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President's Committee

On

Civil Rights

PROCEEDINGS OF THE COMMITTEE - TRANSCRIPTS  
March 6, 20; April 2, 1947



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Thursday, March 6, 1947

The President's Committee on  
Civil Rights,

Washington, D. C.

The Committee met at 10:00 a'clock a.m., in the East  
Wing, The White House, Mr. Charles E. Wilson, Chairman, pre-  
siding.

Present: Mrs. M. E. Tilly, Rabbi Roland B. Gittelsohn,  
Dr. Frank P. Graham, Mr. Charles Luckman, Mr. Francis P.  
Matthews, Mr. James Carey, Mrs. Sadie T. Alexander, Mr. Channing  
H. Tobias, Bishop Henry Knox Sherrill, Mr. Morris L. Ernst, Mr.  
John S. Dickey, and Mr. Boris Shishkin.

Also present: Mr. Robert Carr, Mrs. Merle Whitford, and  
Mr. John Durham, *and Mrs. Frances Williams*

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P R O C E E D I N G S

MR. WILSON: If the meeting will come to order, we will get under way with this rather lengthy agenda of ours.

Mr. Carr is first going to give us a description of this printed material that he has gathered for us.

MR. CARR: We have been sending you miscellaneous items-- perhaps too many items but we thought some of you might find these materials interesting.

In this envelope there is this report of the War Relocation Authority which has just been published. I thought you would find it interesting for two reasons. I think it is a beautiful job of ~~government printing~~ <sup>and a most attractive</sup> publication of a report. The final chapter is an excellent summary of the program and ~~contains~~ <sup>contains</sup> there is a good deal ~~in there~~ that ~~bears~~ bears upon the problem of civil rights.

We have also the first report of the Fair Employment Practice Committee, which we thought you would find interesting. The second--final--report is about to come from the press and when we receive copies of it we will send them to you.

There are two statutes--or in one case a statute, in the other case a bill--that ought to be added to your collection.

We have the Massachusetts Fair Employment Practice Act. You already have the New York Act, and we are getting the Indiana Act and the New Jersey Act.

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This next item is the Austin-Mahoney Bill, which has caused so much excitement in <sup>New York in</sup> the last few days. It is a Fair Educational Practices Bill, which apparently has finally been withdrawn but, again, we thought you might be interested in having a copy of that bill.

<sup>There is</sup>  
A copy of the January issue of Survey Graphic, which deals entirely with the problem of segregation. There are some very worthwhile articles in this issue; one on the District of Columbia which I think you will find very pertinent to your work, as well as some other articles that are very interesting.

And then a copy of the FEPC bill which the National Committee for a Permanent Fair Employment Practices Act have put together and are sponsoring. You can add that to your collection of statutes and bills.

I think that takes care of everything that is to be found in these brown envelopes.

MR. WILSON: Unless you have some questions--

MR. CARR: Pardon me. There is one further item, a memorandum on a recent lynching case which was tried by the Civil Rights Section in Louisiana. It is a very significant case. The lynching occurred at Minden, Louisiana about a year ago and this is one of the very few instances in which the Federal Government has been able to get an indictment and take a group

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of mob members to trial.

The case was tried last week. Some of you may have seen items in the newspapers about it. The defendants were all acquitted. This is a confidential memorandum. I have marked it highly confidential because, as you will see when you read it, the Justice people comment on the Federal Judge, the United States Attorney, and some of the other principals that were involved in the case; so I wish you would regard it as highly confidential, ~~but~~ it is an attempt to tell you the story of that particular case in which the Justice Department once more tried to use Section 52 as a basis for prosecuting and if possible obtaining the conviction of members of a lynch mob.

MR. WILSON: Thank you. Now, Mr. Carr, will you introduce to the Committee as a whole the new members of the staff.

MR. CARR: I might say that this problem of finding staff members has proved more difficult than I thought it would. Perhaps I was a little innocent about the undertaking.

We are handicapped at the very beginning in that we want people who are immediately available and yet we can offer them only a temporary job and really have no notion as to when the work will be over.

I do appreciate very much the suggestions that I have received from various members of the Committee. I hope you won't

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hesitate to continue to offer suggestions.

Thus far I have made only two additions to the professional staff: Miss Frances Williams is sitting over here on this side of the room; and Mr. Charles Durham over on the other side of the room. I won't add anything to the brief statements here concerning their qualifications and background.

I had hoped to be able to tell you that we had obtained the services of Miss <sup>Cleanor</sup> ~~Balmer~~ Bontecou, ~~who is perhaps the one individual in the United States, if I may say so, who is better qualified to serve this committee than anyone else.~~ She is a woman who has spent a good deal of time in the Government service--a lawyer--she worked for the Civil Rights Section over a period of years.

Unfortunately, she has just returned from Germany, where she went on a mission with the War Department to help in the War Crimes Trials. Her health has failed and she is also hoping to go to the University of Chicago Law School to join a research unit which they are establishing there and I am not sure just to what extent we are going to be able to have her services. At the very least I am sure she will serve as a consultant and make available to us many materials and memoranda that she has herself prepared over a period of time in the past.

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Our greatest need at the moment is to add a lawyer to the staff, a lawyer who has legal training and competence but who also has a measure of flexibility in his make-up and some interest in the civil rights problem. It is very difficult indeed to find a lawyer who is an authority in the civil rights field. There just aren't many of them, and it may be that we will have to content ourselves with some lawyer who is sufficiently flexible and does have what you might call a sociological background as well as training in the law.

A number of suggestions have been made to us and we have interviewed a good many people and hope very quickly to come to some decision in that respect; but if you have further suggestions you would like to make to me, I should certainly be delighted to receive them.

MR. WILSON: Now, about our relations with the Statler hotel, Mr. Carr.

MR. CARR: I simply wanted to say ~~that~~ that we have established relations with the Statler. They are happy to take members of the Committee. They did make the point that they would like to be able to say that the President's Committee on Civil Rights is staying with them.

Now, that doesn't mean that all 15 members have to stay at the Statler. Those of you who have loyalties to other hotels

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or who live in Washington or who are in the habit of staying with friends, may feel free to continue to do so, certainly; but I do wish, if it is a matter of no great concern to you, that you would stay at the Statler; and if you want to let us know in advance what your wants are, we will be glad to make a collective reservation with the Statler each time the Committee meets.

MR. WILSON: Now, the method of the expense accounts. We may as well get all these internal matters behind us.

MR. CARR: We discovered that there is a choice that you may have, that you may submit expense accounts as you did following the last meeting, itemizing the various expenses that you have incurred; or you can take a flat ten dollars per day allowance. That is in addition to transportation. <sup>all of you</sup> ~~you~~ ~~believe~~ have your transportation books, which cover transportation.

I am told that the members of the President's Committee on Universal Training elected the ten dollars a day allowance, ~~that they~~ <sup>my</sup> feel that they probably wouldn't lose by that method and that it would save them the necessity of itemizing expenditures.

As I understand it, the ten dollars a day runs from the time you leave home, or at least, the time when your train

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departs from your home community until the time your train takes you back to your home community.

MR. CAREY: Portal to portal.

MR. GARR: And you can figure part days in terms of quarters. That is, if you have been away three and three-quarters days, you would get \$37.50--if you elect that system. I think the Committee perhaps should instruct the staff on <sup>this</sup> ~~that~~ point, ~~whether you wish to continue to itemize your expenses.~~

MR. WILSON: What is your desire? Would you like to go to that more simplified method of putting in your expenses rather than itemizing them, or do you want to go to the itemized method? You would like to have uniformity on it, would you?

MR. CARR: I don't know that it is necessary but I think it would help.

MR. DICKEY: I might offer expert testimony on this, Mr. Chairman, from years in the Government. Anyone who elects the itemized account is letting himself in for years and years of discussion with the Comptroller's Office. I assure you, you can afford to lose up to five or ten dollars and still save money.

MR. LUCKMAN: I feel very strongly that we ought to use the flat rate, provided that Mr. Carey accepts the premise that it does not thereby establish this premise on his point of

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portal to portal pay.

MR. CAREY: I might say, we have no fear; Congress has already established the premise; they get portal to portal pay.

MR. WILSON: Can we blame certain other sins on them, Jim?

MR. CAREY: You mean blame other sins on Congress. They even pay their people when they are under indictment.

MR. WILSON: We, the people.

Then, do I take it that the ten dollars per day shall be our standard method? If there is no objection, we so regard that.

MR. CARR: In any case I guess we are going to have to deal with vouchers. I am going to ask Mrs. Whitford if she will explain these vouchers to you.

MRS. WHITFORD: Here is a little memorandum telling about it. If you take this ten dollars, per diem, you still would charge your taxi fares to and from the station, because that is counted as travel. The per diem is in lieu of subsistence.

This explains it just a little bit. I think it would be a good idea to keep that memo for your information in filling out the vouchers.

~~Mr. Jackson, would you help me here with these? Give everybody one white and one yellow for their present trip, and~~  
no 11 ~~these~~ will mail you a supply. I am sure you had rather have me do that than carry them along.

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There will be very few places, then, to fill in.

MR. CARR: The expense accounts you have already submitted are at the bottom of the pile somewhere, but some day action will be taken on them.

RABBI GITTELSOHN: They should be two or three up from the bottom by now.

MRS. WHITFORD: Just these few words of instruction. You don't have to fill anything on the first page except your name and address. Where it says "Official Headquarters" you don't have to bother with that, or residence; just the name and address you want the check sent to; but be sure to sign where it says "payee".

MRS. TILLY: Where is that?

MRS. WHITFORD: On your left, right here. Your name and address here, and your signature where it says "Payee." That is all you have to do on the first page.

Then turn it up this way, and on the second page, since you are using a per diem, the one thing that I can think of that you could still add there would be your taxi fares to and from the station; and you will have to say "Station to hotel in Washington," and "Station to home in Grand Rapids."

MR. CARR: Or "Hotel to White House."

MRS. WHITFORD: Yes. Then somewhere under "Character of Expenditures" just write in these words: "Per diem in lieu of

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subsistence," and that is on your little memo; "per diem in lieu of subsistence, three days at \$10 a day," and carry out your total.

BISHOP SHERRILL: What is counted a day?

MRS. WHITFORD: Twenty-four hours. If you leave at four o'clock in the afternoon, then four--it is counted like this: six until midnight, and midnight until six a.m., and six until noon, and noon until six.

MR. CARR: The smallest unit, in other words, is one quarter of a day, but you can add additional fractions in terms of quarters.

MRS. ALEXANDER: Would you repeat that? Six to midnight--

MRS. WHITFORD: Six and twelve for the breaks; six to noon, noon, six p.m., and six p.m. to midnight.

RABBI GITTELSON: How would that work out if, for example, you left your home at seven o'clock in the morning and you get back there at ten o'clock the following night? Is that two full days?

MRS. WHITFORD: I think it would be counted a day and a half.

~~MR. CARR: Wait a minute. They don't have to put down here the hours.~~

~~MRS. WHITFORD: Yes. That's what I was getting to now. On~~

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~~the last page they emphasize that it is very important to fill out the travel.~~

~~MR. MATTHEWS: Who said this was less trouble than the other way.~~

~~MR. WILSON: Off the record.~~

~~(Discussion off the record.)~~

MRS. WHITFORD: I will tell you where to insert the hours-- on the top of the second page. Be sure to fill out, ~~it will,~~ date and hour of departure ~~from official headquarters I mean,~~ from your home. It says "Important" there.

You do have to fill out on the back page, then, the date of travel and your little number from your travel order that you use getting the transportation. Those books are numbered.

~~MRS. TILLY: Where are you finding that? On the back of this?~~

~~MRS. WHITFORD: Yes. This is where you put your number, the number of the transportation request.~~

RABBI GITTELSON: Is that the number of the book, or are you speaking of the request?

MRS. WHITFORD: I think it is the request.

~~MR. CARR: Submit an account and let them tell you how to do it.~~

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~~MRS. WHITFORD:~~ If you had rather submit an informal account and have us fill it in and send it back for signature, we shall be very happy to do that.

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(There was general assent.)

MRS. WHITFORD: Give the hour of your departure from home and the hour of your arrival back.

MR. CARR: And the taxi items; you want to include that.

MR. WILSON: Now, while we are on this matter of expense-- which is always such a pleasant one--Dr. Carr has prepared a budget for us. You are to hear the details of that and see whether you ~~can suggest any~~ *have any suggestions.*

MR. CARR: I don't know to what extent we need bother you with the budget, because as nearly as I can tell, it is a somewhat hypothetical budget. I have had sessions with a representative of the Budget Bureau and also had the help of Mr. Gammon of the President's Committee on Universal Training--who is a Budget Bureau man ~~who is~~ attached to that committee to service ~~them~~ *it.*

They have suggested that we prepare a rather detailed budget, erring at every point along the way on the generous side because of the great difficulty of predicting what the Committee's needs may finally be before it gets through.

I have here a budget which includes an itemized statement for personnel, travel, communications, printing and binding, contractual services and supplies and materials, totaling sixty-four thousand dollars--which may seem like a considerable sum of

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money. On the other hand, when you realize that they want us at this point to anticipate the cost of printing the final report--things of that kind--it is very easy to run the total up.

MR. ERNST: That is an estimate for what length of time?

MR. CARR: To the end of this fiscal year. They only want it to June 30 at this point. We could go into detail.

~~MR. WILSON: No.~~

~~MR. CARR: I don't know that it would prove anything.~~

MR. WILSON: I don't see any point in doing it. We know so little about it. We can get a deficiency appropriation if we are under; but it seems to me this covers the thing reasonably well until June 30. By that time we certainly ought to know much more about where we are going if we have to go over into the next fiscal year. If you have no objection--

MR. DICKEY: Do you want a motion?

MR. WILSON: No. If you have no objection we will accept that as the budgetary figure and let it slide.

Now, these letters to organizations and individuals, Dr. Carr

MR. CARR: Yes. Following the Committee's instructions, we sent out a letter to organizations and also to a selected group of individuals. We felt that much the same letter might well go to certain individuals who are not associated with any organization.

To date we have sent out letters to 184 organizations ~~which~~

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~~was something of a job, to put together a list of organizations.~~  
~~We think we have done a fair job~~ and letters to 102 individuals.  
The answers to those letters are coming in. ~~They are coming in~~  
rather slowly and we haven't had a chance yet to digest them.  
Ultimately we will try to present the materials we get in the  
answers, to you, in some brief, usable form. As yet we haven't  
been able to do that.

I would say from the answers that have come in that we  
will get some very helpful suggestions, carefully considered rec-  
ommendations; and at the other extreme we will get answers that  
will be of no use at all.

I think that a copy of the letter went to you, so that you  
know what statement did go out to the organizations.

MR. WILSON: I read mine with much interest.

Are there any comments on that? any further suggestions?

DR. GRAHAM: Do these organizations include any that would  
be in the nature of opposition to civil rights?

MR. CARR: A few. I don't know; maybe Mrs. Whitford can  
give a better answer than I can. We put down some obvious ones  
like the Ku Klux Klan, the Columbians. How many?

MRS. WHITFORD: A few. We didn't, <sup>always</sup> ~~any of us~~ know ~~about~~ the  
nature of their objectives.

MR. CARR: We did get back one very bitter letter from one

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of the real estate associations; I forget which one it was. They felt that the small home owner needed help and they were sure this committee wouldn't do anything about it, and so forth and so on.

MRS. TILLY: I had letters from three people who wanted to know something. I told them to write to you. You will be hearing from some more.

MR. CARR: We hear from them every day.

DR. GRAHAM: Did you include the Daughters of the American Revolution?

MR. CARR: I unfortunately don't have the list here.

MR. WILSON: Do you remember that?

MRS. WHITFORD: No, I don't believe they were. Would you like a letter to go to them?

MR. WILSON: Do you think it would be desirable?

DR. GRAHAM: I think it would be valuable that we be able when we present our results to show that we were open to what is normally called the opposition. I am not necessarily classifying the DAR as opposition, but I just had them in mind.

MR. CARR: We did send to all the war veterans' organizations.

DR. GRAHAM: American Legion?

MR. CARR: Yes. All the labor organizations. All the church groups..

MR. MATTHEWS: I am positively of the opinion we should

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send letters to those organizations that we felt were opposed.

MR. WILSON: I think that was the idea. Now, let's have suggestions, and let's see that we have covered the list according to your desires. Do you think of any others?

I certainly think the DAR ought to get it because they surely will be numbered among the opposition.

MRS. ALEXANDER: United States Chamber of Commerce?

MR. CARR: They are on the list.

MR. ERNST: The Treasury officials and Post Office officials yesterday promised if we would give them a list of a hundred or more names of groups or individuals acting in opposition to civil rights, they would make explorations without exposing the individual income tax returns of any one organization or person but they would make a consolidated picture for us of the total amount of money received and such other information as they can get. They are relying on this committee to supply to the Treasury and the Post Office, as I will report later, this list of a hundred.

It seems to me that some time it might be well to write to your 184 individuals and organizations and ask them, those of them that seem to be in favor of the expansion of civil rights, what organizations they feel are going to the mass mind of America in opposition to such expansion. Unless you can build up

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a list somewhere else. The Post Office had a miscellaneous list that might amount to 30 groups that were sending out various printed mimeographed material, first-class mail. It had come back to the Post Office because the recipients were shocked and asked for indictment for treason, at least.

MR. CARR: You could cull a good many from the list of the defendants in the sedition trial.

MR. ERNST: Still I think we will have to get up a rather comprehensive list of people, most of them under night shirts.

MR. WILSON: Can't we begin the compilation of that kind of list? It seems to me that from the letters that are bound ultimately to reach us, we ought to be able to get together a pretty good list before we are through.

It may not be necessary to specifically ask these people to recommend them but if we can't get them any other way we may have to finally fall back on that.

Anything else on this question? Any other suggestions of specific organizations that you feel ought to have the letter sent them? (No response.)

If not, the question of hearings, Dr. Carr.

MR. CARR: The staff would like to recommend to the Committee that it consider holding a limited series of hearings in the near future on a committee-wide basis. We have tried to give a good deal of thought to this problem. We have talked with

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interested people and we have received letters and it does seem to us that there are a few people whose story is of such a character that the Committee would do well to listen to them almost immediately, on a committee-wide basis.

MR. ERNST: Not public hearings?

MR. CARR: No, not public hearings. That is, we have it in mind that the main job of holding hearings is going to be done through the three subcommittees and we think that is desirable, but we do feel that there are some people who could stimulate the Committee as a whole at this point, who do have the benefit of years of experience in the civil rights field and have a story to tell that perhaps ought to be listened to by all 15 members of the Committee.

I think also it is important that the 15 members of the Committee not lose contact with each other; and while it is desirable at this point that most of the work be done through the three subcommittees, this would provide at least one opportunity for the committee to hold together as a group, ~~at this point~~.

We have tried to list some of the people that we think illustrate what we have in mind! Roger Baldwin, director of the American Civil Liberties Union. He came into the office last week and spent about an hour with us just talking generally, and it seemed to me at the moment it would have been most happy had

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~~had~~ all the members of the Committee been there and ~~have~~ just been able to talk with him informally and get his reactions to a variety of matters.

The same way with Walter White. We put him down not because he is the executive secretary of the NAACP, because at this point we don't think it is necessarily desirable to hear a representative of every organization, but rather <sup>because</sup> ~~that~~ he stands out as one of a very small number of people whose work in the civil rights field is extremely important.

Robert Cushman, perhaps the outstanding academic figure in the civil rights field--professor of constitutional law at Cornell.

Charles Houston because he has had so much experience arguing various types of civil rights cases before the Supreme Court.

One might add the name of Arthur Garfield Hayes there. I don't know that either Hayes or Houston is the man to hear, but there are a small handful of lawyers who have had great experience in arguing civil rights cases before the Supreme Court.

Victor Rotnem, the former chief of the Civil Rights Section, now a practicing lawyer here in Washington. It seemed to us that he would be an obvious individual for the entire committee to listen to at a relatively early stage in its work.

J. Edgar Hoover, because the Committee has already indicated

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a desire to talk with him, and we felt that, again, probably the entire committee would want to participate in that session rather than let it take place through the mechanism of one of the sub-committees.

Then, just to experiment a bit, we branched out and added the names of Elton Mayo and Chester Bernard. Mayo, as some of you may know, is Professor of Industrial Research at the Harvard Graduate School of Business Administration, <sup>and</sup> for many years has been regarded as a pioneer in social science research. He was identified with the famous experiments made at the Western Electric <sup>plant at Hawthorn</sup> ~~company~~ many years ago. Recently he published <sup>a</sup> ~~the~~ little volume some of you may have seen—"Social Problems of ~~the~~ Industrial Civilization." It <sup>seems</sup> ~~occurs~~ to us you may get a fresh and unique approach or suggestions from a man like that.

I don't know. It may well be he wouldn't be interested in appearing <sup>He</sup> ~~might~~ feel he had nothing to say. The same way with Chester Bernard, who has been a member of the different atomic energy committees that have studied that problem in the last year or so. We felt that there, again, you would have a man who <sup>is</sup> ~~was~~ not himself identified with the civil rights problem but whose interest in social relations and social problems is so great that it might be a good idea just to bring him in and put certain questions up to him and see how he reacts to them.

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MR. MATTHEWS: Has he expressed any wish to come?

MR. GARR: No. None of these people has expressed a desire. We made out our own list and we thought if the Committee felt that this was a wise move, these witnesses should appear by invitation only. <sup>We</sup> ~~They~~ wouldn't advertise what we were doing. ~~and~~ <sup>We would not</sup> try to give an opportunity to a representative of each organization to appear; that that would be handled through the subcommittees.

It is clear that there are certain organizations that sooner or later will have to have a hearing of one kind or another, but we feel you will be well advised to do that through the subcommittees, following the scheme that was suggested last time of letting the other members of the Committee know when a subcommittee is holding hearings and letting these other members attend the sessions if they want to.

BISHOP SHERRILL: This is a small point. I wonder if it wouldn't be wise to keep away from the word "hearings" in connection with these people, simply because that looks as if they had asked to come and we were hearing just the friends of this, rather than the others.

Couldn't it be described as consultations with experts in this field, rather than use the more formal word "hearings," that some time we might have to explain to a Congressional hearing?

MR. WILSON: I think that is a good point, Bishop.

MRS. TILLY: A person that knows more about the Southern

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situation, especially the subversive organizations, is Alex Miller from the Southern Office of the Anti-Defamation League.

MR. CARR: I would say you have two decisions to make. One, whether you want to do this; and then a list of people that you would like to invite.

MR. WILSON: And that will clearly indicate a decision about our meetings, because, obviously, if we are going to resort to this, having the committee of the whole consult with these individuals, then that will almost form a new pattern for our meetings--because it will take considerable time.

I can tell you that this is the pattern that was followed by the Military Training Committee. They have been holding meetings two days a week, and as they brought in these specialists in various fields for consultation it has taken pretty nearly 80 percent of the time of the committee to hear them--and they haven't had so many either; but it runs into a considerable amount of time.

I think it has been most educational to the committee, but it is a time-consumer, because we found in that committee--which has been running now every week, two days a week, since about January first--that after the consultant has finished whatever statement he is prepared to make, it usually takes a couple of hours, or an hour at least, to interrogate him and satisfy the

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committee that they have gotten the information that they thought would be helpful that they thought he might have. It has been a time consumer but very enlightening on the subject before that body.

MR. LUCKMAN: Mr. Chairman, we had a similar discussion in our subcommittee yesterday morning. At this moment I certainly do not wish to speak for that subcommittee but I think I can generally indicate the trend of that discussion, which was that conferences of this kind undoubtedly will be of help and assistance to us but that they might better be delayed until the members of at least our subcommittee have themselves become a little more familiar with the problems involved and with perhaps some suggested ideas of their own as to what might be possible solutions.

I think that was born of two things: First, those who are experts in this field have formed their own conclusions, which conclusions I for one do not wish to belittle at all, but nevertheless there is always the possibility that some one who is coming into the field fresh may have a different idea or a new idea that would be worthy of exploration; and before the expert formulates the ideas of the amateur it might be well if the amateur at least has had a chance to think a little bit and get down on paper his own ideas in the field of fools rush in

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where angels fear to tread--but sometimes they dream up something that is of value.

Secondly, that you cannot--at least, I couldn't--today sit down and intelligently interrogate one of these experts that might come in, simply because I don't know enough about some of the things that I know that our subcommittee wants to work on.

It will take me personally--I am talking about just myself--a matter of some further weeks before I will be sufficiently familiar with the basic issues and problems involved so that I can intelligently interrogate an expert. Therefore, I think, for myself, these hearings or conferences, consultations, would be of more value to the Committee if they come at a later date after we have begun to get our feet on the ground.

MR. WILSON: Very good, Mr. Luckman. Is that the general expression, that you had rather wait to hear these experts until we have gotten further along with our own considerations?

MR. MATTHEWS: I should think a man like J. Edgar Hoover could be helpful to the Committee in the beginning of the deliberations. He knows this field very well. I should think that in the case of our committee at least he could make some suggestions that might shorten our work a great deal--our subcommittee.

MR. ERNST: You would get him in on the level that you got in the Justice Department people?

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MR. MATTHEWS: Yes.

MR. LUERMAN: That is a different thing.

MR. WILSON: All right, with the exception of Hoover, then; and maybe we ought to have Hoover at the next meeting. If you feel that that is going to be helpful across the board, we could get him in.

MR. MATTHEWS: We might want to talk to him several times.

MR. WILSON: Would you like to defer the others a while, then, until the subcommittees have dug in a little better?

MR. CARR: I don't like to press this point but I am not entirely sure that I think such a decision would be wise. I think before you complete your deliberations today--and perhaps the next point will bring it up--the whole question of timing has to be considered, as to how long the committee can take.

I think there is such a thing as being too leisurely about your undertaking. The Committee was set up in December of last year and it is already March. I will tell you a little later what I have been able to find out on the issue of timing, but I do think it is quite clear that the Committee needs to move forward as rapidly as it can.

MR. WILSON: Why don't we bring that right out on the table now? It has a very considerable bearing, Dr. Carr, on the whole thing; indeed, as the next subject on the agenda has, and that is

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how many meetings we are going to have. Of course, I don't see how we can decide that intelligently unless we know something of the timetable that is expected of us.

MR. CARR: ~~Anyone that~~ I have talked with <sup>every person that</sup> whom I thought would have any ideas on this subject <sup>and have</sup> I asked them what they felt about the time element, how soon the committee should report, ~~assumes it is possible to report within a fixed period of time~~

Every one agrees that since this committee was set up by President Truman, in all courtesy to him the Committee ought to report ~~to him~~ in time to let him do something about it while he is still President of the United States.

Congress, as you know, operates on a two-year cycle and is now in the first session of a two-year period. <sup>Many people f</sup> ~~Everyone agrees~~ that if you really expect Congress to pass any legislation as a result of recommendations made, the Presidential message ought to go to Congress at this session.

Now, that limits the time very drastically indeed, because under the Reorganization Act, Congress is supposed to adjourn around July first. That means that if the President is going to send a message to Congress on the basis of your report, the report would have to go to him some time in May. I am inclined to think that that is probably impossible. One other alternative that has been suggested is--

MR. ERNST: Are you talking in terms of a final report?

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MR. CARR: Yes, final report. The Committee might report some time in the late summer or early fall--September. The report could be printed and widely circulated. The President could acknowledge the report and there would be a considerable amount of publicity at that point; and then early in January of 1948 he could send a message to Congress recommending whatever he wanted to recommend.

There might then be some chance, on the basis of the build-up that had been taking place for three or four months, that Congress would act before it adjourned in 1948; and you can be pretty sure Congress will adjourn around July first, if not earlier in 1948.

I think, accordingly, that whether the Committee feels it is feasible to report in May or June or not until later--and I don't very well see how you can make that decision right now--~~that in any case~~ you have to assume that time is an extremely important consideration, that this cannot be a leisurely, prolonged contemplation of the civil rights problem, that the situation just doesn't call for that, that the Committee has to make as much headway as it possibly can.

If I may return at that point to the matter of these proposed hearings, I would want to emphasize again that we did not think of these hearings as taking the place of the hearings of

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the subcommittees. We would feel that the subcommittee hearings would be the place where you would want to probe rather deeply on technical considerations, where I think Mr. Luckman is entirely correct that you want to understand pretty well yourselves what the problems are and what the technical difficulties are before you begin talking with witnesses or experts in the field.

But it did seem to us that there were some people whose ideas and suggestions would be helpful at a relatively early period while you are still making up your minds as to what areas should be included or what areas excluded, or while you are turning over in your minds some of these more philosophical questions as to what is the responsibility of the Federal Government in the civil rights field as against the responsibility of the State and local governments; or what about criminal sanctions? Should they be used or should they be rejected?

We felt that those are troublesome issues of a broad character, that the work of the Committee is bound to be affected almost from the very start as to some of the feelings you have in those respects, and that it would be well <sup>to meet</sup> ~~at quite an early stage~~ ~~to have these generalizations~~ with a very few individuals, putting up to <sup>them</sup> ~~a series of~~ six or eight people pretty much the same questions--not technical questions as to the details of an FEPC bill or how to implement an anti-lynching bill--but rather some of the

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broader issues of a fundamental character concerning the general problem of civil rights in America.

MR. ERNST: Mr. Chairman, may I ask Mr. Carr--did I understand you correctly? You sort of put up alternatively either May or a year from May.

MR. CARR: May or September or October; not a year from *Ma*

MR. ERNST: The strategy indicated seems to me the very opposite. We can very well get out a report this May on three or four or five or ten matters, and make it very clear we are coming back in September or October with the final document.

In other words, I can imagine if we are going to take a position on the anti-lynch law to be proposed, the poll tax bill, the FEPC bill, the white primary bill, and the District of Columbia bill--things that have been discussed in the public arena for a decade and studied and agitated--I think we ought to be heard on those propositions by the President fairly quickly. That won't satisfy me by any matter of means.

I think we are doing a very puny job if all we are doing is saying "Amen" to a lot of material that has been shunted to Congress and has been in the market place previously.

Therefore, doesn't that change your whole attitude as to calling these people? I know most of them, have talked with most of them. I think it might be a real inspiration. I would

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not think they have any value at this time at all.

I have lived with Roger Baldwin, Walter White. I should think their great value to any committee here would be to call them in and sound them out on various innovations. There is no use in sounding these people out on the FEPC, the anti-lynch law and the poll tax bill.

MR. CARR: That isn't what we are proposing.

MR. MATTHEWS: That may be true in your case, <sup>Mr. Ernst.</sup> You know them all. They might have something for some of the rest of us.

MR. LUCKMAN: I am not trying to interpret Mr. Ernst's statement, but I know from myself that I don't want to attend that meeting--and I am not being stubborn about it but I want to get my thinking clear before somebody begins to make up my mind for me.

I am not being stubborn. It is the same as any business matter or any educational matter. When somebody has been working on a thing for 20 years they have made up their minds about it. They may be perfectly right but I at least want to get my own thinking clear on the matter before I talk to a man who has made up his mind about it.

MR. ERNST: May I just add something? It seems to me at some stage you will get more benefit from the chairman of the Civil Rights Committee of the American Bar Association, which only took in a couple of Negroes a few years ago after a long

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fight, than you will out of this group. Now, this is a group I play with, am a member of counsel for, but I would like to see this committee get hold of the president of the American Bar Association.

MR. MATTHEWS: To say to the president of the American Bar what objections he had.

Mr. Ernst, ~~is doing a better job of interpreting what I am trying to say.~~ When you finally decide, when this committee decides what it wants to do, it seems to me, generally speaking, a dilution of effort and time if we call in a man that we know is going to say "It's a great thing. It's wonderful, marvelous."

Our problem is not with the man and the group he represents but with the head of the American Bar Association who just a year ago for the first time took in some Negro members, "Now, this is our thinking--and it may be a little tough on you. What do you think; and how can we adjust your views and ours?" Because it is that kind of worker we are going to have to work with if we are going to do any good.

MR. CARR: How is that an alternative to hearing Victor Rotnem, for example? I don't quite follow you ~~people~~ on that point.

MR. LUCKMAN: Then I get back to my point. If you called him in today I wouldn't know what questions to ask him. I think

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a month from now or six weeks from now I will know what to ask him. At least, I will know what interest our subcommittee--

MRS. ALEXANDER: Perhaps their subcommittee haven't gone as far as ours has gone. That may cause a difference in thinking.

We are prepared now to ask some very specific questions on certain things, that we would want to ask Victor Rotnem.

MR. CARR: I think there is a difference in subcommittee hearings and full hearings. It would be a month, probably, before we could set anything up if you did approve it.

MR. LUCKMAN: If time is such an important factor, then isn't it even more important that we delay these hearings until we have made some progress, progress on the part of the committee itself, instead of taking up days and weeks in long-drawn-out hearings before we have made up any program of our own?

I am not talking about before we have made up our minds. If any given subcommittee, as Mrs. Alexander said, is ready for hearings--

MRS. ALEXANDER: Not hearings but to ask questions whether this is the way to do it or that is the way.

MR. LUCKMAN: I think it is. I am speaking on behalf of our subcommittee. We are not ready for that.

MR. WILSON: Don't we have to settle one question even before we decide this one that we have been talking to now? That

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is, are we going to put in an interim report or not? If we are going to wait and have one report, then there is the timing of that. ~~Can we get it by May 15.~~

Can we get that out, say, by--what is the absolute dead line, do you think, Dr. Carr?

MR. CARR: I think the absolute dead line if you are thinking in terms of your group as being President's Truman's committee, is September of 1947.

MR. WILSON: No, I mean if we wanted to get it in so that he might use it at the current session.

MR. ERNST: An interim report you mean, Mr. Chairman?

MR. WILSON: Well, a report; for the moment I will just say a report. What is the dead line?

MR. CARR: May 15th.

MR. WILSON: May 15, they would have to have it in their hands--see whether we could agree as to this, especially the chairmen of the three committees. If we are going to get any report in the President's hands by May 15, are we in agreement that it would necessarily be an interim report?

MR. ERNST: Sure.

MR. LUCKMANS: For our subcommittee, I would vote yes.

MR. WILSON: Does anyone question that? All right. Then the next question--

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MR. MATTHEWS: I don't know whether our committee could decide that right now or not. We might be able to get a final report on it by May 15.

MR. WILSON: You think you may be able?

MR. MATTHEWS: I don't know.

DR. GRAHAM: I doubt if we get a final report.

MR. MATTHEWS: I doubt if we could. I don't see the value of an interim report for any purpose. What could the President do with it??

RABBI GITTELSOHN: Yesterday in our committee meeting mention was made of the fact that one of the difficulties of the past has been that each of these liberal pieces of civil rights legislation has been presented to Congress per se, and the whole liberal battle has been focalized around one point and when we lost on that one point we had lost everything, at least for the time being.

We felt on our subcommittee, at least tentatively, yesterday, that it might be valuable to adopt what you might call a "smother them" technique. In other words, hit them hard with everything we have got at one time. Give them seven or eight or ten or twelve focal points to worry about at the same time, and then we might lose on seven or eight and still gain on two or three as a matter of political give and take.

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I think from that point of view as well as from the public relations point of view, the Committee would have a great deal to gain if we issued one report at one time covering everything-- one big punch. Let them have what the civil rights committee believes in, what we want done.

I am very much afraid if we give interim reports along the line, each interim report will be swallowed up in the total picture at that particular moment and we will not create the impression that we would like to create.

DR. GRAHAM: I think you have a point there.

MR. CARR: The staff would certainly agree with that, and we have tried to give the problem thought. Our recommendation to you is certainly that you avoid interim reports.

DR. GRAHAM: I see this value in what you say, that if the President is to make a statement to Congress and the American people, in that statement should be the total impact. If he is going to make several reports, one on this and one on that and one on the other, your total impact is lost.

BISHOP SHERRILL: Mr. Chairman, there is another point, it seems to me. I speak subject to correction by the members of our committee, but our Committee No. 1 has not been working along the line that we were going to simply endorse present bills before Congress. We have tried to see if we could not reach a result without going through stereotyped formulae which have

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already been passed out in Congress and in the press and all the rest. There has been an anti-lynching bill before Congress for 20 years.

MR. WILSON: That is right.

BISHOP SHERRILL: We have tried to approach it to see if there was any new form in which we might reach the same objective. Now I think that it is possible, with the progress which has been made, that certainly in regard to some of those things we may be able to report in the not too far distant future.

But if that report should go as an interim report and go before Congress, it would go without the impact of this total committee, with the philosophy of the whole thing. I have the feeling it would be just a piecemeal matter that would probably not get the attention it deserved before Congress if it goes just as a legislative matter. What do you think about that?

DR. GRAHAM: I agree.

MR. CAREY: Mr. Chairman, I want to express a view that is not in agreement with the views already expressed; and that is, that we should agree to a time when a report should be prepared.

DR. GRAHAM: A total report, or a series of reports?

MR. CAREY: Until such time as I had an opportunity to review the content of that report I would not say whether or not it would be an interim report or merely a report of progress; but

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it has been my practice to operate pretty much against a dead line and to have in mind when I have to have a report for the principals that I am employed by or ~~work for~~, the interests I serve.

Sitting as the President has to sit, I think it would be necessary at some stage in our proceedings to give him a report of our progress, give him the opportunity to consult with us if need be about whether or not he should set the dead line or the method of presentation or we should set it.

I should certainly think that by May 15 we should have a document prepared and perhaps then determine in consultation with President Truman whether or not it is to be considered an interim report, whether or not it is to be made public, or whether it is to be a resumé of our activity, the ground we cover and our plans to complete the work of this committee.

I think it would be desirable in the interest of getting something accomplished to agree on the date when we will put together a report; and perhaps as we put it together we can better determine whether it will be a final report, an interim report, a report of progress to the President, or something for wide dissemination.

MR. TOBIAS: I agree.

MR. ERNST: I can't deliberate further on this issue until

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No. 11 comes up. That is the reports of the subcommittees. I am completely in the dark as to how each one of the subcommittees feels it is getting along.

MR. WILSON: I was hoping at this stage the subcommittees would tell us whether they believe they can do it. I think Mr. Luckman has very frankly expressed his views, at least I would interpret those views to be that May 15 would be a pretty difficult dead line for you to say you could come up with a report or the material for a report.

MR. LUCKMAN: As a final report. If I understand Mr. Carey he is talking about what might well be called a progress report to the President.

MR. WILSON: He doesn't want even to determine that if I understand him correctly. It is a report that may be accepted as final and maybe not.

RABBI GITTELSON: We would determine--is that correct--which kind of report it is?

MR. CAREY: In consultation with President Truman we would determine what we would do with it.

MR. WILSON: The President would probably determine if that is final or not.

RABBI GITTELSON: You can't ask the President what he thinks, and if he says "I think that is to be the final report," say we don't think so.

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MR. CAREY: You have to go to him with what you regard to be the final report or progress report. He would leave that up to your judgment I am sure.

MR. <sup>Wilson</sup>CAREY: Can we now decide that we would be prepared May 15 for a final report or an interim report?

MR. CARR: I think you can. I think you can decide it is utterly out of the question to have a final report by May 15 or it is conceivable you can have a final report by May 15.

MR. WILSON: Or you can decide, Jim, it seems to me, whether putting forth the best efforts you can, you could get up something worth while, particularly the three subcommittees could get up something worth while that they would be willing to put together and say "This is our answer if the President is satisfied to accept it as the final job."

RABBI GITTELSOHN: I would go along with Mr. Carey's suggestions on one condition only; namely, that we set ourselves internally a dead line of May 15 or what have you, and that we sit down when we have that report prepared and we decide whether it is progress, interim, or final, and we tell the President what it is rather than ask him what he wants it to be, so that we keep the authority of saying whether our job is done or not.

