

Minutes of meeting of Preident's comm.
on Civil Rights 5/1/47 to 5/15/47
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CONFIDENTIAL

Business Meeting

of

THE PRESIDENT'S COMMITTEE

ON CIVIL RIGHTS

Washington, D. C.

May 1, 1947

Met, pursuant to notice, at 9:45 a. m., in Conference Room 105, National Archives Building, Pennsylvania Avenue at 8th Street, N.W., Mr. C. E. Wilson, Chairman, presiding.

PRESENT: Mr. C. E. Wilson, Chairman (presiding), Mrs. Sadie T. Alexander, Rabbi Roland B. Gittelsohn, Dr. Frank P. Graham, Mr. Charles Luckman, The Right Reverend Henry Knox Sherrill, Mrs. M. E. Tilly, and Robert K. Carr, Executive Secretary; and Milton Stewart, Jack Durham and Frances Williams.

P R O C E E D I N G S

MR. WILSON: Mr. Carr, do you have business to present?

MR. CARR: On the hotel situation, I want to apologize to any members of the Committee who have been at all inconvenienced this week. For some reason the Statler omitted our dates for this week. The error didn't show up until the end of last week. By that time, very heavy convention reservations had taken all the hotel rooms, so we were rather hard pressed to make your reservations. I think we will be able to see to it that the same thing doesn't occur again.

I have been canvassing, as you know, to find a suitable date some time late in May or in June, when a large attendance would be possible for an important session. Not all the returns are in yet. On the basis of partial returns, it looks as though either June 18 or 19, or June 25 or 26 would be best. It also appears from these returns that almost no one is available for May 28 or 29.

In accordance with the decisions taken last time, the staff was instructed to try to find this date in June for a business session, and to continue the hearings during May. That meant the meeting today; it would mean another meeting on May 15, and another meeting

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on May 29. I am inclined to recommend, on the basis of the returns, that we cancel the May 28, 29 session, and go on with the May 14 and May 15 sessions as scheduled. I am afraid attendance on the 28th and 29th is going to be so poor that we might well decide at this point to cancel it.

MR. WILSON: Would that be your pleasure? If we are not going to have a group that can operate very satisfactorily, would it not be better to omit the 28th and 29th, and have our next meeting May 14th and 15th, and then try to head up the two-day business meeting late in June? Is that satisfactory to everyone?

MRS. ALEXANDER: Would we be able to hear all the people who have requested the opportunity?

MR. CARR: That is a hard question to answer. The list is almost inexhaustible; you could go on with hearings more or less indefinitely. I think it would be a little hard, perhaps, to crowd in everyone in just one more session, but on the other hand, I am surprised at the amount of ground we have covered. I referred back to the original list of names that was discussed at some length two months or so ago, and we have made a very good dent on that list. There are still some people that ought to be heard.

MRS. ALEXANDER: Are there some that should be heard before we have the business meeting?

MR. WILSON: If you want to hear practically the full list of those that we had — presumably we ought to hear them and maybe we should — why, then, probably we would have to have another meeting.

MR. CARR: Why not have the meeting on the 14th or 15th in regular fashion, and in the meantime the staff will have had a chance to take another look at the hearing situation, and we may be able to submit a proposal whereby on some date, three or four or five members of the Committee could be present — enough to justify running the hearing — and then we could conduct a hearing at an odd date.

RABBI GITTELSOHN: Speaking for our subcommittee, we resolved yesterday that we were very nearly finished with our job. If that should happen to be true of the other subcommittees, I wonder if we couldn't have a day and a half of hearings instead of just one day, and thereby cover more.

MR. WILSON: Even if we used both days, practically, could we cover it in two days?

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MR. CARR: I think we could.

MR. WILSON: Would the other subcommittees have any objection to running through both days with hearings in order to try to cover it?

REVEREND SHERRILL: I don't think we would object.

MRS. TILLY: All right.

MR. WILSON: Let's try to settle one point about it. It is proposed that Washington, being what it is in June — beautiful city, lovely climate, and all — but it has been suggested that we might consider holding the meetings elsewhere. Would that idea meet with your views? Would you rather do that?

MR. LUCKMAN: St. Louis?

MR. WILSON: I don't think there is a good game on there; I am not sure.

MR. CARR: We had in mind, perhaps, Princeton, N. J., or New England, or some spot that might be a little more pleasant.

MRS. ALEXANDER: I think we would.

MR. WILSON: I considered, and perhaps I shouldn't mention it because actually I have to find out if we will have our staff at the island for the date you choose. I would invite you to come to our island and hold the meeting where you would have absolute seclusion for two days, but with telephone service, and a really delightful place.

REVEREND SHERRILL: Telephone service — that is something in itself.

MR. WILSON: I assume that service will be back by then.

MR. CARR: That is out on the Great Lakes?

MR. WILSON: This is an island in Lake Ontario, and we have plane accommodations and plain fare, but it is, I assure you, a really delightful spot, and if we could arrange the meeting late enough in the month, I think we will have our staff. We run a series of meetings there, ten meetings in July.

MR. LUCKMAN: It says "educational" on the income tax returns?

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MR. WILSON: I will tell you, so nobody gets the wrong impression about that. I am thin-skinned on that subject. I assure you that they are about as hard-going meetings as you ever saw. They cover everything from research right through to selling of goods, in three days. Three hundred of our people every three days. Maybe you would regard it as a little bit out of the way, though we could fly you up to Watertown.

RABBI GITTELSOHN: I think it would be a wonderful idea not to meet in Washington, wherever else we will be able to.

MR. LUCKMAN: Is New York better than Washington?

MR. WILSON: I can offer you a board room which is air-conditioned, and would be delighted to have you there in New York, if you would rather come there than Washington.

MR. LUCKMAN: That would seem reasonable.

MR. WILSON: I personally don't care one way or the other. Mr. Carr was being solicitous of members working down here the end of June, that's all.

MR. CARR: Why don't we leave it flexible? If we find that the cities would be uncomfortable, perhaps we can find some more rural area that would be pleasant and at the same time convenient.

MRS. ALEXANDER: We who do not live in New York well realize it is the feeling of New Yorkers that New York would be an ideal spot for anything.

MR. LUCKMAN: I live in Boston, Mrs. Alexander.

MR. WILSON: All right, we will try to settle the date, so that we can announce at the May 14-15 meeting what the date appears to be in June, and then get one place or another.

MR. LUCKMAN: Does that mean the May 28-29 meeting is out, as long as we are in there two days?

MR. WILSON: That would mean that it would be out, and we would try to put in two full days, or practically full days, of hearings and see if we can clean that phase of it up.

MR. CARR: There are two other items that aren't on the agenda. It looks very much as though the staff officers are going to have to move to the Walker Building on 15th Street. It is not of our own choosing; we are being squeezed in a three-way move that is taking place, involving the old State Department Building. We will let you know immediately when we do move, so you will know our new

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address and new location.

MR. WILSON: Which building is that?

MR. CARR: The Walker Building, on 15th Street, just back of the Riggs National Bank. It is a convenient location, but it will be a different location. At the last meeting, Mr. Shishkin once more raised the question of having members of the Committee sworn in. He feels rather strongly about it, and made quite a strong statement, which I think impressed those members of the Committee who were present. We have made inquiry, and the answer is that on a strictly legal basis, it is not necessary, but if the members of the Committee would like to be sworn in as a gesture, it can certainly be arranged.

MR. WILSON: All right, do you you desire to be sworn in? Anybody have that desire?

RABBI GITTELSOHN: What would be the reason for it?

MR. WILSON: I don't know.

MR. CARR: Mr. Shishkin's statement is in the transcript. He talked in effect, along these lines — that the members of the Committee have a very important responsibility. The question might be raised later by the public as to whether members of the Committee have taken an oath of loyalty to the nation, and it would be a rather nice symbolic gesture for the members of the Committee to take an oath to indicate, I suppose, that you are in complete sympathy toward the American ideals.

MR. WILSON: Well, if there is a general feeling that it would be desirable, we could have the proper officer here at the next meeting to swear everyone in. Would you like to be sworn in? Do you think it is desirable?

MRS. TILLY: Mr. Shishkin feels very deeply on that —

MR. CARR: I don't think anybody would oppose it.

MR. WILSON: Any objection? If not, we will have the proper officer at the next meeting.

MRS. ALEXANDER: There may be some members who can't be at the next meeting who are here today. Couldn't we get the officer here today, get as many as we can sworn in?

MR. WILSON: All right, and Mr. Shishkin may come in by that

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time and we could have him sworn in, too. On this other Committee that I happen to be on, the Military Training Committee, we have not been sworn in there.

Anything else?

MR. CARR: No, that is all.

MR. WILSON: Any member of the Committee have anything you want to discuss?

RABBI GITTELSOHN: Mr. Luckman has two points which we would like to raise today for your consideration, the consideration of the full committee.

MR. LUCKMAN: It has been indicated that while there is some work to be completed on our assignment, the broad basic work has been very well completed. In the report which the subcommittee submitted to the full committee at the last meeting, one important part of that report deals with what we term the "education of the public" relative to this entire matter of civil rights. It is our understanding in Subcommittee Two that that ends our responsibility in that connection; in other words, putting it simply, that we were assigned the responsibility of developing what we thought could be done as far as the dissemination of information and knowledge to the public is concerned. We would like to recommend that the Chairman appoint a new subcommittee, another subcommittee, please, charged with the responsibility of working out all of the plans that are necessary for the implementation of a nation-wide public education program.

