

Miscellaneous Papers-PCCR-Statements by
consultants, etc.

Nash Files

HARRY S. TRUMAN LIBRARY
President's Committee
on
Civil Rights

PRESIDENT'S COMMITTEE ON CIVIL RIGHTS
1712 G Street, N. W., Room 208
Washington 25, D. C.

MEMORANDUM TO SUBCOMMITTEE NO. 1

SUGGESTED MATERIAL FOR CONSIDERATION BY THE SUBCOMMITTEE AT ITS MEETING
MARCH 5, 1947

I. List of Problems

- A. Areas in which legislation may be recommended.
- B. Sanctions to be used in enforcing legislation.
- C. Constitutionality of legislation.
- D. Enforcement of legislation.
- E. Committee Procedure: holding of hearings.

II. Discussion of Problems

A. Legislation

1. Basic Question: How far should protection of civil rights by the National Government through legislation go? (As a matter of wisdom? As a matter of political expediency?)

2. Areas

A. General Civil Rights Acts:

1. Section 51, Title 18, United States Code:

"If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than \$5,000 and imprisoned not more than ten years, and shall moreover, be thereafter ineligible to any office, or place of honor, profit or trust, created by the Constitution or laws of the United States."

Should it be revised? Possible faults are:

- (a) It is a conspiracy statute. Should it be revised to apply to a single person?
- (b) It protects only citizens. Should it be revised to protect all "persons"?
- (c) It does not spell out the specific rights protected. Would such a change strengthen the Act's constitutionality? Would it give the Act greater meaning in the public mind?
- (d) Are the penalties too severe? (Maximum prison term of ten years and fine of \$5,000). Do these heavy penalties make it difficult to persuade juries to convict?

2. Section 52, Title 18, United States Code:

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects or causes to be subjected, any inhabitant of any state, territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000, or imprisoned not more than one year, or both."

Should it be revised? Possible faults are:

- (a) It requires that action in violation of the statute be "willful." Does this render a successful prosecution under the law too difficult?

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- (b) It does not spell out specific rights protected: Supreme Court majority in Screws opinion intimates that if the rights were spelled out, the requirement of "willful" action could be dropped.
- (c) Its penalties are very light. (Maximum prison term of one year and fine of \$1,000. Combined use of Section 58 with Section 88 of Title 18 of the United States Code makes it possible to increase penalties to three years in prison and a fine of \$11,000).

3. A new, comprehensive Civil Rights Act for national application. Should the Committee recommend:
- (a) that Sections 51 and 52 are adequate as they stand?
 - (b) that Sections 51 and 52 will be adequate if revised?
 - (c) that Sections 51 and 52 are totally inadequate and should be replaced by a modern, comprehensive civil rights act? If yes, what form should the act take?

- B. A Civil Rights Act for the District of Columbia (and the territories?)
Should the Committee recommend such a measure, and if yes, what form should the act take?

See attached copy of a bill introduced in Congress in 1947.

- C. An Anti-Lynching Act

Should the Committee recommend a separate anti-lynching act, or would a revised Section 51 and Section 52 (or a comprehensive civil rights act) provide a sufficient basis for government prosecutive action?

What form should the bill take?

- 1. See attached copies of bills suggested by the Department of Justice.
- 2. See attached copies of bill introduced in Congress in 1947.

An Anti-Poll Tax Bill

- 1. Should the Committee recommend a separate, national anti-poll tax act?
- 2. Should it recommend repeal of poll-tax laws by the states?
- 3. Should it recommend that in its opinion a successful court attack can be made (with the National Government a party to the suit) on state poll tax laws as being contrary to the National Constitution and statutes?

See attached 1947 Anti-Poll Tax Bill.

Laws to prevent peonage and involuntary servitude.

- 1. Antipeonage Act. Section 444 of Title 18:
"Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be fined not more than \$5,000, or imprisoned not more than five years or both."

Should it be revised? Possible faults are:

- (a) Peonage is a rather narrow technical crime. There must be forced detention, and a condition of indebtedness of peon to master.
- (b) Clarification of Act in line with decision in U.S. v. Gaskin that seizure of a person with intent to place him in peonage violate the act even though the intent is not realized.

- 2. Antislavery Act. Section 443

"Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or who entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held; or who in any way knowingly aids in causing any other person to be held, sold, or carried away to be held or sold as a slave, shall be fined not more than \$5,000, or imprisoned not more than five years, or both."

Does this act have any value today?

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3. A general anti-involuntary servitude act.
Is such an act needed or do Sections 51 and 52 provide an adequate basis for prosecuting every possible infringement of the right to be free?

F. A Fair Employment Practices Act

Should the Committee recommend such an act?
(Should this problem be assigned to Subcommittee No. 2 for study?)
See attached copy of 1947 FEPC bill.

G. An Act to Prohibit Segregation in Interstate Commerce.

Should the Committee recommend such an act?
See attached copy of 1945 bill.

H. Registration and Disclosure Acts

Subcommittee No. 3 is studying the possibility of legislation requiring all private organizations which seek to influence public opinion or whose activities affect civil rights to register and file financial reports.

I. Are there federal statutes which should be modified or repealed because of the threat they offer to civil rights?

1. Espionage, Sedition and Registration acts.
2. Immigration and Naturalization acts.
3. Enemy Property acts.

B. Sanctions to be used in enforcing legislative standards,

1. Civil

- (a) Suit by the victim (or his family, etc.) for damages, or injunction.
- (b) Suit by government for injunction or declaratory judgment. Use of cease-and-desist order ^{by} administrative agencies. Withholding of governmental funds from agencies; public or private, practicing discrimination, etc. Cancellation of tax exemption of organizations, or of income tax deductions by individuals, where discrimination, etc. exist.

criminal

- Fines and prison terms for individuals
- Fines for organizations or local governments

Key question: How severe should the penalties be?

-) They should be severe enough to provide a deterring force, but not so severe as to make juries reluctant to convict, etc.

Constitutionality of Legislation

While the National Government is one of limited powers, and while the Bill of Rights as such grants the Government no power, but instead restrains it, there are numerous constitutional bases upon which Congress may seek to establish a positive national program for the protection of various civil rights against all kinds of threats, public and private.

1. Express and implied power of Congress to protect certain rights against private threats.

- Illustrations:
- (a) 13th Amendment gives express power to Congress to protect right to be free from involuntary servitude against private threats.
 - (b) Supreme Court has held Article I, Secs. 2 and 4 give Congress implied power to protect right to vote against private threats.
 - (c) Supreme Court in dicta has suggested Constitution by implication authorizes Congress to protect rights of speech, press, assembly etc. against private threats where these rights are being used to discuss, etc. national affairs.

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2. Express power of Congress to protect certain rights against encroachment by state and local governments.

Illustrations: (a) Power to enforce 14th Amendment. Since 1931 the Supreme Court has read into the due process clause of the 14th Amendment many of the specific rights enumerated in the first ten amendments. All of these rights may accordingly be protected by Congress against violation by state officers.

- (b) Power to protect the 15th Amendment rights which run against state and local governments.

3. Plenary power over District of Columbia, and the territories. Congress functions as the state legislature and the city council for these areas and thus possesses a full police power which enables it to go as far as it wishes in protecting civil rights in these areas against all possible threats (subject only to the restraining force of the due process clause of the 5th Amendment.)

It is interesting to note that a suit has recently been filed in a District of Columbia Court to test the theory that the Federal Civil Rights Act of 1875 is still valid in the District of Columbia.

4. Plenary power over government employees (all Federal, and state and local in so far as paid in whole or part through federal funds - Hatch Act device) and over all persons in the Armed Services.

Congress may thus protect these millions of people against threats to their rights which grow out of their employment or service with the government.

Interstate Commerce Power

Illustrations: (a) Forbidding racial, etc. segregation or discrimination in transportation.

- (b) Making it a federal offense for members of lynch mobs to take their victims across state lines, or to flee across state lines.

- (c) Prohibiting the interstate transportation of produce manufactured by concerns practicing discrimination in their employment policies, etc.

Treaty Power

By the theory of Missouri v. Holland Congress may pass any law necessary to implement a treaty. Articles 55 and 56, Chapter IX, United Nations Charter are as follows:

"With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote.....

(c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

"All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55."

Thus a basis probably already exists for Congressional legislation protecting civil rights. Moreover, if the United Nations ultimately adopts a formal international bill of rights, this basis will be strengthened.

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7. War Powers

- (a) Lynchings and other lesser violations of civil rights frequently damage our standing abroad and thereby endanger our national security. May not Congress protect us against this foreign danger by taking steps to alleviate the internal conditions that give rise to this adverse foreign propaganda?
- (b) Power to protect war veterans in their exercise of their special rights and privileges. For example, the right of a G.I. to go to college, enter business or buy property, without being subjected to racial, etc. discrimination.

8. Power to guarantee a republican form of government within the states.

Where a state permits lynchings, violations of free speech, denies the right to vote, etc., may not Congress intervene under this power to protect these rights as necessary to the existence of a republican form of government?

9. Power to insist that private individuals and organizations doing business with the government (having contracts with it) must not practice racial, etc. discrimination in their employment policies, etc. The Walsh-Healy Act approach.

10. Tax Power

- (a) May Congress cancel tax-exemption privilege of organizations practicing racial, etc. discrimination?
- (b) May Congress cancel tax-deductions by individual taxpayers on contributions made to organizations practicing discrimination?

Spending Power

Withdrawal of government benefits or subsidies to individuals, organizations or governmental agencies practicing discrimination, etc.

Problem of Enforcing Legislative Standards

Basic question: Is the current approach used by the Department of Justice a satisfactory one?

- 1. Is the Civil Rights Section adequately equipped to do its work?
- 2. Should the Section be raised to the level of a Division?
- 3. Is the relationship existing between the Civil Rights Section and the Federal Bureau of Investigation and the U. S. Attorneys a satisfactory one?
 - (a) Should the FBI make use of Negro investigators?
 - (b) Should the FBI place greater emphasis upon civil rights problems in the training of its agents?
 - (c) Did the FBI do an adequate investigating job in the Columbia, Tennessee and Monroe, Georgia cases?
- 4. Should the Section have at least a skeleton investigating staff of its own?
- 5. Should the Section have an adequate staff to enable it to take the initiative in action seeking to prevent civil liberty violations, rather than waiting for complaints to come to it before taking any action? For example: Should the Section maintain a constant survey of conditions throughout the country and thus be in a position to alert the FBI, a U.S. Attorney, or its own investigators, where a condition exists that might lead to a lynching, so that federal action can be more effective when civil rights violations do occur?