MR. WILSON: I will admit I come back to what Mr. Ernst said; I would be influenced very largely by what the three

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committee chairmen now as far as they have gone, believe. If they believe from what they have seen to date that they can come up with--in their particular realms--good material and good suggestions for a report by May 15, as far as I am personally concerned I would be very much better satisfied.

MR. ERNST: Couldn't we ask the chairmen of the three committees now--Chairmen of Committees One and Two--just what they are up to, where they are going in exploration?

MR. WILSON: We had that down as 11.

MR. ERNST: It seems to me it is all tied up in this one problem.

MR. CARR: One thing further there, because I think that will prove to be quite a prolonged discussion.

I still feel that there is another basic question that can be answered regardless of the areas that the three subcommittees are going to explore. I think you have to trust their judgment as to the time element. If each chairman of the subcommittees says he can't possibly get done by May 15, all right, that's that; but I would like to underscore what Bishop Sherrill has said. I think when it comes to the report you will make a very serious mistake to issue interim reports, because I think you will want to consider each recommendation in the light of the other recommendations. You will want to set them against some sort of

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philosophical background.

I think probably one of the greatest things this committee can do would be to restate what you understand civil liberty in America to mean; what freedom in America means. You <sup>can</sup> write a sort of 1947 charter of freedom in America. You <sup>can</sup> try to restate the American creed or the American dream--put it any way you want to--as <sup>a</sup> ~~the~~ background against which you make a series of recommendations designed to implement that ideal.

I think if the report can be properly written, if it can be given a challenging, ringing character, ~~such a report might~~ <sup>it may</sup> truly, over a period of years, constitute a charter of American freedom.

MR. ERNST: I don't like to disagree with Carr on it. I will give you the kind of illustration it seems to me is bound to bob up where it is our duty to advise the President.

Here is a bill, one hundred fifty million dollars of aid for education, with the support of Taft, Ellender, Chavez--a conglomeration of Republicans and Democrats, with a program up to three hundred million.

I take it we have really nothing to do with the educational part of the program. I personally am against that bill and feel it my duty so far as I vote here to advise Mr. Truman to recommend that he will veto that bill, no matter what it means education-

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wise, if the money goes to Jim Crow institutions. I don't know if anybody else will go that far with me, but these things are coming up every day.

MR. CARR: But our committee is going to be in existence only--

MR. ERNST: I am not saying we will not get out a challenging report. We can do that; but I see nothing so disastrous if we come slugging a few times, if the public have an eye towards us and say, "What else are they going to come out with?"

As a matter of fact, a good bit of our report has nothing to do with education. It has mainly to do with the education of the public mass mind.

MR. TOBIAS: I agree with what I understand Mr. Carey is suggesting to be, not an interim report, a partial report, but after we have done the groundwork of our thinking and are agreed in our own minds in the order of importance what ideals should be taken up, that then it is time to have a conference with the President on the results of our work up to that time; because I think we need to remember that, after all, this is the President's committee on this particular subject.

It is one thing for us as individuals to have convictions. I know I have, on all of these issues--and what do we want? We want everything that is right. That is a very general statement.

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What the President in the last analysis is going to want to know is--and going to want to talk with us about--I don't think any final decision needs to be reached there; but I think we do need to know his mind on what we have done up to that time and then we can do our finishing job and put it into his hands and it is up to him then to do what he wants to do with it.

But to have a final report and to go to him with that final report before we have had a chance to confer with him is a kind of take-it-or-leave-it proposition. It seems to me that since we were set up by him we owe him an accounting for the things that we have done up to a certain time, and then get any suggestions as to what he may think is the order of importance.

What we think is one thing: he may think something else. We have made no final report; we have made no interim report; we have simply discussed our work up to that time--but I do think we need the benefit of his counsel at that point.

Then when we come up finally with a report, why, we have done it in the light of what we think is right about it and what he has expressed as his own opinion about it.

RABBI GITTELSOHN: Mr. Chairman, for purposes of crystallizing that discussion, may I introduce a motion that this committee establish now as its policy that it will have prepared for May 15 a report of some kind, the specific nature of which is to be

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determined by the Committee when the report is being prepared.

MRS. ALEXANDER: I second that motion, Mr. Chairman.

MR. WILSON: All right. You have heard the motion, which has been duly seconded. Are there any further comments?

MR. MATTHEWS: This is a motion for self-discipline--is that right?

RABBI GITTELSOHN: That is right.

MR. LUCKMAN: You are suggesting that we set May 15 as the time that we begin to get things in writing?

RABBI GITTELSOHN: That we have something in writing. We reserve the right to say what kind of report it is going to be, public or private. We may decide not even to report it to the President. It depends on what it is, what it turns out to be.

MR. CARR: I am afraid, as head of the staff, you are going to have to clarify your wishes a little more there before ~~we~~ <sup>we</sup> can serve you very well on a point like that.

It seems to me in starting work on any kind of report, you have to have some notion in mind as to the type of report it is going to be. If a final report, you have to have your recommendations on each one of the very specific issues that fall within the jurisdiction of the Committee. The different subcommittees have to complete their work and submit their recommendations to the entire committee to see whether it will accept them. You have to write the general background, the introduction against

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which you are going to set the recommendations.

If it is not that kind of report, if it is just to serve as a basis for a meeting with President Truman to report progress to him, then that changes altogether your thinking and your work as you try to set down on paper what it is you are up to.

RABBI GITTELSON: Mr. Chairman, all of us recognize, I am sure, that it is ridiculous to think in terms of a final report by May 15. So it is going to be one of two things: either a partial, an interim report; or just a progress report. Would that not help?

MR. WILSON: Do you want to answer that question?

MR. CAREY: I would like to speak in support of the motion and perhaps make an effort to clarify my views on the subject.

I don't agree with Dr. Carr when he says that the report that we will prepare by May 15 if this motion is carried, of necessity eliminates the need of subcommittees continuing in their operations. I think there is a great advantage to having a deadline and also a report by May 15. I do not look upon that as a partial report but it would in fact be pretty much a report of the coverage and contain what recommendations we can agree upon by that time.

It would also provide an opportunity for at least one subcommittee; namely, Subcommittee Two, to continue an important

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phase of the work of this subcommittee, to design the methods of seeking support for the recommendations of this committee.

I believe if we aim to have just one report, then dissolve the committee, we will not have the full opportunity of using the channels of public communication--movies, radio, newspapers, nongovernmental organizations, and others--to promote support for the recommendations of the Committee.

Subcommittee Two I think would need in their consultation of the movie industry some indication of the thinking of this committee, in some form or other. I think it would be highly necessary, in fact it would be essential, to have something produced so we can engage in constructive discussions with these various groups that we have been assigned to talk with, to set up what I think is more important than anything else, gaining mass support for the recommendations of this committee in the field of civil rights.

MR. SHISHKIN: Mr. Chairman, I think there is much less disagreement than appears on the surface. I think the feeling is that of a good housewife concerned with a good household and how the job is going to be done if the job is assigned.

As I gather the intention of the motion, it is to provide self-discipline for us and to provide for us a schedule on which we can work.

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My own feeling is that it is very useful for this committee to be able to meet with the President at least once every couple of months--to have the officers of the Committee report to the President about the progress and get any indication from him as to whether he has any suggestions or how any interim material that may have been accumulated could be put to the best use, both in relation to him and in relation to the public.

I don't think that that motion is in any way in conflict with the long-term job. I don't think it can be completed before fall--the kind of report that Mr. Carr has in mind.

I think the only thing that this action would do would be to make it more orderly and to crystallize our own work and our own thinking, in terms not only of the contents but also of the procedure, to have that kind of report, a very brief document, perhaps, indicating just what is the scope, what is the coverage, what are the procedures, what are the methods through which those procedures could be utilized.

It seems to me that the motion--if that is the proper interpretation of it--would be all to the good.

MR. CARR: That is very feasible if that is the proper interpretation. That is what I had in mind. Do you want to go to the President with perhaps three or four typewritten sheets indicating--

MR. LUCKMAN: We ~~are not deciding~~ <sup>don't have to decide that.</sup> That has nothing to do

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with the motion. If it does, I will vote against it.

MR. CARR: You have to decide it.

RABBI GITTELSOHN: Not today, do we?

MR. CARR: Yes you do if you <sup>mean you</sup> want a finished report that is carefully worded, <sup>by May 15.</sup>

MR. LUCKMAN: We don't want that.

MR. <sup>Dickey:</sup> ~~That is what I am asking you to decide.~~ When are we going to decide it?

MR. ERNST: Mr. Chairman, may I come back to this point. I just can't participate any further in this discussion until I hear what the two other committees say as to the status of their work, how long it will take. I can make a guess on Committee 3 as to how much we will have ready by May 15.

MR. WILSON: I agree with Mr. Carey--and certainly in support of Dr. Carr. I will be gol-darned if I were in his place if I would know at this time just what kind of report this committee wants prepared within 60 days--roughly 60 days.

There is no use in fooling ourselves; the preparation of almost any kind of report within reason is a tremendous job; and if you want it to cover the general subject comprehensively, I think we all ought to recognize that that is a pretty big job.

I think we ought to tell Mr. Carr pretty definitely what kind and how much of a report we want.

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MR. CAREY: Mr. Chairman, I rather agree with Dr. Carr, too. I think Dr. Carr, if he accepts what seems to be the general position of this committee--he will advise us perhaps later today after giving the matter some thought and consideration, as to what kind of report in his opinion can be prepared by May 15.

I think we have to do that, give guidance to our committees so they will know how far in detail to go as to these various questions.

I am sure if this motion is carried, which is broad enough, flexible enough--it might be decided to extend the date at some later time--but I would certainly think that Dr. Carr could prepare his ideas regarding the kind of report that we can have by May 15.

MR. LUCKMAN: Mr. Chairman, just for purposes of discussion--what if the May 15 report were a report from the three chairmen to the entire committee?

MR. DICKEY: I was going to make just that suggestion. It seems to me it makes sense for us to say the Committee should bring in their work by such and such a date, then we can get to work on an over-all report. If we instruct somebody to do a committee report before we have even learned when the subcommittees are going to finish their work, we will never get anywhere.

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DR. GRAHAM: One thing on Dr. Carr's mind, I take it, is this: If we expect a pretty real report by May 15 we can't have these hearings. The staff has two jobs. It has two jobs there, to see that everybody gets a hearing that should have a hearing, and to prepare this report.

I don't believe both of those jobs can be done by May 15, so I am inclined to go to the suggestion that the three committees have a report ready by May 15, and that will not eliminate the hearings.

I am afraid that if we go the full length of the suggestion made, we will give the staff an impossible job. Just within the time, look at the schedule for hearings that we have at least tentatively agreed on here. We will be bringing out a report before we finish the hearings, and then those who haven't been heard will say, "Well, look, they are making up their minds and I haven't even been heard."

MR. WILSON: Wouldn't you admit that if from any given date the staff had the recommendations of these three committees, if they had carried on deliberations and had gotten to a point where they could make some definite recommendations--that from a given date the staff ought to have 30 days in which to prepare that in report form if we are going to submit that report--whether it be interim or final; just if we are going to submit that report to

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the President, we ought to give the staff 30 days?

MR. LUCKMAN: We should.

MR. WILSON: If you agree to that, then it seems to me what we are really saying, if we carry out the point Mr. Luckman and Dr. Dickey have recommended--which I think makes a lot of sense, too--we are saying to the three committee chairmen, or to the three committees over-all, that we would like to have definite recommendations from you for our meeting, and then for a meeting of the committee of the whole by April 15.

DR. GRAHAM: May 15.

MR. WILSON: No, April 15; and then, having accepted those reports from the three committee chairmen on April 15, the job will be turned over to the staff and give them that minimum time that they require, at least 30 days to get out a report, not now defining whether it is final. I think Mr. Carey has a point on that; not defining that, but a report then to the President on the 15th of May.

MR. ERNST: I understand it need not even go to the President; just a progress report.

MR. WILSON: All right; a report ready April 15.

MR. TOBIAS: Mr. Chairman, I insist the President should know what we are doing.

MR. WILSON: Well, all right.

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MR. LUCKMAN: That is a matter of some opinion. I have my own views on that, too, which at the moment are--

MR. WILSON: He will have his views, too.

BISHOP SHERRILL: Mr. Chairman, I come back to Mr. Ernst's point. How can we decide, those of us who do not know where any of the other committees are?

I move a postponement of this until we have heard a report as to the progress of the committees. I don't see how we can decide this until we have heard reports from the committees. I know the committee that I am on, but I don't know <sup>about the others or</sup> ~~what two or three, what really are their problems, that are involved.~~ I think it is very difficult to vote on this until we have heard their reports. It is just a matter of order in the meetings.

MR. WILSON: Do you wish to defer the vote on the motion until we hear the reports, or not? Would you like to hear the reports of the chairmen of the three committees?

MR. MATTHEWS: I will second the motion to postpone.

MR. WILSON: All right; you have heard the motion. Will those in favor vote aye.

(The motion was carried unanimously.)

MR. WILSON: Then shall we hear from Committee No. One-- Bishop Sherrill, of the Legislation Committee.

BISHOP SHERRILL: Mr. Chairman, we met all day yesterday.

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In the afternoon we had in representatives of the Justice Department, who were most helpful; and I can report, I think, progress and encouraging progress without being able at the present time to go into detail as to what our recommendations are to be.

We discussed very thoroughly Sections 51 and 52 of the general civil rights acts and I think came to a determination that it was not wise to try to amend those but to supplement them by recommendations which would make them more effective.

We had some very interesting suggestions before us along that line that I think the Committee felt were most helpful in a further application of what we are all trying to do, without changing what we already have achieved.

We also had before us some very interesting suggestions from the Justice Department in regard to the whole question of voting privileges. We also had a very interesting suggestion from Dr. Dickey in regard to the liability of not only law officers but of others involved in acts of violence.

This is not a detailed report but I think I can say that we felt encouraged. There were certain areas in regard to peonage that we have not reached but I should be inclined to feel that by the 1st of May we might be able to make very definite recommendations.

Now, I would like to check with the members of the committee

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on that. Would that be too optimistic a statement?

MRS. ALEXANDER: I think so.

MR. WILSON: The 15th of April?

MR. MATTHEWS: The Department is to prepare some further material.

BISHOP SHERRILL: That is right but I think we could meet this dead line in our committee; don't you think so?

MRS. ALEXANDER: Yes.

MR. WILSON: That is, the 15th of April would be the dead line.

MR. MATTHEWS: That means two more meetings of our committee, according to the present schedule.

MR. WILSON: Yes, unless you want to change it and have more meetings. You have a definite schedule?

MR. MATTHEWS: Assuming that this recommendation of the staff is adopted, it would be two weeks.

MR. ERNST: Mr. Chairman, may I ask a few questions?

MR. WILSON: Yes, sir.

MR. ERNST: A question such as I raised on the Federal Education bill--does that fall in Number One or Number Two?

MR. WILSON: My guess would be that it is in Number One; that is what I assume.

DR. GRAHAM: It wasn't in our material.

MR. TOBIAS: It is in Number Two material but in the form

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of recommendations.

MR. ERNST: What I am getting at, it seems to me you will find by April 15 or May 15 we can sort of make up our minds on the old-fashioned materials--revising the civil rights, fields where people have done a lot of work; but when you come to these expanding powers that have never been explored, really, as to bigotries, taxing powers--reductions on tax returns, which shocked me, where there is discrimination by the institution; take an educational bill--those it seemed to me, and I would like to ask the chairman, do you think there is any chance by April 15 that your committee can get anywhere on that?

I can assure you that there is practically no literature or thinking on the subject. Mr. Carr will tell you, looking over the field, there is nothing written by lawyers or others. But it seems to me it is a philosophical question that you don't need many facts on. I just happen to be a person who would vote against the Federal grant of money for education going to Jim Crow institutions. The arguments are pretty obvious. It may perhaps close up a lot of institutions. I just play my cards the other way.

MR. MATTHEWS: Your bringing up this question reminds me of one thing we decided yesterday that you didn't mention, and that was, we thought the FEPCA should be referred to Committee Two

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rather than our committee.

BISHOP SHERRILL: That had already been done.

DR. GRAHAM: Committee Two asked for it.

MR. LUCKMAN: Just for the record, Committee Two thought it was in its assignment.

BISHOP SHERRILL: It was passed to you with entire good will.

MR. LUCKMAN: I can understand why, too. That is why I wanted to change the record.

RABBI GITTELSOHN: We weren't able to make up our minds whether we had suffered a tactical defeat or a tactical victory.

MR. WILSON: It is a fait accompli.

DR. GRAHAM: He raises the question also of where that subject should go. Yesterday we took up matters of lynching, mob violence, and also the--

MRS. ALEXANDER: Suffrage.

DR. GRAHAM: Suffrage, white primary, and so on.

MR. MATTHEWS: District of Columbia.

DR. GRAHAM: District of Columbia; and the peonage matter is in our material, too; but in the assignment of materials that is our field. So the reason the chairman has no answer to your question, it wasn't even brought up for discussion; it wasn't in our sector.

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MR. ERNST: I would like ~~for there~~<sup>to</sup> be assigned to some committee, I don't care which, this new field of material.

MR. TOBIAS: It isn't altogether new, of course. The 78th Congress had a bill before it which was defeated, as you will recall, by Senator Langer <sup>who submitted an</sup> ~~amendment~~ amendment meant to defeat it.

RABBI GITTELSOHN: Mr. Chairman, it seems to me that Mr. Ernst's <sup>recommendation as to</sup> ~~introduction~~ of this Federal Education Bill, ~~on that~~ ~~our treatment of his statement~~ would actually depend upon a matter of policy that we have to decide. Are we going to consider ourselves a committee which ought to issue statements from time to time on pending matters, to act as a kind of advisory committee for the President currently while we are deliberating; or are we going to reserve any such statements, regardless of what comes up in the meantime, until we complete our deliberations?

Frankly, I don't know. I am not saying that because I have an opinion but I think we ought to decide it.

MR. WILSON: It seems to me we almost answer him if we are going to come out with a report on May 15. If we are setting ourselves that job, we can almost answer it that we wouldn't surely then start giving interim advice and--

RABBI GITTELSOHN: Not between now and then.

MR. WILSON: Between now and May 15, on the question of

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where this subject lies, it seems to me, Mr. Ernst--

~~MRS. ALEXANDER: We have it, Mr. Wilson.~~

~~MR. WILSON: Well, all right.~~

~~BISHOP SHERRILL: We didn't get to it.~~

~~MR. WILSON: All right, then you have it; that answers that.~~

MR. LUCKMAN: *But does this subject belong to subcommittee*  
~~it isn't answered. We have it, too, and~~  
*one or two?*  
~~it says--a footnote we did get to it.~~

BISHOP SHERRILL: I think the answer to it is, is it a matter which requires legislation or is ~~that~~ <sup>it</sup> a matter which requires education?

MR. ERNST: The things I am talking about are strictly legislative; require either legislation or amendment to the Treasury law that you can't take a reduction to a tax return if you give it to a discriminatory institution.

MR. LUCKMAN: That phase of it we did not touch at all.

MRS. ALEXANDER: We have Congress; we have it.

MR. SHISHKIN: Mr. Chairman, I have had some experience with jurisdictional disputes so I don't think we are ready to--

MR. WILSON: We will leave this to an expert.

MR. SHISHKIN: --resolve by across the table methods. I think we ought to clear that up. I think what Mr. Ernst has brought up is a question--I think we have been a little less than frank with ourselves here in this discussion; at least the

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part I have heard.

I think the question before the committee that has to be met is whether or not--this committee is in a sense circumscribed. We can, if we wish to, make interim recommendations to the President on legislation but only to him, and certainly not publicly. The President's committee can't make public advice to the President as to what the President should do. It is his committee.

I think there shouldn't be anything wrong with the committee coming to the President and saying, "Look. This is what our committee feels about it. You can do anything with it you want."

I think the other big question that relates to the whole schedule on the basis of which the committees are reporting is the question not only of the impact of philosophy but also the impact in the framework of our time schedule on the political life of the United States of America.

I mean, we know quite well that in 1947, if the report is made late, if it is made on the eve of the Congressional elections and closely approaching that, our report to the President is not going to be made public. Our report to the President is going to come out as his report and only subject to his approval. It certainly wouldn't be any criticism of the President to say that of necessity any report that is coming into the political

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atmosphere will be thereby circumscribed and stymied and therefore time is of very great essence for our basic statement.

MR. WILSON: Check.

MR. SHISHKIN: I think we may lose sight of the possibility that somewhere in between April 15 and September 1st might be the time we can do the kind of job with the President's agreement and with his approval that will really lay a groundwork for further work and perhaps continuing work by this committee, but having our basic statement made then and as early as possible.

I don't think we ought to get lost in the discussion of the specific dates. We ought to do it to the very best of our ability, as rapidly as possible, recognizing those facts as quite important in our decision.

MR. WILSON: Thank you. That is clarifying.

Now, are there any questions you want to ask Bishop Sherrill with regard to Committee Number One's report?

MR. LUCKMAN: Yes, I would, Mr. Chairman. Was I to understand you felt that somewhere in the vicinity of April 15 to May 1st your committee would be ready with specifically proposed changes in the legislation?

BISHOP SHERRILL: That is right.

MR. LUCKMAN: Covering what subjects? The poll tax problem?

DR. GRAHAM: Suffrage; lynching.

BISHOP SHERRILL: 51 and 52.

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MR. CARR: District of Columbia.

BISHOP SHERRILL: And the District of Columbia.

MR. CARR: And <sup>involuntary</sup> ~~voluntary~~ servitude.

MR. LUCKMAN: The proposed act, you mean, for the District of Columbia.

BISHOP SHERRILL: Yes and ~~the~~ peonage. I think those matters would be ready. I think we can make a report in regard to additions to the general civil rights act without changing sections 51 and 52. I think we can make recommendations in regard to suffrage.

DR. GRAHAM: Which includes the white primary.

BISHOP SHERRILL: In regard to the District of Columbia and in regard to peonage. Don't you think we can do that?

MR. CARR: I think you can.

MRS. ALEXANDER: And anti-lynching. Didn't we have that?

BISHOP SHERRILL: That is in the civil rights act.

MR. LUCKMAN: And this matter of tax exemption that Mr. Ernst brought up.

BISHOP SHERRILL: We haven't discussed that. I am not qualified to express an opinion about it.

MR. CARR: On that point the staff has understood that would be Subcommittee Three's work, even though it might involve legislation just as FEPC might involve legislation. In other

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words, Subcommittee One doesn't necessarily have everything that might mean legislation.

MR. TOBIAS: Put it in Subcommittee Two. It is there.

MR. LUCKMAN: Education but not the tax exemption.

MR. ERNST: I just wanted to know which committee is going to take care of the provisions that we might develop in connection with the spending powers, the education bill, and the taxing powers.

MRS. ALEXANDER: I thought that drawing the legislation was in the province of Committee Number One.

MR. ERNST: I thought it was all in Committee Number One. I think it ought to be one committee or the other.

MR. LUCKMAN: Mr. Chairman, as I think I wrote to Dr. Carr when I first came up, I think that would be delightful. I wish that would be the decision of the Committee, because then the other two committees will be able to enjoy what I hope will be a beautiful spring. There isn't anything except the application of the forces of advertising to the decision of the committee when they are all through that doesn't come within the realm of legislation. You will find it very difficult for any committee member to name one subject that doesn't at some point involve legislation.

DR. GRAHAM: That policy would put anything in Committee

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One.

MR. LUCKMAN: Which suits me fine.

MR. CARR: That would be a mistake.

DR. GRAHAM: We will have to revise our time schedule if we are to take on the work of the other two committees.

MR. WILSON: Well, now, practically, don't let's be too technical about it; practically, why don't we urge Mr. Ernst's committee to take up that subject. Bishop Sherrill, would you have any objection to that?

BISHOP SHERRILL: Not at all.

MR. WILSON: It seems to me we ought to urge him to do it because I happen to know that he is well started on the thinking within his committee about it; and--

MRS. ALEXANDER: Mr. Chairman, may I move that tax powers and spending powers be referred to Mr. Ernst' committee.

MR. WILSON: Committee Three.

~~BISHOP: I will make a motion.~~

MR. WILSON: Is the motion seconded?

MR. LUCKMAN: Tax powers and spending powers on legislation.

MR. CARR: Any legislation that might use the tax powers or the spending powers as a means of getting at some problem.

MR. WILSON: I think that is good.

MR. SHISHKIN: Mr. Chairman, I just wanted to point out that on some of these things I think that the motion is perfectly

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in order, because what Committee Number Three does on tax powers and spending powers could be done excellently under Mr. Ernst's guidance; but I think that a number of areas that are covered by the other committees would be helped by interim recommendations from Mr. Ernst in Committee Number Three on those questions, whereas Committee Number Three would not be doing or responsible for the actual drafting of those because those two things cut across a number of other subjects.

MR. LUCKMAN: That is the problem that is really raised when you have a broad statement such as that all legislation should go to Committee One.

MR. WILSON: We may have erred in that.

MR. LUCKMAN: I think this motion does, in fact, err--this motion, too, if I might point out--if I understand Mr. Shishkin correctly.

Our subcommittee spent a good deal of time on this question of education as it pertains to discrimination from Federal grants or aids, and so forth. If we are to continue working on that, I can't conceive how Committee Three could possibly come up with any final thinking on legislation to prevent discrimination in Federal aid to colleges, for example--unless they, too, studied the same field we studied and duplicate our complete effort. You just don't pull out of a hat some legislation. First you study

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what is happening and why. Then you evolve the legislation you hope will correct it.

So that a broad sweep across the board in any one field will leave confusion, I think, in there, in the other two committees.

MR. ERNST: Mr. Chairman, I didn't mean to complicate your life. I don't care where it goes, really. I just don't want it to get lost sight of in the shuffle.

I think these new instruments have more value in the future than the criminal sanctions, trying to get convictions, which underlies the power of FEPC--the lynch law.

MR. SHISHKIN: Underscoring to make what I said perfectly clear, my feeling is--and I feel very strongly about it--that one of the three committees ought to have a subject under its final jurisdiction to make a final report on it. ~~That committee ought to be asked specifically on specific aspects of the measures it is considering. We have part of its task done in another committee. In other words, to refer to another committee for advice and assistance in dealing with that subject.~~

*not* If one committee deals with the substance and another committee is responsible for drafting legislation on that subject, I don't think it will work out.

DR. GRAHAM: No, sir.

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MR. ERNST: Couldn't I ask Bob Carr what his judgment is as to the power of sanctions?

MR. CARR: I think it ought to be with your subcommittee. I think we started in with the supposition that in the three subcommittees a logical distribution of the work could be made among them.

BISHOP SHEPHERD: The motion is that this be referred to Number Three.

MR. LUCKMAN: All tax exemptions and--

MR. CARR: Any legislation that may use those techniques in getting at the civil rights problem.

MR. LUCKMAN: Am I correct? I want to know what I am voting for and against. Am I correct in my assumption that subcommittee Two, of which I am a member, would then not get into the matter of prejudices and discriminations in educational matters in the United States--if this motion is passed favorably?

MR. CARR: No, I wouldn't agree with that.

~~MR. WILSON: No, I think there is a dead line.~~

~~MR. ERNST:~~ I think you should still deal with those things.

MR. LUCKMAN: I am confused. How does subcommittee Three determine what should be done about discrimination in educational institutions unless they first do the same thing we did, which is to study the actual discrimination and what is going on?

MR. ERNST: Mr. Chairman, I have some deep prejudices already

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on the subject. It seems to me all Committee Three would do, if I were the sole member of the committee, is to analyze all the spending clauses in legislation currently going through, whether it be the GI education bill, the land grant college bills, the roadwork bills, the maternity hospital benefit bills-- and come to the conclusion that we would recommend to the President of the United States *that we are*

~~Dr. GRAHAM: Vocational education.~~

~~MR. ERNST: Yes, all through this vast amount of money that is paid out by the Federal Government which we are paying and either recommend we would recommend if I had my way that on the following items the President would make clear that he is not in favor of that spending unless the following clause ~~is~~ added *a gainst Jim Crow be added.*~~

~~Now, that is how simple the thinking is, in my mind.~~

~~BISHOP SHERRILL: In other words, you want another weapon.~~

~~MR. ERNST: Our money from up North is a much better weapon than a local grand jury and a petit jury to get a conviction.~~

~~MR. LUCKMAN: How do you determine what changes should be made in those laws?~~

~~MR. ERNST: There are no clauses. All I do is add a rider. I am dogmatic in this thing by this time. I see no great hope.~~

~~MR. WILSON: Do you understand the clause he would write in?~~

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MR. LUCKMAN: Yes, but I fail to understand how he can arrive at that clause unless he knows what ~~is~~ <sup>is</sup> going on.

MR. WILSON: He <sup>would</sup> put it willy-nilly in any one, <sup>without</sup> ~~affecting~~ ~~the~~ <sup>further study.</sup>

MR. ERNST: This is just an act of faith. I think the people who are <sup>not</sup> bigots shouldn't be made to contribute money to institutions that are bigots. That is how simple it is. I will probably be voted down.

MR. SHISHKIN: He will propose what to do and you <sup>(Mr. Luckman)</sup> will utilize that and say where and how and under what circumstances, on the basis of your studies.

MR. TOBIAS: I think we have a very fundamental issue here and it ought to be cleared up. We are the President's committee for making recommendations to him of what can be done within the present structure of government, the national government, to assure to people their rights, and what additional legislation may be needed to implement the Federal Government in getting that result.

Now, Mr. Ernst has very deep conviction on some of these issues. That is one thing. Is the committee going to take the position that it has a right to give to the public an expression of the convictions of the committee on these issues, or is the committee to make recommendations to the President and then abide

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by the President's decision as to what he can do, practically, with these recommendations as he confronts Congress with a message on this subject? It seems to me it is very important.

MR. WILSON: You mean, if we make our report and he refuses to go along with it and only uses part of it, what are we going to do?

MR. TOBIAS: That is right.

MR. LUCKMAN: Personally, I would be very much opposed to our ever making anything public.

MR. WILSON: So would I.

MR. LUCKMAN: It might surprise you, from what I have said before. This is a committee appointed by the President. I know what I would do in my own company if such a situation happened; people looking for work, if they made something public before they came to me about it.

I think we would be violating our responsibility to the President if we made anything public, either before or after, as a committee.

Now, I want to qualify that, because when all of our reports are in and through, nothing would prevent any of us as individuals from getting up publicly and saying what we think as individuals.

MR. TOBIAS: What I am talking about is this: Are we going

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to make the kind of report to the President that will express the kind of convictions that Mr. Ernst has expressed?

As I said, the education business in the 78th Congress worked out that way; worked out by a man who deliberately offered it--the representatives from the South would not support it--so that it would be defeated. It was defeated, notwithstanding the fact that there had been an understanding by representatives of all organizations concerned. It was in the nature of a compromise but they felt it the only kind of procedure that would get any kind of result at all.

It is just a question of whether you want educational help or whether you want to issue an ultimatum that will defeat the purpose of the thing. If we are acting for the President as we consider a thing of this kind, then we are going to think in terms of what it will be possible for him to do or to get done on the basis of our recommendations.

MR. ERNST: We don't have to decide it now.

MR. TOBIAS: No, but I say this, that we have to consider the public and what the public is expecting as a result of the work of this committee. That is one thing; and the help that the President is expecting of us is another thing. We have a responsibility to both.

MR. SHISHKIN: Mr. Tobias, we have had some experience now,

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in the Council of Economic Advisers, that was set up under legislation. Its function is approximately the same scope.

In the first place, the Council has conferred with the President at his request several times. The President says, at this stage I would like to have the views of the Council as to what to do with this measure, what position to take;"and he says, "It is possible that if this measure comes up for the final decision by Congress ~~and in the crucial time~~ I will ask for a statement from the Council which I will make public with my letter to the Congress. This is my view and it is supported by such and such evidence." I don't see any possibility of precluding the President from even coming to us if the FEPC legislation is pending final decision in the Senate or if there is a filibuster, and saying "This is what the Committee has done."

I think we would be kidding ourselves if we think we can really do a great deal on our own in issuing statements on current legislation. This is the first of March. Congress is going to adjourn <sup>soon. well along</sup> It is ~~late~~ in the session already. By the time anything comes along on new proposals, new legislation, I don't think we can make a contribution to this session of the 80th Congress, anyhow.

RABBI GITTELSON: Mr. Chairman, we have a way of working <sup>around to this problem.</sup> ourselves ~~■~~ We are slippery as a committee ~~CONFIDENTIAL~~ trying to

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figure out how we got back to this <sup>subject.</sup> ~~committee~~. Are we not supposed to be listening to the subcommittee reports and deciding how to settle the jurisdictional disputes? Let's go on with that.

MR. CARR: I think maybe that motion ought to be deferred, too. The transfer of something bodily from one subcommittee to another when you have only heard the report of one subcommittee would be a mistake.

MR. TOBIAS: I wouldn't want to be inhibited as an individual from personal expression on any of these issues. If after the Committee has made its report the country expresses its opinion of the Committee's report, I must have the right at that time-- that is, I don't want to feel that the fact that I have served on this committee--

DR. GRAHAM: --won't close your mouth.

MR. TOBIAS: That is right, <sup>E</sup>Exactly what I am talking about.

DR. GRAHAM: We haven't lost our civil liberties by joining this committee.

MR. CARR: If I haven't misunderstood Mr. Luckman, you didn't have in mind that the final report is <sup>not</sup> going to be published. Certainly my understanding of it is that it is. I think the President's advisers expect the Committee is going to give him a report that is going to be published. Government reports have been suppressed but I don't think this situation is in an area

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where there would be any suppression of the report.

MRS. ALEXANDER: That would be the same as the FEPC report. It would be published and available.

DR. GRAHAM: I know one report of one President was submerged and they called the chairman of the committee before the Congress--it wasn't suppressed by the President--and when the chairman appeared, the day before he appeared the report was published, after three or four months. So you can't keep a report from a Presidential committee in the dark.

MR. ERNST: The only one I know that has been thoroughly suppressed was LaGuardia's ~~committee on the~~ Commission of Harlem. ~~That little boy was able to suppress it completely.~~

MR. WILSON: As I understand it, you are willing to defer the vote on the motion. ~~Whether that is desirable or not I don't think it makes any difference.~~ Let's defer it for the moment and let's get on with our business.

Shall we have the report of Committee Number Two?

MR. LUCKMAN: Mr. Chairman, Subcommittee Number Two met yesterday and having been asked to consider the broad social, economic and educational aspects of promoting the cause of civil liberties, we after serious consideration, arrived at the conclusion that there are three main areas which will interest us at the moment and to which all of our time and effort will be

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devoted. I am not meaning in that statement to exclude other areas but merely setting up a priority system in an effort to get something constructive done within a reasonable time.

The first is the consideration of this matter of fair employment opportunities to all races, religions, colors and creeds, in public and private employment. On that point I would say just a reasonable amount of work has been done; to be brutally frank about it I feel we have just scratched the surface.

The first effort of the committee, through the able assistance of the staff, will be to collate the work that has been done in both Federal efforts and State efforts, specifically with a view toward isolating the principles involved in those acts that currently are or have been on the books. By working on the principles involved we hope thereby not to get lost in legal verbiage of how to execute some of those principles, feeling that the execution of the principles can and should come at a later date.

The second broad item was the matter of the right of all persons to an equal opportunity in public and private education. In connection with the discussion on this point, I think a rather important matter was brought out by various members of the committee, and that is, that while at first blush it might very well seem that the only general area of discrimination or lack of

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opportunity in education is in the colored race, that is in fact not true; that while the unfortunate situations existing in the South have had more prominence than any other situations, we have very definite problems facing other minorities in the United States such as the Jewish minority, ~~some~~ the Catholic minority, the Polish minority, Italian, and so forth, which in total number of people involved exceed the size of the minority problem existing in the South.

Therefore, the subcommittee felt that it wanted to be very careful in the exploration of this matter of educational opportunities to be quite positive that its work did not appear to be one of interest solely in the colored problem in the South but rather to prove by its study, interest, and activities on this subject, that the subcommittee was in fact interested in the problems of all of the minorities.

I think I correctly state the feeling of the subcommittee when I say that we thought that there is nothing that we could do that would be more harmful to the effort in the South than to have it appear that the subcommittee and eventually the Committee, was interested primarily and almost solely in the problem arising in the South, because then we would in fact be a committee designed and operating to solve a problem in one section of the country and not have any national appeal to the rest of

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the United States.

It seems to us that our ultimate success in selling--which is a bad word but one we must use of necessity--the results of anything that is achieved by the subcommittees and the committee as a whole lies in our nation-wide appeal and not in any sectional appeal that we might have.

To that end the staff is going to work in the next few weeks to determine from various sources what are in fact the discriminations that cause problems to all minorities, specifically the colored, the Jewish, the Catholic, the Polish, Italian ~~and~~  
~~and these that come to us--~~

DR. GRAHAM: And Mexican.

MR. LUCKMAN: Yes, that was discussed.

DR. GRAHAM: And Japanese.

MR. LUCKMAN: And Japanese.

MRS. ALEXANDER: As well as women.

DR. GRAHAM: That is not a minority.

MRS. TILLY: I think you are right there.

MRS. ALEXANDER: There is *great discrimination against women*

MR. LUCKMAN: That is a matter we did not discuss and I would not quickly be prepared to say would be a responsibility of this committee; but if it is the vote of the committee that it is a responsibility, that is another matter.

Third, the right of all persons to an equal opportunity

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in community services; and there we grouped together health, housing, transportation, amusement, ~~recreational night~~ ~~and~~ ~~all~~ ~~consider~~ ~~them~~ any number of subitems.

DR. GRAHAM: City streets.

MR. LUCKMAN: Community services. Yes, we tried to choose a heading for our own thinking, a phrase that was broad enough to include the over-all problem.

DR. GRAHAM: That is one of the worst areas of discrimination.

MR. LUCKMAN: I don't want to touch on any specific points because I think it would unnecessarily take up the time of the Committee; but I would like to re-emphasize so that the Committee as a whole will get our complete thinking, that I have read these in the order in which the Committee is going to attack the problems.

Now, that does not mean to say that we, through the staff and as individuals, will feel that we must finalize No. 1; that is, the fair employment problem, before we go to No. 2, the educational; but I think all of us on the subcommittee felt we had had enough experience in one kind or another, to know that if you try to do too many things at one time you don't do any one thing well and you don't reach any area of accomplishment.

I think it is more in line with what Mr. Carey was

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indicating before, a matter of self-discipline, getting the thinking pretty well set on one kind of problem before we go on to another.

I think I have indicated sufficiently the general processes that we are going to use to get this material together, except, again, to indicate the view, for whatever it may be worth, of our subcommittee, that we did conclude that we would not have any private hearings at the present time, that we would first be sure that we had our own minds pretty well clear on the broad principles involved before we were advised by--and perhaps affected by--the testimony of people who have been in this field for a long time.

There did come up a point which I think is probably important enough that subsequently this entire committee would wish to correct us on. The question came up several times as to the desirability of focusing our attention on the Federal agencies, in connection with some of these problems.

It was the general consensus--although there were some isolated objections--the general consensus of opinion was that we should not ~~in fact~~ focus our attention on Federal agencies, for the primary reason that the Federal agencies in fact employ a relatively small number of the total number of employed people in the United States; and that while business--of which I happen

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to be a representative--has inevitably said, "Well, if Government can't do it themselves, what is the reasonableness of asking us to try to do it?"