As you well know from your own personal business experience, Mr. Chairman, it takes many months to put in the ground work necessary for an actual and complete nation-wide program. We worked for months before each of the nation-wide war bond drives, simply preparing the scripts, the editorial material, laying the ground work and making the physical arrangements that were necessary. If, in turn we are also considering movies, there again we have a great deal of ground work to do. If we assume that this Committee's report to the President is going to be ready in September, then it seems to our subcommittee that we should be ready shortly thereafter to release the full impact of a nation-wide campaign to disseminate information to the public, and that can't be done unless the work is started within the next few weeks and thereby making available to the people who are doing the work enough time to properly and adequately handle it. We gave the matter some serious consideration, and if the full Committee is of the same thought as we are, we would like to say further that we

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think the Committee should comprise not more than three, because these are problems that require frequent consultation, and it is difficult to get even three together, and it is even more difficult to get more than three.

The primary duties of this Committee of three, if that does meet with the wish of the full Committee, would be to determine what matters should be discussed or brought to the attention of the public. These, of course, are of tremendous importance; how we do it, what method, what vehicles, what radio programs, and what we say. Now, in making this suggestion of the subcommittee to the full Committee, I am cognizant of the fact that actually the Committee as a whole has not completed its deliberations or arrived at its own ideas as to exactly the specific thing we wish to recommend, but despite that, we don't think that the work of this new committee will be slowed down any, because, assuming that in this June meeting those policies are decided, sufficient physical work will have been accomplished so that the final decisions pertinent to what we say in this publicity campaign can be put right into their hands.

RABBI GITTELSOHN: Mr. Chairman, I want to add one more thing which Mr. Luckman has modestly omitted. I think it ought to be stated openly and aboveboard. It was the opinion of our subcommittee that the selection of Mr. Luckman as chairman is obvious. He is a member of the full Committee and is qualified to handle the job not only from the standpoint of personal previous experience but also his contact in the field of advertising and the equipment that he has in his own organization to put his own technical men immediately at work, as he would be willing to do, on the technical phases of the problem. We were thinking very much yesterday along the specific lines of turning it, you might say, over almost exclusively to Mr. Luckman, presuming that he would be chairman of such a subcommittee, with two other members of the full Committee to serve with him particularly as checks on the "what to say" end of it.

In other words, Mr. Luckman, as he expressed himself yesterday, indicated that if such an arrangement were made, he would not want to be solely responsible for the content of the matters, though he would certainly be competent to judge the technical details of how to say the thing, so that what we have in mind over and above his presentation now is that if such a subcommittee of three be appointed, that he be entrusted with the actual technical details of how to say, and that two other responsible members of the full Committee be appointed with him as checks on the contents of the material and just what should be included.

MR. WILSON: To me there are two important considerations in

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what Mr. Luckman and the Rabbi have said to us. Number one, the first step is, I should think, that the Committee as a whole must consider the report of your subcommittee, and having adopted it, if it is adopted by the Committee as a whole, to be incorporated in the report that this Committee will make to the President, I think that immediately brings up a question that — maybe we don't have to wait for the President to answer but I am inclined to believe we do. That is, if the Committee says that this report that Mr. Luckman's Committee has made so well, and assuming that you agree with it and are willing to incorporate it as a part of the over-all proposal to the President, it seems to me that there is a grave question of our right to implement that with any effort before the public until the President accepts it, and accepts the idea of that presentation. I frankly am not sure that our franchise as a Civil Rights Committee goes far enough, goes as far, it seems to me, as this proposal would take us, Charley. That is, whether we have a right after having made this kind of report to the President, presumably in September, whether we have a right to go out and give that report to the public and further implement it by movies or what have you. I am not sure in my own mind that is part of our franchise.

You all had as much information as I had from the outset. I presume you have gotten a different opinion of what the President's franchise to us covered. It isn't my impression that we have the right to do this. That can be cleared, but it hasn't been cleared up to date.

RABBI GITTELSOHN: Another matter that we discussed of a similar nature yesterday afternoon, and in a previous session with Mr. Carr, involved the possibility of eventually issuing the Committee report as one complete report to the President and another as a popular abridgement of the report which well might be published for public consumption. Now I don't think we are ready to face that issue. The only reason I introduce it is that Dr. Carr stated as his opinion yesterday afternoon that there would be nothing to prevent the issuance of the report in popular form if we so desired. If that is true, and I don't presume to judge whether it is, but if it is true the same reasoning, it would seem, would apply to this also.

MRS. ALEXANDER: Do we have a copy of the Presidential Order? It is my distinct recollection that we were appointed to report to the President, and if that be so, I think that we cannot do anything but report to him.

MR. WISLON: That is my impression, and I may be wrong, you were all there.

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MRS. ALEXANDER: It is my very deep feeling that if we gave publicity to our report before the President passed upon it, and we get presidential sanction, we will only arm our enemies with material to defeat our own purpose.

MR. LUCKMAN: I suspect there is a good deal of misunderstanding, Mrs. Alexander, of what we are suggesting. We have no thought that the Committee should give any publicity to anything until this report is finished by this Committee and signed by the President. If you wait until that time to start your activity, you will still have your activity but you will have in in February or March, and I know whereof I speak. You have to get in the production schedules in Hollywood. You have to get sustaining arrangements for the radio. You are dealing with magazines that have closing dates two or three months ahead of items of that kind, and you cannot do it. Our suggestion was that a subcommittee start the necessary work, the ground work. The Committee couldn't give any publicity because it wouldn't have any idea what the final decision of the full Committee was going to be as to these various policies. We don't think that the report of the subcommittee has been accepted, and it isn't our thought that our subcommittee report has been accepted. It may be rejected in toto. We assume that the Committee will make some decisions on some things, and assume that we are all in accord that the report of this committee can do one of two things; First, it can take up some more space in someone's office in Washington, or, second, it can do some good through public education, which has never been done before. That report is facing those two alternatives.

THE RIGHT REVEREND SHERRILL: Mr. Chairman, that seems to me to bring up another question. When we make our report to the President, we are through. How is this Committee going to continue on? I should rather hope that one of our recommendations will be that a more permanent Commission be appointed to carry on this work. It would seem that an educational campaign would perhaps belong to a more permanent, long range organization than just this Commission. When we have reported to the President, we are through, it seems to me. What agency or meeting of this Commission would there be after we completed our work? Now I should be in favor of a recommendation that a more permanent organization be set up to carry on this work. Wouldn't Mr. Luckman's proposal really fit into that? Having made our report we are through; that is the point.

MR. LUCKMAN: Our subcommittee would not have any thought that either the full committee or any subcommittee should meet after our report has been accepted or submitted, let us say. But all of those details would have been arranged for and the switch

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everything preparatory to the switch when the President is satisfied with it, if he is. If the President says no, we can't throw the switch.

THE RIGHT REVEREND SHERRILL: I move the Chairman find out what the President's attitude would be. There isn't much point of starting a thing, putting a lot of work in it, and then having the President say no. Why isn't it a simple matter to ask the Chairman to talk this over with the President and see what his reaction would be.

MR. WILSON: I will be willing to do that if it can be done.

DR. GRAHAM: I think it is important that the report be brought to the people. My concern is that we don't go to the public in advance of the President having the report and having time to decide how much he wants to adopt or not. I think we should be careful that we preserve his objectives. He doesn't want something for the files, he wants something that will reach out in the homes and lives of the people of the United States and it can be his report rather than our report, and I think that is one effective way -- becoming the report of the President, and then as far as possible the report of the Congress of the United States. Mrs. Alexander's concern is, I think, that we do not set in motion oppositions that will crimp the President in trying to win the Congress.

MRS. ALEXANDER: Mr. Luckman has answered that. I follow you now. You want to hand to the President a means of educating the public if he accepts any part or all of the report.

MR. LUCKMAN: So that he can get through Congress what he wants. You all know that the Congress does what it thinks the public wants. The anti-labor laws they are enacting in Congress are being enacted because Congress thinks most of the country wants anti-labor legislation. It is just as simple as that. If you don't educate the public you can forget about this report or any other report ever doing any good whatsoever.

MRS. ALEXANDER: I follow completely. I see; you hand the report to the President and say that if you would like to educate the American public as to certain features, this is a way the Committee would suggest that it be done, if you would like.

MR. LUCKMAN: And these plans having been made, if he is willing to throw the switch, we can be in operation next week.

MRS. TILLY: I think it would be well for Mr. Wilson to talk to the President, find out if he would be willing to do that.

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MRS. ALEXANDER: Mrs. Tilly, I have changed my opinion completely. Why bother the President? It is just one more thing that is going to be in the report. He may not accept it any more than he does something else.

THE RIGHT REVEREND SHERRILL: My point is, what is the use of this Committee going to work and studying and making elaborate plans and getting all ready to turn the switch if there isn't any necessity for doing it. It is a very simple attitude and he can express his views to Mr. Wilson.

MR. CARR: I think this matter should be cleared with the President. I think this is a very substantial proposal and it amounts in effect to suggesting that this Committee do its own job of publicizing its report, which may be entirely possible and appropriate, but it is unusual. I don't know of any other presidential committee that has undertaken to run the campaign publicizing its own report. I think you would certainly have to clear it with the President to find out that it is one of the responsibilities of the Committee.

MR. LUCKMAN: Does it make it simpler to say it is his report, the President's report? If the publicity as a result of this work is done, no names would be attached to this, no films signed with all of our names at the bottom or anything like that. This is a matter of public education on the recommendations contained within the report.

MR. CARR: Nonetheless, the Committee would be taking the responsibility of approving the campaign for publicizing the recommendations, which may be entirely appropriate, but I think there is an important constitutional point to be settled.

MR. WILSON: I will just read this to you from our Executive Order. I surmise you have already read it times enough to have it well understood: "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 a more adequate and effective means and procedure for the protection of the civil rights of the people of the United States. Upon rendition of its report to the President, the Committee shall cease to exist, unless otherwise determined by further executive order."

