalitarianism instead of the Goddess of Truth, and that the modern school in this field has a stern judgment to face, both at the bar of American public opinion and at the hands of two generations of youth whose thinking has been corrupted by it. One does not build a healthy society on error. One faces the truth, and deals with it as best one can.

I pass now from Myrdal, and the sources upon which his more general assumptions rest, to the remaining authorities cited in Footnote 11. All of these deal primarily with the adverse psychological effect of segregation upon Negroes and only secondarily with its alleged adverse effect upon white children. Nowhere is any study cited of a third question, namely, of the quite possible adverse effect of integration upon whites in schools with large percentages of Negroes. Was any such study made and presented to the Court?

The third question was well put by William Polk in his book Southern Accent: "If the Negro is entitled to lift himself up by enforced association with the white man, why should not the white man be entitled to prevent himself from being pulled down by enforced association with the Negro?" This question seems particularly important in view of the patent partiality of the authorities cited in favor of integration. The majority of these appear either to belong to Negro or other minority groups, or to have prepared their studies under the auspices of such groups. To expect these groups to present impartial reports on the

subject of racial discrimination is like expecting a saloon keeper to prepare an impartial study on prohibition, or a meat packer to pass an unbiased judgment on the Humane Slaughter Bill. Their point of view is important and deserves consideration. Many of them are brilliant and consecrated men. But to permit them to provide the overwhelming preponderance of the evidence is manifestly not justice. If this is compounded by an absence of any consideration of the damaging effect of integration upon white children, it becomes doubly serious. While the brief for the State of Virginia touches upon the subject, it seems to me that the people of the United States, whom you represented, had a particular interest in seeing it more fully developed. I would appreciate your directing me to such a study, if one was made, and also your providing me with some explanation as to why the evidence on damage to the Negro was from such partisan sources.

Any American worthy of the name feels an obligation of kindness and justice toward his fellow man. He is willing to give every individual his chance, whatever his race, but in those circumstances where a race must be dealt with as a race, he realizes that the level of the average must be controlling, and that the relatively minor handicap upon the superior individual of the segregated race, if it be a handicap at all, must be accepted until the average has reached the point where the desire for association is mutual.

This leads me to my final query. I will be frank to say that I was startled at the uncritical manner in which the Supreme Court was allowed to accept one phrase in the language of the lower court, to wit: "A sense of inferiority [produced by segregation] affects the motivation of a child to learn." Did neither you nor counsel for any of the appellees take occasion to point out that if a child is by nature inferior, enforced association with his superiors will increase his realization of his inferiority, while if he is by nature not inferior, any implication of inferiority in segregation, if such there be, will only serve as a spur to greater effort? Throughout history, challenges of this sort, acting upon individuals, groups and races of natural capacity, have proved a whip to achievement, times without number. The point was one of the legal hinges on which the case turned. In fact without it the decision falls apart, for

there is no other even remotely arguable excuse why separate facilities cannot be made equal within any possible stretch of the meaning of the Fourteenth Amendment. Consequently, I would have thought it imperative that you raise it.

Sincerely yours,

/s/Carleton Putnam

cc: The President
The Members of the Supreme Court

PRELIMINARY DRAFT. CONFIDENTIAL.

QUESTIONS FROM READERS

Many thousands of letters have been received both by the Putnam Letter Committee in Birmingham and by me in response to the publication of my letters to the President and to the Attorney General. Ninety-five percent of them have been favorable. But the five percent that have been unfavorable have amounted to several hundred and have presented a mechanical problem. To reply to each one individually was impossible, yet I felt each deserved an answer.

I have finally compromised by consolidating all the questions asked in these letters into 61 which contain in composite form the essential points in the material as a whole. These I have attempted to answer in reasonably brief form, and I append both the questions and the replies below:

1. Q. I am a Negro. Your letter to the President was a pretty hard poke in the face for me. Can't you realize how it feels to be colored, and to read something like that in a newspaper?

   A. No one wants to poke anybody in the face less than I do. I regret beyond words the necessity for writing as I did. But your leaders have left me, and other members of my race, no choice. Your leaders made the attack, they were the aggressors. I have had word from many colored people agreeing with my position and with what I say to you now.

   Your leaders were not content with the progress being made by mutual agreement and understanding throughout the South. They had to take more by force. Under such circumstances you cannot expect me, or any white man who perceives the real issue, to keep silent.

2. Q. Can you give me one good reason why those bigoted Southerners shouldn't be forced to desegregate?

   A. I could mention several, but I will give you the main reason.

   There is no basis in sound science for the assumption, promoted by various minority pressure groups in recent decades, that all races are equal in their capacity to advance, or even to sustain, what is commonly called Western civilization. They most emphatically are not.

   Such being the case, the situation is well described in a letter to me from a Professor of Physiology in one of our leading medical schools: "School integration is social integration, and social integration means an ever increasing rate of interbreeding. [This is true regardless of whether the sexes are separated in the schools. Little brother would still bring his new Negro friend home after school] . . . As a biologist, I see the process as a mixing of Negro genes in

our white germ plasm, a process from which there can be no unmixing short of another ice age".

Some disagreement may exist as to the extent to which the admixture of Negro genes has pulled down great white civilizations in the past. I have never anywhere seen the claim that it did the white race any good. Consider the history of Portugal since the 17th Century, as well as modern Brazil and other Latin American countries.

Support can be found for the contention that the decline of several ancient civilizations is traceable in part to miscegenation with colored peoples. But entirely discounting this school, what great civilization ever arose <u>after</u> an admixture of Negro genes?

Since the question answers itself, I must ask the Northern integrationist by what authority he claims the right to gamble with the white civilization of the South, against the will of its people, while he personally sits secure with his children in all white schools, or in schools with negligible percentages of Negroes.

To me this appears as one of the worst examples of hypocrisy and brutality in all history. However, it differs only in degree from a related trend of our times. It is always easy and sometimes justifiable to spend the money that someone else has earned---a principle which the equalitarians understand thoroughly. It is equally easy and never justifiable to spend someone else's children.

3. Q. <u>Are there enough Negroes in the United States to make any real difference if we absorb them?</u>

A. Yes. The ratio of non-whites to whites in the United States as a whole in the 1950 census was around 10%. If completely absorbed, this would be a substantial admixture, with noticeable effects. The United States would become approximately a nation of octoroons. More serious is the fact that a large part of the Negro population is concentrated in the South. In 1950, Mississippi had 46%, South Carolina 39%, Louisiana 33%, Alabama 32%, and Georgia 31% non-whites. Absorption in any of these States would be disastrous. It would be almost as bad in any other Southern State.

4. Q. <u>What makes you think the Negro really cares about intermarriage with the white race?</u>

A. Read any Negro newspaper.

5. Q. <u>The North had to force the South to give up slavery. Why should not the North force the South to integrate?</u>

A. Morally the two situations are diametrically opposite. While many Northerners made fortunes out of the slave trade, relatively few owned slaves and consequently they could, with some justification, demand that the South be equally virtuous. But very few

Northerners are in a position where they need put their children in schools with large percentages of Negroes. In forcing integration upon the South, the North is demanding that the South do what the North itself in similar circumstances would not do. It is an established fact that white people favor integration throughout the United States exactly in proportion as they do not need to practice it.

6. Q. My teacher says that while there is no positive scientific proof that the Negro is the equal of the white man, neither is there any positive scientific proof that he is not. Under these circumstances, why do you assume the Negro's inferiority?

A. It is true that anthropology is not an exact science in the sense that mathematics is, and its propositions cannot be proved or disproved like mathematical formulae. Similarly, it is impossible to control experiments with human beings as you would control an experiment in physics or chemistry.

Therefore, when your teacher says that the inferiority of the Negro race cannot be either proved or disproved in such a sense, he is correct and at the same time guilty of a complete irrelevancy. In the management of human affairs, all law and all practical judgments are based on a balance of probabilities. In our civil courts, decisions are reached on probabilities alone. In the criminal law, the balance of probabilities must reach the extent of being "beyond a reasonable doubt", but can seldom amount to a certainty.

In applying the findings of a science like anthropology to our daily lives, the same principles must govern, and I will go so far as to say that not only does the evidence on the racial inferiority of the Negro meet the requirements of the civil law, it meets those of the criminal law. Observation and experience confirm it "beyond a reasonable doubt".

7. Q. You have spoken of white civilizations being pulled down by the admixture of Negro genes. How can you prove this?

A. I will answer the question by asking another. Can you name one stable republic in all history that was predominantly, or even substantially, Negro? The capacity for a free society involves many attributes, self-control (which, among other things, includes resistance to emotionalism), self-dependence, self-responsibility, willingness to bear the burdens of others without casting upon others the burdens one should bear one's self, willingness both to accept the verdict of majorities and to concede the rights of minorities, willingness to obey the law even when it hurts, willingness to support rather than to raid a treasury, emphasis upon the importance of the individual. Our American Republic, with all its faults is, together with England, the fine flower of long centuries of self-discipline and experience in free government by the English speaking branch of the white race. I will not say no other branch, but I will say no other race, has ever approached this achievement, least of all the Negro.

My answer covers the sphere of government alone. I have dealt elsewhere with the Negro in relation to other aspects of culture.

8. Q. Are not many individual Negroes superior to many individual whites?

A. Yes. But here again we have the point that I made in my letter to the Attorney General: In dealing with matters of race, we must either compare average with average or best with best; we cannot logically compare best with worst.

When the chart of the Caucasoid race as a whole is laid beside the chart of the Negro race as a whole, the Caucasoid will be found superior at each level except perhaps the lowest where the question arises, can one be better at being bad? I suppose one might say that the Caucasoid can at times be worse than the Negro for the same reason he can be better---greater intelligence and energy.

I am reminded here of one man who wrote ridiculing the reference in my letter to the President to a Negro settlement in Africa and asking, "why not point to Hog Wallow, Arkansas?" The answer, of course, must be that Hog Wallow, Arkansas, is not typical of the best or even the average of what the white race, left on its own resources, can produce, while the settlement in Africa is typical for the Negro.

9. Q. You ought to be ashamed of yourself. Your primitive ancestors were drinking blood out of skulls when magnificent Negro civilizations were in existence in Africa. Haven't you ever heard of Timbuktu?

A. Here is the sort of intellectually dishonest question with which it is difficult to have patience.

I suppose if one searched through all history for the time when the best pure Negro civilization, uninfluenced by white help, was at its peak, and then sought the time when the worst pure white civilization was at its bottom, one might decide that one would have preferred to have lived among the Negroes, although I doubt it. I have not heard of any tribal poetry among Negroes comparable to Beowulf or the Nibelungenlied. In any case the same point about comparing best with worst applies here as applied in my answer to the preceding question.

Of greater importance, it would be well for you to examine more closely what you call "magnificent Negro civilizations" in Africa. At one time, and a very brief one, there were west Sudan kingdoms with more brilliance than the contemporary ones in, say, Scandinavia, but they could not be compared with the contemporary Byzantine Empire or even the troubadour civilization of Provence.

As for the much vaunted Negro city of Timbuktu, can you mention the Arab-inspired Mosque school of that city in the same breath with the University of Paris, also founded in the Twelfth Century? Which of their medieval professors has the modern influence of St. Thomas Aquinas? Remember also that Timbuktu was ruled by an Arab nobility and a slightly colored Tuareg upper class. Full blooded Negroes were at the bottom of the ladder, a despised caste.

10. Q. Was there not once a great Negro Pharaoh on the throne of Egypt?

A. The ancestors of no Afro-American ever sat on the pharaonic throne. If you are equating the Negro with the Amharic-speaking,

Coptic-Christian Ethiopian, you are falling into a common enough error. It is true that even the Amharic nobility had some negroid admixture, but it is probably by way of the Galla, who inhabited the Abyssinian highland before the Hamite invasions, and were of a quite different stock from the blacks of Dahomey from which our American Negroes came.

However, the important point here is that the brief period during which Ethiopia dominated Egypt was a time of retrogression.

11. Q. Can't you see that climate accounts for the Negro's deficiencies in Africa and that a better climate will correct these in time?

A. The short answer to this question is that not even the most rabid equalitarian anthropologists attempt to use climate as a defense of the Negro. The subject is no longer even mentioned in serious scientific discussion.

The longer answer would take us into many fields. To be as brief as possible, Africa has the highest average altitude of any of the five continents. While some of it is tropical jungle and burning desert, much of it is temperate plateau. The Negro tribes of the plateau are as backward as those of the jungle. In fact, the kingdom of Dahomey, mentioned in my answer to Question 10, has a healthier climate than many areas where white civilizations have thrived---and far healthier than the steaming rain jungles of Yucatan and Guatemala where the great Mayan civilization developed.

Conversely, while the Mayans developed their astronomy and mathematics in Central America, the Algonquins achieved nothing in the St. Lawrence Valley.

12. Q. Is not the Negro's inferiority simply a matter of education?

A. The white race managed to educate itself. Why did not the Negro?

13. Q. If it be fallacious, why has the doctrine of racial equality become so popular, even among many whites?

A. A brief glance at history answers this question. The United States was founded primarily by racial stocks which may be loosely defined by the adjective "English-Speaking". As one writer wrote in 1881:

> "On the New England Coast the English blood was as pure as in any part of Britain; in New York and New Jersey it was mixed with that of the Dutch settlers---and the Dutch are by race nearer to the true old English of Alfred and Harold than are, for example, the thoroughly Anglicized Welsh of Cornwall. Otherwise, the infusion of new blood into the English race on this side of the Atlantic has been chiefly from three sources---German, Irish, and Norse; and these three sources represent the elemental parts of the composite English stock in about the same proportions in which they were originally combined---mainly Teutonic, largely Celtic, and with a Scandinavian admixture. The descendant of the German becomes as much an Anglo-American as the descendant of the Strathclyde Celt has already become an Anglo-Briton... It must

always be kept in mind that the Americans and the British are two substantially similar branches of the great English race, which both before and after their separation have assimilated, and made Englishmen of many other peoples..."

This, as I say, was written in 1881. In the later 1880's, conditions began to change. Immigration to the United States shifted from Northern to Southern Europe and other branches of the white race, with different temperaments and traditions, arrived in great numbers. The previous record of these stocks for maintaining stable, free societies in their own homelands had not been notably good.

The new arrivals were not readily assimilated. But they contained many able men. The latter, smarting under what they considered unjustified discrimination, set purposefully to the task of proving they were just as good as the native stocks. Important chairs in many of our leading universities were taken over by these men, and a whole generation of American youth came under their influence, aided by others whose hearts were softer than their heads were clear. The result was the exploitation of the Boas theories in anthropology, and related doctrines in the field of sociology.

It was only a step to apply these theories to the Negro and integration. In my opinion, however, they are being applied more to entrench the theories than to help the Negro. Consider the following perhaps unconscious confession on the part of Melville J. Herskovits, a member of Boas' own minority group: "Let us suppose it could be shown that the Negro is a man with a past and a reputable past; that in time the concept could be spread that the civilizations of Africa, like those of Europe, have contributed to American culture as we know it today; and that this idea might eventually be taken over into the canons of general thought. Would this not, as a practical measure, tend to undermine the assumptions that bolster racial prejudice?" Mr. Herskovits is a man with a mission. His objectivity as a scientist may be judged accordingly.

There would be something amusing about the works of these men if the gullibility of so many of their readers were not so complete. In addition to their almost incredible prolixity, we find over and over a transparent technique of attempting to destroy truth by ridicule. This technique consists in quoting the older authorities in a context of sneers, with many assertions of their falseness and scientific obsoleteness, and with repeated promises of supporting proof, followed by a change of subject and a failure ever to return to the proof. We might reduce the method to its simplest terms as follows:

"It was the fashion before 1913 to suppose that two plus two equals four. One may be amazed, in the light of modern research, that such a belief could have been seriously entertained, but such was the case. Mr. Blank, for example, actually states that two plus two equals four in several of his books, but the dates of these books suffice to discredit him. About 1930, and with increasing frequency ever since, science began to discover that two plus two equals six. Now-a-days, of course, no reputable scientist would suggest anything else. For further discussion of this question, see Chapters 23, 47, and 250."

Upon turning to these chapters we find many wordy paragraphs, but the promised proof recedes before us like a mirage on a desert, and finally vanishes. The facts are as I have presented them in my letter to the Attorney General and in my answer to Question 6. The equalitarians have no defense other than Boas' historical accident and isolation arguments, and these cannot be sustained.

What seems unfortunate is that these white minority groups, to advance what they conceive to be the interests of their special stocks, should promote theories and policies which are bound to weaken the race as a whole. Like Samson they would pull down the pillars of the temple upon our very heads.

On the other hand, no injustice could be greater than to suppose that all members of the new immigration shared the views, or promoted the policies, of these groups. Many came to America because they understood the native American spirit and desired, not to change it, but to participate in its life. Some of our greatest gains as a nation have come through such individuals.

14. Q. The NAACP has written me that there is virtual unanimity among scientists on the biological equality of the Negro. Is this true?

A. No. There is a strong northern clique of equalitarian anthropologists under the hypnosis of the Boas school which, as I have said in my answer to Question 13, has captured important chairs in many leading northern and western universities. This clique, aided by equalitarians in government, the press, entertainment, and other fields, has dominated public opinion in these areas and has made it almost impossible for those who disagree with it to hold jobs.

The economic weapon held over the head of one's opponent is a common technique of the equalitarian, and I regret to say that it has a disconcerting resemblance to the technique of the communist. The non-equalitarian scientists have been forced largely into the universities of the South where they are biding their time.

It must be remembered that besides political and economic pressures, which are sometimes an element even in the South, there exists one other silencing factor: natural human kindness and charity. It is not pleasant to have to point out the deficiencies of other races. Scholars are often gentlemen and they avoided this sort of thing as long as possible.

15. Q. If some Negroes are better than some whites, why then should we not sort people by worth rather than by race?

A. In all the ordinary judgments of life, in dealings between individuals, we should. But in those matters which involve social association, and hence the possibility of interbreeding, the element of race inevitably enters because each individual carries in his genes the heritage of his race and this will be passed on in the breeding process. Unhappily it is quite likely that in the mating of a good Negro and a bad white the children may get a better deal in genes from the white than from the black parent; certainly this would be the case, so to speak, "across the board". The black on the average must pull down the white. As one Southerner put the point: "However weak the individual white man, his ancestors produced the greatness of Europe;

however strong the individual black, his ancestors never lifted themselves from the darkness of Africa."

16. Q. You are preaching a doctrine of white supremacy and allying yourself with lynchers and bombers. Worse, don't you realize that this is the doctrine that led to Hitler's barbaric policies?

A. I am advocating a doctrine of white leadership based on proved achievement, not supremacy in any sense of domination, exploitation, or violence. As far as the colored world is concerned, to destroy or to debilitate the white race would be to kill the goose that lays the golden egg. It's a temptation as old as the human species, and always ends with a dead goose and no eggs.

Regarding Hitler, would you condemn Christianity because of the atrocities of the Spanish Inquisition? Truth has often been warped by evil men to vicious ends. One does not solve the problem by going to the other extreme and embracing error.

17. Q. In your letter to the President, you say the southern Negro must earn equal status with the white man, yet in your letter to the Attorney General you mention natural limitations which indicate you do not believe the Negro capable of earning it. How do you explain this contradiction?

A. It isn't really a contradiction. I believe the Negro should be given every reasonable chance of achieving equality over the centuries, through equal education in his own schools and by every community effort that does not involve pulling down the white race, but it does not follow that I believe the average Negro capable of achieving it, within any time limits that could have a practical bearing on the present controversy.

Over a matter of hundreds of years, the constant surrounding stimulus of white civilization upon the Negro may be expected slowly to have an elevating effect. Changes in a race occur in one of two ways, by natural selection or by mutation. The mutation method is not likely to be of importance in the problem we are considering. Natural selection, on the other hand, involves the gradual elimination of those genes which are unsuited to the surrounding environment. This occurs by mating choices within the race itself and by the dying-off without children of those with a preponderance of unsuitable genes. The process must obviously be a slow one, involving many generations before the inferior race can hope to achieve equality. Meanwhile the increasing number of individuals above the average, who are in fact raising the average, should be given every opportunity for the development of their natures within the limits already mentioned.

18. Q. You speak of a character-intelligence index. But does not character usually follow from intelligence?

A. No. Some of the worst criminals in history have been highly intelligent. Conversely, you can doubtless think of several of your friends who are not very keen intellectually, but to whose honor and responsibility you would trust your life.

Intelligence is almost entirely a matter of heredity. Heredity is also substantially involved in character---ask any man who knows and loves animals---but it is more subject to modification by environment than intelligence.

19. Q. How dare you say singing and athletics do not involve character and intelligence?

A. I did not say they did not involve character and intelligence. I said they were not primarily matters of character and intelligence.
Primarily they are physical gifts. While there is no question that every great champion has to have a lion's heart, and other stalwart virtues, these virtues were equally present in cave men. They are desirable in any civilization, but they are not distinctive attributes of an advanced civilization. I might even point out that a canary sings beautifully, and each year a horse wins the Kentucky Derby.

20. Q. The NAACP has written me that your comparison of the achievements of great white men with those of Negroes is pointless. They say the same comparison could be made between white men and white women, yet no one claims that women are biologically inferior. They also tell me that the early Irish immigrants to this country were more shabby and lived in poorer shanties than the Negroes. What is your answer?

A. As to the achievements of women, not even in Alice in Wonderland do we find an attempt to equate biological inequivalents. Most women, through history, have been in the home, bearing and rearing children, and to see a Negro man hiding behind a white woman's skirts is just a little sickening. But ask the NAACP to name a Negress equal to the Brontë sisters, or Florence Nightingale, or Queen Victoria.
Concerning the Irish, when the NAACP can point to a Negro city the equal of Dublin or Cork or Belfast, I will be glad to discuss it.

21. Q. Won't human beings gain by the variety and richness of racial mixing? In other words, don't crossings help in breeding?

A. It depends on what you cross. Crossing two superior breeds may or may not produce an improvement. Such crossings must be carefully controlled---much more carefully than is possible with human beings---before we can speak with assurance. But one thing is sure: crossing a superior with an inferior breed can only pull the superior down.

22. Q. Was not American democracy founded on the idea of the equality of all men?

A. No. As I have pointed out, Jefferson's phrase "all men are created equal", which he used in the Declaration of Independence, is a corruption of the original wording as it appeared in the Virginia Declaration of Rights and as it was afterwards copied in many state constitutions. The original wording read: "All men are born equally free," and this was the true foundation of the American ideal. Lincoln,

in his Gettysburg Address, simply copied Jefferson's corruption.

It should be noted that Jefferson, in writing the Declaration of Independence, followed the phrase "all men are created equal" with the phrase "they are endowed by their Creator with certain inalienable rights...among [which] are life, liberty and the pursuit of happiness." Liberty, in other words, was given the same standing in the Declaration as equality---and a moment's thought will show that the only sense in which equality can co-exist with liberty is in the sense of equality of opportunity. In any other sense, if men are free they won't be equal, and where men are equal they are not free. Hamilton put this point clearly when he said in the Constitutional Convention of 1787: "Inequality will exist as long as liberty exists. It unavoidably results from that very liberty itself."

Perhaps the most pungent statement as to the true views of the signers of the Declaration of Independence is contained in a speech by Stephen A. Douglas, in the Lincoln-Douglas debates in 1858:

> "Now, I say to you, my fellow-citizens, that in my opinion the signers of the Declaration had no reference to the Negro whatever, when they declared all men to be created equal. They desired to express by that phrase white men, men of European birth and European descent and had no reference either to the Negro, the savage Indians, the Fiji or the Malay...One great evidence that such was their understanding, is to be found in the fact that at that time every one of the thirteen colonies was a slaveholding colony, every signer of the Declaration represented a slaveholding constituency, and we know that no one of them emancipated his slaves, much less offered citizenship to them, when they signed the Declaration; and yet, if they intended to declare that the Negro was the equal of the white man, and entitled by divine right to any equality with him, they were bound, as honest men, that day and hour to have put their Negroes on an equality with themselves...
>
> "My friends, I am in favor of preserving this government as our fathers made it. It does not follow by any means that because the Negro is not your equal or mine, that hence he must necessarily be a slave. On the contrary, it does follow that we ought to extend to the Negro every right, every privilege, every immunity which he is capable of enjoying, consistent with the safety of our society."

It might be noted in passing that the Declaration of Independence is not the charter of our government. The Constitution is the charter, and its preamble states its purpose to be, among other things, to "secure the blessings of liberty to ourselves and our posterity". No mention is made of equality. Of the constitutions and bills of rights of the 48 states as of 1917 (the last available printing) only two use the equality clause of the Declaration of Independence and one of these, North Carolina, had it forced upon her by federal bayonets during Reconstruction. In fact, if one examines the constitutions of all the countries of the world, one finds only four which contain the concept of cultural, economic or social equality. Those four are Guatemala, the Mongol Peoples Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics.

Modern equalitarians have not been above practicing certain deceptions in regard to Jefferson's attitude toward the Negro. On a marble panel in the Jefferson Memorial in Washington is a fragment

of one of Jefferson's sentences. As inscribed on the panel the words are: "Nothing is more certainly written in the book of fate than that these people [the Negroes] are to be free." As written by Jefferson, there was no period after these words. There was a semi-colon, and the sentence continued: "Nor is it less certain that the two races, equally free, cannot live under the same government."

Myrdal uses somewhat the same technique in his Dilemma when he quotes the first part of Jefferson's sentence at page 85, and postpones any reference to the thought in the second half until five pages later, when he quotes another and weaker sentence from a different volume of Jefferson's writings.

Almost all the great statesmen of our nation's past have foreseen the danger of the Negro among us and have sought to remove it, even to the point of transplanting the race to Africa. The idea of making the Negro the social equal of the white man never entered their heads. I have already quoted Lincoln, but let me quote him again. When he signed the Emancipation Proclamation, Lincoln said: "I can conceive of no greater calamity than the assimilation of the Negro into our social and political life as our equal.... We can never attain the ideal union our fathers dreamed, with millions of an alien, inferior race among us, whose assimilation is neither possible nor desirable."

Let me also quote Robert E. Lee:

> "The only reason why I have allowed myself to own a slave for a moment is the insoluble problem of what to do with him when freed. The one excuse for slavery which the South can plead without fear before the Judgment Bar of God is the blacker problem which their emancipation will create... The slaves are freed by an accident. An accident of war's necessity---not on principle. The manner of their sudden emancipation, unless they are removed, will bring a calamity more appalling than the war itself. It must create a race problem destined to grow each day more threatening and insoluble...."

Among those beside Jefferson, Lincoln and Lee who favored removal to Africa rather than face the risks of the continued presence of the Negro among us may be mentioned Francis Scott Key, John Randolph, James Madison, Ulysses S. Grant, James Monroe, John Marshall, Andrew Jackson, Daniel Webster, and Henry Clay. The modern segregationist is in good company.

Nor should one be beguiled by the equalitarian's claim that this cloud of witnesses is obsolete. The truths involved here are not the sort that become obsolete short of many hundreds, if not thousands, of years.

23. Q. Does not equality of opportunity for the Negro require desegregation?

A. No. If equal facilities, teachers, and curricula are provided, (and where this is not being done, it should be done, and the Supreme Court should have made this the issue) there can be no inequality of opportunity. I have already answered, in my letter to the Attorney General, the charge that segregation produces a sense of inferiority, and that a sense of inferiority affects the motivation of a child to learn. What the Negro is really demanding is social equality with a group that does

not desire his company. He is in effect saying that unless he has social equality he cannot study as well. A white girl might just as well say that she cannot study unless she is presented at Court.

24. Q. How can the Negro earn status if he is not given the opportunity to earn it?

A. This repeats the previous question in a somewhat different form. Segregation, properly administered, as I have said, does not interfere with any Negro getting an equal education if he has the ability and desire. Concerning social status, when, as, and if the average Negro, whether in his segregated school or elsewhere, has on his own initiative, evolved into the sort of person with whom the average white man wants to associate, this will soon become apparent to both parties, and segregation will then cease. Social equality cannot be made a condition to the earning of social equality.

It should be kept in mind that every man, black or white, must carry with him to some degree the burden of his background, both as to race and as to family. Let us consider this first from the standpoint of family. To achieve absolute equality at the beginning of every life would require the sacrifice of something even more important, namely, the family, and the responsibility of parents toward their children. One inducement to the good life on the part of a parent is the tradition he passes on. His thrift and self-denial secure his children's education, his character sets an example---to deny a man this influence, for better or for worse, would not only sap the marrow of our civilization, but deny what a majority of Western Europeans would consider a fundamental human right.

The corollary, however, is unavoidable. Not all children have an equal home life in the formative years. The sins and virtues of the father are visited upon his children. Both heredity and early environment are unequal. Every white man faces this. Few of us are so fortunate as not to be surpassed in both heredity and environment by someone else, which gives meaning to the old saying: "Life's not in holding a good hand, but in playing a poor one well."

In similar fashion, in the case of race, the sins and virtues of our racial forbears are visited upon their descendants. It might be thought easier, in this instance, to assure each generation a fresh start, but consideration will show that the heritage of race is in part implicit in the family environment and in part in heredity. Both the black and the white child receive a legacy which is a mixture of family and racial heredity and environment. Society can no more make them equal as to the racial component than it can make them equal as to the family component. The problem, according to our Western European concept of life, is private because any other concept entails sacrifices greater than the gains.

25. Q. Is not the indulgence of personal preference in regard to the company one keeps a right only in private situations? Can one white child avoid another white child whom he considers inferior by insisting he be put in another school?

A. The question confuses the case of an individual, acting for himself, with the case of the people of a State as a whole, acting by majority

rule, or by whatever rule the fundamental law of the State provides. The people thus acting can do anything they please, within certain constitutional limitations. If the majority in a state decide that smokers should be segregated from non-smokers in public conveyances because non-smokers prefer not to associate with smokers in such places, I do not suppose this would be held unconstitutional, although failing such a law, an individual, acting alone, would not have the right to protest. An analagous situation is found in the segregation in separate hospitals of the victims of contagious diseases.

The test is one of reasonableness. The smoker is not harmed, nor the victim of the contagious disease, by segregation with those in a like situation, and if the remainder are benefited, the public welfare is promoted by the procedure. None of this could be accomplished by a private individual attempting to exercise a personal right to freedom of association.

26. Q. Why do you consider school a "social" situation?

A. The friendships of school days are a matter of song and story. Undoubtedly you remember both the music and the words of School Days:

> You were my queen in calico,
> I was your bashful, bare-foot beau.
> You wrote on my slate, "I love you, Joe,"
> When we were a couple of kids.

Particularly in rural areas, schools are a social center, but it is true enough elsewhere. There is usually a cafeteria where students lunch together; athletic contests are often held at night and students, following the team, travel in school busses and fraternize before, during and after the game. There are dances. The comments of an 18 year old white girl in an integrated Northern high school published in U. S. News & World Report, may properly be quoted here:

> "I remember reading somewhere that a famous sociologist said that about the last person that the average white kid would be interested in is a Negro. I have news for him. Integration is a gradual process. At first it is difficult to see anything but that they are Negroes. Later you think of them as just people and then as friends. As one girl I know put it, from there it is just a hop, skip and a jump before you think of them as more than friends. Almost every white girl I knew had a secret crush on one of the colored boys. The crushes varied from warm friendship to wild infatuation... One of the girls felt guilty about it but she kept on dating the colored boy... She once told me that if people were going to object they shouldn't expose us to the temptation. As she put it, we're not all saints."

Some integrationists have suggested segregation of the sexes as a solution to this problem but not only would this force the South to give up co-education for white children, it would be at best a poor palliative of the underlying difficulty. As I have said elsewhere, little brother would still bring his new Negro friend home after school. One cannot break down the social barriers among either sex without eventually breaking them down heterosexually.

The technique of gradualism is a notorious one in the progress of equalitarianism, socialism and communism. Seize a little today and it will be easier to seize a little more tomorrow. In fact, all evil, communist or fascist, advances in this manner. One can mention Munich, as well as Moscow. The reason, I think, is that once a principle falls, the inner demoralization has set in, and soon everything else goes. As one respected southern editor has expressed it in speaking of token integration: "If integration is wrong, as we believe it is, we do not concede that a little bit of it is right." Or, as another well known southern author has written: "To suppose that we can promote all other degrees of race mixing but stop short of inter-racial mating is like going over Niagara Falls in a barrel in the expectation of stopping three-fourths of the way down."

27. Q. Are not the children themselves perfectly willing to integrate?

A. A child left to itself is perfectly willing to experiment with anything, including explosives. This is the reason courts appoint guardians for children who have lost their parents.

It must always be remembered that the first thing a group or party that wishes to remake a civilization to suit itself is going to do is to corrupt the relatively defenseless minds of children. The extent to which this process has already succeeded in the North with the generation that has now become adult is alarming enough. Integration is the next step.

28. Q. Does not the Christian religion promise salvation equally to all men, and are not all men consequently equal in the sight of God?

A. Yes, as to the first part of this question; no, as to the second. Many people have written me confusing salvation with status. I agree that the Christian religion offers salvation equally to true believers, but this has nothing to do with status. Status has to be earned, in religion as elsewhere, by merit. I need only point to Christ's parable of the talents, and of the foolish Virgins, or to the Letter of James, Chapter 2: "You see that a man is justified by works and not by faith alone, for as the body apart from the spirit is dead, so faith apart from works is dead."

To assume that a person who indolently dawdles his life away, albeit confident in his redemption through faith, stands on an equal footing before God with a man who strives to progress in character and service, is to make a mockery of the Christian religion. Similarly, to suppose that a good, but weak and stupid man---albeit weak and stupid through environment and heredity rather than through any fault of his own---stands other than potentially on the same rank with the good, and strong and intelligent, man within the heirarchy of heaven would be to suppose that God puts no premium on the development of strength and intelligence as either an earthly or heavenly goal. Nothing does greater injustice to the character of Christ himself. Christ was a Man of infinite compassion, but He was not a Man of maudlin or undiscriminating sentimentality. Christ's life, among other things, might well be called a study in firm discrimination.

29. Q. <u>But would Christ have discriminated according to race? Was it not always with Him a matter of individual worth?</u>

A. Of course. And I have never maintained anything to the contrary. In all matters involving dealings between individuals, I think individual worth alone should be the criterion. It is only in those situations where a race must be dealt with as a race that the standard of the average has to be considered. Christ, in meeting the woman of Syrophoenicia, and in making a preliminary judgment on the basis of origin, said: "It is not right to take the children's bread and throw it to the dogs." Only after she had abased herself by answering, "yet even the dogs under the table eat the children's crumbs", did Christ reply, "For this saying you may go your way; the demon has left your daughter".

There is nothing un-Christian in facing the fact that, as individuals differ in merit, so averages differ among races. Preliminary judgments as to the average have to be made accordingly. I must repeat that there are few perfect systems in this world, one has to deal with practical realities, and when one is confronted with a situation where a race must be considered as a race, there is no alternative to building the system around the average. The minor handicap to the exceptional individual, if such there be, is negligible compared to the damage that would otherwise result to society as a whole.

An Englishman, Esme Wynne-Tyson, looking at the subject from the standpoint of the United Kingdom, recently put the matter well in <u>The Contemporary Review,</u> one of England's leading monthly magazines:

> "Almost every man is in a different stage of development, and, even more obviously, are nations and races in different phases of evolution...It is not a problem that can be solved by any sentimental humanism, or religious insistence that all men are the children of God...
>
> "The natives of the West Indies have a legal right to enter England as British subjects, but it is not their biological or spiritual home, and may well prevent their natural evolution which can only take place gradually in the environment and culture native to them. On the other hand, the instinctive feeling of many inarticulate but intuitive British people that a mingling of races, which is, more basically, a mingling of two incompatible evolutionary streams is not 'right,' is a sure one. Specifically they complain of the coloured races being dirty, noisy, or immoral; but these objections are only the outward and visible signs of a different stage of spiritual development, a lower culture, and it is this which is sensed and resented by numbers of British people who have no personal ill-will towards their coloured neighbours as such...
>
> "What amounts to an enforced intermingling of white with coloured races in this country at the present time is being resented at a deeper level than most people imagine. The rising generation of British youth is already badly handicapped in its evolutionary struggle by the moral degradation which was involved in, and has resulted from, the last war combined with the wholly unspiritual atmosphere of thought engendered by scientific materialism. And their parents, observing this, cannot submit passively to witnessing their

further deterioration through mixing with people of a still lower ethic and culture. The young people of Britain are not themselves sufficiently ethical to instruct their companions how to rise. Evolution is an arduous task. It is far easier to sink than to rise.

"We have an object lesson of this in modern America which has badly suffered from close propinquity with its less evolved immigrants. The 'hot' music, primitive dances, and other sensual practices of the coloured races, have permeated, with their devolutionary influences, every corner of a once-puritan civilization, debasing and obstructing the process of an originally highly ethical people. Hence the instinctive fear lying at the back of much of the present colour prejudice in this country."

It is probably too late to return the American Negro to his biological and spiritual home, but it may not be too late to redeem in America the spiritual heritage of the white race. Unless this is done, it will not be long before many a white man in the United States will have cause to paraphrase De la Mare's lines:

> This is not the place for me;
> Never doubt it, I have come
> By some dark catastrophe
> Far, far from home.

30. Q. Why do many leaders of the modern church support the integration movement?

A. Some do so on legal grounds as a matter of duty to support the law until it is repealed. They cannot support it on religious grounds without flying in the face not only of the points raised in my answer to Questions 27 and 28 but also of their own previously established positions. If segregation was not contrary to the teachings of Christ in 1953 it cannot very well be contrary in 1954. The argument that is often made, that times have changed, that a progression has occurred, cannot be sustained. As I have pointed out in my answer to Question 17, racial evolution is not a matter of years or decades. If, from the standpoint of the white race, an admixture of Negro genes was undesirable after the Civil War, it is equally undesirable today.

31. Q. Does not segregation violate the golden rule?

A. No. Suppose some day a race vastly superior to the white race, thousands of years ahead of it in evolution, arrives from outer space. Suppose it brings us moral inspiration, intellectual acumen and scientific discoveries beyond our present imagination. Suppose we know, also, that no more can ever arrive. Would we, as Caucasians, resent the decision of that race to maintain its racial integrity among us? Would we not desire to see it do so for the benefit of our own descendants? Would it not be the part of long-range wisdom? And if we would thus be done by, should we not do likewise by the Negro?