That certainly has been said. I personally am not in accord with that. I think that there are many things that can be done in the United States by business, labor, all the other factors involved, which perhaps the Federal Government cannot do, for one reason or another. Our subcommittee is imbued with an interest in the over-all and not in trying to clean up or straighten up any one small segment of the total.

When the right time comes, the committee will certainly devote its efforts to trying to rectify any problems that might exist in the Federal agencies, but that would be treated as part of the whole and not as the whole.

Then, and finally, we spent some little time on the matter of education, not as it pertains to Point No. 2, but education as it pertains to the point that you raised, Mr. Chairman, when you were in our session. That is, the changing of people's minds through efforts other than legislation; because we all recognize that you cannot legislate a point of view. You must educate a point of view.

We have come to two conclusions in that very important phase. The first is that in the actual work that we are going to do on Points 1, 2, and 3, and in any subsequent regulations

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that we might suggest, or legislation if that comes within our province; that within the regulations and legislation itself we make specific provisions for the education of those people affected by that legislation or those regulations.

That is a very definite possibility. Just to be sure that I make myself clear; if an FEPC act is evolved by this general committee, no act up to now has made any specific provisions within the act itself for a method, a vehicle for the education of those people governed by that act, as to the necessity and wisdom and desirability of those regulations or that act itself.

We all know in our experience it is one thing to simply tell a person "You are to do this," but it is another thing if you tell them why they are to do it.

We believe, therefore, that part of that can be done within the framework of the very regulations or legislation that might be suggested.

Then, secondly, a field which Mr. Carey touched on briefly, and therefore which I will repeat in an equally brief manner, that there is a virgin field, actually, we think, for the general education of the people as to what this committee finally decides is right and what this committee believes in, and that virgin field is the broad field that has been used so often in other ways. The fat salvage campaign comes to my mind; war bond

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drives, and that sort of thing--a field which has never been scratched as far as civil liberties are concerned.

It was the belief of our subcommittee, in which I share as well as you, that the rights of people are being happening to be a businessman, on that committee--in having contact with advertising agencies and the film industry and so

forth, that properly presented there is an enormous--I don't like to use adjectives but it is properly described as a gigantic opportunity to go to the various agencies--the ~~four~~ ~~dealing with the advertising agencies,~~ the National Association of Advertisers, and the film industry, and have presented at the right time a broad over-all presentation to the public of what this committee believes to be the proper definitions of civil liberties.

Now, mind you, we have no thought of trying to sell through this media any particular thing such as a fair employment act, nor would we try to sell an anti-lynching bill, or anything of

that kind. But our basic need, as you so well put it and as we discussed later, is to try to formulate those plans which will change the consciousness of people whether they are 12-year-old

kids or 60-year-old people with definite prejudices, to try to change their consciousness so that they will be willing and ready to accept the views of this committee as to specific proposals of what should be done.

That is very brief, and I hope--

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MR. WILSON: Very good.

MRS. ALEXANDER: Mr. Chairman, may I ask Mr. Luckman, did you include under the rights of persons in community services the right to serve in the armed forces?

MR. LUCKMAN: It was listed. Frankly, we discarded it as a matter of little consequence at the moment in comparison with all the other problems we had.

Now, I take the responsibility for that, Mrs. Alexander. We felt there are only a certain number of things by limitation of time that you can do first, and that first things should come first. We felt it was a matter of some academic interest at the moment, in that the armed forces are small and the war is over. It was an item that we did not discard but tabled for later consideration by the committee after we have resolved our views on these other matters which we feel take precedence over that.

MRS. ALEXANDER: Of course, I wouldn't share your opinion because it seems to me so fundamental to have the right to defend your own country. Would you agree with that?

MR. LUCKMAN: No quarrel with that. In other words, I can make our position clear. Do you think if we had to choose between studying two matters--if we had to choose--that we should study that problem ahead of the FEPC?

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MRS. ALEXANDER: Well, if we did not have a country we wouldn't have an FEPC.

MR. LUCKMAN: Answer my question. If we had to choose. You can probably say we don't have to choose. I am only asking if we have to choose, would you put that ahead of FEPC at this time, at this moment?

MRS. ALEXANDER: I would put it in with FEPC. At this moment the Surgeon General is asking for some 1200 doctors and not a Negro doctor can be taken--so it is FEPC. At this very moment that is happening.

MR. LUCKMAN: If it properly comes under FEPC, it would be discussed by the subcommittee.

MRS. ALEXANDER: Then I think you have to explore--

MR. LUCKMAN: The committee as a whole will have to overrule the views of the subcommittee, which was that we felt that the study of FEPC and education, the study of the broad field of education, came ahead of the isolated fields that go to make up community services.

MRS. ALEXANDER: Would you agree with me that it is a phase of FEPC when it comes to the employment of people by the government?

MR. LUCKMAN: I don't know. I haven't got into it deeply enough.

MRS. ALEXANDER: I would like to throw that back to you.

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MR. LUCKMAN: I am answering you out of ignorance.

MR. CAREY: I would like to say that that will come up under both FEPC, vocational training, and community services.

MR. ERNST: Mr. Chairman, may I just throw out in relation to the problem discussed before and tabled, maybe that Committee is the committee that would have to consider ultimately in relation to these local social services such as roads, how President Truman can make any comment on it other than through the spending power. If you know any other way by which you can make that a Federal issue as to what the roads in Alabama should look like-- moreover when you get <sup>to</sup> ~~your~~ education, I think you have to consider also from the point of view of Federal impact, what about equal pay for teachers for the same service? What about the per capita now? It costs 22 cents for the Negro child and two dollars is being spent for a white child in many a county.

MR. LUCKMAN: I was trying not to get into too much detail. Perhaps it is important to say that the subcommittee recognized that when this subcommittee studies the matter of ability of a Jewish person to attend a given educational institution, we at the same time recognize the responsibility of the subcommittee to study the rights of a Jewish graduate, or what have you, to teach at that institution.

MR. ERNST: It disturbs me. How does the Federal Government

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get into the matter of roads in Alabama?

MR. LUCKMAN: The same thing is true, the hospital is part of the community service. It isn't enough in our opinion, the opinion of the subcommittee, to study from the standpoint of, Can Negro people participate in the services of this hospital? but, Can Negro nurses and doctors actually be on the staff of the hospital? ~~trying to approach it from a road standpoint.~~

BISHOP SHERRILL: Mr. Chairman, I don't disagree with what Mr. Luckman said, but I am a little sympathetic with Mrs. Alexander's point, not on the basis of numbers; but if your government in its own practices does not do away with discrimination it is terribly hard to bring influence on private parties to do the same thing.

In your armed forces and in your Veterans Administration, and in your public health administration, if you have discrimination there, it is very difficult to bring pressure on nonpublic institutions.

I think there is a strategic value in considering the government services, admitting they are much smaller in numbers than in private enterprises.

MR. ERNST: I make a suggestion that the committee might want to <sup>listen to</sup> ~~get~~ Bob Patterson, ~~over, or to~~

MRS. ALEXANDER: And the Surgeon-General.

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MR. SHISHKIN: I wanted to ask a couple of questions of Mr. Buckman in connection with his report.

I see in the general committee assignment the committee was to consider the broad social, economic and educational aspect. In the consideration of the economic aspects, would the committee consider it to be its task to go to the issues of some of the economic conditions and causes underlying discrimination, and make specific findings on that? It seems to me that will be very important.

MR. LUCKMAN: I would think so.

BISHOP SHERRILL: Has that been given consideration? Is that in your plans?

MR. LUCKMAN: Yes. We think much of that will come under the FEPC. You see, I am not trying to philosophize but I think so thoroughly as Mr. Ernst does about one thing--and I am sure it is only because I am ignorant of the problem of civil liberties and because I am exposed to selling all the time. If we take the hackneyed, time-tried pieces of legislation and simply try to say "Amen"--or here we have three new words that we want to add to it--it seems we will have wasted an awful lot of time of ourselves and everyone else concerned.

If they haven't been passed by now, they won't be passed. If in the actual presentation and perhaps the legislation itself

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if we have the phases of what I think you have in mind, if we can show that here is the basic problem down here below, and that many of our ills come from inequalities of the economic situation, and that we must change that through this procedure, we will at least have added a new <sup>fact</sup> ~~fact~~ to the thinking of the legislators and of the public; and I put them in the wrong order, because if we can do it with the public we have less of a problem with the legislators.

<sup>Congress</sup>  
~~The legislature~~ was never interested as a legislature in passing prohibition. Prohibition was passed because the legislators felt it was the wish of the public; and we can name fifty other things between that time and now--

MR. SHISHKIN: The question I was asking is merely this. My own feeling was that your own categories were a little bit self-defeating. I mean that you were limited by your own categories.

You talk about discrimination in employment, call that FEPC. Discrimination in employment is what we are talking about as a major area and quite properly, of economic discrimination; but I think that includes wage discrimination as distinct from discrimination in employment per se. It is extremely important. And when you deal with housing and all other aspects, you find the underlying economic conditions, apart from disparity in in-

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come, are the causes of our discrimination. I think those would be opened up, because they haven't anywhere.

MR. LUCKMAN: That is all part of the study.

MR. SHISHKIN: That is the main thing I was concerned with. I disagree, of course, quite violently with your ~~distinction between~~ <sup>excluding</sup> Federal discrimination. On the FEPC we found that to be a major area of discrimination, ~~and one that cannot be accepted in private employment.~~ And I also disagree--

MR. TOBIAS: ~~The~~ Committee <sup>two</sup> was not of one mind on that.

MR. LUCKMAN: I said that the committee was not of one mind.

MR. SHISHKIN: ---classifying the time of the committee so as to leave out the question of participation of minorities in national defense. The armed forces are now classified as part of our labor force.

MR. LUCKMAN: Just so the record is clear, I don't think you ought to say things like that. That isn't what I said. I at no time said we were eliminating any of those areas.

MR. SHISHKIN: I said classifying.

MR. LUCKMAN: You said eliminating.

MR. SHISHKIN: No, no; I said classifying so as to defer--

RABBI GITTELSOHN: In fairness to the chairman of the subcommittee, it wasn't a question of classification in any minor status; it was a matter of procedure. Initially, we were spending

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most of our time in the subcommittee meeting talking about Federal agencies and the Federal Government, and somewhere along the line we check-reined ourselves and said, "Hey. Wait a minute. How about the larger field in America of private employment?" So that we actually decided to canvass the whole field and not limit ourselves as we initially had been, to Federal agencies.

MR. LUCKMAN: That's right.

RABBI GITTELSON: I can assure you we haven't the slightest intention of overlooking the Federal agencies but we merely want to realize that that is a part of the picture; and we would be untrue to our franchise as a subcommittee were we to limit ourselves to that part and not deal with the other field, I won't say "wider field;" with the other field of private employment. We want to do both.

MRS. ALEXANDER: May I ask you, Mr. Luckman, if in examining the right to an education, a professional education, you should find certain institutions which receive Federal grants, and we shall say, limit the number of Jewish students to two and Negro students to two, and also limit the number of women who can attend to two, would you feel that your committee could make a report an limitation of the number of women who either could be admitted or who could teach? ~~and the fact if they could not teach~~

MR. LUCKMAN: Definitely, yes; that is where we have to

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decide something, because we get into this area of what the motion was that was tabled. I am not trying to bring it up.

If we in our work ~~concentrate~~ and study, as we certainly would, the three things you have mentioned--the fact that that institution had a limitation of two Jewish, two Negro, and a total of four women, just to be conservative on the matter, that would be, we would feel, an area in which this committee would work. But I think that also is an area which gets into the matter of how do you solve that problem by restriction or what have you, on the Federal spending in that case.

MR. WILSON: I thought that that was a very good line right there. Your committee would come out and condemn that practice and recommend, I take it, complete equality. How you go about accomplishing that, I thought, was Mr. Ernst's.

MR. LUCKMAN: That is fine.

MR. WILSON: That he would come up with a proposed mechanism to implement what you decided.

MR. ERNST: Mr. Chairman, they could subpoena us to appear before them.

MR. CARR: I think that is the solution. Let Mr. Ernst's committee study ways and means, devices, the technical problem of using the taking and spending powers as a means of implementing <sup>policy.</sup>

MR. LUCKMAN: <sup>Mrs. Alexander,</sup> I hope as we go along you will get used to me.

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I have a very unfortunate habit, believe me, of, in emphasizing a point, saying something which is much stronger than I should say. But I have a fixation--having been through business and government--I have a fixation about trying to do too many things at one time.

The greatest mistake that this committee will make--the subcommittee will make certainly, and the committee as a whole, is in trying to cover too much territory at one time. We will simply never get anywhere.

I think you have to take first things first, and you continually have to force a pushing back of these other matters--which are important and interesting--pushing them back until you get this thing settled. It is somewhat like this meeting. It always has a tendency to get around on fifty different subjects.

MR. ERNST: When you mentioned housing, it was in the scope of your committee. I take it that is not just public housing, ~~that is these covenants~~ *but restrictive covenants, too.*

MR. EUCKMAN: I don't know. We wended about that. We thought covenants ~~was in something else~~ *were*, someone else's responsibility.

MR. ERNST: I was raising it for that reason. I don't know.

MR. TOBIAS: We didn't get to a discussion of housing but

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it was included in our recommendation.

MR. SHISHKIN: Where are the covenants?

MR. WILSON: In Mr. Luckman's committee. If he wants to make a deal for the mechanization of that with--

MR. LUCKMAN: I think we should discuss that later.

MR. WILSON: --with Mr. Ernst. Yes, but let's stick on these committee reports instead of getting in all these side roads.

MR. TOBIAS: Let me say with regard to the committee report, especially on this matter of government departments and community services, that we were not of one mind on that. I think that the whole question of discrimination in departments operated by government is of primary importance, because, as has been brought out, if the Government is going to request private business to comply with certain principles, then it has a <sup>duty</sup> ~~right~~ to practice that in its own set-up. ✓

The point was brought out that that is very largely a matter of administration. It has been proved here in the District by two or three departments, <sup>the</sup> some of them ~~the~~ least popular at the present moment in the thinking of a great many people--the whole business was set right. It was done through OPA when Chester Bowles put his foot down on discrimination. It was done by Henry Wallace in the Department of Commerce; and it was certainly done

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long before that by Harold Ickes in the Department of the Interior in connection with National Park Services, and even the park practices here in the District of Columbia. ~~That was a~~  
~~mistake.~~

And our committee thought in time that is one thing it can do, to request of the President to make a strong statement bearing on this whole business of discrimination within these departments, that it is within the power of administrative officers to do that and as an educational procedure, the memorandum itself suggested a conference with personnel and employment directors of the government ~~and to discuss with them~~ so that they may be instructed as to what is required by government.

So that there was considerable discussion of it.

MR. WILSON: Shall we have Report No. 3 now?

MR. ERNST: Mr. Chairman, we have met several times and yesterday afternoon met with the Chief Counsel of the Treasury Department, <sup>Mr. O'Connell,</sup> two assistants, the Solicitor of the Post Office Department, Mr. Delaney, and an assistant of Mr. Delaney's, Mr. Mundell. We have had them up together.

The committee is exploring the other side of the medallion of Luckman's problem when he gets to his education by films, the ~~reverse~~ <sup>reverse</sup> side being the mass of propaganda that goes to the minds of the people of America hidden by nightshirts or the equivalent.

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Whereas nobody is committed to anything on the committee, it seems to be the general consensus of opinion that it is worth exploring. How much value could we get in America if we could take away the nightshirts and make these people stand up and be counted; because in the main the people who are opposed to the expansion of civil rights are afraid to stand up publicly.

MR. SHISHKIN: You mean stand up in their nakedness.

MR. ERNST: In their nakedness. And more or less this position that we are exploring is consistent with an old-fashioned American tradition which is shown <sup>in</sup> ~~from~~ the permit for postage privileges under second-class postage rights, the registration of foreign agents; funds sent abroad for relief have to be exposed, and most communities have <sup>similar</sup> legislation of one kind or another. If you are going out to raise funds you have to have some kind of permit.

We had the Treasury and the Post Office people over, and the Post Office brought with them a file of--oh, I should think a hundred documents, most of them printed or mimeographed, representing vitriolic attacks on Catholics, Negroes and Jews.

These documents got into the hands of the Post Office Department even though they were sent through the mails first-class--which means ~~that it~~ is sacred and can't be opened--because the recipients of these letters wrote into the Post Office

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outraged and said, "Why, this looks to us like treason; if not treason, at least sedition. Won't you prosecute?" or words to that effect.

We explored with the Post Office Department first as to the administrative difficulties and the basic philosophy which was underlying some legislation or regulations which would provide that mail in quantities over a hundred copies, or fifty, or a thousand--we didn't explore in detail--should have some kind of a declaration on it as to who is sending; and no longer permit anonymous material.

It was stated by one member present at the meeting that he didn't know why two copies would be allowed anonymous. We admitted we had to allow anonymity in love notes, but they are not usually in duplicate form.

The Post Office is going to explore further just what can be done administratively to expand what now exists in the statute books. If you want cheap postage rates, you have to disembowel yourself and say, "Here is our subscription list. Here are the stockholders and the bond holders."

We talked a bit about the difficulties of the <sup>administration</sup> ~~enforcement~~ of <sup>such</sup> ~~the~~ legislation.

We then ~~went to~~ <sup>talked with</sup> the Treasury Department to see how far we could go to get information as to the extent of the funds used

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in this particular field. They have no break-down at the moment, although their tax return forms that are sent out and are filed, do call for each tax-exempt organization to state the name of everybody who has contributed over three thousand dollars, in any one year.

We got a statement from the Treasury Department that if this committee, through the staff, could get to the Treasury Department, as I said before, a hundred or more names of organizations, the bigotry organizations, the Treasury Department, living up to its obligations under the law and not being permitted to divulge any person or corporations' tax returns, would make a study to find out the extent of the operation, the complexities of the operation; because, as we discussed it, Gerald L.K. Smith, who is operating as a private individual in business, claiming to send out a million copies of a pamphlet in one year, so it all comes into his individual income tax return, and he claims no exemption.

They also pointed out in the Treasury that many of the organizations don't claim exemption because they don't want to run the risk of facing the Treasury in their request for exemptions and would rather have the donors pay tax or not be allowed to deduct a gift from their tax returns than expose the organization,

As soon as we can get a hundred names, ~~I take it this report~~

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means that the ~~office will~~ try to gather together ~~we will add~~  
also to any names you get the names that the Post Office has  
from the letters I previously referred to, which ~~will amount to~~  
~~30 or 40 more~~, and then the Treasury has promised to have an  
analysis of those tax returns for us.

I think until we get that information, we can't do more  
than continue to ponder over the philosophy underlying it and  
~~have to~~ leave a little in abeyance as to the administrative com-  
plexities and difficulties.

Any law put through for disclosure will have a substantial  
amount of deception and cheating back of it and people will try  
to get around it. It doesn't dismay me at all; non-bigotry  
groups such as Mrs. Tilly works with are now going to reduce  
themselves to the spy level of the bigotry groups. Practically  
all of those worth while organizations are hiring spies, planted  
in organizations such as the Columbians.

All the organizations that I have talked to seem to admit  
that if you can once find out who is putting up the money, the  
organization blows up.

In other words, I have always used as an example the Liberty  
League. There was no law that made the Liberty League and its  
functions/  
dissolve,  
but as soon as it was known by the American mass mind  
who put up the money, there was no more activity.

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I pointed out to the Committee that a lot of my staunch liberal friends like Arthur Garfield Hayes, believe that there is a civil right in anonymity and you will find quite some opposition from that front.

I am also mindful of the fact, as shown in the discussions, you couldn't limit disclosure only to the bigotry groups, because that in itself would be trying to do what the Dies Committee ineffectually, disastrously, was trying to do by saying, "This is un-American. This is subversive."

In effect, what we will have to get to is that the market place is only a decent market place providing a hope for truth winning out in the end if everybody comes forward here and says, "Here are our backers. Here are our officers. Here are our directors." There is no more concealment.

As far as I know, the organizations that are in favor of expansion of civil rights <sup>are</sup> ordinarily not ashamed at all to say, "Here is our budget," and usually do print their statements.

That is the problem in relation to the total field, which will include the exposure of information of varying degrees from trade unions, if you please, and particularly of the extreme left and right groups, the Fascist and Communist groups, which in my opinion--I am speaking for nobody but myself--would be blown out of existence in our climate merely by exposure and disclo-

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sure. If we don't go forward with disclosure, it seems to me then we will go forward with suppression and will stoop to the very techniques of the Fascists and Communists, the totalitarian forces.

We expect to get from the Treasury in a week or so, after <sup>the staff</sup> ~~we~~ get the information over, the analysis, and then we will know the extent of the problem.

~~You might want to add a word or two there.~~

One thing I might add, my impression <sup>was</sup> that both Post Office and Treasury seemed to think that there was an immeasurable amount of material being pumped into the public mind by these hidden groups.

MR. WILSON: Do you want to add anything?

MRS. TILLY: I think he has covered it. We have found, as he said, the way the Columbians were forced to breathe their death breath was by exposure. We found out who it was, gave it to the press, gave publicity to it.

(Discussion off the record.)

MR. SHISHKIN: I think the report is an excellent one. I would like to add my own feeling in connection with the total work of the committee, that the big question as to what is the source of the fuel that feeds a lot of hate, prejudice and discrimination is one of the most important things that this

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committee can do. ~~I think this committee can contribute a lot by attempting to present some positive recommendations.~~

One point I wanted to make in addition on this, so there won't be any misapprehension since Mr. Ernst mentioned the trade unions, there are some bills in Congress now, a number of them, that require financial accounting by unions.

The position that the American Federation of Labor <sup>takes</sup> ~~took~~ is that the financial accounting by unions required by legislation, is class legislation; that we would support financial disclosure of unions if it was coupled with the same requirements applicable to trade associations, employer groups, fraternal organizations, charitable organizations, welfare organizations, and so on; that that squares with the premise that I think is inevitable, that Mr. Ernst has taken, that disclosure has to apply to everyone.

MR. TOBIAS: I noticed an article in the paper yesterday that the President was going to make a statement soon about the employment of so-called subversives by the Government.

It seems to me that a point should be made that there are different kinds of subversives. The only group that has received particular attention by the committee, <sup>that</sup> has been dealing with this in the past, has been the Communist group. I don't see how any statement could be made about subversives employed in the Government that should not apply to subversives who are

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members of and supporters of the Klan and the Columbians and similar organizations, some of whom are elected to high office and others appointed to high office in government.

I think it is quite in line with the thing Mr. Ernst has been talking about. He has been talking about the way to get after it.

~~Of course I don't believe much that the Committee has been set up for that purpose at all but if it is going to operate it ought to operate all the way down the line.~~

~~MR. ERNST: You mean the governmental committee?~~

~~Mr. TOBIAS: Yes. I have sat in a few sessions of people involved in it.~~ The great difficulty they are facing is what our subcommittee is facing <sup>is</sup> how can you find out who is a klansman or a member of the Communist Party? These are underground movements.

*You can't find out*  
MRS. TILLY: ~~Without~~ being an underground movement yourself; that is the tragedy of the thing. We found in our study of conditions in the South that there is pressure brought upon business firms and individuals that almost forces them to make contributions to these organizations, and I think they would welcome something that would protect them from such a situation as that.

MR. TOBIAS: I don't think ~~any~~ <sup>the</sup> income tax approach to it is the only approach.

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MR. ERNST: Oh, no.

MR. TOBIAS: I think it is quite possible for ~~ever~~ or ~~some other agents of government~~ to find out, after there have been reports, as to what the actual connections of these people are, what is Bilbo's connection.

MR. ERNST: May I say the Post Office agreed with the Treasury to also analyze as best they could how many or few of the organizations whose names we will give them ~~operate without the~~ <sup>make</sup> use of mass mailings. In other words, ~~that~~ <sup>these</sup> seemed to be an implication, as I gathered from the Post Office and Treasury, that practically none of these underground movements operate without the mass use of the mails. They can't do it by just meetings and word of mouth, and so maybe the Post Office powers will be sufficient.

RABBI GITTELSON: Is it your thought, Mr. Ernst, that this disclosure power would be used only for contributions above three thousand dollars, or above a certain--

MR. ERNST: No. We discussed whether it should be over a hundred, over fifty, or what. We discussed some of the difficulties. There is a mass meeting and \$22,000 is thrown in the hat and announced as raised at the meeting. It is not a simple thing.

<sup>SEC</sup>  
The FEPC has a disclosure statute which is simple. That

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is ~~the picture~~ <sup>to prevent</sup> getting stuck a hundred dollars <sup>when you</sup> ~~where they~~ buy a share of stock. They have to publish a book every time they want to issue some stock.

MR. TOBIAS: Also, Mr. Chairman, it isn't wholly a matter of organization. A man has to be sworn into membership in the United States Senate. Deliberately from the stump, Senator Bilbo insisted that governmental machinery within the State be set up actually to deprive practically half of the people of his State of their right to vote, in the presence of a reporter who was not permitted to testify in the hearing although he actually had stenographic notes of what had been said. The statements were in direct violation of the spirit of the Constitution of the United States, ~~whether or not that is~~ subversive.

MR. ERNST: Ditto for forty other Senators.

MRS. TILLY: There is one field we haven't touched on that bothers me considerably, to find out how the political campaigns of the South are financed.

MR. WILSON: Now, you have heard the three subcommittee chairmen report--

BISHOP SHERRILL: Mr. Chairman, I would like to bring up again that decision. It seems to me that after listening to these reports, I feel more strongly that this tax power and spending power belongs with Mr. Ernst's committee rather than

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with Number One. It is along the line of consultation with the Treasury Department.

That was postponed and I would like to move that that question be referred from Committee One to Committee Three.

MR. WILSON: I think that was the motion and it was second.

BISHOP SHERRILL: That is right.

MR. CARR: Is it now clear, however, that that does not affect what subcommittee Two is doing?

MR. ERNST: No.

MR. CARR: It would merely transfer from One to Three the technical problem of how you could use the <sup>taking</sup> ~~taxation~~ and spending powers as a basis for legislative control.

MR. ERNST: Get a list of the statutes that have been on the books for years that are now being considered and relate to spending and Federal money, and address ourselves to a theory and program legally and socially of how that power could be used to reduce discrimination, and turn that suggestion over to Luckman and he will apply it against the facts; is that your theory?

MR. CARR: Luckman's committee makes the studies of the problem of discrimination in education or in other walks of life. Your committee deals with the technical matter of how you could implement <sup>a</sup> ~~the~~ recommendation from ~~that~~ <sup>Two</sup> Committee that something

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be done to prevent it.

MR. ERNST: We would send our recommendations so that the people dealing with the facts could then have the veto power. They would say this doesn't apply because it is de minimus, or for other reasons. They are going to get the facts and use our theories against their facts.

MR. CAREY: As I understand the motion, my understanding would be in disagreement with your remarks, Morris. Subcommittee Two would make its report in the field it has before it. Subcommittee Three would make its report ~~on this~~ including this measure that was just <sup>referred</sup> ~~referred~~ to it, and the compilation of those reports into the Committee's report would take care of the question raised.

MR. WILSON: That was the original motion as I understood it. That is the way I was going to put the motion.

MR. ERNST: Does he intend to include in the motion also the question of the treatment of restrictive covenants? I am raising this just so they don't get lost sight of. I am raising very different Federal questions. Federal housing is being put up under restrictions. This is a very difficult field to get into.

MRS. ALEXANDER: That had not been assigned to us.

MR. CARR: Discrimination is an area being studied by Mr.

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Stackman's committee.

MR. LUCKMAN: I don't think it follows it should go to our committee. It is the same as education. You would say because we are studying education, why, this other about Federal aid and grants should go with our committee; but having the feeling that should go, I think the covenants should go also.

MR. TOBIAS: It is in the memorandum.

MR. CAREY: Mr. Chairman, as a member of Subcommittee Two, I listened to the excellent report made by the chairman of our subcommittee. Fortunately, I had the benefit of reading the agenda we considered in our committee yesterday and feel that if the other members of the committee had read that same agenda, then the report of the chairman of our subcommittee would have been complete. We had this matter covered in our agenda, and if there are later any questions arising requiring a further exploration of that matter in the same form that you are dealing with this question of tax exemptions--the question of tax powers--we can do that, but I think the matter is well taken care of in Two.

BISHOP SHERRILL: This isn't a part of the original motion. Can't we pass this motion and take up the other later?

MR. WILSON: All right. You have heard the motion, which is to transfer the question of these covenants, et cetera, and

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the mechanism necessary to implement this.

BISHOP SHERRILL: No, it is spending powers.

MR. CARR: Spending and taxing powers.

MR. WILSON: That is right.

BISHOP SHERRILL: The sanctions.

MR. WILSON: Are there any further remarks? If not, all who favor the motion, vote aye--which is to turn it over to subcommittee Three.

(There was a chorus of ayes.)

MR. WILSON: Any nees?

(No response.)

MR. WILSON: It is a vote.

Now, do you want to deal with the other subject, the other transfer?

(No response.)

MR. WILSON: No response, there being no desire to do that, forget it.

I think before we decide definitely that we can turn out these reports for the staff by April 15 if the dead line is May 15, it seems to me that we should necessarily consider the other subject of how often you are going to meet, because I think that has a very definite impact on this question. If you meet twice as often, why, maybe it can be done, or maybe the various chair-

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men would then decide it could, whereas they might think it could not if we continue the present schedule.

It has been suggested that we meet twice a month, in other words, four days per month. Four days per month, the suggestion was, rather than two. Spend two days every two weeks.

Presumably--this is for your decision, ~~presumably, we meet~~  
~~the~~ subcommittees meet one day, and then we meet as we are now.

What is your desire?

MR. MATTHEWS: I move that the recommendation of the staff be approved.

RABBI GITTELSON: I second the motion.

MR. WILSON: Any further remarks on that question?

~~MRS. ALEXANDER: I would like to say~~

MR. MATTHEWS: I will add to that motion, with the consent of my second, that we meet on Wednesdays and Thursdays.

MR. WILSON: In other words, that would be, just so we know what we are doing, that we would next meet on Wednesday and Thursday, the 19th of March and 20th of March.

RABBI GITTELSON: That is satisfactory to the seconder.

MR. MATTHEWS: And every two weeks thereafter.

MR. WILSON: The next meeting, <sup>after March 19th and 20th,</sup> I take it, would be the 2nd and 3rd of April; is that right; and the following meetings the

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16th and 17th of April?

MR. MATTHEWS: Right.

RABBI GITTELSOHN: The 30th of April and the 1st of May also.

DR. GRAHAM: I have a date on the 19th and 3rd.

BISHOP SHERRILL: It is very difficult for me. We won't find a date for everybody.

MR. WILSON: It would be the 30th and the 1st, the following one, and then the 14th and 15th of May.

Now, it seems to me there is one point still to be cleared up.

RABBI GITTELSOHN: We haven't passed that motion, have we?

MR. WILSON: You mean as to these being the dates? I thought we did.

RABBI GITTELSOHN: The motion was put and seconded.

MR. WILSON: I beg your pardon. Will all in favor vote aye.

(The motion was carried unanimously.)

MRS. ALEXANDER: May we have the dates again?

(Mr. Wilson listed the dates previously mentioned.)

MRS. ALEXANDER: The 30th of May is usually a holiday.

MR. WILSON: The report is going to be in the 15th of May. I thought maybe you would want to recess then. I didn't go beyond that, if we are going to get the report in by the 15th of May.

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MR. LUCKMAN: I have to ask to be excused, for a luncheon engagement. Are we meeting right after lunch?

MR. WILSON: I think we are finished, unless you have something.

MR. CARR: I would like a little further clarification on this Point 7, <sup>as to Hearings,</sup> Have you abandoned that altogether? What would your wishes be?

MR. WILSON: If I understood the trend of thinking here this morning, you deferred that until the committees asked for it. That was my understanding.

BISHOP SHERRILL: Seven?

MR. WILSON: Seven is the question of this group of people, bringing them before the main committee--Messrs. Baldwin, White, Cushman, Houston, and so on.

MR. MATTHEWS: Don't you think it would be well to hear Mr. Hoover at our next meeting, that he be invited to meet with us on the 20th, at our Thursday morning session?

MR. WILSON: That was the one exception. The Thursday morning session; that would be the 20th.

RABBI GITTELSOHN: I would suggest that each subcommittee at the Wednesday committee meeting spend a little time talking about the specific information that they would like to have of Mr. Hoover; at least prepare some kind of agenda of questions to

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fire at him.

MR. ERNST: I think if the Chairman could let the secretary know in advance the specific material on which you would like Edgar Hoover to be more or less prepared, that might be helpful.

RABBI GITTELSOHN: The chairmen of the subcommittees.

MR. WILSON: I would like to be sure we are in the clear on one thing. My own recollection is that we are not; that there is agreement now by Messrs. Luckman and Ernst and Bishop Sherrill that reports ~~now comprehensive~~ I surmise these documents will ~~not be available~~ but the reports will be available from them by April 15, for the benefit of the staff.

MR. CAREY: May I suggest that that be April 17, because that would be the day the full committee will meet.

MR. WILSON: All right; April 17; excellent. By April 17; you know what we mean; that we can consider it on April 17. That is what we want.

MR. MATTHEWS: Is it settled, Mr. Chairman, that Mr. Hoover will be invited on the 20th?

MR. WILSON: Your word is law, sir. He will be here on the 20th if we can get him.

~~MR. SALSBERG: Mr. Chairman, I just want to make a sugges-~~  
~~tion.~~

~~MR. WILSON: I didn't know that we needed a motion for it.~~

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~~I just assumed we would get him if we could get him.~~

MR. SHISHKIN: I just wanted to make a suggestion that in the consideration of any other persons that may be invited for such informal consultations as are suggested, a representative of the National Council for a Permanent FEPC be so invited.

The National Council has held very extensive conferences with a large number of members of Congress on this. Mr. Paul Sifton or Eleanor Chalmers would, it seems to me, be very useful, one of them or both, in giving advice to the Committee about the current status of the situation.

RABBI GITTELSON: I would be glad to suggest Subcommittee Two--

MR. WILSON: I was just going to say, won't Subcommittee Two do that job and <sup>hear</sup> ~~bring~~ that group. I don't see how they would pass up the opportunity to bring them before them.

MR. CARR: If the subcommittees are going to report by April 15 and want to hold any hearings of their own before then, let the chairmen get in touch with the staff and let's make plans so your hearings will be arranged and the people you want to have before you will be notified, sufficiently in advance to make it possible.

~~RABBI GITTELSON: There will be no meeting this afternoon.~~

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~~is that correct?~~

MR. WILSON: There is one question before we break up, however. ~~You have set the time of the next meeting, and so on.~~ We haven't made arrangements for a press release. Do you feel, in view of what we decided today, that we have anything to report to the press that is worth while? It wouldn't seem to me that anything we have done would <sup>not</sup> be very illuminating to the public at this stage of the game.

Don't forget  
Chairman  
-ml-

If there is no desire for it, we will forget it, and the meeting is adjourned.

(Whereupon, at 1:00 p.m., the meeting was adjourned.)



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Thursday, March 20, 1947

6/11/59      *JRF*  
Date                      Initial

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The President's Committee on  
Civil Rights.  
Washington, D. C.

The Committee met at 1:00 o'clock p.m., in the East  
Wing, The White House, Bishop Henry Knox Sherrill, presiding.

Present: Mrs. M. E. Tilly, Rabbi Roland B. Gittelschn,  
Dr. Frank P. Graham, Mr. Francis P. Matthews, Mr. James  
Carey, Mrs. Sadie T. Alexander, Mr. Channing H. Tobias, Mr.  
Boris Shishkin, and Bishop Francis J. Haas.

Also present: Mr. Robert Carr, Mr. John Durham, Mr.  
Joseph Murtha, Miss Frances H. Williams, Mr. Herbert Kaufman,  
Mr. Milton Stewart and Mr. Edward Jackson.

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6/11/59      *JRF*  
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P R O C E E D I N G S

BISHOP SHERRILL: The meeting will come to order.

The order of business will be first of all to hear reports from the sub-committees.

Subcommittee 1 met yesterday afternoon and this morning, and this morning we had a conference with representatives of the Department of Justice, including three representatives of the Civil Rights Division and the Assistant Attorney General, Mr. Caudle.

I think all that it is necessary to report at this time is that we have made very real progress in consideration of proposed legislation, and I think that at our next meeting, or certainly by the 14th of April, we will be able to make a full report in regard to these matters.

Has Subcommittee 2 any report?

RABBI GITTELSOHN: I have the report, in the absence of Bishop Haas.

As Subcommittee No. 2 reported to you on March 6th, they decided to explore at this time three fields: Fair employment practices, equal opportunity in public and private education, and the right of all persons to an equal opportunity in community service.

The past two weeks have been spent in the main in explor-

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ation of fair employment practices, though a beginning has been made on relevant factors to the area of equal opportunity in public and private education.

~~The committee is now ready to report that is the sub-~~  
~~committee~~ <sup>We can</sup> that common agreement among the members of the subcommittee present indicates that by April 17th they will be ready to bring to the committee as a whole a written report. ~~In the meanwhile~~ That does not mean to imply necessarily a written report on all three areas, but we will have some written report. <sup>In</sup> ~~In~~ the meanwhile <sup>we</sup> ~~we~~ wish to make the following report.

Regarding fair employment practices: The subcommittee ~~agreed that in any legislation in this field there is need for a strong section on education.~~ They recommend legislation for a permanent FEPC with judicial enforcement, though not necessarily using the name FEPC. Since proposals for FEPC do not cover practices in federal agencies the subcommittee recommends that the President restate his position on fair employment in federal agencies and provide for the implementation of this by the creation within the Civil Service Commission and the Personnel Departments of the various agencies, on-the-job training programs and such machinery as is necessary for hearing and acting on discriminatory practices in hiring,

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promoting and transferring of federal employees.

Regarding public and private education: The subcommittee has endorsed the principles of the <sup>New York</sup> Austin-Mahoney bill as stated in the revised version of the bill. They discussed possible recommendations that they might later wish to make regarding discriminatory administration of federal aid for education. As a matter of fact we have gone beyond just discussing that and we have agreed among ourselves to recommend that in the apportionment of any federal monies for educational purposes, it be understood that such monies be administered without discrimination. Report of the subcommittee's position in this field will be given at a future meeting.

Regarding extension of areas which the subcommittee has voted to explore: The subcommittee voted to extend its exploratory work to the area of the armed forces. In other words, we have added a fourth field following the prevailing sentiment at the full committee meeting last time that we ought not drop the matter of discrimination in the armed forces.

Regarding a program for mass education on civil rights: The subcommittee reviewed a proposal from its chairman, Mr. Luckman, concerning the possibility of the full committee holding local hearings. It was thought that by holding extensive local hearings - he mentioned holding them in the 48

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States - we would by that very fact be publicizing the work of the committee and also be serving an educational function. The subcommittee approved Mr. Luckman's proposal in principle. They recommend consideration by the full committee of a limited number of local hearings in selected focal areas with the clear understanding that the hearings should be conducted by members of <sup>the full</sup> ~~the~~ committee with or without the cooperation of local leaders. We felt that Mr. Luckman's proposal was on far too wide a scale in view of the time limitation, and therefore while we accepted the advantages of his proposal in principle, we felt we would have to limit ourselves to selecting a few focal points for the holding of hearings.

In addition, the subcommittee recommends that the federal agencies use their own media for education to the end that the public acquire an understanding of their rights and responsibilities if civil rights are to become a reality in this country.