MR. LUCKMAN: That is pretty much our franchise.

MR. WILSON: That is our franchise.

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MR. LUCKMAN: That is what we are to do.

MR. WILSON: There would be that interpretation of it, it seems to me -- "make recommendations with respect to the adoption or establishment or otherwise."

MR. LUCKMAN: "And procedure --"

MR. WILSON: "A report of its studies to the President in writing. After that I would presume that we would be awaiting the President's order. After all, why don't we find out what he wants? We are his committee and he is the boss. Why don't we find out? Maybe he would be very desirous of having this. That would settle the question in my mind about it. The idea has merit, but I admit to you that I am fearful of doing it, of asking anybody to put in all that work on it -- and I know that it would take an awful lot of work on somebody's part, in some group's part -- to get the proper movie themes and so on incorporated in the movies.

MRS. ALEXANDER: May I raise another question? I would like to ask Mr. Luckman how you could arrange for movie presentations and time on the radio, and newspapers, and so forth, without divulging to the people with whom you talked, what the purposes were and those of this Committee.

MR. LUCKMAN: It isn't necessary at all to do so. It is the same as when Mr. Wilson goes to the President of the United States and asks him about this subject we are now talking about. He will (1) have to go to the President and say, Mr. President, assuming that you are enthusiastic about the report that you received from our Committee, would you then be sympathetic to a nation-wide public education program, via movies, radio, and so forth, on the principles involved in this report? The President will tell him yes or no. The same basic approach applies to the movies. It would be a matter of discussion with the heads of industries. Assuming that the script that was submitted to them is satisfactory from every standpoint, would they be agreeable to donating their facilities, first putting it into schedule for October 1 or whatever date and making the sale based on the premise that they are satisfied with the script. It would be the same approach with the networks and the same with the magazines. It is a selling job and a difficult job. It is not going to be anything very easy. It is going to be a very difficult thing to do but it can be done.

The other way is to wait until September 1 and our final report is in and then go to them and say, Here's our report and here's what we want, here's the script. And all of this is done in February or March of next year. You have those two choices. The

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selling job itself is much easier if we wait before starting any work until our final report is in. It is also more difficult to sell an intangible than it is to sell a tangible, but it could be done the other way. I know Mr. Wilson will agree that it can be done if the right pressures and approaches are used, but it would have to be subject to approval of the script itself. They all operate on production schedules, You have to talk to the heads of magazines -- assuming that we can supply the proper editorials would you reserve in your editorial position for the month of October, an editorial on civil rights?

And they will tell you yes or no. Then you will come along some several months later and say, here's the editorial, and they will determine whether they approve of it or not. If they are not going to approve it, they won't run it. If they do approve it they will run it in October. The whole thing is a matter of timing.

MRS. ALEXANDER: Mr. Luckman, I still think you have this problem, judging from our previous experience with Hollywood with the Springfield plan -- they said they could not put in any Negro teachers in the film, because there were parts of the country that wouldn't look at the film, so there is one fleeting glance of a Negro child in school. Now I would say that whether what Hollywood wants to produce is satisfactory to us is as much a problem as whether what we want them to present is satisfactory to them.

MR. LUCKMAN: You are just merging two things together. First, you ask them if they will take it if they are satisfied with it.

MRS. ALEXANDER: But would we be satisfied with their script and how will they know until we give our report to them on which to build the script?

MR. LUCKMAN: That is the second point. If you wait until that time, then it will go into February or March.

MR. CARR: If I may interject a word on what Mrs. Alexander is saying, I think it is important to give some thought to the very great responsibility you assume. Every word that would be part of the campaign could in a sense be attributed to the President's Committee and in which case, as I say, the responsibility is very great. I think you want to determine carefully if you wish to assume that responsibility. I think the notion of a campaign is a splendid one. If the Committee in any official sense is to sponsor a campaign of publicity, then I do submit that your responsibility is very great and that you should see clearly what lies ahead before you take such a step.

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(A discussion of the record ensued.)

THE RIGHT REVEREND SHERRILL: I think if you ask the President what his reaction to it is, then we are in a position to know whether we can go ahead.

MR. WILSON: Any objection? All right, we will do it.

RABBI GITTELSON: I am sure you won't misunderstand, Mr. Chairman, but I should like to suggest that, if possible, Mr. Luckman may go with you in view of the fact that it is frankly his "baby".

MR. WILSON: I will be delighted.

RABBI GITTELSON: I feel that the President's answer might be considerably affected one way or another if he had more specific information, which the man whose idea this is can give him.

MR. WILSON: As far as I am concerned, that is fine and I will ask for the approval of it by the President.

DR. GRAHAM: I think Mr. Luckman would make clear to the President that the Committee is not seeking to put him in the position of being all dressed up to go. Let me say if we weren't the President's Committee, I would vote for the proposition right now. If we were our own committee, I would vote for your motion. I have had a little experience in presidential committees and it is very important, whether we agree with the President or not, that we respect his final responsibility. That is, suppose we get all organized to turn on the switch and then we put it up to the President and he doesn't agree with us. I have been on committees where the President didn't agree with the committee. It wouldn't be fair to him for your whole machinery of education and publicity to be there, then put him in the position — whether you turn on the switch or not. Get my point? I think this Committee should make clear to him that we are not trying to put him in the position of refusing to turn on the switch when the report comes to him.

MR. WILSON: All right, we will do it that way. We will certainly endeavor to do it that way. Whether we can or not is the question. We can try immediately.

MRS. ALEXANDER: Would you send a messenger now?

MR. WILSON: As soon as we get started with the hearing.

MR. LUCKMAN: Mr. Chairman, may I ask about one other thing that pertains to our subcommittee? Would there be any objection, I just

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raise this as a matter of policy -- our subcommittee is faced with the problem of not having available sufficient information, basic, pertinent information on minorities and the Negro minority. Our staff here, of course, has been extremely busy on a number of matters and have given us yeoman service in lots of other things that we need. This particular point has slid by. In the report that we did present to this full Committee, we had some information there, through my own investigational channels that we employed to do the work. It is so important in the finalization of our report that for the next two weeks we would like the staff that is directly connected with our subcommittee to devote all of its time exclusively to securing of information, factual information about other minorities, of which we have a list to supply this staff and that members of the staff who are not directly related to our subcommittee devote one-third of their time, which we presume would be our proper allocation, during the next two weeks to this particular endeavor of getting more basic factual information about the other minorities, and I raise it as a policy.

MR. CARR: I am afraid we have not properly informed you as to the activities of the staff here. They are already underway with memoranda on the Mexican-Americans, the Japanese-Americans, and the Indians, and hope to produce for the Committee members data at least on those particular minorities. If there is more that you have in mind, I am sure that the staff can find --

MR. LUCKMAN: We want the Jewish minority included and the Catholic minority included.

DR. GRAHAM: In some communities the Protestants are a minority.

MR. LUCKMAN: That, for example, is the kind of thing that can be demonstrated dramatically to the people of the United States. For instance, in Boston few people know that the minority there is Protestant. Very few people in the United States realize it, and it is a very dramatic thing and very important. That is why we want this kind of information, but Mr. Carr, if I might say this, this is a different thing from what you are working on. I am asking for approval of the policy whereby those assigned to the Committee devote the next two weeks exclusively to this, and those members of that staff who are general to all the subcommittees devote one-third, at least one-third of their time.

MR. CARR. I am afraid that is rather rigid way of putting it. We are trying to use the staff to the maximum usefulness. We have assigned people in terms of their personal ability. We have a

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somewhat varied staff -- members of the staff have different backgrounds and training; we have one young lady, a Ph.D. in Anthropology -- a wonderful person on Japanese-Americans or Mexican-Americans, that sort of thing.

DR. GRAHAM: Wouldn't you say what you are doing and asking for is the optimum use of the staff toward this end?

MR. LUCKMAN: I would say the points are very well taken. If you feel that due to the pressure of other equal or more important assignments that at the end of two weeks you can't give us the comprehensive report on all of these minorities, would you advise me, then I will have it done on the outside. We need it. We have to have the information in our work and we have to have it relatively soon, so that if you have more pressing problems all I should ask is to be advised. Let me know whatever time you can give it. Tell me what you can devote, and what grounds you can cover.

MR. CARR: We can give you a great deal of service; we are already well into these areas.

MRS. ALEXANDER: If Mr. Luckman has means of obtaining information he desires, couldn't he assign those people to Dr. Carr? I should think that it would raise a problem, to have our committees having work done, for example, from Mr. Wilson's office or Bishop Sherrill's office.

MR. LUCKMAN: I'd like to submit that I don't think that raises any problem, unless you have heard of any that I have caused. A lot of things that went into the report of the subcommittee were done as a result of investigation work of people that we put on the job. I don't think we upset any members of the Committee. It isn't that kind of work. All we do is -- we may hire ten people to go to the libraries to go over whatever information is available and gather the information. It is a physical job, that of accumulating information.

MRS. ALEXANDER: MY thought is that if they are working for this Committee, first they should be working under Dr. Carr and that does not come from any suggestion other than it came out of my own mind. Secondly, if I wanted someone to work for the Committee I should certainly ask the Committee if I might have the privilege of having them work for the Committee. If they were working for the Committee, I think they would get better reception at public places when they did come as representatives of the Committee.

MR. LUCKMAN: I don't see what the issue is.

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RABBI GITTELSON: If Mr. Luckman needs certain information and rather than bother the staff he sends his secretary to the Boston Public Library and says, "Please look up the following for me," does he have to send Dr. Carr a wire first?