32. Q. Why worry so much about the future? Why not adopt the policy that will help the Negro most today, if it doesn't hurt the present generation of whites?

A. As to the future, we cannot afford to be so short sighted.

As to the present, I think you are equally wrong. Wynne-Tyson has pointed out (Question 29) that our contemporary white civilization is suffering already from the deteriorating effects of too indiscriminate an acceptance of various features of inferior cultures.

Deterioration of this sort spreads rapidly. "It is far easier to sink than to rise." To expose young white children, in their most formative years, to the Negro influence would have an immediate adverse effect.

33. Q. Is not your position dated from the standpoint of modern sociology?

A. Modern sociology is too often found to be the child of modern equalitarian anthropology. But let me make clear what my position on the broader sociological question is, as distinguished from my position on integration, the latter being only a facet of the former.

I believe the real contest in America today is between equalitarianism and socialism on the one hand, and freedom and individualism on the other. One of the notions inherent in the first system is the idea that benefits should flow from the State; in the second, that benefits should flow from individual effort. Although I doubt if they realize it themselves, modern writers on social questions are betrayed by the fact that their works almost never contain the words "earn" or "deserve". It never seems to occur to them that one man might be rich because he deserved to be, while another might be poor for the same reason---indeed, that in America this is far more often the case than otherwise, and that one does not cure improvidence and bad self-management by rewarding it at the expense of thrift and foresight.

The trend here is particularly damaging in the training of the young. Let us not forget that civilized living, thoughtfulness of others, honesty, thrift, sexual loyalty, have to be taught, even though the capacity to absorb the teaching varies. And let us not forget that you cannot teach the value of something unless you de-value its opposite, that you cannot create superior ideals and superior people by pretending that inferior ideals and inferior people---black or white---are just as good, just as deserving.

While I think that our society has been correct in putting a floor under failure, in relieving undeserved misery, and in curbing business buccaneering, I believe it has been wrong in allowing the whole emphasis to be shifted from self-dependence to State dependence. The application of my point to the integration controversy can be expressed in the words of one of my correspondents:

> "In the last ten years, or ever since the decision was made by the leftwingers to enlist the Negro in their crusade for universal erosion, the leadership of the Negro race has almost abandoned efforts at self-improvement by the Negro. In my lifetime the patient pioneering of Southern leaders, both white and Negro, had, I believe, led to some improvement, both in race relations and in the status of the Negro in the American communities.

"Now virtually all the emphasis is being placed upon the theory that the big obstacle to a millenium for the Negro race is the oppressive social system under which he lives. Even a far more sophisticated and superior race of people would be corrupted by such a narcotic as this. In the case of the Negro, with his uncritical mind and lack of experience, the result has been nothing less than a catastrophe."

34. Q. Do you believe that integration is part of the communist conspiracy in America?

A. Not unless you consider the whole left-wing movement of our times, here and abroad, a communist conspiracy, as some people do. It might be more accurate to call communism one phase of a disease, of which equalitarianism and socialism are milder phases, all of which stem from the general leftist overdrift.

However, I believe the equalitarian ideology, which is back of the integration movement, is playing into communist hands, not only by setting section against section in America, but by spreading the equalitarian virus, and thus weakening the body politic to a point where more dangerous phases of the disease are contracted. Khrushchev tells every American he meets that the latter's grandchildren will be living under socialism. Khrushchev cares little by what name his rose is called, but we are beginning to feel its thorns.

Obviously, "the State" is a purely theoretical concept which exists only in the mind. The sole flesh-and-blood, material reality is the individual. "The State" is no more than a name which individuals give to a method they use for working together to achieve certain objects these individuals desire. Therefore, when any individual or group of individuals talks of dependence on the State, they are talking of some individuals depending on other individuals, a procedure which in the end either makes the individuals who are depended on rebel, or makes them use the dependence to exploit the parasites by way of compensation.

Communism, of course, carries this exploitation to the limit. In the process, and to confuse the minds of the exploited, it seeks to warp the flesh-and-blood reality of the individual into its exact opposite. In a tract used in a communist school for subversives in Milwaukee I find the following paragraph:

"Man is already a colonial aggregation of cells, and to consider him an individual would be an error. Colonies of cells have gathered together as one organ or another of the body, and then these organs have, themselves, gathered together to form the whole. Thus we see that man, himself, is already a political organism, even if we do not consider a mass of men."

It seems strange that anyone could be blind enough not to realize at once that the only entity of consciousness in the situation is the person---that neither the cell nor the State can ever qualify in this respect---but these are the sort of stupidities one must expect as the disease of equalitarianism progresses.

The sad thing is that the Santa Claus aspect of equalitarianism---the idea that "the State" is a mystic something that can be leaned on---

is very beguiling to ignorant and backward peoples. The easy hand-out, the Santa Claus image, does indeed become an "hypnotic". It not only hypnotizes groups of individuals within the nation, but it operates between nations. Probably there has never been as big a sucker internationally as Uncle Sam today in the minds of backward peoples. I do not say that the image is correct, but I say that it is there, and that if we encourage it, it can become real and thus destroy us. For we are not ruthless enough to exploit, and it may be too late to rebel.

35. Q. Does not our democracy need to practice equalitarianism at home in order to fight communism abroad?

A. No. You do not fight a disease by contracting it. Moreover, competent observers, both in our foreign service and in business, who have returned from backward countries, have repeatedly told me that one reason Americans are so often held in secret, if not open, contempt in those countries is that Americans are willing to give with no conditions, are timid about exacting anything in return, and make no demand that the help granted be as far as possible earned and deserved. Raise a child in that way and you have a delinquent. There is no more fundamental truth in life than that status to be worth anything has to be earned, whether by races or by individuals. There is something in the most primitive man that recognizes this truth, and respects and tries to emulate the person or race that asserts it.

Consider in this connection the following remarks by Albert Schweitzer, probably the world's greatest practicing humanitarian and a specialist on the African Negro. No equalitarian can be compared with Schweitzer when it comes to giving his life to help the black man. The quotation is from Schweitzer's book On the Edge of the Primeval Forest:

> "The Negro is a child, and with children nothing can be done without the use of authority. We must, therefore, so arrange the circumstances of daily life that my natural authority can find expression. With regard to the Negroes, then, I have coined the formula: 'I am your brother, it is true, but your elder brother'.
>
> "The combination of friendliness with authority is the great secret of successful intercourse. One of our missionaries, Mr. Robert, left the staff some years ago to live among the Negroes as their brother absolutely. He built himself a small house near a village between Lambarene and N'Gomo, and wished to be recognized as a member of the village. From that day his life became a misery. With his abandonment of the social interval between white and black he lost all his influence."

The white man who preaches to backward races a doctrine of equality not only demeans himself and his own race, but forfeits his opportunity to be of real service. What is called the "liberal ferment" among backward peoples who are shouting democracy from Latin America to Africa is too often not at all a struggle for freedom under law on the part of peoples capable of self-government, as was the case in the American Revolution, but rather a demand for license under lawlessness on the part of peoples totally incapable of self-government. As the aforesaid foreign observers have so

often reported, and as any traveller can confirm for himself, these peoples do not really desire freedom and its responsibilities, they wish equality and the capture for themselves of the fruits of the intelligence and enterprise of others. They wish white men to continue pumping in capital and management while they take over the product. For evil or stupid whites to encourage ferment of this sort is folly and retrogression for all concerned.

There is a noticeable similarity between many of the hat-in-hand arguments of the racial and backward-country pressure groups and the typical panhandler on the street. There is always the hard-luck story, and on investigation there is usually found to be the same reason back of the hard luck. If you keep on giving the dimes or the dollars without insisting on the panhandler at the same time doing something for and about himself, there is no progress, and eventually you, also, are penniless.

36. Q. Since the world is two-thirds colored, and the white race is thus badly out-numbered, are not whites foolish to antagonize the rest of the world by claiming superiority?

A. Leadership is always confined to a numerical minority. If this leadership renounces its confidence in itself, and its authority, because it is outnumbered, whence shall progress come?

37. Q. Don't you believe that the NAACP is doing a great work for the Negro?

A. I believe an Association for the Advancement of Colored People could do a great work for the Negro. But I believe that the emphasis of the present Association is wrong for the reasons given in the quotation at the end of Question 33. Undoubtedly, education in many Negro schools can be improved. Undoubtedly, economic opportunities for Negroes can be increased and cultural opportunities for them expanded. Most of all, solutions to their crime rate, irresponsibility, moral delinquency and other limitations can be sought. These are the areas in which the Negro can be helped. In the long run, it does him only harm to encourage him to blame others for his own shortcomings. It is particularly harmful to encourage ingratitude, insolence and aggressive imposition on the whites of the South.

Under equalitarian influence, with a strong assist from communism, it has become the fashion in the North to regard the Southern Negro as the victim of oppression, while the truth is that the Negro in the South is on the whole the product of a friendliness and helpfulness unequalled in any comparable instance in all history. As one writer has put it "Nowhere else in the world, at any time of which there is record, has a helpless, backward people of another color been so swiftly uplifted and so greatly benefited by a dominant race."

The North has no conception of the accomplishment, for it is only where the race is present in large numbers (in the South it makes up nearly half the population) that the problem and the burden really exist. The worst conditions of slavery in the South never approached the horrors from which the American Negro was delivered when he was removed from the slavery of his own race in Africa to slavery under the white man. Wholesale crucifixions to appease the Negro's gods was one of them.

What happens to the Negro even after he has had the advantage of long contact with the white man and is then thrown on his own resources is well illustrated by Liberia. Until the League of Nations stopped it, the upper classes there, who had come from America to implant American ideals, enslaved the lower classes. A glance at Haiti is also instructive. Although bolstered constantly by help from the United States, Haitian civilization is little above that of Africa. Illiteracy and poverty among the masses are almost universal. The remains of the earlier French civilization have fallen into ruin. Except where restored by American business enterprise, the bridges and roads are nearly impassable. The religion is Voodoo. Such is the best example available on earth of what a black civilization, led by mulattoes, can accomplish when left to itself.

In the southern United States by way of contrast the Negro lives in greater luxury than many whites in foreign countries. He often drives expensive, white-built motor cars and occupies well-constructed, white-financed houses. In fact, in South Carolina alone more Negroes own automobiles than all the people of Russia, outside of Soviet officials. The Southern Negro has the advantages of white medicine and white-equipped hospitals. If I may cite a further example, we have the case presented by Davis Lee, publisher of a group of Negro newspapers, who writes in the Anderson, South Carolina Herald:

> "Ted Lewis is one of Atlanta's leading Negro businessmen. Some time ago he was having financial difficulty. He went to some of the city's leading Negro businessmen, including the bankers, and tried to borrow $2,500.
>
> "They turned him down flat. He went to the small loan department of the C. & S. Bank. One of the officials went over his plans with him, and then recommended that he borrow $5,000 instead of $2,500. The bank let him have the money without questions. As a result he is a success today, a credit to Georgia and his race."

It is always easy to treat the Negro as an interesting curiosity when there are only a few of him, as is the case in many parts of our North and in many Northern European countries. The white man can carry the Negro on his back culturally with little difficulty up to a point. Then he begins to stagger under the load. The South has carried a heavier load better, and further, than it has ever been carried before. And it has done it through segregation.

The objectives of the present Negro leadership are, of course, in direct opposition to those of the greatest Negro leader of all time, Booker T. Washington. Although Washington was himself half white, he saw the Negro problem clearly. His position can be stated in his own words: "In all things purely social we can be separate as the fingers, yet one as the hand in all things essential to mutual progress."

38\. Q. <u>Is not the best way to elevate the Negro to give him a chance to associate socially with white people</u>?

A. No. Although such a procedure is basic to the equalitarian philosophy, the best way to lift the inferior up does not lie in pulling the superior down. The white race has had a hard enough time achieving and maintaining its own culture without carrying the sort of burden involved here.

But there is another, more important point. In forcing integration upon the schools of the South, the equalitarians have chosen the most defenseless elements of the community---the children and their under-paid teachers---to carry a burden even the strongest should not attempt to bear.

Under the circumstances it is not hard to understand the anger of Southerners, and why it sometimes becomes passion. One of the most unbelievable statements I have read in the American press can be found in the Washington Post for June 12, 1959. In commenting upon the withholding of a report on illegitimacy in the District of Columbia, sponsored by the Commissioners Youth Council, the author of the report, one Stanley Bigman, says: "Illegitimacy among Negroes is often a hangover from the life and customs of the slave plantation. Segregation has kept these customs alive...there is not much hope of reducing illegitimacy until segregation ends." I would invite Mr. Bigman to examine the Negro's standards of morality in Africa before he was brought to America as a slave, and in Africa or Haiti today where he is on his own, and I would ask Mr. Bigman by what process of reasoning he chooses young white children to be the preceptors of a race but yesterday removed from savagery.

One cannot help wondering how much longer such perversions of all reason and common sense, all principle and morality, as those of Mr. Bigman, are going to be tolerated by the American people.

39. Q. Are not most Southerners prejudiced?

A. They are far less prejudiced than Northerners, if we use the word in its true meaning. Prejudice is simply the product of prejudging---that is, of judging before getting the evidence. The South has far more evidence, far more experience, concerning the Negro than the North. And hence it is the North that is pre-judging when it tells the South what it ought to do about the Negro problem.

40. Q. It makes my blood boil every time I see a Southerner bully, humiliate or exploit a Negro. How can you take sides with such people?

A. Two wrongs don't make a right. The fact that it is wrong to bully, humiliate or exploit a Negro, does not make it right to integrate him. If the North and the court were to spend their time fighting bullies and exploiters, they would accomplish much more than by forcing integration.

41. Q. Why do you quote Dr. Henry E. Garrett in your letter to the Attorney General, when the NAACP writes me that Garrett is hopelessly prejudiced?

A. Has the NAACP ever failed to regard any one who disagreed with them as prejudiced?

42. Q. A Negro member of the NAACP has written me that the Negro owes nothing to the white man except his troubles. Do you dispute this?

A. The Negro owes just about every desirable thing he has to the white

man. Let your correspondent compare his own life in the United States with that of his African cousins in the jungle, or in Liberia or Haiti. I should think that if he really feels the way he says he does, he would have enough self respect to move back to the jungle, or to Liberia or Haiti, where he can enjoy the native culture of his own race instead of remaining in America and biting the hand that feeds him.

43. Q. I am a Northerner and I sit on hospital and other community boards with Negro doctors and other estimable Negroes. How can you malign such individuals?

A. I do not malign them as individuals. But I point out to you that not only are these Negroes in no sense typical of their race, whose genes they nevertheless carry and will pass on to their children, but that most of them owe their ability to some percentage of white genes in their system.

It is another characteristic equalitarian deception to introduce the mixed-blood as the true Negro. Plays, moving pictures and TV shows preaching racial equality are built around actors like Harry Bellafonte who had two white grandparents and is consequently half white himself. The equalitarian press is constantly putting forward Ralph Bunche whose deal in genes has been such that he looks like a white man with a light tan. Very seldom is the true Negro type picked to represent the race in such propaganda. The North is being spoon fed on a concept of the Negro which is sheer fantasy. Color of skin, of course, is no criterion of the degree of white blood. A man may be as black as the ace of spades and still be a mixed-blood with pronounced Caucasoid facial features, relatively high intelligence, and other white attributes.

It must, indeed, be conceded that the problem of the mixed-blood is one of the most serious in the country today. These creatures who, through no fault of their own, so often carry in their veins the sinful blood of white men, as one Southerner has put it, are the chief agitators for Negro equality, and who can blame them? May God in his mercy help them to find private solutions to their problem, but let us not mold public policy upon a line which would increase their numbers.

44. Q. Ralph McGill, the Atlanta editor, says that the Supreme Court has ordered desegregation but not integration; in other words, it has forbidden the whites to hold the blacks in black schools, but has not ordered the blacks to go to white schools. Isn't this an important distinction?

A. Not as a practical, long-range matter. It is perhaps true that a large number of Southern Negroes, if left to themselves, would tend for a time to continue in their own schools from inertia and force of habit. But the objectives of the present Negro leadership can be judged by its actions in all the large cities of the United States where it is pressing for more and more Negro attendance in white schols, and challenging token integration wherever it has occurred, just as the Negro newspapers are pressing for inter-marriage.

The real meaning of the desegregation movement should be transparent, even to Mr. McGill. It is a main sector of the equalitarian front---piecemeal surrender suits these people perfectly for they understand the truth of what I have said earlier, once a principle is gone, the rest is just a mopping-up operation.

45. Q. How can you justify second class citizens in the United States?

A. There have always been first, second, third and various other classes of citizens in the United States, white as well as black, and there always will be, here and in every country, including Russia. But this has nothing to do with segregation. Segregation does not make a second class citizen. If the Negro government of a Negro country decides to segregate all whites in white schools, does this make the whites second class citizens? It is what he is that makes the average Negro a second class citizen, not segregation.

46. Q. Do you not believe in the dignity of man?

A. I believe in the potential dignity of man, and in its actual existence as the individual acquires it through merit. It is in no way related to segregation. Would white men who had dignity lose it through segregation in a Negro country?

47. Q. How can you condemn a man because of the color of his skin?

A. I don't. Skin color has no bearing on the matter. The Negro's limitations are in the realms of character and intelligence, and the fact they are associated with a black skin is irrelevant. Many Indians of India are blacker by far than many Negroes, yet their culture far surpasses that of the Negro, and they shun social contact with the Negro.

A curious thing about the Northern mind in its thinking on this subject is its inability to believe the evidence of its own senses. It is true that science has proved that many things are not what they seem. But any perceptive man can observe a full-blooded Negro face, full-blooded Negro behavior, draw his own conclusions and then read for himself the pseudo-scientific equalitarian claims for the race and note how laughable they are.

We can accept proofs of science against our perceptions when they carry some conviction. How the Northerner can accept the sort of proof the equalitarians offer in the face of the evidence of the senses in this instance must remain a mystery.

48. Q. Are not pride and self-respect essential to the development of personality, and does not segregation deprive the Negro of both?

A. Did it deprive Booker T. Washington or George Washington Carver of either? Where certain handicaps exist, pride and self-respect grow in overcoming them. They also grow in service and achievement to and within one's own race.

They most emphatically do not grow in forcing one's self where one is not wanted. The latter course is the surest road to loss of self-respect.

49. Q. Is not discrimination an evil in itself?

A. No word has been more tarnished by the equalitarians than the word discriminate. Its dictionary definition is "to perceive a difference, to mark a difference". Is that man unjustified who marks a difference between right and wrong, between good and evil? As one Southerner recently put it, a man who doesn't discriminate in favor of his wife and his family has no loyalty and no character. A woman who doesn't discriminate is a whore. I would say that on the day the American people cease to discriminate there will be little hope left for America, or the world.

50. Q. Why do you preach hate instead of love?

A. I would say the shoe is on the other foot. It is those who are forcing the Negro into an unnatural relationship with the white race that are guilty of hostile aggression.

Any man or woman who approaches this subject in the spirit of love will find ample ways to help the Negro help himself---which is the only possible road to real betterment---in his own schools and in his own individual and community life. For the North to force him on the white South is as blunt an act of hostility---of hate, if you prefer the word---as can be imagined. It has already damaged the Negro, indeed it is damaging the whole country. The spirit of those back of the integration movement is not love.

51. Q. You must be a very old man living in the past. Have you no liberal views?

A. Your question reminds me of the story of the envoy from the French Government to the court of Queen Victoria who found that the Queen was annoyed because in his youth he had fought on the barricades in the revolution of 1830. When she taxed him with this, he replied: "Your Majesty, not to be a socialist at twenty denotes a want of heart; to be a socialist at forty denotes a want of head."

I will say that I am over forty, but perhaps I should add that I am still on the sunny side of sixty. I have many liberal views. Indeed, I consider myself an old-fashioned liberal. I am fully aware, for example, of what unregulated business buccaneering, as well as unregulated laboring racketeering, can do to a society. While in disagreement with much, I also agree with much that modern liberalism has accomplished. Prior to the integration decision, I would have said the balance, though with substantial debits, was on the whole in favor of liberalism. With the integration decision, however, the ledger went in the red.

52. Q. Don't you believe in human progress?

A. Yes. And because I do believe in human progress I protest the

gullibility of the Northerner and the Southern "moderate" who are beguiled by the word rather than by the substance of progress, who miss the underlying issue in the integration controversy, and let themselves be ensnared by the old equalitarian technique of gradualism.

The equalitarians have softened us to the point already where many of us believe that because something is new it is better. We forget that there are two ways to go forward. One is to go forward up. The other is to go forward down. Humanity will not have progressed by turning the United States a hundred years from now into a nation of octoroons or by making the South mulatto. It is a result the Russians devoutly desire, because it will mean that we will no longer need to be reckoned with.

53. Q. Aren't you simply trying to turn the clock back?

A. In the first place we aren't dealing with a clock. We are dealing with a pendulum which has swung dangerously far to the left.

In the second place, if it were a clock, I would think it essential to turn it back, if it marked a progression toward disaster. Many a man who has had a bad automobile accident wishes he could turn the clock back to the moment before he made his mistake.

54. Q. Does not the spirit of the 14th Amendment require integration?

A. It is hard to say what the "spirit" of the 14th Amendment is. It can be argued that morally the 14th Amendment is not in the Constitution at all, but since a hard bargain is still a bargain, I cannot agree with this view. The North had the right to impose what terms it pleased upon the re-entry of the Southern States to the Union after the Civil War, and this Amendment was among the terms ruthlessly forced upon the South.

However the North should recognize that in this respect it is not the sort of Amendment the framers of the Constitution contemplated. Its chief proponent was Thaddeus Stevens, a choleric and vindictive man, egged on by a mulatto mistress who was not unnaturally embittered by her own divided nature. I think historians would agree that if Lincoln had lived, there would have been no 14th Amendment.

While none of this invalidates the Amendment, it would seem to have some bearing on the "spirit" in which it ought to be interpreted. Lord Bryce, the great English scholar, in another part of the passage which I quote in my letter to the President, refers to the whole program of the North under this Amendment in Reconstruction days as "monstrous", and modern research has done nothing to change the verdict.

Lynching is an abominable crime, but it would be well for the North to remember the conditions which spawned the custom. There were no lynchings until the North drove the white South to the wall by such an orgy of barbarism as had best be forgotten.

55. Q. Do not Southerners oppose equality for the Negro largely because they fear their own ascendancy will be challenged?

A. Yes, and justly so. If your grandparents, as eye-witnesses, had told you of conditions in the South during Reconstruction---of what happens to large aggregations of Negroes under such conditions--- or if you had lived awhile in native Negro cultures in Haiti or Africa, you would be afraid, too.

It goes without saying that some progress has been made in the development of the Negro race since the Civil War, but to suppose that it has reached the point where an infusion of color in government amounting to policy control is an acceptable or healthy thing for a previously white society, will be absurd on its face to anyone who has read the answers to the preceding questions.

Lord Bryce not only called Northern policy under the Reconstruction Acts monstrous, he noted that no country in the world has ever made such sacrifices of common sense to abstract principle. The South, nevertheless, has managed a workable adjustment within our constitutional frame-work, an adjustment heretofore acceptable to courts wise enough to see the true problem.

I assume you will agree that Lincoln was one of the great exponents of our national democratic principles. Please read the quotation from Lincoln in my letter to the President and in my answer to Question 22.

56. Q. The Dean of the Harvard Law School has said that the trend of previous decisions made the integration decision inevitable. Do you dispute this?

A. A trend which made the integration decision inevitable was a trend in the wrong direction. But I question whether any trend makes any wrong decision inevitable. If the trend be wrong, it should be stopped. If it be right up to a point, it should be stopped at that point.

I may add in passing that it would be an understatement to remark that the Harvard faculty is not distinguished by the number of conservatives among its members. In fact, the FBI only recently arrested one of them, a man named Zborowski, on charges of subversion. He was taken on a New York indictment charging him with complicity with the Jack Sobel Soviet spy ring. Significantly enough, he had been a Research Associate in Social Anthropology.

I may also add that Dr. Harry Emerson Fosdick has fallen a victim to the same illusion as the Dean. He has recently said that "by 1954 the court had dealt with many kinds of separate facilities and found each of them denied equality... The court had no choice, in view of the then numerous precedents, but to find that 'separate educational facilities are inherently unequal'."

Both the Dean and Dr. Fosdick have failed to probe down to the underlying issue. Desegregation in a non-social situation is one thing. Integration in a social situation is quite another. A trend in one might be justified while in the other it should never be allowed to start. The line, of course, is hard to draw and is a matter which, under our federal form of government, should be left to local decision. Busses, theatres and restaurants in some communities may readily be distinguished from recreation facilities and schools as regards their social implications; in other communities the distinction may not be as clear.

57. Q. Is not the decision of the Supreme Court the law, and is it not the duty of every citizen to obey the law?

A. Yes. I have never advocated disobedience. My position is that the law ought to be changed, which is a position every citizen is entitled to take.

Some people have asked me how I dare challenge the views of the highest court in the land, and how I can fail to see that loyalty to American ideals requires me to support integration. In all humility I must point to the status of the present court in the opinion of the rest of the judiciary and of the bar. Most certainly the members of this court are honorable men, doing their best, but they cannot be compared with many courts of the past, either in intellectual caliber or judicial experience.

I question whether any Supreme Court in our history has been the object of a similar indictment at the hands of three-quarters of the State Chief Justices or has stood where this one does in the opinion of the most distinguished members of the bar. If American ideals did not require integration under courts with a superior membership, I fail to see why they require it under the present court.

58. Q. Do you believe that our wealthy foundations have been taken over by communism?

A. Certainly not consciously. But I think there is a tendency upon the part of men managing large sums of private capital to defend themselves against attacks as capitalists by over-proving themselves in the opposite direction. The same has been true, and still is true, of wealthy men in politics. This again plays into communist hands.

One episode which I must say shocks me is the Carnegie Foundation subsidy of Myrdal's American Dilemma. There is much interesting material in this book, but the approach is wholly equalitarian. I could not help thinking of the Carnegie Foundation when I read the following passage from a speech of welcome which Beria made to American student subversives at a class on Psychopolitics at Lenin University:

> "To produce a maximum of chaos in the culture of the enemy is our first most important step... You must work until every teacher of psychology unknowingly teaches only Communist doctrine under the guise of 'psychology'. You must labor until every doctor and psychiatrist is either a psycho-politician or an unwitting assistant to our aims... Use the courts, use its medical societies and its laws to further our ends. Do not stint in your labor in this direction. And when you have succeeded you will discover that you can now effect your own legislation at will and you can, by careful organization of healing societies, by constant campaign about the terrors of society, by pretense as to your effectiveness, make your Capitalist himself, by his own appropriations, finance a large portion of the quiet Communist conquest of the nation."

59. Q. <u>What's the use in trying to convince my mind when my heart tells me you're wrong?</u>

A. In the twenty-second chapter of St. Matthew's gospel, you will find these lines: "Then one of them, which was a lawyer, asked him a question, tempting him and saying, Master, which is the great commandment in the law? Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment."

There seems little question that more of the evil in the world is created by fools than by knaves. Well intentioned, but ignorant or stupid, people are at the bottom of most of the world's troubles. The heart, unguided by wisdom, soon leads us into emotionalism and thence into chaos. I have often recalled Dickens' reference to the "first mistaken yearnings of an undisciplined heart" in watching some of the tragedies of youth, and I have seen much the same process in adults. Unless the heart and the mind work together, there is little hope for success in the pursuit of happiness by the individual or society. In a prayer I once heard, the pastor used a phrase which I recommend to you, "Lord, help our hearts to think straight".

It is a curious coincidence that at a memorial service recently for Eugene Meyer, former Chairman of the Board of the integrationist Washington <u>Post</u>, Chief Justice Earl Warren delivered a eulogy in which he quoted Mr. Meyer as saying shortly before his death: "The important thing is to know how to listen to the truth with your heart as well as with your ears." Mr. Meyer spoke of the heart and ears, but he made no mention of the mind. With due respect to the memory of Mr. Meyer and to the Chief Justice, I must remark that in my opinion no man who uses his head and his heart together, who follows St. Paul's admonition to prove all things, who weighs the available facts with an alert mind as well as a responsive heart, can long remain an integrationist.

60.Q. You seem to be very sure of your position. Do you see no good among the integrationists, nor any evil on your side?

A. There is a lunatic fringe to every large controversy. I also believe that many Southerners have allowed their exasperation to drive them to a wildness of expression and action which does harm to their cause. Others trim too much for political and economic reasons. Still others fail to realize that the best answer to the humanitarian integrationist is the even more humanitarian segregationist---more of the Albert Schweitzer spirit toward the Negro.

What I say concerning some Southerners applies equally to many northern conservatives, and old fashioned liberals, in the broader fight against equalitarianism. Too many are embittered men, not without cause, yet unwisely. The younger generations cannot be led back to the great principles by embittered teachers.

There has been a failure of leadership. In his Revolt of the Masses, José Ortega y Gasset speaks of the current "sovereignty of the unqualified" and I would ask, how far has this been due to the abdication of the qualified, how much of our soft surrender to equalitarianism has derived from a lack of confidence in the old ideals on the part of those who ought to assert and exemplify them?

Near the close of his contemplative autobiography, Lord Tweedsmuir, who knew both the English and the American scenes well, puts this paragraph:

> "Something has happened. A civilization bemused by an opulent materialism has been met by a rude challenge. The free peoples have been challenged by the serfs. The gutters have exuded a poison which bids fair to infect the world. The beggar on horseback rides more roughshod over the helpless than the cavalier. A combination of multitudes who have lost their nerve and a junta of arrogant demagogues has shattered the comity of nations. The European tradition has been confronted with an Asiatic revolt, with its historic accompaniment of janissaries and assassins. There is in it all, too, an ugly pathological savour, as if a mature society were being assailed by diseased and vicious children."

These lines, written at the onset of the last World War, would seem to hold fully as true today. The free peoples are still challenged, but the challenge for the moment is more from within than without, the diseased and vicious children have insinuated themselves into our midst and have taken on the trappings of respectability. Some even sit on our university faculties.

As a part of the process, the attack on Christianity, which Gladstone perceived ninety years ago, has continued. "I am convinced," wrote Gladstone, "that the welfare of mankind does not now depend on the State and the world of politics; the real battle is being fought in the world of thought, where a deadly attack is made with great tenacity of purpose and over a wide field upon the greatest treasure of mankind, the belief in God and the Gospel of Christ."

This attack has had a two-fold Asiatic aspect. On the one hand, there has been the open aggression of Japan, Russia, China, and the Middle East, and on the other the indirect impact behind our lines of devious Oriental thinking and the pervasive mood of appeasement, of resignation under evil, and of expediency, so characteristic of the Eastern mind. The it's-too-late attitude---the if-we-must-

choose-between-surrender-and-extinction-we'll-choose surrender spirit---were not the attitude or spirit of our American forefathers, they were not the creed of Patrick Henry.

Part of all this is undoubtedly the fault of an abuse by its votaries of the earlier American gospel. The abuse opened the way, first for a discrediting of freedom and individualism, and then for the substitution of equalitarianism as a new gospel. We cannot afford to make that mistake again. Christianity is the religion of freedom and individualism---it is also the gospel of compassion.

Part, also, of the deterioration, although how much I cannot say, has been due to the appalling loss of the best manhood of the West in two blood-baths in one generation. It is hard to find leadership, hard to find superiority, where the best have been slaughtered by the millions in so short a span. Nevertheless, the deficiency must somehow be made up. The new generations must somehow be brought back to the great principles, the leaders must somehow be found.

The principles, at least, are still before us. I believe most Americans, however short they may fall of the ideal, still hold to the old-fashioned notion that, for every individual, life should be a pilgrimage of self-improvement in mind and character, that today should find a man superior to yesterday and inferior to tomorrow, hence that superiority and inferiority are of the very essence of life and of truth. Every man should scorn equality in the pilgrim stages of himself, and he should scorn it as a social objective. I fail to find any other notion that holds out hope for the progress of either the individual or of society. Equalitarianism spells stagnation and mediocrity for both. I repeat, it is of the very essence of this ideology to build the inferior up by pulling the superior down, and the result is invariably the same. The inferior, in gaining what has not been earned, has lost the spur, and the superior in losing what was well deserved, has lost the crown.

61. Q. Isn't the United States supposed to be the great racial melting pot, calling the oppressed of all countries to its shores, and isn't the Statue of Liberty their assurance of welcome?

A. It is one thing to offer guests a welcome; quite another to have them take over one's house, lock, stock and barrel. This is especially true when the guests have entirely different ideas about housekeeping. The thought back of the original invitation was that the new races would become "Americanized"---not that America would be made over in the image of the new races.

To begin with, the United States was a Christian country. Its language, its literature, its laws and its moral concepts were English. I do not favor its becoming a non-Christian country with a different language, a different jurisprudence and different moral concepts. I oppose this because to change the foundation on which a house is built is a doubtful way to preserve it.

62. Q. What is your solution to the present controversy?

A. There are several possible solutions. In my opinion the Supreme Court has been badly advised, both by the Attorney General and by counsel for the South. The Boas equalitarian anthropology has

never been properly examined, the rotten core of this rosy apple, which is the apple upon which integration feeds, has never been laid bare to the judicial eye. I cannot tell, but I would hope that a new case in which this subject was explored might result in a reversal of Brown vs. The Board of Education.

There is also the possibility of a constitutional amendment, but since this requires a vote of three-fourths of the states, the road is long, difficult and doubtful. This is the road the court should have required the integrationists to travel, because, under the Constitution, it is the change from established and well-proved ways that was intended to be made hard. It seems certain that an amendment forcing integration upon the South would not have succeeded. Since the court betrayed us all by choosing the wide, easy gate that leads to destruction, it can best lead us back and let the integrationist try the narrow gate.

Basic to either a reversal of the court's decision or to an amendment is the enlightenment of the American people on the real issue. Strong political leadership could accomplish this. A Presidential challenge to the court would be far from unprecedented, and in my judgment could succeed were it supported by a forceful presentation of the facts, and an informed public opinion. The politician who betrays his country as a whole by pandering to a minority group because it appears to hold the balance of power is of all creatures the most pitiful. Leaders in public life seem to have forgotten that if there is one thing the American people love, even sometimes beyond the merits of an issue, it is courage in a public man, and articulate fighting leadership. In this case fighting leadership would have the merits on its side.

As a practical matter, I think that education of our public men themselves in the essentials discussed here is long overdue. A leader cannot lead when he does not know what the fight is about. Not only must the people of the North be informed, and the brain washing of thirty years corrected, but our public men must be reached with the facts and persuaded to study them. Once this is accomplished, I am confident the rest will follow rather rapidly. We are actually dealing in this situation with a sort of mass hypnosis, in which the bellwethers are as hypnotized as the flock.

Far too many Southerners fail to realize that the grounds on which they are basing their resistance, such as states' rights and the Negro's momentary deficiencies, do not go to the heart of the question, however valid in other respects these grounds may be. For example, a Northerner, or a court, can always confuse the point about the momentary deficiencies of the Negro with the argument that these can be corrected in the current or next generation and that we must take prompt measures to ensure that they are. When the Southerner pushes the argument beyond this, and questions the momentary nature of the deficiencies, he is met with Boas. The Southerner thereupon denies the validity of Boas but does not document his denial, and so the argument ends with the North and the court understandably feeling themselves to be the intellectual victors. One cannot win a battle in what Gladstone called "the world of thought" in such a fashion.

Again in the matter of states' rights, while in total agreement with the South on the constitutional question, I believe it a mistake to give it emphasis above, and often to the exclusion of, the issue of racial equality. If the North and the court feel that a burning wrong is being committed in the name of the Constitution, they will

stretch a long way in their interpretation of that document to correct the wrong. Arguments about states' rights fall on unwilling ears, as do references to history and precedent, since the equalitarian replies that the latest scientific discoveries invalidate history and precedent. The equalitarian is warping the Constitution to advance his crusade, in this and in other fields. Kill the equalitarian ideology and you destroy the source of the attack on the Constitution. In my opinion, it is entirely correct to say that integration is unconstitutional; it is equally correct and far more persuasive to say that integration is morally wrong.

I would, therefore, like to see the formation of a Society for the Enlightenment of Leaders, both North and South, and I would enlarge the word "leader" to include not only public men in the sense of politicians, judges, and other office holders, but all molders of public opinion in the fields of religion, journalism and entertainment. It is a strange thing that with the development of modern means of communication those who influence public opinion most are no longer responsible to the electorate. The day when the statesman dominated the public eye and ear is passed. True, the statesman has access to radio and television, as well as to the columns of the press, but this access is small and transient in comparison with the influence exercised by the owners of chains of newspapers and radio and television stations, or national magazines, moving picture companies, and book publishing houses. Such men are responsible to no electorate and can keep on slanting news and warping the public mind long after the statesman in a similar position would have been retired.

While many of these leaders are members of the very minority groups who are seeking to alter the foundations of our society, and from whom consequently nothing can be expected, many are not. The latter, being without instruction, have simply fallen victim to the constant propaganda of the former. The technique of the big lie, endlessly repeated, is a familiar and dangerous one. But it can be counteracted. These men must be reached and informed. Most of them are sufficiently intelligent so that even one reading of Boas, Herskovits, Myrdal or Kluckhohn, with an alerted mind, should be enough.

In addition to a Society for the Enlightenment of Leaders, I would recommend the creation of a Foundation for the informing of public opinion as a whole. If millions can be poured into the Carnegie Foundation, and if this Foundation can publish Myrdal's Dilemma with its open threat to the pillars of the American way of life, then perhaps some money can be raised to shore those pillars up, something can be spared in defense of the country our forefathers bequeathed us. The functions of such a Foundation are too obvious to be detailed here. Its general object should be to re-educate the American people in the principles upon which our republic was based and through which it grew to greatness. Neither equality nor integration were among them.

To put the matter in a nutshell, my personal view is that nothing can be accomplished without changing the climate of public opinion in the North, Mid-West, and West, but that this climate can be quickly changed once the core of the issue is made clear, because even without instruction the opinion polls in these areas show a close balance of instinctive judgment on the side of the truth. Thereafter, reversal or amendment is only a question of time. It took experience to produce the repeal of the Prohibition Amendment. In the case of the integration decision we are getting the experience and need only an understanding of the facts.