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E. Further Procedure to be followed by Subcommittee No. 1.

1. Should hearings be held?

Possible witnesses:

(a) Representatives of the National Lawyers Guild, the American Civil Liberties Union, the N.A.A.C.P., etc.

(b) Department of Justice officers.

(c) Former officers of the Civil Rights Section

1. Judge Henry Schweinhaut, former Chief
2. Victor Rotnem, former Chief
3. Eleanor Bontecou, formerly on the Civil Rights Section legal staff.

(d) Private persons with considerable knowledge in this area.

1. Charles Houston
2. Thurgood Marshall
3. Robert E. Cushman

2. How can the Committee speed its labors?

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February 28, 1947

MEMORANDUM

TO: Members of Subcommittee No. 2

FROM: Robert K. Carr and Frances H. Williams

SUBJECT: Outline of Problems for Consideration of Subcommittee No. 2
at its meeting March 5, 1947

I. List of Problems

- A. Areas which the committee may choose to consider.
- B. Summary statement as to action, public or private, which the committee may wish to discuss or recommend.
- C. Defining the American democratic creed as a basis for action in the civil rights field.
- D. Committee procedure: requests for reports and recommendations, hearings, etc.

II. Discussion of Problems

- A. Areas in which civil rights of minority groups are now violated which the committee may choose to consider.
 1. The right of all persons to an equal opportunity in public and private education.

Most public education is local, some is state, but part of the state program is supported by federal grants-in-aids. There exist laws in some states which provide for separate and equal facilities for Negro and white children. In these states and others denial of civil rights is often found in the administration of the law. Some private educational institutions enjoy exemptions from taxation yet refuse admission to certain persons on a discriminatory basis.

(a) Suggestions for the exploration of the problem:

- (1) Request all heads of federal agencies in charge of grants-in-aid for educational purposes for a detailed report as to the present administration of these funds.
- (2) Request national organizations, such as the Rosenwald Fund and the National Education Association, active in this field, for an analysis of the problems involved and their recommendations.
- (3) Request individual experts for their analysis and recommendations.

(b) Possible lines of action.

- (1) This subcommittee could recommend that the President include in all proposed legislation covering federal grants-in-aid for educational purposes a clause

requiring the use of all funds appropriated according to the criteria set up in the legislation, and

forbidding discriminatory use of the same based on race.

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- (2) The President could extend the principle of equal treatment established in the executive order on fair employment practices to this field. He could issue an executive order requiring the impartial administration of all federal grants-in-aids for educational purposes.
 - (3) Subcommittee No. 3 is looking into the tax exemption problem. The two subcommittees might work together if it is considered desirable to examine the discriminatory practices of private institutions that are tax-exempt.
2. The right of all persons to fair employment opportunities, in both public and private employment.

The President's Executive Order on Fair Employment Practices, the activity of the Federal Committee on Fair Employment Practices and state legislative experimentation in this field have occasioned great public interest.

(a) Suggestions for gathering current information on fair employment practices:

- (1) Request all heads of federal agencies for the number of Negro and other minority group employees now on their payrolls, classification of the same, and indication of the particular work they are doing or programs they are participating in, together with such information on the total number of employees, range of classification and variety of programs as to make the information on minorities meaningful. The attached reports from OPA are suggestive of the type of information federal agencies can gather.
- (2) Request the Civil Service Commission and the Council of Personnel Administration for an analysis of the problems involved and recommendations necessary, if the President's letter of December 1945, to the heads of all federal agencies is to be properly implemented. (See attached copy of the letter)
- (3) Request organizations with pertinent data for analyses and recommendations.
- (4) Request individual experts for similar material.
- (5) Grant the request of the United Public Workers of America, a union of government employees, CIO, for a hearing on present fair employment practices in federal agencies.
- (6) Ask the New York Ives-Quinn Act administrative staff to submit data or participate in a hearing. (See attached copy of Ives-Quinn Act and pamphlet, "Inside Facts".)

(b) Possible lines of action:

- (1) This subcommittee could recommend a Fair Employment Practices Act. (Copy of FEPC bill sent with Subcommittee No. 1 Memo to all members)
- (2) The Committee could recommend that the Civil Service Commission establish an on-the-job training program for all personnel officers within the various federal agencies in order to implement the President's letter to the heads of all federal agencies, December 1945.

Such a program would be supplementary to the general policing function of a FEPC and the educational results which are the natural aftermath of specific cases.

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3. The right of the total community to an equitable share in the services of welfare institutions supported by public tax funds.

Many welfare institutions are local, some are state and some are national. Some states have laws requiring separate welfare institutions for minority groups. Moreover, there is evidence indicating a considerable amount of discrimination in the administration of welfare services.

(a) Health Services.

Recognition by Congress of discrimination in this area is seen in the requirement included in the Hospital Survey and Construction Act, namely "that state plans shall provide for adequate hospital facilities without discrimination on account of race, creed and color". (See attached Public Law)

(1) Suggestions for the exploration of problems in this area:

(a) Request all heads of federal agencies administering federal health programs for a report as to the extent to which present programs are reaching all natural beneficiaries and the devices used by these agencies to insure the same.

(b) Request organizations active in this field for analyses of the problems involved and their recommendations.

(c) Request individual experts for their analysis and recommendations.

(2) Possible lines of action:

See suggestions above under Education.

(b) Recreation Facilities

There is relatively little discrimination in the use of public recreation facilities in the north. In borderline communities there are instances where administrative officials are making law and thereby taking over legislative functions. In certain parts of the country public officials have as yet little concept of their obligations in this field to the total citizenry. The basic problem here, therefore, is to establish the idea of need.

(1) Suggestions for the exploration of problems in this area:

(a) Request all heads of federal agencies (such as the National Park Services) administering federal recreation facilities for a report on the extent to which all present facilities are available to all natural beneficiaries and the administrative devices used to insure the same.

(b) Request organizations with pertinent data for analyses and recommendations.

(c) Request individual experts for similar material.

(2) Possible lines of action:

See suggestions above under Education.

(c) Facilities for the Handicapped.

The blind, the deaf and dumb, the crippled, the orphans, the aged, the feeble-minded, the insane, and those needing relief are the groups commonly receiving the attention of the state. Some facilities and services are local, some state and some federal. There is great variation in the quantity

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and quality of services provided for these groups out of public tax moneys and there is some discrimination in the use of these funds.

- (1) Suggestions for the exploration of problems in this area.
 - (a) Request all heads of federal agencies administering programs for the handicapped for a report as to the extent to which present programs are reaching all natural beneficiaries and the devices used by these agencies to insure the same.
 - (b) Request organizations active in behalf of the interests of these various groups for analyses of the problems involved and their recommendations.
 - (c) Request individual experts for similar material.
- (2) Possible lines of action:
See suggestions above under Education.

4. The right of all persons to equal treatment in places of public accommodation.

Questions relative to discriminatory treatment in transportation by rail, bus, steamship or air service; in hotels, restaurants, tourist camps; in theatres, movies, etc., and in places where foods are sold, fall within this area.

Rights within these areas rest on the assumptions as to the personal liberty to go places and do things and the correlative right that no one else shall interfere. Conflict at times arises from rights associated with property: the right of the owner to use his property as he sees fit and to make a profit.

(a) Suggestions for the exploration of these problems:

- (1) Request to the Interstate Commerce Commission for a report relative to problems in this field.
- (2) Request national organizations active in this area for an analysis of the problems involved and their recommendation.
- (3) Request individual experts for similar material.
- (4) Subcommittee No. 1 is considering legislation designed to meet some of the problems listed here. Therefore the two committees may wish to work together at this point.

(b) Possible lines of action.

- (1) Use of the commerce power as a basis for legislation outlawing discrimination in transportation.
- (2) Use of the police power as a basis for a Civil Rights Act for the District of Columbia.

5. The right of all citizens to serve their country in its armed forces without discrimination.

(a) Suggestions for the exploration of problems involved.

- (1) Request the heads of the army and navy for a report on questions pertinent to impartial administration of all their programs, including plans for universal training and present practices at the Army Ground Forces universal military training experimental unit at Fort Knox.

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- (2) Request national organizations (such as the American Legion and AVC) actively interested in this field for an analysis of the problems involved and recommendations for the same.
 - (3) Request individual experts for similar material.
- (b) Possible lines of action.
- (1) The Committee may choose to present to the President their evaluation of present plans and indicate their relation to civilian morale and national security.

6. The right of all persons to be free from discrimination in securing dwelling units.

Housing units built wholly or in part with public tax moneys are not always equally available to all citizens. Restrictive covenants, essentially a device to limit land ownership or use by any unwanted or unpopular ethnic or religious group, are often used to effect segregation in private housing.

(a) Suggestions for the exploration of these questions:

- (1) Request the heads of federal agencies administering programs pertinent to housing for an analysis of problems in this field and their recommendations.
- (2) Request interested organizations for their analysis and recommendations.
- (3) Request individual experts for similar material.

(b) Possible lines of action:

See suggestions above under Education.

B. Summary statement as to action, public and private, which the committee may wish to discuss or recommend.

1. Legislative and Administrative Action.

- (a) The extension of the principle of equal treatment established in the President's Executive Order on Fair Employment Practices to the impartial administration of all services rendered to the public by federal agencies.
- (b) The inclusion of specific instructions in legislation proposed by the Administration to the effect that the administration of the authorized programs be without discrimination.
- (c) The implementation of the President's letter of Dec, 1945 to the heads of all federal agencies through the organization of an on-the-job training program for all personnel offices of federal agencies by the Civil Service Commission.
- (d) The implementation of the proposed Executive Order on Impartial Administration of all federal programs through the establishment of a unit at the Bureau of the Budget, the logical place of review. The basic question to be raised would be, are the services of this particular agency reaching all its natural beneficiaries?

Some of the evidences would be:

- a- Statistical reports on beneficiaries, broken down by race where pertinent.
- b- Existence of over-all policy statements and related policy statements for subsidiary programs pertinent to impartial administration.

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- c- Existence of specific program instructions designed to further impartial administration.
- d- Existence of checking devices to determine the degree to which the agency has approached goals set.
- e- Existence of philosophical statements in speeches or program materials as to the agency's concept of its obligations to all the people.
- (e) The recommendation of a Fair Employment Act.
- (f) The use of the commerce power as a basis for legislation insuring equal treatment to all persons in places of public accommodation.
- (g) The use of the police power as the basis for a Civil Rights Act for the District of Columbia.