MR. CARR: I am a little troubled, Rabbi Gittelson. I do think that in setting up a staff, you made that staff responsible for your research, and if part of the research is done outside the staff offices, then I think at least the staff would want to be excused from any responsibility for the information that is obtained. I may say I think it is a little more serious than Mr. Luckman realizes. There was one young lady who made the rounds here in Washington, identifying herself as a member of the staff of the Committee, and we got a kick back from the agency because we had the day before submitted an almost identical request for information and they were confused as to just what story was what. I concede that we cleared up the situation with no great harm done. Of course I would not presume to tell the members of the Committee how they should obtain their information, but I say that I would at least want to be excused from the responsibility myself, for anything that is not done by the Committee's staff.

MRS. ALEXANDER: Perhaps I didn't make myself clear, but I think our files should contain the basis for all information which is submitted, otherwise we might read the report of your Committee and say, "On what did they base these? Where is it" We are depending upon this staff for any kickbacks that might come, as any information has to be based upon proper facts.

MR. LUCKMAN: I think that is right, the point is very well taken. Any work done should then be authenticated for the staff. I quite agree. I am completely prepared to drop any work.

MRS. ALEXANDER: I think if you want help, Mr. Luckman, as I say since you have people available, couldn't they be assigned so that their work might be part of the files of this Committee?

MR. LUCKMAN: If it is agreeable to Dr. Carr and to all of you, I assure you that any people we do put on do not (a) identify themselves in any way with the committee and (b) that any material and all material whether used or not will be submitted to Dr. Carr — does that take care of the situation? If it doesn't I am quite willing to drop the whole thing because what I am talking about is not only not easy but an expensive thing for our company. It is a relatively small contribution that we would like to make. This is in no way critical of the staff. I think the staff has more than it can possibly do now and is doing a marvelous job in every way that we have asked them to do it, but you have always in operations

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of this kind or in other situations where you need something and need it at a certain time. If the work is done properly, I fail myself to see why we should refuse to accept any outside help. I am in complete agreement that anything that is done should be submitted to Dr. Carr.

MR. WILSON: I don't think there is any question about that last part. The question in my mind is whether the staff is going to be able to produce this additional information that the Committee wants and in the next two weeks. Do you feel, Dr. Carr, that the staff is up to that. You get some idea of the magnitude, it seems to me, by the demand as made of the proportion of the staff used.

MR. CARR: That is within the realm of possibility. I am not sure I know what is wanted; it is certainly possible as to the smaller minorities, the Indians, the Japanese-Americans, the Mexican-Americans. When you begin talking about the Jewish group and the Catholic group, and the Protestant group, that is rather ill-defined. Just how much information would be wanted about the situation in those three areas would govern my answer as to what could be done in two weeks. There is an awful lot that could be done.

THE RIGHT REVEREND SHERRILL: It seems to me to be administrative matters that we can't decide here. Can't we leave it to a conference of Mr. Luckman and Dr. Carr to work out?

DR. GRAHAM: I so move.

MRS. ALEXANDER: I second it.

MR. WILSON: No objection? We will try to work it out.

We have an obligation here to these folks that we have asked to come. We are fifteen minutes late now. I think we ought to bring them in.

(Whereupon, the business meeting adjourned at 10:45 a. m., and the Committee remained in session for further hearings which followed immediately.)

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P R O C E E D I N G S

STATEMENT OF ALEXANDER F. MILLER

Atlanta, Georgia

Southern Representative of the Anti-Defamation
League, of the B'nai B'rith

MR. WILSON: Members of the Commission, we have with us this morning Mr. Alexander F. Miller, who is the Southern Representative of the Anti-Defamation League of the B'nai B'rith. I think, Mr. Miller, you have been advised that we would like to have you make such statement as you desire, and then if it is agreeable to you we would like to ask you some questions about the information we are desirous of obtaining.

MR. MILLER: Mr. Gudstadt, who is the Director of the Anti-Defamation League, was supposed to be here this morning, and unfortunately he suffered a heart attack yesterday. I don't think it is too serious but he is not in very good condition today. He was supposed to have a statement here with him, properly mimeographed according to instructions given to us by Mr. Carr. Unfortunately it is not available. I will ask you for your permission, however, on behalf of the Anti-Defamation League, to have presented in written form in the near future, through Mr. Carr to the Commission, two memoranda, one the general positive educational program in which the league is engaged, the other our interpretation of possible legislation which might be taken or recommended by the Commission. If that is satisfactory, those memoranda will be forth coming within the week or two.

MR. WILSON: You will send them to Mr. Carr.

MR. MILLER: Now, I can speak just very briefly and give you a little picture of the Anti-Defamation League, and probably with too much emphasis on the South because that is the place where I have been working for the past five years. I speak with some trepidation about the South because we have Dr. Graham and Mrs. Tilly here, who know a good deal more about it than I do.

The Anti-Defamation League was started in 1908, by B'nai B'rith which is a large Jewish lodge organization. It has about 275,000 members now, I believe. The Anti-Defamation League is not a very good name for the organization as it stands today. It started originally because of the sensitivity on the part of a number of Jewish people to certain caricatures which were appearing on the stage and screen at that time, but as the years have gone by, I think that we

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all realized that the problems of human relations affection all groups were much more important than merely an outlook as to the protection of rights of one single group, so our program has expanded greatly and we have been working in the field of human relations. I think our office in the South perhaps is the best illustration of that point. There is, probably, from the observations and the evidence that we have, less tension or less animus against the Jewish group in the South than against a number of other groups, certainly less than against the Negro. Certainly there is less tension than is involved in the current capital-labor controversy. There appears to be in certain sections of the South more animus against the Catholic than against the Jew, and so we have become involved really in the entire problem of human relations and fighting those forces which we feel are anti-democratic. We try to do this job in three separate ways. One is through a program of education which again is divided into two parts. The first part of the program is what you might term "mass education," mass information for democracy through mass media. We use the distribution of literature, the press, advertisements, billboards, and so forth. All these things will be outlined in the memoranda. And then there is a second type --

DR. GRAHAM: You say you are using all those media now or are you suggesting?

MR. MILLER: No, we are using all these media now.

DR. GRAHAM: You didn't mention movies.

MR. MILLER: Well, there has been some very good work done in the field of moving picture. I believe the United States Army has done the best work in the field of movie than any other group.

MR. WILSON: You have movies that you are putting on yourself, or are you influencing them generally?

MR. MILLER: The only movies that we have had anything to do with, as far as I know, are the ones that we have put out ourselves, and there again it has been a cooperative effort, the National Conference of Christians and Jews, for instance, on the subject of brotherhood.

DR. GRAHAM: They have used the radio a great deal.

MR. MILLER: That's right, and we of course cooperate with all the other groups. It is not a lone effort by any means. I am glad to say it is a very cooperative effort.

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The second phase of our program is dedicated just as a number of other groups are dedicated, to working within our own group. We recognize that very frankly our own group has many prejudices, particularly through our B'nai B'rith lodges, which are located all over the South, toward explaining the problems of other groups. I stay away from the words "minority group." I don't like the particular words because there are so many groups in this country. It has been our observation that younger men coming back from the service have a healthier attitude, in our own group, on general problems than their parents before them and seemed to have learned a great deal by their Army experience. I am glad to say that many other groups are making great progress there, too. I know the splendid work that Mrs. Tilly has done. Recently the Baptist women have been in touch with us for a good deal of our general educational material. They, too, have distributed material among their own group.

Another area of our work is involved in the field of individual cases. Now here we operate in two ways, first, particularly within our own group and problems involving Jewish people; secondly, there is a good deal of cooperative effort in dealing with the problem of negro discrimination. We cooperate with many other groups, and put our heads together in working out some of these various problems.

Then a final phase of our effort is that of fact finding, trying to determine what the so-called subversive groups are up to, what is the situation with regard to the strength of these groups who are the animus of democracy, what the Klan is up to, what are the Columbians up to? Do the newspaper headlines tell the entire story or do they really have little strength and influence few people. In regard to this, I would like to read to you a short summary which has just been prepared by the Anti-Defamation League regarding the status of the so-called organized groups throughout the country.

The clear defeat of Nazi Germany did not mean the destruction of these organizations which are organized on a world-wide basis. Virtually the same local forces are again at work, having gone underground during the hostilities, and having recently emerged they are today bolder and as active as ever. Their attitude is that war is over and that they are free once more to act and talk without restraint. On the other hand, their anti-Semitic and anti-Negro activities during the period under review were offset by strong, positive action on the part of the American people who are becoming increasingly aware of the dangers inherent in group prejudice. As an aside, I testified almost three hours yesterday evening before Committee Number 3, and unfortunately during that three hours all I was able to present was the negative side of the picture of what is happening in the South. There is a great deal happening in the

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South. There is a great deal to be said on the positive side. There are some fine things happening all over the country to give us hope and make us feel that the situation is pretty good, and that the American people for the most part are aware of the forces which are working against democracy, and are willing to take sides if they are given the proper facts. A section of the population, however, continues to be infected with prejudice against religious and racial minorities. A large number of professionally anti-Semitic and otherwise un-American organizations, although negligible in prestige and influence, continue unabated. While these forces of bigotry appear to have no nationwide organization or leader permanently in command, there is strong evidence of close assistance and cooperation among the various ultra-national organizations.

For example, when Mr. Loomis of the Columbians, came down to Atlanta to organize his little group, he immediately knew the people in the community to contact. He contacted Emery Burke, who, back in 1935 was connected with the Nazi Bund. He contacted a man named James Shift, who started a small hate group, called the Commoner Party. He knew various individuals and these people know each other through frequent correspondence. These agencies are distinguishable from their predecessors only by their new propaganda themes; while these groups seem unable to attract a substantial following, they continue their frantic efforts and their hate-filled sensationalism. The greatest stumbling block in the past year was an informed public opinion which stressed its opposition to them through the press, radio, and pulpit. As a result, hate groups failed to make real headway and I would say that today these hate groups are at the lowest ebb in the last ten or perhaps twelve years, as far as the information reaching us is concerned.