I have sometimes been told, by those seeking an easier solution, that some sort of compromise must be found, that amendment or reversal "won't do", to which I can only reply: If a patient with a seriously infected appendix goes to a doctor and is told by the doctor that an operation is imperative, that there is no easier solution, does the patient answer that an operation "won't do"?

Failing a reversal or an amendment, failing an awakened fighting national leadership, there remains only a battle by the South at the local level, a sort of desperate rear guard action which the South will fight perhaps even in some cases to the permanent abandonment of its public schools. But I call upon the North for its own sake to think again before it drives the South any further toward despair or robs its children of their education. In the words of one Southern Senator:

> "The Southern whites are in the minority when it comes to determining the policy of the Federal Government; the Negro problem increases yearly; and there are centuries ahead of us. The South needs help, and for the sake of generations yet unborn the South pleads for that help before it is too late. Alone and unaided, Southerners may maintain a white South for many decades yet, and we shall do so in spite of all outside attacks even those coming from members of our own race whose battles we are also fighting. But the South can hope for no permanent victory over the Negro problem without the aid of the North, East, and West... This is a problem which the Nation created and which only the Nation as a whole can adequately and permanently solve."

If, being a Northerner, I may dare to speak one last word to the South, in the utmost sympathy and understanding, I would say, curb your anger as best you can. I am convinced the majority of Northerners are sincere humanitarians who are being unconsciously victimized by a hoax. Work to enlighten them, but do not play into the hands of your enemies, and theirs, by violence. Lynchings and bombings do not destroy these enemies; they destroy you.

Above all, in the face of great provocation, protect the Negro from himself. Continue and improve your stewardship. Give no grounds for the title supremicist. Deserve, as indeed in the past you so often have, the title leader and minister. In the Christian family the Negro is still your younger brother, the figure of the Galilean still stands in judgment over you both.

Case file in GF 124-A-1 School Decision Con (8)

O.F.

THE WHITE HOUSE OFFICE

ROUTE SLIP

(To Remain With Correspondence)

RECEIVED
AUG 3 1959
CENTRAL FILES

TO Mr. Morrow

PROMPT HANDLING IS ESSENTIAL. WHEN DRAFT REPLY IS REQUESTED THE BASIC CORRESPONDENCE MUST BE RETURNED. IF ANY DELAY IN SUBMISSION OF DRAFT REPLY IS ENCOUNTERED, PLEASE TELEPHONE OFFICE OF THE STAFF SECRETARY.

Date August 1, 1959

FROM THE STAFF SECRETARY

ACTION:

Comment
Draft reply
For direct reply
For your information
For necessary action
For appropriate handling XX
See below

Remarks: [illegible handwriting]

GPO 16—71264-1

By direction of the President:

[signature]
A. J. GOODPASTER
Staff Secretary

CARLETON PUTNAM

RECEIVED
AUG - 3 1959
CENTRAL FILES

4415 Kirby Road
McLean, Virginia

July 29, 1959

The Honorable Dwight D. Eisenhower
The White House
Washington, D. C.

Dear Mr. President:

The enclosure is being sent in confidence to a selected list of those whom I know to be interested in the racial integration of southern schools.

The publication of my letters to you and to the Attorney General has led to a circulation of some nine million for the former and over a million for the latter. Comments from readers have been numerous, and the suggestion has been made that I combine the two letters in a small book, together with a Question and Answer Section devoted to the more typical questions which readers have raised.

Before attempting such a publication, I would like to make sure that I have considered the subject from as many angles as possible, and I am anxious to have your personal views. Are there any questions you would like to see included in the enclosed group, or any answers you believe to be in error? If so, I would be glad to add or correct to the best of my ability. No names would be mentioned.

I shall be grateful for any cooperation you may be able to give me.

Sincerely yours,

Carleton Putnam

CP/dh
Enclosure

PRELIMINARY DRAFT. CONFIDENTIAL.

QUESTIONS FROM READERS

Many thousands of letters have been received both by the Putnam Letter Committee in Birmingham and by me in response to the publication of my letters to the President and to the Attorney General. Ninety-five percent of them have been favorable. But the five percent that have been unfavorable have amounted to several hundred and have presented a mechanical problem. To reply to each one individually was impossible, yet I felt each deserved an answer.

I have finally compromised by consolidating all the questions asked in these letters into 61 which contain in composite form the essential points in the material as a whole. These I have attempted to answer in reasonably brief form, and I append both the questions and the replies below:

1. Q. I am a Negro. Your letter to the President was a pretty hard poke in the face for me. Can't you realize how it feels to be colored, and to read something like that in a newspaper?

   A. No one wants to poke anybody in the face less than I do. I regret beyond words the necessity for writing as I did. But your leaders have left me, and other members of my race, no choice. Your leaders made the attack, they were the aggressors. I have had word from many colored people agreeing with my position and with what I say to you now.

   Your leaders were not content with the progress being made by mutual agreement and understanding throughout the South. They had to take more by force. Under such circumstances you cannot expect me, or any white man who perceives the real issue, to keep silent.

2. Q. Can you give me one good reason why those bigoted Southerners shouldn't be forced to desegregate?

   A. I could mention several, but I will give you the main reason.

   There is no basis in sound science for the assumption, promoted by various minority pressure groups in recent decades, that all races are equal in their capacity to advance, or even to sustain, what is commonly called Western civilization. They most emphatically are not.

   Such being the case, the situation is well described in a letter to me from a Professor of Physiology in one of our leading medical schools: "School integration is social integration, and social integration means an ever increasing rate of interbreeding. [This is true regardless of whether the sexes are separated in the schools. Little brother would still bring his new Negro friend home after school] . . . As a biologist, I see the process as a mixing of Negro genes in

our white germ plasm, a process from which there can be no unmixing short of another ice age".

Some disagreement may exist as to the extent to which the admixture of Negro genes has pulled down great white civilizations in the past. I have never anywhere seen the claim that it did the white race any good. Consider the history of Portugal since the 17th Century, as well as modern Brazil and other Latin American countries.

Support can be found for the contention that the decline of several ancient civilizations is traceable in part to miscegenation with colored peoples. But entirely discounting this school, what great civilization ever arose after an admixture of Negro genes?

Since the question answers itself, I must ask the Northern integrationist by what authority he claims the right to gamble with the white civilization of the South, against the will of its people, while he personally sits secure with his children in all white schools, or in schools with negligible percentages of Negroes.

To me this appears as one of the worst examples of hypocrisy and brutality in all history. However, it differs only in degree from a related trend of our times. It is always easy and sometimes justifiable to spend the money that someone else has earned---a principle which the equalitarians understand thoroughly. It is equally easy and never justifiable to spend someone else's children.

3. Q. Are there enough Negroes in the United States to make any real difference if we absorb them?

A. Yes. The ratio of non-whites to whites in the United States as a whole in the 1950 census was around 10%. If completely absorbed, this would be a substantial admixture, with noticeable effects. The United States would become approximately a nation of octoroons. More serious is the fact that a large part of the Negro population is concentrated in the South. In 1950, Mississippi had 46%, South Carolina 39%, Louisiana 33%, Alabama 32%, and Georgia 31% non-whites. Absorption in any of these States would be disastrous. It would be almost as bad in any other Southern State.

4. Q. What makes you think the Negro really cares about intermarriage with the white race?

A. Read any Negro newspaper.

5. Q. The North had to force the South to give up slavery. Why should not the North force the South to integrate?

A. Morally the two situations are diametrically opposite. While many Northerners made fortunes out of the slave trade, relatively few owned slaves and consequently they could, with some justification, demand that the South be equally virtuous. But very few

Northerners are in a position where they need put their children in schools with large percentages of Negroes. In forcing integration upon the South, the North is demanding that the South do what the North itself in similar circumstances would not do. It is an established fact that white people favor integration throughout the United States exactly in proportion as they do not need to practice it.

6. Q. My teacher says that while there is no positive scientific proof that the Negro is the equal of the white man, neither is there any positive scientific proof that he is not. Under these circumstances, why do you assume the Negro's inferiority?

A. It is true that anthropology is not an exact science in the sense that mathematics is, and its propositions cannot be proved or disproved like mathematical formulae. Similarly, it is impossible to control experiments with human beings as you would control an experiment in physics or chemistry.

Therefore, when your teacher says that the inferiority of the Negro race cannot be either proved or disproved in such a sense, he is correct and at the same time guilty of a complete irrelevancy. In the management of human affairs, all law and all practical judgments are based on a balance of probabilities. In our civil courts, decisions are reached on probabilities alone. In the criminal law, the balance of probabilities must reach the extent of being "beyond a reasonable doubt", but can seldom amount to a certainty.

In applying the findings of a science like anthropology to our daily lives, the same principles must govern, and I will go so far as to say that not only does the evidence on the racial inferiority of the Negro meet the requirements of the civil law, it meets those of the criminal law. Observation and experience confirm it "beyond a reasonable doubt".

7. Q. You have spoken of white civilizations being pulled down by the admixture of Negro genes. How can you prove this?

A. I will answer the question by asking another. Can you name one stable republic in all history that was predominantly, or even substantially, Negro? The capacity for a free society involves many attributes, self-control (which, among other things, includes resistance to emotionalism), self-dependence, self-responsibility, willingness to bear the burdens of others without casting upon others the burdens one should bear one's self, willingness both to accept the verdict of majorities and to concede the rights of minorities, willingness to obey the law even when it hurts, willingness to support rather than to raid a treasury, emphasis upon the importance of the individual. Our American Republic, with all its faults is, together with England, the fine flower of long centuries of self-discipline and experience in free government by the English speaking branch of the white race. I will not say no other branch, but I will say no other race, has ever approached this achievement, least of all the Negro.

My answer covers the sphere of government alone. I have dealt elsewhere with the Negro in relation to other aspects of culture.

8. Q. Are not many individual Negroes superior to many individual whites?

A. Yes. But here again we have the point that I made in my letter to the Attorney General: In dealing with matters of race, we must either compare average with average or best with best; we cannot logically compare best with worst.

When the chart of the Caucasoid race as a whole is laid beside the chart of the Negro race as a whole, the Caucasoid will be found superior at each level except perhaps the lowest where the question arises, can one be better at being bad? I suppose one might say that the Caucasoid can at times be worse than the Negro for the same reason he can be better---greater intelligence and energy.

I am reminded here of one man who wrote ridiculing the reference in my letter to the President to a Negro settlement in Africa and asking, "why not point to Hog Wallow, Arkansas?" The answer, of course, must be that Hog Wallow, Arkansas, is not typical of the best or even the average of what the white race, left on its own resources, can produce, while the settlement in Africa is typical for the Negro.

9. Q. You ought to be ashamed of yourself. Your primitive ancestors were drinking blood out of skulls when magnificent Negro civilizations were in existence in Africa. Haven't you ever heard of Timbuktu?

A. Here is the sort of intellectually dishonest question with which it is difficult to have patience.

I suppose if one searched through all history for the time when the best pure Negro civilization, uninfluenced by white help, was at its peak, and then sought the time when the worst pure white civilization was at its bottom, one might decide that one would have preferred to have lived among the Negroes, although I doubt it. I have not heard of any tribal poetry among Negroes comparable to Beowulf or the Nibelungenlied. In any case the same point about comparing best with worst applies here as applied in my answer to the preceding question.

Of greater importance, it would be well for you to examine more closely what you call "magnificent Negro civilizations" in Africa. At one time, and a very brief one, there were west Sudan kingdoms with more brilliance than the contemporary ones in, say, Scandinavia, but they could not be compared with the contemporary Byzantine Empire or even the troubadour civilization of Provence.

As for the much vaunted Negro city of Timbuktu, can you mention the Arab-inspired Mosque school of that city in the same breath with the University of Paris, also founded in the Twelfth Century? Which of their medieval professors has the modern influence of St. Thomas Aquinas? Remember also that Timbuktu was ruled by an Arab nobility and a slightly colored Tuareg upper class. Full blooded Negroes were at the bottom of the ladder, a despised caste.

.0. Q. Was there not once a great Negro Pharaoh on the throne of Egypt?

A. The ancestors of no Afro-American ever sat on the pharaonic throne. If you are equating the Negro with the Amharic-speaking,

Coptic-Christian Ethiopian, you are falling into a common enough error. It is true that even the Amharic nobility had some negroid admixture, but it is probably by way of the Galla, who inhabited the Abyssinian highland before the Hamite invasions, and were of a quite different stock from the blacks of Dahomey from which our American Negroes came.

However, the important point here is that the brief period during which Ethiopia dominated Egypt was a time of retrogression.

11. Q. Can't you see that climate accounts for the Negro's deficiencies in Africa and that a better climate will correct these in time?

A. The short answer to this question is that not even the most rabid equalitarian anthropologists attempt to use climate as a defense of the Negro. The subject is no longer even mentioned in serious scientific discussion.

The longer answer would take us into many fields. To be as brief as possible, Africa has the highest average altitude of any of the five continents. While some of it is tropical jungle and burning desert, much of it is temperate plateau. The Negro tribes of the plateau are as backward as those of the jungle. In fact, the kingdom of Dahomey, mentioned in my answer to Question 10, has a healthier climate than many areas where white civilizations have thrived---and far healthier than the steaming rain jungles of Yucatan and Guatemala where the great Mayan civilization developed.

Conversely, while the Mayans developed their astronomy and mathematics in Central America, the Algonquins achieved nothing in the St. Lawrence Valley.

12. Q. Is not the Negro's inferiority simply a matter of education?

A. The white race managed to educate itself. Why did not the Negro?

13. Q. If it be fallacious, why has the doctrine of racial equality become so popular, even among many whites?

A. A brief glance at history answers this question. The United States was founded primarily by racial stocks which may be loosely defined by the adjective "English-Speaking". As one writer wrote in 1881:

> "On the New England Coast the English blood was as pure as in any part of Britain; in New York and New Jersey it was mixed with that of the Dutch settlers---and the Dutch are by race nearer to the true old English of Alfred and Harold than are, for example, the thoroughly Anglicized Welsh of Cornwall. Otherwise, the infusion of new blood into the English race on this side of the Atlantic has been chiefly from three sources---German, Irish, and Norse; and these three sources represent the elemental parts of the composite English stock in about the same proportions in which they were originally combined---mainly Teutonic, largely Celtic, and with a Scandinavian admixture. The descendant of the German becomes as much an Anglo-American as the descendant of the Strathclyde Celt has already become an Anglo-Briton... It must

always be kept in mind that the Americans and the British are two substantially simiiar branches of the great English race, which both before and after their separation have assimilated, and made Englishmen of many other peoples..."

This, as I say, was written in 1881. In the later 1880's, conditions began to change. Immigration to the United States shifted from Northern to Southern Europe and other branches of the white race, with different temperaments and traditions, arrived in great numbers. The previous record of these stocks for maintaining stable, free societies in their own homelands had not been notably good.

The new arrivals were not readily assimilated. But they contained many able men. The latter, smarting under what they considered unjustified discrimination, set purposefully to the task of proving they were just as good as the native stocks. Important chairs in many of our leading universities were taken over by these men, and a whole generation of American youth came under their influence, aided by others whose hearts were softer than their heads were clear. The result was the exploitation of the Boas theories in anthropology, and related doctrines in the field of sociology.

It was only a step to apply these theories to the Negro and integration. In my opinion, however, they are being applied more to entrench the theories than to help the Negro. Consider the following perhaps unconscious confession on the part of Melville J. Herskovits, a member of Boas' own minority group: "Let us suppose it could be shown that the Negro is a man with a past and a reputable past; that in time the concept could be spread that the civilizations of Africa, like those of Europe, have contributed to American culture as we know it today; and that this idea might eventually be taken over into the canons of general thought. Would this not, as a practical measure, tend to undermine the assumptions that bolster racial prejudice?" Mr. Herskovits is a man with a mission. His objectivity as a scientist may be judged accordingly.

There would be something amusing about the works of these men if the gullibility of so many of their readers were not so complete. In addition to their almost incredible prolixity, we find over and over a transparent technique of attempting to destroy truth by ridicule. This technique consists in quoting the older authorities in a context of sneers, with many assertions of their falseness and scientific obsoleteness, and with repeated promises of supporting proof, followed by a change of subject and a failure ever to return to the proof. We might reduce the method to its simplest terms as follows:

"It was the fashion before 1913 to suppose that two plus two equals four. One may be amazed, in the light of modern research, that such a belief could have been seriously entertained, but such was the case. Mr. Blank, for example, actually states that two plus two equals four in several of his books, but the dates of these books suffice to discredit him. About 1930, and with increasing frequency ever since, science began to discover that two plus two equals six. Now-a-days, of course, no reputable scientist would suggest anything else. For further discussion of this question, see Chapters 23, 47, and 250."

Upon turning to these chapters we find many wordy paragraphs, but the promised proof recedes before us like a mirage on a desert, and finally vanishes. The facts are as I have presented them in my letter to the Attorney General and in my answer to Question 6. The equalitarians have no defense other than Boas' historical accident and isolation arguments, and these cannot be sustained.

What seems unfortunate is that these white minority groups, to advance what they conceive to be the interests of their special stocks, should promote theories and policies which are bound to weaken the race as a whole. Like Samson they would pull down the pillars of the temple upon our very heads.

On the other hand, no injustice could be greater than to suppose that all members of the new immigration shared the views, or promoted the policies, of these groups. Many came to America because they understood the native American spirit and desired, not to change it, but to participate in its life. Some of our greatest gains as a nation have come through such individuals.

14. Q. The NAACP has written me that there is virtual unanimity among scientists on the biological equality of the Negro. Is this true?

A. No. There is a strong northern clique of equalitarian anthropologists under the hypnosis of the Boas school which, as I have said in my answer to Question 13, has captured important chairs in many leading northern and western universities. This clique, aided by equalitarians in government, the press, entertainment, and other fields, has dominated public opinion in these areas and has made it almost impossible for those who disagree with it to hold jobs.

The economic weapon held over the head of one's opponent is a common technique of the equalitarian, and I regret to say that it has a disconcerting resemblance to the technique of the communist. The non-equalitarian scientists have been forced largely into the universities of the South where they are biding their time.

It must be remembered that besides political and economic pressures, which are sometimes an element even in the South, there exists one other silencing factor: natural human kindness and charity. It is not pleasant to have to point out the deficiencies of other races. Scholars are often gentlemen and they avoided this sort of thing as long as possible.

15. Q. If some Negroes are better than some whites, why then should we not sort people by worth rather than by race?

A. In all the ordinary judgments of life, in dealings between individuals, we should. But in those matters which involve social association, and hence the possibility of interbreeding, the element of race inevitably enters because each individual carries in his genes the heritage of his race and this will be passed on in the breeding process. Unhappily it is quite likely that in the mating of a good Negro and a bad white the children may get a better deal in genes from the white than from the black parent; certainly this would be the case, so to speak, "across the board". The black on the average must pull down the white. As one Southerner put the point: "However weak the individual white man, his ancestors produced the greatness of Europe;

however strong the individual black, his ancestors never lifted themselves from the darkness of Africa."

16. Q. You are preaching a doctrine of white supremacy and allying yourself with lynchers and bombers. Worse, don't you realize that this is the doctrine that led to Hitler's barbaric policies?

A. I am advocating a doctrine of white leadership based on proved achievement, not supremacy in any sense of domination, exploitation, or violence. As far as the colored world is concerned, to destroy or to debilitate the white race would be to kill the goose that lays the golden egg. It's a temptation as old as the human species, and always ends with a dead goose and no eggs.

Regarding Hitler, would you condemn Christianity because of the atrocities of the Spanish Inquisition? Truth has often been warped by evil men to vicious ends. One does not solve the problem by going to the other extreme and embracing error.

17. Q. In your letter to the President, you say the southern Negro must earn equal status with the white man, yet in your letter to the Attorney General you mention natural limitations which indicate you do not believe the Negro capable of earning it. How do you explain this contradiction?

A. It isn't really a contradiction. I believe the Negro should be given every reasonable chance of achieving equality over the centuries, through equal education in his own schools and by every community effort that does not involve pulling down the white race, but it does not follow that I believe the average Negro capable of achieving it, within any time limits that could have a practical bearing on the present controversy.

Over a matter of hundreds of years, the constant surrounding stimulus of white civilization upon the Negro may be expected slowly to have an elevating effect. Changes in a race occur in one of two ways, by natural selection or by mutation. The mutation method is not likely to be of importance in the problem we are considering. Natural selection, on the other hand, involves the gradual elimination of those genes which are unsuited to the surrounding environment. This occurs by mating choices within the race itself and by the dying-off without children of those with a preponderance of unsuitable genes. The process must obviously be a slow one, involving many generations before the inferior race can hope to achieve equality. Meanwhile the increasing number of individuals above the average, who are in fact raising the average, should be given every opportunity for the development of their natures within the limits already mentioned.

18. Q. You speak of a character-intelligence index. But does not character usually follow from intelligence?

A. No. Some of the worst criminals in history have been highly intelligent. Conversely, you can doubtless think of several of your friends who are not very keen intellectually, but to whose honor and responsibility you would trust your life.

Intelligence is almost entirely a matter of heredity. Heredity is also substantially involved in character---ask any man who knows and loves animals---but it is more subject to modification by environment than intelligence.

19. Q. How dare you say singing and athletics do not involve character and intelligence?

A. I did not say they did not involve character and intelligence. I said they were not primarily matters of character and intelligence.

Primarily they are physical gifts. While there is no question that every great champion has to have a lion's heart, and other stalwart virtues, these virtues were equally present in cave men. They are desirable in any civilization, but they are not distinctive attributes of an advanced civilization. I might even point out that a canary sings beautifully, and each year a horse wins the Kentucky Derby.

20. Q. The NAACP has written me that your comparison of the achievements of great white men with those of Negroes is pointless. They say the same comparison could be made between white men and white women, yet no one claims that women are biologically inferior. They also tell me that the early Irish immigrants to this country were more shabby and lived in poorer shanties than the Negroes. What is your answer?

A. As to the achievements of women, not even in Alice in Wonderland do we find an attempt to equate biological inequivalents. Most women, through history, have been in the home, bearing and rearing children, and to see a Negro man hiding behind a white woman's skirts is just a little sickening. But ask the NAACP to name a Negress equal to the Brontë sisters, or Florence Nightingale, or Queen Victoria.

Concerning the Irish, when the NAACP can point to a Negro city the equal of Dublin or Cork or Belfast, I will be glad to discuss it.

21. Q. Won't human beings gain by the variety and richness of racial mixing? In other words, don't crossings help in breeding?

A. It depends on what you cross. Crossing two superior breeds may or may not produce an improvement. Such crossings must be carefully controlled---much more carefully than is possible with human beings---before we can speak with assurance. But one thing is sure: crossing a superior with an inferior breed can only pull the superior down.

22. Q. Was not American democracy founded on the idea of the equality of all men?

A. No. As I have pointed out, Jefferson's phrase "all men are created equal", which he used in the Declaration of Independence, is a corruption of the original wording as it appeared in the Virginia Declaration of Rights and as it was afterwards copied in many state constitutions. The original wording read: "All men are born equally free," and this was the true foundation of the American ideal. Lincoln,

in his Gettysburg Address, simply copied Jefferson's corruption.

It should be noted that Jefferson, in writing the Declaration of Independence, followed the phrase "all men are created equal" with the phrase "they are endowed by their Creator with certain inalienable rights... among [which] are life, liberty and the pursuit of happiness." Liberty, in other words, was given the same standing in the Declaration as equality---and a moment's thought will show that the only sense in which equality can co-exist with liberty is in the sense of equality of opportunity. In any other sense, if men are free they won't be equal, and where men are equal they are not free. Hamilton put this point clearly when he said in the Constitutional Convention of 1787: "Inequality will exist as long as liberty exists. It unavoidably results from that very liberty itself."

Perhaps the most pungent statement as to the true views of the signers of the Declaration of Independence is contained in a speech by Stephen A. Douglas, in the Lincoln-Douglas debates in 1858:

> "Now, I say to you, my fellow-citizens, that in my opinion the signers of the Declaration had no reference to the Negro whatever, when they declared all men to be created equal. They desired to express by that phrase white men, men of European birth and European descent and had no reference either to the Negro, the savage Indians, the Fiji or the Malay... One great evidence that such was their understanding, is to be found in the fact that at that time every one of the thirteen colonies was a slaveholding colony, every signer of the Declaration represented a slaveholding constituency, and we know that no one of them emancipated his slaves, much less offered citizenship to them, when they signed the Declaration; and yet, if they intended to declare that the Negro was the equal of the white man, and entitled by divine right to any equality with him, they were bound, as honest men, that day and hour to have put their Negroes on an equality with themselves...
>
> "My friends, I am in favor of preserving this government as our fathers made it. It does not follow by any means that because the Negro is not your equal or mine, that hence he must necessarily be a slave. On the contrary, it does follow that we ought to extend to the Negro every right, every privilege, every immunity which he is capable of enjoying, consistent with the safety of our society."

It might be noted in passing that the Declaration of Independence is not the charter of our government. The Constitution is the charter, and its preamble states its purpose to be, among other things, to "secure the blessings of liberty to ourselves and our posterity". No mention is made of equality. Of the constitutions and bills of rights of the 48 states as of 1917 (the last available printing) only two use the equality clause of the Declaration of Independence and one of these, North Carolina, had it forced upon her by federal bayonets during Reconstruction. In fact, if one examines the constitutions of all the countries of the world, one finds only four which contain the concept of cultural, economic or social equality. Those four are Guatemala, the Mongol Peoples Republic, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics.

Modern equalitarians have not been above practicing certain deceptions in regard to Jefferson's attitude toward the Negro. On a marble panel in the Jefferson Memorial in Washington is a fragment

of one of Jefferson's sentences. As inscribed on the panel the words are: "Nothing is more certainly written in the book of fate than that these people [the Negroes] are to be free." As written by Jefferson, there was no period after these words. There was a semi-colon, and the sentence continued: "Nor is it less certain that the two races, equally free, cannot live under the same government."

Myrdal uses somewhat the same technique in his Dilemma when he quotes the first part of Jefferson's sentence at page 85, and postpones any reference to the thought in the second half until five pages later, when he quotes another and weaker sentence from a different volume of Jefferson's writings.

Almost all the great statesmen of our nation's past have foreseen the danger of the Negro among us and have sought to remove it, even to the point of transplanting the race to Africa. The idea of making the Negro the social equal of the white man never entered their heads. I have already quoted Lincoln, but let me quote him again. When he signed the Emancipation Proclamation, Lincoln said: "I can conceive of no greater calamity than the assimilation of the Negro into our social and political life as our equal.... We can never attain the ideal union our fathers dreamed, with millions of an alien, inferior race among us, whose assimilation is neither possible nor desirable."

Let me also quote Robert E. Lee:

> "The only reason why I have allowed myself to own a slave for a moment is the insoluble problem of what to do with him when freed. The one excuse for slavery which the South can plead without fear before the Judgment Bar of God is the blacker problem which their emancipation will create... The slaves are freed by an accident. An accident of war's necessity---not on principle. The manner of their sudden emancipation, unless they are removed, will bring a calamity more appalling than the war itself. It must create a race problem destined to grow each day more threatening and insoluble...."

Among those beside Jefferson, Lincoln and Lee who favored removal to Africa rather than face the risks of the continued presence of the Negro among us may be mentioned Francis Scott Key, John Randolph, James Madison, Ulysses S. Grant, James Monroe, John Marshall, Andrew Jackson, Daniel Webster, and Henry Clay. The modern segregationist is in good company.

Nor should one be beguiled by the equalitarian's claim that this cloud of witnesses is obsolete. The truths involved here are not the sort that become obsolete short of many hundreds, if not thousands, of years.

23. Q. Does not equality of opportunity for the Negro require desegregation?

A. No. If equal facilities, teachers, and curricula are provided, (and where this is not being done, it should be done, and the Supreme Court should have made this the issue) there can be no inequality of opportunity. I have already answered, in my letter to the Attorney General, the charge that segregation produces a sense of inferiority, and that a sense of inferiority affects the motivation of a child to learn. What the Negro is really demanding is social equality with a group that does

not desire his company. He is in effect saying that unless he has social equality he cannot study as well. A white girl might just as well say that she cannot study unless she is presented at Court.

24. Q. How can the Negro earn status if he is not given the opportunity to earn it?

A. This repeats the previous question in a somewhat different form. Segregation, properly administered, as I have said, does not interfere with any Negro getting an equal education if he has the ability and desire. Concerning social status, when, as, and if the average Negro, whether in his segregated school or elsewhere, has on his own initiative, evolved into the sort of person with whom the average white man wants to associate, this will soon become apparent to both parties, and segregation will then cease. Social equality cannot be made a condition to the earning of social equality.

It should be kept in mind that every man, black or white, must carry with him to some degree the burden of his background, both as to race and as to family. Let us consider this first from the standpoint of family. To achieve absolute equality at the beginning of every life would require the sacrifice of something even more important, namely, the family, and the responsibility of parents toward their children. One inducement to the good life on the part of a parent is the tradition he passes on. His thrift and self-denial secure his children's education, his character sets an example---to deny a man this influence, for better or for worse, would not only sap the marrow of our civilization, but deny what a majority of Western Europeans would consider a fundamental human right.

The corollary, however, is unavoidable. Not all children have an equal home life in the formative years. The sins and virtues of the father are visited upon his children. Both heredity and early environment are unequal. Every white man faces this. Few of us are so fortunate as not to be surpassed in both heredity and environment by someone else, which gives meaning to the old saying: "Life's not in holding a good hand, but in playing a poor one well."

In similar fashion, in the case of race, the sins and virtues of our racial forbears are visited upon their descendants. It might be thought easier, in this instance, to assure each generation a fresh start, but consideration will show that the heritage of race is in part implicit in the family environment and in part in heredity. Both the black and the white child receive a legacy which is a mixture of family and racial heredity and environment. Society can no more make them equal as to the racial component than it can make them equal as to the family component. The problem, according to our Western European concept of life, is private because any other concept entails sacrifices greater than the gains.

25. Q. Is not the indulgence of personal preference in regard to the company one keeps a right only in private situations? Can one white child avoid another white child whom he considers inferior by insisting he be put in another school?

A. The question confuses the case of an individual, acting for himself, with the case of the people of a State as a whole, acting by majority

rule, or by whatever rule the fundamental law of the State provides. The people thus acting can do anything they please, within certain constitutional limitations. If the majority in a state decide that smokers should be segregated from non-smokers in public conveyances because non-smokers prefer not to associate with smokers in such places, I do not suppose this would be held unconstitutional, although failing such a law, an individual, acting alone, would not have the right to protest. An analagous situation is found in the segregation in separate hospitals of the victims of contagious diseases.

The test is one of reasonableness. The smoker is not harmed, nor the victim of the contagious disease, by segregation with those in a like situation, and if the remainder are benefited, the public welfare is promoted by the procedure. None of this could be accomplished by a private individual attempting to exercise a personal right to freedom of association.

26. Q. Why do you consider school a "social" situation?

A. The friendships of school days are a matter of song and story. Undoubtedly you remember both the music and the words of School Days:

> You were my queen in calico,
> I was your bashful, bare-foot beau.
> You wrote on my slate, "I love you, Joe,"
> When we were a couple of kids.

Particularly in rural areas, schools are a social center, but it is true enough elsewhere. There is usually a cafeteria where students lunch together; athletic contests are often held at night and students, following the team, travel in school busses and fraternize before, during and after the game. There are dances. The comments of an 18 year old white girl in an integrated Northern high school published in U. S. News & World Report, may properly be quoted here:

> "I remember reading somewhere that a famous sociologist said that about the last person that the average white kid would be interested in is a Negro. I have news for him. Integration is a gradual process. At first it is difficult to see anything but that they are Negroes. Later you think of them as just people and then as friends. As one girl I know put it, from there it is just a hop, skip and a jump before you think of them as more than friends. Almost every white girl I knew had a secret crush on one of the colored boys. The crushes varied from warm friendship to wild infatuation...One of the girls felt guilty about it but she kept on dating the colored boy... She once told me that if people were going to object they shouldn't expose us to the temptation. As she put it, we're not all saints."

Some integrationists have suggested segregation of the sexes as a solution to this problem but not only would this force the South to give up co-education for white children, it would be at best a poor palliative of the underlying difficulty. As I have said elsewhere, little brother would still bring his new Negro friend home after school. One cannot break down the social barriers among either sex without eventually breaking them down heterosexually.

The technique of gradualism is a notorious one in the progress of equalitarianism, socialism and communism. Seize a little today and it will be easier to seize a little more tomorrow. In fact, all evil, communist or fascist, advances in this manner. One can mention Munich, as well as Moscow. The reason, I think, is that once a principle falls, the inner demoralization has set in, and soon everything else goes. As one respected southern editor has expressed it in speaking of token integration: "If integration is wrong, as we believe it is, we do not concede that a little bit of it is right." Or, as another well known southern author has written: "To suppose that we can promote all other degrees of race mixing but stop short of inter-racial mating is like going over Niagara Falls in a barrel in the expectation of stopping three-fourths of the way down."

27. Q. Are not the children themselves perfectly willing to integrate?

A. A child left to itself is perfectly willing to experiment with anything, including explosives. This is the reason courts appoint guardians for children who have lost their parents.

It must always be remembered that the first thing a group or party that wishes to remake a civilization to suit itself is going to do is to corrupt the relatively defenseless minds of children. The extent to which this process has already succeeded in the North with the generation that has now become adult is alarming enough. Integration is the next step.

28. Q. Does not the Christian religion promise salvation equally to all men, and are not all men consequently equal in the sight of God?

A. Yes, as to the first part of this question; no, as to the second. Many people have written me confusing salvation with status. I agree that the Christian religion offers salvation equally to true believers, but this has nothing to do with status. Status has to be earned, in religion as elsewhere, by merit. I need only point to Christ's parable of the talents, and of the foolish Virgins, or to the Letter of James, Chapter 2: "You see that a man is justified by works and not by faith alone, for as the body apart from the spirit is dead, so faith apart from works is dead."

To assume that a person who indolently dawdles his life away, albeit confident in his redemption through faith, stands on an equal footing before God with a man who strives to progress in character and service, is to make a mockery of the Christian religion. Similarly, to suppose that a good, but weak and stupid man---albeit weak and stupid through environment and heredity rather than through any fault of his own---stands other than potentially on the same rank with the good, and strong and intelligent, man within the heirarchy of heaven would be to suppose that God puts no premium on the development of strength and intelligence as either an earthly or heavenly goal. Nothing does greater injustice to the character of Christ himself. Christ was a Man of infinite compassion, but He was not a Man of maudlin or undiscriminating sentimentality. Christ's life, among other things, might well be called a study in firm discrimination.

29. Q. <u>But would Christ have discriminated according to race? Was it not always with Him a matter of individual worth?</u>

A. Of course. And I have never maintained anything to the contrary. In all matters involving dealings between individuals, I think individual worth alone should be the criterion. It is only in those situations where a race must be dealt with as a race that the standard of the average has to be considered. Christ, in meeting the woman of Syro-phoenicia, and in making a preliminary judgment on the basis of origin, said: "It is not right to take the children's bread and throw it to the dogs." Only after she had abased herself by answering, "yet even the dogs under the table eat the children's crumbs", did Christ reply, "For this saying you may go your way; the demon has left your daughter".

There is nothing un-Christian in facing the fact that, as individuals differ in merit, so averages differ among races. Preliminary judgments as to the average have to be made accordingly. I must repeat that there are few perfect systems in this world, one has to deal with practical realities, and when one is confronted with a situation where a race must be considered as a race, there is no alternative to building the system around the average. The minor handicap to the exceptional individual, if such there be, is negligible compared to the damage that would otherwise result to society as a whole.

An Englishman, Esme Wynne-Tyson, looking at the subject from the standpoint of the United Kingdom, recently put the matter well in <u>The Contemporary Review</u>, one of England's leading monthly magazines:

> "Almost every man is in a different stage of development, and, even more obviously, are nations and races in different phases of evolution... It is not a problem that can be solved by any sentimental humanism, or religious insistence that all men are the children of God...
>
> "The natives of the West Indies have a legal right to enter England as British subjects, but it is not their biological or spiritual home, and may well prevent their natural evolution which can only take place gradually in the environment and culture native to them. On the other hand, the instinctive feeling of many inarticulate but intuitive British people that a mingling of races, which is, more basically, a mingling of two incompatible evolutionary streams is not 'right,' is a sure one. Specifically they complain of the coloured races being dirty, noisy, or immoral; but these objections are only the outward and visible signs of a different stage of spiritual development, a lower culture, and it is this which is sensed and resented by numbers of British people who have no personal ill-will towards their coloured neighbours as such...
>
> "What amounts to an enforced intermingling of white with coloured races in this country at the present time is being resented at a deeper level than most people imagine. The rising generation of British youth is already badly handicapped in its evolutionary struggle by the moral degradation which was involved in, and has resulted from, the last war combined with the wholly unspiritual atmosphere of thought engendered by scientific materialism. And their parents, observing this, cannot submit passively to witnessing their

further deterioration through mixing with people of a still lower ethic and culture. The young people of Britain are not themselves sufficiently ethical to instruct their companions how to rise. Evolution is an arduous task. It is far easier to sink than to rise.

"We have an object lesson of this in modern America which has badly suffered from close propinquity with its less evolved immigrants. The 'hot' music, primitive dances, and other sensual practices of the coloured races, have permeated, with their devolutionary influences, every corner of a once-puritan civilization, debasing and obstructing the process of an originally highly ethical people. Hence the instinctive fear lying at the back of much of the present colour prejudice in this country."

It is probably too late to return the American Negro to his biological and spiritual home, but it may not be too late to redeem in America the spiritual heritage of the white race. Unless this is done, it will not be long before many a white man in the United States will have cause to paraphrase De la Mare's lines:

> This is not the place for me;
> Never doubt it, I have come
> By some dark catastrophe
> Far, far from home.

30. Q. <u>Why do many leaders of the modern church support the integration movement?</u>

A. Some do so on legal grounds as a matter of duty to support the law until it is repealed. They cannot support it on religious grounds without flying in the face not only of the points raised in my answer to Questions 27 and 28 but also of their own previously established positions. If segregation was not contrary to the teachings of Christ in 1953 it cannot very well be contrary in 1954. The argument that is often made, that times have changed, that a progression has occurred, cannot be sustained. As I have pointed out in my answer to Question 17, racial evolution is not a matter of years or decades. If, from the standpoint of the white race, an admixture of Negro genes was undesirable after the Civil War, it is equally undesirable today.