I might add that we have also directed the Research Staff, through Miss Williams, to start immediately securing for us the additional information we will need so that next time, in addition to FEPC, we can extend our efforts to the other three areas more largely than we have already. On FEPC we have scheduled subcommittee hearings on April 2nd with

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Malcolm Ross, if we are able to secure him; Charles Tuttle; and someone from the New York State Commission on Discrimination if Mr. Tuttle feels it advisable to bring someone from the Commission along with him.

In the afternoon we propose to have hearings in the field of government employment agencies, for which purpose we are consulting with Mr. Carey and we are going to have the CIO Committee Against Discrimination, and in that connection the United Public Workers, if Mr. Carey so desires. We are also going to contact Mr. Shishkin to see whether there is a parallel AFL group which would want to be heard just in that field. We are not covering the field of intra-union discrimination because that would be covered, if at all, under the FEPC legislation, but we are going to give both the CIO and AFL an opportunity to be heard the next time by the subcommittee in the field of discrimination in federal employment.

BISHOP SHERRILL: Are there any questions or comments?

MRS. ALEXANDER: I should like to ask if in connection with federal aid to education you had in mind the already established land-grant colleges?

RABBI GITTELSON: Yes, we had in mind all federal aid to education whether as existing now or in the form of a future national education bill. In the latter regard we felt

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that we would be overstepping our proper limits were we to recommend federal support for education, but that we would not be overstepping our limits if we stated ~~that~~ <sup>that</sup> in the granting of any federal funds for education, ~~and then set down the condition, namely, administration without~~ <sup>there should be no</sup> discrimination.

MRS. ALEXANDER: Did you have before you the differential in the grants to Negro land-grant colleges and white land-grant colleges?

RABBI GITTELSON: No. We authorized Miss Williams to get us all available information in that field, and I assume that that will include discrepancies or differentials such as you have mentioned. We just don't have the facts now, Mrs. Alexander, but we hope to have enough to start work on.

MRS. ALEXANDER: In regard to the War Department, does that include the Veterans Administration and the employment of Negro personnel in veterans' hospitals?

RABBI GITTELSON: Speaking just for myself, it certainly should.

MRS. ALEXANDER: I would like to request that the committee explore that field.

RABBI GITTELSON: In that field we made less of a beginning than in any of the others, because we just added it this morning, but in that field we decided immediately to con-

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tact the War and Navy departments for their official statements of policy, and also to check with such groups as the American Veterans' Committee, and the NAACP, in so far as the practical application of the real or alleged principles of the War and Navy departments are concerned. We have also asked Miss Williams, through Dr. Carr, to request of Walter White when he comes to testify before the full committee, that he include in his testimony some information regarding discrimination in the Armed Forces.

MRS. ALEXANDER: One further question and I will be through. I should like the committee, if it has not already done so, to request the Surgeon General to appear before your subcommittee concerning the employment of various racial groups as physicians in the Health Department. That is a very sore spot and I don't think that the War Department would reach it; I think you would have to ask the Surgeon General. But before going to him Miss Williams and Dr. Carr might get the information so that you would be aware of just what is happening.

RABBI GITTELSON: Yes.

MRS. ALEXANDER: I am sure that both Mr. Carr and Miss Williams know that the National Medical Association, which is the national association of colored physicians, could probably

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be of great help in giving you information concerning that.

MR. CARR: We have been in touch with them and have data from them which we haven't as yet had a chance to analyze.

BISHOP SHERRILL: Your committee really crosses into the field that Mr. Ernst was discussing when it recommends no grant in educational funds.

RABBI GITTELSOHN: Yes we do, except that it was our understanding on the subcommittee that we had arrived at a line of demarcation the last time at the full committee meeting, in that we said that subcommittee 2 would consider more or less philosophically the problem of whether we wanted to exercise such taxing and spending powers of the government and having ascertained, if we do, that we do want to use them, we will then throw the problem over to subcommittee 3 and say, "You work out the way to do it". We are just deciding whether or not we want to do it.

BISHOP SHERRILL: Are there any other questions in regard to this report? Has Subcommittee 3 any report?

MRS. TILLY: Subcommittee 3 did not meet because I happened to be the only member present. I am rather distressed about that because of the element of time that is in the picture, and I have asked Mr. Carr to see if Mr. Shishkin and Mr. Roosevelt could meet in between this meeting and the next

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regular one, and I will be glad to come back to Washington for a day's meeting, because I think it is vitally necessary that we have something before we meet in subcommittee on April 2. I sat in with subcommittee 2 and I was very glad to do it because it gave me a little clearer understanding of the demarcation between the job of the two committees. When they first picked up the question especially of federal aid to education, I thought at first they ~~are~~ were duplicating what we were doing, but as they went further into it I did see the difference between the work of the two committees.

BISHOP SIERRILL: Are there any other matters to come before us in relation to the committee reports?

The next order of business, then, would be to consider what ~~should be the~~ approach we should make in order to obtain the greatest possible information from Mr. Hoover. Dr. Carr, do you want to report on your conference with him, just to say what you have already told him.

MR. CARR: He asked me to come to his office Monday afternoon to ~~give him some understanding of what the problem~~ *discuss his appearance before the* ~~Committee,~~ *was, or is,* and I told him that I thought it would be appropriate for him to make an introductory statement. *I told him that* ~~The~~ committee is particularly interested in hearing from him concerning the administrative problems that are encountered in

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enforcing Civil Rights legislation, and even more specifically, the problem of making investigations. ~~He is much interested in the subject. It is the first time I met Mr. Hoover; he is a very rapid talker and has a great deal to say. I was, believe it or not, in his office for an hour and a half. He is full of information and very interested in the problem.~~

I took up ~~one specific matter with him and that was~~ the matter of having a transcript made of his testimony. He was naturally a little reluctant but I think I persuaded him that it would be a satisfactory arrangement. I had in mind, of course, the knowledge that several members of the committee would be absent. So I think he will be willing to let some, at least, of what he says, go on the record. I would think that you people should give thought to the questions you would like to ask him, following his introductory statement, ~~if he doesn't cover those points in his statement.~~

RABBI GITTELSOHN: We did that in Subcommittee 2 this morning. We drew up, for our guidance, a list of some of the questions which members of the committee would like to have answered, if they are not answered in his original presentation.

BISHOP SHERRILL: Are there any other matters to come up? Why don't you read those suggested questions so that we ~~might~~ <sup>may</sup>

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all have the benefit of ~~those~~ <sup>them</sup>?

RABBI GITTELSON: This is a pooling of all the questions by the subcommittee:

Should the Civil Rights Section of the Justice Department become a division? We are not altogether sure that that is within Mr. Hoover's province, but felt that it might be interesting to get his reaction to it.

To what extent does the FBI rely upon local enforcement officers when making its investigations? The obvious purpose of that is to discover to what extent they go to the very people who are suspected of discrimination.

This next one is typed slightly stronger, I think, than we actually expressed it. It says: Why is the FBI never able to find any of the people who commit the crimes? What we had in mind is that the FBI advertises that it always gets its man, but it doesn't always do that in the case of racial relations, and we are curious to know why the techniques which are so successful in other fields of crime, apparently fall down when a matter of racial relations is involved.

BISHOP SHERRILL: A more tactful way to put it would be: Why does the FBI occasionally fail to find people who commit these crimes?

RABBI GITTELSON: The next two questions go together:

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Does the FBI have specially trained agents for Civil Rights work or does it rely just on agents whose primary use is for other kinds of investigatory work?

If not, what would you think of the idea of having such specially trained agents?

How prejudicial is the appearance of the FBI in a local situation?

How much does the FBI employ local people?

How independent is the FBI from the Attorney General's office?

To what extent, if at all, are there Negro agents in the FBI?

MRS. ALEXANDER: Don't put in "if at all" because they do have them.

RABBI GITTELSOHN: All right.

To what extent are there Negro agents in the FBI?

The point there is that Negroes might be more willing to give information to Negro agents than they would be to whites, in that type of situation.

MRS. ALEXANDER: May I suggest that you add there - and in what capacities?

RABBI GITTELSOHN: All right. What efforts are being made through the Police Academy and the other FBI contacts

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with local law forces to teach them how to deal with their responsibilities in civil rights, and carry them out effectively? I think that is a very important question.

That is the list as we have developed it, Mr. Chairman. I would like to suggest that all the members of the full committee hereinafter assume that this list is public property and that everybody fire one question, instead of just using a list of this kind and have only the members of Subcommittee 2 do the asking.

MR. CARR: May I suggest that the first question you list there be one of the later ones to be asked

MRS. ALEXANDER: You give as one of your questions one that asks if they have agents specially trained in civil rights matters. I would like to ask - do they have lawyers who are specially trained. After all, it is important when a man goes to investigate a crime to know what the law is and what makes a crime in the civil rights field.

DR. GRAHAM: They do have a large number of lawyers.

MRS. ALEXANDER: Yes, but are they trained in the field of civil rights?

BISHOP SHERRILL: Are there any other matters to clear up before Mr. Hoover appears? Is there any further business to come before us <sup>?</sup> ~~before he comes?~~

MRS.

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MRS. ALEXANDER: Would we want to ask Mr. Hoover his opinion as to whether or not the Civil Rights Division should have its own investigating arm?

RABBI GITTELSON: Don't we know what his answer to that will be? You are asking the head of the FBI.

MRS. ALEXANDER: I suppose so.

DR. GRAHAM: I would like to ask him, or have asked, what he has found from experience to be the cause for the lack of convictions in the civil rights cases.

MRS. TILLY: The answer to that is ~~your~~<sup>the</sup> local judge.

DR. GRAHAM: And what suggestions he would have to improve the situation.

RABBI GITTELSON: There is another question that just occurred to me that was asked in the subcommittee meeting this morning which didn't get on this typed list, concerning the time element, and the question is: What, if anything, could be done to get the FBI into a local situation before a lynching instead of after? That is to say, where a Negro has been arrested for an alleged crime against a white, and there is reason to believe that something unfortunate might happen, what possibility is there to alert the FBI before it happens.

MRS. ALEXANDER: It is a legal question as to what right they have to go in.

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MR. CARR: To pin it down even more you might ask him if the Monroe, Georgia, situation was of such a character that an alert agency might have had a man in there before the crime actually occurred. They certainly are free to send their agents anywhere they want to, to observe what is going on. I think one question here is whether these things take shape so suddenly that it would be just inconceivable for the FBI to have a man on the spot; or whether there are a sufficient number of advance warnings in an area like Monroe, Georgia, ~~and as it knows~~ 24 or 48 hours <sup>ahead</sup> ~~in advance~~ that a bad situation <sup>is</sup> ~~was~~ developing.

RABBI GITTELSOHN: It was probably known, but the people who knew it wouldn't be particularly anxious to have the FBI alerted.

MRS. ALEXANDER: Mr. Chairman, I would like to ask this, and perhaps somebody can answer me. Is the FBI in any way responsible for the broadcasts that we hear over the radio as to what the FBI is doing and how they break crimes? If so I was wondering why we never hear of a crime involving civil rights.

RABBI GITTELSOHN: You mean on the "thriller-diller" programs?

MRS. ALEXANDER: Yes. I mean have they anything to do

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with that? I don't know.

MR. STEWART: I can give a tentative answer. I think the programs are planned and executed by either the advertising agency or the network, but I do believe <sup>the FBI</sup> ~~they~~ serve as technical consultants. I don't know whether they could, if they wanted to, ~~for example~~ recommend that a civil rights investigation be used as subject matter, but I think we might ask Mr. Hoover in a general way whether he doesn't think it would be a good idea to publicize their work in that area.

~~MRS. ALEXANDER: Yes, that we never hear such a program.~~

BISHOP HAAS: Don't you think we ought to ask Mr. Hoover whether in his judgment there is more law that he needs, or less law; is he satisfied with the present status of the law?

BISHOP SHERRILL: That is a good question.

BISHOP HAAS: Mr. Chairman, is there opportunity now, while we are waiting for Mr. Hoover, to bring up a matter that our committee discussed this morning?

BISHOP SHERRILL: Surely.

BISHOP HAAS: There was, in the recommendations that our chairman made, reference to the committee holding local hearings, and to me that seemed to me to be somewhat extreme. The recommendation was that hearings be held in every large city in every State. That covers a lot of ground. But the bigger

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question is how should these hearings be conducted, by the individual subcommittee or by the committee of the whole, or by representatives of the committee of the whole? That is what we would like some light on. Is that your understanding, Rabbi Gittelsohn?

RABBI GITTELSOHN: Yes.

BISHOP SHERRILL: That matter is open for discussion.

I am wondering if some light could be thrown on it if it were known that the committee would be willing to hold hearings, depending upon the response from any community as to those who desired to appear. If, as a result of this communication that you send out, <sup>Mr. Carr,</sup> there is evidence that in certain sections of the country there was a great desire to be heard, that might make some difference. I don't know why we should go out and just sit in a place waiting for somebody to turn up, or try to drum up trade, so to speak.

MR. CARR: We don't as yet have any evidence at all that there is a desire for hearings in local communities. There are certain organizations that have expressed a desire to be heard. One reaction I have had to Mr. Luckman's suggestion, in the light of the full committee's action yesterday, is that any public hearings ought to be run on a committee-wide basis ~~to~~ <sup>to</sup> explore ~~whatever~~ <sup>all</sup> areas it may be considered desirable to

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explore. ~~that is that~~ <sup>It</sup> would be a mistake to hold a series of hearings just on FEPC or just on anti-lynching, ~~that~~ <sup>There</sup> would not be economy of time and effort if it were done that way, ~~and that all things ought to be put together and then,~~ to whatever extent it is considered desirable, hold public hearings, ~~proceed to set up a schedule for hearings either here in Washington or in such cities throughout the country as might be considered desirable.~~ Accordingly I think it would be wise to clear all ~~public hearings, and the~~ plans for ~~all~~ public hearings, through the full committee, and it would be well if ~~the~~ <sup>each</sup> subcommittee considered, ~~at this moment at~~ ~~that~~ <sup>its</sup> authority to hold hearings extends only to private hearings to gain information for ~~their~~ <sup>its</sup> own use.

MISS WILLIAMS: Mr. Carr, the subcommittee had that in mind, ~~and its report said very clearly that the subcommittee approved Mr. Luchman's proposal in principle.~~ <sup>It</sup> ~~they~~ recommends consideration by the full committee of a limited number of local hearings in selected focal areas with the clear understanding that the hearings should be conducted by members of this committee - meaning the full committee - with or without the cooperation of local leaders. <sup>And there was discussion</sup> ~~as to the subject matter and the subcommittee felt that the total interest of the full committee would constitute ~~lengthy~~~~

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~~mate subject matter. So I think that Father Haas, Mr. Tobias~~  
~~and I just felt that the full committee hadn't picked up on~~  
~~it or given us any indication of their attitude when Rabbi~~  
~~Gittelson read that recommendation in his report. So we~~  
~~were interested to know a little bit more how they reacted to~~  
~~it.~~

RABBI GITTELSON: ~~Before the full committee can react~~  
~~to that I think it important to realize~~ If I can presume to  
read Mr. Luckman's mind since all we have is his written  
memorandum at the present, I don't think that what he has in  
mind ~~is~~<sup>is</sup> holding hearings for the purpose of adding to our  
fund of information. I am perfectly well satisfied, and think  
he ~~is~~<sup>will</sup> be, that on the strength of the public hearings we  
have already planned as of yesterday for these meetings, we  
will get all the information we need. I think what he primar-  
ily has in mind ~~is~~<sup>is</sup> increasing public interest in various parts  
of the country in the work of this committee, and by increas-  
ing that interest to help do the job of selling the public the  
thing that we are trying to get across.

BISHOP SHERRILL: I must say that I have great difficulty  
in visualizing any time schedule, with the <sup>busy</sup> activities of the  
members of this committee, <sup>and</sup> the difficulty of even getting a  
complete committee membership for our meetings here, which would

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envison a great many hearings all over the United States held by members of this committee. Practically, it seems to me, it is almost impossible, particularly if we were going to do it not for the purposes of gaining information but for the purpose of calling attention to what we were doing.

RABBI GITTELSON: We felt that way also, and that is why we said that if we were going to do it it would have to be on the basis of a limited number, possibly only three or four, in the crucial, focal areas where we would be able to divide up the full committee and call on any one individual member probably to attend only one such hearing.

DR. GRAHAM: These would be regional rather than local hearings, wouldn't they?

RABBI GITTELSON: I would presume so.

MR. CARR: Wouldn't it also depend somewhat on the nature of the report as to how that report might best be advertised, ~~our recommendations made known so as to encourage favorable public opinion?~~

RABBI GITTELSON: Mention was made at our meeting this morning, for example, of a suggestion which was on our prepared agenda <sup>last</sup> <sup>time</sup> but which we didn't reach, that a subcommittee go down South sometime later this month, I believe, to actually sit in on a police brutality trial. That

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was on the agenda but I don't recall our reaching it in discussion. I think that was a little bit of the idea that we had in mind, that we ought to reach out a little bit and not just be a Washington committee.

MR. CARR: Incidentally, since you bring up that item on the agenda, we completely overlooked it. Fortunately, in between the time we put that item on the agenda, and the time the committee met, a technical difficulty had arisen and the case is now set for trial in May, so it would still be possible for the committee to attend ~~the~~ <sup>the</sup> trial, or discuss the wisdom of attending it <sup>at</sup> a subsequent meeting, if it is desired. We felt, I think, however, that if a group did go to such a trial that there had better be no publicity concerning such a trip. The purpose of attendance at such a trial would be to let the committee see just what is actually involved in a police brutality trial, what the members of the jury are like, how much difficulty the Government is actually up against in trying to win a conviction in that sort of case. I think you might get into trouble if it were widely heralded in advance that the President's Committee on Civil Rights was coming to Montgomery, Alabama, to attend the conduct of the trial.

BISHOP ~~SHERILL~~: Have you anything to add, Bishop Haas?

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BISHOP HAAS: No, I haven't, any more than that the subcommittee asks the larger committee this afternoon what the larger committee wants to have done. It was our feeling that outside of doing this thing, if it is to be done at all, in a few unusually sore spots, that it is quite impracticable. That was our general feeling.

DR. GRAHAM: Yes, for this reason. We have difficulty now in getting a large attendance every two weeks, and if we add five regional hearings I really think that would be too much. If we attend the national meetings I think that is more important than that we substitute a regional meeting for a national meeting, in the case of the members of this committee. I think it would have value and if it were practical I would certainly vote for it, or if we had more time I would vote for it.

MRS. TILLY: I think it would be a right wholesome thing to have one in Atlanta right now.

DR. GRAHAM: You could hold a hearing in Atlanta, Mrs. Tilly.

RABBI GITTELSOHN: In view of the fact that this proposal came originally from Mr. Luckman, and that he isn't here now, and apparently we don't know quite what to do with it, if I sense the general feeling, how would it be to defer any de-

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cision on that until ~~now~~ <sup>later</sup> when he is here and that will give us an opportunity to let him state his mind, instead of guessing at it.

MRS. ALEXANDER: Because we lose too much time. I am all excited over what we could do with a hearing in Atlanta. It could be arranged.

MR. CARR: The decision yesterday permits a hearing in Atlanta right away. *No further authorization is needed.*

(At this point Mr. J. Edgar Hoover entered the room)

BISHOP SHERRILL: Mr. Hoover, Mr. Carr tells us that he has had a conference with you so that you know the purpose of this Committee of the President, and we thought that if you could open the question with any statement you felt might be helpful to us, then various members of the Committee have questions that they would like to ask you.

MR. HOOVER: I would be very glad indeed to proceed that way.

BISHOP SHERRILL: In order that it may be clear all around, on account of the members catching trains or planes it will be necessary for the committee to adjourn at 3:30.

STATEMENT OF J. EDGAR HOOVER,

Director, Federal Bureau of Investigation

MR. HOOVER: I think I can make my statement comparatively

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short.

I am very happy, however, to have this opportunity of being here with you folks and endeavoring to explain to you some of the problems that we have been faced with in the ~~enforcement and~~ investigation of violations of the Civil Rights statutes. ~~I concede of course generally that in practically all of our investigations we have found a denial of freedom or of tyranny or mob violence that comes under these respective statutes, some of which I will deal with in detail.~~

I think the greatest problem that we are faced with is the lack of a militant attitude in the various communities that could prevent occurrences of these acts that come under the statutes.

BISHOP SHERRILL: May I interrupt just a moment. It was understood, I believe, between you and Mr. Carr that there would be a transcript made of this?

MR. HOOVER: That is correct.

BISHOP SHERRILL: And I want to say that if at any time you want to go off the record please so indicate.

MR. HOOVER: Thank you.

I think if this militant attitude had been prevalent in these various communities where these conditions have arisen, that the instances could have been prevented, and where those

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instances have occurred, that same militant attitude, I believe, would be very helpful in the solution of the crime. .

We are faced usually, in these investigations, with what I would call an iron curtain, in practically every one of these cases in the communities in which the investigations have to be conducted. Now we are absolutely powerless, as investigators, unless the citizens of a community come forward with information. In other words, our function is to go out and get the evidence. You have got to have sources of information, you have got to be able to go to citizens and have them talk freely and frankly to you in order that we may prepare the case for the prosecuting attorney.

Then, in addition to that, the juries and the courts have also got to have a courageous attitude in order that they may do their duties and perform their functions free from the prejudices that prevail.

I want to cite to this group today some of the cases in which notwithstanding the overwhelming evidence presented by our Bureau in the Federal courts, inadequate sentences were imposed or acquittals rendered in the face, as I say, of overwhelming evidence.

First I want to touch very briefly on the work we did during the war on what we call the wartime investigations.

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~~because~~ <sup>T</sup> this group may be more interested today in the problems that are facing the country in regard to Sections 51 and 52 of Title VIII of the Criminal Code, <sup>but</sup> I do think it is important to have a brief picture of what was accomplished during the war period, and I am very happy and proud to say that so far as the Federal Bureau of Investigation was concerned, there was not a single violation of any civil right or civil liberty during the course of our investigations. <sup>The situation</sup> ~~That~~ was different in World War I.

Many of you folks will recall that there was a hysteria that swept this country during World War I, with a lot of volunteer organizations, well meaning but intent upon being what I would call pseudo-Sherlock Holmeses, going out and trying to catch a spy, and many injustices were done, many abuses were indulged in.

You will recall in World War I the so-called draft raids where great groups of law enforcement officers and private citizens would sweep down and effect arrests. That did not occur in World War II.

At the beginning of World War II I was confronted with the suggestions and offers of quite a number of patriotic groups, offering to be of assistance, or wanting a badge to go out and try to arrest somebody or investigate somebody.

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I tenaciously resisted that request, ~~that was made~~. My conception of our function was that the enforcement of law should be in the hands of the constituted law enforcement officers of the country, the men who are trained by education as well as by specific and technical training within the organization to make those investigations. So we did not have any volunteers; it was all conducted by the constituted agents of the FBI.

Now I would just like to read to the committee ~~the~~<sup>a</sup> ~~statement~~<sup>statement</sup> that I think clearly proves that point, and then I will pass on to the broader field.

Mr. Roger Baldwin, head of the American Civil Liberties Union, conferred with me several times during the course of the war on the problem of civil rights and civil liberties, and I requested him, as he went around the country, to personally inquire into any acts or perhaps representations of the FBI which might constitute, in his ~~investigation~~<sup>opinion</sup>, a violation of those civil rights. He wrote me this letter from which I will read the following:

"I have attempted to find out as I have come across the country just what complaints there are concerning those very difficult investigations of what are regarded as subversive opinions and activities. I find that your local agents are keenly aware of the delicacy of these inquiries and faithfully

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reflect the Bureau's policies. Nothing could be fairer from the point of view of the interest both of ~~the employees of~~ the Government and the employee himself (referring to the investigation of Government employees for loyalty) than the procedure followed. It seems to me that your Bureau has accomplished an exceedingly difficult task with rare judicial sense."

I very frankly treasure that statement of Mr. Baldwin because he has been one of the great champions of civil rights ~~and civil liberties~~ in this country and I knew, therefore, that he would be alert to any practices that might be contrary to the basic conceptions of what a person is entitled to have and be treated by law enforcement officers.

I want to refer in a very few words to the investigation of our cases falling under what we call the Peonage Statutes. In the last ten years we had 770 complaints of a violation of the peonage laws. There were 15 convictions, 7 of those 15 in the past 3 years.

Now I just want to take one typical case that was handled last year, in October of 1946, the case of a man by the name of Biggers in Georgia. That man swore out warrants for alleged debts owed to him by negro employees. The sheriff made those arrests and then the Negroes would be released to this man to

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work on his farm, to work out the particular debt that was charged. If they left that farm, as some of them did, they would be rearrested and sent back there. We went in and made a very thorough investigation and this man was indicted in the Federal Court in Atlanta, Georgia, on 18 counts, and promptly acquitted.

That is why I refer to the militant spirit that is necessary in the communities, the public opinion that must back up whatever laws we have today, or whatever laws may be enacted in the future. Without that you cannot get convictions.

We have today pending a case with which you folks are no doubt familiar, the case of the Negro woman out in San Diego, known as the Ingalls Case, where a woman by the name of Dora L. Jones has been held in slavery for over forty years by a man and woman, well educated people. The man at one time was a member of the State Legislature of Massachusetts and the woman has been active in various fields of public work and civic work. They have kept this poor woman, who is now well along in years, from the time she was a girl, as a slave, never allowed her to go to a motion picture show, never allowed her to have a friend - and that family has been arrested as a result of our investigation, and has now been

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indicted and the case will be tried within the near future.

Now I do want to refer to a number of the very definite handicaps under which we work, as regards again to what I refer to as the lack of that militant spirit. I can best prove my point, for your information, by just citing a number of specific cases and the conditions prevalent in those cases.

Many times we are criticized because a Grand Jury does not return an indictment. The Federal Grand Jury is called and we present all our evidence to them and then they return a No Bill on the ground either that there is no jurisdiction or that they don't consider a violation of law has been committed.

I want to cite this particular case which to my mind was one of the most atrocious lynching cases investigated by the FBI. <sup>(The Sikeston, Missouri Case - 194 )</sup> The defendant, an ex-convict, stabbed a woman while he was committing a burglary. The police efficiently located the assailant, and en route to the police station the suspect pulled a knife and seriously stabbed the arresting officer. In the course of the struggle the assailant was shot. Given emergency treatment in the local hospital, the assailant was then taken to his home because of lack of hospital accommodations, and his critical condition. His family requested his incarceration in the local jail because they were fearful that

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something might happen to him.

A few hours later an angry mob, estimated at from 500 to 1000 persons, stormed the jail. They seized the prisoner, tied his feet to a car and dragged him over the streets through the Negro section of town, where his body was saturated with gasoline and burned. A couple of our Agents went in and investigated the affair. Eye witnesses were interviewed and made complete statements. The Federal Grand Jury considered the evidence and no indictments were reported. The Grand Jury issued a statement merely condemning the failure to afford proper protection to the prisoner. And a State Grand Jury also refused to indict.

~~with~~ There was a lack of determination on the part of the community to wipe its slate clean of this blot upon it as a result of this murder.

Another case was a case where two Negroes were held in a county jail on charges of vagrancy. Around ten o'clock at night a group of men began milling around the jail. Then, shortly thereafter, 15 or 20 men entered the jail with a key. They entered the cells with handkerchiefs over their faces. One of the victims was seized by the leader of the mob and vigorously cursed, tied to the bars, gagged and crudely emasculated. The leader then seized the other prisoner and, to

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continue in the prisoner's own words, "dragged me over to the door and bound me so tightly that I could not move at all. Somebody put a hat over my face and then began the worst pain that I have ever experienced." He described the emasculation and said that they "used a not too sharp knife on me", and he identified the man who had performed the operation. The jail officials, by coincidence, happened to be out of town when the mob took the law into their own hands; they were conveniently absent.

The mob leaders were named by witnesses and the facts presented to a Federal Grand Jury which ignored the case. That case occurred in Texas in 1941.

All of these cases that I have referred to are within the last five or six or seven years.

Now another problem that is equally difficult for us is the inadequacy of the law. These two cases that I have cited are instances of where the Grand Juries have been almost guilty of malfeasance rather than non-feasance.

A few years ago we received a complaint that a young Negro had been dragged behind an automobile and beaten into insensibility after his arrest for the theft of an automobile tire. <sup>(The Screws Case in Georgia)</sup> An eye-witness account reflects the violence that was inflicted upon this victim, and I am quoting the eye-witness:

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"He was bloody and full of dirt and he was unconscious but crawling around on his all fours. The back of his head was beaten to a pulp and he was in a pool of blood. His head was swollen so that his eyes were closed. There was a big hole in his right ear and back of his left ear. There was a hole in his left temple. There was a gash about an inch and one-half in the top right side of his head. The skin was off his forehead, nose, both sides of his face and under his chin. The skin was off about half his back in spots. There were rings around each wrist where the skin was gone."

An ambulance was called to come to the jail and the attendant from the ambulance asked of the jailer as to whether the man had been in a wreck, and the jailer replied, "Yeah, he was in a wreck". The man died a few minutes later.

The investigation we made in that case - and this case occurred in Georgia in 1943 - revealed that the man had been beaten by the sheriff, deputy sheriff and town marshal. Following their indictment, all three were convicted and given prison sentences. The United States Circuit Court of Appeals upheld the conviction, but the U. S. Supreme Court ordered a new trial, and the three were freed after the Trial Court in following the Supreme Court's interpretation of the law, instructed the jury that it was necessary to prove that the

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defendants had a specific intent and purpose to deprive the prisoner of a Constitutional right, as it was not sufficient to show that the defendants had a generally bad purpose.

That was the law that reversed that case and released these men who had committed this perfectly atrocious crime.

~~DR. CRAHAM: Was that in order to give Federal jurisdiction?~~

~~MR. HOOVER: No, it was in the Federal Court, it had come up from the District Court.~~

Now another instance where we also find the inadequacy of the law. This case involves a little difference from the usual cut of this kind of case, but a Southern newspaper, very civic-minded, was carrying on a very vigorous campaign against vice and gambling in the community, and one of its employees was intimidated and severely beaten by underworld characters because of his crusade against the gambling interests. *(The Powe Case in Mobile, Alabama)* We made an investigation and were able to bring them to trial on charges of conspiracy to intimidate an American citizen in the exercise of his right of freedom of the press. Five of the defendants were convicted in the Federal Court and given substantial prison sentences. On appeal, however, the U. S. Circuit Court of Appeals held that Congress was without power to protect the press in its discussion of so-

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called local crime and corruption as against interference by private individuals. Accordingly, the conviction was reversed and the Supreme Court refused to consider the case for review. That was in Alabama in 1939.

Now I want to cite just a few cases to you on the inadequacy of sentences that have been imposed, because there again I come back to that first premise of the necessity of having an aroused, militant spirit to do something about this, irrespective of what the law may be.

A 33-year old Negro farmer borrowed \$15 from a former deputy sheriff a few days before Christmas of 1945, so that his wife and three children might have some Christmas, on the promise to work out the money by setting out onions later in the season. On February 1, 1946, he was arrested. That night the former officer and another man called at the jail. They cursed the Negro and told him that they would kill him but for the fact that he had too many relatives. The former deputy sheriff declined to accept the \$15 offered to him by the victim's mother-in-law in settlement of the debt. The two men administered a severe beating to the helpless Negro. Later he was taken to another jail, ordered to undress, and given another beating. The Negro was falsely charged with swindling the officer out of \$55 and finally, after six days of beatings the former officer posted a \$500 bond for the Negro

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and took him to his farm. He escaped.

Our investigation led to the arrest and conviction of the former deputy sheriff, the sheriff, town marshal and jailer. Sentences were imposed varying from six months to one year, and fines ranging from \$500 to \$1000. That is a great weakness of the Code in that the maximum penalty can only be one year.

Another instance which has particularly revolting practices involved. In a particular jail it was seldom that a Negro man or woman was ~~put in that jail~~ <sup>incarcerated</sup> who was not given a severe beating, which started off with a pistol whipping and ended with a rubber hose. Negro women and men were placed in the same cells. On one occasion, after an 18-year old Negro girl was beaten she was required to remove her clothes before being placed in a cell with several Negro men. The tragedy of this case, I think, lies in the fact that the jailer received only one year in prison and on his release can carry on the same sadistic tactics he had carried on before, provided he is reappointed.

Recently a local U. S. Attorney came to us with a story about a 59-year old colored woman and her 10-year old son who were being held captive by a farmer. During the day both the mother and the son were compelled to work on the farm. At sundown they were locked in a cabin with the door chained and

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padlocked. The cabin contained one bed, one chair and a small wood stove which was not connected with any pipe to let the smoke out. There were neither windows or lights in the cabin. The mother had made three attempts to escape but on each occasion she was apprehended and brought back. When we investigated the situation we found the mother still locked in the cabin, when we arrived there. She was freed and the owner was taken to jail, the owner of the farm.

He advanced the alibi that the Negro woman had asked him to lock her up at night to prevent her husband from taking her to another farm. He protested that she was free to leave at any time she desired. Nevertheless this farmer pleaded guilty to the Federal charges and received a 15-month probationary sentence and a fine of fifty dollars for each of the two counts in the indictment. That was an atrocious case, revolting practices, and an inadequate sentence. That case occurred in 1945 in the State of Mississippi.

Now there is one other case I want to bring to the attention of this committee, and I think this is a particularly atrocious one also. This occurred in one of the convict camps. A grocery keeper had reported to the sheriff that his store had been robbed. Seven men and a woman were arrested as suspects, brutally beaten and kept in the prison camp for

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long periods of time before charges were preferred. A sixty-year old man was taken from his home and after a day in the prison camp he was taken to a kitchen, forced to remove his clothes and lie on the floor. One trusty sat on his head and another on his feet. He was flogged with a leather strap five feet long and four inches wide. When he lost consciousness water was dashed over his face to revive him and the torture resumed. He still refused to confess. Days later, a trumped-up charge of gambling was placed against this 60-year old man. Others likewise were beaten. The most vicious of all was the treatment accorded the woman in the case, a young mother of a two-weeks old child. At ten o'clock in the evening she was taken to a wooded area along the river. Her dress was pulled over her head. She was forced to the ground and held by two men while three others unmercifully flogged her bare, ~~wring~~ body. Blood streamed from multiple wounds. Finally, the exhausted men relaxed over her prostrate form after they had extorted from her a confession of a crime she did not commit. Other similar beatings followed in this case. A mass of evidence was collected by our Agents in this matter and the sheriff and four associates were indicted in the Federal Court. They charged that the allegations were unfounded. In court, however, four of them pled guilty and received suspended jail sentences of eighteen months, with

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finer ranging from \$100 to \$500. The sheriff entered no defense and received only a \$500 fine. That was a case in Mississippi in 1943.

I cite those cases to you ladies and gentlemen merely for the purpose of showing the type of cases with which we are confronted, the type of problems with which we are confronted in work of this character.

If you will recall, in practically all these cases our evidence was sufficient to bring about indictments in the Federal Courts. Notwithstanding the evidence and the convictions - in some cases the defendants even pled guilty rather than stand trial - sentences of less than a year and \$50 to \$100 fines were imposed.

You probably would be interested in having the statistics in regard to what we call the Civil Rights cases. In the past twenty years there have been 27 convictions totalling 30 years and 2 months. Twenty-five of those 27 convictions were obtained in the last five years, and 14 of them in the last five months. I emphasize that for the reason that I think there has been an improved effectiveness in the enforcement of the law, which indicates that certainly public opinion is assisting in this matter, ~~but~~ we are getting more convictions in cases of this type now than were able to be obtained or ev-

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iously.

Now I want to refer to what is known as the Monroe, Georgia, case, with which, no doubt, you are quite familiar. That is the case where the four Negroes were killed in July, 1946. We had 20 Agents on that case and interviewed 2,790 individuals before presenting it to the Grand Jury. That was a case in which the phrase I used, the "iron curtain", is typical. The arrogance of the population of that county, the white population, was unbelievable, and the fear of the Negroes was almost unbelievable.

We went in there; we had no cooperation from the local authorities. In fact the sheriff of the county boasted that he intended to take no action. The State police made a perfunctory inquiry and we were left with the entire case. The matter was presented to the Grand Jury; 106 witnesses appeared before the Grand Jury, and they returned a No Bill, ~~as there was no violation of Federal law involved.~~ Now fortunately - and when I say "fortunately" I don't mean it in the way of what happened to one of the witnesses, -but it at least enabled us to take some action in this case that might bring some results - one of the witnesses who testified for us before the Federal Grand Jury was a Negro by the name of G. L. Howard. After he had testified and after the Grand Jury had been ad-

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journed, he was beaten unmercifully by two brothers known as the Verner brothers. (Off the record) This Negro came to our Atlanta office and told us what had happened. We received word that if any arrests were attempted down in this county that the Agents of the FBI would not come out alive. My Atlanta office called me and advised me of this and I ordered that two cars of Agents be sent into the particular little town where these two men lived, and that they be apprehended and that they be handcuffed in the public square in broad daylight. I wanted to show that there was at least an authority of law that they could not deny. We went in there and did arrest these two men and did handcuff them in broad daylight and did bring them out - and there was no shooting. They have been indicted and will be tried in the Federal Court. They were tried by the State Court, however, and acquitted, and yet these facts were as clear and as overwhelming as any particular case could be.

BISHOP SHERRILL: How can they be tried in two courts for the same offense?

MR. HOOVER: Well, I imagine they were probably indicted under an entirely different statute under the state law, and under Section 52 of the Federal law. That is probably the reason for the ability to take action. *[It does not constitute "double jeopardy" to try a man for the same offense under both state and Federal law.]*

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MRS. ALEXANDER: Will there be a change of venue?

MR. HOOVER: That will be entirely up to the court.

This case won't be tried, probably, ~~under the calendar situation~~, until around the end of the Spring or the first of Fall. But it was the only straw upon which we could <sup>claim</sup> ~~have~~ jurisdiction. We had no jurisdiction in the murder of the four Negroes, the Grand Jury had ruled on that, but the attack on a Federal witness gave us the necessary jurisdiction.

I imagine probably, to answer your question, Bishop Sherrill, that the trial in the State Court was predicated upon assault, whereas the charge in the Federal Court will be for the intimidation and assault upon a Government witness, rather than under the Civil Rights statute.

Another case of rather well renown is the case of Isaac Woodward, Jr., a young Negro discharged from the Army in Georgia in February, 1946. According to the reports and evidence he was supposed to have caused a disturbance on a bus coming North, and the bus driver had him arrested at Batesburg, South Carolina, by the chief of police who claimed that young Woodward ~~had~~ resisted him and that he therefore had to hit him over the head once with a blackjack. There were conflicting statements from all sides there. Nevertheless, the fact was definitely established that Woodward had re-

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ceived some kind of a blow that completely blinded him. There was no question about that fact. We went into that matter and made an investigation. I want to point out that in this particular case we were between the devil and the deep blue sea, if I might describe it that way. We did not have the cooperation of the local authorities nor did we have the cooperation of the National Association for the Advancement of Colored People. It took us onemonth before we could get access to Woodward to question him, to get the facts. Counsel for that Association had advised him that he should not talk to the FBI "because they are not on your side, they are on the Government's side". It was only after I personally appealed to Mr. White, President of that Association, that he finally ~~out that deadlock and~~ made him available. I want to say that we <sup>have</sup> received magnificent cooperation on every occasion I have had to go to Mr. White personally to have the assistance that he could render us.