2. Private Action.

The President as the elected leader of the nation can recommend not only to the Congress but to the American people what he considers to be desirable action. The committee might wish to suggest that the President use his power of leadership by calling the attention of the American public to specific instances of the following:

- (a) Action by private individuals and organizations safeguarding persons against wrongs based on their race, etc.
- (b) Private action which has resulted in increased opportunities for minority groups to enjoy those items intimately associated with the American way of life, for example, the opening of a private school to all who are qualified and want to learn.
- (c) Action which reenforces in the public mind those basic ideas associated with the dignity of man and the equal right of all to the good life.

C. Defining the American democratic creed as a basis for action in the civil rights field.

In presenting its recommendations to the President the committee will probably desire to restate the American democratic creed as a basis for further action safeguarding civil rights in this country. The Committee's recommendations will carry more weight in the public mind if they are related to the average man's concept of the American way of life.

Attached are copies of a news story of a recent discussion in the Commission on Human Rights of the United Nations that is provocative of thought; a statement written by Charles E. Merriam and Lillienthal's recent statement of the American creed before the Joint Committee on Atomic Energy.

D. Committee procedure:

- (1) Authorization of all requests for reports from federal agencies, national organizations and individuals.
- (2) Decisions as to whether or not the Committee wishes to grant a hearing to the United Public Workers.
- (3) At what point in the Committee's activity should the public as a whole, through press releases and other devices, be included in the processes of exploration and discussion?

For example, once the subcommittee has determined the areas which it is going to explore, has reported the same to the committee as a whole and received its approval, should Mr. Wilson issue a press release which would insure the public's thinking along the lines being pursued by the Committee?

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Interim Report of Subcommittee No. 1 on Legislation
to the President's Committee on Civil Rights
April 17, 1947.

Subcommittee No. 1 has been authorized "to consider and determine the adequacy of existing federal legislation and to recommend proposed new legislation" in the civil rights area.

I. The Situation as to Existing Legislation:

The Committee has given careful attention to the present federal civil rights laws and has come to the conclusion that this legislation is inadequate in a number of respects.

A. Sections 51 and 52 of Title 18, U.S. Code, are the chief civil rights statutes. Securing more vigorous enforcement of these laws was the primary reason for the creation of the Civil Rights Section at the Department of Justice in 1939. Most of the work of the Section has been concerned with the administration of these two laws. The chief uses to which they have been put have been two:

- (1) The prosecution of persons in police brutality and lynching cases;
- (2) The prosecution of persons in elections and suffrage cases.

While the Civil Rights Section has some notable accomplishments to its credit in the use of this legislation, these ancient laws have been found to have serious technical and policy inadequacies.

B. Section 444 of Title 18, the Anti-Peonage Act, has been used as a basis for prosecutions in involuntary servitude cases. While several convictions have been obtained under this statute, it, too, has serious deficiencies.

II. Proposed New Legislation:

A. The subcommittee recommends that Section 51 and Section 52 be supplemented with new legislation.

1. The subcommittee is inclined to recommend that Sections 51 and 52, themselves, be left unchanged. These laws are actually on the Nation's statute books and it is perhaps wise not to risk their being weakened or repealed by inviting their amendment.

2. A new statute for use in police brutality and lynching cases should be enacted. The proposal, however, should not be labeled as an "anti-lynching bill" for its usefulness would be much broader than this. The statute should be worded so as to reach private individuals as well as public officers, within

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the limits of the Constitution. The subcommittee believes that it is possible under the existing Constitution to go a considerable distance in this direction. It believes the final Report should indicate the Constitutional basis for such legislation.

3. A new statute for use in elections and suffrage cases should be enacted. This statute should provide a firm basis for the prosecution of persons interfering with the right of qualified voters to participate in federal primaries and elections, and also, within constitutional limits, in state and local elections.

4. The subcommittee has received advice from several persons that a new statute is needed which would enumerate the specific federal civil rights which are protected by law against interference as a result of public or private action. The subcommittee is not yet prepared to make a recommendation on this point.

B. The subcommittee recommends that Section 444 be supplemented with new legislation. It will be a simple matter to enact a new law correcting the deficiencies of the Anti-Peonage Act, and the subcommittee strongly recommends that this be done.

C. The subcommittee has considered the enactment of civil rights legislation for the District of Columbia. There is at the present time no federal civil rights legislation designed specifically for the District. A suit has recently been filed against the National Theater to test the possibility that the Civil Rights Act of 1875 is still operative in the District. It is extremely unlikely the Courts will rule that it is. Absence of a quorum at its April 16 meeting has prevented the subcommittee from making a definite recommendation, but it is the chairman's opinion that the subcommittee regards the present civil rights situation in the nation's capital as intolerable and that it is prepared to recommend that steps be taken toward the ultimate goal of a civil rights situation in the District which may serve as a model to the rest of the nation, and a symbol of American freedom and democracy to the rest of the world. Final recommendations of the subcommittee on this point may well include:

- (1) A statute outlawing discrimination in places of public accommodation. This latter phrase should be defined broadly to include theaters, hotels, restaurants, stores, schools, common carriers, etc.;
- (2) A statute outlawing restrictive covenants;
- (3) A statute (or Constitutional Amendment) granting the right of suffrage to residents, and Congressional representation.

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D. The subcommittee recommends the enactment of a statute forbidding discrimination in interstate transportation. The Supreme Court has recently ruled that state laws requiring segregation in interstate transportation are unconstitutional. But a federal statute is needed to reach that segregation which is voluntarily enforced by interstate carriers, and to provide a criminal sanction for use against persons responsible for segregation.

E. The nature of the Constitutional problem: The subcommittee believes that there is widespread popular misunderstanding as to the extent of federal legislative power under the Constitution. It feels that there should be included in the final report educational material designed to acquaint the American people with the complex constitutional side of the civil rights problem and the extent to which the federal government shares power and responsibility with the states in safeguarding civil liberties.

F. Sanctions to enforce the above legislation: The subcommittee believes that it is sound to employ criminal sanctions to enforce civil rights standards. It may be true that you cannot legislate a change in human nature, but experience proves that antisocial human conduct can be curbed and controlled by criminal laws. However, the subcommittee believes that the further use of civil sanctions, both by the government and by private suit, in civil rights cases should be considered and recommended.

III. Legislative Proposals Which the Subcommittee is not yet Prepared to Recommend:

A. An Anti-poll Tax Law. It is possible that the poll tax evil in the South can be corrected by court attack, or by a more generally worded Election Statute such as is recommended above. The subcommittee is not certain that a specific anti-poll tax law is needed and believes that it would be wise to avoid making such a controversial recommendation if it is unnecessary.

B. Amendment of the Naturalization Act so as to remove barriers to naturalization based upon race or nationality. The subcommittee has not had time to give this matter careful consideration. It is inclined to believe that the subjecting of aliens already in the country to racial and nationality discrimination in the granting of citizenship is indefensible and cannot be reconciled with sound civil rights principles.

C. The following proposals have not been considered: Amendment of the Espionage, Sedition and Registration Acts so as to remove provisions, if any, which endanger civil rights; recommendation to the states for the enactment of civil rights legislation outlawing discrimination in places of public accommodation, and supplementing Sections 51 and 52 (and similar federal laws) at the state and local levels; recommendation to the states looking toward the repeal of discriminatory alien land laws.

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IV. Recommendations for the Improvement of the Administration of
Federal Civil Rights Legislation:

A. The subcommittee has come to the conclusion as the result of its investigations that the present enforcement machinery in the civil rights area is inadequate. In general the Civil Rights Section seems to receive satisfactory assistance from the United States Attorneys, the FBI and the Criminal Division, but it is clear that the Section's own staff and facilities need to be strengthened. The proposal has been made that the Section should be raised to the status of a Division within the Department of Justice. Expert opinion is divided, and the subcommittee is not yet prepared to make a recommendation.

B. If the President's Committee ultimately recommends the creation of a permanent commission, governmental or private, to conduct a continuous research and educational program in the civil rights field, Subcommittee No. 1 believes that such an undertaking should be carefully distinguished from the law enforcement program. The administration of federal civil rights laws, particularly those that carry criminal sanctions, should remain the responsibility of the Department of Justice.

V. Report on Procedure Followed by Subcommittee No. 1

A. The subcommittee has held several consultations with officials in the Civil Rights Section and in the Criminal Division. At the subcommittee's request, these officials have drafted experimental bills of many types.

B. The subcommittee has invited a number of outstanding lawyers to serve as an advisory panel. The bills mentioned above have been submitted to this panel and very valuable assistance is being rendered to the subcommittee by these lawyers.

C. While the subcommittee has given its attention to experimental bills, it is inclined to believe that in the ultimate report of the President's Committee, recommendations of civil rights legislation should not be accompanied by drafts of bills. Legislative proposals should be spelled out in some detail, but it would be unwise for the Committee to recommend the exact language that laws should take.

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Interim Report of Subcommittee No. 2
to

The President's Committee on Civil Rights
April 17, 1947

Concerning Discrimination against Minorities
in Employment, Community Services, Education,
Housing, and the Armed Forces

In the limited time available, Subcommittee No. 2 has made a preliminary investigation of the subject matters which constituted its assignment.

Even in the nominal work done thus far, we have been impressed with the enormity of the task, and with the very incomplete and scattered nature of factual information available to illuminate our problem.

For instance, as far as we can tell, no complete study has been made of the way in which dispensation of federal funds in the educational field contributes to the perpetuation and support of our delinquency. Furthermore, the various social agencies interested in removing discriminatory barriers have concentrated on sociological principles and statistics, but have almost completely failed in the human relations job of collecting and publicizing the human aspects of those case histories which are indispensable to any real public understanding.

Upon the basis of the facts disclosed thus far, we believe that appropriate action can be taken in several directions. These include:

1. Endorsement of the principles of specific remedial state and federal legislation.
2. Examination and re-definition of federal policy with respect to the administration of public funds in the field of education, health and housing.
3. Examination and re-definition of personnel policies and practices in the Armed Forces.
4. A long-term program of public education, initiated during the life of this Committee but carried beyond its tenure by a permanent agency, designed to create broader understanding of and respect for the basic American tradition of civil liberties.