31. Q. <u>Does not segregation violate the golden rule?</u>

A. No. Suppose some day a race vastly superior to the white race, thousands of years ahead of it in evolution, arrives from outer space. Suppose it brings us moral inspiration, intellectual acumen and scientific discoveries beyond our present imagination. Suppose we know, also, that no more can ever arrive. Would we, as Caucasians, resent the decision of that race to maintain its racial integrity among us? Would we not desire to see it do so for the benefit of our own descendants? Would it not be the part of long-range wisdom? And if we would thus be done by, should we not do likewise by the Negro?

32. Q. Why worry so much about the future? Why not adopt the policy that will help the Negro most today, if it doesn't hurt the present generation of whites?

A. As to the future, we cannot afford to be so short sighted.

As to the present, I think you are equally wrong. Wynne-Tyson has pointed out (Question 29) that our contemporary white civilization is suffering already from the deteriorating effects of too indiscriminate an acceptance of various features of inferior cultures.

Deterioration of this sort spreads rapidly. "It is far easier to sink than to rise." To expose young white children, in their most formative years, to the Negro influence would have an immediate adverse effect.

33. Q. Is not your position dated from the standpoint of modern sociology?

A. Modern sociology is too often found to be the child of modern equalitarian anthropology. But let me make clear what my position on the broader sociological question is, as distinguished from my position on integration, the latter being only a facet of the former.

I believe the real contest in America today is between equalitarianism and socialism on the one hand, and freedom and individualism on the other. One of the notions inherent in the first system is the idea that benefits should flow from the State; in the second, that benefits should flow from individual effort. Although I doubt if they realize it themselves, modern writers on social questions are betrayed by the fact that their works almost never contain the words "earn" or "deserve". It never seems to occur to them that one man might be rich because he deserved to be, while another might be poor for the same reason---indeed, that in America this is far more often the case than otherwise, and that one does not cure improvidence and bad self-management by rewarding it at the expense of thrift and foresight.

The trend here is particularly damaging in the training of the young. Let us not forget that civilized living, thoughtfulness of others, honesty, thrift, sexual loyalty, have to be taught, even though the capacity to absorb the teaching varies. And let us not forget that you cannot teach the value of something unless you de-value its opposite, that you cannot create superior ideals and superior people by pretending that inferior ideals and inferior people---black or white---are just as good, just as deserving.

While I think that our society has been correct in putting a floor under failure, in relieving undeserved misery, and in curbing business buccaneering, I believe it has been wrong in allowing the whole emphasis to be shifted from self-dependence to State dependence. The application of my point to the integration controversy can be expressed in the words of one of my correspondents:

> "In the last ten years, or ever since the decision was made by the leftwingers to enlist the Negro in their crusade for universal erosion, the leadership of the Negro race has almost abandoned efforts at self-improvement by the Negro. In my lifetime the patient pioneering of Southern leaders, both white and Negro, had, I believe, led to some improvement, both in race relations and in the status of the Negro in the American communities.

"Now virtually all the emphasis is being placed upon the theory that the big obstacle to a millenium for the Negro race is the oppressive social system under which he lives. Even a far more sophisticated and superior race of people would be corrupted by such a narcotic as this. In the case of the Negro, with his uncritical mind and lack of experience, the result has been nothing less than a catastrophe."

34. Q. Do you believe that integration is part of the communist conspiracy in America?

A. Not unless you consider the whole left-wing movement of our times, here and abroad, a communist conspiracy, as some people do. It might be more accurate to call communism one phase of a disease, of which equalitarianism and socialism are milder phases, all of which stem from the general leftist overdrift.

However, I believe the equalitarian ideology, which is back of the integration movement, is playing into communist hands, not only by setting section against section in America, but by spreading the equalitarian virus, and thus weakening the body politic to a point where more dangerous phases of the disease are contracted. Khrushchev tells every American he meets that the latter's grandchildren will be living under socialism. Khrushchev cares little by what name his rose is called, but we are beginning to feel its thorns.

Obviously, "the State" is a purely theoretical concept which exists only in the mind. The sole flesh-and-blood, material reality is the individual. "The State" is no more than a name which individuals give to a method they use for working together to achieve certain objects these individuals desire. Therefore, when any individual or group of individuals talks of dependence on the State, they are talking of some individuals depending on other individuals, a procedure which in the end either makes the individuals who are depended on rebel, or makes them use the dependence to exploit the parasites by way of compensation.

Communism, of course, carries this exploitation to the limit. In the process, and to confuse the minds of the exploited, it seeks to warp the flesh-and-blood reality of the individual into its exact opposite. In a tract used in a communist school for subversives in Milwaukee I find the following paragraph:

"Man is already a colonial aggregation of cells, and to consider him an individual would be an error. Colonies of cells have gathered together as one organ or another of the body, and then these organs have, themselves, gathered together to form the whole. Thus we see that man, himself, is already a political organism, even if we do not consider a mass of men."

It seems strange that anyone could be blind enough not to realize at once that the only entity of consciousness in the situation is the person---that neither the cell nor the State can ever qualify in this respect---but these are the sort of stupidities one must expect as the disease of equalitarianism progresses.

The sad thing is that the Santa Claus aspect of equalitarianism---the idea that "the State" is a mystic something that can be leaned on---

is very beguiling to ignorant and backward peoples. The easy handout, the Santa Claus image, does indeed become an "hypnotic". It not only hypnotizes groups of individuals within the nation, but it operates between nations. Probably there has never been as big a sucker internationally as Uncle Sam today in the minds of backward peoples. I do not say that the image is correct, but I say that it is there, and that if we encourage it, it can become real and thus destroy us. For we are not ruthless enough to exploit, and it may be too late to rebel.

35. Q. Does not our democracy need to practice equalitarianism at home in order to fight communism abroad?

A. No. You do not fight a disease by contracting it. Moreover, competent observers, both in our foreign service and in business, who have returned from backward countries, have repeatedly told me that one reason Americans are so often held in secret, if not open, contempt in those countries is that Americans are willing to give with no conditions, are timid about exacting anything in return, and make no demand that the help granted be as far as possible earned and deserved. Raise a child in that way and you have a delinquent. There is no more fundamental truth in life than that status to be worth anything has to be earned, whether by races or by individuals. There is something in the most primitive man that recognizes this truth, and respects and tries to emulate the person or race that asserts it.

Consider in this connection the following remarks by Albert Schweitzer, probably the world's greatest practicing humanitarian and a specialist on the African Negro. No equalitarian can be compared with Schweitzer when it comes to giving his life to help the black man. The quotation is from Schweitzer's book On the Edge of the Primeval Forest:

> "The Negro is a child, and with children nothing can be done without the use of authority. We must, therefore, so arrange the circumstances of daily life that my natural authority can find expression. With regard to the Negroes, then, I have coined the formula: 'I am your brother, it is true, but your elder brother'.
>
> "The combination of friendliness with authority is the great secret of successful intercourse. One of our missionaries, Mr. Robert, left the staff some years ago to live among the Negroes as their brother absolutely. He built himself a small house near a village between Lambarene and N'Gomo, and wished to be recognized as a member of the village. From that day his life became a misery. With his abandonment of the social interval between white and black he lost all his influence."

The white man who preaches to backward races a doctrine of equality not only demeans himself and his own race, but forfeits his opportunity to be of real service. What is called the "liberal ferment" among backward peoples who are shouting democracy from Latin America to Africa is too often not at all a struggle for freedom under law on the part of peoples capable of self-government, as was the case in the American Revolution, but rather a demand for license under lawlessness on the part of peoples totally incapable of self-government. As the aforesaid foreign observers have so

often reported, and as any traveller can confirm for himself, these peoples do not really desire freedom and its responsibilities, they wish equality and the capture for themselves of the fruits of the intelligence and enterprise of others. They wish white men to continue pumping in capital and management while they take over the product. For evil or stupid whites to encourage ferment of this sort is folly and retrogression for all concerned.

There is a noticeable similarity between many of the hat-in-hand arguments of the racial and backward-country pressure groups and the typical panhandler on the street. There is always the hard-luck story, and on investigation there is usually found to be the same reason back of the hard luck. If you keep on giving the dimes or the dollars without insisting on the panhandler at the same time doing something for and about himself, there is no progress, and eventually you, also, are penniless.

36. Q. Since the world is two-thirds colored, and the white race is thus badly out-numbered, are not whites foolish to antagonize the rest of the world by claiming superiority?

A. Leadership is always confined to a numerical minority. If this leadership renounces its confidence in itself, and its authority, because it is outnumbered, whence shall progress come?

37. Q. Don't you believe that the NAACP is doing a great work for the Negro?

A. I believe an Association for the Advancement of Colored People could do a great work for the Negro. But I believe that the emphasis of the present Association is wrong for the reasons given in the quotation at the end of Question 33. Undoubtedly, education in many Negro schools can be improved. Undoubtedly, economic opportunities for Negroes can be increased and cultural opportunities for them expanded. Most of all, solutions to their crime rate, irresponsibility, moral delinquency and other limitations can be sought. These are the areas in which the Negro can be helped. In the long run, it does him only harm to encourage him to blame others for his own shortcomings. It is particularly harmful to encourage ingratitude, insolence and aggressive imposition on the whites of the South.

Under equalitarian influence, with a strong assist from communism, it has become the fashion in the North to regard the Southern Negro as the victim of oppression, while the truth is that the Negro in the South is on the whole the product of a friendliness and helpfulness unequalled in any comparable instance in all history. As one writer has put it "Nowhere else in the world, at any time of which there is record, has a helpless, backward people of another color been so swiftly uplifted and so greatly benefited by a dominant race."

The North has no conception of the accomplishment, for it is only where the race is present in large numbers (in the South it makes up nearly half the population) that the problem and the burden really exist. The worst conditions of slavery in the South never approached the horrors from which the American Negro was delivered when he was removed from the slavery of his own race in Africa to slavery under the white man. Wholesale crucifixions to appease the Negro's gods was one of them.

What happens to the Negro even after he has had the advantage of long contact with the white man and is then thrown on his own resources is well illustrated by Liberia. Until the League of Nations stopped it, the upper classes there, who had come from America to implant American ideals, enslaved the lower classes. A glance at Haiti is also instructive. Although bolstered constantly by help from the United States, Haitian civilization is little above that of Africa. Illiteracy and poverty among the masses are almost universal. The remains of the earlier French civilization have fallen into ruin. Except where restored by American business enterprise, the bridges and roads are nearly impassable. The religion is Voodoo. Such is the best example available on earth of what a black civilization, led by mulattoes, can accomplish when left to itself.

In the southern United States by way of contrast the Negro lives in greater luxury than many whites in foreign countries. He often drives expensive, white-built motor cars and occupies well-constructed, white-financed houses. In fact, in South Carolina alone more Negroes own automobiles than all the people of Russia, outside of Soviet officials. The Southern Negro has the advantages of white medicine and white-equipped hospitals. If I may cite a further example, we have the case presented by Davis Lee, publisher of a group of Negro newspapers, who writes in the Anderson, South Carolina Herald:

> "Ted Lewis is one of Atlanta's leading Negro businessmen. Some time ago he was having financial difficulty. He went to some of the city's leading Negro businessmen, including the bankers, and tried to borrow $2,500.
>
> "They turned him down flat. He went to the small loan department of the C. & S. Bank. One of the officials went over his plans with him, and then recommended that he borrow $5,000 instead of $2,500. The bank let him have the money without questions. As a result he is a success today, a credit to Georgia and his race."

It is always easy to treat the Negro as an interesting curiosity when there are only a few of him, as is the case in many parts of our North and in many Northern European countries. The white man can carry the Negro on his back culturally with little difficulty up to a point. Then he begins to stagger under the load. The South has carried a heavier load better, and further, than it has ever been carried before. And it has done it through segregation.

The objectives of the present Negro leadership are, of course, in direct opposition to those of the greatest Negro leader of all time, Booker T. Washington. Although Washington was himself half white, he saw the Negro problem clearly. His position can be stated in his own words: "In all things purely social we can be separate as the fingers, yet one as the hand in all things essential to mutual progress."

38. Q. Is not the best way to elevate the Negro to give him a chance to associate socially with white people?

A. No. Although such a procedure is basic to the equalitarian philosophy, the best way to lift the inferior up does not lie in pulling the superior down. The white race has had a hard enough time achieving and maintaining its own culture without carrying the sort of burden involved here.

But there is another, more important point. In forcing integration upon the schools of the South, the equalitarians have chosen the most defenseless elements of the community---the children and their under-paid teachers---to carry a burden even the strongest should not attempt to bear.

Under the circumstances it is not hard to understand the anger of Southerners, and why it sometimes becomes passion. One of the most unbelievable statements I have read in the American press can be found in the Washington Post for June 12, 1959. In commenting upon the withholding of a report on illegitimacy in the District of Columbia, sponsored by the Commissioners Youth Council, the author of the report, one Stanley Bigman, says: "Illegitimacy among Negroes is often a hangover from the life and customs of the slave plantation. Segregation has kept these customs alive...there is not much hope of reducing illegitimacy until segregation ends." I would invite Mr. Bigman to examine the Negro's standards of morality in Africa before he was brought to America as a slave, and in Africa or Haiti today where he is on his own, and I would ask Mr. Bigman by what process of reasoning he chooses young white children to be the preceptors of a race but yesterday removed from savagery.

One cannot help wondering how much longer such perversions of all reason and common sense, all principle and morality, as those of Mr. Bigman, are going to be tolerated by the American people.

39. Q. Are not most Southerners prejudiced?

A. They are far less prejudiced than Northerners, if we use the word in its true meaning. Prejudice is simply the product of prejudging---that is, of judging before getting the evidence. The South has far more evidence, far more experience, concerning the Negro than the North. And hence it is the North that is pre-judging when it tells the South what it ought to do about the Negro problem.

40. Q. It makes my blood boil every time I see a Southerner bully, humiliate or exploit a Negro. How can you take sides with such people?

A. Two wrongs don't make a right. The fact that it is wrong to bully, humiliate or exploit a Negro, does not make it right to integrate him. If the North and the court were to spend their time fighting bullies and exploiters, they would accomplish much more than by forcing integration.

41. Q. Why do you quote Dr. Henry E. Garrett in your letter to the Attorney General, when the NAACP writes me that Garrett is hopelessly prejudiced?

A. Has the NAACP ever failed to regard any one who disagreed with them as prejudiced?

42. Q. A Negro member of the NAACP has written me that the Negro owes nothing to the white man except his troubles. Do you dispute this?

A. The Negro owes just about every desirable thing he has to the white

man. Let your correspondent compare his own life in the United States with that of his African cousins in the jungle, or in Liberia or Haiti. I should think that if he really feels the way he says he does, he would have enough self respect to move back to the jungle, or to Liberia or Haiti, where he can enjoy the native culture of his own race instead of remaining in America and biting the hand that feeds him.

43. Q. I am a Northerner and I sit on hospital and other community boards with Negro doctors and other estimable Negroes. How can you malign such individuals?

A. I do not malign them as individuals. But I point out to you that not only are these Negroes in no sense typical of their race, whose genes they nevertheless carry and will pass on to their children, but that most of them owe their ability to some percentage of white genes in their system.

It is another characteristic equalitarian deception to introduce the mixed-blood as the true Negro. Plays, moving pictures and TV shows preaching racial equality are built around actors like Harry Bellafonte who had two white grandparents and is consequently half white himself. The equalitarian press is constantly putting forward Ralph Bunche whose deal in genes has been such that he looks like a white man with a light tan. Very seldom is the true Negro type picked to represent the race in such propaganda. The North is being spoon fed on a concept of the Negro which is sheer fantasy. Color of skin, of course, is no criterion of the degree of white blood. A man may be as black as the ace of spades and still be a mixed-blood with pronounced Caucasoid facial features, relatively high intelligence, and other white attributes.

It must, indeed, be conceded that the problem of the mixed-blood is one of the most serious in the country today. These creatures who, through no fault of their own, so often carry in their veins the sinful blood of white men, as one Southerner has put it, are the chief agitators for Negro equality, and who can blame them? May God in his mercy help them to find private solutions to their problem, but let us not mold public policy upon a line which would increase their numbers.

44. Q. Ralph McGill, the Atlanta editor, says that the Supreme Court has ordered desegregation but not integration; in other words, it has forbidden the whites to hold the blacks in black schools, but has not ordered the blacks to go to white schools. Isn't this an important distinction?

A. Not as a practical, long-range matter. It is perhaps true that a large number of Southern Negroes, if left to themselves, would tend for a time to continue in their own schools from inertia and force of habit. But the objectives of the present Negro leadership can be judged by its actions in all the large cities of the United States where it is pressing for more and more Negro attendance in white schols, and challenging token integration wherever it has occurred, just as the Negro newspapers are pressing for inter-marriage.

The real meaning of the desegregation movement should be transparent, even to Mr. McGill. It is a main sector of the equalitarian front---piecemeal surrender suits these people perfectly for they understand the truth of what I have said earlier, once a principle is gone, the rest is just a mopping-up operation.

45. Q. How can you justify second class citizens in the United States?

A. There have always been first, second, third and various other classes of citizens in the United States, white as well as black, and there always will be, here and in every country, including Russia. But this has nothing to do with segregation. Segregation does not make a second class citizen. If the Negro government of a Negro country decides to segregate all whites in white schools, does this make the whites second class citizens? It is what he is that makes the average Negro a second class citizen, not segregation.

46. Q. Do you not believe in the dignity of man?

A. I believe in the potential dignity of man, and in its actual existence as the individual acquires it through merit. It is in no way related to segregation. Would white men who had dignity lose it through segregation in a Negro country?

47. Q. How can you condemn a man because of the color of his skin?

A. I don't. Skin color has no bearing on the matter. The Negro's limitations are in the realms of character and intelligence, and the fact they are associated with a black skin is irrelevant. Many Indians of India are blacker by far than many Negroes, yet their culture far surpasses that of the Negro, and they shun social contact with the Negro.

A curious thing about the Northern mind in its thinking on this subject is its inability to believe the evidence of its own senses. It is true that science has proved that many things are not what they seem. But any perceptive man can observe a full-blooded Negro face, full-blooded Negro behavior, draw his own conclusions and then read for himself the pseudo-scientific equalitarian claims for the race and note how laughable they are.

We can accept proofs of science against our perceptions when they carry some conviction. How the Northerner can accept the sort of proof the equalitarians offer in the face of the evidence of the senses in this instance must remain a mystery.

48. Q. Are not pride and self-respect essential to the development of personality, and does not segregation deprive the Negro of both?

A. Did it deprive Booker T. Washington or George Washington Carver of either? Where certain handicaps exist, pride and self-respect grow in overcoming them. They also grow in service and achievement to and within one's own race.

They most emphatically do not grow in forcing one's self where one is not wanted. The latter course is the surest road to loss of self-respect.

49. Q. Is not discrimination an evil in itself?

A. No word has been more tarnished by the equalitarians than the word discriminate. Its dictionary definition is "to perceive a difference, to mark a difference". Is that man unjustified who marks a difference between right and wrong, between good and evil? As one Southerner recently put it, a man who doesn't discriminate in favor of his wife and his family has no loyalty and no character. A woman who doesn't discriminate is a whore. I would say that on the day the American people cease to discriminate there will be little hope left for America, or the world.

50. Q. Why do you preach hate instead of love?

A. I would say the shoe is on the other foot. It is those who are forcing the Negro into an unnatural relationship with the white race that are guilty of hostile aggression.

Any man or woman who approaches this subject in the spirit of love will find ample ways to help the Negro help himself---which is the only possible road to real betterment---in his own schools and in his own individual and community life. For the North to force him on the white South is as blunt an act of hostility---of hate, if you prefer the word---as can be imagined. It has already damaged the Negro, indeed it is damaging the whole country. The spirit of those back of the integration movement is not love.

51. Q. You must be a very old man living in the past. Have you no liberal views?

A. Your question reminds me of the story of the envoy from the French Government to the court of Queen Victoria who found that the Queen was annoyed because in his youth he had fought on the barricades in the revolution of 1830. When she taxed him with this, he replied: "Your Majesty, not to be a socialist at twenty denotes a want of heart; to be a socialist at forty denotes a want of head."

I will say that I am over forty, but perhaps I should add that I am still on the sunny side of sixty. I have many liberal views. Indeed, I consider myself an old-fashioned liberal. I am fully aware, for example, of what unregulated business buccaneering, as well as unregulated laboring racketeering, can do to a society. While in disagreement with much, I also agree with much that modern liberalism has accomplished. Prior to the integration decision, I would have said the balance, though with substantial debits, was on the whole in favor of liberalism. With the integration decision, however, the ledger went in the red.

52. Q. Don't you believe in human progress?

A. Yes. And because I do believe in human progress I protest the

gullibility of the Northerner and the Southern "moderate" who are beguiled by the word rather than by the substance of progress, who miss the underlying issue in the integration controversy, and let themselves be ensnared by the old equalitarian technique of gradualism.

The equalitarians have softened us to the point already where many of us believe that because something is new it is better. We forget that there are two ways to go forward. One is to go forward up. The other is to go forward down. Humanity will not have progressed by turning the United States a hundred years from now into a nation of octoroons or by making the South mulatto. It is a result the Russians devoutly desire, because it will mean that we will no longer need to be reckoned with.

53. Q. Aren't you simply trying to turn the clock back?

A. In the first place we aren't dealing with a clock. We are dealing with a pendulum which has swung dangerously far to the left.

In the second place, if it were a clock, I would think it essential to turn it back, if it marked a progression toward disaster. Many a man who has had a bad automobile accident wishes he could turn the clock back to the moment before he made his mistake.

54. Q. Does not the spirit of the 14th Amendment require integration?

A. It is hard to say what the "spirit" of the 14th Amendment is. It can be argued that morally the 14th Amendment is not in the Constitution at all, but since a hard bargain is still a bargain, I cannot agree with this view. The North had the right to impose what terms it pleased upon the re-entry of the Southern States to the Union after the Civil War, and this Amendment was among the terms ruthlessly forced upon the South.

However the North should recognize that in this respect it is not the sort of Amendment the framers of the Constitution contemplated. Its chief proponent was Thaddeus Stevens, a choleric and vindictive man, egged on by a mulatto mistress who was not unnaturally embittered by her own divided nature. I think historians would agree that if Lincoln had lived, there would have been no 14th Amendment.

While none of this invalidates the Amendment, it would seem to have some bearing on the "spirit" in which it ought to be interpreted. Lord Bryce, the great English scholar, in another part of the passage which I quote in my letter to the President, refers to the whole program of the North under this Amendment in Reconstruction days as "monstrous", and modern research has done nothing to change the verdict.

Lynching is an abominable crime, but it would be well for the North to remember the conditions which spawned the custom. There were no lynchings until the North drove the white South to the wall by such an orgy of barbarism as had best be forgotten.

55. Q. Do not Southerners oppose equality for the Negro largely because they fear their own ascendancy will be challenged?

A. Yes, and justly so. If your grandparents, as eye-witnesses, had told you of conditions in the South during Reconstruction---of what happens to large aggregations of Negroes under such conditions--- or if you had lived awhile in native Negro cultures in Haiti or Africa, you would be afraid, too.

It goes without saying that some progress has been made in the development of the Negro race since the Civil War, but to suppose that it has reached the point where an infusion of color in government amounting to policy control is an acceptable or healthy thing for a previously white society, will be absurd on its face to anyone who has read the answers to the preceding questions.

Lord Bryce not only called Northern policy under the Reconstruction Acts monstrous, he noted that no country in the world has ever made such sacrifices of common sense to abstract principle. The South, nevertheless, has managed a workable adjustment within our constitutional frame-work, an adjustment heretofore acceptable to courts wise enough to see the true problem.

I assume you will agree that Lincoln was one of the great exponents of our national democratic principles. Please read the quotation from Lincoln in my letter to the President and in my answer to Question 22.

56. Q. The Dean of the Harvard Law School has said that the trend of previous decisions made the integration decision inevitable. Do you dispute this?

A. A trend which made the integration decision inevitable was a trend in the wrong direction. But I question whether any trend makes any wrong decision inevitable. If the trend be wrong, it should be stopped. If it be right up to a point, it should be stopped at that point.

I may add in passing that it would be an understatement to remark that the Harvard faculty is not distinguished by the number of conservatives among its members. In fact, the FBI only recently arrested one of them, a man named Zborowski, on charges of subversion. He was taken on a New York indictment charging him with complicity with the Jack Sobel Soviet spy ring. Significantly enough, he had been a Research Associate in Social Anthropology.

I may also add that Dr. Harry Emerson Fosdick has fallen a victim to the same illusion as the Dean. He has recently said that "by 1954 the court had dealt with many kinds of separate facilities and found each of them denied equality... The court had no choice, in view of the then numerous precedents, but to find that 'separate educational facilities are inherently unequal'."

Both the Dean and Dr. Fosdick have failed to probe down to the underlying issue. Desegregation in a non-social situation is one thing. Integration in a social situation is quite another. A trend in one might be justified while in the other it should never be allowed to start. The line, of course, is hard to draw and is a matter which, under our federal form of government, should be left to local decision. Busses, theatres and restaurants in some communities may readily be distinguished from recreation facilities and schools as regards their social implications; in other communities the distinction may not be as clear.

57. Q. Is not the decision of the Supreme Court the law, and is it not the duty of every citizen to obey the law?

A. Yes. I have never advocated disobedience. My position is that the law ought to be changed, which is a position every citizen is entitled to take.

Some people have asked me how I dare challenge the views of the highest court in the land, and how I can fail to see that loyalty to American ideals requires me to support integration. In all humility I must point to the status of the present court in the opinion of the rest of the judiciary and of the bar. Most certainly the members of this court are honorable men, doing their best, but they cannot be compared with many courts of the past, either in intellectual caliber or judicial experience.

I question whether any Supreme Court in our history has been the object of a similar indictment at the hands of three-quarters of the State Chief Justices or has stood where this one does in the opinion of the most distinguished members of the bar. If American ideals did not require integration under courts with a superior membership, I fail to see why they require it under the present court.

58. Q. Do you believe that our wealthy foundations have been taken over by communism?

A. Certainly not consciously. But I think there is a tendency upon the part of men managing large sums of private capital to defend themselves against attacks as capitalists by over-proving themselves in the opposite direction. The same has been true, and still is true, of wealthy men in politics. This again plays into communist hands.

One episode which I must say shocks me is the Carnegie Foundation subsidy of Myrdal's American Dilemma. There is much interesting material in this book, but the approach is wholly equalitarian. I could not help thinking of the Carnegie Foundation when I read the following passage from a speech of welcome which Beria made to American student subversives at a class on Psychopolitics at Lenin University:

> "To produce a maximum of chaos in the culture of the enemy is our first most important step... You must work until every teacher of psychology unknowingly teaches only Communist doctrine under the guise of 'psychology'. You must labor until every doctor and psychiatrist is either a psycho-politician or an unwitting assistant to our aims... Use the courts, use its medical societies and its laws to further our ends. Do not stint in your labor in this direction. And when you have succeeded you will discover that you can now effect your own legislation at will and you can, by careful organization of healing societies, by constant campaign about the terrors of society, by pretense as to your effectiveness, make your Capitalist himself, by his own appropriations, finance a large portion of the quiet Communist conquest of the nation."

59. Q. What's the use in trying to convince my mind when my heart tells me you're wrong?

A. In the twenty-second chapter of St. Matthew's gospel, you will find these lines: "Then one of them, which was a lawyer, asked him a question, tempting him and saying, Master, which is the great commandment in the law? Jesus said unto him, Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment."

There seems little question that more of the evil in the world is created by fools than by knaves. Well intentioned, but ignorant or stupid, people are at the bottom of most of the world's troubles. The heart, unguided by wisdom, soon leads us into emotionalism and thence into chaos. I have often recalled Dickens' reference to the "first mistaken yearnings of an undisciplined heart" in watching some of the tragedies of youth, and I have seen much the same process in adults. Unless the heart and the mind work together, there is little hope for success in the pursuit of happiness by the individual or society. In a prayer I once heard, the pastor used a phrase which I recommend to you, "Lord, help our hearts to think straight".

It is a curious coincidence that at a memorial service recently for Eugene Meyer, former Chairman of the Board of the integrationist Washington Post, Chief Justice Earl Warren delivered a eulogy in which he quoted Mr. Meyer as saying shortly before his death: "The important thing is to know how to listen to the truth with your heart as well as with your ears." Mr. Meyer spoke of the heart and ears, but he made no mention of the mind. With due respect to the memory of Mr. Meyer and to the Chief Justice, I must remark that in my opinion no man who uses his head and his heart together, who follows St. Paul's admonition to prove all things, who weighs the available facts with an alert mind as well as a responsive heart, can long remain an integrationist.

60.Q. You seem to be very sure of your position. Do you see no good among the integrationists, nor any evil on your side?

A. There is a lunatic fringe to every large controversy. I also believe that many Southerners have allowed their exasperation to drive them to a wildness of expression and action which does harm to their cause. Others trim too much for political and economic reasons. Still others fail to realize that the best answer to the humanitarian integrationist is the even more humanitarian segregationist---more of the Albert Schweitzer spirit toward the Negro.

What I say concerning some Southerners applies equally to many northern conservatives, and old fashioned liberals, in the broader fight against equalitarianism. Too many are embittered men, not without cause, yet unwisely. The younger generations cannot be led back to the great principles by embittered teachers.

There has been a failure of leadership. In his Revolt of the Masses, José Ortega y Gasset speaks of the current "sovereignty of the unqualified" and I would ask, how far has this been due to the abdication of the qualified, how much of our soft surrender to equalitarianism has derived from a lack of confidence in the old ideals on the part of those who ought to assert and exemplify them?

Near the close of his contemplative autobiography, Lord Tweedsmuir, who knew both the English and the American scenes well, puts this paragraph:

> "Something has happened. A civilization bemused by an opulent materialism has been met by a rude challenge. The free peoples have been challenged by the serfs. The gutters have exuded a poison which bids fair to infect the world. The beggar on horseback rides more roughshod over the helpless than the cavalier. A combination of multitudes who have lost their nerve and a junta of arrogant demagogues has shattered the comity of nations. The European tradition has been confronted with an Asiatic revolt, with its historic accompaniment of janissaries and assassins. There is in it all, too, an ugly pathological savour, as if a mature society were being assailed by diseased and vicious children."

These lines, written at the onset of the last World War, would seem to hold fully as true today. The free peoples are still challenged, but the challenge for the moment is more from within than without, the diseased and vicious children have insinuated themselves into our midst and have taken on the trappings of respectability. Some even sit on our university faculties.

As a part of the process, the attack on Christianity, which Gladstone perceived ninety years ago, has continued. "I am convinced," wrote Gladstone, "that the welfare of mankind does not now depend on the State and the world of politics; the real battle is being fought in the world of thought, where a deadly attack is made with great tenacity of purpose and over a wide field upon the greatest treasure of mankind, the belief in God and the Gospel of Christ."

This attack has had a two-fold Asiatic aspect. On the one hand, there has been the open aggression of Japan, Russia, China, and the Middle East, and on the other the indirect impact behind our lines of devious Oriental thinking and the pervasive mood of appeasement, of resignation under evil, and of expediency, so characteristic of the Eastern mind. The it's-too-late attitude---the if-we-must-

choose-between-surrender-and-extinction-we'll-choose surrender spirit---were not the attitude or spirit of our American forefathers, they were not the creed of Patrick Henry.

Part of all this is undoubtedly the fault of an abuse by its votaries of the earlier American gospel. The abuse opened the way, first for a discrediting of freedom and individualism, and then for the substitution of equalitarianism as a new gospel. We cannot afford to make that mistake again. Christianity is the religion of freedom and individualism---it is also the gospel of compassion.

Part, also, of the deterioration, although how much I cannot say, has been due to the appalling loss of the best manhood of the West in two blood-baths in one generation. It is hard to find leadership, hard to find superiority, where the best have been slaughtered by the millions in so short a span. Nevertheless, the deficiency must somehow be made up. The new generations must somehow be brought back to the great principles, the leaders must somehow be found.

The principles, at least, are still before us. I believe most Americans, however short they may fall of the ideal, still hold to the old-fashioned notion that, for every individual, life should be a pilgrimage of self-improvement in mind and character, that today should find a man superior to yesterday and inferior to tomorrow, hence that superiority and inferiority are of the very essence of life and of truth. Every man should scorn equality in the pilgrim stages of himself, and he should scorn it as a social objective. I fail to find any other notion that holds out hope for the progress of either the individual or of society. Equalitarianism spells stagnation and mediocrity for both. I repeat, it is of the very essence of this ideology to build the inferior up by pulling the superior down, and the result is invariably the same. The inferior, in gaining what has not been earned, has lost the spur, and the superior in losing what was well deserved, has lost the crown.

61. Q. Isn't the United States supposed to be the great racial melting pot, calling the oppressed of all countries to its shores, and isn't the Statue of Liberty their assurance of welcome?

A. It is one thing to offer guests a welcome; quite another to have them take over one's house, lock, stock and barrel. This is especially true when the guests have entirely different ideas about housekeeping. The thought back of the original invitation was that the new races would become "Americanized"---not that America would be made over in the image of the new races.

To begin with, the United States was a Christian country. Its language, its literature, its laws and its moral concepts were English. I do not favor its becoming a non-Christian country with a different language, a different jurisprudence and different moral concepts. I oppose this because to change the foundation on which a house is built is a doubtful way to preserve it.

62. Q. What is your solution to the present controversy?

A. There are several possible solutions. In my opinion the Supreme Court has been badly advised, both by the Attorney General and by counsel for the South. The Boas equalitarian anthropology has

never been properly examined, the rotten core of this rosy apple, which is the apple upon which integration feeds, has never been laid bare to the judicial eye. I cannot tell, but I would hope that a new case in which this subject was explored might result in a reversal of Brown vs. The Board of Education.

There is also the possibility of a constitutional amendment, but since this requires a vote of three-fourths of the states, the road is long, difficult and doubtful. This is the road the court should have required the integrationists to travel, because, under the Constitution, it is the change from established and well-proved ways that was intended to be made hard. It seems certain that an amendment forcing integration upon the South would not have succeeded. Since the court betrayed us all by choosing the wide, easy gate that leads to destruction, it can best lead us back and let the integrationist try the narrow gate.

Basic to either a reversal of the court's decision or to an amendment is the enlightenment of the American people on the real issue. Strong political leadership could accomplish this. A Presidential challenge to the court would be far from unprecedented, and in my judgment could succeed were it supported by a forceful presentation of the facts, and an informed public opinion. The politician who betrays his country as a whole by pandering to a minority group because it appears to hold the balance of power is of all creatures the most pitiful. Leaders in public life seem to have forgotten that if there is one thing the American people love, even sometimes beyond the merits of an issue, it is courage in a public man, and articulate fighting leadership. In this case fighting leadership would have the merits on its side.

As a practical matter, I think that education of our public men themselves in the essentials discussed here is long overdue. A leader cannot lead when he does not know what the fight is about. Not only must the people of the North be informed, and the brain washing of thirty years corrected, but our public men must be reached with the facts and persuaded to study them. Once this is accomplished, I am confident the rest will follow rather rapidly. We are actually dealing in this situation with a sort of mass hypnosis, in which the bellwethers are as hypnotized as the flock.

Far too many Southerners fail to realize that the grounds on which they are basing their resistance, such as states' rights and the Negro's momentary deficiencies, do not go to the heart of the question, however valid in other respects these grounds may be. For example, a Northerner, or a court, can always confuse the point about the momentary deficiencies of the Negro with the argument that these can be corrected in the current or next generation and that we must take prompt measures to ensure that they are. When the Southerner pushes the argument beyond this, and questions the momentary nature of the deficiencies, he is met with Boas. The Southerner thereupon denies the validity of Boas but does not document his denial, and so the argument ends with the North and the court understandably feeling themselves to be the intellectual victors. One cannot win a battle in what Gladstone called "the world of thought" in such a fashion.

Again in the matter of states' rights, while in total agreement with the South on the constitutional question, I believe it a mistake to give it emphasis above, and often to the exclusion of, the issue of racial equality. If the North and the court feel that a burning wrong is being committed in the name of the Constitution, they will

stretch a long way in their interpretation of that document to correct the wrong. Arguments about states' rights fall on unwilling ears, as do references to history and precedent, since the equalitarian replies that the latest scientific discoveries invalidate history and precedent. The equalitarian is warping the Constitution to advance his crusade, in this and in other fields. Kill the equalitarian ideology and you destroy the source of the attack on the Constitution. In my opinion, it is entirely correct to say that integration is unconstitutional; it is equally correct and far more persuasive to say that integration is morally wrong.

I would, therefore, like to see the formation of a Society for the Enlightenment of Leaders, both North and South, and I would enlarge the word "leader" to include not only public men in the sense of politicians, judges, and other office holders, but all molders of public opinion in the fields of religion, journalism and entertainment. It is a strange thing that with the development of modern means of communication those who influence public opinion most are no longer responsible to the electorate. The day when the statesman dominated the public eye and ear is passed. True, the statesman has access to radio and television, as well as to the columns of the press, but this access is small and transient in comparison with the influence exercised by the owners of chains of newspapers and radio and television stations, or national magazines, moving picture companies, and book publishing houses. Such men are responsible to no electorate and can keep on slanting news and warping the public mind long after the statesman in a similar position would have been retired.

While many of these leaders are members of the very minority groups who are seeking to alter the foundations of our society, and from whom consequently nothing can be expected, many are not. The latter, being without instruction, have simply fallen victim to the constant propaganda of the former. The technique of the big lie, endlessly repeated, is a familiar and dangerous one. But it can be counteracted. These men must be reached and informed. Most of them are sufficiently intelligent so that even one reading of Boas, Herskovits, Myrdal or Kluckhohn, with an alerted mind, should be enough.

In addition to a Society for the Enlightenment of Leaders, I would recommend the creation of a Foundation for the informing of public opinion as a whole. If millions can be poured into the Carnegie Foundation, and if this Foundation can publish Myrdal's Dilemma with its open threat to the pillars of the American way of life, then perhaps some money can be raised to shore those pillars up, something can be spared in defense of the country our forefathers bequeathed us. The functions of such a Foundation are too obvious to be detailed here. Its general object should be to re-educate the American people in the principles upon which our republic was based and through which it grew to greatness. Neither equality nor integration were among them.