The local authorities were, as I say, uncooperative. The trial was held and acquittal rendered in ten minutes after the jury retired. After that trial was over, one of the sheriffs in South Carolina at the South Carolina Law Enforcement Officers meeting, introduced a resolution to ban the FBI from ever being invited to or attending any Law Enforcement

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conferences in the State of South Carolina. That resolution was defeated by wiser heads, but I cite that as evidence of the kind of attitude that we are up against from the local law enforcement officers on many occasions.

~~The~~ One more case I want to refer to is the Minden, Louisiana, case, where two Negroes were released last August from jail by the sheriff, were taken out and beaten, and one died. We made a thorough investigation. We indicted two deputy sheriffs and three private individuals. I think it was the best case we have ever made, we had clear-cut, uncontroverted evidence of the conspiracy. All five were acquitted in the month of March. The friends of the defendants went around and collected funds locally. I am now in a running controversy with a Member of Congress, Congressman Brooks of Louisiana, who has charged the FBI with high-handed tactics in the handling of this case, and has stated publicly, and has issued his letter to the press which he wrote to me, ~~that~~ that we should be more interested in the welfare of the citizens of Louisiana than appeasing the Northern Negro organizations that bring pressure. Now his letter was a tissue of misstatements and untruths. I replied to him. The press has been trying to get a copy of my reply but he won't release it, and I know for very good reasons why.

Another case is the Pickens County, South Carolina, case

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which occurred within the last two months. A young Negro there was seized by a mob and lynched. Within ten days we had been able to effect the indictment of 31 taxicab drivers, most of whom confessed to their participation, and they were all indicted <sup>in the state court</sup> on March 12th of this year. We had fine local cooperation, there was a fine militant spirit there of the citizens and the Governor of the State who was desirous of having this thing cleaned up and the culprits brought to justice. ~~We have them indicted, they will be tried in due~~  
~~course.~~ Whether they will be convicted we will have to wait and see. However, indicative of some of the local attitude is the fact that there are little collection boxes all around the town and to date they have collected \$2000 for the defense of these 31 confessed murderers or participants in the murder.

There are one or two major problems that we are faced with that I want to touch upon. For instance, take the primary election in Georgia. We had to make an investigation in regard to the abuses that were alleged to have arisen there in the prevention of Negroes from voting. We were assailed by the Talmadge faction on the one hand and criticized by Negro groups on the other. We have gotten a little calloused to the fact that we get criticism and have to have a rather thick hide.

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Our purpose and effort is to go down and get the facts in these cases, and I think the record will show that we have gotten excellent results in most of these cases, but we have to have the cooperation of the local citizenry to get evidence in order to obtain convictions, in order to bring these people to justice.

In the Columbia, Tennessee, case - those were the riots in February, 1946 - we conducted an investigation and submitted voluminous evidence to the Grand Jury and the Grand Jury came to the conclusion that there was no violation of a Federal statute, and a No Bill was returned. Again we were criticized by both sides for not having obtained a conviction. Our function, which I think the public misconceives sometimes, is merely to get the facts and to get any available evidence. What the Grand Jury does about it, or what a Petit Jury does at the trial is not within our control. I sometimes violently disagree, as in the cases I have cited to you today, with the action taken by juries, but that is naturally beyond my control.

Now while I have portrayed a rather gloomy picture in regard to some of these cases that have been investigated by us, there have been some very excellent accomplishments. For instance there is what we call the Sam McFadden case. That

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is a case where a former city marshal by the name of Tom ~~Craw~~<sup>Crews</sup> in Florida - a very atrocious case, but again a case where we got results - had taken a Negro, the father of ten children, had beaten him and then took him over to a bridge across a river, said that he would give him a 50-50 chance, and pushed him over. The poor Negro, when he hit the water - he had already received a severe beating - grabbed hold of one of the girders on the bridge to try to save himself, and the town marshal commented that he thought he might have to finally waste a shot, ~~to have the man pass out~~. However, he slipped off the girder and drowned, and the body was later found. That case was tried in the State court and nothing accomplished.

We investigated it; ~~Craw~~<sup>Crews</sup> was found guilty under Section 52 ~~of the Statutes~~ and given one year and a fine of \$1000 - a great travesty on justice, but they imposed the maximum punishment possible under the statute.

There was another case which occurred in Danville, Illinois, where we obtained the indictment of nine persons, including the sheriff and three deputies, for killing a Negro en route from Tennessee to Chicago. They were convicted and sentenced to a fine of \$200 apiece - no prison sentence.

Another case like that occurred in Ashe County, North

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Carolina, which is known as the William McMillen case. He was the registrar of voters and he refused to register some Negro voters. We investigated the case under Section 52. He was tried and fined \$500.

I could cite you innumerable cases of that kind, but I won't bore you. They follow a general pattern.

I do want to give you a picture of some of the things we are trying to do within the Bureau, and <sup>of</sup> the facilities of the Bureau to handle this class of work. I think that the FBI has done an exceptionally good job under very difficult conditions and with very inadequate laws.

We have 51 field offices in our organization; all of our Agents have to be either graduate lawyers or expert accountants. By being a graduate lawyer they can evaluate evidence and present it in court in the proper manner so that justice is done. I think the proof of that is that in all our cases that go to trial, all classes of cases, we obtain 97 per cent convictions, and of that 97 per cent, 89 per cent plead guilty rather than stand trial.

○ We give a special course in our training school - the training school for Agents I am referring to now. In a few moments I will refer to the police training school. We give a special training course on the matter of civil rights; how

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~~How~~ the investigation should be conducted, how evidence should be obtained, the legal ways of obtaining it, how confessions should be obtained, what is the admissibility and inadmissibility of ~~approaches on~~ confessions, how interviews should be conducted, and the Agents go out into the field service with a very firm understanding, I think, of the requirements under these particular statutes as well as under the other statutes that the Bureau has jurisdiction over.

In our National Academy for Police Officers, which is maintained as a branch of the Bureau, and to which we bring in three groups of ninety every year, police officers from all over the country, we again go over with them the matter of obtaining competent evidence; we outline again the same problem of confessions and interviews, and we emphasize again the jurisdiction on civil rights, and the necessity for ethical tactics in law enforcement.

One of the things I have tried to do, as Director of the Bureau, is to raise law enforcement to the level of a profession, such as law or medicine, ~~or something else might be~~, and through the National Academy of Police Officers we are trying to get over to them the necessity of being proud of their work, the necessity of having good public relations, and therefore the necessity of being fair and decent and honorable

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in their conduct.

I am not contending for one moment that all the law-enforcement officers of this country are of that type. We have good, bad and indifferent in the local law enforcement officers of this country. I think there has been an improvement - but again public opinion enters that picture. You will have no better law enforcement in any community than the community desires or wants. If they want good law enforcement they can get it and they will have it.

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Now in regard to the statutes, I think - and I am saying this probably gratuitously, because it is not my function to recommend to you ladies and gentlemen the changes that should be made in the statutes, but I am going to give you the benefit of my experience and observation from our long years of handling these cases - I think Section 51, Title ~~18~~<sup>18</sup>, is entirely too general and too ambiguous, and is subject to various interpretations. There is a great confusion as to what the Federal jurisdiction is. I think that that particular section should be changed to be specific.

~~I have here with me certain comments that probably ought to be outlined in regard to the improvement of Sections of the statute.~~ If the Committee is interested either now or later, I will be very glad to submit <sup>recommendations</sup> ~~them as to the specific~~ ~~decisions that probably ought to be made~~ in regard to the improvement of that statute.

Section 52 is <sup>also</sup> ~~as~~ a very broad statute. I think the evil of Section 52 is the inadequacy of the penalty, <sup>which</sup> ~~I think~~ ~~the penalty is entirely inadequate. That is where the statute~~ provides for one year <sup>in jail and a</sup> ~~of~~ \$1,000 fine. We need, I think, a clear-cut civil rights statute specifically setting forth the various rights to be protected by the Federal Government as opposed to those which are protected by the States, insofar

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as the Federal Government and Constitution may have jurisdiction. I think those rights should be enumerated.

As I say, I have a list of the rights I think should be covered, because the difficulty today is that the various Federal Courts of this country are in confusion as to that particular jurisdiction.

I think this Committee might very well consider the necessity of certain amendments. I think both statutes are desirable. I think Section 52 should be amended certainly as to penalty, and ~~increase~~ that penalty, <sup>increased</sup> to 10 years and a \$5,000 fine.

No doubt you want me to make some comment upon the so-called anti-lynching legislation. There have been four bills that I have noted that have been introduced in Congress. Of course, there has been an improvement in the problem facing this country on lynching, but even one lynching is one too many. From the statistics which we have available and which we obtained from reliable sources, in the last 46 years 1,966 lynchings have occurred; in the last 10 years, 45 lynchings occurred as against 172 in the previous 10 years. In other words, there is at least a ray of light in seeing an improvement, but one lynching, as I say, is entirely one too many.

These bills that have been introduced in Congress have

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several defects that I see. The bills are aimed solely at police officers and their misconduct or their failure to assure the proper protection to the person in custody. I think they should be aimed at all who participate in a lynching, - private citizens, the constables, the sheriffs or any other person. I don't see why those laws should be so drafted as to be confined solely to the malfeasance of a police officer. I think that the provision in the bills that provides that the Attorney General should not be able to act or should not be able to order the Federal Bureau of Investigation to enter the case until an oath is prepared and submitted to him outlining the violation of law, is also undesirable. I think if there is a violation of law, the FBI ought to be in on that investigation immediately. By the time you have some group or some individuals prepare an affidavit and then have that sent to Washington and submitted to the Attorney General, valuable evidence can be lost. Witnesses can disappear, memories become vague, and you don't have the opportunity of making the case that you would have if you can get in freshly on the ground.

I say that from our experience in kidnapping cases, and the other types of criminal violations that we have to handle, the sooner we can get onto a case the better results we can accomplish. Therefore, I think that restriction in the pending

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legislation is undesirable.

There are some questions of Constitutionality on some other phases of it, but I won't go into that because that is not in my jurisdiction.

But I will just outline the five points that I think, if there is to be an anti-lynching bill, should be included:

I think there should be a definition of what a mob is, and I think that should be three or more persons.

There should be a definition of a victim as one formally charged with a crime, either in custody or on bond. Certainly under our Constitution that man has a guarantee of a fair trial. Anyone who takes any action to prevent that should be investigated and prosecuted if found guilty.

There should be a definition of lynching, I think, as any action by a mob which might result in death or in the maiming or disfigurement, and which action is taken as punishment to the victim for the commission of a crime charged. In other words, I think it ought to cover the maiming of a man, the disfigurement, such as these cases of emasculation. That is just as vicious and probably more inhuman than killing a man.

Fourth, I think that all persons participating in a lynching, whether they are present or whether they have connived

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with it or by lack of the proper performance of their duties, should be included in the violation of the law.

Fifth, I think the penalty should certainly not be less than 10 years and a \$5,000 fine. My recollection is, from an examination of these bills that are pending in Congress, that the penalty is five years. I think that is totally inadequate. A murder is committed. I think at least 10 years ought to be the penalty imposed.

That covers, Mr. Chairman, my statement I wanted to make, and I would be glad to answer questions.

BISHOP SHERRILL: We are very grateful to you, Mr. Hoover.

One question. Of course, our subcommittee on legislation has gone into 51 and 52, and while we would agree as to the desirability of the goal, we are up against a very real question as to the Constitutionality of any legislation. There is no need of passing anything and then have the Supreme Court throw it out, and that is where the limit is. You can't just assume certain things, because you have got certain Supreme Court decisions that make it perfectly clear that the Supreme Court would declare it unconstitutional, which is a great limitation on approaching this problem from a new point of view, don't you think so?

MR. HOOVER: Yes. <sup>But</sup> I think the matter of that penalty of

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Section 52 should be certainly corrected. I think that one year is totally inadequate as punishment.

BISHOP SHERRILL: The Committee, I know, has questions they would like to ask Mr. Hoover, and they now have the field.

DR. GRAHAM: Our Committee, on the suggestion of Mrs. Alexander, took up the question of why three rather than two, ~~for example~~ *as the minimum size of a mob.*

~~MR. HOOVER: As a definition of a mob?~~

~~DR. GRAHAM: Yes.~~

MR. HOOVER: I have no very strong view on that. Usually three is probably viewed more popularly as a mob than two. The real thing you are trying to hit at is the taking of a man who has been in custody or is in custody, and lynching him as a punishment outside of the control of the law. Whether that is done by one or two or three men --

DR. GRAHAM: Two could do that.

MR. HOOVER: Yes.

DR. GRAHAM: Two could do it as agents of a larger mob.

MR. HOOVER: Very true. That is why I think that the present bills that have been pending in Congress are inadequate, in that they do not take in individuals who might be very responsible for the lynching to be committed. It is directed solely at the law enforcement officer and not at the private

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citizen.

MR. TOBIAS: Has the FBI the right to go into a community on its own initiative on the report of a crime that might lead to lynching?

MR. HOOVER: No, it has not. As a matter of fact, the procedure in the Department today is that we do not go into any civil rights case until ~~that~~<sup>it</sup> has been reviewed by the Civil Rights Section of the Criminal Division of the Department, ~~the facts~~. And then if they determine that there should be an investigation, they ~~then~~ direct us to proceed ~~with an investigation~~.

MR. TOBIAS: Would there not be an advantage, if that could be remedied, in going in in time so that valuable evidence that might be lost later could be secured.

MR. HOOVER: I think that is a very good point; it is a point that I make in regard to this oath requirement. The delay of even a day or a week can be fatal to an investigation. If we had to wait, for instance, in a kidnapping until the matter could be reviewed by a group of lawyers in Washington, ~~and then advise us to proceed with it~~, by the time we got to the <sup>place</sup> ~~point~~ of the kidnapping there might be a delay of a week, and fingerprints and all those things have disappeared. Therefore, I think there is great value in getting to a

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violation of law promptly.

In this particular type of violation, civil rights cases and labor disputes, and antitrust cases, the Department directs that those must be passed upon by the Department legal headquarters. They cannot even be directed by the United States Attorney until the Department has reviewed it and determined that there should be an investigation.

MR. TOBIAS: How long a hiatus is there?

MR. HOOVER: That varies. Sometimes it might be a week, or two or three or four weeks.

MRS. ALEXANDER: Is that a Departmental ruling, or based on some law?

MR. HOOVER: It is a Departmental ruling, no law requires that.

DR. GRAHAM: How soon did you get into this recent South Carolina case of the taxicab lynching?

MR. HOOVER: Within almost 24 hours afterwards. There was very prompt action there by the Department authorizing us to proceed. As a result, we got approximately 31 <sup>indictments</sup> ~~convictions~~.

DR. GRAHAM: If you had waited 10 days, you wouldn't have gotten them?

MR. HOOVER: That is right.

I would like to say this off the record.

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(Discussion off the record.)

MRS. ALEXANDER: What is the basis of the Departmental ruling?

MR. HOOVER: I think, Mrs. Alexander, that probably is due to the fact that by reason of the delicacy of these cases and the controversial character that arises out of civil rights cases, of labor cases and antitrust cases, they desire to assure themselves before the Department enters it that it has, at least in their estimation, jurisdiction.

MRS. ALEXANDER: Does it apply to robberies of trains, for instance?

MR. HOOVER: Not to kidnapping or bank robbery or any other Federal violation of law.

MRS. ALEXANDER: But it does to lynching?

MR. HOOVER: Yes, to violations of civil rights.

RABBI GITTELSON: In a case like a kidnapping case, it is possible, is it not, for the FBI to be alerted even before a kidnapping? If, for example, there is reason to suspect that a kidnapping is to occur, the FBI can get on the job even before it occurs, can it not, can be alerted?

MR. HOOVER: Oh, yes.

RABBI GITTELSON: Is there any way in which we can make it possible for the FBI to be alerted in advance of a lynching

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case, for example?

MR. HOOVER: Well, of course, if a Federal lynching statute was passed, as we would under all of our statutes that we investigate under, if we obtain any information in advance of a contemplated violation of law, we would take steps immediately to be prepared to gather the necessary evidence on that particular move of a violation under that law. We of course wouldn't wait until the lynching took place, but we would anticipate that by taking steps, through either local authorities or ourselves, to prevent it; and if it can be proven that it is a conspiracy that is planned. That might be a phase for this committee to give thought to, as to whether a conspiracy planning such a lynching should be covered. Usually lynchings are spontaneous, and are the result of some frightful passion or surge of the emotions of a group in a community, usually ignorant people, who then go out to take the Negro or whoever they are going to lynch, and take him out of the custody of the law enforcement officers. But if a Federal law was passed, we would handle it just the same as we would a kidnapping statute or bank robbery statute.

RABBI GITTELSON: But you couldn't be alerted in that way in advance without a specific Federal law?

MR. HOOVER: That is right. Of course, if any information

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came to any one of our 51 offices that there was to be a lynching in a community, we would at once notify the Governor or the State Police or the local authorities. We would not ignore that information, but we couldn't act upon it.

DR. GRAHAM: You couldn't go in with one of your men even as an observer?

MR. HOOVER: No, there would be no jurisdiction.

MR. CARR: Can't you send an agent anywhere you want to in the country?

MR. HOOVER: We can send him, but he has to be on a mission involving a violation of a Federal statute. In other words, there has to be a contemplated violation of law. We can't just send a man in to observe a situation that has no Federal aspects to it.

MR. CARR: You mean he has a headquarters and can't leave them?

MR. HOOVER: No, no. For instance, we have headquarters at New Orleans, which is our big office in Louisiana. Throughout Louisiana the agents of the Louisiana office are working through that area, all through the State. If they hear any rumor, even though it doesn't come within our jurisdiction, like a proposed lynching, it would be their duty to at once report it to the local authorities or the State Police or

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Governor. But we would have no power, if we heard that there was going to be a lynching, to send a man up there to observe it or be there at the time it was to take place, unless there was some evidence that there was going to be some violation of the statute involving a law enforcement officer.

MRS. ALEXANDER: Even then you would have to wait for clearance from the Department?

MR. HOOVER: That is very true, the same way as on labor violations.

MR. TOBIAS: Suppose one of your men, as you say, who has been circulating in connection with his regular duties throughout the area, heard of this crime that he might suspect would lead to violence. As you said, he could report it to the Governor or the police. But if he remained in that community and happened to be there when it actually took place, what value would his testimony have?

MR. HOOVER: Well, if it came under one of the Federal statutes that we have, it would be of value to us, ~~and that~~, provided we were then authorized to go in on the investigation. In other words, to answer your question, Mrs. Alexander, ~~which fits into that~~ while technically we would have to get clearance from the Department before going into an investigation, practically and actually we would not be blind to that.

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That would be perfectly asinine for us to take the position that we can't even know about it until we ask the Department whether we can know about it. That is what the rule would provide, but we would not follow that particular procedure. We would apply the practical solution.

On the matter of the admissibility of that evidence, if that agent had any knowledge of it, saw it or was in the community, if it was a violation of the State law we would authorize him to testify in the State Court. If it was a violation of the Federal law, the information he got would be a part of the investigation we would make and submit to the Federal Grand Jury.

MRS. ALEXANDER: Your agents knew what was happening in Monroe, but they couldn't move in and get the evidence?

MR. HOOVER: We didn't know about the four people being murdered before they were murdered.

MRS. ALEXANDER: But as soon as you knew they were murdered, you knew it.

MR. HOOVER: Yes.

MRS. ALEXANDER: But you had to wait until you could move in?

MR. HOOVER: Yes. The point I make is that if an agent of our Bureau happened to be at that bridge where these four

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Negroes weretaken and murdered ~~across on the other side~~, he would not have ignored it, he would have observed it and would have been able to testify in the State or Federal court. After the murder was committed, and with no knowledge in advance that they were going to be murdered, then the Department in due time ordered us to proceed. We could not initiate the investigation.

MRS. ALEXANDER: And if he were standing there he could not send for more men to help him take the various prints.

MR. HOOVER: Theoretically not, but practically, yes.

MRS. ALEXANDER: How can we help in this regard; what is the process by which we should ask the Department to change its ruling so that the FBI can move in in such cases?

MR. HOOVER: I don't know whether the Attorney General has appeared before you or not, but if he has not I would invite him to come over. There might be some very good reason that I am not cognizant of, which he could give you. He might want to give consideration to a change.

MRS. ALEXANDER: Would we be at liberty to state that your department feels that it would be helpful?

MR. HOOVER: Certainly. I am perfectly willing that that be stated because it is a thing I sincerely feel; ~~but~~ the sooner we can get onto the scene of a crime, and conduct the

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investigation, the sooner the evidence is available. Meantime, if you have endless delay, the people who have been participants in the lynching will go around to the Negroes living in that area who might have been eye-witnesses, and will so terrify them that they wouldn't talk to you for anything. That is the problem we are faced with; that terror is a definite thing.

RABBI GITTELSOHN: May I forward to you a question which has been asked of many of us on this committee, and which we are obviously not prepared to answer. To what extent, if at all, does the FBI, in making an investigation under civil rights statutes, rely upon the local law enforcement personnel who might themselves be involved in the deprivation of civil rights?

MR. HOOVER: I can answer that right now for you. I would like to say this off the record. (Off the record)

MRS. TILLY: Mr. Hoover, I want to ask you possibly a double question. You spoke of your police training schools. How general is that, and how far <sup>does</sup> reaching is it into communities?

MR. HOOVER: That has grown remarkably well, and I think it has been a very fine influence. We started it in 1935 and we started it for several purposes. In the first place, up

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to 1935 there was a great deal of jealousy between local authorities and the FBI, because we would go into a community and we wouldn't ask the police to go in with us. As I have indicated, there were some very good reasons for that. On the other hand, many of them were inept and not properly trained. So I felt that if we could have a school established here at Washington, without any cost to the Federal Government, that these men could come on here and receive that training. We don't profess to make a man into a police officer. The men picked are already captains, inspectors or chiefs of police.

They come here, pay their own way, and are here for three months, and receive special training - in fingerprinting, laboratory work and other things. Then they go back to their communities, and in turn we encourage them to establish local training schools in their own police departments, to be run by that particular officer. If he wants our assistance and wants us to send lecturers out, we are willing to send a specialist on ballistics, or on fingerprinting, or whatever it may be, <sup>to</sup> ~~will~~ lecture without cost to that police school.

Since 1935, to date, there have been 2600 graduates from that academy, and we have a long waiting list of applicants to come into it. We started out with a school of about 40, and now it runs to 90. And from many parts of the country I am

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receiving letters almost weekly from mayors and city managers, asking me to recommend someone for chief of police. In making that recommendation I select not one name, but generally two or three names, and they are graduates of the academy who have had that special training.

It has been 12 years since that was started, but already we have seen a marked improvement. It won't be perfect in another ten years, and maybe will never attain the perfection that we hope for. But I see in the type of officer who is coming to the academy today ~~we have a graduation this Friday of the present class. There are~~ men of higher standing, ~~there are~~ men who are making great sacrifices to go into law enforcement. As I say, these people pay all their own expenses, including railroad fare. One man's wife went down to the tourist camp on the Potomac Park and took in washing so her husband could stay here and take that training course.

MRS. TILLY: That is just for city police?

MR. HOOVER: No, it applies to all types.

MRS. TILLY: You do have county officers and sheriffs?

MR. HOOVER: Oh yes. Every class is divided into four groups, the city police officer, the county officer, the small city officer and the state police, so that this group of 90 officers is a cross section of the United States, and that is

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one of the values of it for the reason that while they are here they live in the barracks at the Quantico Marine Base; they live together, work together, and get to know each other, so that the police officer from a large city begins to understand that the police officer from the county has his problems. Furthermore, our men who are in training are in barracks there and they get to realize that we are not a so-called bunch of stuffed shirts, and we get to realize that they are not the ordinary common flatfoot. And by the time that three months is over there is a meeting of minds, an understanding, and then we arrange, once a year, for a reunion, where they come back, and instead of having just social activities, we have a week of so-called refresh<sup>er</sup> courses, and a police officer from any part of the country can come back to this reunion and may indicate in advance the specialty that he wants to be assigned to. Maybe it is fingerprinting, or traffic, or juvenile delinquency, or something of that kind.

So in a period of 12 years I think we have now raised ~~the~~ <sup>the</sup> tone of the local law enforcement officer. What I have always in mind, frankly, ~~is~~ <sup>is</sup> that when you have something wrong with your eyes, you go to the best oculist, and when you have something wrong with your stomach you go to a stomach specialist. And when your life and liberty and property

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are threatened you ought to be able to turn to the best minds in the community to protect and aid you - and that is the purpose of this National Academy.

MRS. TILLY: The final question I wanted to ask is this. Since life is at stake, and civil liberties are at stake, is there any way in which law enforcement officers <sup>can</sup> ~~should~~ be required ~~or could be required~~ to take courses before they enter upon their duties?

MR. HOOVER: I am a very strong believer in that. I don't think that any man ought to be handed a badge and an authorization card and gun and billy and allowed to go out and enforce the law. He ought to be required first to have certain educational requirements. He ought to be thoroughly investigated as to character; he ought to be fingerprinted; those prints ought to be checked at the National Fingerprint Bureau which we maintain; and then he ought to be put through an intensive course of training. Most of the large cities are doing that, such as New York, Chicago, Los Angeles and San Francisco.

MRS. TILLY: I am from Atlanta and I know all the Monroe situation; I know these things and know the type of men you are talking about. Is there something this committee could do to make that a requisite?

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MR. HOOVER: I think that certainly a recommendation from this committee would be very helpful along the lines of insisting that law enforcement officers be properly chosen as to character, training and background, and insisting on them receiving certain training. That might add the impetus that is needed.

DR. GRAHAM: In North Carolina Mr. Hoover and the FBI cooperate with the University of North Carolina in the training schools.

MR. HOOVER: That is correct; it is part of the outside training work.

BISHOP HAAS: Mr. Hoover, I understood you to say that your contact with the Department of Justice, in going into a case, let us say in Mississippi, or Alabama, is through the Civil Rights Section?

MR. HOOVER: Of the Criminal Division of the Department, yes.

BISHOP HAAS: Maybe you would care to answer this and maybe you wouldn't. In your judgment should that section have more prestige, more standing in the Department, have more men?

MR. HOOVER: Well, I frankly wouldn't want to express an opinion on that because it is outside of my jurisdiction. I have 10,000 personnel that I have to handle, so I have my

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headaches.

MRS. ALEXANDER: Mrs. Tilly raised the question of whether or not enforcement officers should be required to have certain training. I am going to put it the other way - should ~~he~~ <sup>be</sup> also allowed to have certain training? With that in mind I want to know whether or not Negro officers have an opportunity to come into your training course, and if so to what extent?

MR. HOOVER: We have in the Bureau --

MRS. ALEXANDER (Interposing): I don't mean in the Bureau, I mean in your officers' training course.

MR. HOOVER: In the officers training there is no restriction on race or creed. The selection of the officer to come here is made by the local police department.

MRS. ALEXANDER: Therefore, unless he is selected <sup>locally</sup> ~~there~~ he doesn't get to your school?

MR. HOOVER: That is right.

MRS. ALEXANDER: Isn't it possible for your Department to reach out and ask for a <sup>change in this respect,</sup> ~~certain variation~~ because we do know that we have Negro policemen in certain sections, and they need to be trained to handle certain problems. <sup>?</sup> I therefore ask whether your Department can't do something about that.

MR. HOOVER: That is a very good idea. Of course what we

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have been fearful of with this National Academy is that we don't want to try to impose upon a community a direction or a supervision by a Federal Government agency. There is a great resentment, state rights and so forth. So in the National Academy all we set down are certain qualifications as to age and experience and background training before the man is selected. If he is selected by the local chief of police or the mayor or whoever wants to send him in, we accept him, provided he meets the qualifications we have specified.

MRS. ALEXANDER: He cannot make an application himself?

MR. HOOVER: He can to his local mayor or police chief, but not to the FBI.

MRS. ALEXANDER: So therefore I presume, from what you say, that you have never had in your Academy any Negro officer?

MR. HOOVER: That is right. I will say that we have had officers from China and from South American Republics, several of them, and from Mexico.

MRS. ALEXANDER: But I am talking about my own race.

MR. HOOVER: No.

MRS. ALEXANDER: Have you any suggestion to us as to how we might make that possible?

MR. HOOVER: Well, again I would think that that would be a very proper recommendation of this committee in regard

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to the training, that the local communities select officers without regard to race or color.

MRS. ALEXANDER: Wouldn't it be very suitable for your Department to make the suggestion that they be selected without regard to any requirement as to race or color?

MR. HOOVER: I have no objection to making it. As I say, I religiously try to avoid injecting myself into telling a local community what to do. That is by reason of ~~that~~ <sup>the</sup> conflict of the so-called local and state pride, and state rights. But there would be no reason that I can see why a Negro should not be designated to come to the National Academy. As you say, and it is a fact, in many of our communities there are Negro officers of high rank in local police departments. We never take a patrolman, we take an officer, and the restrictions are that it be a man who is in line <sup>for promotion.</sup> What we have in mind, frankly, with the graduates of the Academy, is that ultimately they will become chiefs of police, and I think one-third of all our graduates are now chiefs of police in various communities in the country. ~~That will gradually infiltrate, you see.~~

MR. TOBIAS: You say that you recommend that they conduct schools in their local communities.

MR. HOOVER: Yes.

MR. TOBIAS: It seems to me that a suggestion of curricu-

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lum content would be both acceptable and helpful to them, and I can see where it would do a lot of good. If, of course, all the emphasis is on law enforcement, then it wouldn't, but if your curriculum carried in its course, lectures and talks on respect for law and order, and how to promote that in a community, I think it would be very helpful.

MR. HOOVER: As a matter of fact we do give to them suggested curricula; they don't have to follow them of course. But we do furnish them with lecturers who will speak on the subjects we recommend, covering those points. I know in our own school we had the former chief of police from Milwaukee who has given lectures on the handling of minority groups. A great many of these officers that go out seek advice from us, and we encourage that. The curricula in most of these local training schools are not limited to strictly the police function. For instance they cover juvenile delinquency and public relations, and the matter of handling minority groups - and frankly I don't like that phrase "minority groups" because we are all minority groups if you come to analyze it.

MR. TOBIAS: To make it concrete, there is Dr. Graham at Chapel Hill; there is Durham nearby. If the police training group at Durham had as a part of its course of instruction, the calling in of <sup>people</sup> ~~characters~~ who are well known and respected -

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suppose at Durham they called in Dr. Graham or some other professor, some professor of social science at the University of North Carolina, or Duke, to talk to those men on how to encourage law and order in the community, that is approaching it from a positive side.

MR. HOOVER: That is an excellent idea. Our faculty is composed of our own experts, and then we have a great number of outside lecturers who come in and lecture on special subjects. We have several men who come in from the press, lecturing on the matter of press relations and public contacts. We have several members of the clergy who come in and lecture on special phases, both to the National Academy and our own Agents.

I think in North Carolina that is followed to some extent, if I recall correctly, because they have a kind of travelling conference arrangement. They get not only the police officers in North Carolina, but they get the judges and the prosecuting attorneys, and they have at times invited our men to go around with them, and they have outside lecturers in to make talks to them.

I think, not because Dr. Graham happens to be here, but North Carolina and California have been probably the two most outstanding States in progressive work in law enforcement

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training and raising it to the level of a profession. Usually a person expects to have one mention one of the Northern States, but ~~it is not a fact~~ North Carolina and California have been far ahead of the other States of the nation in that respect.

BISHOP SHERRILL: Are there a number of Negroes in the Department?

MR. HOOVER: Oh yes, we have them as Agents and as experts in regard to subversive activities, and matters of that kind.

MR. CARR: Is that generally known, or do you prefer that it not be?

MR. HOOVER: Their identity is not generally known.  
(Off the record)

RABBI GITTELSON: Are these Negro Agents ever or frequently used in cases involving lynching, for example, where Negroes might be more willing and less afraid to talk to a Negro Agent than to a white one?

MR. HOOVER: I am glad you asked that question because that very definitely would be a thing that I would think should not be done, ~~for the reason that~~ <sup>if</sup> you send into, let us say, a community like Monroe, Georgia, a Negro Agent, ~~that~~ <sup>the</sup> Negro Agent is like a sore thumb right away; he is immediately going

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to be subjected to terrorism by the white group in the community that ~~is~~<sup>is</sup> guilty of the lynching. Of course he is a Government Agent and we can protect him, but obviously we have had Agents killed also, and he might be killed. Secondly, the local Negro I think would be more disinclined to talk to him because the particular type of Negro living in Monroe was a very ignorant type of Negro, and for that reason they were scared, they wouldn't talk hardly to anybody, and I don't think they would talk to a Negro Agent.

We have utilized the Negro Agents to great value in the metropolitan areas; they have been doing excellent work. In Los Angeles we have agents who have done excellent pieces of work there.

RABBI GITTELSOHN: Don't you think it might be worth while, notwithstanding the objection you raise, which we recognize to be a valid one, might it not be worth while to try it once, at any rate, to see whether the local Negroes would talk to a Negro Agent?

MR. HOOVER: I would like this off the record. (Off the record)

MISS WILLIAMS: Is it not possible, though, that if you had a Negro on your Southern Regional staff, or in the groups of Agents who work all the time in the South, to help the white men - I wouldn't use him as a front ~~man~~<sup>man</sup> for testimony,

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but to help the staff get an interest, and learn how to be skillful, who would build up contact in the Negro community, who would help the white man know when you really got into the thing, and if he lived and worked in the South and became part of the scenery of the South, I can see how you might find that advantageous. I can also see how you couldn't send a Negro from New York City to Monroe, Georgia, but I think this is quite different from a Negro who lives in and of the South. ~~I remember a Negro woman in a small town in the South telling me once that she always went to the Klan meetings because she thought the Negroes ought to keep up.~~

When you become part of the coloring of the South it is amazing what a Negro can do, and if the Negro is a person of character and skill and zeal who really would qualify and have the respect of his fellow officers, he might do the background work and let the white men do the front work, the testifying. ~~But from my experience in government I know that the average white staff member, no matter how unprejudiced they are, no matter how much they want to do the right thing, has the same kind of inertia as a member of the Federal Government said to carry out the law that you talk about in the community. I think one way to remove that inertia is to put a Negro on the staff who can command the respect of these other people and who has initiative and imagination and respect~~

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~~and knows how to move in on things.~~ I don't think you should close your eyes to that possibility.

MR. HOOVER: I haven't closed my eyes to it because I recognize all too well the great work that has been done by the Negroes. For instance in New York they have done magnificent work.

I think that that point you make might very well be tried. Of course we have such a comparatively small force and you can never anticipate where one of these cases involving civil rights is going to break. Let us say that we might assign a Negro Agent to the Atlanta Office. There might not be another case involving civil rights in Georgia for three or four or five years. You would have great difficulty in using that Negro Agent on other investigations in Georgia by reason of the prejudices that actually prevail. The same thing is true with regard to other racial groups. (Off the record)

MRS. ALEXANDER: We have such a variance of complexion in our race that it is very difficult often to know just what we are. As Booker T. Washington said, it is the strongest blood in the world, one drop makes one a Negro.

Walter White has certainly investigated many lynchings and no one has known what he was. You certainly have available men of his complexion, who would have what Miss Williams

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refers to as the zeal for it, and whose racial identity need not be known to anyone any more than that they were FBI Agents.

MR. HOOVER: That idea that you have advanced probably could very well be tried.

MRS. ALEXANDER: And couldn't it be on the basis of his complexion? They wouldn't even know.

MISS WILLIAMS: I think there are two ideas here that should be explored, Mr. Hoover. I was thinking not in terms of a man who would not be visibly colored. I think the other is perfectly possible.

MR. HOOVER: In other words your suggestion is that this particular agent might be utilized as we term it within the Bureau as a kind of undercover man or bird dog; he gets the scent of a thing and brings it in, as we utilize them in some of our other criminal cases.

MISS WILLIAMS: Yes, and I am saying that his daily contact with his fellow workers would make them a different kind of men; they would be different because they had lived and worked with someone they respected, but who had an unusually keen scent on these things.

MR. HOOVER: So far as ~~within~~ the Bureau is concerned there is no problem involved ~~there~~ because the colored agents in our large metropolitan offices are respected and accepted just like

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any other agent is respected.

MISS WILLIAMS: I meant that they would build kind of a new approach and help you on this particular problem in the South.

MR. HOOVER: There might be something well worth trying on that; I am glad to have your suggestion.

MRS. TILLY: I am trying to think of that type of man in the South, in Smith County, Mississippi, or Walton County, Georgia. I don't think they would even come from Atlanta and go down to Monroe. ~~I think you would have to work by him getting employment there.~~

MR. HOOVER: May I say this off the record. (Off the record)

MISS WILLIAMS: But the very fact that Negro police are now functioning in Southern cities would mean there would be some opportunity in the large places to use them.

MR. HOOVER: Yes. Of course most of those Negro police, and I think very wisely, are being used with the Negro population, where they understand the psychology and where there is not that arrogance that sometimes is manifested by a white officer.

MR. TOBIAS: You regard that as a good move and worth encouraging?

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MR. HOOVER: Yes.

MISS WILLIAMS: I was thinking again that in getting co-operation with local police ~~I was thinking particularly of riots, and street car cases in towns, and the FBI utilizing the services of Negroes would be encouraging, would be leadership for these local towns that are trying to put on Negro police.~~

MR. HOOVER: That would certainly be worth trying, but I must say that I share somewhat the view of Mrs. Tilly. (Off the record)

MRS. ALEXANDER: Mr. Hoover, couldn't we also work through the radio? I had raised, before you came in, the question as to whether or not these gangbuster programs that I hear my children listening to, might not at some time portray a civil rights case?

MR. HOOVER: It would be a very excellent idea.

MRS. ALEXANDER: Does the information for those programs in any part come from your department?

MR. HOOVER: No. We have, from time to time furnished to various programs of the country what we call our closed cases. They come in and want a case on kidnaping or a bank robbery or any other type of crime.

MRS. ALEXANDER: They might not ask for a civil rights

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case but ~~couldn't~~ it be suggested by your Department?

MR. HOOVER: That could very well be done. It has been done in the motion picture business in regard to the evils of the chain gang in the South, ~~which was an excellent picture~~.

MRS. ALEXANDER: But civil rights is never touched either by the movies or by the radio.

MR. HOOVER: It is a thing, however, that I think could readily be done.

MRS. ALEXANDER: When you referred to the fact that 97 per cent of your investigated cases resulted in convictions, I presume that the other 3 per cent must be lack of convictions because they come within this field of civil rights?

MR. HOOVER: Some are in that field and some are in others. There would be some of these civil rights cases that would be in that field.

MRS. TILLY: The Southern Regional Council is reorganizing the Southern Association of Women for the Prevention of Lynching, and there are 18 women's organizations in Georgia that are pledged to take this education down to the last community.

MR. HOOVER: That is an excellent idea. If that could be done in every State in the South it would be fine; that is an excellent thing.

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BISHOP HAAS: Who fixes your appropriation?

MR. HOOVER: The Bureau of the Budget ~~does an~~ acts on it first and then Congress comes along a little later.

BISHOP HAAS: I presume that you feel that you need more money?

MR. HOOVER: Oh, most certainly. We felt that with the cessation of war our work might diminish, but of course what happens is that Congress passes innumerable laws and never gives us the money to enforce them. For instance in this atomic bomb appropriation we have the requirement of investigating all personnel and all violations of the Atomic Energy Act, but the matter of funds had to be dealt with after the law was passed. Our funds are very meager for what we have to do. We asked Congress for a \$35,000,000 appropriation and we turn in through fines, recoveries and other savings that are effected, about \$75,000,000. So we are more than a self-running organization.

DR. GRAHAM: How much do you need?