Respectfully submitted,

Francis J. Haas

Channing H. Tobias

James B. Carey

Roland B. Gittelsohn

Charles Luckman,
Chairman

(More)

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Recommendations

The following over-all recommendations are submitted herewith by Subcommittee No. 2 for consideration of the Committee of the Whole:

1. The endorsement of federal and state fair employment practices legislation with judicial enforcement such as that contained in S.984 and H.R. 2820.
2. The restatement of the President's position on fair employment in federal agencies and provision for the implementation of this as follows: (a) Creation within the Civil Service Commission and the Personnel Departments of the various agencies on-the-job training programs; and (b) such machinery as is necessary for hearing and acting on discriminatory practices in hiring, promoting and transferring.
3. A full investigation of all Federal grants-in-aid to veterans' services and benefits; social welfare, health, and security; housing and community facilities; education and general research; agriculture and agricultural resources; transportation and communication; and labor, in order to ascertain among other things the scope of federal activities, the present administration of federally-financed programs as they affect all minority groups, and the power of the Federal Government to enforce a policy of non-discrimination.
4. Existing legislative bans against discrimination in federal grants-in-aid programs be fully carried out, if necessary, through withholding of money discriminately allocated and the administrative interpretation of other legislation require the inclusion in state plans of adequate guarantees of equitable participation of minority groups.
5. Legislative provisions safeguarding minority rights in all future federally-financed grant-in-aid programs.
6. The use by the Federal Government of all their own media of education to the end that the public acquire and understand their rights and responsibilities under each and all of the various programs.
7. The endorsement of the principles of non-discrimination in state legislation designed to assure equal treatment of all persons in semi-public and public fields, such as public and private employment, education, health, housing and recreation and places of public accommodations.
8. A non-discriminatory long-term housing program such as that provided in the Taft-Ellender-Wagner Bill.
9. The banning of racial restrictive covenants by the courts or by legislation as contrary to public policy.
10. The collection, analyses and dissemination by private and public agencies of information regarding the quantitative and qualitative needs of minority groups for additional health and community services similar to the services now available in the housing field.

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11. The issuance of periodic reports by the several branches of the Armed Forces on the treatment accorded minority groups to the end that discrimination in all policies and programs be terminated.

12. A long-term program of public education be initiated during the life of this Committee but carried beyond its tenure by a permanent agency, designed to create broader understanding of and respect for the basic American traditions of civil liberties.

The text of the report was characterized by the use of pictures, charts and case stories.

* * * *

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Interim Report of Subcommittee 3

to

The President's Committee on Civil Rights

April 17, 1947

Subcommittee 3 has been asked by the full Committee of The President's Committee on Civil Rights to examine the possibility of dealing with those groups organized and active in the creation of bigotries and hence the reduction of civil rights. It is not concerned with individual prejudices but rather with the impact of organizational activities in the "market place of thought."

As Mr. Ernst, the Chairman of our Subcommittee, has pointed out, "the unfortunate coincidence in our society of the misuse of our traditional guarantee of freedom of press and speech by those groups dedicated to the abolition of these freedoms has led many people and organizations, sincerely concerned with the preservation of civil liberties, to advocate various kinds of suppression against those groups engaged in the spreading of bigotry and hatred." But to solve the immediate problems raised by these groups by suppression is a betrayal of the basic philosophy of free thought.

An alternative method of combating the influence of the intolerant groups perhaps more consonant with our traditional freedom is the principle of disclosure of any group which affects public opinion.

Activities of Subcommittee to Date

(1) Work of the Subcommittee has been handicapped, of course, by the unfortunate illness of Mr. Ernst. We learned only yesterday that he is still in the hospital and will probably remain there for another two or three weeks.

In his brief report to the Committee on March 5, Mr. Ernst spoke of the meeting with representatives of the Treasury and Post Office Departments and the attempts to get a list of organizations that distribute so-called hate material. The list was tardily secured, largely due to the difficulty in getting addresses. However, on April 1, a list of some 70 names was sent to Mr. Oliphant, Assistant General Counsel of the Treasury Department. So far no report has been received from the Treasury.

(2) On March 21, letters were sent to Mr. Joseph J. O'Connell, General Counsel of the Treasury Department; Mr. James E. Webb, Director, Bureau of the Budget; and Mr. Tom C. Clark, Attorney General. Mr. O'Connell and Mr. Webb were asked if they could advise with us on the feasibility of establishing standards that would prohibit the distribution of federal funds to state and local highway departments, hospitals, schools, and other institutions

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that engage in discrimination. Another suggestion that was made was the possibility of using the Sherman Anti-Trust Law to break up restrictive covenants. This suggestion was submitted to the Attorney General for comment.

The Attorney General asked Mr. Wendell Berge to reply. In his letter Mr. Berge said that he didn't believe that the Anti-Trust laws would be a very useful general weapon in the attack upon restrictive covenants. He added that it was only in rather unusual circumstances that a restrictive covenant on land would affect interstate commerce or would otherwise fall within the prohibitions of the Sherman Act. He said, however, that there have been instances in which one aspect of a conspiracy which was unlawful under the Anti-Trust laws related to citizens of a particular race, color or creed. In those cases the activity against a particular group of citizens was a part of a larger conspiracy.

Mr. Webb, Director of the Bureau of the Budget, assigned Mr. Labovitz and Mr. Stark to help us on the fiscal side. Yesterday morning we had Mr. Stark with us. He presented a cursory examination of the legal provisions of the Grant-in-Aid Programs that contained specific prohibitions against discriminatory practices. He discussed the School Lunch Act, the Hospital Survey and Construction Act of 1946, the Social Security Act of 1935 and the Second Morrill Act of 1890. He pointed out that he had discovered no evidence of overt discrimination in any of these programs, adding that any such practices, to the extent that they may exist, would not be easily discernible.

(3) In connection with the disclosure problem, Mr. Shishkin sat as Acting Chairman of the Subcommittee on Tuesday, April 15. We heard four consultants. The hearing was designed to give the Subcommittee the benefit of the experience of persons who had knowledge and background in the administration of certain disclosure acts. The consultants were as follows:

Mr. Jesse MacKnight, formerly Chief of the Organizations and Propaganda Analysis Section of the Public War Policies Unit, Justice Department; and also one-time Chief of the Analysis Unit of the Foreign Agents Registration Section.

Mr. Samuel Klaus, formerly Special Assistant to the Secretary of the Treasury.

Mr. H. M. Plotkin, Assistant General Counsel of the Federal Communications Commission.

Mr. Paul Richmond, a representative of the Antidefamation League of the B'nai B'rith.

There is no need, of course, to recapitulate their testimony, which took up a full working day, but it may be said that the problem was fairly comprehensively explored. We went into the matter of disclosure from the point of view of labeling material, financial disclosure and reporting

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procedures. Problems of administration were discussed, such as the need for competent workers, adequate funds, responsibility for administering a disclosure statute, and the difficult area of application.

Future Activity

(1) The Subcommittee plans to continue its study along the general lines indicated. We have asked the Staff to prepare a brief memorandum exploring the possibility of determining whether real estate transactions could be constitutionally reached to eliminate restrictive covenants in such cases where an insurance company, a bank or other institution carries out such transactions through the channels of interstate commerce.

(2) On April 30 the Subcommittee plans to hold another all-day hearing with various experts in the field such as Arthur Garfield Hayes, of the American Civil Liberties Union; Alex Miller, representative of the Southern Office of The Antidefamation League; and possibly a representative of the Post Office, to explore further the administrative problems involved in administering a disclosure formula that would be required of organizations asking special mailing privileges.

It may be pointed out here that Mr. Frank J. Delany, Solicitor of the Post Office Department, advised us on April 10 that the requirement of full disclosure of the identity of the person responsible for mailing more than 50 copies of a certain mailing would involve great difficulties in administration. Material of this kind, he said, unless presented for mailing in large quantities at a special rate, is deposited in letter boxes or at post office drops, and imposes upon the postal service the duty of examining a great bulk of mail matter to determine its nature.

At our suggestion, the Staff will also look into the possibility of requiring a specific address on material sent to "boxholder" or "householder."

(3) We plan also to confer further with the Budget consultants on the question of educational institutions that seek tax exemptions; and to explore the possibility of getting at discrimination against Negro doctors practicing in Federally financed hospitals.

Conclusion

As will be seen, Subcommittee 3 is not ready to recommend at this time any specific proposals for legislation. It is our belief that our Subcommittee should be able to complete a set of general recommendations by June 1. At least 90 days will be required to formulate legislative proposals.

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President's Committee
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Statement Of The

NATIONAL URBAN LEAGUE
1133 Broadway
New York City

:::

Presented By

LESTER B. GRANGER,
Executive Secretary.

As
TESTIMONY
Before The
PRESIDENT'S COMMITTEE ON CIVIL LIBERTIES
National Archives Building
Washington, D. C.

April 17, 1947

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My name is LESTER B. GRANGER, and I am the Executive Secretary of the National Urban League (organized in 1910) with headquarters at 1133 Broadway, New York City. Its office in New York City coordinates and supplements the work of 56 local Urban Leagues in 29 states and the District of Columbia. It has a Southern Field Division office in Atlanta, Georgia.

Throughout these 37 years, the National Urban League, working to improve the conditions under which the Negro population lives, has concentrated on problems of employment, housing, family security, and community relations. The protection of these we consider basic to the continuing development of a dynamic society. Abridgment of opportunities for pursuing these objectives suffered by any group in our population constitutes, in our judgment, a violation of the civil liberties guaranteed by the Constitution of our country and the Bill of Rights.

: : : :

I am appearing in behalf of the National Urban League, and in support of a formal statement which we have already presented to the President's Committee on Civil Liberties. That statement points out that the core of the Urban League's responsibility and the center of this Committee's interest coincide at certain vital points - those involving the improvement of race relations and of living conditions among the Negro population.

Both lay and professional leaders in the Urban League movement are agreed upon the inextricability of these two issues: race relations and Negro welfare. No matter whether we work on a local basis

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with close-at-hand problems or whether we work from our national headquarters on these problems manifested on a grand scale, our experiences in the Urban League are identical. When we work to improve employment, housing and health conditions among the Negro population, we are handicapped and bedeviled by those undercurrents of community fear and hostility which are popularly called "racial tensions". On the other hand, when we work to build up confidence and effective partnership between white and Negro leaders, we find our efforts inhibited by tendencies toward social disorganization, spiritual defeatism and economic instability within the Negro population.

Thus, the Urban League envisions the function of the President's Committee, like our own, to be a dual one - taking steps to build mutual confidence and cooperation between the two racial leadership groups, and also eradicating the legal or extra-legal devices by which Negroes are constantly frustrated in their search for the good things of American society.