To put the matter in a nutshell, my personal view is that nothing can be accomplished without changing the climate of public opinion in the North, Mid-West, and West, but that this climate can be quickly changed once the core of the issue is made clear, because even without instruction the opinion polls in these areas show a close balance of instinctive judgment on the side of the truth. Thereafter, reversal or amendment is only a question of time. It took experience to produce the repeal of the Prohibition Amendment. In the case of the integration decision we are getting the experience and need only an understanding of the facts.

I have sometimes been told, by those seeking an easier solution, that some sort of compromise must be found, that amendment or reversal "won't do", to which I can only reply: If a patient with a seriously infected appendix goes to a doctor and is told by the doctor that an operation is imperative, that there is no easier solution, does the patient answer that an operation "won't do"?

Failing a reversal or an amendment, failing an awakened fighting national leadership, there remains only a battle by the South at the local level, a sort of desperate rear guard action which the South will fight perhaps even in some cases to the permanent abandonment of its public schools. But I call upon the North for its own sake to think again before it drives the South any further toward despair or robs its children of their education. In the words of one Southern Senator:

> "The Southern whites are in the minority when it comes to determining the policy of the Federal Government; the Negro problem increases yearly; and there are centuries ahead of us. The South needs help, and for the sake of generations yet unborn the South pleads for that help before it is too late. Alone and unaided, Southerners may maintain a white South for many decades yet, and we shall do so in spite of all outside attacks even those coming from members of our own race whose battles we are also fighting. But the South can hope for no permanent victory over the Negro problem without the aid of the North, East, and West... This is a problem which the Nation created and which only the Nation as a whole can adequately and permanently solve."

If, being a Northerner, I may dare to speak one last word to the South, in the utmost sympathy and understanding, I would say, curb your anger as best you can. I am convinced the majority of Northerners are sincere humanitarians who are being unconsciously victimized by a hoax. Work to enlighten them, but do not play into the hands of your enemies, and theirs, by violence. Lynchings and bombings do not destroy these enemies; they destroy you.

Above all, in the face of great provocation, protect the Negro from himself. Continue and improve your stewardship. Give no grounds for the title supremicist. Deserve, as indeed in the past you so often have, the title leader and minister. In the Christian family the Negro is still your younger brother, the figure of the Galilean still stands in judgment over you both.

G.F.
124 ...

RECEIVED

August 28, 1959

Dear Mr. Harris:

The President has asked me to thank you for your letter to him of August fifteenth. He is glad to know of your interest in the fuller realization of the human rights of our citizens.

We all look forward to the day when equality of opportunity, both in principle and in practice, will be enjoyed by every American. No society is perfect, but any society can be improved. Patient, persistent work toward goals which we know to be right will make our own a more rewarding one in which to live.

Sincerely,

E. Frederic Morrow
Administrative Officer
Special Projects Group

Mr. Henry Harris
603 Walnut Street
Williamsport, Pennsylvania

lrs

Mr. Henry Harris
003 Walnut St.
Williamsport, Pa.
August 15, 1959

President Dwight Eisenhower
White House Building
Office of the President
Washington, D.C.

It doesn't make any sense to do something the Lord has made divided, since this is division is between us why must we be put where none do want us.

There always has been segregation. Not that we have to be integrated in public schools but

why can't we have everything based on equality. We have Negro teachers and schools of our own and every human being has a right and wrong in nature, but our nature. We want justice, our own schools, and mainly our rights.

Since we cannot integrate why not let each race stand for its own purposes.

Being this the case, there will be no need for military service or other means of protection by police.

If the sensible side is looked upon by all races and creeds, justice can without a doubt be obtained.

Why did the Negro teachers aquire an education if they aren't granted a chance to render it to the country?

There is no reason why integration cannot be.

Negro men do not have any desire to molest white women and do not desire a lynching for such a crime.

So why not retain the segregated manner in education in order to prevent violence because of a forced integrated issue.

In conclusion, despite the fact that segregation prevails throughout the world, so to speak. The negro race asks only that they live on the fact that all men are created equal by one God. Therefore, justice is the main desire.

Sincerely yours,
Mr. Henry Harris

C.F.

August 28, 1959

Dear Miss Keeling:

The President has asked me to acknowledge your letter to him of August thirteenth in which you express concern about the sensitive issue of human rights.

Most assuredly the Administration is aware of the difficulties which have arisen, and your interest in sharing your observations is appreciated.

Sincerely,

E. Frederic Morrow
Administrative Officer
Special Projects Group

Miss Dorothy Sue Keeling
Route 1, Box 112
McGehee, Arkansas

lrs

Rt. 1 Box 112
McGehee, Ark.
Aug. 13, 1959

President Dwight D. Isenhower
United States Capital
Washington D.C.

Dear sir:

Just a high school graduate, I haven't the knowledge of a grown mature person, but sir, even I can see what is happening.

I don't my sisters + Brothers going to school with negros. my parents taught us to respect older persons regardless of their race

or color, but we were also taught the difference in our selves and the negro race.

I know some wonderful negro famlies, but they realize as I do that God didn't put us here to mix.

Sir, I wish you could be in my place even for a few ~~minutes~~ seconds, then I think you would see what is really happening.

The United Stats is Called The Christan nation, but what do we fight with, Sir?
(This was given to me by a preacher but it is so true.)

When Russia spreads these words among it's people "There is no God" How do we answer? We tell them how much bigger and stronger we are, than coming back with the truth!! "There is a God.

Please Sir, Pray before you make another rule, ask God what is his will.

You have been a wonder-

ful president and now . . .
tha the freedom of our
nation is squarely on your
shoulders, you must prove
your right to keep your
post in God's nation.

A friend in Christ

Dorthy Sue Keeling
(Susie)

Roman XII 12, 21

C.F.

August 26, 1959

Dear Mr. Conatser:

Your letter to the President of August thirteenth has been received.

I would like to point out that the President is not responsible for decisions made by the courts of our land but is by oath sworn to uphold and defend the Constitution and the laws. Disagreement with a Supreme Court decision is a privilege of a private citizen. The Attorney General of the United States has stated, "Persons disagreeing with a decision can try to amend the Constitution, but they may not determine for themselves when they will obey the decrees of the Court and when they will ignore them. Constitutional rights must not yield to defiance or lawlessness. Free government could not exist otherwise."

Sincerely,

Gerald D. Morgan
The Deputy Assistant to the President

Mr. James R. Conatser
Route Box 278
Trumann, Arkansas

lrs

August 13, 1959

Rt. Box 278

Trumann, Arkansas

Dwight D. Eisenhower

Washington, D.C.

Dear Sir:

The Supreme Court based their decision to force integration in the public schools on Article XIV of the U. S. Constitution, which states as follows-

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.[1] No state shall make or enforce any law which shall abridge the privileges or immunities of citizens[2] of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

[1]By defining citizenship it is clear that Negroes are citizens. And the subject of the jurisdiction thereof would exclude children born to alien enemies in hostile occupation.

[2]Privileges and immunities have never been defined, but the courts have named many things which are and are not a denial of such privileges and immunities. For example, it is not a denial to prohibit marriage between whites and blacks; nor to provide separate schools for these races; nor to provide separate coaches for the races; nor to close business places during certain hours or on Sundays. It is a denial for a State to prohibit the employment of a particular nationality; or to pass an Act excluding persons from jury service because of their color or race.

From this I can't see how their decision could possibly

be correct, but I have never heard you express your opinion on this verdict. Yet, on their decision stating that equal time had to be given various candidates even on news broadcasts, you said that this was ridiculous. I would like to know what your opinion is on the integration decision and why you have remained silent about it. A statement from you might have helped matters tremendously.

Yours truly,

James R. Conatser

G.F.

September 15, 1959

Dear Cheryl:

The President has received your letter to him of August thirty-first in respect to the sensitive issue of human rights.

He wishes me to tell you that he is doing everything he can by precept and example to make it possible for every American citizen to walk this land of ours in dignity and peace, regardless of race, color or creed. The issue is one which calls for a great deal of patience, understanding and forbearance on the part of all persons.

Sincerely,

E. Frederic Morrow
Administrative Officer
Special Projects Group

Cheryl Hodges
731 West Charlton Street
Milledgeville, Georgia

lrs

731 W. Charlton St.
Milledgeville, Ga
Aug. 31, 1959

Pres. Dwight Eisenhower
White House
Washington D.C.

Dear Pres. Eisenhower,
I have heard many sides on immigration. I believe that the colored people have just trying to stir up trouble because they really do have as good as schools as we do some even have better. Please reply to my letter right away

Yours Truly,
Cheryl Hodges

G.F. 124-A-1
Political Affairs
Con

1959 SEP 9 AM 10 59

WH WA020 PD

VILLEPLATTE LA SEP 8 432PMC

THE PRESIDENT

THE WHITE HOUSE

NO INTEGRATION WILL BE ACCEPTED HERE

AUGILLARD LA

956A. GF 123 Louisiana

No quick or meaningful RS. 9/21/59

TELEPHONE
PLAINS 2501

ARCHWOOD FARM
THE PLAINS
VIRGINIA

RECEIVED
SEP 17 1959

The White House
Washington, D. C.

Atten: Mr. Hagerty

Dear Sir:

It is my sincere hope that the noble and patriotic telegram sent to the President by Samuel H. Moore of Birmingham will get more recognition than the press gave it.

I have only read it in one paper and it was on a back page.

Yours very truly,

Dorothy W. Coleman

Mrs. J. D. Stetson Coleman

DWC/fa
September 10, 1959

September 3, 1959

Dear Mr. Moore:

The President has asked me to acknowledge and thank you for your telegram to him of September first and for letting him have your continued point of view in connection with the sensitive issue of human rights.

Your interest is greatly appreciated.

Sincerely,

Gerald D. Morgan
The Deputy Assistant to the President

Mr. Samuel H. Moore
President
Southern Negro Improvement
Association of Alabama, Inc.
703 South 14th Street
Birmingham, Alabama

lrs

THE WHITE HOUSE OFFICE

ROUTE SLIP

(To Remain With Correspondence)

TO Mr. Morrow

PROMPT HANDLING IS ESSENTIAL. WHEN DRAFT REPLY IS REQUESTED THE BASIC CORRESPONDENCE MUST BE RETURNED. IF ANY DELAY IN SUBMISSION OF DRAFT REPLY IS ENCOUNTERED, PLEASE TELEPHONE OFFICE OF THE STAFF SECRETARY.

Date September 2, 1959

FROM THE STAFF SECRETARY

ACTION:

Comment

Draft reply

For direct reply

For your information

For necessary action

For appropriate handling x

See below

Remarks:

GPO 16—71264-1

By direction of the President:

A. J. GOODPASTER
Staff Secretary

WA024 NL PD

BIRMINGHAM ALA SEP 1

THE PRESIDENT

THE WHITE HOUSE

DEAR MR. PRESIDENT:

THE SOUTHERN NEGRO IMPROVEMENT ASSOCIATION OF ALABAMA, OF WHICH I AM PRESIDENT, HAS OVER 5,000 MEMBERS ALL OF WHOM ARE NEGROES. OUR AIM AND DESIRE IS TO SEE NEGROES PROGRESS AS A RACE AND ADVANCE IN ALL FIELDS OF ENDEAVOR. WE STRIVE TO HAVE QUALIFIED NEGRO VOTERS BECAUSE THIS IS GOOD CITIZENSHIP.

WE CONSTANTLY STRIVE FOR THE ADVANCEMENT OF THE EDUCATION OF NEGRO CHILDREN AND SCHOOL TEACHERS. I MENTION THAT THE MAJORITY OF AMERICAN NEGRO CITIZENS LIVE IN THE SOUTH AND THAT THEIR PROGRESS CANNOT BE SEPARATED FROM THIS SECTION OF AMERICA. FOR LASTING AND ENDURING ADVANCEMENT OF OUR RACE OUR PROGRESS MUST BE ACHIEVED WITH GOOD WILL FROM THE WHITE PEOPLE AMONG WHOM WE MUST LIVE.

THE USE OF FORCE TO INTEGRATE THE PUBLIC SCHOL SYSTEM IN THE SOUTH HAS CREATED A MOST SERIOUS SITUATION FOR MY RACE. DURING THE LAST TWO OR THREE YEARS THE BASIC FRIENDLY RELATIONS

BETWEEN THE WHITE AND NEGRO RACES THAT EXISTED FOR 150 YEARS
HAVE LARGELY BEEN SEVERED. RACIAL HATE AND RACIAL PREJUDICE
THAT WAS DEAD IS NOW RESURRECTED. THREAT OF FORCEFUL INTEGRATION
HAS CREATED FEAR AND HATE IN MANY OF OUR FORMER WHITE FRIENDS.
I ASSURE YOU THAT BOTH RACES IN THE SOUTH ARE UNALTERABLY OPPOSED
TO THE INTEGRATION OF RACES IN PUBLIC SCHOOLS. SINCE THIS IS
FREE AMERICA WHY NOT PUT YOUR RACIAL POLICY UPON VOLUNTARY
ACTION OF THE CITIZENS, NOT FORCEFUL COMPULSION? WHY NOT HAVE
THE GOVERNMENT TAKE A POLL OF THE MAJORITY OF THE SOUTHERN
NEGROES? THERE ARE ALWAYS SOME PEOPLE WHO WILL FOR PUBLICITY

OR ECONOMIC GAIN APPOINT THEMSELVES SELF STYLED LEADERS OF ANY MOVEMENT.

WE FULLY REALIZE THAT BECAUSE OF THE BLOC ELECTORAL VOTE SYSTEM THAT IT IS POLITICALLY EXPEDIENT FOR NATIONAL POLITICAL FIGURES TO FOLLOW THE DEMANDS OF OUR NORTHERN NEGRO BROTHERS. I MENTION THAT THEY DO NOT LIVE IN THE SOUTH AND THEREFORE DO NOT UNDERSTAND OUR SOUTHERN BI-CULTURAL SOCIETY. WE ARE PROUD, NOT ASHAMED, OF OUR ALL-COLORED INSTITUTIONS OF LEARNING AS THEY ARE MONUMENTS TO THE PROGRESS OF OUR RACE.

I MENTION THAT BEFORE THE CONCEPTION OF THE GODLESS

COMMUNIST CREED, OUR NATION FOUGHT A BLOODY CIVIL WAR OVER RACIAL RELATIONSHIPS. TODAY OUR ENEMIES ARE SEEKING EVERY EFFORT TO WEAKEN OUR NATION AND ARE USING THIS RACIAL ISSUE OF LACK OF UNDERSTANDING ON THE RACIAL ISSUE TO DISTURB THE MINDS OF OUR PEOPLE AND DIVIDE FREEDOM LOVING PEOPLE AGAINST EACH OTHER.

WE BESEECH YOU NOT TO USE FORCE TO INTEGRATE THE SCHOOLS AND DENY OUR RACE A MAJOR SYMBOL OF OUR PROGRESS ALL NEGRO SCHOOLS.

SOUTHERN NEGRO IMPROVEMENT ASSN OF ABAMA INC

SAMUEL H MOORE PRESIDENT 703 SOUTH 14 ST BIRMINGHAM.

September 15, 1959

Dear Cherie:

Your letter of August twenty-ninth to Mrs.
or President Eisenhower has been re-
ceived.

Please be assured the President is grateful
to receive your thought in connection with
the sensitive issue of human rights.

Sincerely,

E. Frederic Morrow
Administrative Officer
Special Projects Group

Cherie Chapman
6908 Marbury Road
Bethesda 14, Maryland

lrs

4 child 9/1

6908 MARBURY ROAD
BETHESDA 14 MD.
Aug 29, 1959

Dear Mrs. or President Eisenhower,

My name is Cherie Chapman I'm eleven years old and a white student of Radnor Elementary School.

I have a very strong opinion on intergration and segragation I think this business of mayors, senators, judges, and all the other people that hold authority should realize that they have ~~sp~~ skipped one fine detail; who are the people that are going to share text books, give there ideas, there friendliness, and play equiment, it's the children are. So I think that that childen should vote to see ~~whether~~ whether they to share these things with negros.

Cherie

G.F.
124-A-1
School decision
Con

RECEIVED
SEP 25 1959
CENTRAL FILES

September 24, 1959

Dear Mrs. Brown:

The President has received your letter to him of September fourteenth. He appreciates your interest in writing and asked me to thank you for giving him your point of view.

Sincerely,

Gerald D. Morgan
The Deputy Assistant to the President

Mrs. F.H. Brown (Katie Lou Brown)
POB 6308
Shreveport, Louisiana

Con Supreme Court School decision

LS/GDM/ard

9/17

P. O. Box 6308
Shreveport, Louisiana
September 14, 1959

The President of the United States
The White House
Washington, D. C.

PERSONAL

Dear Mr. President:

I am sending $10.00 to Amos Guthridge, Attorney, Little Rock, and asking him to see that it is used for legal aid to J. D. Sims, (whom the newspapers report admitting complicity), and the others charged, (though they may and I hope are not involved), in the recent bombings in Little Rock. In doing this I recognize there will be criticism from most sources, and I would like to explain my reasons to you and other sources that matter.

I do not condone criminal actions represented by these bombings; Divine Providence evidently exercised a blessing that greater damage or injury was not done. My heart does bleed for the fear and confusion which must have prompted such actions, and with sympathy for the families of the men charged. My action is not to condone, and certainly not to encourage lawlessness, but to aid in bringing a terrible incident to the best possible conclusion.

OUR government is most responsible by allowing an unconstitutional decree of the present Supreme Court to impose burdens which are unbearable upon some; to encourage others to licenses in encroachments which are intolerable to some; to make a race unversed in properly assessing values the prey of unscrupulous politicians and a monster to their fellow citizens.

Those religious leaders, too, are responsible who have been outspoken in upholding the Supreme Court's unconstitutional decree and not recognizing it's evils far outnumber it's good points; it's injustices overwhelm it's justice; that discrimination -- if they choose to call segregation that -- can be discerning also, which certainly is not unchristian.

Intelligent Negro leaders are responsible, too, for improperly assessing the advantages their race will gain through exercising the Supreme Court's unconstitutional decree; for exhausting their energies in empty dearly priced victories instead of concentrating on concrete evidences of progress through eliminating their race's present welfare and criminal ratios.

The Supreme Courts needs to be criticized for the egotism, arrogance, bigotry, unamerican basis used, the supreme thoughtlessness or indifference to cause and effect, in rendering such an unconstitutional decision in an attempt to reverse two Supreme Court decisions of many years standing, the original made during a period of stress following a war over American freedoms so dearly bought that Supreme Court should have had no misconceptions regarding the intentions of the United States Constitution.

Those Americans, too, are responsible who, like some religious leaders, seem to have accepted as Christian what is unchristian; as progress what is destructive.

The freedoms of the American people must be preserved; they must not succumb to the socialisms and communisms which has crept too far into our government already as indicated by Congress's present trend in Civil Rights issues, which would hog-tie in a hangman's noose -- not free -- American people.

The freedoms of the American people must be preserved; they must not succumb to political corruption and malpractices as presently indicated by both Congress's and state governments's reluctance to enact adequate measures to control labor racketeering.

The issues of today are extremely vital; they affect the futures of our people and our government; they are not of a temporary nature. We will either succumb to socialism or communism, or both, after a period

the country over likened to our southern Reconstruction Days, or the intelligent, thoughtful, caring, American people will preserve for themselves and one another our community and state rights freedoms which will allow peoples of differences to co-exist in harmony.

The Little Rock bombings are not to be condoned, approved or sanctioned. Neither is putting into effect in opposition to the will of the majority of the people most affected an unconstitutional Supreme Court decree which would have a detrimental, destructive effect upon American philosophy. And I personally admit complete confusion regarding the benefits of higher education when heads of universities regard legal age, residence and citizenship as the only necessary qualifications for the privileges of voting and affecting the welfare of millions of other Americans.

An additional element responsible for our difficulties of today are those people who were born in other nations and came to America to escape persecutions in their own countries, who accept the freedoms of our citizenship yet sponsor as Americanism their confused old-world doctrines of communism and socialism.

The true American concept is to live and let live; to assess and evaluate through the majority opinion of the communities and states affected; to recognize that the rights of associations are inherent as are the privileges of voting citizenship to those properly qualified to contribute to the betterment, not the destruction, of the principles of freedom on which this country was founded.

May God bless you and guide you in the great responsibilities which are yours.

Respectfully yours,

Mrs. F. H. Brown

KLB/s

cc: Amos Guthridge, Little Rock, Arkansas, encl. $10.00
The Baptist Message, Box 311, Alexandria, Louisiana
Senator James O. Eastland, Washington, D. C.
Prince Edwards County Foundation, Farmville, Va. Encl. contr.

PS: Mr. President, how can it be possible for a Supreme Court to reverse a previous Supreme Court's decisions? What amount of dependence can Americans place on our legal foundation if this is possible?

Mrs. F. H. B.

G.F. 124-A-1

RECEIVED
SEP 25 1959
CENTRAL FILES

September 24, 1959

Dear Mrs. Lerner:

The President has received your recent letter and enclosure. He appreciates your interest in writing and asked me to thank you for giving him your point of view.

The President also thanks you for your kind comments concerning him personally.

Sincerely,

Gerald D. Morgan
The Deputy Assistant to the President

Mrs. William Lerner, Sr.
3812 24th Avenue
Meridian, Mississippi

LRS/GDM/ard

Negro Agencies To Co-ordinate Harmony Move

BIRMINGHAM, Sept. 8. — (UPI)—The Southern Negro Improvement Association has named the vice chairman of a similar group chairman of its board of directors in an attempt to "co-ordinate our efforts in promoting peace, harmony and good will between races in the South."

J. J. Israel, vice chairman of the Montgomery Restoration and Amelioration Committee, was named to the post by the board of directors of the association which claims 5,000 Negro members in Alabama.

The improvement association last week requested President Eisenhower to conduct a poll of Southern Negroes to see whether they want forced integration. The group told the President that "the majority of both whites and Negroes in the South want segregation."

Israel, main spokesman for the Montgomery committee which is attempting to work out a solution to a case asking integration of city parks, said "we don't believe in Uncle Tomism. Any Negro that is going to be used by white people is going to be used by any people.

"We believe in getting along with white men to the best of our ability. We certainly, however, wish to exercise our rights without infringing on his and for him to exercise his rights without infringing on ours."

Both the Montgomery committee and the Southern Negro Improvement Association have voiced opposition to "agitation for integration."

Israel said he does not "believe the majority of the 14 million Negroes in the South choose to push integration. We certainly know that the majority of white people in the South are our friends."

Southern industries "are just as much for agitation as some of these Northern senators," Israel said. "They will not help any organization that promotes peace, harmony and good will between the races."

X-RAY TO ...

9/10

Mrs Wm. [illegible], Sr
3812 24th Ave
Meridian, Miss

9-14-59

My dear Mr. President:
Viewing the situation from "where I sit," I could not resist sending you the enclosed. It would please the people of the South very much if you would poll the Negroes on integration. Be kind enough to read & di-

get the clipping
My sincere good
greetings - & admiration
Cordially,
Mrs. Wm. Lerner Sr.

9-11-59

G.F.
124-A-1
School Decision
B.

RECEIVED
NOV - 9 1959
CENTRAL FILES

September 25, 1959

Dear Mike:

The President asked me to thank you for your letter of September thirteenth. The Supreme Court decision dealing with non-discrimination in admissions to public schools is now the law of the land and could be changed only by a constitutional amendment, even assuming that a constitutional amendment should appear to be desirable.

In answer to your question as to how the President feels on the subject of integration I am enclosing for your information a copy of a letter that he wrote to Mr. J. Albert Rolston regarding the closing of public schools in Charlottesville.

Sincerely,

Gerald D. Morgan
The Deputy Assistant to the President

Mr. Forrest Michael Butler
732 Butler Street
Bolivar 1, Tennessee

THE WHITE HOUSE
WASHINGTON

September 23, 1959

To: Gerald D. Morgan

From: Laura Sherman

Now that school has started we are going to have more letters like the attached. They were beginning before school closed for the summer and we sent courteous replies but no direct answers. Do you have a suggestion?

Thank you so much.

732 Butler Street
Bolivar 1, Tennessee
September 13, 1959

The President of the United States
Washington, D.C.

Dear Mr. President:

I know you are very busy but I have got to know the answer to these two questions. Here is the first one. Is INTERGRATION absolutly necessary? I maen do we have to intergrate or die, or can we live like this the rest of our lives? The second question is, do you belive in intergration. This may sound silly but the best way to find out is listen, and I have but I have not heard anybody say what the President had to say, so I shall take second best and open my mouth to ask. I am only sixteen and right now I am a junior. It is not me,Mike, that I am worried about. It is my children and theirs that I am thinking about. Do you know the answers? On evaluating the question I would think that if you knew we would not be in this mess. Well,I being a future Democrate (Ha Ha) think you are doing a very good job for the load that you carry. I do hope you have the time to answer these two questions and if you do I shall be greatly indebted to you. I know we shall impress Mr. K. (can't ever remember how to spell his name) upon his visit to the United States, because I think that everybody is proud that they can live in America. Thank you eversomuch for you time.

Very sincerely yours,

Forrest Michael Butler

Forrest Michael Butler

P.S. We shall be writing themes in English class soon, and your reply would be very good material.

Filed by Mrs. Whitman

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Richmond Times-Dispatch

DAVID TENNANT BRYAN, *President and Publisher*
VIRGINIUS DABNEY, *Editor* JOHN H. COLBURN, *Managing Editor*

Thursday, October 16, 1958

A Northerner on the Race Issue

One of the most incisive and convincing discussions we have seen of the Supreme Court's rulings on mixed schools and the broad issues involved in them, appears at the bottom of this page today.

CARLETON PUTNAM, its author, is a man of distinguished New England ancestry, a descendant of ISRAEL PUTNAM, the famous general of the American Revolution. He has not only made his mark in the business world, but he has recently published a biography of THEODORE ROOSEVELT which has the leading critics practically turning handsprings. He is a law graduate of Columbia University.

Out of his background of legal training, plus success in the practical world, as well as in the world of literature and scholarship, MR. PUTNAM has come up with an extremely impressive analysis of the issues involved in the controversy over the Supreme Court's efforts to impose integration on the nation.

Unlike many of his fellow-citizens in the North, he understands and appreciates the problems with which the South has been confronted, as a result of the staggering series of Supreme Court edicts.

We strongly recommend a careful reading of MR. PUTNAM'S letter to MR. EISENHOWER. We trust MR. EISENHOWER has read and pondered it.

The fact that MR. PUTNAM has written this letter, out of his breadth of vision, his wide reading, his understanding of the law and of human nature, and his residence in both the North and the South, is eloquent testimony to the fact that the South's case is getting across, at last, to intelligent Northerners. We still have a long way to go, but we are making progress.

Arkansas and Virginia—Goats

No matter where interracial trouble breaks out, the South, it seems, is bound to be the goat.

Latest evidence of this is the brawl in Brooklyn on an elevated train "as a climax to two days of racial unrest" at Brooklyn's Franklin K. Lane High School. A Negro gang called "The Stompers" was involved, and members of both races were arrested.

PRINCIPAL HARRY EISNER of the school is quoted by the Associated Press as saying:

> I believe that the insecurity and unrest between Negroes and whites has been provoked by the situation in Arkansas and Virginia.

Fifteen years ago, when horrible race riots broke out in Detroit and Harlem, the same sort of explanation came from the NAACP and other similar sources. It was all the fault of the white South, said they—even though the white South had had no comparable riots in several decades.

So now, with fights, brawls and muggings occurring almost daily, not only in Brooklyn, but in many other parts of New York City, the blame is put on the white South—not on those who are responsible for having forced the white and colored races into unwonted and unaccustomed proximity all over New York.

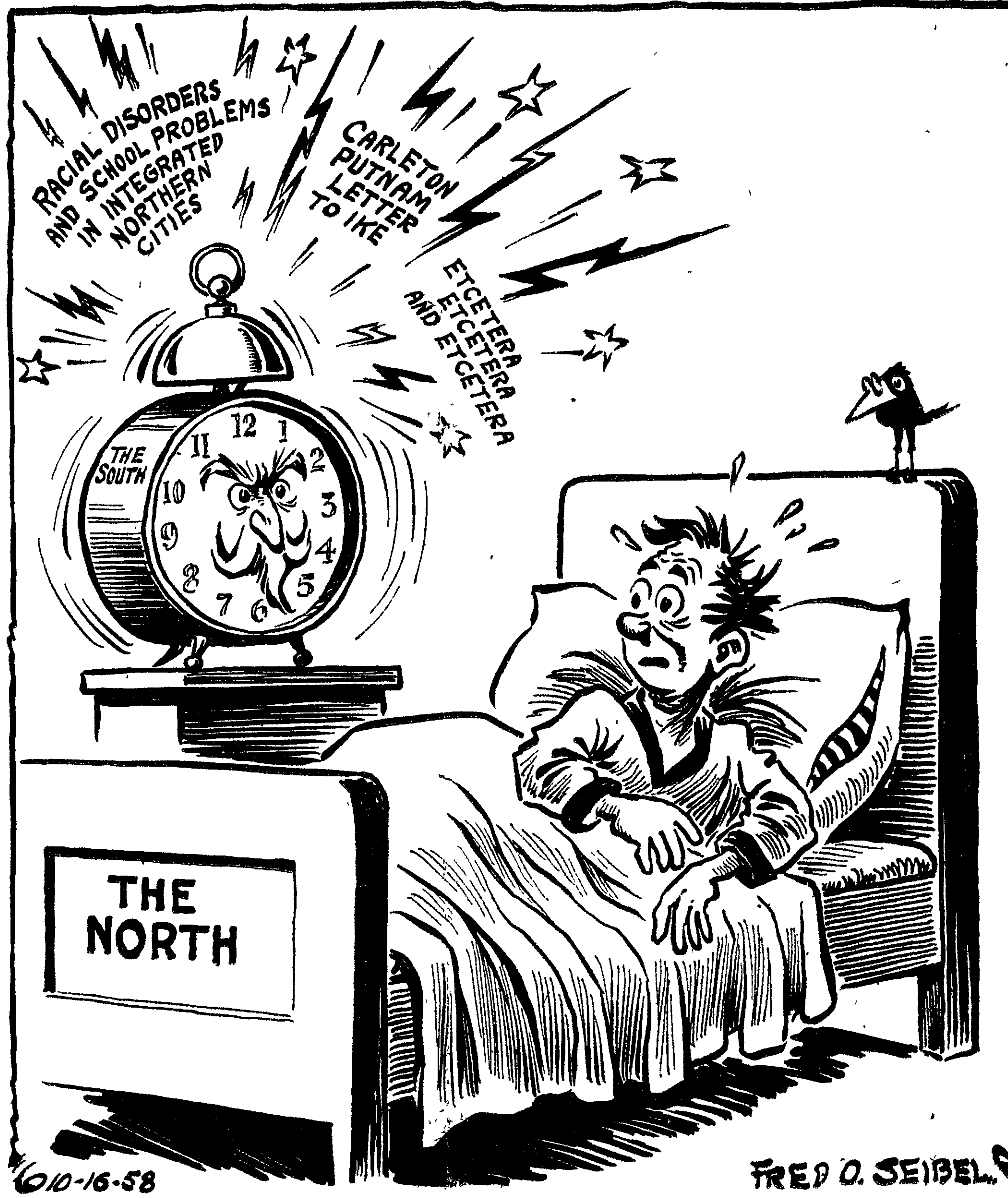
No doubt the British race riots were also the fault of Arkansas and Virginia.

Cheating in College Athletics

The hypocrisy and cheating in many areas of college athletics, especially football, are given a going over in two leading magazines — the *Saturday Evening* [illegible] than the supply. So colleges compete for them. And some of the colleges cheat.

He mentions Auburn, USC, UCLA, Washington and Southern Methodist as having been [illegible]

Beginning to Wake Up



Voice of the People

Warns Against Yielding To Local Option Argument

Virginia must not yield to the lure of the Pied Piper of Local Option, or we are lost. We must present a solid front, statewise, to this trick of integrationists. Their purpose is plain—to defeat us by dividing us.

All Virginians, I am sure, realize that our children need an education, but we must choose between two evils—integration or closed schools—and I for one consider the latter the lesser of the evils.

The answer to our problem is a system of private schools, not the ghastly consequences [illegible]

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R. F. HICKS.
Highland Springs.

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WINSTON CHURCHILL, answering Hitler's accusation that he was a warmonger, called upon world democracies to form a common front against "moral and military aggression" of dictators.

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Ross Valentine

Who Put 'Em

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Charles McDowell Jr.

The Politicia[...]

FROM REPORTS in the pr[...] would think those two jolly [...] aires, Mr. Harriman and Mr. [...] feller, were trying to eat th[...] into office as governor of Ne[...] Newspapers and magazine[...] given us detailed accounts [...] imposing intake of chicke[...] hot dogs, corned-beef san[...] blintzes and pizzas in the c[...] their campaigns.

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...ctober 16, 1958

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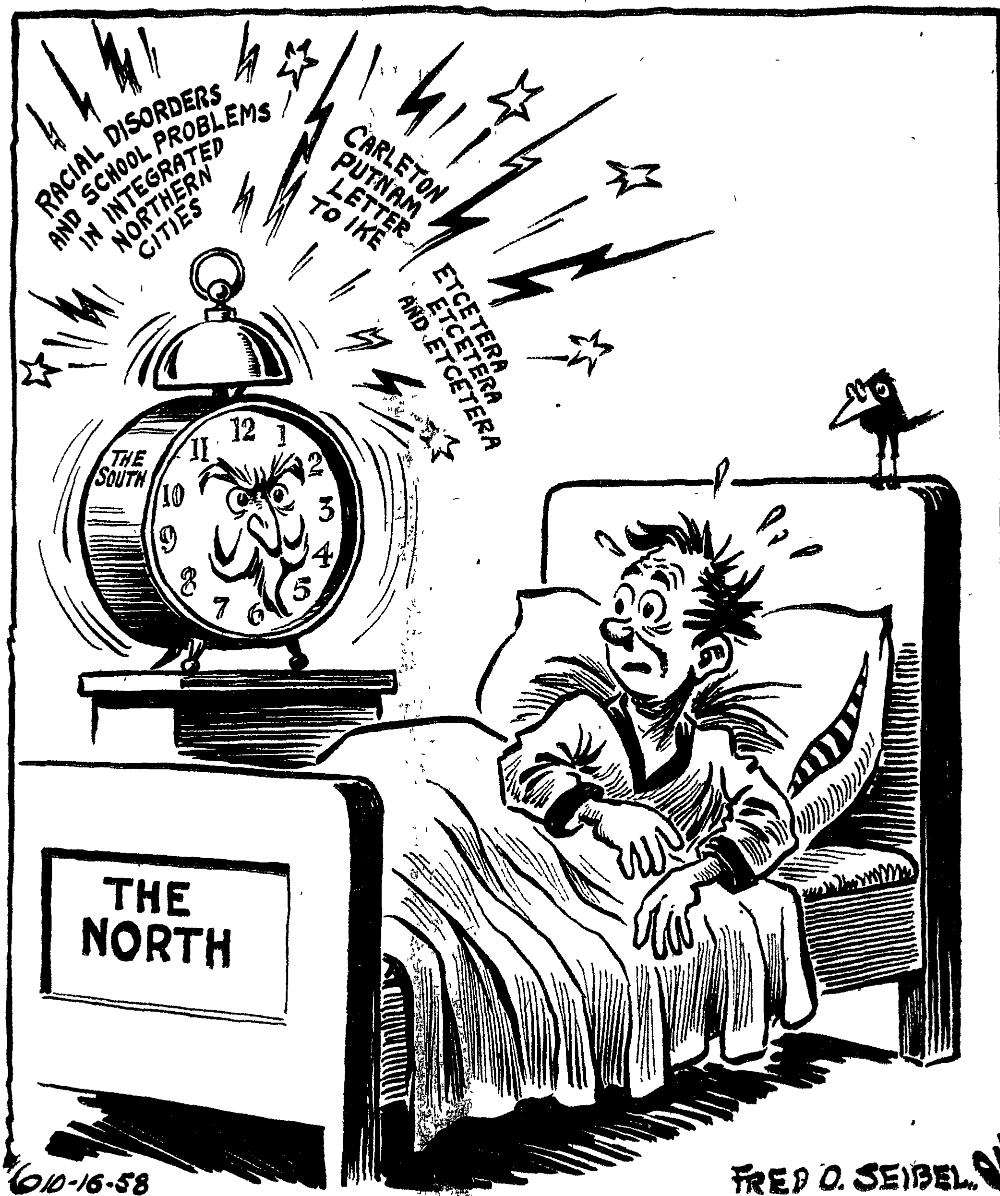

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Ross Valentine

Who Put 'Em Up to It?

IN ITS PREDATED OCT. 18 ISSUE, which went to press after the reportedly "professional" dynamiting of Clinton High, but before a similar blast wrecked a Jewish temple in Atlanta, *National Review's* weekly *Bulletin*, carried this timely item, in boldface type:

"The U. S. Communist underground has been ordered to carry out acts of violence, sabotage and arson in the South, with the expectation that they will automatically be blamed on 'racial extremists.'"

This is a pointblank statement.

We must assume, therefore, that *National Review*, a reputable publication, has a "pipeline" to the Red underground, or access to secret information from some other source.

It would be by no means the first time that *agents provocateurs* have been employed by international Communism to stir up strife in target nations.

The anonymous telephone message from a person describing himself as "of the *Confederate* underground" and threatening further violence tends to confirm my suspicion.

The phone call appears rather obviously, intended (1) to disguise the identity of the dynamiters, (2) and by diverting suspicion, to throw the blame on Southern "racists."

★ ★ ★

IT IS AN OLD TRICK in the guidebook of international Communism.

To assume, without evidence (as the dynamiters want us to) that the crime was committed by members of the KKK or by "rabid segregationists" or by anti-Semites, would play directly into the plotters' hands.

This becomes even more obvious when we consider that the Atlanta blast followed closely on the heels of the one that wrecked Clinton High School, where the motive of anti-Semitism could not have been suspected.

Both dynamitings were executed on a scale and with a proficiency indicating that those who committed them had been well coached. They were not the work of a "tyro," as in Peoria.