MR. HOOVER: Well, we asked this time for \$42,000,000 and the Budget Bureau cut it to \$35,000,000, and Congress has indicated that they are going to cut it 20 per cent more. The evil of that, Dr. Graham, is that you have to then fire qualified men. Now later in the year when you have this great

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backlog of work you come in for a supplemental appropriation and maybe Congress will give it to you. Then you have to hire green men, and it costs us \$6,000 to train a man, to investigate him, train him and put him out into the field.

DR. GRAHAM: And you train a highly efficient person, which costs you money as you say, and then fire him, which I notice to other high-calibre men who were thinking about making it a profession that the tenure is precarious?

MR. HOOVER: That is very true, and that is the very problem that we are always faced with. I would much rather retain the experienced men and do the job. As I said, the expenses of the Bureau are always more than doubly exceeded by the returns which we make to the taxpayer.

BISHOP SHERRILL: Are there any other questions?

We have come to 3:30, the time agreed upon for adjournment. Are there any other questions?

Mr. Hoover, we are very grateful to you. I am sure the members of the committee found this discussion most helpful and most illuminating.

MR. HOOVER: Thank you very much; I enjoyed being here with you also.

(Whereupon, at 3:30 o'clock, p.m., the committee adjourned)

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Wednesday, April 2, 1947

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The President's Committee on  
Civil Rights,

Hearings before Subcommittee No. 2 Washington, D. C.  
The <sup>sub</sup>Committee met at 10:30 o'clock, a.m., in Room 208,  
1712 G-Street, Northwest, Mr. Charles Luckman, presiding.

Present: Mr. Charles Luckman, Mrs. M. E. Tilly, Mr. James  
Carey and Mr. Channing H. Tobias.

Also Present: Mr. Robert Carr, Mr. John Durham, Mr. Milton  
Stewart, Mr. Herbert Kaufman, Mr. Joseph Murtha and Miss  
Frances H. Williams.

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P R O C E E D I N G S

MR. LUCKMAN: Mr. Ross, will you proceed in your own way, please?

STATEMENT OF MALCOLM ROSS

MR. ROSS: I will take advantage of your suggestion, Mr. Luckman, and I would like to talk from the final report that we made last Spring, as my text. Have you one of those; have you seen that?

MR. LUCKMAN: Yes, we have it.

MR. ROSS: ~~Well,~~ the circumstances were these. FEPC was really through actively six months before its demise, but we thought that the record of what had happened would be valuable and we stayed in business as long as we could for that purpose, and wrote this final report up.

We had to rely very largely on private agencies to collect a good deal of the data. ~~Some of the Jewish agencies made studies of discrimination against Jewish veterans when they were coming back, and communities did.~~ The only piece of government data that we were able to get was a study made by the Census Bureau in St. Louis, and I commend that to your interest because it shows the same results as our informal and non-authoritative explorations did, that Negroes after the war, ~~immediately after,~~ in the change-over period, lost their skilled and semi-skilled jobs and the wages that went

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with them vastly more in proportion than the white workers did. ~~That is demonstrable~~ in that study and in everything we know about it.

Of course I think that that is the fundamental thing that a fair employment practice act gets at. They were in skilled positions and doing perfectly acceptable work, but ~~because of their race~~ they had to step down afterward for no other reason than their race.

FEPC tried, in its whole career, to keep this thing on the industrial base. That is where we think it belongs. The fulminations of some of our adversaries would lead you to believe that we had mixed into the social affairs and other things - we didn't. That was merely byplay and a necessary part of any agency that tries to do an effective job in this field is bound to be to catch unshirted hell. I say that with warmth because I felt the hazards of doing this job all the time we were there, and I think those hazards would be inherited by any agency which tried to do it.

Now in this final report we reached several conclusions which will be found on page 6. We recommend that the President continue his efforts to get Congress to consider this and pass some sort of legislation. I would like to talk about the Congressional relationship a little later because I

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think it is very important. In other words, the committee unanimously feels that an act in this field, with strict enforcement powers, is essential, as the summation of their experience, and I will show you a little later why we arrived at that conclusion.

Secondly, we say that the mere existence of a Federal policy of non-discrimination is not effective. The national wartime policy of non-discrimination was not cancelled by the enforcement agency, FEPC, going out of the picture. That is still there, but it is not observed.

I had occasion to see the immediate results when FEPC folded up last Spring. We had left perhaps twenty able people, Negroes, and I personally went to the top, to the White House, to all the heads of departments I could find, to try to place those people, and Tom Clark, taking one of the lawyers, was the only one who came through. They are now mostly out of the Government service. That is one example of what the experience of Negroes in Government service has been.

We may be as pious in declaration as need be, but without any knowledge that a concrete regulation will be upheld and that they will be checked on, subordinates follow their own inclination.

I do think the Civil Service Commission has this very much

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in mind. They have some quite effective regulations still on that, and I think that is one point in Government where the effort is still being made.

My third point was a commentary on the lack of ability to know what is happening in this field. During the war the Government, at FEPC's request, through the various departments, did send reports in of their negro and white employment. That has been abandoned. We know nothing of the picture on the industrial side. We don't know where the tens of thousands and hundreds of thousands of Negroes who came along are, and how they are doing; are they in Portland, Oregon; Muskegon, and all the places where they came in and did war jobs, or what has happened to them? We have no data on that. Unhappily, I think, Congress is not in a very statistical mood, but I do think that has got to be faced.

With your permission, Mr. Chairman, I would like to run through some of the points that are observations, or a summary of this report, and I do it in relation to any legislation that you may consider what the wartime experience was worth.

A broad base is necessary. ~~We say here that the wartime gains of the Negro, Mexican-American and Jewish workers -- I think there is a distinction that should be made.~~ The 13 million Negroes and the 3 million Mexican-Americans are more or less in the same boat; they are both easily identifiable -

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high visibility. They are subject to all the going prejudices there are, merely on sight. That 16 million people is the bulk of those who need protection in industries - not in home industries. I think any new bill that comes up should have an exemption for an employer up to at least fifty employees. So ~~that this thing will track in the big field of industry where most of these people who are discriminated against need a fair deal.~~

On the matter of religion, I don't think there was any mass discrimination against Jewish people during the war. The most we found was in big Jewish centers, New York particularly. It wasn't a question of turning down a number of Jewish workers at a plant gate, but it was the individual matter, haphazard and sporadic.

The growth of interest in the Negro by religious bodies, the Catholic Church and the Jewish Church, isn't so much of an interest in their own people - in passing it is - but it is a knowledge that the outbreak of prejudice against any group traditionally in this country has spread to the religious field. I premise this on the broad base theory that it mustn't remain purely a Negro problem. The Mexican-Americans we are inclined to forget. One reason for that which we discovered is this. They are not assimilated as American citizens. They

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are afraid of United States officials. They will go to the parish priest, they will go to a Mexican consul, even if they are United States citizens, rather than take their troubles to the authorities that should have them in hand. The segregation of Mexicans and the general mores of the Southwest and of parts of California toward them, keep them a people apart. And they filed fewer complaints of discrimination with the FEPC during the war by far in proportion, than the Negroes. And I think the answer lies in the explanation I have just made.

That doesn't mean that it isn't important. They had many intelligent, forceful leaders, and all of them have very much in mind the treatment that the Mexican field hand and industrial worker gets. The Texas drugstore clerk and hotel clerk doesn't discriminate between the Mexican field worker and a visiting South American notable. So that the educated, the lawyers and the others among our own citizens, of Spanish origin, catch it in the necks and they don't like it; and the reverberations of that in Mexico and throughout all South America get into the international field in a big way, I think. You can't have a city like New Orleans, trying to base its whole economy on South American trade and not feeling the foolish act of some prejudiced person in Texas or New Mexico or

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California, because those incidents are picked up in the Mexican press, they are blown up into something big all over South America, and we have got to learn to mind our own manners before that relationship, on a strictly dollars and cents basis, can be as good as it should be.

Now FEPC settled about a hundred cases a month for certainly three years. Those settlements were all made by our field agents - quiet persuasion on a union, on an employer. We never gave that to the newspapers, it wasn't known. In many cases where we dismissed an invalid charge, the employer never knew that a charge had been launched against him. That part of our experience was not known to Congress.

The people who were the recalcitrants went to the papers and made much of their being harassed by this "outrageous agency".

Father Haas and myself, in the first six months of our experience there, saw this happening. We went out against the Southern railroads. ~~I won't go into the merits of that case; it is here and in other places.~~ Immediately we did so the railroads sent a highly inflammatory letter to every Congressman and every Senator, and they complained to the Smith Select Committee that they were being harassed. That committee held a hearing and gathered material which was later used on the

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floor of Congress to attack FEPC.

There is a triple play there that was worked in several cases - in the case of the railroads, the seafarers' union and in the Philadelphia Transit case which later resulted in a strike and the Government taking over the plant there.

Now that is good tactics but it had an unhappy final result because it discredited FEPC at the very beginning. The railroad case, through private litigation, finally wound up in the Stole decision of the Supreme Court, which completely upheld what the FEPC had said about the case.

The Philadelphia Transit case was later shown to be the workings of a disgruntled company union group in a union fight. But everything they said, and they said very harsh things, was launched against the committee and ~~gave~~ it an initial two strikes.

I don't say this to explain FEPC, but I think it is important basically - and I may be repeating myself - that any committee is going to find the same kind of opposition.

Very early in the game several freshmen Congressmen from the South undertook to criticize the staff of FEPC primarily on the basis that there were in it many Negroes and some Jews. That was, ipso facto, a sin in the eyes of these people. Now I personally think that FEPC worked out a microcosm of democ-

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racy. We had a Catholic priest on our payroll - he didn't take the money, it went to his church; we did have Jews; but the majority were Negroes. But we worked together and, I think, proved something up. But that fact was used by Congressmen who wanted to make an impression on the folks back home, to give the dog a very bad name indeed. "We were Communists" - we weren't. I can assure you that there was no Communist influence that I know of in that staff or on the committee.

That bad reputation lingers on to the point where Senator Ives, in introducing a bill lately disclaimed that it was an FEPC bill.

You have got two inheritances from the wartime FEPC. One is the fact that its public enemies distorted the industrial aim into something else, concealed the real chances of coming out on this thing, the quiet work where Negroes were introduced into a plant against initial opposition, and after they were there it was discovered that the annealing process between whites and colored work.

In the Detroit riot, while hoodlums were beating each other's brains out on the street, the workers in the plants, Negro and white, who were used to each other - and you can't hate a man so much if you work beside him - protected each

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other in that riot. Some of the white boys took some of the Negroes home through the streets.

There is dynamite in those situations, and by "situations" I mean the attempt to introduce another minority against the active opposition of some of the hotheads of a plant and against what is usually, in those cases, the quiet acquiescence of an employer. All the prophecies of disaster if we went into this or that case I would say washed out, except in the Philadelphia Transit case.

There were no serious racial troubles during the war. The strikes were short. FEPC itself helped to settle forty of them. The intervention of a third party was necessary. Many of them were union cases, as you know Mr. Carey, where the union had a top policy that was good and the rank and file were prejudiced; their fellow union members didn't give the Negro as good a break as they should have. So the Negroes struck. The War Department, Manpower Commission, FEPC, everyone went in there, and I say with authority that because we had a Negro field staff who could go in there and be immediately accepted as Negroes by the dissident Negro groups, we were more effective than some of the other agencies.

Now this is the Ross theory of how these things work. I have evolved the idea of a triangle with three sides. Now

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two of those sides have got to be together to make the thing stand up. Where both the union and the employer said "no", either publicly or privately, we didn't have any success. Government alone couldn't do it because we had no final enforcement powers. Where the employer was with us we could get the union around, or the workers if there were no union. Where the union was strongly with us we could persuade the employer. Now with Government out of the picture you only leave two sides of that triangle, and unless there is an extraordinary interest of either the union or the employer the thing won't work out. The National Smelting Company, for instance, never had to have FEPC suggest anything to them; they did this thing by themselves years before FEPC was there, and worked it out beautifully with their union. But we are in a state now where there is a vacuum in that third side, and I think a Government agency with enforcement powers is the only answer. You don't have to enforce every case. The normal case will mend itself by education and persuasion. The recalcitrant, if allowed to remain recalcitrant, with nobody finally slapping him down, can ruin the whole underpinnings of quiet, persuasive work. Certainly we have had enough administrative experience in this country to know that.

~~The National Labor Relations Act went through a course~~

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of sprouts that I would suggest might be somewhat similar to any FEPC that might be established. I lived through that, and the years of 1935 to 1937 were very bitter ones as you will remember. The opposition to NIRA was tremendous and vocal. But during that time the field agents were working out these cases. Then the Supreme Court held the NIRA unconstitutional.

~~Then it became~~ apparent that the way to work out labor problems ~~basically must be between organized labor and or-~~ ~~ganized industry.~~ I think any FEPC would have to go through some very hard times indeed. You have the racial element in addition to the industrial one that NIRA fixed. I am not sanguine at all about the easy acceptance by the South of this thing. I think that there are many in the South who would welcome a concise, firm law, not running down to the small businesses ~~as I said at first.~~

I was in the South during the last week in December and was talking to a group of workers. This may be an exceptional story but I will give it to you for what it is worth. This was rather late at night and the mood was around the fireplace with everyone letting his hair down and talking things over. One of them told how he as a workingman's boy in a workingman's district in the South had been on friendly terms

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with Negro children until he became a big buck of sixteen. Then he joined the boys at the drugstore and would stand there and when a Negro came by, "Let's get him", and they would go off and beat him up. That was his Saturday afternoon's pleasure for some years, until one time a Negro was prepared for him and cut him very badly - and he quit. Now that is not unusual as an adolescent experience in the South; but the unusual thing is that that man is now a union organizer who is getting Negroes into his local on even terms with the whites.

There is that in the South, in the union movement, that is bound to be important in the next decade, because the South is the last remaining verdant pasture for unions to organize. There is a certain saturation point outside of the South; and the Negro, one-third of the South's working force, is the man that unions are going after, both the AFL and the CIO. And organization in the South can be more peaceful, sounder, on a more stable basis, if the unions have help from the Government in seeing that the Negro becomes a man with an opportunity four-square with the white in the South.

There are all kinds of straws in the wind on this thing and one of them is that same <sup>Steele</sup>Steele decision that I mentioned previously. That says in effect that a union having a majority

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representation must give to the non-union people the same benefits that they get. Well that of course applied to a union which excluded Negroes. That is now our national doctrine. Unions must follow that.

On the West Coast, in the James decision, the Supreme Court of California came down with a decision that a union having a closed shop has no authority to pick what members shall be allowed to work there. That again is a case of a white union with a closed shop that was giving Negroes second-class membership.

The law is a little ahead of practice in some of these things now. I think it is the Government's business to catch up with the law.

If a law is to be passed it has got to be extremely very carefully sold to Congress and the country. We couldn't do that. The vicious circle happened during the wartime FEPC. We were called names when we first began. There was no defense ~~to that~~ against the prejudiced who made those remarks. We couldn't have information people, or the mechanism by which you make a thing known, because, being suspect, Congress doesn't like that kind of thing anyway and wouldn't allow it. Ergo, help has got to come from the outside, an educational campaign to the churches, to industry, to the chambers of

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commerce, and to the NAM. There are really terrific reasons why, in the next decade for our domestic security and for our international good face with two-thirds of the world composed of colored people, this pattern should be worked out in the next ten years. This is the time.

After World War I no one even thought of any controls - either during the war or after - and the result was a dog fight for bread and butter between black people and white people, and you had your 26 race riots with hundreds killed in that year. We are doing much better. I think the national policy not of FEPC alone because the national policy applied to the War Department, Navy Department, Manpower Commission, Maritime Commission and all of them - that is all to the good educationally. We have full employment now but just as sure as shooting, unless you do arrive at some good solution of this thing the first time employment slumps the old difficulties are going to come back, and the only real stop-gap is unions who have admitted Negroes fully to membership. They will stand by their guns, I am sure, when it comes to seniority rules, in treating the Negroes fairly.

It is not fair to the unions, however, for the Government to stand by and let these things run into the ground, as they very likely could.

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I have talked a good deal, sir, so I will sit quiet now and let you ask me questions.

MR. LUCKMAN: Well, that is a very comprehensive and penetrating statement, Mr. Ross. I will just arbitrarily suggest to my associates here that in the interests of recognizing the fact that we do have some time limitations, and in order to give everyone a chance, I have noticed that we have all been making notes of questions we would like to ask, and I would like to suggest that each member of the Committee limit himself to two questions to begin with, until each has had an opportunity - then if we have any remaining time, and if you are still indulgent with us, Mr. Ross, we will go on beyond that point.

If you don't mind I will abuse my prerogative as chairman and ask my two questions first.

You made several references to the earnest consideration of enforcement provisions. Would you be willing to amplify what view we might take as to those provisions or mechanisms?

MR. ROSS: Surely. Let's talk in terms of bills. The Norton-Chavez Bill tried to put it on the basis of tested administrative procedures. I think, unhappily, they chose the NLRA as the specific model, because NLRA is still a controversial subject, ~~whether or not to amend it.~~ And that

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didn't have anything to do with the argument. The desideratum is the best administrative procedure, and you now have the Administrative Procedure Act which is a good one and has been accepted by Congress. Any bill now should have all of the provisions in it, with which you are familiar, affecting due process, examination and cross-examination, and be a full record. The aims are to go to a recalcitrant, bring him to public hearings where many times these things are settled, and if not, go on to findings of fact and conclusions of a body; then another opportunity for your recalcitrant to accept; and then court review.

There is only one procedure that can be followed. The details can vary but since the 1880's we have been perfecting the experts who go into these matters, and then have a curb of the courts on their final conclusions. I don't care what the words are; that can be worked out.

I have seen what I think is a draft of the Ives Bill. One was sent me in confidence six weeks ago. That meets what I have been trying to say here. I am not certain that the Ives Bill as introduced is the same as that; I would rather not comment on that because I haven't read it. But I think everyone is protected, I think unions as well as employers ought to be under the hand of Government if they don't obey what

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everyone has agreed to as the proper policy to conform to our Constitution and our Bill of Rights.

MR. LUCKMAN: I wrote down a sentence here which I think is a verbatim quote, in which you said that it would be a serious mistake to regard the FEPC as an instrument for solving just the problems of the Negro minority. Would you mind indicating those minorities that you consider the most important to be properly safeguarded under any FEPC program?

MR. ROSS: I have named them, Mr. Chairman.

MR. LUCKMAN: Not necessarily in the order of their importance.

MR. ROSS: This country has had in-migrations of Irish who worked for a dollar a day, who got into all kinds of bloody brawls. That has worked out; we don't any longer have an Irish problem. And the Canucks and the Hungarians who came into the steel mining regions in the 1890's and the early 1900's are now on flying fortress crews and football teams and they are no difficulty - they have gone through the American educational process and stand on their own feet; they will not ask for much protection; they don't need much more protection. The people who need it are the ones who are identifiable, such as the Negro, the Mexican-American, and in some cases the Jew. I think if you do that, the rest will come along.

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MR. LUCKMAN: May I ask whether you have purposely excluded the Japanese-Americans?

MR. ROSS: I beg your pardon, I had forgotten them. I would say that the Nisei were eminently under that high visibility characteristic, yes. Of course the reason I forgot them is that they aren't in industry very much; they are mostly agricultural workers which any bill of this kind couldn't touch.

MR. LUCKMAN: Thank you. Mr. Carey?

MR. CAREY: No questions.

MR. LUCKMAN: Mr. Tobias?

MR. TOBIAS: Yes. Out of your experience with an administration that did not have enforcement powers during the war, and in view of the expressed difficulties on the part of the proponents of the present legislation in getting consideration for any kind of a bill, favorable consideration for any kind of a bill that had strong enforcement provisions in it, would you think it better to proceed with a bill that had weak enforcement provisions, or none at all, putting practically all the emphasis on the educational features, rather than have no bill at all?

MR. ROSS: I think violent disorders will be saved over the course of the next decade if strict enforcement is provided for at the very beginning, not relying on the administrative

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laws that we have already tested in other fields. I think, if you will visualize the administrators of a purely educational bill, that they would be very unhappy people. The churches and the schools, for all of American history, have tried to inculcate this democratic rule of fairness to all, and they have failed. We are much better, as you know, than we were; we are much better than we were in the days of our grandfathers and fathers, but this is an industrial problem which can be solved in the same way as were social security and child labor. All of the inequities that have troubled the country and have come under this kind of procedure have only come through in the long run because of strong enforcement powers. There is no difference between this as an industrial problem, and if the accent is placed there and people are made to understand that this isn't an act to eliminate prejudice - ~~they are quite right,~~ you can't outlaw prejudice, but you can create a situation where people themselves can come to a better understanding through working side by side.

I do think, Mr. Chairman, that FEPC's experience in one segregation problem would probably have to be faced again. We were grossly misinterpreted on it. We as a Committee, in a case at Sparrows Point, Maryland - the Bethlehem Steel - said that where they had no segregation of toilet facilities

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at first, and they were rebuilding the plant and proposed to build them, that that might be a barrier to shifting people around the plant. Negro workers were used in all departments and if they made any rule of that kind we said that it might make it physically difficult for the taking on of employees because they had some facilities and they needed more. There was a barrier there and on that factual basis we said that that was against the intent of the Act, and for it we got ourselves into very hot water indeed for recommending things in the social field, in which we weren't. But I think you have to touch it in that respect.

MR. TOBIAS: Would you say, then, that such a committee as this has the responsibility for recommending a bill with strict enforcement powers, even though there may be small likelihood of getting favorable consideration for it from the Congress?

MR. ROSS: Yes.

MR. TOBIAS: Then just this one thought. Suppose there is a comeback on the part of those who will not support enforcement, but are willing to go along with an educational program, who would say to you that you had no enforcement power, but according to the report you did a good job, should you deprive the people concerned of what would come of such a program as you have carried through, simply because you cannot have a

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bill with strict enforcement powers?

MR. ROSS: I feel so strongly that the strict enforcement power is necessary that I would suppose you would be wise to recommend that to the Congress. If the Congress changes its own mind, that is up to them. But suppose an educational bill, it certainly would have authority for the commissioners to hold a public hearing, to examine a charge of discrimination. Suppose that went to Birmingham, for instance, and all the members of the Commission sat there; they would have all the disinclination of some of the local people to abide by that policy, and all the fireworks that might go with that, without the final dignity or dignified authority to do something about it. I think you would have the manifestations of unwillingness to obey, and that your commissioners by and large would be very discouraged people in the course of a couple of years.

MR. TOBIAS: It would be true, however, as was true in the case of your organization, that those facts were brought out so that the public knew what their attitude was, and they were in a sense an aid to the creation of a growing public sentiment in the interest of fair play for all, and that they expose these positions taken by industry and the labor unions? I am simply trying to anticipate the arguments on the other

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side.

MR. ROSS: I think exposure per se can have the general nature of a witch hunt, and subject the commission to greater criticism for its choice of going in here or going in there. Now I do want to say this, and I think you will understand me, Mr. Tobias. It has to be a very wise personnel which administers an enforcement act of this kind. In its first years it would have a few outstanding cases on their way up to the court to define the law and see what the Supreme Court thought about the conformity with our Constitution. During that period I wouldn't think the Commissioners would go about stirring up hornets' nests all over the country, and I think that the Negro and the Mexican-American and the Jewish people would have to be very patient indeed if this thing didn't work like a charm right off the bat. It won't. There are years ahead of any commission that is going to come out of this thing. But I think it would be true that it would cost less in the long run to meet it firmly, even in the South, because there are numbers of people in the South if they are sold on the idea that this thing is industrial only, if they realize that they are going to have, let us say, a million surplus field hands when the cotton mechanism comes in, what are they going to do with them. I think this is to the South's ultimate advantage, but

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they have got to have that proved to them both by education and by the wise handling of enforcement.

MR. LUCKMAN: I would like to go on to the others, Mr. Tobias, if you don't mind, and we will come back to this if there is time. I am sure there are others here who may have questions. Mrs. Tilly?

MRS. TILLY: I have no questions. I had one in mind which you covered.

MR. LUCKMAN: Mr. Carey, do you still pass?

MR. CAREY: I believe I do have one question. I am talking in terms of the advisability of this proceeding, which is your total objective, in one bill. Could we do here in the form of legislation for fair employment practices what we found it necessary to do, say, on Wage and Hour legislation, by taking it in steps, although enacting in the original legislation the provisions for fair employment practices, and providing for enforcement procedures that would be applied at some later date? For instance, a bill would contain provisions that would say that one year after the enactment of this legislation the machinery for enforcement shall be established and shall apply.

MR. ROSS: I had never thought of that. I rather like it at first blush. If the time period were definite, if it were certain that that was to go on in a year, it might give the

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commission time to find its feet and to do some exploration and to hold some hearings which would advise others of what they were in for when the enforcement came along. I rather like it.

MR. LUCKMAN: Are there available in the FEPC offices here, or wherever those office files may be now, case histories of companies where these FEPC principles have worked very satisfactorily?

MR. ROSS: The files are in Archives, and I am afraid they don't show the thing very well, and I had better tell you why. When Father Haas first came in there we were short-handed. You can write up a case history in one of two ways. By putting down every step in the procedure as it goes along, or in a shorter form which merely gives the charge and some details of the interviews, and then the final conclusions. Unhappily they are in that short form and don't really tell very much.

MR. BUCKMAN: Did the Committee at any time deem it advisable to go out in terms of research in order to attempt to find companies in which all of these principles were already working satisfactorily?

MR. ROSS: Yes, and I think if you will get somebody to work through the first report and this report, you will find

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a number of examples. Now we didn't name companies for the same reason that we didn't issue publicity on charges. So they are less impressive by virtue of the fact that they are just in a paragraph form that that incident happened. They are all there in Archives and it would be a very difficult job to go through them. I believe some research scholars are attempting that right now.

MR. LUCKMAN: Mr. Tobias?

MR. TOBIAS: I want to go back to what you said about the South. You mentioned giving assurance that social problems or relationships would not be involved necessarily, which I think is substantially correct. But I don't think that that is the whole problem of the South in dealing with the question of the recognition of merit when a position is applied for. When a person applying is fully qualified in every respect, and he happens to be a Negro, and it is a position that has never before been held by a Negro, how are you going to avoid running into the objection on the part of the South to that, even though it is entirely right and according to the law, and how can it be enforced when, as a matter of fact even before you get to the question of enforcement how are you ever going to get the support of the South for it as long as they feel that there is that danger that Negroes may be forced upon them by law for positions that the South has never considered to be positions for Negroes?

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MR. ROSS: You are presenting the ultimate in tough problems; and the shorter answer is that you cannot do that and please the South.

May I suggest this: Let's take a specific city -- Natchez; Natchez, if you please. There are long-established social strata. There is a top-white ex-planter group who are very proud of their forbears. To crack into that level is difficult for the whites below them.

There are lower levels somewhat on the economic level and somewhat on social tradition.

There are the Negroes of that town. They have their social strata also.

The people this kind of a law is trying to reach are the common laborers, the Negro on the bottom of the economic and social strata of the South, the ones who, as among very poor whites, tend to sink down to the criminal class.

You want to raise the common laborer of the South economically. It is ridiculous for the top Natchez white man to pull this social equality business because a man gets a little better job. Certainly, you will run into the point where a Negro is qualified to be a foreman and there will be white workers who are working with them, but it doesn't touch the executive in the plant or the planter or those people at all, except ideologically. It is a working ~~stiff~~ problem, and ~~that is~~ a problem for unions as much as anyone else to

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work out.

There will be difficulties. You can't escape it.

MR. LUCKMAN: I am curious about something that is not important as to the numbers involved, but it may be important, Mr. Ross, in the final presentation and selling job that we will subsequently have to do. We are all aware that there are certain companies which are owned by Catholics and where the top executives are Catholics, and as a result where all the employees are Catholics.

Likewise, we know there are some companies which are owned by Jewish people and where the top executives are Jewish people and the employees are Jewish people.

In your experience, have you ever had any complaints against what might rightfully be called these minorities by people who could not get employment in those companies because they were not members of either one of those religious faiths?

MR. ROSS: Our problem was in war plants, and I think that it did not arise. That is the answer -- it didn't arise.

I don't know if you have in mind a big industrial company -- that goes all the way down that way -- that would be rather rare.

MR. LUCKMAN: I was thinking not of the larger companies but of the smaller companies, and, for instance, the office

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personnel.

MR. ROSS: It is a problem more in theory than in fact. There is a problem of religious houses, and so on. I think a due amount of exemption should be made in any Act for that. This should touch the big mass industries and give up some of the other things for the sake of getting it there.

MR. TOBIAS: You would run into that in one instance. It wouldn't be an industry, but it is a business. In the City of New York, for instance, the big banks seldom if ever employ Jews in the top spots, which is a source of very great irritation to Jewish citizens of New York.

That is a very difficult thing to get after.

MR. ROSS: But wouldn't you agree that the higher up you go the more reasons there are to be found by those who do not want people as their associates on the skill and background?

Now, speaking again about N. L. R. A., enforcement was made easy at first because they didn't expect the Supreme Court to uphold it; so everybody violated the Act who wanted to, openly, and went to court for it.

N. L. R. A. cases now are subtle. Discrimination against union members is very hard to prove up. They are tightly contested law cases.

~~Something of the kind would happen there.~~ You want to

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reach the mass of the working people, and in these upper-bracket cases, if they want to avoid the law, they probably could and not be too bad, but procedurally it would run its course.

MR. TOBIAS: I mean it is a question whether it would come under the law as drawn up or as it may be drawn up now because it is more or less economic discrimination as against racial discrimination.

MR. LUCKMAN: Do you have any reasons to consider that the American Indians were a minority under this problem?

MR. ROSS: We had a half dozen cases in war plants. I don't believe it would be a very serious one.

MISS TILLY: Mr. Ross, one of the problems in the South is the coercion part of the bill, that the South rebels against; and there are several other factors in the picture, too.

When there is necessity for the employment of labor or shortage of labor, the South doesn't pay any attention to the racial question. For instance, when Lane Drug Stores tried to put on Negro waitresses at their lunch counters just before the labor shortage, there were signs on the sidewalk in front of the drug stores calling on all white people to boycott them. Then the war came along, and there was a necessity for employment of Negroes, and nowadays throughout the South Negro and white waitresses are working

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together in the drug stores without anybody thinking anything of it. In a good many instances a Negro woman is the head of it. If we have a depression, then you have that racial flare again, and the Negroes would lose their jobs.

So it is part of the economic pattern of the South -- that feeling that there isn't enough to go around is part of the picture.

And then another thing is the race question is a vital part of our political campaigns. Your Southern Congressmen use their speeches against F.E.P.C. to help them. It really is not real. If you could push that away, the race question is usually a smoke screen in political campaigns.

Those are the problems, as I see it, in the South. It is economic.

MR. ROSS: I would agree entirely. There is the matter of getting the South used to what kind of approach is being made -- that it was in industry -- and when the test comes of a slump and the time-honored custom of pushing the Negroes out first, that would have to be met. But isn't that what the objective is -- to let people by their skill and good behavior -- nothing would touch anything except race and creed. Anybody can be fired, of course, for cause, and that principle was upheld by the Supreme Court in the Associated Press case.

The employer under the National Labor Relations Act

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could fire an employee for just cause. None of his managerial functions were impinged upon by that Act, except for one thing and that was union membership; and that is adhered to, except that one thing, creed or race; and certainly a wise commission would use southerners for their regional office staffs, southerners of the highest possible caliber who were known there and could sell this idea to the South.

If it is sold as an educational idea, I think it would be a tough job. If the force of the Government was firmly and fairly back of the thing, those things would eventually wash out.

MISS TILLY: That is the trouble of getting a bill through Congress.

MR. ROSS: Mr. Chairman, I put down some of my ideas of where Congress stands. That is a commentary to appear in the April issue of the Comet Press.

I think the political situation is ripe for a law to go through before the Presidential campaign in 1948. There are commitments on both sides, and the Negro vote -- it is no secret -- it is a balance in some of the big industrial states of the North. They are going to be wooed very much.

The Negro vote is volatile and may go one way or the other; and it goes -- correct me, if I am wrong, Mr. Tobias -- to that party which they believe is most forthright in upholding their fundamental rights.

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There never was a time like the present Presidential campaign of 1948 -- not this year, but next year -- that is, a good chance -- to get this bill through.

MR. LUCKMAN: Would it be agreeable to you if we make this part of the record?

MR. ROSS: Yes, sir.

MR. LUCKMAN: On behalf of our committee, may I express our sincere appreciation for your help today.

MR. ROSS: Thank you. I feel very deeply about the question.

(The document submitted by Mr. Ross is as follows:)

Adjourned  
11:40 am

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AFTERNOON SESSION

2:00 p.m.

Present: (In addition to those present at morning session) Rabbi Roland B. Gittelsohn.

MR. LUCKMAN: The Committee would be very much indebted, Mr. Richardson, if you would take over. We have approximately an hour altogether, and you can handle it either by a verbal statement or a written statement, or both, whichever you see fit. We understand Mr. Weaver will be in later.

MR. RICHARDSON: I think it will be a combination of both. I have prepared a brief statement here which I would like to read.

MR. LUCKMAN: Proceed.

STATEMENT OF MR. THOMAS RICHARDSON,  
International Vice-President,  
United Public Workers, CIO.

MR. RICHARDSON: Job discrimination by Government against minority groups, particularly Negroes, has reached serious and alarming levels. The subtlety with which this discrimination is being practiced does not reduce in the least its widespread effectiveness and makes it all the more sinister. The inclinations of the Civil Service Commission and other authorities to deny the existence of racial discrimination permits those prejudiced persons who conduct such practices to work with additional freedom.

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As a result, thousands of Negroes are suffering serious economic hardships. Bitterness and disillusionment on the part of Negroes concerning Government's protestations that every citizen has a right to a Government job according to his ability is growing. And the great feeling of unity between Negro and White which was achieved during the war is being rapidly erased.

Sharp discrimination against employment of Negroes in Government in the pre-war period.

Until the beginning of the war, the right of minority groups, particularly Negroes, to Government jobs according to their ability, was in large measure simply an academic one. The major sections of Government employment were lily-white, with the exception of the custodial workers, many of whom were Negroes with Bachelor, Master and Ph.D. degrees. This condition arose because of the Government's unwillingness to make the right to a Government job according to ability more than just an academic right. Moreover, the Civil Service Commission regulations and procedures were so constructed as to make it possible for prejudiced hiring officers to give full vent to their desire to keep Negroes out of Government jobs.

The July 1945 report of the President's FEPC shows that in 1938 only 10% of all Negroes employed in Government held

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jobs other than custodial. The well-known fact that large numbers of Negro college graduates had taken and passed Civil Service examinations for clerical and professional jobs in the '30's and the significant number of Negroes with college training in the custodial force indicates that it was not a lack of qualifications which kept these people in jobs below their abilities.

Negro job gains in Government during the war years.

With the tremendous job of conversion from peacetime to wartime operations, Government agencies encountered a serious manpower problem. Many of the government agencies which heretofore had not employed Negroes in clerical and professional categories were forced to do so because of manpower pressures, the activities of President Roosevelt's FEPC, the activities of the CIO and a strong public sentiment. In addition, the creation of many war agencies which operated under a more liberal personnel policy than the old-line agencies, brought about the hiring of additional Negroes in jobs other than custodial.

The total number of Negroes employed in Government during the war rose to an unprecedented total of 300,000 as compared to approximately 40,000 before the war. (These figures include

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industrial as well as white-collar workers). Sixty percent of the total number of Negroes employed in Government in 1944 were in clerical and professional categories. It is universally acknowledged that these employees performed their duties capably and efficiently.

The fact that the size of Negro employment in the white-collar grades increased so considerably, indicates not only that Negroes were ready and willing to serve their country during its period of crisis, but also that they had always been available and that the only reason their skills and abilities had not been used by the Government service before on such a scale was the unprincipled and prejudiced discrimination against them as a minority group.

Never before in the history of this country had its Government service come so close to reflecting the basic principles and rights set down in our Nation's Constitution. The unprecedented job gains made by Negro citizens in Government employment was an achievement of which Government and the Nation should well be proud. For here in concrete terms were made real the rights of "life, liberty and the pursuit of happiness" regardless of race, color or religion.

Wiping out of Negro job gains in Government  
in the post-war period.

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However, the major portion of the job gains made by Negroes in Government employment during the war came in the "War Service" category; that is, the major portion of the clerical and professional workers were hired for the duration and six months. Moreover, in the main, they were hired by the War Agencies which, on the whole, operated under more liberal personnel policies than did the old-line Agencies. Since V-E Day, these Agencies have been rapidly liquidating, thus cutting Negro employment by large numbers.

For the Negro War Service government workers who wished to make a career out of Government work, it was necessary to secure a job in another Government agency which was hiring. The major Agencies doing the hiring during this period were the permanent, old-line Agencies which, before the war, had exhibited such reluctance to hire Negro clerical and professional workers.

Consequently, when the Negro clerical or professional worker, laid off from a War Agency, attempted to secure employment in an old-line Agency, he began to run into the subtle but effective Negro discrimination which had been a characteristic of Government hiring during the war.

So, then, we have two factors which serve to reduce sharply Negro job gains in Government employment.

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Evidence of discrimination against Negroes  
in post-war Government hiring.

The United Public Workers, CIO, has called the attention of the Government to case after case of such discrimination and, to this date, the basic problem has not been corrected. Instead, we have seen on the part of the Civil Service Commission and various Government officials a concerted effort to excuse the actions of prejudiced hiring personnel and a general unwillingness to apply firmly the President's policy against discrimination.

I wish to present now evidence which has been brought to the attention of the United Public Workers of America, indicating conclusively that discrimination is being practiced by Agencies of the Federal Government.

The Case of the Ten Agencies.

The case of discriminatory policies of these ten agencies arose when the Wage Stabilization Board, a wartime Government Agency, was liquidating. The personnel office of this Agency sought to place its employees in comparable jobs with other Agencies. The discrimination against Negroes which was encountered during this situation is clearly outlined in the photostat which I now present to your Committee. This is a memorandum which recorded the replies which the Wage Stabili-

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Names of Agencies having Clerical Vacancies  
for Whites but not for Negroes  
(With Names of Placement Officers carrying out Agency Policy)

General Accounting Office - Mr. Snyder (quota)  
Commerce - Bureau of Standards - Miss Soper  
Patent Office - Mr. McCabe  
Treasury - Internal Revenue - Mr. Wallace  
Federal Security Agency - Public Health Service - Miss Russel and  
Miss McGillicuddy  
Federal Works Agency - Public Buildings - Miss Sylvia Baldinger  
Justice - Alien Property Custodian - Mrs. Krigsman  
Navy - Mrs. Mildred King  
International Bank - Mrs. Doyle  
Government Printing Office - Mrs. Lawson (quota)  
War Department - Army Security - Miss McKenzie  
State Department - Mr. Holcombe

Bur. of Budget - Mrs. Mary SABIN and Mr. Biscoe

Statements made to Miss [unclear]  
Miss Rice at [unclear]

See Sec - "C" marked on applications

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zation Board, a wartime agency, received when it tried to  
place its employees with other agencies.

(The photostat referred to is as follows:)

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*Leave Page numbers*

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MR. RICHARDSON: I would also like to introduce some facts with regard to Government Agencies which are not included in the photostat just submitted. You will see that there are ten agencies included in that photostat.

Post Office Department.

In Birmingham, Alabama, only two Negroes were included among the scores of temporary workers added for the Christmas rush, which is a tremendous hiring period for the Post Offices.

Veterans Administration.