Organized bigotry is supported by the literature of more than forty-seven regular propaganda publications, in addition to a large volume of miscellaneous anti-democratic leaflets and pamphlets and books. The professional bigots have relied in large part upon the printed part because of ability to make use of special mailing privileges which are allowed to the general press by the United States Post Office Department. Clearly, if anti-democratic propaganda is allowed to go through the United States mails, it should at least be denied special postal rates. As it is, the American taxpayer is in effect partially underwriting the cost of this activity.

I see that I have taken up about twenty minutes of time. I am really qualified to speak mostly for the Southern area, and I imagine that the two memoranda which will be submitted will supplement much of what I have said.

MRS. TILLY: I want to ask, Mr. Miller, if there isn't danger

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now from the fact that the forces that are fighting organized labor are making use of these organizations, and the fact that political campaigns will use them?

MR. MILLER: I might answer the second part of your question first, regarding political campaigns. Yes, according to the evidence that we have received in the last few weeks, I am very much afraid that the forthcoming political campaign in Georgia particularly, and also probably in Mississippi, will see raw hate raised to a new pitch and I say advisedly it is going to be used by purely cold, calculating cynical people as a political weapon. The evidence has reached us in the form of scurrilous leaflets concerning the Negro, which are already appearing. This is only 1947 and the campaign doesn't take place until the spring of 1948. The evidence of the Klan, which is not a strong organization in the South today, is that it is being desperately organized all over Georgia, establishing chapters in every hamlet and crossroad in order to do just one thing - raise hatred of the Negro to as high a level as possible so that political capital can be made in the next campaign. It is something that is worrying us all a great deal. It is not an easy situation to meet. I was just informed this morning that our present Governor Thompson has come out for the White Supremacy Bill. That illustrates the political problem involved.

The only thing that we have been able to figure out by way of answer is that if we can start somehow or someway the same sort of crusade that was started last year against the Klan and the Columbians, by many groups working together, and in denouncing the whole racial issue as being a phony issue, before the political campaign starts, before the other side has time to whip it into a terrifically bad issue --

MRS. ALEXANDER: Mr. Miller, where do you think this money comes from to finance the Columbians and these other groups?

MR. MILLER: I don't think they are getting much money today. The Columbians are washed up. The public opinion was so strong that within one month they were through, long before the legal action took place. That was the final nail in the coffin. They were starving. Gerald L. K. Smith recently came to Georgia, Douglas, Georgia, which is a rural territory and usually goes to white supremacy, and the people in Douglas rose up in arms against him. He attracted a total of sixty-eight people to his meeting, of which about thirty-eight were observers. He didn't even bother to make a collection. The same treatment was accorded to him recently in Texas. He is just not getting money. There is no evidence that the Klan is riding high financially, or even gaining new members.

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MRS. ALEXANDER: You said they are sending literature. Where do they get the money?

MR. MILLER: Some of this literature, I feel, comes from political sources.

DR. GRAHAM: Who contributes to the literature?

MR. MILLER: Various individuals who have it distributed by Klan forces. I have an item here which was distributed by an individual who, I think represents a certain political faction. Some crackpots distribute an awful lot of literature. There is an old man living down in a little Georgia town who took the picture which originally appeared in the AMSTERDAM NEWS, of Negro soldiers embracing white girls in London, England, and sent that all over Georgia. That subsequently was reprinted in a political publication -- just a picture alone -- and that is enough to do a great deal of damage.

DR. GRAHAM: What is the Jewish population in the South, what percentage?

MR. MILLER: In Georgia there about 25,000 out of 3,000,000, a very small percentage. I think the total for the South might well be under one percent.

MRS. ALEXANDER: Has the Anti-defamation League made any effort to get Hollywood to put on a movie which would affect race relations?

MR. MILLER: I am not entirely qualified to answer that question.

(A discussion off the record ensued.)

DR. GRAHAM: Does your organization have working arrangements with the Southern Regional Council?

MR. MILLER: Yes. As a matter of fact we meet informally about, I guess, once every two weeks or so with the representatives of all organizations working in the field of human relations, just to discuss mutual problems and exchange thoughts.

DR. GRAHAM: Do representatives of labor unions participate in those meetings?

MR. MILLER: I would say yes in a limited way. There is one person sitting in with us who has a very close affiliation with both

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labor groups.

DR. GRAHAM: Does the Committee for Georgia participate?

(Answer and ensuing discussion off the record.)

DR. GRAHAM: What is the difference between the Talmadge white primary and the Thompson white primary?

MR. MILLER: As nearly as I can find out, the Thompson white primary is just a weasel-worded arrangement by Thompson which means practically nothing.

DR. GRAHAM: He denounced the Talmadge White Supremacy Law.

MR. MILLER: All he wants is a white primary where white people would put their ballots in one box and the Negroes put theirs in another box.

MRS. TILLY: So that they wouldn't stand in line together, I suppose.

MR. MILLER: It was just segregation at the polls, no effort at disenfranchisement.

DR. GRAHAM: In the Talmadge white primary, did he disenfranchise?

MR. MILLER: Yes, definitely.

MRS. TILLY: More than that, he disenfranchised every person who wasn't for Talmadge. White people were disenfranchised.

MRS. ALEXANDER: Mr. Miller, what do you think this Committee can do to help your Anti-Defamation League or other organizations working with you?

MR. MILLER: I won't answer that in the field of legislation because our collective viewpoint will be established in these memoranda, and that is a highly technical field, and Mr. Maslow knows it very much better than I do. There are two things that I think could well be done. I'll have to amplify this a little bit, I am sorry. One reason that the heads of the Columbians were important to us, even though they were absolutely insignificant individuals, was that they were able to go into a tension area and get a following. Now, there are housing tensions in every city in the South. We haven't had a flare-up in housing areas -- that is, the areas of white and Negro housing adjoining each other except at Atlanta,

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Ga. These characters picked on Atlanta, Ga. In other words, where they have that tension situation people can go in and get a following and form an organization. Every lynching can be foretold by competent observers on the spot. It takes time to build up sentiment for a lynching. Those don't occur overnight. Isn't that true?

MRS. TILLY: Yes.

MR. MILLER: I would say that if this Committee could hold hearings like this in every tension area -- let's say, hold hearings next week in Georgia all through the State, you would have the support of the organizations and support of the press to properly cover it, pointing up this entire fact of race issue, it would do a great deal of good in informing the public of just what the issues are. I feel also that through your field representatives, if you have any, you could serve as an excellent catalytic agent for all the private organizations and the governmental agencies which are working in particular areas, to try to get them to mold their efforts as closely together as possible. Those are the two suggestions that I would make.

DR. GRAHAM: You say that lynching sentiment builds up and isn't just a development overnight? I wonder if, in that kind of situation, any effort has been made at any time to advise the Regional F.B.I. that such and such a situation, in such and such a community, looks like it is building up to a lynching? Has the F.B.I. ever investigated prior to the actual occurrence of a lynching when the situation looked as though it might develop into a lynching?

MR. MILLER: I don't know; our organization doesn't have the facilities the Southern Regional Council does for learning about the building up process.

MR. WILSON: Anything to bring out the facts and the truth.

MRS. TILLY: Yes, it has been done, not oftentimes but once in a while. At two or three o'clock in the night we will be called by the Associated Press that such and such a spot somewhere in the South, something has happened or something is liable to happen. We immediately get in touch with the F.B.I. in that situation.

MR. MILLER: Incidentally on that point, the police of many southern communities have made great forward strides, and the population, too, doesn't get as excited in many communities as they have in the past. I recall a case only recently in Savannah, Ga., where a man was found dead in an automobile parked outside of town. A seventeen-year-old girl who has been with him was picked up and she claimed that a Negro had killed him and raped her, and a Negro

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was arrested and put in the Savannah jail by the police. There was no excitement through the town at all. He just remained in jail and then the police weren't satisfied at all with her story and found after questioning her three or four days and with some good police work, that she had killed this man and that she was just accusing a Negro. I'd say a number of years ago, if that had happened in the same community, there might well have been a lynching or attempted lynching, but there was just no excitement, and there are a lot of cases like that, too.

RABBI GITTELSOHN: I was concerned by your picture of the way the efforts of Hollywood don't get anywhere in the South simply because the people boo them off the screen. I presume that reception would be tendered to other efforts, not only to motion pictures. Have you any suggestions to make as to how we can reach those people in the first place? The most effective propaganda in the world won't do anything in the South if we can't get it to the recipients who need it. Do you have any suggestions along that line?

MR. MILLER: Well, of course my first suggestion was these public hearings to be held all over the South. I don't know if you gentlemen could take enough time from your businesses, but it would be very effective because you would get terrific coverage in the local communities, and the people do read the press. These people are being reached to a great degree, to a larger degree, than we even think. All sorts of efforts are being made at all sorts of levels, and all sorts of good things are happening. Unfortunately, in a presentation like this you tend to give the bad side of the picture, but I have jotted down about seven pages of notes on just incidents of good things that have happened over the State within the last few months. The press and radio reach all levels of the people, and during the Columbian campaign we had evidence that the Columbians appealed to the class that was most underprivileged and lived in the worst slums, and yet the public pressure was such that it went right down to the lowest level, and I could tell you some stories of how members of the Columbians dropped out just because of public pressure on them and because of the educational job that the newspapers had done.

MR. LUCKMAN: May I ask you in that connection something about which I am confused. If the press and/or radio, through the written word and the spoken word, portrayed the same scene that was booted in the movie, would it be accepted in the press and radio?