It is from this approach that I invite the members of this Committee to consider at slightly greater length some of the points presented to your attention on April 1st in the National Urban League's official memorandum: CIVIL LIBERTIES IMPLICATIONS OF THE EMPLOYMENT, HOUSING, AND SOCIAL ADJUSTMENT PROBLEMS OF MINORITIES. In that memorandum are specified five rights which are basic in the economic life of Americans and which must not and should not be infringed upon for reasons of race, color or creed. These are: THE RIGHT TO WORK and earn a fair wage; THE RIGHT TO A HOME which gives decent protection to its members; THE RIGHT TO GOOD HEALTH, as far as the community can possibly protect its members;

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THE RIGHT TO AN EDUCATION, which refines and improves the citizen's possibilities for service; and THE RIGHT TO PUBLIC SERVICES which are vitally necessary for sound community living in this highly complex social age. I wish to repeat the assertion made in our formal memorandum - that every one of these basic citizenship rights of the Negro is violated on a local or national scale with such frequency and intensity as to require the effective interposition of and protection by the Federal Government. The National Urban League does not attempt to define the legal ways by which the government can interpose its services. We seek merely to stress the need for such action, feeling confident that your battery of legal and legislative experts and advisors can find the means once the need is recognized.

Employment

The racial discrimination most generally recognized and widely condemned by the American public is in the field of employment. The close of World War II and the discontinuance of the President's Committee on Fair Employment Practice temporarily threw employment conditions for the Negro back toward the status that existed before the war. In other words, the Negro's right to work - except in the three states which have passed anti-job discrimination laws - depends upon a personal judgment frequently colored by whim, prejudice or superstition of the individual employer to whom the Negro is applying. Or when such a barrier is absent, it depends upon the racial policies, official or unofficial, of the labor union covering the job in question.

It is not necessary for me to discuss the need of federal legislation designed to continue the education and citizenship which the President's FEPC constituted and to eliminate step by step this grave economic

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injustice practiced against Negroes. Other organizations which have appeared or will appear before your Committee will talk fully on this point. I wish merely to record the National Urban League's support of proposals for federal legislation to reduce and eventually end racial discrimination in employment. It is true that the more enlightened sector of American industry has learned from its wartime experiences in the use of Negro labor. It is true that many job gains which were made during the war have been successfully held by Negro workers - and even extended. But it is also true that at least some large-scale employers of labor have informed the National Urban League that their efforts to continue these democratic employment policies will be greatly strengthened if federal legislation on the subject is passed. Without such legislation, they feel that another depression - even a temporary one - might well wipe out most of the hard-won gains now held.

But aside from the possibility of federal legislation, I wish to point out that there is an important field of employment in which action by the Congress is not required. This is the field of civil service and other public employment, including employment by contract. The Department of the Navy, for instance, when it lets a contract includes a provision which forbids the contractor to deny work to persons because of race, but there are other departments of the Federal Government which fail to make such provision, and consequently thousands of Negroes applying for work are denied jobs to which they are entitled by training and need. At this moment, the National Urban League's Industrial Relations Department is taking up with the War Department a case of this type in San Francisco. The San Francisco Urban League reports to us that the contracting firm

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of Morrison Knudsen has refused to hire Negro workers for a contract job on the Island of Guam. Negro veterans, who as servicemen helped to free and hold this island in our Pacific war, now are denied the right to help rebuild the island - and denied that right by an agent of the Federal Government.

A year ago there were nearly 100,000 Negroes employed in classified posts with the federal government, but since a large proportion of their jobs were war service appointments only, this number has been considerably reduced. With the end of FEPC, a number of federal bureaus and departments have blatantly admitted their racial discriminatory policies in hiring, if a news-story in the New York Times of January 11th is to be accepted as authoritative:

"The nine Federal agencies cited were the Bureau of Standards and the Patent Office in the Department of Commerce, Bureau of Internal Revenue in the Treasury Department, Public Health Service in the Federal Security Agency, Public Buildings Administration in the Federal Works Agency, Alien Property Custodian in the Justice Department, Navy Department, Government Printing Office, Office of Army Security in the War Department and State Department."

Allegations against them were made by the United Public Workers of America, but the Union's spokesman declared that the President's Assistant, Mr. David K. Niles, had checked their facts and found them to be true. Other larger and better-known federal agencies stand similarly under indictment. For instance, the widespread discrimination in the employment of Negroes practiced in many local post-offices in violation of the national policy of the Postmaster General; again, the almost complete absence of Negro counselors and clerical workers in the offices of the

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Veterans Administration in southern states. The United States Employment Service in its regional operations has been severely criticized, and the Federal Reserve Banks, so far as Negro job applicants are concerned, might be described as the inner bastions of employment discrimination.

I ask of this Committee a question which is constantly propounded by thoughtful Negro leadership: How can the Negro citizen trust the services or good intentions of a public agency which refuses him employment because of his race? How can any citizen trust the good faith of a public agency which shows itself opposed to democratic employment policies? Here is a condition which can be remedied almost overnight, without the necessity of Congressional action, by immediate executive and administrative action from the White House and carried throughout the various departments and agencies of the Federal Government.

Housing

The Negro's right to a home has been similarly infringed upon by both private management and the Federal Government. The practice of restricting certain residential neighborhoods against home occupancy by Negroes and other minorities is of long-standing in American society and had been defined as legal by the Supreme Court. In its original conception, the restrictive property owners' covenant was regarded as a means of keeping certain neighborhoods occupied by persons mutually congenial by reason of income, cultural habits and the like. It has been developed, however, in the past two decades - and that development has been vastly accelerated by present housing shortages - into a device which does not simply exclude incomers from a given area, but also restricts certain racial groups to areas where they now live. The urban redevelopment plans of many large

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cities have endorsed and strengthened this tendency. "City planners" in not a few instances have actually declared it to be their intention to use urban redevelopment as a means of ghetto-izing the Negro population and "protecting" the community against unregulated expansion of Negro residential areas. New York City met this problem in the much-discussed Stuyvesant Town of the Metropolitan Life Insurance Company. To the credit of New York's leadership, future housing projects subsidized through the urban redevelopment law from the public treasury will not be able to bar any tenants because of their race or creed. But New York City is a shining exception. The rest of the state and cities throughout the United States as a whole have shirked public responsibility on this issue and continue to leave it to investors and property development companies to set racial policy.

Backing this pernicious tendency was formerly the written policy of the Federal Housing Administration, and even now the tacit encouragement of that public agency. The underwriters manual of FHA, at least until recently, explicitly stated that FHA loans would not be used to bring inharmonious elements into neighborhoods. Consequently, Negroes who sought FHA loans in neighborhoods which were not already preponderantly Negro met with refusal on the part of the finance companies to grant them FHA loans. The National Urban League is convinced that the restrictive property owners' covenant based on race, color or creed, as now conceived and developed, is contrary to the public interest. It serves to depress and not improve property values. It acts as a barrier against natural and necessary expansion of growing Negro communities. It deprives the Negro population of access to decent housing at reasonable prices and under attractive neighborhood conditions. The restrictive property owners'

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covenant is an encouragement to social disorganization within the Negro community and to racial friction and conflict between whites and Negroes. The League believes that in the public interest such covenants should be outlawed by explicit act of the Congress and the federal courts.

Much could be said on the subject of public housing. For instance, the extent to which low-cost housing facilities have been denied to Negro families either because of unwillingness by local housing authorities to include whites and Negroes in the same projects or because of organized resistance on the part of ignorant and biased whites to the location of a housing project for Negroes in this or that area. Buffalo, New York, is a notorious example in that organized citizenship activity prevented the Negro population from housing relief throughout the whole of the war by preventing the erection of a housing project in which Negroes would be accommodated.

It is ironic that housing discrimination practiced against Negroes has reached its point of greatest refinement in northern communities where Negroes have made their greatest employment progress at the same time. Only recently have southern communities begun to borrow the northern idea possibly because over many decades the South has become adjusted to its knowledge that there is an important proportion of its population which is Negro, that this Negro population must live somewhere, and that Negroes and whites can live side by side in the same cities and frequently in the same neighborhoods.

Health

The Negro's right to good health is that right which is least often disputed, but is also the one about which there has been least widespread

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discussion. Possibly this is because when the poor die for lack of assistance they die very quietly. The American public as a whole, therefore, is unaware that Negro mothers die in child-birth more than twice as frequently as white mothers; and that a Negro boy at birth can expect to live only 55 years, as compared with slightly over 63 years in the case of a white baby boy. An equally dark picture can be painted of comparative mortality and morbidity rates from different diseases or comparison of hospital and public health facilities available to Negroes with those provided to whites in urban and rural communities alike throughout the country.

Much of this racial health lag will not be taken up except by intelligent constructive action in local communities. Hospital services must be given freer opportunities to sharpen their professional skills and acquire modern hospital and clinic experience. But the National Urban League feels that beside this local action there is need of federal action to improve and expand health services in those parts of the country where the Negro population is greatest, health resources are fewest, and denial of health service to Negroes most frequent and severe. We believe that when a public hospital or a hospital subsidized in any way from the public treasury denies to persons because of their race or creed either treatment, service or training as medical professions, the civil rights of American citizens are being violated. We urge that the Committee investigate this subject to determine what disciplinary action can be taken. For we are convinced that in view of the rigid attitudes of leaders of the medical profession on this subject - in view of the fact that medical practitioners who have sworn to protect the public's health allow their racial prejudices to deny medical

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service and professional training alike to those in need of one or the other - in view of this fact, only the disciplinary authority of the government will avail to change a pattern of medical care which annually results in the needless deaths of tens of thousands of our Negro citizens.

There are many other points which could be covered in my statement, which time will not permit. I would refer your attention, for instance, to the question of public services - the fact that in many cities police departments instead of being the protectors of Negro's civil rights are themselves among the grossest violators thereof. I point out that not only health, but also sanitation, building inspection, maternal and child welfare services - all of these are public services the need for which increases directly as the income of the group affected is diminished. Negro citizens, among the lowest income group in our population, are arbitrarily deprived of many of these public services even though their need is greater than that of other groups in the population. Here is a violation of mass civil rights to which the attention of this Committee is directed and to which serious study needs to be given. I want to point out also that in this critical period of post-war readjustment it is especially fitting to examine carefully available educational opportunities for Negroes.

Without any attempt further to cover a most important subject, I repeat that the National Urban League is privileged to have this opportunity to share its opinions and experiences with the members of this Committee. On behalf of the Executive Board and Officers of the National Urban League, and of each one of our 56 local affiliates throughout the country, I offer our continued assistance and support to the ends of your Committee's inquiry.

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Excerpt from Report to
The President's Committee on Civil Rights
By
The American Jewish Committee,
New York City, April 24, 1947.