In his book *The Whole of Their Lives* [Charles Scribner's Sons, 1948] Benjamin Gitlow, a former Communist who has chosen to reveal the extent of this conspiracy within the gates, wrote:

"In Leningrad, the OGPU runs a mysterious school. Few know about the school and the few who do seldom speak about it. For here the fine art of sabotage is taught to those who have passed an exacting screening to determine whether they are fitted for the kind of work in which they are to be trained.

"The Communist students learn how to dynamite a bridge, derail a train, set fire to a warehouse. . . ."

★ ★ ★

IT HAS LONG BEEN SUSPECTED and in some instances confessed or confirmed, that strike violence bombings, burnings, and the like had been instigated by Communists within the labor unions, unknown to labor's higher-ups.

There was no civil disorder in Clinton, nor in Atlanta.

Both blasts were bolts out of the blue.

Both are not "token" blasts set off by some mentally unstable person in the throes of hatred and passion.

Both of the big jobs were carefully planned and carried out without leaving a clue.

As big city police and the FBI well know, such jobs are not planned by those who carry them out. They are planned by "the brains," a group clever enough to realize when the time is ripe for promoting regional racial or religious hatred.

Voice of the People

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Charles McDowell Jr.

The Politician and His Stomach

FROM REPORTS in the press, you would think those two jolly millionaires, Mr. Harriman and Mr. Rockefeller, were trying to eat their way into office as governor of New York. Newspapers and magazines have given us detailed accounts of their imposing intake of chicken salad, hot dogs, corned-beef sandwiches, blintzes and pizzas in the course of their campaigns.

This gustatorial pursuit of votes undoubtedly has received more attention than it deserves, probably because everyone likes to pretend that millionaires wouldn't... think, but pressed duck and...

capacity for Brunswick stew. And to become a factor on the statewide scene, he must demonstrate strength and versatility in the additional field of barbecue, baked and fried shad and shellfish.

* * *

THE MOUNTAIN POLITICIAN gets by around home if he conducts himself with proper enthusiasm at barbecues and "ox" roasts. But as he spreads himself into eastern Virginia he begins to encounter the shad in all its forms and shad roe. And if his ambitions carry him into the Tidewater, there he must fac...

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No matter where interracial trouble breaks out, the South, it seems, is bound to be the goat.

Latest evidence of this is the brawl in Brooklyn on an elevated train "as a climax to two days of racial unrest" at Brooklyn's Franklin K. Lane High School. A Negro gang called "The Stompers" was involved, and members of both races were arrested.

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No doubt the British race riots were also the fault of Arkansas and Virginia.

Cheating in College Athletics

The hypocrisy and cheating in many areas of college athletics, especially football, are given a going over in two leading magazines — the *Saturday Evening Post* (Oct. 18) and the *Atlantic* [illegible] dents and professors are charged with a major share of the responsibility.

DON FAUROT, athletic director at the University of Missouri, says in the *Post* that "School administrators must make it clear to their coaches that they place integrity ahead of victory." He adds that he has "seen integrity in college athletics deteriorate steadily since World War II," and goes on:

> I would estimate that about 90 per cent of our college athletes conform completely to these [NCAA] standards. The big trouble comes among the top 10 per cent — the triple-threat backs, seven-foot basketball centers and under-ten-second sprinters. The demand for these top-drawer athletes is always far greater than the supply. So colleges compete for them. And some of the colleges cheat.

He mentions Auburn, USC, UCLA, Washington and Southern Methodist as having been put on probation by NCAA for football violations, and North Carolina State in basketball.

EUGENE YOUNGERT, writing in the *Atlantic*, says the high schools are hurt in "two major ways by the athletic pressure in colleges and universities", and adds:

> First, there are the recruiting and scholarship procedures, and secondly the practices of professionalized athletics that are carried into high schools by coaches who have used professional tactics in college.

He says the faculties of the various colleges can stop these practices if they are determined to do so.

Such shady doings are less prevalent in Virginia than many states, but they're bad enough.

6-16-58

FRED O. SEIBEL

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The answer to our problem is a system of private schools, not the ghastly consequences of integration.

EZRA L. AUSTIN.
Danville.

Claims Integrationists Have a 'Blind Side'

Some of those who are opposed to segregation are very unfair or very much on the blind side of the matter. They cannot see, or will not see, the situation as it is. For example:

(1) They think, or appear to think, that we want to keep the Negro ignorant. They know, or should know, that our laws call for "separate but equal" schools. If they are not equal, let them do what they can to make them equal.

(2) Some of them think we hate the Negro. Of course, some white people may do so, but not all by any means. There are some Negroes who realize that they have some mighty good white friends. One church denomination (maybe more) helps to support their orphanage in Virginia.

(3) Some think that the interpretation of the Supreme Court is the "law of the land." Not so; within the last few years the court has made more than one mistake. As proof of this mistake, making segregation unconstitutional.

The Fourteenth Amendment of the Constitution, Section 1, reads.

"All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law."

Section 5, of the same article, says: "The Congress shall have power to enforce by appropriate legislation the provisions of this article."

There is no doubt about this applying to Article 14, Section 1.

R. F. HICKS.
Highland Springs.

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HUNGARY, with thousands of her reservists answering a call to arms, still sought a way to bring peaceful pressure to bear on Czechoslovakia to negotiate their territorial dispute.

SAFECRACKERS added two more jobs to a long list of such robberies in Richmond and vicinity by entering two Henrico county places.

Richmond Times-Dispatch

PUBLISHED at 118 North Fourth Street by Richmond Newspapers, Incorporated.

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Supreme Court's 'Arrogance' Viewed by Distingui

Carleton Putnam, who wrote the following letter to Pres. Eisenhower, is a member of the famous New England Putnam family, a native of New York City, a graduate of Princeton and Columbia, founder and president of Chicago and Southern Airlines (1933-1948), and is on the board of Delta Airlines. He recently published a widely-praised biography of Theodore Roosevelt.

Washington, D. C.
October 13, 1958

The Hon. Dwight D. Eisenhower
President of the United States
The White House
Washington 25, D. C.

My dear Mr. President:

A few days ago I was reading over Justice Frankfurter's opinion in the recent Little Rock case. Three sentences in it tempt me to write you this letter. I am a Northerner, but I have spent a large part of my life as a business executive in the South. I have a law degree, but I am now engaged in historical writing. From this observation post, I risk the presumption of a comment.

The sentences I wish to examine are these: "Local customs, however hardened by time, are not decreed in heaven. Habits and feelings they engender may be counteracted and moderated. Experience attests that such local habits and feelings will yield, gradually though this be, to law and education."

★ ★ ★

IT IS MY PERSONAL CONVICTION that the local customs in this case were "hardened by time" for a very good reason, and that while they may not, as Frankfurter says, have been decreed in heaven, they come closer to it than the current view of the Supreme Court. I was particularly puzzled by Frankfurter's remark that "the Constitution is not the formulation of the merely personal views of the members of this court." Five minutes before the court's desegregation decision, the Constitution meant one thing; five minutes later, it meant something else. Only one thing intervened, namely, an expression of the personal views of the members of the court.

It is not my purpose to dispute the point with which the greater part of Frankfurter's opinion is concerned. The law must be obeyed. But I think the original desegregation decision was wrong, that it ought to be reversed, and that meanwhile every legal means should be found, not to disobey it, but to avoid it. Failing this, the situation should be corrected by constitutional amendment.

★ ★ ★

I CANNOT AGREE that this is a matter involving "a few states" as Frankfurter suggests. The picture in reality is of a court, by one sudden edict, forcing upon the entire South a view, and a way of life, with which the great majority of the population are in complete disagreement. Although not from the legal, in fact from the practical, standpoint the North, which does not have the problem, is presuming to tell the South, which does have the problem, what to do.

To me there is a frightening arrogance in this performance. Neither the North, nor the court, has any holy mandate inherent in the trend of the times or the progress of liberalism to reform society in the South. In the matter of schools, rights to equal education are inseparably bound up with rights to freedom of association and, in the South at least, may require that both be considered simultaneously. (In using the word "association" here, I mean the right to associate with whom you please, and the right not to associate with whom you please.) Moreover, am I not correct in my recollection that it was the social stigma of segregation and its effect upon the Negro's "mind and heart" to which the court objected as much as to any other, and thus that the court, in forcing the black man's right to equal education, was actually determined to violate the white man's right to freedom of association?

★ ★ ★

IN ANY CASE the crux of this issue would seem obvious: social status has to be earned. Or, to put it another way, equality of association has to be mutually agreed to and mutually desired. It cannot be achieved by legal fiat. Personally, I feel only affection for the Negro. But there are facts that have to be faced. Any man with two eyes in his head can observe a Negro settlement in the Congo, can study the pure-blooded African in his native habitat as he exists when left on his own resources, can compare this settlement with London or Paris, and can draw his own conclusions regarding relative levels of character and intelligence—or that combination of character and intelligence which is civilization. Finally he can inquire as to the number of pure-blooded blacks who have made contributions to great literature or engineering or medicine or philosophy or abstract science. (I do not include singing or athletics as these are not primarily matters of character and intelligence.) Nor is there any validity to the argument that the Negro "hasn't been given a chance." We were all in caves or trees originally. The progress which the pure-blooded black has made when left to himself, with a minimum of white help or hindrance, genetically or otherwise, can be measured today in the Congo.

Lord Bryce, a distinguished and impartial foreign observer, presented the situation accurately in his *American Commonwealth* when he wrote in 1880:

> "History is a record of the progress towards civilization of races originally barbarous. But that progress has in all cases been slow and gradual . . . Utterly dissimilar is the case of the African Negro, caught up in and whirled along with the swift movement of the American democracy. In it we have a singular juxtaposition of the most primitive and the most recent, the most rudimentary and the most highly developed, types of culture . . . A body of savages is violently carried across the ocean and set to work as slaves on the plantations of masters who are three or four thousand years in advance of them in mental capacity and moral force . . . Suddenly, even more suddenly than they were torn from Africa, they find themselves, not only free, but made full citizens and active members of the most popular government the world has seen, treated as fit to bear an equal part in ruling, not only themselves, but also their recent masters."

One does not telescope three or four thousand years into the 70 years since Bryce wrote. One may change the terms of the problem by mixed breeding, but if ever there was a matter that ought to be left to local option it would seem to be the decision as to when the mixture has produced an acceptable amalgam in the schools. And I see no reason for penalizing a locality that does not choose to mix.

★ ★ ★

I WOULD EMPHATICALLY SUPPORT improvement of education in Negro schools, if and where it is inferior. Equality of opportunity and equality before the law, when not strained to cover other situations, are acceptable ideals because they provide the chance to earn and to progress—and consequently should be enforced by legal fiat as far as is humanly possible. But equality of association, which desegregation in Southern schools involves, presupposes a status which in the South the average Negro has not earned. To force it upon Southern white will, I think, meet with much opposition as the prohibition amendm encountered in the wet states.

Throughout this controversy there has frequent mention of the equality of man broad social objective. No proposition in re years has been clouded by more loose think Not many of us would care to enter a po contest with Keats, nor play chess with national champion, nor set our character be Albert Schweitzer's. When we see the doct of equality contradicted everywhere around in fact, it remains a mystery why so man us continue to give it lip service in theory, why we tolerate the vicious notion that sta in any field need not be earned.

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PIN DOWN THE MAN who uses the w "equality," and at once the evasions and qu fications begin. As I recall, you, yourself, i recent statement used some phrase to the eff that men were "equal in the sight of God. would be interested to know where in the Bi you get your authority for this concepti There is doubtless authority in Scripture the concept of *potential* equality in the sight God—after earning that status, and with va ous further qualifications—but where is the thority for the sort of *ipso facto* equality su gested by your context? The whole idea cont dicts the basic tenet of the Christian and Je ish religions that status is earned through rig eousness and is not an automatic matter. Wh is true of religion and righteousness is just true of achievement in other fields. And wh is true among individuals is just as true of ave ages among races.

The confusion here is not unlike the co fusion created by some left-wing writers b tween the doctrine of equality and the doctri of Christian love. The command to love yo neighbor is not a command either to consid your neighbor your equal, or yourself his equa perhaps the purest example of great love wit out equality is the love between parent a child. In fact the equality doctrine as a whol except when surrounded by a plethora of qua fications, is so untenable that it falls to piec at the slightest thoughtful examination.

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FRANKFURTER closes his opinion with quotation from Abraham Lincoln, to whom t Negro owes more than to any other man. I, to would like to quote from Lincoln. At Charlesto

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troit and Harlem, the same sort of explanation came from the NAACP and other similar sources. It was all the fault of the white South, said they—even though the white South had had no comparable riots in several decades.

So now, with fights, brawls and muggings occurring almost daily, not only in Brooklyn, but in many other parts of New York City, the blame is put on the white South—not on those who are responsible for having forced the white and colored races into unwonted and unaccustomed proximity all over New York.

No doubt the British race riots were also the fault of Arkansas and Virginia.

College Athletics

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than the supply. So colleges compete for them. And some of the colleges cheat.

He mentions Auburn, USC, UCLA, Washington and Southern Methodist as having been put on probation by NCAA for football violations, and North Carolina State in basketball.

EUGENE YOUNGERT, writing in the *Atlantic*, says the high schools are hurt in "two major ways by the athletic pressure in colleges and universities", and adds:

> First, there are the recruiting and scholarship procedures, and secondly the practices of professionalized athletics that are carried into high schools by coaches who have used professional tactics in college.

He says the faculties of the various colleges can stop these practices if they are determined to do so.

Such shady doings are less prevalent in Virginia than many states, but they're bad enough.

Voice of the People

Letters should be brief and on one side of the paper. Each letter must be signed with the writer's name and address, although a pen name occasionally is permitted, at the editor's discretion, in certain cases.

Warns Against Yielding To Local Option Argument

Virginia must not yield to the lure of the Pied Piper of Local Option, or we are lost. We must present a solid front, statewise, to this trick of integrationists. Their purpose is plain—to defeat us by dividing us.

All Virginians, I am sure, realize that our children need an education, but we must choose between two evils—integration or closed schools—and I for one consider the latter the lesser of the evils.

The answer to our problem is a system of private schools, not the ghastly consequences of integration.

EZRA L. AUSTIN.
Danville.

Claims Integrationists Have a 'Blind Side'

Some of those who are opposed to segregation are very unfair or very much on the blind side of the matter. They cannot see, or will not see, the situation as it is. For example:

(1) They think, or appear to think, that we want to keep the Negro ignorant. They know, or should know, that our laws call for "separate but equal" schools. If they are not equal, let them do what they can to make them equal.

(2) Some of them think we hate the Negro. Of course, some white people may do so, but not all by any means. There are some Negroes who realize that they have some mighty good white friends. One church denomination (maybe more) helps to support their orphanage in Virginia.

(3) Some think that the interpretation of the Supreme Court is the "law of the land." Not so; within the last few years the Court has made more than one mistake. As proof of this mistake, making segregation unconstitutional.

The Fourteenth Amendment of the Constitution, Section 1, reads.

"All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law."

Section 5, of the same article, says: "The Congress shall have power to enforce by appropriate legislation the provisions of this article."

There is no doubt about this applying to Article 14, Section 1.

R. F. HICKS.
Highland Springs.

20 Years Ago Today

WINSTON CHURCHILL, answering Hitler's accusation that he was a warmonger, called upon world democracies to form a common front against "moral and military aggression" of dictators.

HUNGARY, with thousands of her reservists answering a call to arms, still sought a way to bring peaceful pressure to bear on Czechoslovakia to negotiate their territorial dispute.

SAFECRACKERS added two more jobs to a long list of such robberies in Richmond and vicinity by entering two Henrico county places.

Richmond Times-Dispatch

PUBLISHED at 118 North Fourth Street by Richmond Newspapers, Incorporated.

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book of International Communism.

To assume, without evidence (as the dynamiters want us to) that the crime was committed by members of the KKK or by "rabid segregationists" or by anti-Semites, would play directly into the plotters' hands.

This becomes even more obvious when we consider that the Atlanta blast followed closely on the heels of the one that wrecked Clinton High School, where the motive of anti-

Both are not "token" blasts set off by some mentally unstable person in the throes of hatred and passion.

Both of the big jobs were carefully planned and carried out without leaving a clue.

As big city police and the FBI well know, such jobs are not planned by those who carry them out. They are planned by "the brains," a group clever enough to realize when the time is ripe for promoting regional racial or religious hatred.

Charles McDowell Jr.

The Politician and His Stomach

FROM REPORTS in the press, you would think those two jolly millionaires, Mr. Harriman and Mr. Rockefeller, were trying to eat their way into office as governor of New York. Newspapers and magazines have given us detailed accounts of their imposing intake of chicken salad, hot dogs, corned-beef sandwiches, blintzes and pizzas in the course of their campaigns.

This gustatorial pursuit of votes undoubtedly has received more attention than it deserves, probably because everyone likes to pretend that millionaires wouldn't eat anything but pressed duck and caviar if they weren't running for office.

Actually, all politicians live with a terrible responsibility to keep eating and keep smiling about it. As the senior political reporter in these parts puts it, it is their trial by food, and it never ends.

• • •

IN VIRGINIA, for instance, a politician must eat Brunswick stew almost constantly. It is a greater staple in his life than state's rights.

Wherever more than 30 voters assemble within two hours of mealtime either way, the Virginia politician knows that the odds are 5 to 2 Brunswick stew will be served. If he can't eat Brunswick stew by the quart, he might as well stay out of politics.

No man can rise much above the county courthouse level of Virginia politics without convincing everyone of his surpassing enthusiasm and capacity for Brunswick stew. And to become a factor on the statewide scene, he must demonstrate strength and versatility in the additional fields of barbecue, baked and fried shad and shellfish.

• • •

THE MOUNTAIN POLITICIAN gets by around home if he conducts himself with proper enthusiasm at barbecues and "ox" roasts. But as he spreads himself into eastern Virginia he begins to encounter the shad in all its forms and shad roe. And if his ambitions carry him into the Tidewater, there he must face up to the clam and the oyster, roasted and raw. All of this in addition to Brunswick stew.

There is little relief from these foods when the political picnic season ends, because all of them can be prepared outside if necessary and brought into a tent, lodge hall or tobacco warehouse. There is some relief at banquets in city hotels, if you call the inevitable ham and chicken relief.

In any case, Virginia statesmen learn to eat it all. But the older ones have begun to boggle in recent years at the cookies made by neighborhood housewives and served at "coffee hours" given by the ladies. The urban politician is sometimes called upon to attend several "coffee hours" in a single morning.

The Republicans introduced the "coffee hour" and its cookies to Virginia about six years ago. The Democrats will never forgive them for it.

Court's 'Arrogance' Viewed by Distinguished Northerner

ote the following a member of the family, a native of Princeton and Col- of Chicago and), and is on the cently published a heodore Roosevelt.

Washington, D. C.
October 13, 1958

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I CANNOT AGREE that this is a matter involving "a few states" as Frankfurter suggests. The picture in reality is of a court, by one sudden edict, forcing upon the entire South a view, and a way of life, with which the great majority of the population are in complete disagreement. Although not from the legal, in fact from the practical, standpoint the North, which does not have the problem, is presuming to tell the South, which does have the problem, what to do.

To me there is a frightening arrogance in this performance. Neither the North, nor the court, has any holy mandate inherent in the trend of the times or the progress of liberalism to reform society in the South. In the matter of schools, rights to equal education are inseparably bound up with rights to freedom of association and, in the South at least, may require that both be considered simultaneously. (In using the word "association" here, I mean the right to associate with whom you please, and the right not to associate with whom you please) Moreover, am I not correct in my recollection that it was the social stigma of segregation and its effect upon the Negro's "mind and heart" to which the court objected as much as to any other, and thus that the court, in forcing the black man's right to equal education, was actually determined to violate the white man's right to freedom of association?

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IN ANY CASE the crux of this issue would seem obvious: social status has to be earned. Or, to put it another way, equality of association has to be mutually agreed to and mutually desired. It cannot be achieved by legal fiat. Personally, I feel only affection for the Negro. But there are facts that have to be faced. Any man with two eyes in his head can observe a Negro settlement in the Congo, can study the pure-blooded African in his native habitat as he exists when left on his own resources, can compare this settlement with London or Paris, and can draw his own conclusions regarding relative levels of character and intelligence—or that combination of character and intelligence which is civilization. Finally he can inquire as to the number of pure-blooded blacks who have made contributions to great literature or engineering or medicine or philosophy or abstract science. (I do not include singing or athletics as these are not primarily matters of character and intelligence.) Nor is there any validity to the argument that the Negro "hasn't been given a chance." We were all in caves or trees originally. The progress which the pure-blooded black has made when left to himself, with a minimum of white help or hindrance, genetically or otherwise, can be measured today in the Congo.

Lord Bryce, a distinguished and impartial foreign observer, presented the situation accurately in his *American Commonwealth* when he wrote in 1880:

> "History is a record of the progress towards civilization of races originally barbarous. But that progress has in all cases been slow and gradual . . . Utterly dissimilar is the case of the African Negro, caught up in and whirled along with the swift movement of the American democracy. In it we have a singular juxtaposition of the most primitive and the most recent, the most rudimentary and the most highly developed, types of culture . . . A body of savages is violently carried across the ocean and set to work as slaves on the plantations of masters who are three or four thousand years in advance of them in mental capacity and moral force . . . Suddenly, even more suddenly than they were torn from Africa, they find themselves, not only free, but made full citizens and active members of the most popular government the world has seen, treated as fit to bear an equal part in ruling, not only themselves, but also their recent masters."

One does not telescope three or four thousand years into the 70 years since Bryce wrote. One may change the terms of the problem by mixed breeding, but if ever there was a matter that ought to be left to local option it would seem to be the decision as to when the mixture has produced an acceptable amalgam in the schools. And I see no reason for penalizing a locality that does not choose to mix.

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I WOULD EMPHATICALLY SUPPORT improvement of education in Negro schools, if and where it is inferior. Equality of opportunity and equality before the law, when not strained to cover other situations, are acceptable ideals because they provide the chance to earn and to progress—and consequently should be enforced by legal fiat as far as is humanly possible. But equality of association, which desegregation in Southern schools involves, presupposes a status which in the South the average Negro has not earned. To force it upon the Southern white will, I think, meet with as much opposition as the prohibition amendment encountered in the wet states.

Throughout this controversy there has been frequent mention of the equality of man as a broad social objective. No proposition in recent years has been clouded by more loose thinking. Not many of us would care to enter a poetry contest with Keats, nor play chess with the national champion, nor set our character beside Albert Schweitzer's. When we see the doctrine of equality contradicted everywhere around us in fact, it remains a mystery why so many of us continue to give it lip service in theory, and why we tolerate the vicious notion that status in any field need not be earned.

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PIN DOWN THE MAN who uses the word "equality," and at once the evasions and qualifications begin. As I recall, you, yourself, in a recent statement used some phrase to the effect that men were "equal in the sight of God." I would be interested to know where in the Bible you get your authority for this conception. There is doubtless authority in Scripture for the concept of *potential* equality in the sight of God—after earning that status, and with various further qualifications—but where is the authority for the sort of *ipso facto* equality suggested by your context? The whole idea contradicts the basic tenet of the Christian and Jewish religions that status is earned through righteousness and is not an automatic matter. What is true of religion and righteousness is just as true of achievement in other fields. And what is true among individuals is just as true of averages among races.

The confusion here is not unlike the confusion created by some left-wing writers between the doctrine of equality and the doctrine of Christian love. The command to love your neighbor is not a command either to consider your neighbor your equal, or yourself his equal; perhaps the purest example of great love without equality is the love between parent and child. In fact the equality doctrine as a whole, except when surrounded by a plethora of qualifications, is so untenable that it falls to pieces at the slightest thoughtful examination.

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FRANKFURTER closes his opinion with a quotation from Abraham Lincoln, to whom the Negro owes more than to any other man. I, too, would like to quote from Lincoln. At Charleston, Ill., in September 1858 in a debate with Douglas, Lincoln said:

> "I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races; I am not nor ever have been in favor of making voters or jurors of Negroes, nor qualifying them to hold office. . . . I will say in addition to this that there is a physical difference between the white and black races which I believe will ever forbid the two races living together on terms of social and political equality. And in as much as they cannot so live, while they do remain together, there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race."

The extent to which Lincoln would have modified these views today, or may have modified them before his death, is a moot question, but it is clear on its face that he would not have been in sympathy with the Supreme Court's position on desegregation. Many historians have felt that when Lincoln died the South lost the best friend it had. This also may be moot, but again it seems clear that for 94 years—from the horrors of Reconstruction through the Supreme Court's desegregation decision—the North has been trying to force the black man down the white Southerner's throat, and it is a miracle that relations between the races in the South have progressed as well as they have.

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PERHAPS the most discouraging spectacle is the spectacle of Northern newspapers dwelling with pleasure upon the predicament of the Southern parent who is forced to choose between desegregation and no school at all for his child. It does not seem to occur to the papers that this is the cruelest sort of blackmail; that the North is virtually putting a pistol at the head of the Southern parent in a gesture which every Northerner must contemplate with shame.

Indeed, there now seems little doubt that the court's recent decision has set back the cause of the Negro in the South by a generation. He may force his way into white schools, but he will not force his way into white hearts nor earn the respect he seeks. What evolution was slowly and wisely achieving, revolution has now arrested, and the trail of bitterness will lead far.

Sincerely yours, CARLETON PUTNAM.

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CENTRAL FILES

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October 20, 1959

Dear Mr. Spence:

The President has asked me to acknowledge and thank you for your letter to him of October fourteenth and enclosures.

The presentation of your point of view is appreciated.

Sincerely,

E. Frederic Morrow
Administrative Officer
Special Projects Group

Mr. Paulsen Spence
President
Louisiana Eastern Railroad
Post Office Box 77
Baton Rouge, Louisiana

lrs

Louisiana Eastern Railroad

BATON ROUGE TERMINAL RAILROAD

BATON ROUGE, LOUISIANA

PAULSEN SPENCE
PRESIDENT

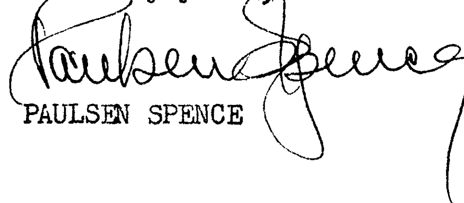
October 14, 1959

The Honorable Dwight D. Eisenhower
President of the United States
Washington, D. C.

Dear Mr. President:

The enclosed proves that the non-segregation decision was in error and should be reversed.

Sincerely yours,



PAULSEN SPENCE

Enc.

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That the Reconstruction Act was unconstitutional was admitted by General Grant when he said:

"The story of the legislation enacted during the Reconstruction period to stay the hand of the President is too fresh in the minds of the people to be told now. Much of it no doubt, was unconstitutional; but it was hoped that the laws enacted would serve their purpose before the question of constitutionality could be submitted to the judiciary and a decision obtained."

Page 523, Volume II, "Personal Memoirs of Ulysses S. Grant."

That the Fourteenth Amendment was never intended to cover integrated schools is made clear by this statement:

"Governor Morton, later noted as a Radical of the "bloody shirt" type, was recommending segregated schools for the Negroes of Indiana, who enjoyed none at all up to that time . . ."

From "The Framing of the Fourteenth Amendment" by Joseph B. James, University of Illinois Press.

That the Negro is not qualified to vote was admitted by Senator John Sherman, a brother of the General's, when he said:

"As to negro suffrage, I admit that the negroes are not intelligent enough to vote, but some one must vote their political representation in the States where they live, and their representation is increased by their being free." . . . "He warned that, 'if the Negro were not granted the vote, the former Southern leadership would be given an advantage by new representation with no new voters'."

From "The Framing of the Fourteenth Amendment" by Joseph B. James, University of Illinois Press.

The fallacy of universal suffrage was also pointed out by John Stuart Mill when he said:

"No one but those in whom an *a priori* theory has silenced common sense will maintain that power over others, over the whole community, should be imparted to people who have not acquired the commonest and most essential requisites for taking care of themselves . . ."

From "Considerations on Representative Government."

TELEGRAM

April 23, 1959

Committee of the Judiciary
House of Representatives
Washington, D. C.

The entire so-called "Civil Rights" legislation is based on a false premise. That false premise is that there is a Fourteenth Amendment and a Fifteenth Amendment to the Federal Constitution.

Walter J. Suthon, Jr., in his article "The Dubious Origin of the Fourteenth Amendment", which appeared in "The Tulane Law Review," a copy of which is being mailed to you, proves that if the amending provisions in the Constitution are properly enforced, there is no such thing as a Fourteenth Amendment, as the Fourteenth Amendment was adopted in gross violation of the procedure for amending the Constitution, specifically provided in Article Five of the Constitution.

If the ratification of the Thirteenth Amendment by the legislatures of the Southern States is valid, the refusal to ratify the Fourteenth Amendment on the part of these same legislatures is valid.

If the first section of Article Three of the Constitution is valid, the third paragraph of Section Two is valid. If Article Three is valid, Article Five is valid. If the Fifth Amendment is valid, the Sixth and the Tenth Amendments are valid. If the First Article and the Second Article are valid, the second paragraph of the Sixth Article is valid. If the Sixth Article and the Tenth Amendment are valid, the Federal Government has no power other than that specifically delegated to it by the Constitution; *therefore, as the Fourteenth Amendment was not enacted in pursuance of the Constitution, it is invalid.*

PAULSEN SPENCE

History shows that it was the returning Union soldier who caused the Rutherford B. Hayes administration in 1877 to call the dogs off the South and end Reconstruction. These soldiers told their folks that the Southern people were all right and should be left alone.

We are up against the same proposition now. The controlled press, radio and television have denied us an opportunity to tell our side. When the Northern people learn the facts, they will know that the whole integration business is unconstitutional and will again, like their forebears, force their Congressmen to call the dogs off us.

Furthermore, when, after reading J. Y Sanders' article, they come to the realization that by using exactly the same arguments, the same references, the same wording, another inexperienced Supreme Court can take all their property from them on the grounds that the ownership of private property is a denial of rights under the Fourteenth Amendment, they will do something about it.

After you have studied this pamphlet, send it along to some acquaintance in the North or West, where it will do some good.

THE CONSTITUTION

VS.

THE COURT

Compiled by

PAULSEN SPENCE

Reprints from THE AMERICAN MERCURY MAGAZINE
250 West 57th Street
New York 19, N. Y.

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by Paulsen Spence

The Constitution VERSUS THE COURT

by Paulsen Spence

As most of us have received the benefits of at least an eighth grade education, it should be patent to all that only by strict adherence to the Constitution can we hope to secure our liberty and promote prosperity. That the Constitution is our Charter of Freedom should be beyond doubt. If our people do not understand this basic fact, then there is something radically wrong with our public school system.

In this discussion, we are not concerned with the relative merits of segregation. Our only concern is that there is no such thing as the Constitution being "flexible and subject to judicial interpretation" and that the official, written Constitution does not provide for the nonsegregation decision and regardless of what is said to the contrary, this decision is not "the law of the land."

As most of our citizenry is inherently law-abiding, many feel that it is wrong to oppose a decision of the U.S. Supreme Court. In the case of the nonsegregation decision, they have no reason to feel that way. Decisions of the Supreme Court are binding only when made in pursuance of the Constitution.

In order to understand why the nonsegregation decision is without Constitutional authority, we must review some of the fundamentals of our form of government.

The States do not derive their power from the Federal Government. The Federal Government derives its power from the States. The legislatures of three-fourths of the States can alter or do away with the Federal Government at will.

After the successful War of the American Revolution, the 13 English colonies were recognized by themselves and the powers of the earth as being sovereign and independent States. These States undertook to get along under certain Articles of Confederation.

Experience proved that this system was not practical and, in 1787, delegates from 12 States met at

Philadelphia for the purpose of creating a more perfect union.

These delegates drew up a contract between these 12 States wherein they agreed to live together in a Federal Union with specifically delegated powers. Like any good lawyer, they reduced this agreement to writing so there would be no chance of any future misunderstanding. They called this contract "The Constitution of the United STATES of America".

After the contract was signed by the delegates, it was submitted to the States for ratification. The States said: "This is a fine contract, but we cannot ratify it unless additional safeguards are added to protect us against this new Federal Government."

As an outcome, a gentlemen's agreement was made for the States to ratify the contract with the proviso that 12 amendments would be submitted by the First Congress to the States for ratification. Ten of these amendments became that which we now call "The Bill of Rights."

Article VI, Clause 2, of the Constitution states:

> This Constitution and the laws of the United States which shall be made in pursuance thereof: . . . shall be the supreme law of the land; . . .

and the Tenth of the above mentioned Amendments states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

This adds up to just one thing and that is that the Federal Government has no power other than that specifically delegated to it by the Constitution and any action of the Federal Government which is not in pursuance of the Constitution is, of itself, null and void.

THE PRESIDENT and others refer to the nonsegregation decision as being the law of the land. What law?

Under our form of Government, the courts have no legislative power. In Osborn *v.* the Bank of the United States, the Supreme Court, presided over by the great John Marshall, in 1824, clearly stated the function of the Court when it said:

> **Judicial power, as contradistinguished from the power of laws, has no existence. Courts are mere instruments of the law, and can will nothing . . . Judicial power is never exercised for the purpose of giving effect to the will of the judge; always for the purpose of giving effect to the will of the legislature; . . .**

In Wayman *v.* Southard, in 1825, John Marshall also said: "The legislature makes . . . and the judiciary construes the laws." And in Hennington *v.* Georgia, in 1896, and in Newport and Cincinnati Bridge Company *v.* United States,

in 1882, the Supreme Court of the United States reaffirmed this fact when it said:

> This court . . . has no legislative powers. It cannot amend or modify any legislative acts. It cannot examine questions as expedient or inexpedient, as politic or impolitic. Considerations of that sort must, in general, be addressed to the legislature. Questions of policy determined there are concluded here." "For protection against unjust or unwise legislation, within the limits of recognized legislative power, the people must look to the polls and not to the courts.

As J. Y. Sanders, Jr., asks in the *Louisiana Bar Journal,* October, 1956:

> Has the Supreme Court the right to *change* the Constitution by interpretation?
>
> Has the Supreme Court the right to rule by edict where it considers the Congress in error in failing to legislate?
>
> Have we exchanged the 'divine right of kings' for 'divine right of the Supreme Court'?
>
> Have we substituted for the government of checks and balances instituted by the Founding Fathers a supreme, omnipotent and infallible Supreme Court as the final arbiter of our destinies?

On Page 30 of a pamphlet, copyrighted in 1946, known as "The Road to Freedom," I made the following statement:

> Parts of the present 13th and 14th Amendments having to do with slavery and citizenship, are included in the suggested amendments at the conclusion of this pamphlet for the reason conveyed by Abraham Lincoln when he said that in his opinion those amendments would not be valid unless approved by the Southern States. Inasmuch as they were approved by Carpetbagger and Scalawag legislature, who no more represented the people of the Southern States than did the Quisling and Laval governments represent the people of Norway and France, these amendments along with the 15th are not a valid part of the Constitution.

This theme was independently proved by Walter J. Suthon, Jr., in an enlightening brief entitled: "The Dubious Origin of the 14th Amendment." (*Tulane Law Review,* December, 1953)

As Mr. Suthon points out, Article V (not the Fifth Amendment) outlines the specific methods to be followed by which the States, if they see fit, shall have power to amend the Constitution.

When the so-called 14th and 15th Amendments were submitted, the requirements of Article V were not adhered to, and therefore the 14th and 15th Amendments do not exist. The fact that the Southern States were forced to ratify these Amendments at the point of a bayonet has no bearing here. If the Amendments were not submitted in pursuance of Article V of the Constitution, that is that. Any person who maintains that the 14th and 15th Amendments are valid **is**

either intellectually dishonest or stupid.

But, even though the 14th Amendment were valid, the nonsegregation decision is still invalid for the reason that the Fifth Section of the 14th Amendment states:

> The Congress shall have power to enforce by appropriate legislation, the provisions of this article.

The Congress has passed no law prohibiting the States from segregating the races. Nor is there anything in the Constitution that authorizes the President to send forth the Armed Forces to enforce an edict of the Supreme Court which is not in pursuance of the Constitution. Nor is there anything in the Constitution that requires a judge of an inferior court to ignore his oath of office by following a ukase of the Supreme Court which he knows is unconstitutional.

Almost everyone probably will agree that the Supreme Court has leaned over backward in its efforts to help the Communists. Suppose that it would decide to help the Communists to the extent that they should order the Navy to scuttle its ships, the Air Force to destroy its planes and the Army to do away with its atomic weapons. Even though such an order would mean National suicide, the President and some members of the inferior courts would, doubtless, take the position that because it was so ordered by the Supreme Court, the decision was the "law of the land" and all must abide by it. The nonsegregation decision is just as far-fetched and just as unconstitutional.

J. Y. Sanders, Jr., in the article already alluded to, demonstrates that the Supreme Court, by following exactly the same reasoning it used in the nonsegregation decision, can also rule that:

> The theory of private ownership of property in our country has a detrimental effect upon those who do not own property. The impact is all the greater in that it has the sanction of the law. The policy of separating the classes on account of their wealth or lack of wealth is usually interpreted as indicating an inferiority of the poorer group. This sense of inferiority affects the character of the adult and seriously affects the motivation of the children of the poor. The fact that one class of people live in fine houses while another class of people are compelled by the operation of this so-called law (private ownership) to live in tenements or even 'slums' has a tendency to retard the political, social and economic as well as the mental development of the poorer class of children and creates a sense of inferiority and class frustration upon the poorer classes who feel that they are deprived of an inherent right by the operation of this so-called artificial law.
>
> . . . We conclude that in the field of economics the doctrine of private ownership of property has no place. Separate and private ownership of property is inherently unequal. Therefore, we rule that the plaintiffs and all similarly situated for whom the actions have been brought are by reason of the so-called law of private ownership complained of, deprived of equal protection of the law as guaranteed by the 14th Amendment. . . .

Would *this* be the "law of the land"?

It must be reiterated that the Supreme Court has no power to make laws and there exists no nonsegregation law. Only the Congress can make "the law of the land" and that law ***must be in pursuance of the Constitution.***

When Napoleon agreed to sell Louisiana to the United States, he stipulated that Louisiana was to be admitted to the Union as a State.

Louisiana was to have all the rights and privileges of the original 13 States.

When Louisiana became a State in 1812, it agreed only to those provisions as written into the Constitution. Louisiana did not agree that, 142 years later, it would accept the dictates of a Supreme Court that were not in pursuance of those written provisions.