MR. MILLER: The press, I would say, has been the most courageous of all the mass media in the South. In the South the press as a whole has been very good. The radio has steered away from getting into controversy, but of course the radio hears a great many

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national programs emanating from the North, and they can't just censor words here and there, and there isn't any direct response from the audience in radio as it is in the movie. It may be that the movie exhibitors are most sensitive and need more courage. They just seem to be afraid to tackle the issue and the censors in the various towns also are very strict about what will be shown. They are being very, very careful to see that controversial subjects don't reach the screen.

MR. LUCKMAN: Then you would think this editorial material could be more easily disseminated via newspapers and radio than the movies?

MR. MILLER: Yes, there have been a number of programs broadcast locally in the South. We recently invited the Council of Church Women to speak on a radio program and they brought a Negro member to speak with them. There was absolutely no public protest, but maybe our program has not much of a local rating, I don't know.

MRS. TILLY: Well, there was some protest. We are getting some letters.

MR. MILLER: I didn't know about that. It is not serious. It wasn't serious enough for the radio station to come to us and say "Please don't repeat that program".

DR. GRAHAM: The churches themselves, Mr. Miller, are being bold in that whole area?

MR. MILLER: Dr. Graham, they have made terrific strides. The Southern Baptist Convention, which first went on record just about a year ago in Miami -- and they represent six to seventy percent of the white people in the South --

DR. GRAHAM: Over fifty percent -- fifty percent of the church members.

MR. MILLER: I accept the qualification. They went on record very strongly against the Klan. That was almost their first step, and since then at Savannah, Ga., when they held their Georgia State Convention, they came out with a very strong resolution against race hate and against the groups that whip up race hate. They were led on the floor by the Reverend Joseph Raburn, who is a very interesting character and Pastor in Talmadge's church in McRae, Ga. Then at Asheville, N. C., the Southern Baptist State Convention met and passed some very strong resolutions condemning race hate and even went on record in favor of the N.E.P.C., although in one or two days they were flooded by telegrams and they revoked their stand on

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that -- but it was a terrific step forward. The Methodists have always been in the forefront. I'd say that the church leaders, in my experience, have been the real leaders and are the real leaders today throughout the South.

MR. WILSON: You have been very helpful and given us some practical suggestions and lines of thought to pursue. Thank you very much.

DR. GRAHAM: The Episcopal Church has been a leader.

MR. MILLER: The Episcopal Church has been outstanding.

DR. GRAHAM: For a longer period.

MR. MILLER: That's so.

THE RIGHT REV. SHERRILL: What do you find about the Catholic Church?

MR. MILLER: Wherever the Catholic Church has been strongest, I think you find a better situation. There seems to be less tension in most sections of the south.

THE RIGHT REV. SHERRILL: What about the Presbyterian Church?

MR. MILLER: Ask Dr. Graham about Charley Jones of Chapel Hill.

MR. WILSON: You have covered the waterfront.

DR. GRAHAM: I think that is one of the most hopeful things. That is a long haul.

MR. WILSON: Thank you very much, Mr. Miller.

(Witness excused.)

STATEMENT OF WILL MASLOW

Representative of the American Jewish Congress

MR. WILSON: Mr. Will Maslow is a representative of the American Jewish Congress. We are glad to have you with us, and to have you make your statement; and then we would like the privilege of asking you questions, too.

MR. MASLOW: Thank you sir. I am very grateful for the opportunity to come here, and I prepared a perhaps over-long and detailed

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statement of recommendations which I have turned over to your Staff Research Director. The program of the American Jewish Congress is quite different from that of the Anti-Defamation League. For one thing, we do not engage in the investigation of subversive groups. We avoid groupification. Secondly, we don't engage in the so-called educational programs. One reason is that we have very little faith in the effectiveness of such programs and, secondly, we believe that what value there is in such work is now being handled by other agencies. The Commission on Law and Social Action, as one of the operating agencies of the American Jewish Congress, utilizes the force of law and social control in fighting against racism, and the approach, therefore, is essentially a legal and legislative approach.

At the same time, I hope this Committee will not fall into the error of believing that all the problems of civil rights can be enforced merely by enacting new laws. I think that much more consideration has to be given to the existing enforcement of federal civil rights laws, and I say to you frankly that if we had as poor enforcement under our new laws as we have under the present laws, we would gain very little.

We suffer today from a timid, unimaginative enforcement of our federal civil rights laws. The creation of the Civil Rights Section of the Department of Justice in 1939 was a tremendous step forward. It represented the realization that a specialized unit with exclusive responsibilities in this field was necessary. But the section has been staffed with only a token force of about six attorneys, without regional offices. All the work is done in Washington, without even regional representatives or field investigators, with no facilities for independent investigation, and is compelled to rely on the oftentimes grudging cooperation of Southern United States District Attorneys for the prosecution of its test cases.

I am not blind to the difficulties that they face in this unit. These difficulties would have hampered a zealous unit; they have rendered almost ineffective a timid unit. From 1939 to 1947, during the years that unit has been in existence, only 178 prosecutions have been obtained in 131 cases, and even that presents a better picture than the facts warrant, because very few sentences of any severity have been imposed, and in some shocking cases the defendants have been acquitted; in other cases they have been let off with nominal fines and even worse, many times the section has failed to take action.

Now on January 3 of this year, a Senate Committee, the Special Senate Committee to Investigate Senatorial Expenditures investigated

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and reported on the Mississippi primary in July of 1946. Both the majority and minority reports pointed out violations of existing federal rights. For example, here is the report of the majority signed by two Southern Senators and one Senator from a border state, in which the report quotes from the testimony: The Chairman: (he is questioning an election official of Mississippi) "To be truthful about it, you made it a little harder for colored to register than the whites, isn't that true?" Mr. Field: "That's right."

The minority report of course goes much further, and I would like to read one paragraph of that report: "The record further shows that many Negroes who mustered enough courage to present themselves to register were prevented from registering by artifices, procrastination, deceit, and outright refusal to register on the part of white election officials. Of the Negroes who succeeded in registering, but a small fraction actually went to the polls to vote, and of those that went to the polls, several were beaten up by the whites, others were prevented from placing their ballots in the ballot box and were forced to hand the ballots to an election official, such ballots then being placed in challenge envelopes."

What has the Civil Rights Unit done about this finding by a Senatorial Committee? There is no dispute as to the law. This was a federal election. Here are offenses by State officials. We haven't seen the slightest indication of any interest on the part of the Civil Rights Unit.

Now, I say to you, before we spend more time trying to improve the federal statutes, designed to protect the suffrage we have --

DR. GRAHAM: What is the page of that report?

MR. MASLOW: Report No. 1, the 80th Congress, First Session.

DR. GRAHAM: The page?

MR. MASLOW: The first was on page 7, the second quotation from the minority report was on page 20.

Now, it seems unmistakable in reading that report, and the minority makes the charge in so many words, that Senator Bilbo violated at least four federal statutes. Even the majority indicates violation. Yet nothing has been done by the Department of Justice to prosecute this clear-cut manifestation of an effort to disenfranchise Negroes.

This is not a timidity that is inherent in the Department of Justice, and I recall to the Committee that in the 1920's the

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Department of Justice prosecuted Senator Newberry for violation of the election laws. I submit to you that one prosecution of Senator Bilbo by the Department of Justice would do more to protect Negro suffrage in the South than a hundred thousand truckloads of educational materials.

Let me just take a moment to explain or recite some of the other cases pending before the Civil Rights Unit. You will recall the Isaac Woodard case, the Negro veteran who was blinded when a South Carolina Police Chief assaulted him. Now regardless of the merit of that case, and I understand there is some disagreement as to whether or not the police chief was engaged in legitimate self-defense, I'd like to quote to you the newspaper account of what the Federal District Attorney said in summing up to the jury. He said, "I was only doing my job, and whatever verdict you gentlemen bring, the Government will be satisfied." How can you expect a conviction, particularly from a Southern jury, when the sworn officers of the Federal Government take that attitude, and how long would law and order exist in society, if the same attitude was manifested in other types of criminal cases? That is one of the central problems, I submit, that this Commission must grapple with -- the grudging cooperation of local attorneys.

Even where convictions have been obtained, sentences have been so small as to constitute judicial condonation of crimes. There have been twenty-five dollar fines in election cases. Police officers, sheriffs who have whipped prisoners have been let off with suspended sentences.

I think the Department of Justice has a duty there, too. The Attorney General is able, by public statement, to call attention to these lax sentences, and to apply some pressure to judges who treat these cases so lightly.

MR. WILSON: Federal judges?

MR. MASLOW: Federal judges, yes, sir.

Nor have the investigations by the F.B.I. been such as to command confidence and respect. As you know, the Civil Rights Section has no investigating authorities of its own and in all of its big cases it must rely upon an F.B.I. investigation. The F.B.I., which has been able to crack espionage and counterfeit rings, was unable in the Monroe, Ga., lynching case to track down a mob of twenty masked men who shot down four Negroes in cold blood, when an entire county must have been aware of the identity of the killers. I suggest to the Committee that it might be of interest even to them to request the Civil Rights Section to furnish the report of the F.B.I.

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in that case and to examine it to see whether or not there was an adequate investigation. I suggest further to this Committee that it make a thorough investigation of the enforcement of the Civil Rights Section. Whether or not you have subpoena power, I would question all of the attorneys in the Civil Rights Unit. On the whole they have been zealous and loyal servants of the Government. Question them about the enforcement of the Civil Rights Unit. I suggest that this is a task to which the Commission should give top priority.

Now I have a few other suggestions with respect to enforcement of the Civil Rights law. One is to create a Civil Rights Division instead of a section. That would enable the Division to get a larger staff to be maintained by an assistant attorney general of greater stature. It means that salaries would be higher, the Division would be entitled to more respect. Obviously we are never going to enforce new laws with a handful of attorneys sitting in Washington covering an area that is more than a thousand miles long.