STUDY OF GOVERNMENTAL FACILITIES TO COMBAT
PREJUDICE

Through many government agencies, Congress has authorized the establishment of formal educational programs. Are these programs being used to their fullest possible extent to break down prejudice and foster unity among all our citizens? To what extent are the informal educational opportunities being used? The following resume of governmental educational facilities will suggest the desirability of this type of investigation.

A. Department of Agriculture

The Department of Agriculture's information and education services have been concerned primarily with supplying our rural population with technical information in matters relating to home and farm management and crop production. Little effort has been made to work into the Department's informational program the concept of the interdependence of farm families and non-rural groups. Also, little attention has been placed on the social relations aspects of rural community life. For a sound long-range farm economy, however, the incorporation of both these items in the Department's education program is essential. Both can be incorporated in the programs of the:

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I. Agricultural Extension Service. The extension service conducts one of the country's most far reaching educational programs, whose impact is felt by every member of the rural population. On the local level, the extension service is headed by the Agriculture Department County Agent who is generally recognized as the community leader in organizing educational programs for the community welfare. Every effort should be made by the county agents to:

- a. Make certain that all segments of the community are included in the educational activities.
- b. Include in all phases of the curriculum the theme of the economic necessity for farm groups to avoid social conflicts.
- c. Provide Negro colleges a greater opportunity to participate in the extension program.

II. Four-H Clubs. The extension service county agents work in close cooperation with the 4-H clubs, one of the major farm youth organizations. These clubs provide excellent forums for the development of farm youth programs. In examining the programs and activities of the 4-H

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clubs, the governmental leadership must constantly concern itself with:

- a. Is the American dream of no prejudice practiced and promoted by 4-H clubs?
- b. Are the directions suggested to the 4-H clubs by the Agriculture Department officials conducive to the removal of prejudices?

III. Office of Information. The Office of Information of the Department of Agriculture provides four major channels through which information may be funneled to the farm population. These include:

- a. Agricultural Exhibits Service. This service places before farmers, homemakers, and the rural public generally, visual information on currently important agricultural situations. It can be an excellent educational device in informing the rural public on matters of group relations.
- b. Press and Radio. More than 500 radio stations daily donate broadcasting time to the Department of Agriculture's daily Farm and Home Hour. It should be possible for the drafters of the program, which reaches millions of rural listeners, to reiterate periodically:

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1. The necessity for inter-group harmony.
 2. The interdependence of all economic groups.
 3. The need for group cooperation in an integrated world.
- c. Motion Picture Service. Although devoted largely to the technical aspects of farm life, the excellent motion picture program of the Department of Agriculture could occasionally include a picture on the theme of group cooperation.
- d. Agricultural Publications. The high standard which the Department has set and the wide rural audience reached by the publications division of the Department makes this channel of information extremely useful.

B. Department of Labor

The Department of Labor has a fundamental concern with the elimination of group tensions and prejudices, because group tensions and prejudices result in lower productivity, increased number of industrial disputes, and lower levels of wages and standards of working conditions. In its efforts to eliminate social strains, the Department can utilize:

- I. Apprentice Training Service. An excellent opportunity exists for the ATS officials to persuade union and industry leaders to:
 - a. Permit the training of the necessary number of qualified applicants without

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regard to race or religion.

- b. Publish information on the extent of minority group participation in the ATS education program.
- c. Develop greater participation by minority groups on ATS committees.

II. Labor Education Standards. The officials of this Division can assist union educational directors in:

- a. Incorporating within union education programs materials on the necessity of relieving group tensions.
- b. Assisting resident labor schools and week-end labor institutes with programs designed to create group harmony.

III. Conciliation Service. In the field of labor disputes, where Commissioners of Conciliation have an especially intimate relationship with labor and industry leaders, opportunities may exist for the Commissioners to recommend the inclusion of clauses in the new contract relating to the elimination of the discriminatory practices by either of the parties.

IV. Publications. The various publications issued by the Department of labor, including:

- a. Labor Information Bulletin.
- b. Monthly Labor Review

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have wide circulation among labor leaders.

These publications provide another channel through which positive information on human relations may be funneled.

C. Office of Education

The Office of Education makes recommendations regarding the standards of educational practices to the educators of the country. To the Office of Education falls the major task of inculcating among the educators the basic American creed of equal opportunity for all segments of the population. To perform this task, the Office of Education has:

I. Advisory Functions. As advisors and consultants to local and state educational officials, Office of Education personnel have daily contact with the entire education profession. Thus, the opportunity constantly exists to:

- a. Influence local education administrators in incorporating programs of group relations in local school programs.
- b. Advise on the desirability of providing all segments of the population with equal educational opportunities.

II. Vocational Education. In this sphere the Office of Education has the function of approving or rejecting vocational education plans. As a

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result, the Office of Education can:

- a. Ascertain that adequate standards be established to insure that minority groups receive an equitable share of the training.
- b. Make more affirmative the suggestions for improving intergroup relations.

III. Development of Educational Materials. In developing educational materials the writers should strive to incorporate the theme of group harmony.

D. Federal Communications Commission

As the past few years have vividly demonstrated, radio has become one of the most effective media for mass education. Through the licensing and regulation of radio stations, the FCC can perform a most effective function in bringing to the people the message of eliminating group friction. This might be accomplished by:

- I. Influencing stations to broadcast a greater number of public service programs.
- II. Assuring that ample time is offered to reply to undemocratic groups which use the radio.

E. Public Health Service

In the protection and improvement of public health the PHS cannot afford to permit the existence of artificial barriers of social restraints. Disease germs make no distinction between races and religions. Epidemics have no

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color line. In its work, the PHS can indoctrinate local and state officials with the necessity of serving all persons with equal care, through:

I. State Aid Program. Under this program, the PHS has as one of its responsibilities the training of state and local health department personnel. Officials of the PHS should therefore be assured that:

a. State and local health officials are indoctrinated with the idea of serving all members of the community.

b. Opportunity is afforded physicians of all racial and religious groups to participate fully in the work of the PHS.

II. Special Programs. Special programs, such as the excellent "Negro Health Week" conducted by the PHS, might be complemented by programs designed to focus attention on the health problems of other groups.

F. Social Security Board

The regional and field services of the various bureaus of the SSB can be effectively utilized to educate all segments of the population in the fact that insecurity among any group means insecurity for all groups. To do this, the SSB has:

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- I. Old Age and Survivors Insurance. Local administrators have proven to be effective leaders among social workers of a community. Therefore the SSB should encourage:
 - a. The expansion of educational work by OASI local officials among social workers in order to focus attention on the necessity for equal participation by all members of the community in security benefits.
- II. Bureau of Employment Security. Although payment of unemployment compensation is a State function, Federal officials can:
 - a. Review State plans to see that no discrimination in benefits exists.
 - b. Conduct a continuous educational program among State officials so that all applicants are treated in the same manner.
 - c. Educate State officials to urge employers not to discriminate in their hiring and firing practices.
- III. Public Assistance Programs. This is also a State administered program. The same techniques utilized by Federal officials described in II-a, b and c, can be used here.

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G. Children's Bureau

The purpose of the Children's Bureau is to protect child life and to increase opportunity for the full development of all children. In its work, the Children's Bureau has been greatly concerned with the adverse effect on physical and mental health which prejudice among children brings. The continuation and expansion of the program to combat prejudices can be accomplished by the Children's Bureau through:

I. Grants in Aid Programs. The child welfare consultants of the Children's Bureau can provide State and local child welfare service organizations with:

a. Information and guidance on the necessity for children and their parents eliminating prejudices so as to provide the opportunity for the fullest development of the child.

II. Publications. The Children's Bureau issues many widely read publications, all of which offer opportunity for effective dissemination of information to parents and child welfare workers concerning the necessity of protecting children against the virus of prejudice.

H. Veterans Administration

The Veterans Administration has the obligation of serving the former members of the military and naval forces. Just as

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the demands made on these men and women during the war years had no relation to race and religion, so much the benefits they receive now have no relation to race and religion. In order to carry out this kind of program, the VA can utilize:

I. Office of Public Relations

- a. The Radio Service Division of the VA public relations program can incorporate in the material used in radio the general theme of equal treatment for all veterans.
- b. The Visual Aids Service can also incorporate the same theme in the material it supplies to exhibits, movies, etc.

II. The Office of Special Services, which provides educational and recreational programs for hospitalized veterans, can:

- a. Assure equal facilities to all groups of veterans.
- b. Emphasize in the library services, reading material relating to the problems of group living.

J. War and Navy Departments.

The elimination of group friction among military and naval personnel is essential if we are to have an effective fighting force. During the war the excellent training documents were produced by the armed forces stressing this

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theme. It is unfortunate that less emphasis has been placed on these functions since V-Day. The President's Committee may wish to examine into the extent to which these programs may be strengthened. Other areas in which the Committee may wish further information, include:

I. The extent to which the United States Armed Forces Institute has added or eliminated information on the development of wholesome group relations.

II. The extent to which the armed forces use the materials on group relations which the Army developed during the war.

K. Department of Justice

The Department of Justice has the role of helping to enforce the civil and criminal laws of the country and protecting the rights of the people. In developing its program, the Department can use:

I. Immigration and Naturalization Service. The Immigration and Naturalization Service of the Department of Justice has an excellent program for the indoctrination of new citizens in its "I Am An American Day." This same kind of program could well be expanded to include:

- a. Preparing materials to be included in Americanization and Naturalization schools.
- b. Conducting post-citizenship classes for all foreign-born citizens.

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L. District of Columbia Government

As the seat of our Federal Government, the municipality of the District of Columbia should, in the sphere of civil rights, become a model for the country. The Committee may wish to examine the progress which the District has made in:

- I. Providing equal opportunities in education and recreational facilities for all groups.
 - II. The integration of minority groups into the administration of civic affairs.
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MEMORANDUM

June 13, 1947.

TO: The President's Committee on Civil Rights

FROM: Robert K. Carr

SUBJECT: Memorandum submitted to the Committee by the American Veterans Committee.

The following statement has been submitted by the American Veterans Committee and it seemed appropriate to reproduce it and send it out to the members of the Committee.