Regional offices of the Veterans Administration use virtually no Negroes in jobs other than custodial or the lowest clerical grades. Individual Negro job seekers have faced delay, evasion and ultimate failure in their search for jobs in the Veterans Administration in Washington.

I introduce for the record the report of the Civil Service Commission Ninth Region in the case of James H. Miles, a returned war veteran employed by the VA at Jefferson Barracks. I seem to have overlooked bringing that, and I will get that to you.

(The report referred to, to be furnished by Mr. Richardson, is as follows:)

*No copy of this here.*

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MR. RICHARDSON: Despite this report which states that "a wide atmosphere of prejudice and racial discrimination exists in this facility," the Civil Service Commission in Washington, under its regulations, permitted the VA to appeal the Ninth Region's decision that Mr. Miles should be returned to his job. As a result of this appeal for which the VA spent considerable money - bringing in some of its highest-salaried personnel to Washington - the Civil Service Commission in Washington has concurred with the VA in the decision that Mr. Miles should be fired.

However, even in its decision, the Civil Service Commission notes that " . . . Charge No. 1, 'Inefficiency in the operation of the dish washing machine' be disregarded as resulting from the prejudice of his supervisor, Mrs. Heilmann . . ." This statement, together with the findings of the Regional CSC with regard to the density of racial prejudice and discrimination in this situation, certainly indicates that whatever Mr. Miles' actions were, he was driven to them by the determination of his supervisor to drive him from his job because he was a returned Negro veteran who did not propose to tolerate the contemptuous treatment accorded him and other Negroes at this facility. Moreover, it is apparent that the Civil Service Commission ignored the findings of its Regional Office and cooperated with the Veterans Administration in this discrimination.

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State Department.

This Department has had one of the worst pre-war records on discrimination. Ironically enough, it applied to the FEPC itself during the last days of that Agency, for an employee qualified for fiscal work and specified "White only." Upon inquiry, this specification was expanded in the following words: "Just didn't think of a colored person as being able to do that kind of work any more than you would think of asking for a white janitor." This quotation is entirely typical of the atmosphere in the State Department for years.

In addition to being included in the list of 10 Agencies which I have submitted, I introduce for evidence this copy of a State Department inter-Agency application form. You will note the space calling for race. Moreover, it is common knowledge in Washington, D. C. that a high State Department personnel officer who had taken a forthright stand against Negro discrimination has now become extremely unpopular with his fellow officials because of his position on this question.

(The application form referred to is as follows:)

*copy has full page  
Lester C. ...*

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MR. RICHARDSON:  
Treasury Department.

The Bureau of Internal Revenue is one of the 10 Agencies listed as having discriminatory hiring policies. Reports to UPW from individual job seekers in the Treasury Department indicate delay and ultimate failure to obtain clerical positions.

The Bureau of Internal Revenue in Washington witnessed several weeks ago an illegal and most shameful expression of racial prejudice, when over 50 white employees engaged in a work stoppage because a Negro was placed in their section. The Agency has so far failed to create the kind of atmosphere which would eliminate this sort of friction. By atmosphere, I mean the complete abolition of segregated sections, segregated payrolls, and segregated lunchrooms. The Agency has demonstrated no insistence whatsoever that President Truman's policy on this question must be observed by all government workers. As of this date, the situation which gave birth to a race-hatred work stoppage still prevails in that Agency.

The Bronx Office of the Bureau of Internal Revenue, Processing Division, has recently come in for considerable public criticism because of the anti-Negro actions and statements of the Chief of the Processing Division, J. H. Campbell. Here in this Division can be seen the very essence of discrimination

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against Negroes. Over 80% of the approximately 3,000 employees in this Division are Negroes. In fact, it is suspected that such a high proportion of Negroes are employed here because during the war this was the most unattractive Agency from the point of view of working conditions in the New York region.

Workers are being hired for a six-month period only at the lowest clerical grade in the Federal Service, a grade practically non-existent in other Government Agencies in the New York area and elsewhere. At the end of six months, a large number of the workers are fired instead of being promoted to the next grade for which they are eligible. In this way the Head of the Division continues to exercise his preference for not having Negroes employed in classifications higher than CAF-2. Some of the employees are rehired a few months later, together with many new employees, all at the same low grade - CAF-1.

Many veterans are included in this unfair hiring and firing practice. Veterans who have 10% or over disability are entitled to permanent status. Many veterans have not been given permanent status.

Now that the Government is returning to a peacetime status and examinations have already been given in that region, the

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Negro/employees in that Agency are being intimidated and demoralized by Mr. Campbell's statements that very few of them will be able to pass the exams and that they have no rights to the jobs which they have filled and performed adequately; and that as far as he is concerned, since the ratio of Negro to White is 1 to 15 in that area, he is discharging his responsibility with regard to carrying out anti-discrimination policies, by employment of Negroes in that same ratio. This, of course, is an admission on his part that workers are chosen not according to their ability and experience, but, on a discriminatory basis, according to color. Moreover, since more than 80% of his employees are now Negroes, it is clear that his policy of one of every 15 would mean serious job losses for the Negroes presently employed in this Agency, with a corresponding slash in the purchasing power of that group of citizens, representing millions of dollars.

Imagine the uneconomic results of this policy of discrimination! Not only is the low morale a real hindrance to maximum efficiency, but the program of constant hiring and re-hiring necessitates repeated training of new employees.

Interior Department.

The administration in this Department was one of the few old-line Agencies which made a definite effort to overcome the

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discriminatory pattern. Nevertheless, discrimination persists there. I would like to cite the instance of a Negro veteran who travelled 2,000 miles with his wife to take a job in the Indian Service but on arrival was rejected on the grounds that Indians are prejudiced against Negroes. A displaced employee qualified for a CAF-3 job reported to the UPW here repeated visits to the Bureau of Mines and to the Interior Department personnel office after having been told of definite vacancies. After various delays he was informed in both instances that the vacancies did not exist.

Labor Department.

UPW was informed in the latter part of 1945 that the Labor Department personnel office, after indicating interest in laid-off CAF-3 employees, reversed itself and said there were no jobs after being informed that the individuals involved were Negroes.

To this must of course be added the segregated procedures of the District of Columbia United States Employment Service which persisted through the first year of postwar readjustment and helped to restrict Negro opportunity during the period when a number of old-line Agencies were bringing staff up to normal strength after having been restricted by the wartime manpower shortage. This practice of segregation in the District

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USES has now been eliminated.

Federal Trade Commission

UPW recently handled a grievance of a whole group of employees being transferred from OPA to FTC. Sixty percent of the employees were Negroes and it was the intention of FTC to retain none of these. Union action brought some satisfaction in this matter.

The usual experiences of Negro job seekers in these agencies, as well as in such places as General Accounting Office, Library of Congress, Department of Agriculture, National Archives, which have not increased their total employment since the war but nevertheless have been doing some hiring, follows a definite pattern. The job seeker is informed of vacancies in his grade either through the Civil Service Commission, personnel office of his former agency, or USES. He visits the personnel office or individual supervisor concerned and is immediately put off by statements that there are no vacancies yet, that there may be vacancies in lower grades, etc., etc. He is told to leave his application and will be notified, or else to return in a few days or a few weeks. He may be sent to various individual officials who give varying reasons why he cannot be hired immediately. But the ultimate result is the same. Somehow the exactly suitable vacancy is never found for him.

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Agriculture Department.

As an example of how this works, I submit the case which arose some weeks ago in the United States Department of Agriculture.

(The documents referred to are as follows:)

*Wayne has Bull Dog*

*date 1/27 from John*

*of case 2 pages*

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MR. RICHARDSON: The Personnel Office of the Wage Stabilization Board, still seeking to place its laid-off employees, referred four Negro clerical workers to the Agriculture Department. The employees were interviewed by the Agriculture Department, were told to leave their applications and that they would be contacted. Several days later one of them received in an official, postage-free envelope from the Agriculture Department a batch of four applications, including her own, of Negro applicants. I submit now the photostats - I have just given them to you - of the memorandum which was attached to the application forms, along with photostats of the applications and one of the envelope. These applicants have not yet been hired by the Agriculture Department and we have been informed that, although the personnel office of Agriculture knows the identity of the writer of this memorandum, no disciplinary action is contemplated. In other words, discrimination is clear, but the Agency shows ~~no~~ intention of carrying out the President's policy on this matter.

For every case which has come to the attention of the Union, we realize that there are at least 15 or 20 undiscovered cases which occur, working hardship on members of minority groups and remaining undiscovered, with the perpetrator going free to continue his sinister activities.

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The Civil Service Commission has demonstrated only half-hearted willingness to clear up the discrimination against Negroes in Government. Between October, 1941 and March, 1946 the Civil Service Commission handled 1,871 complaints of discrimination based on race, creed, color or national origin. Of this number, it made a finding of discrimination in only 58 cases.

Not only have more recent cases been presented to the Civil Service Commission, but they have also been carried to the White House by the Union. Our charges have been substantiated by various Government officials. This problem has received widespread discussion in the national press and radio. Yet, no apparent change has been observed. Negroes are still being discriminated against by the Federal Agencies.

There is serious doubt as to whether or not the Civil Service Commission is interested in carrying out the President's policy on this matter if it means a conflict with the individual Government Agencies.

The UPW proposes the establishment of a central hiring register for the discharge of Civil Service responsibilities in regard to temporary jobs.

It is clear that the responsibility for the maintenance of the principle of equality of opportunity rests squarely

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upon the shoulders of the Civil Service Commission and the Government. It is ridiculous to argue that such pedestrian problems as lack of funds and the principle of decentralization in Government personnel operations prevent the Civil Service Commission and Government from acting to correct this problem. The UPW-CIO maintains that the problem of discrimination against Negroes and other minority groups in Government hiring is so basic as to warrant any corrective steps which may be found necessary. We have consistently advanced that position without any favorable response from the Civil Service Commission. In fact, despite serious warnings that practices of discrimination by the various Agencies were imminent, the Civil Service Commission prepared an Executive Order for the President's signature which gave the Agencies the right to hire temporary workers without prior Civil Service approval. This order is now known as Executive Order 9691. The warnings our Union gave are substantiated by the body of evidence just submitted.

The Union had advocated that the Civil Service Commission create a central hiring register which would serve to reduce the violations of the rights of Negro job applicants. Such a central hiring register would have centralized applicants and centralized job referrals, so that Agencies would not be

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able to pick and choose according to the prejudices of the individual hiring officers.

Our Union contends that a central hiring register could well be utilized during the period of hiring for temporary jobs, which will go on for at least another year and a half, for a sum of approximately \$100,000, a small cost for the solution of such an important problem. The failure of Government to institute such a central hiring register is partly responsible for the fact that there is an unofficial but well-known policy of discrimination on the part of the ten Agencies listed above, despite the efforts of the Civil Service Commission Inspection Division.

UPW proposes that laid-off Government workers who pass Civil Service exams be given preference in the filling of permanent jobs.

The waste of trained manpower brought about by the policy of discrimination represents a most uneconomic approach to the question of Government administration.

The Civil Service Commission states that it is holding as rapidly as possible examinations for permanent jobs in Government. The United Public Workers of America contends that the experience and training of laid-off War Service workers should be utilized by Government by granting them

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some preference in the setting up of lists for permanent jobs. In Executive Order 9691, a laid-off War Service worker, if he has taken and passed the examination, may be given a preference of five points if the Agency so desires. The Union contends that, like other provisions regarding the rights of people who worked for the Government during the war, this should not be an optional provision but that the Government should guarantee such a provision by making it compulsory.

The waste resulting from the failure to apply this policy can be seen by the example of the Processing Division of the Bronx Bureau of Internal Revenue.

UPW proposes the establishment of an FEPC in Government.

The looseness of Executive Order 9691 which permits discrimination in hiring for temporary jobs and the general lack of concern and sensitivity on the part of the Civil Service Commission and other Government authorities to the problem of discrimination, presents the country with a situation which will mean the almost complete elimination of Negroes from Government jobs if allowed to continue.

For example, with the return of the "Rule of Three", an Agency will have certified to it three job applicants who are at the top of the current list for a particular job. The

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Agency can choose any of the three for the job. If a Negro is Number 1 on the list, and the Agency is so disposed, it can pass over his name and pick Number 2. If the first and the second names are both Negroes, the Agency can pass over these names and pick Number 3. Thus, even within the framework of Civil Service regulations, discrimination is completely possible. UPW proposes that the Agency be compelled, when passing over the first and second names, to give its reasons for doing so in writing and to make these reasons available to the job applicant or his representatives.

The Civil Service Commission states that its Inspection Division will prevent discrimination in both temporary and permanent jobs. The Inspection Division is totally inadequate to deal with this problem. It is responsible for the handling of veterans' problems. It is responsible for the policing of examinations. It is responsible for the general application of Civil Service rules and regulations. The staff of this Division is small. It has so far failed to handle satisfactorily the problem of racial discrimination.

The statement of the Civil Service Commission that its Inspection Division can adequately handle this problem is merely another indication of the Commission's refusal to address itself directly to this problem.

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In order to narrow as much as possible the areas which permit discrimination, the United Public Workers proposes that the President create by Executive Order a Committee to guarantee adherence to his fair employment practices policy in Government, a Committee which would have the authority to adjust problems of discrimination brought before it. Such a body need not be an elaborate one, but would consist of three Commissioners and a staff of seven, which could operate under a minimum budget of \$85,000. Such an action by President Truman would serve as a warning to all that he intends to see his statement against discrimination in Government brought to life firmly and with determination. Such an action by the President would come as a ray of light to those hundreds of Negroes who today are facing a dark picture of disillusionment with regard to achievement of their basic rights as American citizens.

Summary.

It is our contention that Government as an employer has the responsibility of setting an example for all other employers in carrying out those basic citizenship rights which are set forth in our Constitution. The existence of discrimination against Negroes which has been described above, is a clear indication of Government's failure in this field.

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Government cannot convincingly attack the problem of civil rights for the nation as a whole unless it, first of all, grants full civil rights in the operation of the Government Service. By civil rights in this case, I mean the right to a job. Otherwise, the great body of discrimination which has arisen in this country in the state, county and municipal governments and in private industry will continue to grow and the American nation as a whole will continue to be guilty of repudiating those principles for which the last war was fought.

I, therefore, reiterate the recommendations which my Union makes to correct this cancerous situation:

A. That a central hiring register be established immediately for the recruiting of temporary workers on the basis of service and experience.

B. That War Service workers, laid off from Government jobs, who take and pass the coming Civil Service examinations for permanent jobs, be given preference over all applicants from the outside, except for veterans.

C. That there be created immediately by Executive Order a Fair Employment Practices Committee for Government hiring.

D. That the "Rule of Three" be corrected to require the Agency to submit in writing reasons for passing over names of applicants and to make available these reasons to the job



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applicant or his representatives.

E. That Agencies be penalized for violation of rules and regulations.

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MR. LUCKMAN: Mr. Richardson, that certainly is a very comprehensive and clear statement of your position. If agreeable I think we will withhold the questions which I am sure we all have, in the interest of hearing first from Mr. Weaver who has now joined us, and then perhaps we can combine our questions to both of you.

MR. RICHARDSON: That is perfectly agreeable.

MR. LUCKMAN: Mr. Weaver, will you proceed, please, and make whatever statement you desire, and then we will ask you both questions.

STATEMENT OF GEORGE L. P. WEAVER  
Director, CIO Committee to Abolish Discrimination

MR. WEAVER: I have brought along with me, Mr. Chairman, three documents for the information of the Committee on the activities of the CIO, the first of which is entitled "To Abolish Discrimination", of which I think I have enough copies to go around.

(The pamphlet is as follows:)

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MR. WEAVER: For the purpose of saving time, as I understand there is a time limit --

MR. LUCKMAN (Interposing): Yes, we are unfortunately faced with that necessity.

MR. WEAVER: I have attempted to summarize this statement and I will read the summary which I have prepared.

This report represents a factual statement of the activities of the Congress of Industrial Organizations to extend democracy to Americans of every race and creed, and is being submitted to the President's Committee on Civil Rights in the hope that it will point up the need for specific legislation designed to implement the Constitution and Bill of Rights. In order to save time we would like to summarize this statement rather than read it in toto, and present additional factual material.

I would like first to call your attention to the first objective in the constitution of the Congress of Industrial Organizations, which is:

"To bring about the effective organization of the working men and women of America, regardless of race, creed, color or nationality, and to unite them for common action into labor unions for their mutual aid and protection."

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The CIO Committee to Abolish Discrimination was created to implement this policy by rendering active assistance to our affiliated unions with a view toward achieving this objective throughout our movement. The Committee's activities among our membership and in our communities and the influence it exerts on government agencies, represents a practical attempt to translate this policy into every-day reality.

I might also add that it was felt and demonstrated during the beginning of the war that this constitutional objective or statement of policy in many instances was just a pious declaration of intent rather than a practical reality, and that bore heavily on the creation of this arm of the CIO to implement this policy.

The day-to-day program of the Committee falls into the following categories:

1. Formation of committees to abolish discrimination within the framework of each CIO industrial union council - state, county and municipal - as well as in each CIO international union.
2. Dissemination of educational material to our membership and to the general public.
3. Establishment and maintenance of contact with government agencies, in order to eliminate the traditional

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practice of denying participation of minorities in the administration and integration of the programs of these agencies.

I might point out here that the function of this committee in comparison with that of the United Public Workers' interest in activities and efforts with Government agencies, is more in line with programming than it is with personnel policies. We feel that that falls more exclusively within the jurisdiction of the United Public Workers. So our efforts and activities have been devoted toward programming.

4. Cooperation with social, civic, educational and other groups whose programs are consistent with that of the CIO.

In order to consider the Committee's functions in their proper content, it might be well to examine the structure and the powers of the CIO and its affiliated agencies. The CIO is composed of autonomous international unions. The National CIO and all CIO national committees are the creation of these international unions. It should be kept in mind that none of these subordinate committees possess mandatory powers over any CIO international union. Their powers lie in negotiation, conciliation and persuasion. In order to underline that fact for example we cannot, our committee nor any other committee cannot issue a directive, so to speak, or a mandatory order

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to any CIO union, any international union, and expect compliance. We are the creation of the unions rather than the unions being the creation of the national body. So a good comparison, and one that we sometimes facetiously make, is in comparing the structure of the CIO with the relationship between the Federal government and the State governments, and some of our discussions too closely for comfort resemble some of the debates upon the Hill in relation to states' rights and powers.

It was felt, therefore, in order to give substance to this national policy, that machinery should be created extending these policies into the local unions and local communities.

Consequently, committees were organized in state, county and local industrial union councils and it was recommended to the international unions that fair practice committees be created in each international union, composed of top elected officials, with adequate personnel.

I would like to speak off the record for a moment.

(Off the record statement)

The educational phase of our program is a very vital one. The section on educational material deals with a few of the more important educational activities in which we engage. In supplementing this section of the report, it might be well to point

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out how much the resources of the Committee are drawn upon by universities, colleges and other educational institutions. The Committee has received numerous requests for its members to speak before college classes on labor programs, in addition to receiving many requests from students writing term papers, for specific material on the experiences encountered and techniques used in attempting to make CIO policy in this field a reality.

In an attempt to strengthen our public education system, we have presented in testimony before Congressional Committees on various bills for federal aid to education which have been introduced from time to time; articles have been prepared by our Research Department in this field for dissemination throughout our movement; local union officials have been actively working in their communities in an effort to strengthen and democratize local school systems.

In the section on GOVERNMENT AGENCIES, I would particularly like to call to your attention the section on the United States Employment Service which, in light of our experiences, we feel is one of the key government agencies. If properly utilized, it could be of tremendous aid in advancing democracy in industry. The discriminatory practices which have and still do prevail in U.S.E.S., highlight the need for state and federal fair em-

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ployment practice legislation.

Next to employment, we believe that provision of good housing for everyone is one of the imperatives of the post-war period in this country, the need for which is tremendous. In order to fill this need, experience has shown that it clearly involves a public responsibility which must be met by government action. We feel that the critical housing problem facing Negroes is more difficult of solution than providing decent housing for other groups in our population.

It has been demonstrated that there is need first for an accurate definition which would bring about an understanding of the real nature of this problem. To fill this gap, the CIO Committee to Abolish Discrimination and the CIO Committee on Housing and Community Development, together with other national organizations working in the field of race relations, agreed upon and published a definition of this problem in the form of a pamphlet titled FACING THE JOB OF HOUSING NEGROES, which we are glad to pass on to the Committee.

During this transitional period from a wartime to a peacetime economy, the CIO, in addition to many other groups, has been tremendously concerned about the dangerous indications of a growing trend toward the abridgment of civil rights and due process of law. This trend has manifested itself in increased

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lynchings and resort to police brutality, and has made more conspicuous the helplessness of local and federal officials in such instances.

There has been an obvious campaign to abridge civil rights and resort to violence during our current drive to organize in the South. Since our drive began, many of our organizers and local union leaders have been beaten. Two CIO representatives in Alabama were ambushed and shot at and their car was set on fire. In several towns, CIO members have been denied the right of public assembly. The right of free speech has been abridged in several instances. Forgeries in the name of our Committee have been circulated in an attempt to foment racial disturbances.

It was called to our attention last week by one of the organizers in Georgia that a letter was being circulated over a fac simile of our Committee stationery, circulated to the white members; and there was a covering handbill with it pointing out that the CIO's main purpose was to bring about social equality rather than to organize workers.

We have followed the custom of printing up the Committee reports and circulated them among the members, and we received complaints sometime ago from CIO members in the South taking us to task at the national office for sending

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out printed material without a union label. They sent a copy of the pamphlet in, and we discovered that the Textile Institute, an employers' organization, had our pamphlet reprinted and had circulated it pretty widely in the South to the white workers, pointing out that as an indication of the CIO's interest in American society, being one of bringing about social equality rather than organizing.

This type of activity represents quite a problem in organizing, but we haven't minded it too much, because it has aided us in circulating our material; and we feel that in the end more good will come of it than harm.

In many instances we have received reports, which have been substantiated, on the denial of public assembly. These incidents fit neatly into a pattern which has been developed by southern industrialists to prevent the organization of workers in the South, who try to use the racial question as their weapon in stirring up trouble between the races.

In conclusion of this summary, I would like to say that our experiences, both during and since the end of the war, have emphasized the need for federal legislation guaranteeing fair employment practices in industry. In addition, we feel that this need could be emphasized and highlighted if the Executive Department of our Government created a Fair Employ-

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ment Practices Commission to guarantee the carrying out and implementation of this Administration's oft stated policy of non-discrimination. In our opinion, this could be accomplished by an Executive Order of the President creating a commission of this description with jurisdiction over the executive agencies of the Government, which in many instances set an unhealthy example for American industry to follow.

I have had many instances working on problems in the South, particularly where the President's Fair Employment Practice Committee was in operation, by union rank and file members on the floor, generally veterans, who would stoutly deny that the Federal Government meant what it said in their policy setting up the FEPC or the directives issued by the committee; and they would say, "When I was in the Army" -- particularly those in the Navy -- "that Negro troops were kept separate from the whites."

They would point to instances in the community and in the Federal Government. We have had employers say the same thing: If the Government meant what it said, they would take steps to implement their statement of policy.

I would like to strongly emphasize the point Mr. Richardson made, that we think the first step in this field is for the Government to demonstrate -- the Administration particu-

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larly to demonstrate that they mean this policy by the creation of machinery to handle discrimination in Federal employment.

In this instance I don't think that a valid argument is one of having to go before Congress because it can be done, according to some of the authorities in the Department of Justice, by executive order.

I would also like to present to the Committee a memorandum from the United Automobile Workers' Fair Practice Department, which is a somewhat lengthy explanation of the machinery in the United Automobile Workers and calls the Committee's attention to a specific problem that they are facing in the field of recreation.

The UAW, which by the way, of all the CIO unions, has probably gone farthest toward implementing in practical fashion the policy of no discrimination -- they set up by a constitution a Fair Practice Department and they allocate a portion of the per capita tax each month to this department.

It has a fairly large staff and is doing an excellent job. The director isn't able to be here. He was called out to Kansas City and he asked me would I present this memorandum for him.

The United Automobile Workers probably has one of the most comprehensive recreational programs of any of the unions

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and one of the chief recreational activities is bowling. They have run into a good deal of difficulty because the American Bowling Congress, which has a practical monopoly over bowling-- and they even control the equipment and all of the tournaments-- they bar by constitution anyone from participating in American Bowling tournaments except white Caucasians. We have had a good deal of trouble with that.

We have a statement from one of the UAW members, who happens to be a Chinese war veteran, and lives in Beloit, Wisconsin, who was denied the right to bowl with his union team because he did not qualify as a white Caucasian.

It is quite an important problem with us. We have at last count, a rough summary indicated we have about 2,800 bowling teams, and though they can bowl, they can't participate in any tournaments. All the tournaments have to be approved and sponsored by the American Bowling Congress, and it quite effectively nullifies a large portion of our program.

We have had to approach this problem from a very practical and sort of pragmatic way because we don't have much time to theorize and philosophize. For example, I received a telephone call day before yesterday. The director of the UAW Fair Practice Department explained he couldn't get here because he had a case in Kansas City; and upon inquiring what type of case it

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2- was, I found that the union had upgraded within the scope of their contract three Negroes in a department in which they had never worked, and the rest were all white members of the department and they refused to work.

The union insisted that they be fired. After they fired 16, they went back to work. I received that call this morning.

We have to meet problems in that way. We can't do too much anticipating except in a broad and general way. We could anticipate increased tensions, increased problems as a result of layoffs after the war, but we could prepare somewhat for it; however, it had to be on a more or less broad and general plane.

So our experiences -- of whatever value they are -- are what a private organization operating with only the nominal powers for minimum powers of individuals are willing to give up to organization can accomplish in this field.

(Statement of William H. Oliver, Co-Director, Fair Practices and Anti-Discrimination Department, UAW-CIO, referred to by Mr. Weaver, is as follows:)

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President's Committee  
on  
Civil Rights

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SUMMARIZED STATEMENT

by

FAIR PRACTICES AND ANTI-DISCRIMINATION DEPARTMENT, UAW-CIO

to the

PRESIDENT'S COMMITTEE ON CIVIL RIGHTS

for

INITIAL HEARING

April 2, 1947

This statement is submitted as a supplement to the report of the National CIO Committee to Abolish Discrimination and covers only the aspect of discrimination in the field of recreational activity as it affects our membership. The general report submitted by the National Committee to Abolish Discrimination covers economic and other issues posing problems of a discriminatory nature in the union and community.

William H. Oliver, Co-Director  
Fair Practices and  
Anti-Discrimination Department,  
UAW-CIO

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It has long been the thinking of the UAW-CIO in the area of inter-cultural and intergroup relations that all groups which comprised the American scene should not be prohibited from availing themselves of all the facilities in the framework of our democratic processes in every field of American life.

America is a community of minority peoples -- all working towards a fuller realization of economic, social and political democracy. The American labor movement in our country, has been the machinery through which all people who toil for existence have affiliated for the accomplishment of these common objectives. Our organization is comprised of practically every minority element in American life.

Our concept and belief, as set forth in the first paragraph, is well demonstrated in view of our union's action, in that we have this principle enunciated in our International Constitution under Article II, Section 2, which reads as follows:

"To unite in one organization, regardless of religion, race, creed, color, political affiliation, or nationality of employee, under the jurisdiction of the International Union."

We have held steadfast to this position and at our last convention at Atlantic City, the UAW implemented this principle by unanimously approving the setting up of machinery designed to abolish discrimination within our ranks. This was in the form of an amendment to our International Constitution which created the Fair Practices and Anti-Discrimination Department. This amendment not only provides for the setting up of a department within the International Union, with adequate financial support to carry out the Union's policies of anti-discrimination, but also includes machinery to protect all minority groups, including a special section devoted to women's problems.

The following is a direct quotation from our Constitution which provides for the operation of our Anti-Discrimination Department:



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"Section I. There is hereby created a department to be known as the Fair Practices and Anti-Discrimination Department of the International Union.

"Section II. The International President shall appoint a committee composed of International Executive Board members to handle the functions of this Department. He shall also appoint a director who shall be a member of the Union and approved by the International Executive Board. He shall also appoint a staff which shall be qualified by previous experience and training in the field of Inter-Racial, Inter-Faith and Inter-Cultural Relations.

"Section III. One cent (1¢) per month per dues paying member of the per capita forwarded to the International Union by local unions shall be used as the Fair Practices and Anti-Discrimination Fund of the International Union as provided in this Constitution.

"Section IV. The Department shall be charged with the duty of implementing the policies of the International Union dealing with discrimination, as these policies are set forth in the International Constitution and as they may be evidenced by action of the International Executive Board and of International Conventions, and to give all possible assistance and guidance to local unions in the furtherance of their duties as set forth in this article, and to carry out such further duties as may be assigned to it from time to time by the International President or the International Executive Board.

"Section V. It shall be mandatory that each Local Union set up a Fair Practices and Anti-Discrimination Committee.

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The specific duties of this shall be to promote fair employment practices and endeavor to eliminate discrimination affecting the welfare of the individual members of the Local Union, the International Union, the labor movement and the Nation."

At the first International Executive Board meeting following the 1946 Convention, President Walter P. Reuther appointed the Committee as directed by Article 25. Chairman of the Committee is International Vice-President, Richard T. Leonard, with the following Directors named Committee members: Arnold Atwood, Joseph Mattson, Jack Holt, and Emil Mazey.

Our basic endeavors have been in the area of establishing equality of job opportunity for all workers regardless of race, color, creed, sex, or national origin. During the war years, we made a determined effort to integrate all minority workers into the industry where we maintain contracts. Women in general were victims of pre-war patterns of denial of employment based on sex. When they were employed, as a result of the union's protests, they were subjected to lesser pay than were male workers. We are constantly eliminating this form of discrimination against the women in industry.

It is significant to point out that Negro women were faced not only with this differential, but because of their race, they were the last to be brought into the plants during our war program. Negro men, during the war, experienced difficulty in acquiring assignments comparable to their skills. Now, the Negro male worker is still deprived of equality of job opportunity based on his qualifications.

This pattern was created and is maintained by management and is being gradually eliminated by negotiating the following "no-discrimination clause" in our agreements:

"The company agrees that it will not discriminate in

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the hiring of employees or in their training, upgrading, promotion, transfer, lay-off, discipline, discharge or otherwise because of race, creed, color, national origin, political affiliation, sex, or marital status."

This clause has been successfully negotiated in about fifty per cent of our contracts.

Here too, the job of educating our membership has been a tremendous one, because of the old traditions and community patterns which had to be broken down. We have, however, emerged with an attitude of pro-democratic thinking in most of our local unions under UAW-CIO jurisdiction.

Another problem confronting our organization today, is that one which affects the recreational activities of our workers.

The Union provides a carefully planned recreational program and our Constitution provides that funds be set aside, specifically earmarked for this purpose. In accordance with the provisions of our Constitution, such activities must be made available to our entire membership regardless of race, creed, color or national origin.

Prominent among the activities of this program is the national sport of bowling. The Union's Recreation Department developed an extensive program in this sport, only to be faced with a most serious problem insofar as participation by certain minority and national groups are concerned.

The American Bowling Congress is a tightly knit and monopolistic organization which controls sanctioned bowling throughout America and the world. The constitution of the ABC proclaims that it will only admit into membership those people of the Caucasian race, which is a repudiation of the basic democratic concept of fair play. This in effect excludes the participation of such minorities as Chinese, Mexicans, Hawaiians, Indians and Negroes. It was pointed out in our meeting with the ABC that, notwithstanding the fact

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that the U. S. Government accepts Indians to be a part of the Caucasian race, the ABC does not consider them eligible for membership.

It is the belief of the International Union, and we are sure of all fair-minded people, that true American sportsmanship should know no color line. The aforementioned minority groups as well as those people of the Caucasian race are equally entitled to participate in recreational programs sponsored by the International Union. This is a situation which our labor organization cannot affectively cope with alone.

In December 1946, the International Union, UAW-CIO adopted a policy regarding the ABC. A copy of that policy is attached.

Also attached is copy of a statement from one of our local unions in Beloit, Wisconsin, which conveys the extent to which the ABC discriminates.

In view of the seriousness of this problem, the UAW-CIO's Recreation, Education and Fair Practices and Anti-Discrimination Departments, along with the National CIO Committee to Abolish Discrimination, scheduled a conference in Chicago, Illinois, on April 1, 1947 where a group of national organizations were invited to participate in the formulation of plans to persuade the ABC to delete the undemocratic language of the "membership eligibility clause" from its constitution. Attached is a list of the organizations participating and a copy of the program for this conference.

We have been in constant contact with the officials of the ABC and have received an invitation to appear before its Executive Board meeting in Los Angeles, California on April 16, 1947.

We would like to make the following recommendations to the President's Committee on Civil Rights:

- a) Request the appearance before the President's Committee of the officials of ABC towards the end of securing information as to why the ABC maintains such an



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un-democratic clause in its constitution.

- b) That the Committee examine the question of the ABC monopolistic control of the national sport of bowling in a determination as to whether or not they can maintain such a control and outlaw the participation of the minority groups mentioned in this report.
- c) That the UAW-CIO's Fair Practices and Anti-Discrimination Department be permitted to appear before the committee regarding this question.

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Detroit, Michigan  
December 10, 1946

To: UAW-CIO International Executive Board Fair Practices Committee  
Richard T. Leonard, International Vice-President and Chairman  
Members of the Committee:  
Emil Mazey International Executive Board Member  
Joseph Mattson " " " "  
Arnold Atwood " " " "  
Jack Holt " " " "

From: Fair Practices and Anti-Discrimination Department, UAW-CIO  
Walter P. Reuther, International President and Director  
William H. Oliver, Co-Director

The UAW-CIO is perhaps the only CIO union sponsoring bowling as part of its recreational program. This activity was coincident with the formative period of our union and has been an increasingly popular form of recreation among many of our dues-paying members in various locals throughout the country.

Although bowling, as such, accounts for considerable portion of the recreation program of our International Union, it does carry with it the evil of discriminatory practices due to the influence of the American Bowling Congress' rules, regulations, and constitutional provisions.

The Constitution of the American Bowling Congress (under Membership Eligibility, Section 4) reads as follows:

"City associations shall be composed of teams with the membership of three or more individuals of the white male sex who are members of a league or leagues bowling a game of American 10 pins weekly or bi-weekly."

Despite the fact there has been considerable correspondence and discussion with the American Bowling Congress, that organization did reaffirm its discriminatory rules in April, 1946, at its first convention since the revocation of war-time restrictions. Former Recreation Director

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Melvin West and former Fair Practices Director George W. Crockett had both corresponded and conferred with ABC officials and requested them to revise their policy. Because of alleged constitutional limitations, however, ABC declined to act, pending a convention of their national organization.

In 1944, the UAW-CIO International Executive Board adopted a resolution condemning the action of the ABC and, due to the fact that the tournament season was close at hand, the Board did not effect withdrawal of UAW-CIO teams in tournament play.

Walter P. Reuther, International President, directed the following communication to the Secretary of the American Bowling Congress in Buffalo, New York, as follows:

"Our Recreation Director, Mel West, had made repeated but unavailable protests to your Congress about your denial of membership to Negro UAW bowlers. At its meeting in October 1944 our union's Executive Board unanimously condemned your organization's position on this matter but decided not to withdraw UAW teams from sanctioned bowling. We did this in the hope that your present meeting would correct this injustice. May we again urge that ABC remember its position as a national organization with a nation-wide responsibility to all of our people. And that your Congress at its present annual meeting repeal that provision in your Constitution which excludes persons from membership and participation in sanctioned bowling merely because of their race or color."

The Fair Practices and Anti-Discrimination Department seeks to avoid re-occurrence of union participation in violation of our Constitution and Democratic precepts. Thus, it is our opinion that this question must be faced squarely in advance of ABC tournaments this coming season.

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Recommendations:

1. The International Executive Board shall declare that our membership shall not participate in any union-sponsored activity which encourages, condones, or permits discrimination or segregation because of race, creed, color, sex, national origin, or political affiliation.

2. The International Executive Board herewith directs the International Union's Fair Practices Committee, the Director of the Fair Practices and Anti-Discrimination Department, and the Director of the Recreation Department to enter into a discussion with officials of the American Bowling Congress to advise this organization of the UAW-CIO Policy on Bowling, and to determine during these discussions the willingness of this organization to comply with the basic democratic precepts of our union and our country.

3. If, at the end of this 1946-1947 bowling season, the American Bowling Congress is unwilling to put an end to its discriminatory practices against Negro bowlers, the International Union Executive Board shall take steps immediately to sever from the American Bowling Congress relationship of all bowling teams sponsored in the name of, or by, UAW-CIO and its respective locals.

The UAW-CIO shall, at that time, authorize the Recreation Department to establish the UAW-CIO Bowling League; and, all local unions who officially sponsor bowling shall be encouraged to participate in this activity.

The UAW-CIO Fair Practices and Anti-Discrimination Department and the Education Department shall assist the Recreation Department in the educational aspects of this program in order that our members who participate in bowling will more fully realize the policy of the International Union and the spirit of American Democratic Sportmanship.



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Beloit, Wisconsin (Local 77) - Gim Cham Wong is a member of Local 77, UAW-CIO, and was born and lived his entire life in Beloit, Wisconsin. Was graduated from Beloit High School; following that, he worked at Yates American Machine Company from 1942 to 1944. He was inducted in November 1944, served eighteen months overseas in the Philippines, Asiatics, Pacific Theatres of operation. He was also on duty in the Philippine liberation campaign and in the Philippine occupation forces. He was awarded two battle stars for his service during the war in the anti-aircraft artillery brigade. Wong was discharged November, 1946, and returned at Yates and became a member of the Union's bowling league as well as the Company's team.

Of the forty-five members of the local union's league, Wong ranks fifth with an official average of 157. During the 1944 season, Wong bowled two and one-half months. At that time, he was issued an ABC card and his eligibility was not questioned. He still has a card and is providing this office with photostatic copies.

During the month of January, 1947, D. B. DeNoyer, local ABC Secretary, corresponded with Mr. Baumgarten, National ABC Secretary, as to the eligibility of Brother Wong. It is yet undetermined who prompted DeNoyer to initiate such an inquiry; however, DeNoyer made available to Wong and to the Chairman of the Bowling League (Charles Meyers) the reply from Baumgarten as well as a refund of fifty cents from the Beloit organization.

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Mr. Weaver: In conclusion, I would like to pass these two pamphlets on to the Committee. This one, "Facing the Job of Housing Negroes," has been used quite extensively throughout the CIO because housing represents, next to employment, probably our most important problem, because we find that union members bring their community problems in on the job and into the local union hall the same as they take their union problems back to their communities.

In many instances the union is the only source of help that they have to turn to. We have come to the conclusion that housing -- to really basically attack segregation and discrimination in this country -- that your first and most important job is in the field of housing because no matter what you are able to accomplish, for example, on the job or what you are able to accomplish other ways, as long as we have segregated and discriminatory neighborhoods, we are going to have the problem of segregation.

For example, New York City has in law an integrated school system, but because of the neighborhood patterns you have in fact a reasonable resemblance to a Jim Crow school system; and you will find all the evils to a lesser extent in the New York school system than you will find in any other segregated set-up.

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We feel it in the unions. For example, something as simple as handling a meeting, holding a meeting -- we have a lot of difficulty in finding a hall, making provisions for holding union meetings that are accessible to all groups; and most of our problem can be traced back to these segregated and discriminatory neighborhoods.

We have been forced to devote a good deal of time to the field of housing, and we feel that this one of the best guides to collective action that has been prepared in this field.