DR. GRAHAM: Does that affect regional offices?

MR. MASLOW: My next recommendation is that such a division should obviously maintain regional offices and representatives throughout the South. I can't understand how any Government agency in doing this type of work, functions without regional offices. It is folly to expect the criminal statutes to be enforced by forwarding complaints through the mail for hundreds of miles. Then after the complaint has been received, we have the following steps -- the person who received the complaint and lists it, takes it to the head of the section, presumably for an F.B.I. investigation. He will take it to the head of the Criminal Division and request concurrence. The head of the Criminal Division is a busy individual, administering a large program with hundreds of attorneys. After that is done they will go to a special assistant in the attorney's office likewise in charge of many problems. After he has received the concurrence of these people, the request is submitted to the Director of the F.B.I., and then it goes down to the regional offices.

How can you expect to enforce criminal statutes when you observe such protocol? I can't see why the Civil Liberties Section or Civil Liberties Division should not be empowered directly to ask the regional offices of the F.B.I., located throughout the country, to make immediate investigation whenever they need it, and they then will not be faced with the idea of finding witnesses. These regional offices should be maintained by native Southerners, and we have very good experience in the Civil Rights Unit, of the native Southerners who have been heart and soul behind this work, and their presence there would stimulate better State enforcement.

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Now wherever the Civil Rights Section believes that it would not get full cooperation from the local United States Attorney, they have a very simple expedient, and that is to have the Attorney General designate a special prosecutor. You will recall that when, I believe it was during the prosecution of the Harlem County election fraud, a special prosecutor was designated. If a person of distinguished reputation is chosen, he, too, can circumvent efforts of local groups to block prosecution.

I believe that the Department of Justice should do more than it is doing to encourage witnesses in the South who are so easily intimidated. That can be done by frequent statements by the Attorney General, and by the Director of the F.B.I. Then, when Bilbo is prosecuted, witnesses in the South will not be terrified.

Now, the Unit has always been content to confine its efforts to criminal prosecution, and has not been aware of or has not been able to use other powers which it has. There is no reason, for example, why the section could not sue for declaratory judgment, why they could not bring suits for injunction, why they could not file briefs as a friend of the court. We know that throughout the South there are wholesale flag-ranters who circumvent the recent white supremacy court ruling out the white primary. Why should private persons be compelled to bring these test cases? Why shouldn't the Department of Justice begin militant action against these people who announce openly that they intend to circumvent the rulings of the Supreme Court? Recently in a restrictive covenant suit brought there, the attorney of the State of California filed a brief as a friend of the court in which he urged the court that in his understanding the restrictive covenant was illegal.

MR. WILSON: Just for the record, just to keep the record straight, in these cases that you are talking about, would the Federal Department have jurisdiction?

MR. MASLOW: It wouldn't make any difference whether it was federal or not. The Department of Justice would merely ask leave as a friend of the court to file a brief and the court would no doubt grant that request. You don't have to be a party, sir, to file a brief as a friend of the court. The Department of Justice has frequently done it in other types of litigation but the Civil Rights Section by the use of that device can be of great help in many litigations. There is a suit now pending in Texas brought by a Negro to compel admission to the Law School. We would like to hear from the Department of Justice in that case. You avoid some of the difficulties, and I admit there are many, in getting a conviction in the South.

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Now, I believe that those proposals are more important than legislative proposals. I don't think that the problem of the enforcement of existing civil laws, can be strengthened a great deal by legislation. Perhaps the statutes do need some tinkering. It seems to me that the fundamental weakness of the statutes arises from a lack of constitutional power, and that weakness cannot be corrected by statute. I would rather see the effects of the Department of Justice and the Committee go to improving the enforcement of the existing sections than to spend a great deal of time trying to improve them.

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THE RIGHT REV. END SHERRILL: May I ask a question there, because the Department of Justice officials, I think, feel — and this is the general experience that we have run across, that these laws — Sections 51 and 52 — are inadequately; and I think they feel that enforcement is tremendously limited by that inadequacy. Your experience would run counter to that very directly. Now in the matter of penalties, if the penalties are so inadequate, I wonder if the penalties under those sections should be increased.

MR. MASLOW: Bishop, on one section the penalty is a maximum of ten years in jail, which is certainly adequate in any offense. The other section carries a year in jail and a thousand dollar fine; but the Department of Justice has not been able to get one year in jail. They just get suspended sentences. I can't see that you would gain a great deal by increasing the maximum if you still could get out on a suspended sentence.

MR. WILSON: To back up what Bishop Sherrill says, your testimony, Mr. Maslow, has been the first we have had to the contrary. It was the very definite impression of the Department of Justice witnesses, and we have even had the Attorney General here who is very sympathetic to this Commission's task and operations — we got the very distinct impression, I think, that the Department was very greatly handicapped by the existing law, and needs to have existing laws clarified and extended, and give them new instrumentalities with which they could be more successful in their approach to the problem.

MR. MASLOW: I am not apposed to any effort to improve the statute. I am merely saying that to me that is not the most important task before the Committee, and that the problem will not be solved merely by clarifying these statutes and making them better. The essential weakness of these statutes is that they protect only Federal rights, and the Supreme Court has defined Federal rights as far in a very narrow sense. Now, that difficulty can't be cured by statute. If the Federal rights are limited, then it is a constitutional difficulty and not a statutory difficulty.

THE RIGHT REVEREND SHERRILL: I am continuing because it is very interesting; and I think it is very important to emphasize the point you have made, because it is the first time that we have had that particular emphasis given to the better enforcement of the statutes that we already have.

DOCTOR GRAHAM: It has been their opinion that they would be handicapped, as a division, in getting budgetary support for their work, in the fact that they would be more of a target before Congress, and in trying to get appropriations throw this whole thing

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into focus in Congress; that they could do much better as a Section rather than as a Division, for that reason.

MR. WILSON: Bishop, if you remember the data we considered one day, they said definitely, as I remember, that having a Division would not enable them to do a better job. There were those among us who were exponents of the idea of establishing a Division and giving them all the authority that they needed, but they thought that the mechanism that they now have, being able to draw on the Criminal Division and so on, gave them opportunities for the prosecution of these cases that they could not have if they had a separate Division, which was quite contrary to the thinking, I assure you, of some of us.

MR. MASLOW: Let me make the point that whether you call it a section or a division is not the main thing. The main point is to have a large staff manned by personnel with stature and adequately provided by Congress with funds.

DOCTOR GRAHAM: And regional offices. And would you put in as Number Four in that list there, "more adequate appropriations for this section"?

MR. MASLOW: I assume that you would not be able to get a larger personnel if Congress doesn't.

DOCTOR GRAHAM: It doesn't hurt to make that specific.

MR. MASLOW: I have had some experience before Appropriation Committees, and I have also been the head of a Government Division, and it has been my experience that until, or unless a particular program has a Division Head to fight for it, it gets lost in the shuffle. The head of the Criminal Division now administers a dozen different agencies and he has got to apportion his resources among them. A Division head in charge of civil rights work, without any other responsibilities would, of course, be able to spend his own appropriation. Now, as far as Congressmen are concerned, I am certain they can determine very easily whether the money is going for the enforcement of Civil Rights law or whether it is going for enforcement of the criminal laws, and you will not be able to keep it from them. I am not one of those who believe that Congressmen are any less intelligent than the ordinary citizens. They will soon find out whether or not the Civil Rights section is getting it, and how much money is going to it. Most of these things can be done with the cooperation of Congress. It seems to me that if you make a fight for a larger appropriation for civil rights work, you will get it from Congress.

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I think I glossed over one other point: there has been a debate, I understand, between those who say that these cases should be investigated by the F.B.I., and those who say that investigation should be right in the Civil rights unit. Perhaps I can make a comment there. I don't think that you need a tremendous investigating staff for this work. I was in charge of a regional office in the South, enforcing a more difficult Act (FEPC) than the Civil Rights Act. All that would be necessary, it seems to me, would be a half dozen field examiners in the regional offices. The task of investigating this type of crime doesn't require the large, scientific resources of the F.B.I. All it requires is some man with some energy to start talking to witnesses. A few field examiners in regional offices, of the same skill, the same salary level, for example as field examiners in other Government agencies will be able to do a great deal without the necessity of calling upon the F.B.I. for investigation except in the most important cases. I understand that there are more than two thousand complaints filed each year in the Civil Rights section. How can you do an adequate job of investigating these complaints -- many of them come in from illiterate persons not aware of the law or what is important? Nist if ~~them~~ must be destined for pigeon holes. But if these persons were able to come to a regional office and tell their story to a sympathetic person, he would soon find out whether there was a case or not, and what can be done quickly; and if there were an office in the South to which complaints could be made, it would likewise deter the commission of crimes.

I would like to give you my suggestions for legislative proposals, and I am afraid that I have attempted to cover the water front here, too. I have seven suggestions for you. One is the enactment of a poll tax repealer; second is a Federal anti-lynching law; three is a Federal fair employment practice law; four is a general anti-discrimination statute, which I will discuss more in detail; five is a fair educational practices act; six is a fair housing practices act. Five and six are recommendations for state acts for the committee to recommend to the states--which are peculiarly within the province of the state and to which the Federal Government has no constitutional power. These are a fair educational practices act and a fair housing practices act, and lastly, I recommend a group anti-defamation law, a criminal statute. Would you like for me to go through these in detail?

MR. WILSON: We have a few minutes more, probably ten minutes more that we can devote to it, Mr. Maslow.