Although the American Veterans Committee is not an agency operating in the field of civil rights in the strict sense, we are acutely aware of the need for adequate protection of the civil rights of citizens of the United States. An organization of veterans of World War II concerned primarily with working for a more democratic world, the only barrier we have to membership is that we admit into our organization only those persons who believe in the democratic principles on which AVC was founded. On the positive side we expressly welcome membership of veterans of all races, creeds, nationalities and colors. The veterans making up our organization include Christians, Jews, Whites, Negroes, Americans of Japanese, Mexican and Filipino ancestry. We have chapters throughout the United States and in areas abroad where Americans are attending foreign schools or serving with United States government agencies. One of the requirements necessary to obtain a charter in the American Veterans Committee is the adherence of the petitioning chapter to our pledge to admit into the chapter veterans of World War II without regard to the race or color of the applicant. Although ours is a young organization, we have met great success in organizing interracial chapters even in the South. No other veterans organization has done so. It is often presumed that such interracial organization is a practical impossibility. AVC's experience, particularly in Atlanta and Memphis, refutes that pessimistic view. If veterans of various races and creeds can be brought together in chapters of the American Veterans Committee throughout the country to work together on problem of common interest, it is our belief that this will be a practical demonstration of how democracy can and must function in the United States.

One example of AVC's effort to reduce prejudice is seen in the project recently undertaken by Berkeley Chapter #3 in California. This Chapter is operating Race Relations teams. The Chapter describes the project as follows:

"There are about twenty members and non-veterans co-operators comprising this group. They have visited three AVC chapters, church meetings, and YWCA meetings. The special technique which they use is "sociodrama" or role playing - which allows attitudes and behavior patterns in inter-racial situations to be explored and discussed by the audience.

"To illustrate: a member of the audience volunteers to play the role in which he is sitting on a park

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bench; a male Negro and white female (members of the team) collide on the sidewalk and the woman expresses hostile and prejudiced remarks to the man, appeals to the on-looker. The responses of the on-looker are then discussed by the group - and the problem of how to deal with prejudice in life-situations is analyzed. The same situation with different actors or similar situations are demonstrated.

"The group has met with interested and involved audiences. It has found that attitudes towards race and techniques for combatting prejudice are elicited much more effectively by using this approach on the action level; more so than by staying solely on the verbal level."

Young Americans, without question as to their race or religious beliefs were required to serve in the armed forces, to risk and lose their lives in order to save this nation and the world from enslavement by the proponents of a super race philosophy. One thing is certain - the sacrifice not only of those belonging to some presently existing minority but of all of us will have been without avail if we forget that we fought and defeated Fascism and the concept of a "master race" for the sake of a democratic society in which enjoyment of equal rights and opportunities does not depend on one's race or religion.

Mob Violence

In the past few years many outrageous violations of civil rights and of democracy have occurred. In a number of these incidents - Columbia, Tennessee; Minden, Louisiana; Monroe, Georgia; - veterans were victims of mob violence. Veterans seem especially susceptible to such victimization, probably because Negro, Jewish and American veterans of Japanese ancestry are not disposed to return to civilian life and accept a role of servility and second class citizenship after their experiences in the late war. For that reason we believe the problem of adequate protection and insurance of civil rights is to a great degree a veteran problem. Unless corrective measures are taken, the situation will worsen rather than improve.

History has demonstrated that the protection of civil rights cannot be secured only on the local level and that the intervention of the national government is essential. Under existing statutory and judicial law the federal government lacks sufficient authority to afford the protection and security needed. Additional legislation is a prime necessity to strengthen the hand of the national government in dealing with violations of civil rights.

We favor federal anti-lynching legislation and urge this Committee to include such legislation in its recommendations.

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bench; a male Negro and white female (members of the team) collide on the sidewalk and the woman expresses hostile and prejudiced remarks to the man, appeals to the on-looker. The responses of the on-looker are then discussed by the group - and the problem of how to deal with prejudice in life-situations is analyzed. The same situation with different actors or similar situations are demonstrated.

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We favor federal anti-lynching legislation and urge this Committee to include such legislation in its recommendations.

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The Right to Vote

We favor the removal of all barriers to the right to vote which are based on race and color whether subtle or naive. The federal government, through the Department of Justice, must zealously protect the rights of individuals to participate in the electoral process. The devices which are now operative in South Carolina and in Alabama are designed to maintain a white Democratic primary in defiance of the decisions of the United States Supreme Court. There is sufficient authority vested in the federal government under Article I, Section 4, the Fourteenth, Fifteenth and Seventeenth Amendments of the Constitution and under Sections 51 and 52 of Title 8 of the United States Code to overturn these schemes. We strongly urge that this Committee censure the Department of Justice for its failure to utilize its constitutional and statutory power to keep the electoral process free of discrimination. Whether the method of discrimination takes the form of the so-called Boswell Amendment under which an applicant for registration must be able to interpret the Constitution to the satisfaction of the electoral judges, or the plan which is now in effect in South Carolina where all state laws regulating primary elections were repealed in order to prevent Negroes from participating therein as required under the United States Supreme Court decision in Smith v. Allwright, immediate action should be initiated by the federal government to defeat the disenfranchisement plan. We further favor a federal anti-poll tax statute since the poll tax requirement has long kept great numbers of whites and Negroes from exercising their rights of suffrage.

Segregation in the Armed Forces

We believe that the principle of democracy should be practiced in all phases of our national life and particularly in our armed forces. Although we endorse the efforts of the War and Navy Department which advances the policy of unit integration of Negro troops in the armed services, we ask that all armed services, including the National Guard, provide for the complete elimination of segregation and complete integration of Negroes on all levels in the armed forces.

The four chief items to which we will devote the remainder of this memorandum are rights under the G. I. Bill, education, employment and housing. These things more immediately and more acutely effect the veteran and constitute areas where the federal government must intervene to protect the veteran of a minority group.

Rights Under the G. I. Bill

With the enactment of the Servicemen's Readjustment Act Congress intended to indicate the nation's appreciation for the services the veteran rendered while in uniform, and to assist him to resume his place in civilian life as a useful and productive citizen. These benefits are varied and are being taken advantage of by many veterans. However, Negroes are not being benefited to the extent they should be, chiefly because of the manner in which the program is being administered. Particularly in

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the South it is difficult for a Negro veteran to secure the unemployment benefits granted under the law. He is being offered and forced to take jobs paying far less than his unemployment benefits entitle him to. Furthermore, it is practically impossible for a Negro to obtain a home or business loan. The reason for this is chiefly a question of race and color. Steps must be taken to end discrimination in the administration of these benefits. Personnel charged with servicing the veteran should be limited to only those who have a fundamental belief in equal treatment and justice. The federal government should also make it clear to banks, lending agencies, etc., that it does not tolerate any discrimination in lending policies as they affect veterans' rights under the G. I. Bill. The federal government must secure the administration of this program in every way possible in order that all veterans will be able to share equally in its benefits without regard to race, color, or creed.

Education

Under the G. I. Bill veterans, irrespective of race or creed, are entitled to financial assistance if they wish to continue their education in school or colleges or through on-the-job training. Tuition, books and a monthly subsistence allowance are assumed by the government. The right of veterans to receive public assistance for education is presumably that of all veterans. Their membership in the armed forces was not contingent on race or religion. Presumably, therefore, their right to participate in veterans' benefits should not be dependent on race or religion. But in fact, veterans desirous of further education under the G. I. Bill face discriminatory barriers created by the educational institutions themselves. The Negro or Jewish veteran maybe entitled to education under the G. I. Bill, but he cannot use that privilege unless schools are open to him. Many colleges and universities, while not refusing federal funds, refuse Negro applicants. Other schools maintain a quota system under which veterans belonging to minority groups are admitted only in small numbers. This type of discriminatory policy, it seems to us, should be opposed through the simple expedient of refusing federal funds to educational institutions which are not willing to open their doors to all qualified veterans, irrespective of race or creed. The federal government cannot compel a policy of equal opportunity in all schools, both public and private, but it can at least withhold funds which are taken in taxes from all the American people, regardless of race, from institutions which use the funds to subsidize restrictive education.

Employment

There is an acute need for federal Fair Employment Practices legislation. The question of employment is of immediate concern to veterans. Services in the armed forces has retarded the average veteran some 3 to 5 years in getting started in a desirable occupation. Negroes, Jews, Americans of Japanese, Mexican or Filipino descent, and in some instances Catholics are barred from certain occupations for which they would otherwise qualify because of racial and religious considerations. The United States cannot afford this waste of skills and manpower. Although a few states have enacted FEPC statutes, the problem of discrimination in employment is a problem requiring federal action. We recommend such

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legislation and urge, in the interim, that steps be taken to end discriminatory hiring, promotion, and firing practices as they exist in federal agencies and in federal employment.

Housing

Although the lack of adequate housing is a general problem, it is particularly acute among veterans. For the veteran of Negro, Jewish, Mexican, Japanese or Filipino ancestry this problem becomes even more desperate because of racial restrictive covenants designed to prevent the sale or occupancy of property to members of these groups. These covenants have been the causes for the creation of ghettos with their attendant overcrowding, delinquency, crime and disease. No longer can such restrictions be considered of mere individual concern. Under the Fifth and Fourteenth Amendments, our courts should be powerless to give effect to these covenants. However, to obviate constitutional problems we urge the Committee to recommend federal legislation to prevent their enforcement in our federal courts.

One of the most serious denials of equal rights to use government housing appears to be occurring in the allocation of temporary veterans' housing to members of racial minorities. The Federal Public Housing Authority has distributed to local housing authorities demountable and trailer units under contracts by which the local housing authority pays for the installation of these housing units and they are assigned to veterans theoretically on the basis of need. In almost all of the contracts, an agreement is made by the local housing authority to make available a proportionate number of units for minorities. In some regions, the contracts have specifically provided the maximum number of units which shall be allocated to Negro veterans. Various situations have arisen throughout the country, three of which are outlined here:

1. The City of East Baton Rouge, Louisiana, received under contract 232 units by which they agreed to provide a proportionate share of the units for minorities (144 for whites and 88 for Negroes). Subsequently, an additional allocation of houses was made to East Baton Rouge, which additional allocation was never delivered because the funds of the Federal Public Housing Authority were cut by Congress. East Baton Rouge refused to accept the 88 units for Negroes and proceeded to pass a resolution in its official legislative body rescinding that portion of its contract requiring that some of the houses be given to Negroes. The result is that no provision of any sort has been made by the City of East Baton Rouge for housing the Negro veterans who constitute a substantial portion of the population and are in dire need of such housing. The white units have been erected with no hindrance from the Federal Public Housing Authority, which claims that it is helpless to enforce its contract.

2. In Evanston, Illinois, 110 houses were allocated to the city under a contract which provided that no more than 10 homes, to be located on a segregated, separate site, should be for Negroes.

3. In Saginaw, Michigan, 200 units were allocated by the

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FPHA to the city under a contract which provided that provision would be made for members of minority races on the basis of need to a maximum of 40 units. The City of Saginaw has consistently refused to house any Negroes in the units and the FPHA has refused the many requests that they seek enforcement of this contract guaranty or refuse to turn over the units to the city. All 200 units are now occupied by white veterans.