~~(The pamphlet follows:)~~

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Mr. Weaver: The other pamphlet is entitled "What is the Law?" We found a great need to bring sharply home to our membership their rights under the civil rights statutes that have been passed by northern States, because of the difficulty we have encountered in attempting to arrange conferences and conventions and meetings; so this is a layman's interpretation of the civil rights status in the various States, with a few suggested techniques to follow out in order to enforce these statutes.

There is a little tragic irony about this pamphlet. It was completed just a few weeks ago, and the first time it was introduced was at a CIO educational conference in Columbus, Ohio a couple of weeks ago. It was introduced because we ran into discrimination in this hotel. We had had difficulty with this hotel about two years ago and sued them under the Civil Rights Statute of the State of Ohio, and we secured an agreement from the hotel management that they would not discriminate in the future.

With that in view in looking around for a hotel to hold our national conference, we decided on Columbus because we knew the hotels were all right; and we made arrangements with this hotel there for the conference. We made the arrangements in November, and in February the management changed hands and the Hilton chain bought it. We didn't know it.

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We had a letter to the effect that all of our delegates would be served and be accorded equal treatment and all the facilities would be open to them.

3 It was a rather peculiar situation because there were three dining rooms in the hotel and only in one dining room did they refuse to serve Negroes. So this pamphlet was introduced at this conference and was put into action immediately.

The whole conference went down to the dining room for breakfast at 7:30 in the morning, and we were still sitting there at 4:00 trying to get breakfast; but we held sessions of the conference in the dining room and were fortunate to get nation-wide publicity on it.

I think that demonstrates a technique we have tried to follow also because we realized we could have -- and some of the delegates suggested that we pull out of the hotel and put a picket line around it in order to notify the people in Columbus of what had happened -- but we realized some of the delegates were from out of town and that the Columbus people would have to handle it if it was to be brought to a successful conclusion.

So we hit upon the idea of sitting in the hotel trying to outsit the management, which we weren't successful in doing;

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but in the process we got nation-wide publicity on it. The Associated Press and United Press picked it up, and two or three of the Sunday evening commentators on the radio; and so that evening we met with some of the leaders of civic groups in the community and it was decided to set up a city-wide committee, a rather imposing committee, and pretty well representative of all religious groups and some of the fraternal groups and the civic organizations working in this field.

The chairman of the committee happened to be the pastor of the mayor, and we decided to continue each day to go down to the hotel as a mixed group, to go into the hotel and attempt to get service. We were trying to build up enough suits to really make it mean something to management, because the penalty under most of the civil rights statutes is so small that large corporations do not mind too much paying the damages once or twice a year.

So we decided to try to work up at least a hundred or 150 suits, but a group went down on Tuesday, the next day after this meeting, and the mayor called right away and he had begun to get a lot of repercussions throughout the country. Five conventions scheduled to be held in Columbus immediately cancelled on that Monday. So he asked us would we hold off any further action until he had a chance to consult with the

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management; and they are in the process of negotiating with management now.

The only thing that we are asking -- we are not interested in suits -- we are asking a public statement from the management that it is not the policy of the hotel to discriminate and assurances that they will not in the future.

So we have found that this pamphlet has more than justified the cost and effort of the publication so far.

We are looking to the President's Committee for quite a good deal of implementation and help. There was a good deal of interest exhibited throughout the CIO when the commission was appointed, and it was felt that at last we would probably get some implementation from some of the very fine and stirring statements that have been made over the last three or four years towards the strengthening and extending of democracy.

I think that just about concludes the statement of the CIO. I would like to pass these pamphlets around.

(The pamphlet entitled "What is the Law?" follows:)

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Mr. Luckman: It certainly is a beautifully documented presentation. I think that it will be in order for us now to have a brief question session. Rabbi Gittlesohn, starting around the table, would you like to ask any questions?

RABBI GITTLESOHN: I am curious to know from Mr. Richardson whether the United Public Workers have taken any stand or adopted any attitude by way of reaction to President Truman's <sup>loyalty</sup> ~~witch-hunt~~ directive of recent date.

MR. RICHARDSON: Yes. . I will talk to that point, if you wish. I had not anticipated discussing that.

RABBI GITTLESOHN: I don't know if that was brought up this morning, Mr. Chairman, but I feel certain that that is fundamental to the very purpose for which this Committee was created and it is something we will have to deal with along the line.

MR. LUCKMAN: The subject was touched on, but not thoroughly.

MR. RICHARDSON: What is your feeling, Mr. Luckman?

MR. LUCKMAN: Could you do it somewhat briefly, even though it is a very comprehensive question?

MR. RICHARDSON: I could say that we don't think that the order was necessary. We feel that on the books now are sufficient laws under which subversives, spies, saboteurs,

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violators of the Constitution, and those who wish to overthrow the government by force or violence can be handled; we don't feel that the order is helping the situation at all.

As a matter of face, we feel that this sort of order is the kind of thing which a spot or saboteur or any of the categories mentioned in the order could well use as a guide to action. All he has to do is not do any of the things the order says he should not do and he has complete freedom for the carrying out of his activities.

Our feeling is, as I said before, the order was not necessary in view of the laws already on the books, and in view of the machinery available already.

4- MR. TOBIAS: I would like to ask Mr. Weaver a question. On page 2 of your statement, you say, explaining CIO policy, "It should be kept in mind that none of these subordinate committees possess mandatory powers over any CIO international union. Their powers lie in negotiation, conciliation and persuasion. It was felt, therefore, in order to give substance to this national policy, that machinery should be created extending these policies into the local unions and local communities."

Now, I know, of course, that the situation I will mention is not wholly analagous, but it seems to me that could be

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used by the opponents of enforcement powers in a Federal employment practices bill who feel that the whole program should be negotiation, conciliation, and persuasion.

While you are expressing here what is your national and local structure, there would be those who might say, "Well, what right has the Federal Government to possess mandatory powers over industries that operate within States and within local communities?"

Why not express the objectives in a general way, as you do through your national committee against discrimination, and leave it up to the international unions that compose your national structure to actually get the work done?

MR. WEAVER: I could only comment on that line of reasoning in this way: Despite the fact that our policy is one of no discrimination, and in addition I venture to say that there isn't any other organization, even churches to the contrary, who have more assiduously and in a practical way lived up to that policy. We still feel the need, as we have indicated and have said repeatedly before Congressional committees, the need for mandatory powers. We only wish that we had them.

I was attempting to be very clear here in pointing out the need for the power and the lack of power that we possess -- that is, our national committee. I personally have wished that

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we could have the power in the CIO or that some Federal agency would see to it.

I have had many officials in the South who would like to follow CIO policy, and they feel that they can't because of political expediency. When the FEPC was in existence, it was a lifesaver for many of these officials because they could always point to some other agency. It was the Federal Government ordering them to do this. That isn't the type of admission that you could be proudest of, but it happens to be reality.

We have pointed up each time we have testified before the Congressional committees concerning FEPC this factor: We don't believe that management nor union has the right to impose discriminatory patterns on other employers or on other people. I think we should have some voice in the choice of employees. We try to exercise that principle on our side, but we have to work with what management provides us with or who management hires.

I don't think the two are incompatible at all, because if our structure -- we claim that our structure was all that was needed or was as close to perfection as human beings can achieve -- if we claimed that, I could see the substantiation of the point of view that you presented.

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We feel the need for and have worked for and have asked for Federal legislation in the form of FEPC designed to secure fair employment practices in industry.

MR. TOBIAS: My point is: Are you trying to get it done in your union structure? Do you feel the need for mandatory power on the part of the national structure of your organization that would take effect down in the local communities?

MR. WEAVER: Yes, we have in many instances felt the need for that type of structure, but it is completely foreign to the total structure of the CIO.

MR. TOBIAS: My only point is that: You realize, of course, that in the present negotiations that are going on in connection with the bill that is being proposed at the present time that the main argument is around whether or not it should be an educational program or a bill with enforcement powers.

What I am thinking about is how much use the opponents of enforcement powers could make of the example that the CIO sets in its national structure as it deals with this particular problem.

MR. WEAVER: I see the point there and, of course, I think the only way and the best and most effective way we could answer it is pointing to our stand in our attempting to secure fair employment practice legislation despite the progress we

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have been able to make in this field.

MR. LUCKMAN: I would like to ask what may be an obvious question, but I should like to be sure I am clear on what your answer would be.

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You have pointed out clearly that in your various activities you have had many instances of where individuals -- you have mentioned several veterans, etc., -- who decried the fact that the Federal Government was not, shall we say, practicing what it preaches; and it is obvious from your statement that there have been many individuals who have taken the position that the Federal Government is in fact making a serious problem, creating a serious problem, in the fact that they do not themselves follow out the President's executive order.

What I should like to know is: Have you had instances where industry itself has leaned on that same excuse for not themselves being cooperative in carrying out non-discriminatory acts?

MR. WEAVER: Yes, countless instances.

MR. LUCKMAN: Both industry and individuals?

MR. WEAVER: Both industry and individuals. I think the most damaging case was in the oil workers' case we had in Texas during the war. That was one of two CIO unions that

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were cited by the President's Committee on fair employment practices, and they issued a directive. Before they went to the President, they asked us to do all that we could to see that the directive was obeyed.

I went down to visit with the local union and I met with the local union the night before, and it was rather an appalling situation. The refinery was in a little town outside of Houston. I didn't know about it -- I was going out with the committee in the car and I heard one of the men say, "Did you clear with the sheriff?" I wanted to know what he meant by "clear with the sheriff" and I discovered that in this little town they didn't allow Negroes in an hour after the shifts changed. The shifts changed at 8:00 o'clock, 4:00 o'clock, and 5:00 o'clock, and they weren't supposed to be in town after 9:00 or after 6:00 or after midnight.

When we got out to the local union hall, we met about two or three hundred people standing around out in the street and we went in and sat down with the committee. That was the first thing I got across, the statements from members of the executive committee, and the chap who made the strangest argument was a Navy veteran. He pointed to specific examples.

We met with the company the next day, and I was met with the same argument by the company. They bitterly resented, of

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course, what they called yankees from Washington coming down and telling them what to do. I was struck with the similarity of the argument. I suspected that there had been some collaboration, at least, on their stories.

We met that argument all the way up the line, negotiating with Sinclair, starting down in Texas and going all the way to New York; and we ran into it quite often in the automobile industry in the early days of the war when we were running into quite a good deal of difficulty.

We have had industry after industry to tell us since the war was over that they have attempted to return to pre-war patterns of discrimination. In the same sort of fashion they point out that FEPC is out of existence and that they are going back to the old pattern.

We feel very strongly that it would be like a shot in the arm to use on the firing line, so to speak, if we could get a concrete demonstration by the Federal Government that they intended to live up to their own policies.

MR. LUCKMAN: That answers it very completely and on behalf of the Committee I should like to express to both of you gentlemen, and through you to your organizations, our very deep appreciation for what has been one of our very best presentations. Thank you very much.

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STATEMENT OF BORIS SHISHKIN,

A REPRESENTATIVE OF THE AMERICAN FEDERATION OF LABOR.

MR. LUCKMAN: Mr. Shishkin, I would like to have you express your views completely and then we will ask questions so as not to interrupt your trend of thought.

MR. SHISHKIN: You are exploring the problem of discrimination in employment. Are you confining your discussion to the legislative aspects of it?

MR. LUCKMAN: More directly connected with what might be called at the moment Fair Employment Practices Act, which, as you know, this Committee has some responsibility for. We have other responsibilities, too, but because of the time limitation today we have been trying to confine ourselves to that.

However, we have approximately an hour at our disposal, and if after we hear whatever expressions you have on the FEPC, and you care to go into any of the other aspects of the problem, we would be glad to hear them because it would be of interest to us.

MR. SHISHKIN: I would like first of all to let you have the official statements that were adopted by our convention of the American Federation of Labor held in Chicago last October. I have brought several copies of each so that

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members of your subcommittee might have them.

The first document includes a resolution that states the objective with regard to the Fair Employment Practice Commission established by Federal legislation. I have some copies here.

The second resolution deals with the question of discrimination and is not confined to employment alone, but discrimination in general. It also deals with the question of a poll tax as well as the establishment of Fair Employment Practice Commission, which would eliminate discrimination in employment in private industry, as well as government work.

The resolution which was adopted by the convention also provides that the unions affiliated with the American Federation of Labor be urged to wage an unrelenting struggle against discrimination, etc.

Finally, there is an action of the convention, which first of all adopted recommendations of the Executive Council to the Commission with respect to the fair employment practice legislation and also a further resolution that was adopted, which endorsed and expressed support to the National Council for a fair employment practice committee and program of the National Council and called on the affiliates to cooperate with the National Council in its efforts to secure sound and

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effective legislation for the application of the principles of  
fair employment practice.

(The documents referred to above follow:)

Actions of the American Federation of Labor  
at the 65th Annual Convention  
October 7-17, 1946  
On Fair Employment Practice Legislation

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"Resolution No. 9 -- Delegates A. Philip Randolph, Milton P. Webster, Brotherhood of Sleeping Car Porters.

"WHEREAS, The American Federation of Labor in several conventions has gone on record supporting Federal legislation for a permanent Fair Employment Practice Commission to eliminate discrimination in industry and labor organizations based upon color, creed, country and ancestry, therefore, be it

"RESOLVED, That this 65th convention of the American Federation of Labor in Chicago go on record as reaffirming its position of supporting Federal legislation for the establishment of a permanent Fair Employment Practice Commission because it represents and expresses the basic democratic spirit of the American Federation of Labor.

"Your Committee recommends adoption of the resolution.

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"The motion to adopt the report of the Committee was carried."

Actions of the American Federation of Labor

At 65th Annual Convention

October 7 - 17, 1946

On Fair Employment Practice Legislation

"The Executive Council reports in detail on the course of legislation designed to establish a permanent Fair Employment Practice Commission for the purpose of eliminating discrimination in employment because of race, creed, color or national origin. No vote was reached and no proper consideration of the pending measure was obtained in the Senate, due to an extended filibuster and failure to terminate the obstructionist debate by cloture. These parliamentary tactics which bar consideration of legislative proposals on their merits are inimical to the democratic process and must be severely condemned. The American Federation of Labor renews its support of sound, constructive and practical legislation which would provide for investigation and study of discrimination in employment against minority groups and establish sound and equitable means to eliminate such discrimination, as a matter of national policy, consistent with rights and freedom inherent in a democratic society. We therefore urge that the American Federation of Labor take a leading part in the preparation of proper fair employment practice legislation for introduction in the next session of Congress and that every effort be made to secure its early enactment.

"The recommendation of the committee was unanimously adopted."

October 17, 1946.

National Council for Permanent FEPC

"Resolution No. 189 -- By Delegates A. Philip Randolph, M. P. Webster, Brotherhood of Sleeping Car Porters.

"WHEREAS, The National Council for a Permanent Fair Employment Practice Committee is the recognized and responsible agency, free from all totalitarian influences from the right or left, which is waging a nation wide educational campaign among the churches, trade unions, schools and colleges, civic groups, and homes with a view to informing public opinion of the nature and importance of Federal Legislation for a Permanent Fair Employment Practice Committee, not only because of its significance to Negroes, Catholics, Jews, Mexicans, Filipinos, and Japanese Americans, but also because of its basic value to our American democratic institutions and traditions, and



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"WHEREAS, Some sixty or more national organizations in the country including such agencies as The Interracial Catholic Commission, the Federal Council of Churches of Christ in America, The B'nai B'rith, the Y.M.C.A. and the Y.W.C.A., are supporting and cooperating with the Council, therefore, be it

"RESOLVED, That this 68th convention of the American Federation of Labor assembled in Chicago, October, 1946, go on record as endorsing, supporting, and cooperating with the National Council for a Permanent Fair Employment Practice Committee and its program, and call upon the various national, international, and federal unions, central bodies, and state federations, to cooperate with this National Council for a Permanent F.E.P.C. in its efforts to secure sound and effective legislation for the application of the principles of fair employment practice.

"Referred to Committee on Resolutions,

October 9, 1946."

"Resolution No. 189 -- National Council for Permanent FEPC

"Your committee recommends concurrence in the resolution.

"A motion was made and seconded to adopt the committee's report. \*\*\*President Green said he felt that the action of the convention on the resolutions in question reflected the judgment and the opinion of the great membership of the American Federation of Labor."

"The motion to adopt the committee's report was carried.  
(October 17, 1946)"

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MR. SHISHKIN: Now, I have presented them in that sequence because in so far as the legislative effort is concerned, this convention action makes it clear that apart from any independent statement directly on behalf of the organizations that the A. F. of L. might take, that its work in the promotion of FEPC legislation is directed through the National Council. Mr. Green is a member of the board of directors and I am a member of the board also and have representation on both the Policy Committee and Administrative Committee of the National Council; so that the concentrated drive to which our union is lending cooperation is carried through to a large extent through the National Council organization.

Just to cover the entire ground, I would like also to present here a model bill, which was prepared by the American Federation of Labor and distributed to the States and State Federations of Labor concerned. That is, the States where the adoption of the fair employment practice laws was to be considered in these coming legislations, so that there is a prospect of a favorable attitude toward laws of that kind.

This model bill was not prepared to cover all of the States and it was not only because of the differences in the problems involved in different States, but because as a matter of our national policy, our feeling is that the major goal

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today is Federal legislation and that any State or local enactments are secondary, not in the importance of such State enactments because of the difference in coverage, but from the standpoint of an effective approach.

We have found that in some localities those who were opposed to the enactment of Federal legislation were the sponsors for the State enactment as a diversion; and therefore, we felt that the efforts of the labor movement should be concentrated on the enactment of the permanent FEPC legislation federally.

These are the copies of the model State bills.

(The document referred to <sup>above</sup> follows.)

*submitted by Mr. Schickel*

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MR. SHISHKIN: There were several proposals in the last session of Congress, in the 79th Congress, for FEPC, which we supported in general despite the fact that in some respects some of these proposals we felt were in need of improvement. The Ives Bill and its companion bills introduced in the House are the result of the work we have done jointly with the National Council in our recommendations and submissions.

Prior to its introduction on March 27, the Ives Bill, the draft of the bill, was very considerably modified and additional provisions were included, which were to some extent, we feel, unnecessary and to some extent might detract from the effectiveness of the original draft as we saw it. This is not necessarily in criticism of the so-called legislative provisions of the bill, but is a comment rather on the emphasis the bill carries.

We have the problem -- that is, discrimination in employment -- and the question of law as to whether or not discrimination of employment reaches into an area in which Federal intervention is necessary and proper in our national policy. We feel that the implementation of national policy very effectively as a matter of law that would protect citizens against discrimination as a matter of right is essential.

There is another aspect of the bill in which there is a

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serious question, and that is its failure to cover adequately discrimination in government. That is probably the greatest shortcoming of the Ives Bill.

7- The provisions as they stand today are not enforceable. They are to a very large extent discretionary. It is a very difficult area. It is one in which the initial versions of the Chavez Bill and other bills in the last session were also subject to criticism. The provisions, for example, that gave the Attorney General discretionary powers and exclusive jurisdiction for recommending whatever action might be taken was of that character.

Our feeling is that very clear extension to the Federal Government in its employment of the basic principle which the Federal Government imposes upon private employment is extremely important.

There is, of course, this: Senator Ives in introducing the bill made a very strong point of the fact that the principle of fair employment is the backbone of this bill, but this is a bill against discrimination and this is not an FEPC bill.

Well, of course, whatever might have prompted Senator Ives to say that, the Ives Bill as it stands today is in its basic provisions an effective FEPC bill. It is unfortunate that it

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is a bill against something rather than for something.

The principle of fair employment practice is the principle that should be stated affirmatively.

One aspect of the bill that I would like to call the attention of the Committee to, particularly, is the provision of the Ives Bill dealing with unlawful employment practice on the part of labor organizations. Now, that is on page 5 of the bill in Section 5 (b), and I would like to call the particular attention of the Committee to this provision because of the important principle that is involved here. The Chavez Bill, as well as some of the proposals pending before the Ives Bill was finally drawn, placed a direct responsibility upon the unions against discrimination as unions.

In other words, the proposal was that the employer discrimination because of the employer-employee relationship was discrimination in employment alone; whereas, when the union category was included in the bill, that the unions as unions were prohibited discrimination, which includes discrimination related to employment and also to membership to the union in general.

Well, our feeling was that in order to stand up, that this legislation has to be related to employment. The section as it is now drawn reads:

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"(b) It shall be an unlawful employment practice for any labor organization to discriminate against any individual or to limit, segregate or classify its membership in any way which would deprive or tend to deprive such individual of employment opportunities, or would limit his employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment conditions, because of such individual's race, religion, color, national origin, or ancestry."

As you see, the way the section is now written, any unlawful employment practice as defined here on the part of a labor organization is one which would directly or indirectly affect wages, hours, employment conditions or employment status. In other words, nobody on the side of the opposition can raise the question and say that this, under the guise of an employment bill and protection against discrimination in employment, would regulate the functions of any voluntary association of persons that are non-economic and that are social in character.

I mean if the union has a clambake or picnic and there is segregation there on a purely social basis in the performance of a social function, that is not related to fair employment

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because of the local conditions, that a charge leveled at the union on the basis of that would not be a proper complaint under this legislation, but if any action that is taken of limiting membership, segregating it, or classifying it, reaching all the way down to the possibility of setting up auxiliaries, or in any other way distinguishing between one class of employees and another, that would in any way impair the employment status, of course, that would be reachable by this legislation.

I might say that despite what I said with regard to our approach on Federal legislation, we have to be realistic and recognize the difficulty of expecting prompt enactment by Congress of this proposed legislation. We do recognize, however, that the work of the 80th Congress is not going to end this summer, that the session resumed will be the continuing session of this Congress; and therefore, the scope of our objective will extend over a period beyond 1947. So that we certainly don't approach this in any spirit of defeat.

However, because of the experience with FEPC legislation last year and there having been a number of legislatures that are considering State fair employment practice legislation, a number of our Federations of Labor are very actively supporting the enactment of State bills where they have been

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introduced and have introduced either our model bill or corrected proposals that would balance the State legislation, much of which is pretty lopsided.

Now, so much for the specific legislative approach. There are a number of things that have been done by the American Federation of Labor, and we have on our own and in cooperation with our affiliates in other cooperating organizations been doing a great deal of educational work among the membership in support of legislation of this kind.

Here are some of the pamphlets we used in distribution to the membership, which might be of interest.

(The pamphlets referred to follow:)

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8- MR. SHISHKIN: The last pamphlet that just came out is called "Discrimination Costs You Money," is almost entirely a cartoon pamphlet done in verse.

MR. LUCKMAN: Could you mail one in to us?

MR. SHISHKIN: Surely. The text was prepared by the National Labor Service, which has maintained a cooperative arrangement with us in that respect.

(The pamphlet referred to follows.)

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MR. SHISHKIN: I just wanted to add a word with regard to some of the problems that we have. There has been some misapprehension and some misunderstanding with regard to the policies of some individual unions in this respect. The policy of the American Federation of Labor in regard to discrimination of employment because of race, creed, color, or national origin is of long standing. It has been a national policy.

The national policy of the Federation is applicable and binding upon its direct affiliates. There is no way in which the Federation itself can enforce the acceptance of that policy by the national and international unions affiliated with it who maintain an autonomous standing with regard to their own policy making.

Over a period of years a program of both education and persuasion -- and some of the persuasion has been pretty stern persuasion with respect to affiliates -- has been carried on. We have made a great deal of progress and we have probably made more progress during the years of the operation of the emergency wartime FEPC than any other time.

The presence even of a temporary agency with limited powers in eliminating discrimination within the unions is matched by the progress made by the temporary FEPC in discrimination of employment by the employers. I think it is

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fair to say that there are not more than six or seven national organizations today which can be charged either with laxity or with a definite affirmative policy of giving approval to discrimination in employment. We find that what has been done in New York and New Jersey has helped a great deal to reduce the impact of even that. The unions have proven to be cooperative in those areas and have indicated their willingness to effect full compliance.

The problem is not an easy one, nor is it one that is clearly confined to any particular geographical area. Many unions in the South, building trades and metal trades and others, who are accepting Negroes and whites to membership without any discrimination, and even accepting them as officers--there have been many shifts and changes in the course of events.

During the present southern organizing drive a great deal of progress has been made in organizing on a non-discriminatory basis. We have instances of some of the oldest unions in the South -- bricklayers and stone masons in New Orleans, for instance, that were originally preponderantly Negro unions and consisted of craftsmen who held title to the craft skills in the trade in that city, and who have apprenticed white workers to their skills.

The same is true of New Orleans iron workers. We have

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today the unions in the building trades, the plasters, for example, in Atlanta --

MISS TILLY: I was going to ask about that.

MR. SHISHKIN: -- who have officers on their board that are Negroes; and there are a mixture of unions on which both Negroes and whites are represented.

Here in Washington there is an interesting basis for observing the changes. Take one aspect that dates back to the period before the last war. In Washington, D. C., most of the service trades -- 95 percent of the barbers, and 90 percent of waiters and waitresses in hotels and restaurants prior to the last war were Negroes. Under the impact of World War I and the economic pressures generated, Negroes were to a very large extent displaced by whites.

In regard to union organizing, we first organized Negro locals in some of the service trades and then organized mixed locals, and they finally gave way to entirely white locals and almost entirely white workers.

There has to a large extent been a shift back, including other categories. Where waiters and waitresses were included in only one local union and did not operate jointly as a union with bus boys and kitchen help -- in Washington there are mixed locals.

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In the case of several building trades unions here in Washington we had segregation -- Negroes in one local and whites in another and in the same category. When I first came down to Washington 15 years ago, that was the case. A great deal of work has been done under the leadership of the national and international unions here and the local Building Trades Council; so the same unions today in Washington have both white and Negro officers and are conducting their business in mixed meetings, and the problem that was indicated to be completely insuperable 15 years ago has been resolved without any difficulty or friction, despite the fact that we were told 15 years ago that Washington was part of the South, and the patterns of mores and customs are part of the South, and no white man working as a skilled tradesman in the trades would tolerate a colored officer presiding over his meeting and telling him when to speak.

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That was done, and the experience over a period of years, experience in Washington, experience in the South and on the West Coast during the war, experience in large war production centers, both in the First and Second World Wars in which there as a great conglomeration of labor attracted by war industries indicates that the maximum of friction in employment is caused not by intolerance or hatred, but is caused by

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economic disparity. There is evidence -- and also abundant evidence not yet developed -- there is evidence that the FEPC started developing to some extent through its staff work and National Planning Association indicating the extent to which wage differentials in the United States were basically not geographical differentiations, but were ratio differentiations. The material is available because of classification of workers in the studies made by the NRA, in the studies made by the Industry Committees of the Wage and Hour Division, in which both labor and management participated, the Division of Public Contracts in the letting of the government contracts prior to the war contain ample evidence of the effective discrimination, not only in hiring of workers but also in the maintenance of standards after they have been hired, by paying Negroes a lower scale of pay.

One of the things that is extremely important, it seems to me, in order to provide a basis for future action -- I know that this Committee will neither have the time nor have the resources to develop a study of this kind, but it is not a difficult job and not a big one. It requires skilled help, but not numerous help to do one thing: Merely to bring together the available basic wage information by proper classifications and initiating current census classifications and census studies

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that would relate the information previous available with the facts that will be available currently to show the shifts of this pattern and persistence of the problem itself.

Discrimination in employment is economic discrimination. There is no question about it. The ingrown attitudes are the result of and are rooted in economic problems. The disparities and discrepancies in wage standards created by the war have contributed a great deal to the growth of it. That is at the root, and the study of the economic causes of discrimination are extremely important. If the Committee can contribute to this, it will help a great deal.

Finally, I think with whatever equipment, including that type of equipment, the Committee could help in furthering the Congressional consideration of the permanent FEPC legislation within the broad framework of the Ives Bill, perhaps, with some improvement, and helping to focus public attention on it, provide justification for the strong public pressure for that type of legislation, I think that the purposes of the Committee will be greatly served and the national policy will be greatly strengthened.

MR. LUCKMAN: Thank you very much, Mr. Shishkin. That is certainly a comprehensive and enlightening presentation.

Would you be agreeable to some questions, which I am sure



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have been raised in our minds?

MR. SHISHKIN: Of course, I would be glad to.

MR. LUCKMAN: Rabbi Gittlesohn?

RABBI GITTLESOHN: You have a strong distinction between what you call social segregation as, for example, in the formation of local auxiliaries on a color basis on the one hand, and economic discrimination in the form of anti-employment discrimination --

MR. SHISHKIN: May I correct that? There was no distinction between auxiliaries. This legislation covers auxiliaries and would outlaw them.

RABBI GITTLESOHN: In accordance with this provision local auxiliaries for Negroes, for example, would be outlawed?

MR. SHISHKIN: Yes, and would be a violation.

RABBI GITTLESOHN: And the national stand of the American Federation of Labor is in favor of support of the law?

MR. SHISHKIN: There is no question about it. If I might comment on that -- we have done a pretty effective job in connection with that. There are examples of wartime development of setting up auxiliaries in which Negroes were given a segregated membership. Machinists have done it in some instances and the boilermakers have. Now, in that case the auxiliary was set up for Negro workers. A large number of Negro workers

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were brought into the shipyards over which the Boilermakers had jurisdiction and held contracts.

Now, the American Federation of Labor put a great deal of pressure on the Boilermakers at that time, and as a matter of fact President Green, when the convention of the Boilermaker was held in the spring of 1943, appeared personally before the convention, urging the Executive Board to recommend to the convention the elimination of auxiliaries altogether; and although they were not eliminated completely, several important changes took place.

For one thing, they previously were supervised by the white local and had no independent standing. Secondly, they had no right to elect delegates to the convention, and thereby were left without a voice. There were other features of that kind which were eliminated, so that they are now given the status of complete parity with white locals.

There is only one distinction that remains of any consequence and that is in the Boilermakers Union a member of a white local after either his job folds up or he leaves the locality to go to another place in search of work or to join his family, he is given a transfer card which entitles him to rights and privileges, including seniority rights, in seeking employment in another place.

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Now, the member of a Negro local in the Boilermakers has all the other rights and privileges except the right of universal transfer, on which the most difficult part of the fight in the 1943 convention was concentrated; and they only went so far in the convention as to say that these are steps we have taken now. This is the progress. We recommend consideration of the next step at the following convention. They have conventions every four years.

RABBI GITTLESOHN: Are there any facts or figures which indicate what is happening, for example, to the pattern of auxiliary locals within the American Federation of Labor, the rate they are decreasing in number, if they are so decreasing?

MR. SHISHKIN: There are no figures available, but the only unions in which auxiliary organization was in effect was the Boilermakers and Machinists, now independent and not A. F. of L., but who have many locals to which Negroes now are admitted. It wasn't done overnight and it wasn't done without the intervention of the FEPC, but they did eliminate a number of local discriminations as a result of FEPC and also because of President Roosevelt's personal intervention, but it is not completely cleaned up yet. There are still some auxiliary locals in the Machinists.

So far as auxiliary locals, I don't know of any other

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organization in which there might still be auxiliaries. There are many unions who maintain mixed locals in the North, while they maintain segregated locals in the South. In the case of segregated locals not auxiliaries, they have full rights and privileges. The only difference is one is white and one is a Negro local in a southern city.

RABBI GITTLESOHN: Would this provision of the bill hit segregated locals?

MR. SHISHKIN: To the extent that the white local union would not admit Negro members and the Negro local union would not admit white members.

RABBI GITTLESOHN: We are not worried by the latter case.

MR. SHISHKIN: You have to provide the legal basis. It works both ways. There is prima facie evidence of discrimination in each case.

MR. LUCKMAN: I would like further enlightenment on a phrase you mentioned when making an analysis of this particular section. You indicated that you thought events which might be described as clambakes would not come within the jurisdiction or provision of this section. Do you think that they should?

MR. SHISHKIN: No, I don't think they should.

MR. LUCKMAN: That being a social endeavor and having nothing to do with the economic factors?

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MR. SHISHKIN: If the union holds a dance, there is no reason why that kind of social function covered be covered by legislation which relates to unions only and not to all social organizations, including churches.

MR. TOBIAS: To what extent are there separate unions, I mean segregated?

MR. SHISHKIN: In the labor movement generally?

MR. TOBIAS: In the American Federation of Labor.

MR. SHISHKIN: The unions that --

MR. TOBIAS: I mean those unions that Negroes may not join if they want to.

MR. SHISHKIN: The unions that discriminate -- as I said, I think there are no more than six or seven today that have either open or hidden bars to Negro membership in the American Federation of Labor.

MR. TOBIAS: The question of the help that the leadership of the unions gives in securing favorable consideration of a bill like this bill, it would seem to me, would be affected or conditioned by the policies of the unions themselves on the issues that are raised here. I am trying to visualize what would happen in a hearing -- it has happened -- when the opponents of a bill of this kind would ask what the policies of labor unions are, particularly in the fact that they do not

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have authority within the National Federation itself, government policies and local or international unions, and yet what is being asked of the Federal Government is that it pass a law that will affect practices all the way down the line, across State lines, across sectional lines.

Suppose that is raised as an objection to a law of this kind and there would be advanced the thought that, for example, local sentiment, State sentiment, should all be taken into account, and why not leave this?

In other words, why have a national law at all if you can bring about the acceptance of bills of this kind by the legislatures of the several States? We are getting some of that done, and there are those, of course, who believe that the approach to it is on a state level rather than on a national level.

MR. SHISHKIN: Well, in the first place, we have had an FEPC for a period of several years, and we have seen it in operation as an expression of a national policy that is still the same national policy, except it was put to a crucial test, and when the crucial test comes, it requires that kind of implementation.

There is no reason why the national policy should go in abeyance simply because the pressure of the crisis is not

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upon us. It might arise at any time.

Both Dean Acheson, as was reported in the final report of the FEPC that was just issued -- (he stated that the existence of discrimination against minority groups in the United States is a handicap in our relations with the other countries. We take a national stand, a stand in the United Nations. We took a stand in Germany against discrimination, and we have got to back it up. We have got to back it up in urging the continuation of the fair employment practices as a national policy unrelated to the decisions of the individual States.

MR. TOBIAS: This would be a national law, not just a stand or expression of opinion.

MR. SHISHKIN: Yes, but isn't our national policy an empty gesture until it is implemented by law?

MR. TOBIAS: The question will arise: Why doesn't that apply to labor unions as well?

MR. SHISHKIN: In the Federation we have a union structure. The question is simply this: We are a Federated organization, as the Federal Government itself is. The right of autonomy of the individual unions is comparable to that of the States. The convention and the convention alone can empower the Federation to adopt stands on issues which would become binding on the individual unions, and it has adopted stands on some of

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those issues, but very few.

They are broadly concerned with the basic principles of labor organization. The rest is left to the individual States, so to speak, the individual organizations. Unless that bar is removed, we don't have the power to impose through national enactment of the Federation the kind of thing we propose here.

MR. TOBIAS: I was trying to see what the answer was.

MR. LUCKMAN: Would it be correct to say that presuming the passage of a properly worded FEPC Act with sufficient provisions for enforcement, that that Act would then make possible and require uniform action on the part of all labor organizations, as it would all industrial organizations, and that assuming that set of facts, the position of the American Federation of Labor would be as presented in your resolution in favor of conforming to that national Act, even though you did not have within your own organization the structure that would make it possible for you to conform to a national policy without that Act?

MR. SHISHKIN: That is right. We have evidence in New York and New Jersey -- New York particularly -- where unions, some not affiliated with the American Federation of Labor, some of the brotherhoods not affiliated, the railroads --

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they are the chief negotiators of the non-discrimination policy-- evidence that they are willing to effect full compliance. The problem is a little more complex than just the relation between the national organization and its national affiliates.

Let's take the Bricklayers Union, which has a non-discrimination policy all over the country. They have mixed locals of bricklayers.

In the city of St. Louis there is a large local of bricklayers, masons, and others, included in the union. At the beginning of the defense program they didn't have any Negroes and didn't admit any. There was nothing in writing and no rule, but they simply excluded them.

We went after them. The Government went after them, and they made a token compliance. Their national union went after them. They admitted to membership half a dozen Negroes and stopped there. Nobody could say they discriminated, that they didn't have Negroes. They did have them. They stopped. Beyond that they didn't admit anybody.

It was a very tenuous quota basis on which they did it, and it takes a great deal to get over that hurdle. We must guard against that in the operation of a law of this kind. We must guard against that kind of subterfuge and evasion of the law by creating a semblance of compliance.

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MR. TOBIAS: As long as you have segregated and affiliated unions made up of any racial element of the type of a minority group, if this law should pass, you would have to do away with those discriminations in your unions or you would be up against this section.

MR. SHISHKIN: That is right.

MR. LUCKMAN: That is what I was trying to bring out and that their policy would make that quite acceptable to them.

MR. SHISHKIN: That is the reason we are supporting this, because then compliance by the affiliates would be mandatory upon them but not imposed by us.

MISS TILLY: I have been listening to the stand which the CIO held on the FEPC bills. The opposition to that comes very largely from the South.

What kind of a program -- if labor is for it, I think it can go through -- what kind of educational program have you in the South on these segregated membership unions that you have got to make them accept FEPC because from them is going to come the opposition that will reach the southern Congressmen, who will filibuster?

MR. SHISHKIN: There are two aspects to that. There is a great deal being done. It isn't my purpose here to sell you the virtues of our organization in education because some

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of them are virtues and some are vices, but apart from the fact that this is currently being dealt with as an organizational problem, the necessity of educating on this basis -- here is what one union has done.

In the same area and same type of community under the same circumstances that you claim to be a bar, why don't you do it? That is No. 1.

The second one, which is most far-reaching and on which we are hoping to accomplish the greatest result, because there is a greater recognition today than ever before, both at the national level and all the way down the line that we are riding the high tide today, which is not going to continue, and that the creation of reservoirs of employment with competition for the jobs will lead us again to greater and widening disparity in wage standards -- and once there is a reservoir of Negro workers competing against white workers, then we all know where the forces of discrimination are going to lead.

Because of the integration of Negroes into many jobs where skills are required, there will be an earlier and larger proportionate number of Negroes employed and will undermine the standards of all workers; and therefore, it is the problem of all workers to see that, as we say, "Discrimination costs you money," and that is our emphasis.

MISS TILLY: I just want you to do special missionary

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work in the South right now.

MR. LUCKMAN: I would like to express to you, Mr. Shishkin, the appreciation of the Committee for the work that you have done for us this afternoon; and I would also like to suggest to you, if it is agreeable with you, that your background and experience in this work would be of considerable value to this subcommittee; and while you are not an official member of the Committee, I do wish you would give consideration to sitting in with us whenever your time will so permit. I am sure that would be of great help to us.

MR. SHISHKIN: I would appreciate that very much.

MR. LUCKMAN: In the light of that, I would like to suggest you arrange to make available to Mr. Shishkin a full set of the minutes of today's meeting so that he can have everything that was given to our subcommittee today.

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MR. SHISHKIN: I am glad to have had a chance to come; and on some special areas, which I had to deal with just as an individual in serving in FEPC -- not so much on the national committee as one who had to deal with these specific problems as they arose in the field -- this being also in a dual capacity of being a representative of a national organization that was concerned with this in a very affirmative way, but also as a member of the wartime FEPC Committee -- I will be glad to

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contribute in any way I can to adding a touch of realism in consideration of the problems that might arise.

MR. LUCKMAN: Thank you very much.

(Whereupon, at 4:00 p. m., the Committee adjourned, to reconvene in the East Wing of the White House at 10:00 a. m., April 3, 1947.)

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