There are those who urge the Southern members of the Congress and the State officials to live up to their oaths of office. They have "the cart before the horse". It is the members of the Supreme Court and the President who should live up to their oaths of office.

Integration is a side issue. The main issue is: are we, the people, going to insist that the Federal Government live within the powers delegated to it by the Constitution, or are we going to allow, as Thomas Jefferson predicted we would, an unelected judiciary, serving for life, to eat away the foundations of our Constitution?

The War of the American Revolution was fought to throw off the yoke of an English king who had heaped all kinds of abuses upon the American Colonies. These abuses are plainly stated in the Declaration of Independence.

When those great men drew up the Constitution, the abuses of the English Crown were fresh in their minds and they set about to create a Federal Government under which such abuses could not exist.

As explained in the October, 1957, "American Mercury," in spite of their efforts, abuses have crept in. These abuses, if not curbed, could result in some future generation being forced to write a new Declaration of Independence and to fight a new War of the American Revolution.

In other words, if we are so stupid as to allow the Federal Government to buy us with our own money and, by ignoring the provisions of the Constitution, take our freedom away from us, our posterity, in order to regain their freedom, will have to do the same things our forebears did.

THE MOST simple way to nip these abuses in the bud would be for the people to force the legislatures of their respective States to exercise the right the States reserved in Article V of the Constitution, and require the Congress to call a convention for the purpose of adopting Constitutional Amendments along the following lines:

The first of these proposed amendments replaces the unconstitutional 14th without impairing the rights of the States. The fact that there are more decisions, few of which have any reference to Negroes, based on the so-called 14th Amendment than on any other, indicates a need for a 14th Amendment. As the arguments against the 14th and 15th Amendments are irrefutable, there is little doubt that some future Supreme Court, made up of learned and impartial justices, will throw these Amendments out. It would, therefore, save a lot of confusion to adopt a correct amendment before the present so-called 14th Amendment is invalidated.

The second of these proposed amendments would, by repealing the 17th Amendment, return the choosing of United States Senators to the State legislatures. It was the Founders' plan that the members of the House of Representatives were to represent the people. The Senators were to represent the States. No harm could come from a provision that would allow the people to veto an unpopular choice. Such a veto provision would have probably eliminated the Lorimer Case, which caused the adoption of the 17th Amendment.

The third proposed amendment * is intended to overcome the objections of that greatest of statesmen, Thomas Jefferson. This plan provides for the United States Senate to select ten of the 11 Supreme Court Judges for rotated terms of ten years, with the legislatures of the States, in each judicial circuit, holding the veto power. It also requires that the Supreme Court Judges have ample experience, represent all sections of the Nation, and be, as the President, native born.

* See Page 46

PROPOSED AMENDMENT TO THE FOURTEENTH ARTICLE OF AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

The Fourteenth Article of Amendment to the Constitution of the United States is hereby amended to read as follows:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which is contrary to the provisions of the Constitution: provided, that nothing in this Article shall be deemed to deny or disparage the right of a State to retain complete and full control of police power, public education, marriage, public health, its militia, except when employed in the service of the United States, the use of its properties and all other powers not prohibited by the Constitution to the States.

Section 2. All decisions of the Supreme Court of the United States that were in pursuance of the Constitution, made under the authority of the Fourteenth Article of Amendment thereto, prior to the adoption of this Article, that are not in opposition to this Article, shall be deemed valid.

Section 3. The Congress shall have power to enforce, by appropriate legislation, the provisions of this Article.—Copyright 1957 by Paulsen Spence.

PROPOSED AMENDMENT TO THE SEVENTEENTH ARTICLE OF AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

The Seventeenth Article of Amendment to the Constitution of the United States is hereby repealed.

The Senate of the United States will be composed of two Senators from each State, who shall be native-born citizens of the United States, and, subject to the approval of a majority of the voters in that State, shall be chosen by the legislatures of the State which they are to represent, as follows:

The legislature shall appoint a Senator. The name shall be submitted to the voters at the next regular election. If the name submitted does not obtain the approval of a majority of the voters, it shall be withdrawn and new names submitted and new elections held until the name submitted receives the approval of a majority of the voters.

When a vacancy in the office of Senator occurs other than by expiration of his term of office, the legislatures of the States shall have power to determine the manner of filling the vacancy temporarily.

This amendment shall not be so construed as to affect the election or term of any Senator chosen prior to the ratification of this amendment.

Upon completion of his term of office the past President of the United States shall, at his discretion, become a member-at-large of the United States Senate during good behavior, shall retire temporarily or permanently at will, and shall receive the emolument of a Senator for life.—Copyright 1946 by Paulsen Spence.

From The American Mercury, January, 1959

It was ratified by ten states under duress

THE DUBIOUS ORIGIN OF THE FOURTEENTH AMENDMENT

by Walter J. Suthon, Jr.

THE AMENDMENT under which the Supreme Court ordered integration is itself clearly unconstitutional, if the "law of the land" concerning constitutional amendment procedure is respected and enforced.

In most of the litigation which has come before the Supreme Court in recent years involving contentions for restriction of State regulatory power and enlargement of Federal regulatory power, the Fourteenth Amendment has been cited in justification. This has been particularly true in cases involving proposed racial integration and the breaking down of the established systems of racial segregation in the South.

The catch in all these contentions is that the Fourteenth Amendment itself is a provision of the most dubious legality. It was ratified in 1868 under flagrant conditions of coercion in several of the southern states which were recorded as ratifiers. These states were under involuntary rule by virtual "puppet governments" at a time when military government was clamped upon the South under the vengeful Reconstruction Act. Without the ratification of the Fourteenth Amendment by seven southern states which were under the coercive control of the Reconstruction Act, the Amendment could not have secured the three-fourths majority necessary for its passage.

Even the most cursory review of the intent of the founding fathers who wrote our Constitution reveals that they never contemplated constitution amendment by duress. The record of the Constitutional Convention shows that they specifically placed safeguards in the Constitution to prevent any such event. The fact that the 39th Congress disregarded these safeguards in 1866, when it submitted the Fourteenth Amendment to the States, places serious doubt upon the validity of the Amendment.

The procedure by which the Constitution can be amended was clearly defined in Article V. This Article states:

> **The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution . . . which . . . shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States. . . .**

While the authority to propose an amendment is given to the Congress, it was the intent of the Convention that the primary role in the amendment process should be given to the States. This is shown by the fact that it is provided that, even when an amendment proposal is defeated by Congress, the legislatures of two thirds of the States can demand a convention which has the power to submit the amendment to the States. Thus, even the submission function is not given exclusively to the Congress. Once the proposed amendment is submitted, the only function of the Congress is that of determining whether the States, in voting on ratification, shall act through their respective legislatures, or through conventions. The record of the evolution of Article V, in the proceedings of the Federal Convention of 1787, fully supports the view that Congress has no function at all to perform after submission, i.e. during consideration of ratification by the States, and action thereon by the States.

THE INVALIDITY of the Fourteenth Amendment is clear when we consider (1) the illegal make-up of the 39th Congress which submitted the amendment to the States and (2) the illegality of the seven Southern States governments which ratified the amendment.

The 39th Congress was a "rump" Congress. Under the Constitutional provision that "Each House shall be the judge of the Elections, Returns and Qualifications of its own Members . . .", each House had excluded all persons appearing with credentials as Senators or Representatives from the ten Southern States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Arkansas and Texas. This exclusion, through the exercise of an unreviewable constitutional prerogative, constituted a gross violation of the essence of two other constitutional provisions (Article V and Article 1-2) both intended to protect the rights of the States to representation in Congress. Had these ten States not been deprived of their constitutional rights of representation in Congress, it would have been impossible for the Fourteenth Amendment to secure a two-thirds vote in the Congress, permitting submission to the States.

Secondly, in order to secure ratification in the Southern States, puppet governments were set up through the cooperation of the occupying military authorities. When the Fourteenth Amendment was submitted, the ten southern states had existing governments and legislatures. These governments had been recognized by the Federal Government when the Thirteenth Amendment, abolishing slavery, had been adopted the previous year.

When the proposed Fourteenth Amendment was submitted to the

legislatures, it needed ratification by 28 states, three-fourths of the then 37 states. While the amendment was ratified promptly by most states outside the South, it was never ratified by California and it was rejected by the three border states of Maryland, Delaware and Kentucky. It was also rejected (1866-67) by the legislatures of the ten southern states, including Louisiana, whose Senators and Representatives had been excluded from seats in Congress. This created a situation in which the ratification of the Amendment was impossible unless some of these rejections were reversed.

How did the Amendment supporters meet this situation? On March 2, 1867, they enacted the Reconstruction Act. This Act provided for a system of voter registration before boards set up under military auspices. It declared that "no legal State government" existed in these states. All civilian authorities were made subordinate to the military government. The most extreme and amazing feature of the Act was the requirement that each excluded state must ratify the Fourteenth Amendment in order again to enjoy the status and rights of a state.

Senator Doolittle of Wisconsin declared in a speech in the Senate:

> **My friend has said what has been said all around me, what is said every day: the people of the South** have rejected the constitutional amendment, and therefore we will march upon them and force them to adopt it at the point of a bayonet, and establish military power over them until they do adopt it.

So drastic was the Reconstruction Act that President Johnson vetoed it, declaring in his message that it was unconstitutional. Nevertheless, political passion ran so high that the veto was overridden by two-thirds vote of both Houses of Congress.

As a result, enforcement of the Reconstruction Act in the South went forward unhampered. Puppet governments were set up in the various states under military auspices. Under this rule of bayonets, new constitutions were drafted and adopted in the states. One by one, these puppet state governments ratified the Fourteenth Amendment until seven coerced and illegal ratifications gave the measure the two-thirds needed vote. The Amendment was finally adopted in July 1868.

The most flagrant violation of the Constitution, in the orgy of usurpation which produced the Fourteenth Amendment, was the exclusion from the Senate of the 20 Senators from the ten southern states. This exclusion flouted and nullified the fundamental guarantee of state sovereignty, embodied in the provision in Article V of the Constitution that "no State, without its Consent, shall be deprived of its equal Suffrage in the Senate."

An Amendment, which initially was imposed illegally and in defiance of the express provisions of article V, cannot be cited as justification for a policy which seeks to revolutionize the social conditions in the southern states. If the coerced ratifications of the Fourteenth Amendment in 1868 constitute an infraction of the amendment procedure ordained by Article V of the Constitution, these enforced ratifications are just as violative of the provisions of Article V in 1958 as they were in 1868. The abuse of constitutional rights of 1868 does not give grounds for the further abuse which was offered by the Supreme Court integration decision of 1954. Both acts were conceived in the same un-American coercive spirit. Both will be rejected by the innate sense of fair play of the American people.

Condensed from an article published in the Tulane Law Review, *December 1953, Vol XXVIII, pages 22-24 Reprinted by special permission American Mercury, April 1959*

COURT REWRITES CONSTITUTION IN ITS OWN IMAGE

by Alfred J. Schweppe

I absolutely reject the idea that the Supreme Court has the power to rewrite the Constitution according to its concepts of sociological or economic change. That is what the amendatory process is for. I do not accept Justice Douglas' blunt view that the amendatory process is "too slow" as anything but a violation of the oath to support the Constitution in all of its parts.

In an address before the New York City bar in 1949, attempting to defend the Court's wholesale overruling of prior decisions, he calmly said "It must be remembered that the process of constitutional amendment is a long and slow one."

The obvious answer is, of course, that the people have amended the Constitution fast or slowly, or not at all, as in their judgment the circumstances required. Since when has the judicial power of the Supreme Court been extended to passing on the competence of the people to frame their own government in their own good time? With all due respect, such an attitude must be regarded as a self-arrogation of superior paternal wisdom which would have left the Founding Fathers stunned.

My view was shared by Washington, Jefferson, Jackson and others, some of whom are held up as great beacon lights of liberalism. I think legal recognition of sociological and economic changes should come by way of constitutional amendment, or congressional action, whichever is appropriate.

In my opinion, once the Court has construed a constitutional provision, that construction should stand until changed by amendment, unless later evidence is found of *the intent of the framers* of the provision which shows the first construction to have been erroneous. That, of course, is why Madison's "Notes," Elliott's "Debates," and the "Federalist" have been considered so valuable.

Any other approach seems to me to lead to the inevitable conclusion that the Constitution is the plaything of the judges at any time in office, which is, of course, the Warren-Black-Douglas concept, initiated by Holmes in Missouri v. Holland, where he said that the case "must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago."

In so stating, Holmes rejected the Jeffersonian view of the treaty power, accepted and blessed by strong judicial statements for over a hundred years. Following Holmes, the idea of a "rubber Constitution," with the Court acting not as judges but as policy makers, though piously disavowing the role, has become accepted almost as normal constitutional doctrine.

My objection is to the reckless manner in which the present Court flouts the precedents laid down by the great Courts ahead of it and, glibly bypassing the constitutional-amendment process of Article V, rewrites the Constitution in its own image.

The simple and honest principle that the Constitution and its amendments must be construed according to the intent of the framers has the support of the greatest minds who ever sat on the court and has until recently been often asserted by that body:

"The Constitution is a written instrument. That which it meant when it was adopted it means now . . ."

"The whole object of constitutional construction is to give effect to the intention of the framers of the instrument."

"Contemporaneous interpretation of the Constitution is entitled to great weight, and the practice and acquiescence under it for a period of years afford an irresistible answer and fix its construction."

And Judge Cooley, the greatest authority on constitutional law in modern times, put it thus:

"A court or legislature which would allow a change in public sentiment to influence it in giving to a written constitution a construction not warranted by the intent of the founders, would be justly chargeable with reckless disregard of official oath and public duty; and if its course could become a precedent, these instruments would be of little avail."

But witness, for example, the flagrant violation in 1954 of this settled principle. Says Chief Justice Warren in the segregation cases:

"In approaching this problem we cannot turn the clock back to 1868 when the amendment was adopted, or even to 1896 when Plessy v. Ferguson was written. We must consider public education in the light of its full development and its present place in American life throughout the nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws."

The plain unvarnished fact is that public education was fully developed in 1950, 1938, 1927, and 1896, when the court adhered strictly to the separate-but-equal doctrine. But the Warren court in 1954 proceeded unconstitutionally in attempting to construe the Fourteenth Amendment, contrary to its settled construction over many decades, by substituting its own 1954 policy views for those of the framers and for the judicial views of those learned judges who had long ago and recently supported the intent of the framers. The court *openly* violated the most obvious and thoroughly settled principle of constitutional construction—settled by judges of unquestioned stature over a century and a half.

From a lawyer's standpoint the segregation decisions, which are deemed by many to be tender legal ground that should be avoided, will serve my purpose as well as any. I am dealing now, not with a sensitive sociological problem, but solely with the adjudication processes of the present Court in those cases, which leave one almost breathless with amazement.

When the Court, in the first Brown v. Board of Education school-segregation case, in 1954, found the history of the Fourteenth Amendment to be "inconclusive"—which was, I believe, an understatement—one would think that a Court, *acting judicially,* would have said that, "there being no persuasive évidence of intent of the framers of the Amendment that the prior decisions of the Court are wrong, those decisions must stand, with the subject matter left to Congress or the amendatory process, as the Court has so often heretofore said about policy matters."

Just a few words about the prior decisions to illustrate my point. There were a number of applicable earlier precedents, the first in 1896, the last in 1950.

By way of concrete example, in the Gong Lum case of 1927—a school case from the State of Mississippi, in which both the question of equal protection of the laws per se and the separate-but-equal question under the Fourteenth Amendment were directly raised—the Supreme Court, then composed of Chief Justice Taft and Justices Holmes, Brandeis, Stone, Van Devanter, McReynolds, Sutherland, Butler and Sanford, *unanimously* decided both questions in favor of the segregated schools provided for by the constitution of the State of Mississippi

(see detailed comments, Congressional "Record," July 21, 1958, p. 13106, especially 13107).

Indeed, Chief Justice Taft, writing the opinion of the *unanimous* Court, said: "Were this a new question it would call for very full argument and consideration, but we think that it is the same question which has been many times decided to be within the constitutional power of the State legislature to settle without intervention of the federal courts under the Federal Constitution."

Thus in 1954 the present Supreme Court reversed precedents upholding segregated-school legislation not written alone in 1896, although the Court in Plessy v. Ferguson was much closer in time to the intent of the Fourteenth Amendment than it was 60 years later, but a decision rendered unanimously in 1927 by a great Court headed by Chief Justice Taft, and including among its membership Justices Holmes, Brandeis and Stone, whose names are commonly associated with a liberal view of the Constitution in the field of individual rights.

It will be especially noted that the distinguished 1927 Court considered itself bound by the long-established precedents, and that is was not within judicial competence to upset a constitutional interpretation so long settled.

There is no question that the decisions in the Brown and Bolling cases in May of 1954, giving a completely new meaning to the Constitution, were a violent shock to those who believe in constitutional stability and constitutional precedent, and who look upon the judges of the Supreme Court as declarers of law rather than as social engineers, since changes in the social order, insofar as they fall within the federal domain, seem clearly to have been left to Congress or the amendment process by those who wrote the Constitution and its various added provisions.

Chief Justice John Marshall said in the great case of Marbury v. Madison: "It is emphatically the province and duty of the judicial department to say what the law it."

There is no doubt what the law was at 11:59 a.m. on May 17, 1954. It had been definitely settled in Gong Lum in 1927, and in other cases. In 1938, Chief Justice Hughes, speaking for a majority of himself and Justices Brandeis, Stone, Black, Reed and Roberts, had said in Missouri *ex rel* Gaines v. Canada:

"The State has sought to fulfill that obligation by furnishing equal facilities in separate schools, *a method the validity of which has been sustained by our decisions.* Plessy v. Ferguson, (163 U.S. 537, 544); McCabe v. Atchison, Topeka and Santa Fe Railway Co. (235 U.S. 151, 160); Gong Lum v. Rice (275 U.S. 78, 85, 86). Compare Cumming v. Board of Education (175 U.S. 528, 544, 545)."

In fact, in Sweatt v. Painter, the identical Court that decided the Brown case in 1954—substituting only Chief Justice Vinson for Chief Justice Warren—namely, Justices Black, Reed, Frankfurter, Douglas, Jackson, Burton, Clark and Minton, rested the decision squarely on the separate-but-equal doctrine.

But on May 17, 1954, at 1 p.m., all this was changed—changed by a judicial amendment of the Constitution—by a Court that, instead of declaring "what the law is," declared what, in the personal opinion of the then-incumbent judges, the law ought to be, in spite of a hundred years of federal and State legislation to the contrary, and contrary to judicial decisions long accepted by the Court itself as conclusive.

Moreover, in so doing, the Court did not even take notice of the long-established criteria for determining whether there has been a violation of the equal-protection clause of the Fourteenth Amendment, namely, that legislative classifications are valid unless without any rational basis whatsoever, so that reasonable men cannot differ (see American Bar Association "Journal," April, 1956, pp. 313, 316-17).

How far the Court went overboard in 1954 is most luridly demonstrated in the companion case—Bolling v. Sharpe, a case amazingly overlooked most of the time by Court critics—in which the Court flagrantly amended the due-process clause of the Fifth Amendment by converting it into an equal-protection clause.

School Case "Was Startling"

If the Brown v. Board of Education case was startling, the companion Bolling case, invalidating the segregated-school statutes of Congress in the District of Columbia almost 100 years old, was even more startling.

The Court decided the Brown case under the equal-protection clause of the Fourteenth Amendment, saying:

"We hold that the plaintiffs and others similarly situated, for whom the actions have been brought, are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion, whether such segregation also violates the due-process clause of the Fourteenth Amendment."

But in the companion case of Bolling v. Sharpe, decided the same day with reference to the District of Columbia's segregated-school statutes enacted by Congress, the Court faced the dilemma that the Federal Constitution contains no equal-protection clause as a limitation on the Federal Government. The Fourteenth Amendment contains both a due-process and an equal-protection clause, the due-process clause having been taken over verbatim from the Fifth Amendment, and adds purposefully an equal-protection clause, because that concept was deemed and construed not to be embraced in due process (see Hurtado v. California). But the Fifth Amendment, applicable to the Federal Government, contains only a due-process clause.

However, the Court that had made the psychological ruling in the Brown Case was equal to the dilemma that it faced in the Bolling Case. It held

that the due-process clause of the Fifth Amendment should be deemed also an equal-protection clause as respects the Federal Government—a clear case of judicial amendment of the Constitution.

Thus a provision of the Federal Constitution which when adopted in 1791 did not prohibit but protected slavery, is now construed in 1954 to prohibit segregation in the public schools of the District of Columbia. The present Court no longer concerns itself with the intent of the Founding Fathers or the framers of the Fourteenth Amendment, but substitutes its own (see Ralph T. Catterall, "Judicial Self-Restraint," American Bar Association "Journal," September, 1956, page 829).

The purely legislative pronouncements of the new Chief Justice, then scarcely one year and nine months in office, in the second Brown case in 1955 bring shudders to any student of constitutional law who knows that the judicial power of the United States extends only to individual cases and controversies. He said:

> "All provision of federal, State, or local law requiring or permitting such discrimination must yield to this principle."

By the time the next school case from some individual State or city comes to the Court involving some segregation statute, the whole present Court could conceivably have disappeared in an epidemic or other major catastrophe, and a new Court wipe out the judicial extravaganzas entitled Brown and Bolling, by returning Plessy, Gong Lum, Gaines and other cases.

Such a new Court would require no precedents for so doing other than the Brown and Bolling cases and an earnest desire to restore the Court to its proper place in the constitutional scheme.

Of course, I am sure that there would be much shouting in certain circles that the new Court had violated the sacred rules of judicial precedent. Why the more experienced judges on the Court signed their names to such a judicially indefensible statement as that just quoted above one can only conjecture. Under the Constitution, the ruling could apply only to the cases then before the Court, and no others whatsoever.

The point that cannot be too strongly emphasized is that the 1954 Court, misconceiving its function in the constitutional scheme, took the unbelievable step of holding *unconstitutional* state and federal statutes that had been on the books and enforced almost a hundred years, and had been uniformly held valid by state and federal courts, including the Supreme Court, after the adoption of the Fourteenth Amendment.

A more revolutionary political as distinguished from judicial action is not imaginable?

There is no doubt that Congress has a major responsibility for what the Court has done in many areas. Prodded by some Chief Executives, Congress has passed laws that have put great strains on the Court, which, in turn, has put great strains on the Constitution. For those results Congress and Executives who announce that no doubts as to constitutionality should deter Congress from passing Executive-requested bills are at least in part responsible.

However, without commenting on the present state of judicial resistance to such undue pressures on the Constitution, still, in those judicial areas where the Court is under no such legislative and executive pressures, the Court is alone responsible; and it ought to proceed always with the classic judicial restraint which some of its members have so often expressed.

I personally have never had any opposition to integration, which I have lived with happily on a small scale all my life; but I have never believed in a legal compulsion of the South—especially by the Court. The South lives in a situation which, until the Warren Court, was deliberately held to be solely within the purview of the States and not of the federal courts except as to equal treatment, and at the federal level primarily in Congress. I have never believed that the Southern situation should be settled by those who don't have it, but only by those who live with it. Apparently history has taught some of us nothing.

The judges of a wiser generation knew of the evils of the Reconstruction Days and the carpetbagger era, ***which all historians now condemn.*** There seems no doubt to many Southerners the Supreme Court has now assumed the wicked role of the Reconstruction congresses. To such Southerners it obviously makes no difference whether the offenders are federal troops in union blue followed by henchmen of Northern politicians in the sixties and seventies immediately after the Civil War, or whether in 1957 and 1958 they are khaki paratroopers coming in from the sky, or United States Marshals and United States attorneys flying in with carpetbags—all for the purpose of using federal force to bring about a new way of life, although the old one had the sanction of a hundred years of federal and state legislation and of a series of Supreme Court decisions deemed prior to the Warren court to be beyond legitimate judicial change.

* * *

IMPLICATIONS OF THE SEGREGATION DECISION

by Jared Y. Sanders, Jr.

Whither are we drifting in the United States?

If the Supreme Court should by decree declare that the republic set up by the Founding Fathers was outmoded and that the time had come to have a king and annoint former Governor, now Chief Justice, Earl Warren, President Dwight Eisenhower or some other man of their choosing to be the King of the United States, would this act be constitutional because the Supreme Court did it?

The question answers itself.

Yet, if it is admitted that such an act, which, while remote, nevertheless is a possibility, would not be constitutional, then it follows necessarily that some acts that the Supreme Court could do would not be constitutional. If this is conceded, why then the question follows as to where is the line to be drawn?...

The arbitrary manner in which the Supreme Court, in the Brown (segregation) decision, reinterpreted the Constitution in accordance with its own opinions of what the law should be, completely ignores the constitutional method of amending the Constitution set up in the Constitution itself.

This usurpation of power by the Supreme Court in its pretended right to amend the Constitution by interpretation in accordance with the personal views of nine men or with a majority of nine men appointed for life and themselves not subject to any form of check or restraint constitutes a most radical change in our whole form and substance of government.

If the Supreme Court can rewrite the Constitution to suit its views on social questions what is to prevent it from rewriting the Constitution and imposing upon the country some other economic system different from the one which we now enjoy?

There is herewith presented a fictitious decision of the United States Supreme Court in the year 1996 involving the question

of free enterprise. The wording and reasoning are practically identical with the wording and reasoning of the segregation decision. Is the segregation decision the forerunner of something like this hypothetical case herewith presented? There is reproduced below the Brown v. Board of Education of Topeka segregation decision (347 US 483, 98 L ed 873, 74 S Ct 686, 38 ALR 2d 1180) in the lefthand column and a hypothetical case attributed to the year 1996 A.D. in the righthand column:

Brown v. Board of Education of Topeka, (347 US 483, 98 L ed 873, 74 S Ct, 686, 38 ALR 2d 1180):

"Mr. Chief Justice Warren delivered the opinion of the Court.

"These cases come to us from the States of Kansas, South Carolina, Virginia and Delaware. They are premised on different facts and different local conditions, but a common legal question justifies their consideration together in this consolidated opinion.

"In each of the cases, minors of the Negro race, through their legal representatives, seek the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis. In each instance, they had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. This segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the Fourteenth Amendment. In each of the cases other than the

Paul Marques, et als. v. Bon H. Richard, (A.D. 1996), *John Doe v. Richard Roe,* etc., etc.

Mr. Chief Justice .... delivered the opinion of the Court.

These cases come to us from the States of New York, Pennsylvania, New Jersey, Illinois, Michigan, Ohio, Indiana and California. They are premised on different facts and different local conditions, but a common legal question justifies their consideration together in this consolidated opinion.

In each of these cases, the plaintiff, each in his own behalf and on behalf of others similarly situated, seeks admission to and use of certain property of defendants. Plaintiffs allege in substance that they have each of them been denied admission to and use of certain property "owned" by defendants under state law or custom requiring or permitting private ownership of property. This "ownership" of private property was alleged to deprive the plaintiffs of equal protection of the laws under the Four-

Delaware case, a three-judge federal district court denied relief to the plaintiffs on the so-called 'separate but equal' doctrine announced by this Court in Plessy v. Ferguson, 163 US 537, 41 L ed 256, 16 S Ct 1138. Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even facilities, even though these facilities be separate. In the Delaware case, the Supreme Court of Delaware adhered to that doctrine, but ordered that the plaintiffs be admitted to the white schools because of their superiority to the Negro schools.

"The plaintiffs contend that segregated public schools are not 'equal' and cannot be made 'equal,' and that hence they are deprived of the equal protection of the laws. Because of the obvious importance of the question presented, the Court took jurisdiction. Argument was heard in the 1952 Term, and reargument was heard this Term on certain questions propounded by the Court.

teenth Amendment. In each case a three-judge federal district court denied relief to the plaintiffs on the so-called "private ownership of property" doctrine previously announced and upheld by this Court in numerous cases. Under that doctrine private ownership of property is upheld under the so-called "free enterprise" or "capitalistic" system.

Plaintiffs contend that under the private ownership of property doctrine certain favored people are protected by law in the use and so-called "ownership" of property, that this "right of ownership" may be and frequently is inherited so that these favored individuals can and frequently do come into the ownership of great wealth without any exertion on their part other than the accident of birth, and without any contribution to society, that those who are born of poor parents inherit nothing and under the operation of the "private ownership" theory are thereby deprived of equal rights in and to the "private property" so owned and are in fact denied

"Reargument was largely devoted to the circumstances surrounding the adoption of the Fourteenth Amendment in 1868. It covered exhaustively consideration of the Amendment in Congress, ratification by the states, then existing practices in racial segregation, and the views of proponents and opponents of the Amendment. This discussion and our own investigation convince us, that although these sources cast some light, it is not enough to resolve the problem with which we are faced. At best, they are inconclusive. The most avid proponents of the post-War Amendments undoubtedly intended them to remove all le-

equality of treatment under the law in that they are denied even any opportunity of acquiring equal use and ownership of the property so "owned" and inherited, and that under this theory property is not owned equally and that ownership of property cannot be made "equal" under the so-called free enterprise system and that hence plaintiffs are deprived of equal protection of the law. Because of the obvious importance of the question presented, the Court has taken jurisdiction. Argument was heard in the 1995 term and reargument was heard this term on certain questions propounded by the Court.

Reargument was largely devoted to the circumstances surrounding the adoption of the Fourteenth Amendment in 1868. It covered exhaustively consideration of the Amendment in Congress, ratification by the states, then existing practices in regard to the ownership of property, the profit motive, and the free enterprise system, and the views of proponents and opponents of the amendment. This discussion and our own investigation convince us that although the sources cast some light it is not enough to resolve the problem with which we are faced. At best, they are inconclusive. The most avid proponents of the

gal distinctions among 'all persons born or naturalized in the United States.' Their opponents, just as certainly, were antagonistic to both the letter and the spirit of the Amendments and wished them to have the most limited effect. What others in Congress and the state legislatures had in mind cannot be determined with any degree of certainty.

"An additional reason for the inconclusive nature of the Amendment's history, with respect to segregated schools, is the status of public education at that time. In the South, the movement toward free common schools, supported by general taxation, had not yet taken hold. Education of white children was largely in the hands of private groups. Education of Negroes was almost nonexistent, and practically all of the race were illiterate. In fact, any education of Negroes was forbidden by law in some states. Today, in contrast, many Negroes have achieved outstanding success in the arts and sciences as well as in the business and professional world. It is true that public education had already advanced further in the North, but the effect of the Amendment on Northern States was generally ignored in the con-

post-War Amendments undoubtedly intended them to remove all legal distinctions among "all persons born or naturalized in the United States." Their opponents just as certainly were antagonistic to both the letter and the spirit of the amendments and wished them to have the most limited effect. What others in Congress and the state legislatures had in mind cannot be determined with any degree of certainty.

An additional reason for the inconclusive nature of the Amendment's history, with respect to the capitalistic system, free enterprise and the profit motive, is the status of our economic system at that time as well as at the time of the adoption of the Federal Constitution. At the time of the adoption of the Federal Constitution this nation was largely rural and agricultural. Equality of treatment under the law with regard to the ownership of property, especially real property, was not presented because of the fact that anyone who desired ownership of land could find vast areas of land in the then uninhabited, except for savages, areas to the west. The thirteen colonies comprised a narrow strip along the Atlantic seaboard and except for some settlements of the French and Spanish in various other parts of the continent

gressional debates. Even in the North, the conditions of public education did not approximate those existing today. The curriculum was usually rudimentary; ungraded schools were common in rural areas; the school term was but three months a year in many states; and compulsory school attendance was virtually unknown. As a consequence, it is not surprising that there should be so little in the history of the Fourteenth Amendment relating to its intended effect on public education.

"In the instant cases, that question is directly presented. Here, unlike Sweatt v. Painter, there are findings below that the Negro and white schools in-

vast areas of the continent were awaiting population. This great abundance of property, especially real property, created equality of opportunity under the law and hence the question of private ownership of property was never presented to the framers of the Constitution. This same condition continued to obtain with some modification at the time of the adoption of the Fourteenth Amendment. While certain areas of the North had become industrialized, the South was largely agricultural and the West was mainly unpopulated and awaiting development. As a consequence, it is not surprising that there should be so little in the history of the Fourteenth Amendment relating to its intended effect on the free enterprise system, the profit motive and the capitalistic system as a whole.

In the instant cases, that question is directly presented. Here, unlike Perspire v. Pliaster, there are findings below that go to the effect that there

volved have been equalized, or are being equalized, with respect to buildings, curricula, qualifications and salaries of teachers, and other 'tangible' factors. Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.

"In approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when Plessy v. Ferguson was written. We must consider public education in the light of its full development and its

are no public lands awaiting to be homesteaded, that the entire arable portions of our land have been populated as densely as circumstances will permit and there is evidence to the effect that it is extremely unlikely that defendants or their descendants will ever be inclined to part with their holdings on terms that plaintiffs could meet or that plaintiffs on their part would ever be in a position to acquire property either real estate or personal that would enable them to live in the same conditions and upon the same terms and enjoyments as plaintiff. Our decision, therefore, cannot turn merely on the question of whether or not the plaintiffs by their own efforts and ingenuity can possess themselves of arable land or by their own efforts can come into possession of enough wealth to support themselves in comfort. We must look instead on the effect of the capitalistic system and of free enterprise as a whole and determine what effect the private ownership of property has itself upon the public mind.

In approaching this problem, we cannot turn the clock back to 1868 when the amendment was adopted. Nor can we turn it back to the conditions obtaining at the time the Federal Constitution was adopted. We must consider the free enter-

present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

"Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in the awakening of the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

"We come then to the question presented: Does segrega-

prise system, the profit motive and the capitalistic system as a whole in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined whether the free enterprise system of itself deprives these plaintiffs of equal protection of the laws.

Today, the free enterprise system is probably the greatest influence in perpetuating classes in our society, in keeping the rich man rich and the poor man poor. In these days of a highly industrialized society the arable land of our country already taken up with no public domain awaiting to be homesteaded and with those already in control of tremendous resources firmly entrenched in their control thereof by the so-called law of private ownership, it is extremely doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of equal economic development with his fellows. Such an opportunity is a right which must be made available to all on equal terms.

We come to the question then presented: Does the free enter-

tion of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

" 'Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system.'

prise system, the profit motive and the capitalistic system as a whole deprive the members of the poorer group of equal economic opportunities? We believe that it does.

The theory of private ownership of property in our country has a detrimental effect upon those who do not own property. The impact is all the greater in that it has the sanction of the law. The policy of separating the classes on account of their wealth or lack of wealth is usually interpreted as indicating an inferiority of the poorer group. This sense of inferiority affects the character of the adult and seriously affects the motivation of the children of the poor. The fact that one class of people live in fine houses while another class of people are compelled by the operation of this so-called law (private ownership) to live in tenements or even "slums" has a tendency to retard the political, social and economic as well as the mental development of the poorer class of children and creates a sense of inferiority and class frustration upon the poorer classes who feel that they are deprived of an inherent right by the operation of this so-called artificial law.

"Whatever may have been the extent of psychological

Whatever may have been the extent of economic knowledge

knowledge at the time of Plessy v. Ferguson, this finding is amply supported by modern authority. Any language in Plessy v. Ferguson contrary to this finding is rejected.

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.

at the time of the adoption of the Fourteenth Amendment or even at the time of the adoption of the Federal Constitution, this finding is amply supported by modern authority.[1] Any language in Perspire v. Pliaster or other cases cited to the contrary to this finding is rejected.

We conclude that in the field of economics the doctrine of private ownership of property has no place. Separate and private ownership of property is inherently unequal. Therefore, we rule that the plaintiffs and all similarly situated for whom the actions have been brought are by reason of the so-called law of private ownership complained of, deprived of equal protection of the law as guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such deprivation of equal rights under the private ownership theory also violates the due process clause of the Fourteenth Amendment. Defendants raise the point that Section 5 of the Fourteenth Amendment stipulates that "the congress shall have power to enforce, by appropriate legislation, the provisions of

1. On the detrimental effects of private ownership of property in the capitalistic system see "Das Capital" by Karl Marx, The Proletarian Revolution by Lenin, The Philosophy of Communism by Stalin. On the inequalities of the United States Constitution, its unworkability, and its nearly being a fraud on the common people, see generally Myrdal, An American Dilemma, cited in Brown v. Board of Education of Topeka, supra.

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this article," and that this means that only Congress has that power. This argument was disposed of summarily by the Court in Brown v. Board of Education of Topeka, 347 US 483, 98 L ed 873, 74 S Ct 686, 37 ALR 2d 1180. It is sufficient to say that in any case where the Congress fails to act this Court will, if it deems it wise to do so, issue the necessary edict.

"Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases present problems of considerable complexity. On reargument, the consideration of appropriate relief was necessarily subordinated to the primary question — the constitutionality of segregation in public education. We have now announced that such segregation is a denial of the equal protection of the laws. In order that we may have the full assistance of the parties in formulating decrees, the cases will be restored to the docket, and the parties are requested to present further argument on Questions 4 and 5 previously propounded by the Court for the reargument this Term. The Attorney General of the United States is again invited to participate. The Attorneys General of the states requiring or permitting segregation in public education will also be permitted to appear as amici curiae upon request to do so by September 15, 1954, and submission of briefs by October 1, 1954.

It is so ordered."

Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases present problems of considerable complexity. On reargument, the consideration of appropriate relief was necessarily subordinated to the primary question — the constitutionality of private ownership of property. We have now announced that such private ownership of property is a denial of equal protection of the laws. In order that we may have the full assistance of the parties in formulating decrees, the cases will be restored to the docket, and the parties are requested to present further arguments on these questions for reargument at this time. The Attorney General of the United States is again invited to participate. The Attorneys General of the several states requiring or permitting private ownership of property will also be permitted to appear as amici curiae upon request to do so by September 15, 1997, and submission of briefs by October 1, 1997.

It is so ordered.

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THE SCHOOL SEGREGATION CASES: A LEGAL ERROR THAT SHOULD BE CORRECTED

by Charles J. Bloch

In this article, Mr. Bloch answers the position set forth by Attorney General Rogers in his address before the Assembly of the American Bar Association in Los Angeles.