It is our view that any contract provisions which restrict the number of units which may be given to Negro veterans, and apply to Negro veterans a different standard for occupancy than that which is applied to all other applicants, are, in themselves, unconstitutional. We regard as even more serious the refusal of the FPHA to require the performance of even these minimum contract guaranties for housing minorities. It is our position that if the cities to which housing units had been turned over had violated other provisions of the contract, such as using them for housing persons other than veterans, the FPHA would have acted vigorously to require performance of the contract.

In some communities officials have sought to provide adequate and equal facilities for Negro veterans and they have been met with violence on the part of the community. A typical example of this is the unchecked rioting and the violence which has attended the attempt of two Negro veterans to live in the Airport Homes temporary project in Chicago, Illinois. The breakdown of police protection has been such in that case the lawless mobs have felt free to burn fiery crosses openly in the City of Chicago and to fire bullets into the homes of Negro veterans without interference by the police. We recommend that all federal agencies be alerted to deal with such situations; that the Department of Justice proceed against officials who are denying Negro veterans access to housing provided for them; and that the Federal Public Housing Authority be required to stiffen its attitude towards compliance with its contract for housing minority veterans; and that the FBI ferret out the instigators of the mob violence in all cases where Negro veterans are denied the right to live in the homes designated for them.

CONCLUSION

The spirit of AVC is represented by our motto - "citizens first - veterans second". We believe that all of our citizens should be guaranteed the rights referred to in this memorandum. It is our belief that these guarantees will strengthen the confidence of our citizens and the peoples of the world in the sincerity and workability of American democracy.

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December 5, 1946

CAUTION: The following Statement by the President and Executive Order MUST BE HELD IN CONFIDENCE UNTIL RELEASED. Release to all regular editions of newspapers appearing on the streets NOT EARLIER THAN 8:00 o'clock P.M., E.S.T., today, Thursday, December 5, 1946.

The same hour of release applies to radio announcers and news commentators.

PLEASE EXERCISE CARE TO AVOID PREMATURE PUBLICATION OR RADIO ANNOUNCEMENT.

CHARLES G. ROSS
Secretary to the President.

STATEMENT BY THE PRESIDENT

Freedom From Fear is more fully realized in our country than in any other on the face of the earth. Yet all parts of our population are not equally free from fear. And from time to time, and in some places, this freedom has been gravely threatened. It was so after the last war, when organized groups fanned hatred and intolerance, until, at times, mob action struck fear into the hearts of men and women because of their racial origin or religious beliefs.

Today, Freedom From Fear, and the democratic institutions which sustain it, are again under attack. In some places, from time to time, the local enforcement of law and order has broken down, and individuals - sometimes ex-servicemen, even women - have been killed, maimed, or intimidated.

The preservation of civil liberties is a duty of every Government - state, Federal, and local. Wherever the law enforcement measures and the authority of Federal, state, and local governments are inadequate to discharge this primary function of government, these measures and this authority should be strengthened and improved.

The Constitutional guarantees of individual liberties and of equal protection under the laws clearly place on the Federal Government the duty to act when state or local authorities abridge or fail to protect

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MR. JOHN S. DICKEY, President of Dartmouth College; formerly Special Assistant to the Secretary of State.

MR. MORRIS L. ERNST, lawyer and author, of New York City.

RABBI ROLAND G. GITTELSON of New York City; Spiritual Leader of the Central Synagogue at Rockville, Long Island; recipient of the Navy Commendation Medal for his services as the Jewish Chaplain of the Fifth Marine Division at Iwo Jima.

DR. FRANK P. GRAHAM, President of the University of North Carolina; formerly member of the War Labor Board.

THE MOST REVEREND FRANCIS J. HAAS, Bishop of Grand Rapids, Michigan; formerly Chairman of the President's Committee on Fair Employment Practice.

MR. CHARLES LUCKMAN of Cambridge, Massachusetts; President of Lever Brothers; formerly consultant to the War Loan Division, United States Treasury.

MR. FRANCIS P. MATTHEWS of Omaha, Nebraska; Former Supreme Knight of the Knights of Columbus; Vice-President of the National War Fund; designated Papal Chamberlain by Pope Pius XII.

MR. FRANKLIN D. ROOSEVELT, JR., lawyer of New York City; Chairman of the Housing Committee of the American Veterans Committee.

THE RIGHT REVEREND HENRY KNOX SHERRILL of Boston, Massachusetts, Presiding Bishop of the Episcopal Church; member of the Governor of Massachusetts' Committee on Racial and Religious Understanding.

MR. BORIS SHISHKIN of Alexandria, Virginia, Economist for the American Federation of Labor; formerly a member of the President's Committee on Fair Employment Practice.

MRS. M. E. TILLEY of Atlanta, Georgia; Secretary, Department of Social Relations, Women's Society of Christian Service, Methodist Church.

MR. CHANNING H. TOBIAS of New York City, Director of the Phelps-Stokes Fund; formerly Senior Secretary of the National Council of the Young Men's Christian Association.

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EXECUTIVE ORDER

9808

ESTABLISHING THE PRESIDENT'S COMMITTEE
ON CIVIL RIGHTS

WHEREAS the preservation of civil rights guaranteed by the Constitution is essential to domestic tranquility, national security, the general welfare, and the continued existence of our free institutions; and

WHEREAS the action of individuals who take the law into their own hands and inflict summary punishment and wreak personal vengeance is subversive of our democratic system of law enforcement and public criminal justice, and gravely threatens our form of government; and

WHEREAS it is essential that all possible steps be taken to safeguard our civil rights:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution and the statutes of the United States, it is hereby ordered as follows:

1. There is hereby created a committee to be known as the President's Committee on Civil Rights, which shall be composed of the following-named members, who shall serve without compensation:

Mr. C. E. Wilson, Chairman; Mrs. Sadie T. Alexander; Mr. James B. Carey; Mr. John S. Dickey; Mr. Morris L. Ernst; Rabbi Roland G. Gittelsohn; Dr. Frank P. Graham; The Most Reverend Francis J. Haas; Mr. Charles Luckman; Mr. Francis P. Matthews; Mr. Franklin D. Roosevelt, Jr.; The Right Reverend Henry Knox Sherrill; Mr. Boris Shishkin; Mrs. M. E. Tilley; Mr. Channing H. Tobias.

2. The Committee is authorized on behalf of the President to inquire into and to determine whether and in what respect current law-enforcement measures and the authority and means possessed by Federal, State, and local governments may be strengthened and improved to safeguard the civil rights of the people.

3. All executive departments and agencies of the Federal Government are authorized and directed to cooperate with the Committee in its work, and to furnish the Committee such information or the services of such persons as the Committee may require in the performance of its duties.

4. When requested by the Committee to do so, persons employed in any of the executive departments and agencies of the Federal Government shall testify before the Committee and shall make available for the use of the Committee such documents and other information as the Committee may require.

5. The Committee shall make a report of its studies to the President in writing, and shall in particular make recommendations with respect to the adoption or establishment, by legislation or otherwise, of more adequate and effective means and procedures for the protection of the civil rights of the people of the United States.

6. Upon rendition of its report to the President, the Committee shall cease to exist, unless otherwise determined by further Executive Order.

HARRY S. TRUMAN

THE WHITE HOUSE,

December 5, 1946.

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Civil Rights

IMMEDIATE RELEASE

FEBRUARY 6, 1947

THE PRESIDENT'S COMMITTEE ON CIVIL RIGHTS

The President's Committee on Civil Rights concluded its second session, a two day meeting at the White House today. The committee undertook a general exploration of the civil liberty problem and authorized a further examination of separate phases of it by subcommittees. Mr. Charles E. Wilson, Chairman, announced the appointment of members to the following subcommittees:

- (1) A committee to consider and determine the adequacy of existing federal legislation and to recommend proposed new legislation: The Right Reverend Henry Knox Sherrill, Francis P. Matthews, Dr. Frank P. Graham, John S. Dickey and Mrs. Sadie T. Alexander.
- (2) A committee to consider the broader social, economic and educational aspects of promoting the cause of civil liberty throughout the country: Charles Luckman, The Most Reverend Francis J. Haas, James B. Carey, Channing H. Tobias and Rabbi Roland B. Gittelsohn.
- (3) A committee to consider the work of private organizations whose activities affect civil rights: Morris L. Ernst, Mrs. M. E. Tilly, Boris Shishkin and Franklin D. Roosevelt, Jr.

Mr. Wilson also announced that Mr. Dickey and Mr. Roosevelt would serve as Vice-Chairmen of the Committee and with him as an executive committee.

Mr. Robert K. Carr was appointed by the committee to serve as executive secretary and offices have been established at 1712 G Street. Mr. Carr, professor and Chairman of the Government Department at Dartmouth College, has for two years been engaged in a study of the civil rights problem under the sponsorship of Cornell Research in Civil Liberties which has a grant from the Rockefeller Foundation. Mr. Carr's particular interest has been the work of the Civil Rights Section of the Department of Justice.

At its general session the full committee met with representatives of the Department of Justice. Preliminary discussions took place concerning the Department's activities in the civil rights field.

It is expected that the subcommittees will become active at once and the full committee will meet again in Washington on March 5 and 6.

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President's Committee
on
Civil Rights

The Committee is authorized on behalf of the President to inquire into and determine whether and in what respect current law enforcement measures and the authority and means possessed by Federal, State and local governments may be strengthened and improved to safeguard the civil rights of the people.

Members of the President's Committee, in addition to Mr. Wilson, of New York, are as follows:

Mrs. Sadie T. Alexander, Philadelphia, Pa.
Mr. James B. Carey, Washington, D.C.
Mr. John S. Dickey, Vice-Chairman, Hanover, N.H.
Mr. Morris Ernst, New York City
Rabbi Roland B. Gittelsohn, Rockville Centre, L.I., N.Y.
Dr. Frank P. Graham, Chapel Hill, N.C.
The Most Rev. Francis J. Haas, Grand Rapids, Mich.
Mr. Charles Luckman, Cambridge, Mass.
Mr. Francis P. Matthews, Omaha, Nebr.
Mr. Franklin D. Roosevelt, Jr., Vice-Chairman, New York City
The Rt. Rev. Henry Knox Sherrill, New York City
Mr. Boris Shishkin, Washington, D. C.
Mrs. M. E. Tilly, Atlanta, Ga.
Dr. Channing H. Tobias, New York City