I was graduated from the University of Georgia in 1913. I was admitted to the Bar of Georgia in 1914 I was admitted to the Bar of the Supreme Court of the United States on December 18, 1918 I have been practicing law in Georgia for almost forty-five years. Maybe those dates only demonstrate that I am old fashioned So is the Constitution It is a century older than I am, but "equal" means the same today and meant the same in 1954 as it did in 1927, 1893 and 1789

When I was in college, we were taught what I still believe to be the "law of the land." We were taught that the plain mandates of the Constitution, the Ark of the Covenant, were to be obeyed, not evaded. We were taught that the power of the courts and the duty of the courts, were to construe the Constitution, not to amend it or distort it to conform to their personal notions and beliefs.

Conditions in the world of 1893-1913 were not static any more than they have been in the world of 1938-1958 But no attempt was in those days made to amend the Constitution by judicial fiat or decree. If the changed conditions required a change in the organic law, the organic law was not stultified and destroyed in order to accomplish the change. The organic law was amended in the manner provided in it.

In 1895, the Supreme Court of the United States in an opinion written by Chief Justice Fuller, with Justices Harlan, Brown, Jackson and White dissenting, held that an income tax law passed by the Congress was unconstitutional. Said the Chief Justice, with whom Justices Field, Gray, Brewer and Shiras concurred

> It is the duty of the Court in this case simply to determine whether the income tax now before it does or does not belong to the class of direct taxes, and if it does, to decide the constitutional question which follows accordingly, *unaffected by considerations, not pertaining to the*

case in hand.[1]

There was a great hue and cry over that decision. Populists did not like it. Southerners did not like it. The farmers of the great West did not like it.

Justice Field retired from the Court in 1897; Justice Gray in 1902; Justice Brewer in 1910. Other gentlemen succeeded them as Justices. But no attempt was made to have a new Court amend the Constitution by reversing the *Income Tax* case of 1895..

The meaning of the provisions of the constitutional provision as to the power of Congress to levy taxes had "take[n] on meaning and content as" it was "interpreted and applied in" what specific case.[2]

Legal Amendment . . . Not Usurpation of Power

The Constitution provided for its own legal amendment. That method was followed, and eighteen years later, the Sixteenth Amendment supplanted the decision of the Court. The organic law remained unwounded. It had been amended by due and legal process, and not by usurped power.

The Fourteenth Amendment to the Constitution of the United States, proclaimed in 1868, in its first section, thus ordains:

> *All* persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States. Nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction, the equal protection of the laws [italics added].

The Constitution of the State of Missouri provided that male citizens should be entitled to vote.

In this situation, Mrs. Minor, a native-born, free, white citizen of Missouri, over 21 years of age, sought to vote. She asserted that she had that right because of the Fourteenth Amendment. The case reached the Supreme Court. Chief Justice Waite speaking for a unanimous Court denied her the right to vote, saying:

> Certainly, if the courts can consider any question settled, this is one. For nearly ninety years the people have acted upon the idea that the Constitution, when it conferred citizenship, did not necessarily confer the right of suffrage. If uniform practice long continued can settle the construction of so important an instrument as the Constitution of the United States confessedly is, most certainly it has been done here. Our province is to decide what the law is, not to decide what it should be . . . If the law is wrong, it ought to be changed, but the power for that is not in us . . . It is not for us to look at the hardship of withholding. Our duty is at an end if we find it is within the power of a State to withhold.

So spoke Chief Justice Waite, and Associate Justices Clifford, Miller, Field, Bradley, Swayne, Davis, Strong and Hunt in 1874.[3] Very soon, some of those Justices died; vacancies occurred on the Court. By 1897, not one was left. But there was no effort made to have the new Court, in the light of changed circumstances of women, their new power, the psychological effect upon them of not being permitted to vote, their entering the field of business and finance, to reverse and repeal its former decision. The admonition of the Court was heeded. The appeal was made to Congress and the states. The Nineteenth Amendment to the Constitution was, by the prescribed, legal, constitutional method, submitted to the states. Forty-four years after *Minor* v. *Happersett,* female citizens legally and constitutionally secured the right to vote.

Jurists and lawyers of that day were taught:

> Legislatures may alter or change their laws, without injury, as they affect the future only, but where courts vacillate and overrule their own decisions on the construction of statutes affecting the title to real property, their decisions are retrospective and may affect titles purchased on the faith of their stability. Doubtful questions on subjects of this nature, when once decided, should be no longer considered doubtful, or subject to change. Parties should not be encouraged to speculate on a change of the law when the administrators of it are changed. Courts ought not to be compelled to bear the infliction of repeated arguments by obstinate litigants, challenging the justice of their well-considered and solemn judgments.[4] . . .

The Brown Case . . . *A Shocking Reversal*

Paraphrasing *Minor* v. *Happersett,* for nearly ninety years the people of the South had acted upon the idea, repeatedly and unanimously decided by the courts of the land, that the states had the right, in regulating their public schools, to separate the races therein.[5]

Is it any wonder, therefore, that the people of the South were shocked, that every student of constitutional law was shocked, when on May 17, 1954, the Court announced "that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal?"

The Court ignored every rule of law when it made the quoted announcement which was the very opposite of the holdings on the very same question which has "been many times decided to be within the Constitutional power of the State Legislature to settle, without intervention of the federal courts under the federal Constitution."

So spoke Chief Justice Taft for a unanimous Court in 1927.[6]

In support of that holding there were cited, not the opinions of psychologists, but of the courts of Massachusetts, Ohio, New York, California, Kansas, North Carolina, Indiana,, Missouri, Arizona and Nevada, **as well** as the opinions of three **federal courts**.

In support of that holding, there were cited, not the opinions of modern psychologists, but the adjudications of learned jurists made over a period extending from 1849 to 1900. . . .

In his Los Angeles speech the Attorney General said: "The ultimate issue becomes the role of law itself in our society; whether the law of the land is supreme or whether it may be evaded or defied."

Why did not the Department of Justice in 1952 and 1953 and 1954, when these *School Segregation* cases were pending in the Supreme Court, say to the Court: "The law of the land is supreme. The ultimate issue is the role of law itself in our society. The law of the land as to the question now before you has in the language of a unanimous Court, been many times decided to be within the constitutional power of the State Legislature to settle, without intervention of the federal courts under the federal constitution.'"

Why did not the Department of Justice then say to the Court: "The decision is within the discretion of the state in regulating its public schools, and does not conflict with the Fourteenth Amendment."

That was the supreme law of the land as declared for over a century before May 17, 1954. . . .

How can the Department of Justice now tell the South that it is evading or defying the law of the land when the South is trying only to have redeclared what has been the law of the land for over a century?

In his Los Angeles speech, the Attorney General says that the May 17, 1954, decision was foreshadowed by earlier holdings. If it was so foreshadowed, it is all the more a reason why the Department of Justice, really anxious to keep the supreme law of the land from being evaded and defied, should in 1952 and 1953 and 1954, have stepped in, and told the Court that the question under consideration had been decided, and that the decision had been established as the law of the land for over ninety years.

Such a statement might not have been politically expedient, but it would have been in accord with the Department's present sentiments as to what the South should do.

The Attorney General, in the foreshadowing phase of his speech, referred to the Court's opinion delivered through Chief Justice Hughes with reference to the Negro living in Missouri who sought admission to the Law School of the University of Missouri. The Attorney General said of this case that "The constitutional requirement of 'equal protection of the laws' was not deemed satisfied by the state's offer to pay tuition at a school of comparable standing in a nearby state." The Attorney General did not mention the fact that in that case,[7] decided in 1938, the Supreme Court distinctly recognized the "separate but equal doctrine" as being part of the law of the land.

Mr. Chief Justice Hughes there said: ". . . the state's court has fully recognized the obligation of the State to provide negroes with advantages for higher education substantially equal to the advantages afforded to white students. *The State has sought to fulfill that obligation by furnishing equal facilities in separate schools, a method the validity of which has been sustained by our decisions.*"[8]

And further, said Chief Justice Hughes: ". . . the State was bound to furnish him within its borders facilities for legal education substantially equal to those which the State there afforded for persons of the white race, whether or not other negroes sought the same opportunity."[9]

All that the Court held there was that the "separate but equal doctrine" which it recognized as a part of the law of the land was not satisfied by Missouri's offer to pay the Negro's tuition at a law school of comparable standing in a nearby state.

There was nothing in that decision to foreshadow that the Court, differently constituted, would sixteen years later say "that in the field of public education the doctrine of 'separate but equal' has no place."

"Separate But Equal" . . . The Law of the Land in 1938

The decision of 1938 recognized the separate but equal doctrine as a part of the law of the land.

The decision of 1954 nullified it.

In discussing the 1950 Texas law school case,[10] the Attorney General failed to state that there the Court refused to disturb the findings of the Court in *Plessy* v. *Ferguson.* What the Court did do was to recognize the "separate but equal" doctrine as generally stated and applied, but to hold that there could not be a separate but equal *law school* because of factors incapable of objective measurement which make for greatness in a law school.

At Los Angeles, the Attorney General said that since May 17, 1954, holdings of the Supreme Court and of the lower federal courts emphasize that a state may not engage in other forms of segregation, for example in providing recreational facilities and in public transportation.

Revolutionary as it was, conflicting with the law of the land as it did, the scope of *Brown* v. *Topeka,* and its companion cases of May 17, 1954, was confined to public education.

In the cases decided on May 17, 1954, the plaintiffs contended only that segregated public schools are not "equal," and cannot be made equal. Argument was had at the 1952 term and the 1953 term. The Attorney General of the United States then in office participated both terms as *amicus curiae.* One wonders why the Attorney General, either as *amicus curiae* or *magister curiae,* did not inform the Court that the question raised by the plaintiffs had long since been settled by repeated decisions of state courts of last resort alluded to by Chief Justice Taft[11] in *Gong Lum* v. *Rice,* by the unanimous opinion of the Court in *Gong Lum* v. *Rice,* as well as by the Supreme Court in *Plessy* v. *Ferguson,*[12] and *Cummings* v. *Board of Education.*[13] One wonders why a Depart-

ment of Justice which now insists that the decisions of May 17, 1954, are the law of the land, did not prior to May 17, 1954, insist with equal vigor that the century-old, unanimous holdings establishing the "separate but equal doctrine" constituted the law of the land. Why did the Department of Justice permit the Court to destroy this established "law of the land" without a murmer of protest?

The only question raised and decided on May 1, 1954, pertained to public education. . . .

Repeatedly in its opinion of May 17, 1954, did the Court use explicit language demonstrating that is was considering only "whether *Plessy* v. *Ferguson* should be held inapplicable to public education."[14] Distinctly did it "conclude that in the field of public education, the doctrine of 'separate but equal' has no place," and that "any language in *Plessy* v. *Ferguson* contrary to this finding is rejected."[15]

The Law of the Land . . . Amended by the Judiciary

Insofar as the "separate but equal" doctrine applied to other forms of segregation, for example, in the providing of recreational facilities and in public transportation, the separate but equal doctrine indisputably undisturbed by the decisions of May 17, 1954, remained the law of the land. Nevertheless, the Department of Justice without an apparent murmur of protest has permitted the law of the land to be destroyed by the application of *Brown* v. *Topeka* to totally unrelated cases.[16] The first case to apply the doctrine of the school cases to any other form of segregation was one involving bathing beaches.[17] The City of Baltimore appealed. There was a "motion to affirm" made, and on November 7, 1955, *"per curiam"* the motion to affirm was granted, and the judgment affirmed. So, without opinion, with the stroke of a pen, was the "law of the land" as it had existed for over half a century judicially amended. Apparently, there was not even an argument of the grave questions before the Supreme Court on appeal. The strident voices of today as to the "law of the land" were strangely silent three years ago when this repeal by the Judiciary was taking place. The Supreme Court has never seen fit to consider thoroughly and discuss thoroughly any of the lower court cases which have destroyed the law of the land by expanding the doctrine of the school segration cases.[18]

Why has the Supreme Court permitted its plain ruling in the school cases of 1954 to be distorted and extended beyond their original scope?

Is the established "law of the land" so to be destroyed in all fields of jurisprudence in the future? . . .

The Attorney General said, too, in Los Angeles: "The unanimous decision of the Court in the recent school cases thus represents the law of the land for today, tomorrow, and I am convinced, for the future, for all regions and for all people."

This theory was not true as to Texas voting laws. In 1935, the law of the land was so declared as to render these laws valid and constitutional.[19] Nine years later, that declaration was reversed without the change of a syllable having been made in the organic or statute law.[20] That theory was not true as to *Plessy* v. *Ferguson.* That theory was not true as to *Gong Lum* v. *Rice.* That theory was not true as to the restrictive covenant cases. That theory was not true as to any case if the members of the Supreme Court are free to cut the pattern of the established law of the land to fit the wishes of a majority or a vociferous, clamoring minority at any given time.

The Attorney General and all others who have treated the school segregation cases as establishing an immutable principle designated by a catch phrase as the "law of the land" have entirely overlooked or ignored the fact that these four state cases had as their foundation, a "finding" as to the effect on colored children on their being separated from the white children. Any lawyer reading the opinion in those cases will find it perfectly clear that the basis of the ruling of the Supreme Court was the findings of fact made by the courts below in the Kansas[21] and Delaware[22] cases which were reviewed along with the South Carolina and Virginia cases. If that factual basis is eliminated, the so-called conclusion of law falls. What appear to be basic questions of constitutional law really are not. The legal questions there apparently decided were based on findings of fact of two of the cases which were assumed to apply in the other two cases. . . .

And the Attorney General overlooks the fact, when he says, "the South must obey," that the Eleventh Amendment to the Constitution of the United States is still a part of that Constitution, and that federal court decrees can not compel any state of the Union to operate a public school system. Federal courts may, under existing decisions, enjoin the operation of segregated schools; they cannot compel the operation of integrated schools.

Even the opinion of May 17, 1954, recognizes that the Court was dealing with systems of public schools which the state had undertaken to provide,[23] not which the state was compelled to provide.

Not yet has the time come when a federal court decree can compel a state to provide a school, a college, a hospital or any other institution which a state does not choose to provide.

The Attorney General said: "When a court has entered a decree, the state has a solemn duty not to impede its execution." Surely the Attorney General did not mean that if a court should enter a decree compelling a state to maintain an integrated school that the state had a solemn duty to maintain that integrated school.

If he meant that, he has overlooked the Eleventh Amendment and an unbroken line of cases construing it and declaring the law of the land.[24]

If he did not mean that, what is it that the South must obey? Compliance with what "law of the land is inevitable?"

President Lincoln, in his First Inaugural Address, recognized that decisions of the Supreme Court were not the "law of the land."

Said he.

> At the same time, the candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court the instant they are made in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal. Nor is there in this any assault upon the Court or the judges. It is a duty from which they may not shrink to decide cases properly brought before them, and it is no fault of theirs if others seek to turn their decisions to political purposes.[25]

They should not, however, decide cases not properly before them When they do, it is their fault if others seek to turn such decisions to political purposes.

The Court simply had no constitutional power to declare as the "law of the land" its edict in the 1955 opinion in *Brown* v. *Board of Education of Topeka, Kansas:* "These cases were decided on May 17, 1954 The opinions of that date, declaring the fundamental principle that racial discrimination in public education is unconstitutional, are incorporated herein by reference *All provisions of federal, state or local law requiring or permitting such discrimination must yield to this principle.*"[26]

The cases before the Court from Kansas, Delaware, South Carolina and Virginia[27] were decided May 17, 1954. Under the guise of considering "the manner in which relief is to be accorded," the Court sought to legislate with respect to all provisions of federal, state or local law which might be deemed to permit racial discrimination in public education. The Court fell into the same error into which Chief Justice Taney had fallen a century before. It overlooked or ignored the fact that its constitutional power is confined to the adjudication of *cases.*[28]

The judicial power of the federal court does not extend to the giving of mere advisory opinions or determination of abstract propositions, but a justiciable controversy must exist.

Just three weeks before its 1955 opinion in the *School Segregation* cases, Justice Frankfurter speaking for a majority of the Court had said that the Supreme Court does not sit to satisfy a scholarly interest in intellectually interesting and solid problems, nor for the benefit of particular litigants.[29]

In the 1954 litigation between citizens of Kansas, Delaware, South Carolina and Virginia and the school authorities of those four states, the policy of the Government affecting forty-four other states could not be irrevocably fixed by the Supreme Court

When and if a case arises in Georgia, or any other state of the Union in 1959 or a subsequent year involving alleged discrimination in public education, the parties to that case have a right to introduce evidence pertinent to the legal issues in that case and have those issues decided on the basis of the record in that case. The trial court may or may not feel bound to follow the 1954 *School Segregation* cases according to whether or not those cases lawfully control the issues then before the court.

That the statement last made is a correct statement of the "law of the land" may be easily proved.

In 1940, one Smith sued Texas election officials because they had denied him the privilege of voting in a primary. The trial judge, Judge Kennerly, thought that a decision of the Supreme Court of the United States rendered a few years before[30] was controlling and dismissed the petition. The case was appealed to the Court of Appeals for the Fifth Circuit. The appellate court (Judges Sibley, Hutcheson and Holmes) said that the Texas statutes regulating primaries which were considered by the Supreme Court in the prior case were still in force, and that that decision controlled. There was an application for certiorari made and granted. The Supreme Court overruled its prior decision of nine years before, and reversed the Texas federal judge and the Court of Appeals of the Fifth Circuit.[31]

The School Cases . . . Not the Law of the Land

Brown v. *Board of Education of Topeka, Kansas,* and its three companion cases are no more the law of the land today with respect to public schools than *Grovey* v. *Townsend* was the law of the land in 1944 with respect to primary elections.

The states of the South in regulating their own public schools in 1959 need be controlled and compelled by *Brown* v. *Board of Education of Topeka,* decided in 1954, no more than the colored voters of Texas were controlled and compelled in 1940 by *Grovey* v. *Townsend* decided five years before.

The colored voters of Texas thought the Supreme Court of the United States was wrong when in 1935 the Court said they could not vote in white Democratic primaries in Texas. They persisted in the efforts to vote. The Supreme Court reversed its prior decision and granted them the right they sought.

The states of the South think the Supreme Court of the United States was wrong when in 1954, the Court said they could not regulate their own public schools, when in 1954, the Court overturned century-old precedents. They are persisting in their efforts to regulate, and so save, their public school systems.

The states of the South defy no one. . . .

We do not "flout the decisions of the Supreme Court." Neither do we classify them as the "law of the land."

We simply say that the findings and beliefs of the Court expressed in the school cases do not irrevocably fix the policy of the Government upon vital

questions affecting the whole people.

Was the decision of the Supreme Court of the United States in *Paul* v. *Virginia*[32] flouted when Attorney General Biddle persuaded Mr. Justice Black and several associates to decide *United States* v. *Southeastern Underwriters Association?*[33]

Was the decision of the Supreme Court of the United States in *Hammer* v. *Dagenhart*[34] flouted when, twenty-two years later, the Court was induced through Attorney General Robert H. Jackson to overrule it?[35]

To cite any more of the myriads of such instances in the annals of American jurisprudence would be merely to labor to establish the obvious.

In a speech delivered in California during October, 1958, Dean Erwin Griswold apparently "tried to draw a line between firm but constructive comment on the one hand, and broadside attacks motivated primarily by dislike of results in particular cases."

While I heartily dislike the results of the *School Segregation* cases, I have endeavored to draw the line suggested by Dean Griswold.

Incidentally, the case[36] which Dean Griswold was criticizing is just as much the "law of the land" as is *Brown* v. *Topeka*. It will be interesting to see what happens to the "law of the land" as declared in that case.

I have sought to demonstrate, using specifics instead of generalities, that not only are the *School Segregation* cases not the law of the land, but that they are legally erroneous and that the errors with which the abound should have been detected and should now be corrected.

1. *Pollack* v. *Farmers Loan & Trust Co.*, 157 U.S 601.
2 *Cf.* the Attorney General's Washington speech, proposition Second
3 *Minor* v *Happersett*, 21 Wall. 162, 177-8.
4 *Minnesota Mining Co.* v. *National Mining Co.*, 3 Wall 332, 334.
5 *Gong Lum* v. *Rice*, 275 U S. 78, 87
6 275 U S. 78, 86.
7. *Missouri* ex rel. *Gaines* v. *Canada*, 305 U.S 337
8 *Op. cit.* page 344.
9. *Op. cit.* page 351.
10 *Sweatt* v. *Painter*, 339 U S. 629
11 *State of Ohio* ex rel *Garnes* v. *McCann*, 21 Ohio St 198, 211, *Cory* v *Carter*, 48 Ind. 327, *King* v *Gallagher*, 93 N.Y. 438, *Ward* v. *Flood*, 48 Cal., 36 among others.
12 163 U S 537.
13 175 U.S 528
14 347 U.S at page 492.
15. 347 U.S. at pages 494-5 (see also 349 U S. at page 298)
16 *E.g.*, *Dawson* v. *Baltimore*, 220 F. 2d 386, 350 U S 877
17 *Ibid.*
18 See 347 U S 974, 350 U.S. 879, 352 U.S. 903.,
19. 295 U S. 45.
20. 321 U S 649.
21 347 U S. page 492, note 9, 347 U.S. page 494.
22. 347 U.S page 494, note 10
23. 347 U S 493
24 *Great Northern Life Ins. Co.* v. *Read*, 322 U S 47, *Ford Motor Co.* v *Department of Treasury*, 323 U S 459
25 ANNALS OF AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, Volume 185, page 53.
26. 349 U S at page 298 (italics supplied).
27 347 U S 483, 497.
28 Constitution, Article III, Section 2.
29 *Rice* v *Sioux City Memorial Park Cemetery*, 349 U S 70, 74
30 *Grovey* v *Townsend*, 295 U S. 45.
31 *Smith* v *Allwright*, 321 U S. 649
32 8 Wallace 168 (1868).
33. 322 U S 533
34. 247 U S 251
35 *United States* v *Darby*, 312 U.S 100
36 *Flora* v *United States of America*, 78 S Ct 1079.

From AMERICAN BAR ASSOCIATION JOURNAL, January, 1959.

Excerpts from

OPEN LETTER TO PRESIDENT DWIGHT D. EISENHOWER

Washington, D.C. October 13, 1958

My Dear Mr. President:

A few days ago I was reading over Justice Frankfurter's opinion in the recent Little Rock case. Three sentences in it tempt me to write you this letter. I am a Northerner, but I have spent a large part of my life as a business executive in the South. I have a law degree, but I am now engaged in historical writing. From this observation post I risk the presumption of a comment.

The sentences I wish to examine are these: "Local customs, however hardened by time, are not decreed in heaven. Habits and feelings they engender may be counteracted and moderated. Experience attests that such local habits and feelings will yield, gradually though this be, to law and education."

* * *

IT IS MY PERSONAL CONVICTION that the local customs in this case were "hardened by time" for a very good reason, and that while they may not, as Frankfurter says, have been decreed in heaven, they come closer to it than the current view of the Supreme Court. I was particularly puzzled by Frankfurter's remark that "the Constitution is not the formulation of the merely personal views of the members of this court." Five minutes before the court's desegregation decision, the Constitution meant one thing; five minutes later, it meant something else. Only one thing intervened, namely, an expression of the personal views of the members of the court.

It is not my purpose to dispute the point with which the greater part of Frankfurter's opinion is concerned. The law must be obeyed. But I think the original desegregation decision was wrong, that it ought to be reversed, and that every legal means should be found, not to disobey it but to avoid it. Failing this, the situation should be corrected by constitutional amendment.

* * *

I CANNOT AGREE that this is a matter involving "a few states" as Frankfurter suggests. The picture in reality is of a court, by one sudden edict, forcing upon the entire South a view, and a way of life, with which the great majority of the population are in complete disagreement. Although not from the legal, in fact from the practical, standpoint the North, which does not have the problem, is presuming to tell the South.

which does have the problem, what to do.

To me there is a frightening arrogance in this performance. Neither the North, nor the court, has any holy mandate inherent in the trend of the times or the progress of liberalism to reform society in the South. In the matter of schools, rights to equal education are inseparably bound up with rights to freedom of association and, in the South at least, may require that both be considered simultaneously. (In using the word "association" here, I mean the right to associate with whom you please, and the right not to associate with whom you please). Moreover, am I not correct in my recollection that it was the social stigma of segregation and its effect upon the Negro's "mind and heart" to which the court objected as much as to any other, and thus that the court, in forcing the black man's right to equal education was actually determined to violate the white man's right to freedom of association? . . .

* * *

LORD BRYCE, a distinguished and impartial foreign observer, presented the situation accurately in his *American Commonwealth* when he wrote in 1880:

"History is a record of the progress towards civilization of races originally barbarous. But that progress has in all cases been slow and gradual . . . Utterly dissimilar is the case of the African Negro, caught up in and whirled along with the swift movement of the American democracy. In it we have a singular juxtaposition of the most primitive and the most recent, the most rudimentary and the most highly developed, types of culture . . . A body of savages is violently carried across the ocean and set to work as slaves on the plantations of masters who are three or four thousand years in advance of them in mental capacity and moral force . . . Suddenly, even more suddenly than they were torn from Africa, they find themselves, not only free, but made full citizens and active members of the most popular government the world has seen, treated as fit to bear an equal part in ruling, not only themselves, but also their recent masters."

One does not telescope three or four thousand years into the 78 years since Bryce wrote. One may change the terms of the problem by mixed breeding, but if ever there was a matter that ought to be left to local option it would seem to be the decision as to when the mixture has produced an acceptable amalgm in the schools. And I see no reason for penalizing a locality that does not choose to mix.

* * *

I WOULD EMPHATICALLY support improvement of education in Negro schools, if and where it is inferior. Equality of opportunity and equality before the law, when not strained to cover other situations, are acceptable ideals because they provide the chance to learn and to progress—and consequently should be enforced by legal fiat as far as is humanly possible. But equality of association, which desegregation in Southern schools involves, pre-supposes a status which in the South the average Negro has not earned. To force it upon the Southern white will, I think, meet with as much opposition as the prohibition amendment encountered in the wet states.

Throughout this controversy there has been frequent mention of the equality of man as a broad social objective. No proposition in recent years has been clouded by more loose thinking. Not many of us would care to enter a poetry contest with Keats, nor play chess with the national champion, nor set our character beside Albert Schweitzer's. When we see the doctrine of equality contradicted everywhere around us in fact, it remains a mystery why so many of us continue to give it lip service in theory, and why we tolerate the vicious notion that status in any field need not be earned.

* * *

PIN DOWN THE MAN who uses the word "equality," and at once the evasions and qualifications begin. As I recall, you, yourself, in a recent statement used some phrase to the effect that men were "equal in the sight of God." I would be interested to know where in the Bible you get your authority for this conception . . . The whole idea contradicts the basic tenet of the Christian and Jewish religions that status is earned through righteousness and is not an automatic matter. What is true of religion and righteousness is just as true of achievement in other fields. And what is true among individuals is just as true of averages among races.

The confusion here is not unlike the confusion created by some left-wing writers between the doctrine of equality and the doctrine of Christian love. The command to love your neighbor is not a command either to consider your neighbor your equal, or yourself his equal: perhaps the purest example of great love without equality is the love between parent and child. In fact the equality doctrine as a whole, except when surrounded by a plethora of qualifications, is so untenable that it falls to pieces at the slightest thoughtful examination.

* * *

FRANKFURTER closes his opinion with a quotation from Abraham Lincoln, to whom the Negro owes more than to any other man. I, too, would like to quote from Lincoln. At Charleston, Ill., in September 1858 in a debate with Douglas, Lincoln said:

"I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and black races; I am not nor ever have been in favor of making voters or jurors of Negroes, nor qualifying them to hold office . . . I will say in addition to this that there is a physical difference between the white and black races which I believe will ever forbid the two races living together on terms of social and political equality. And

in as much as they cannot so live, while they do remain together, there must be the position of superior and inferior, and I as much as any other man am in favor of having the superior position assigned to the white race."

The extent to which Lincoln would have modified these views today, or may have modified them before his death, is a moot question, but it is clear on its face that he would not have been in sympathy with the Supreme Court's position on desegregation. Many historians have felt that when Lincoln died the South lost the best friend it had. This also may be moot, but again it seems clear that for 94 years—from the horrors of Reconstruction through the Supreme Court's desegregation decision—the North has been trying to force the black man down the white Southerner's throat, and it is a miracle that relations between the races in the South have progressed as well as they have.

* * *

PERHAPS the most discouraging spectacle is the spectacle of Northern newspapers dwelling with pleasure upon the predicament of the Southern parent who is forced to choose between desegregation and no school at all for his child. It does not seem to occur to these papers that this is the cruelest sort of blackmail; that the North is virtually putting a pistol at the head of the Southern parent in a gesture which every Northerner must contemplate with shame.

Indeed, there now seems little doubt that the court's recent decision has set back the Negro . . . He may force his way into white schools, but he will not force his way into white hearts nor earn the respect he seeks. What evolution was slowly and wisely achieving, revolution has now arrested, and the trail of bitterness will lead far.

Sincerely yours,
CARLETON PUTNAM
October 13, 1958

GET THE SUPREME COURT *OUT OF POLITICS*

by Paulsen Spence

Business and industry—despite their annual pounce on university and technical school graduates—still demand personnel of sound experience in jobs of any responsibility.

A metal-fabricating firm recently advertised in a New York newspaper for a comptroller, specifying that he must have proved himself for from two to five years *as* a comptroller in that very field. General Electric in the same newspaper asked for radar engineers with three to five years' experience, the Celanese Corporation required from five to ten years' experience of the Chemical Engineers it needed. For positions as sales manager, order department supervisor, textile plant manager, architectural designer, chain store salesman, corporate attorney, restaurant manager, advertising account executive, accountant and trade journal editor—to name only a few—various advertisers insisted on applicants' showing from two to ten years' experience.

Today's employer in any field could scarcely do othewise. It would be foolhardy to surrender to any unseasoned employee the easily-tangled complexities of modern production, selling, advertising, organization, morale, laws, costs, sources of supply, capabilities of materials, transportation, or finance. Even that chronic laggard, the Federal Government, has learned this. An applicant must these days produce a certified record of experience to land any government job not subject to changes of administration.

This holds true of any job not subject to changes of administration except the biggest one: the job in which more power has become vested than in the presidency and the Congress combined. This power is held over not only industry, business and commerce, but over the present and future lives, liberties, jobs, customs, beliefs and traditions of every human being in every organization, town, township, city, county, parish and state in the United States as well. To land *that* job, a Justiceship of the United States Supreme Court, no previous judicial, legal, or other experience is necessary. None!

We may perhaps count ourselves fortunate that all the Justices of the present Court were, at least, educated in the Law. Not all were practising attorneys, but each was a member of some bar, somewhere, at some time.

But from there, our good fortune thins out. It takes more than rudimentary knowledge of the Law and proficiency in its practice to make the great jurist. It takes deep understand-

ing of legal sources and philosophy and long experience in discerning the weighting of laws and evidence with advocacy and special pleading. It is the jurist matured by experience who has developed the detached sense of tempering strict justice with the degree of mercy that achieves a law's true intent. Only four of the present Justices had any judicial experience before ascending to the Supreme bench. One had one year; one, a year and a half; one, three years; and one, eight years —a total of 13½ years—but only eight of these were experience in appellate courts of any description and the Chief Justice has no prior judicial experience whatsoever.

The record of the pre-Supreme Court careers of the Justices appointed and confirmed since the first New Deal appointment (Justice Black) is even more startling. Of the 17 Justices appointed and confirmed since 1937, including the incumbents, only seven had previous judicial tenures: one had one year; one, a year and a half; one, three years; one, four years; one, five years; one, seven years; and two, eight years—a total of 37½ years—but only 26 of those years were of appellate experience. As it seems reasonable to expect a nominee for the highest appellate court in the land to be equipped with at least ten years' experience on some lower appellate bench, that leaves our last 17 Supreme Court Justices 144 years short of the logical, minimum qualifying total of 170 years.

Considering nothing but the value that both private enterprise and government have come to place on experience, this lack of it in our highest Court—the judge of our lower courts, as well as of the pleadings of the litigants before those courts—will surely strike future generations as one of the most astonishing paradoxes of all history if we continue to flourish; and one of the prime causes of our downfall, if we do not.

And we cannot blame the Founding Fathers for the hole in the Constitution through which this dangerous inexperience has been dropped. The framers of the Constitution planned the United States Senate as a body of elder statesmen elected by the state legislatures. They believed rightly that a group so chosen would aggregate the wisdom to confirm only Court appointees of adequate judicial experience and the integrity to resist political pressures on its confirmations. But when the constitutional provision for the election of Senators was changed by the Seventeenth Amendment to subject them to the popular vote, the Senate became a political body. It grew keenly sensitive to presidential influence and its approval of a President's Court appointments moved closer to mere rubber-stamping.

Justiceships then became political rewards. The Court itself became less and less a check and a balance on and of the executive and legislative branches. It began to yield—with the President and the Congress—to pressure groups and popular clamors; ceasing to be what our second President, John Adams, called, "The firmest security we can have against the effects of visionary schemes and fluctuating theories." And from there, it stepped completely out of its constitutional function, which is solely to judge the constitutionality of a law insofar as it applies to the specific litigants involved, and into making laws on its own whenever it was so moved. This was a rank usurpation of power, of which no body of impartial, learned and dedicated jurists would ever be guilty.

The Senate's "rubber-stamping" works even to constrict the Court's capacity to give the fair and impartial trials to which all litigants before all courts are constitutionally guaranteed, because of the presidential practice of looking to the Attorney General for recommendations for Court nominees. Obviously, a defendant, sued by the United States, does not get a fair and impartial trial before the Court when its Justices owe their appointments in any measure to the Attorney General of the United States who prosecutes him.

Furthermore, the "rubber-stamped" Court has clearly and continually shown that it deems our 169-year-old Constitution totally unsuited to this streamlined, atomic age. It gave the Constitution's "commerce clause" a meaning that cannot be found in any dictionary, or in the record of the Constitutional Convention, or in the writings of the Founding Fathers. It based one of its most important decisions on no Constitutional article or amendment, not even on one of its own prior rulings, but on the opinions of alleged scientific experts of known communistic leanings. And it committed other acts against the Constitution which impartial, learned and experienced jurists would never countenance.

The learned jurist knows that the Constitution is not akin to some ancient proverb that is amusing to quote but too old fashioned to live up to. He knows that the Constitution *is* the United States and the United States, the Constitution. He knows that as a member of the United States Supreme Court, he dedicates himself to uphold his oath to defend and preserve the Constitution as *the* contract, or agreement, among the states to exist together as a nation.

Actually, the United States is not, and never was, an entity divided into 48 divisions, or lesser states. It is a group, a combination, of states that were independent and universally regarded as separate nations, and that became unified by, and under the explicit terms of, that contract to which all were and still are equal parties. When the states signed the contract, they reserved to themselves the right to amend it. Even today, the contract, or the constitution, could be abrogated and the United States of America dispersed into 48 separate nations if three-fourths of the states so decided.

Unquestionably, therefore, the present Court's scorn of the Constitution is the greatest existing threat to our

republican form of government and hence to this country as we know it. While an atomic-weaponed invader could do us tremendous damage, he could not destroy all of our liberties and blight our lives with one blow. But the Court could! And the Court will, if it continues its present course and maintains the attitude of New Deal Justice Robert H. Jackson who exulted that the Court "had established a supremacy that could deny important powers to both state and nation on principles nowhere found in the Constitution itself."

How is the Court to be turned back, taken out of federal politics and solidly re-constituted as the true tribunal of the republic of states, responsible to all the states and to the representatives of the citizens of all the states?

By this time, we know too well that the Court, as well as large segments of the Federal Government, has become infected with the communistic virus and will not turn back of its own volition. To avoid attending their own funerals, the states must exercise the privilege they retained in Article V of the Constitution and, through their legislatures, require the Congress to call a convention for the purpose of considering and adopting a Constitutional Amendment along these lines

*CONSTITUTIONAL AMENDMENT

The First Section of Article III of the Constitution of the United States shall be amended to read as follows: The judicial power of the United States shall be vested in one Supreme Court, consisting of one chief judge and ten associate judges and in such inferior courts as may be provided for in amendments to the Constitution or as the Congress from time to time may ordain and establish. The judges of the Supreme Court shall serve terms as hereinafter provided and the judges of the inferior courts shall hold their offices during good behavior and all judges shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office. The action of a majority of the judges of any court shall be the action of the court.

No member of the Department of Justice, including the Attorney General of the United States, shall in any manner influence the selection and/or promotion of judges of the Courts thereof and any judge whose selection and/or promotion has been so influenced shall recuse himself from any case involving the United States.

No person shall be a judge of the Supreme Court of the United States unless he is a native-born citizen of the United States and shall have had a total of ten years' experience as a judge either of an inferior court of the United States or the highest court of one of the United States or a total of ten years' experience as a judge of both courts

Judges of the Supreme Court shall be selected as follows.

(A) The President shall, with the advice and consent of two-thirds of the Senate, appoint the chief judge

(B) One associate judge of the Supreme Court shall be chosen from each of the ten judicial circuits. When a vacancy occurs in the Supreme Court, the Senate of the United States shall by a majority vote nominate not less than two eligible candidates for associate judge from the judicial circuit in which a vacancy exists and shall submit the names of those nominated to the legislatures of the states comprising the judicial circuit as constituted at the time of the adoption of this amendment. The legislatures shall then choose a judge from the list of those nominated, each state having one vote. If no nominee shall receive a majority of votes, the Senate shall continue to submit nominations until a judge is chosen. No person shall be nominated for the office of or serve as associate Supreme Court judge unless he shall have been a citizen of one or more of the states in the judicial circuit from which he is chosen, for a period of not less than ten years.

(C) The chief judge of the Supreme Court appointed under this amendment shall serve a term of ten years. The first associate judges shall be elected to serve terms of years equal to their respective judicial circuits; thereafter, judges shall be elected for terms of ten years.

Nothing herein contained shall prevent a person properly reappointed, or renominated and reelected, from serving more than one term.

A judge of a United States Court upon reaching the age of 70 years may retire. Any judge of a United States Court who has retired after having served ten years as a United States Court Judge shall receive his full remuneration at stated intervals for life. In the event the service is less than ten years, remuneration shall be in proportion to length of service.

From AMERICAN MERCURY, October, 1957.

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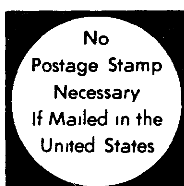

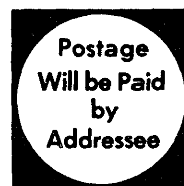

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