MR. MASLOW: I would say the most important problem of Civil rights is protecting Negro suffrage. Nothing is as basic to the Negro's security in the United States as the right to vote. Once

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that right is fully established the political power of the Negro can be utilized to protect his race against any deprivations of his civil rights. When Negroes vote in the South, they will find public officers sensitive to their needs, protecting them from assault, assuring them of their equitable share of tax-supported public facilities, and repealing those state statutes which now seek to chain the Negro to an inferior role in society.

There are three obstacles in the path of unrestricted Negro suffrage: The white primary, the poll tax, and the illegal and discriminatory administration of the South's election laws. The Supreme Court has struck down the white primary but efforts are currently being made to circumvent its ruling by wholesale repeal of all State primary statutes or by such devices as discriminatory literacy tests. The President's Committee can strengthen those liberal forces in the South who are opposing such disenfranchisement by recommending Federal court actions to nullify such anti-Negro legislation.

Seven Southern States exact a poll tax as a condition of voting and thus, particularly because many of these taxes are cumulative, discourage the poor Negro and the poor white from voting. The prospects of state repeal of these acts is remote and in several, including Tennessee, the poll tax can only be repealed by a constitutional amendment. What is urgently needed, therefore is the enactment of a Federal anti-poll tax bill. The support of the President's Committee may aid in its enactment. It has passed the House three times and then been talked to death.

But even where the Negro hurdles these obstacles, he must still run the gauntlet of election officials who refuse to register him, apply discriminatory literacy and character tests and often resort to intimidation to prevent him from exercising his rights under the Fifteenth Amendment. Federal protection is needed to make that right a reality.

The anti-lynch law as you know has been pending in Congress since 1922. It has three times been passed by one house and talked to death in the other. It seems to me that an anti-lynch law can be drawn which is constitutional, which will punish a community whose police officers have been negligent in allowing a lynching, and bills now before Congress provide for penalties to be assessed against communities. We have at the present time in many northern states laws that any merchant is injured by a riot may bring an action against the community for failure to protect him. Once a community has been assessed \$2500 or \$5000 for negligence in not preventing a lynching, the community will think twice before it encourages a second one.

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The FEPC in Congress today has been introduced by a group of eight Senators, bi-partisan. The bill has strong chances of enactment. It is a practical political possibility, and endorsement by this Committee would be of help. The bill has been approved by all of the agencies that have been working in this field for many years.

I also propose a general anti-discrimination law. Even where the Federal Government lacks direct statutory authority to redress wrongs, it can set an example to the States, particularly in the District of Columbia. A general anti-discrimination law should be enacted directing all Federal Agencies to administer their programs particularly when they make money grants, without discrimination or segregation. This would bar segregation in the armed forces, refusal to hire Negroes for other than custodial positions, the discrimination in the Federal insurance of home loans and the financing of public housing projects. Secondly, the grant of every Federal license or privilege should be conditional upon an agreement not to discriminate because of race, color, creed, national origin, or ancestry. In this District of Columbia this license power can be utilized to prevent places of public accommodations from discriminating. A restaurant, for example, would be denied a license if it discriminated; and that is quite clearly within the power of the Federal Government to enforce anti-discrimination laws.

Finally, we urge the President's Committee to request the Department of Justice to make a thorough study of the practical effects of the "separate but equal" doctrine.

DOCTOR GRAHAM: What is that?

MR. MASLOW: The separate but equal doctrine. The courts have been content to condone segregation on the theory that equal separate facilities are provided. Investigation will demonstrate that in practice they are far from equal. We have made many studies of what happens to the tax dollar, and how inequitably it is divided whenever you have a system of segregation--and once the Negro's facilities are truly equal, there will be little incentive in the South to continue the segregation system.

With respect to the Fair Educational Practices Act, the Federal Government has no direct power except through the use of Federal grants. There is a statute now on the books, the Morrill Act of 1890, which forbids the discrimination in these grants. I understand that there are seventy land-grant colonies with more than seven hundred thousand students in colleges, but there is no provision for enforcement and the Administrator of the Act has always been content as long as there was a by-law of the school, forbidding discrimina-

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tion. We know, however, from very sad experience, that the Negro finds it very difficult to get into colleges in the South. This Act applies only to race or color; it should be broadened to apply to religion and national origin. Perhaps a blow can be struck in that way at the quota system.

With respect to housing, this, too, is a matter which is peculiar within the State's province. The Committee can recommend fair housing practices and point out the inconsistency of protecting the right to frequent places of public accommodation; the right to go to a barber shop or a movie, or to a retail grocery store is now protected by law, and violation is a misdemeanor. But the right to housing space, the most important right today—in some cities ~~much~~ more important than the right to a job—is not protected. And, it is about time that the right to housing, which affects the public interest to as great a degree as any other right, was protected.

Finally, I have recommended a group defamation statute. I have gone beyond my time.

DOCTOR GRAHAM: We took a lot of your time.

MR. WILSON Go ahead.

MR. MASLOW: Organized anti-Semitism in America is now probably at its lowest ebb since the early 30's. Yet today at least fifty-five anti-semitic publications are being circulated in the United States. I think the figure my good friend, Mr. Miller, gave, is forty-eight. Our lists are overlapping, so that it may be even larger. There are at least fifty-five anti-semitic publications that are circulated in the United States, principally through the U. S. mails. Some of the publishers of these papers have been convicted of anti-semitic utterances which led to a breach of the peace, others have been indicted by the Federal government during wartime as seditionists; and the problem of group defamation is therefore, unhappily, still with us.

We are concerned with these organized efforts not merely because such defamation endangers the security of a particular minority group, but because democracy itself is imperiled by such attacks upon it. We learned from bitter experience in Germany that Fascist groups begin their assault upon democracy by exploiting latent prejudices against the Jews and other minorities. Democrats in Europe wrung their hands while political extremists made mockery of free speech.

We can no longer solve these problems by a hackneyed repetition

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of the clear and present danger rule. When the danger becomes so clear and present that the courts see it, it will be too late for governmental measures. Precisely because organized defamation is for the moment quiescent we can afford to take time to rethink the problem of how to allow complete, unfettered discussion of public issues and at the same time prevent the wilful spread of group libels. We believe there is no Constitutional right wilfully to spread group libels known to be false for the purpose of inciting groups' hatred. Today no Federal law exists to punish or prevent such fraudulent statements. Such legislation is necessary.

We urge the Committee to recommend legislation to make it a felony, make it a criminal offense--make it a felony to introduce mail in interstate commerce for purposes of stirring up group hatreds, and publication which falsely defames any racial, religious, or ethnic group. The truth of any utterance or reasonable grounds for a belief as to its truth should however be a defense to any prosecution. Such a statute should be invoked not for the sporadic utterance not against the responsible publication, certainly not against a truthful statement or one based on reasonable grounds, but against the racketeers of this country who make a profession of group hatred. We believe such a statute is desirable. It is my recollection that the United States Government is drawing drafts for some of the consultations in Europe, insisted upon a section punishing organized efforts to incite anti-semitism. It seems to me that if that was good for those countries, it would be good for America as well.

MR. WILSON: Thank you very much.

DOCTOR GRAHAM: I would just like to express my own personal appreciation for the value of this presentation.

MR. WILSON: It is a tremendous asset to us.

MRS. ALEXANDER: May I ask one question? Do you feel that if the Committee asked Congress for enforcement of, I believe, Section 2 of amendment 14, basis upon which representatives to Congress are selected, and if they did select Congressional representatives on the basis of the voting strength of the Southern states, that we might in that way indirectly cause a larger number of free people to be qualified to vote?

MR. MASLOW: I think it would be a much more difficult task politically to get that through Congress than to get through many of these other things. It would certainly bring down on your heads the wrath, perhaps, of many groups in the South who are honestly willing to fight to protect suffrage, and who are honestly concerned with

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carrying out the ruling of the Supreme Court with regard to the white primary. I would think politically that would be very unwise.

MRS. TILLY: I would like to ask you how U. S. Attorneys are appointed.

MR. MASLOW: By the President with the approval of the Senate, I believe.

MRS. TILLY: Doesn't it simmer down to patronage by the very men that he is elected from?

MR. MASLOW: I don't understand your question.

MRS. TILLY: I was thinking about Bilbo. Now wouldn't it make it difficult to do anything to Bilbo if the U. S. Attorney is to be dependent upon him for his appointment?

MR. MASLOW: There should have a special prosecutor to try the case. Perhaps you might be able to persuade one of the judges outside the state to come in. That is very frequently done. Federal judges do move around from district to district, and perhaps somebody of nation-wide stature, a Southerner, would come down to prosecute. Win or lose, the mere prosecution would be a very great victory for the Department of Justice. It would show that it has the courage, and it would show a great many people that it intended to go ahead, and next time Senator Bilbo or anybody else engaged in a primary campaign they wouldn't risk a Federal prosecution.

DOCTOR GRAHAM: I don't want to take any more time here, but I am thinking about Mr. Maslow's basic point that the right of suffrage is likely to be the most fundamental of all rights for the long haul. You know, many of these things can't be done overnight, but I think for the long haul, the right of suffrage is the most basic of all.

Who has made the best study and discussion of the anti-poll tax laws?

MR. MASLOW: I think you will find it in the reports of the Senate Committees.

DOCTOR GRAHAM: Do you know of any particular brief?

MR. MASLOW: No, I can't refer to any.

DR. GRAHAM: If you do, will you send it to me?

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MR. MASLOW: Yes, I will.

MR. WILSON: If there are no further questions, you certainly have made a very helpful contribution to us today, Mr. Maslow. I think you have given a great deal that will be very helpful. Thank you very much.

(Witness excused.)

MR. WILSON: May I remind you as we adjourn for lunch that at 3:00 o'clock, we are going to be sworn in by Justice Murphy. May we reconvene promptly at 2:00 o'clock so that we may finish with the first witness and be ready at 3:00.

(Whereupon, at 12:25 p.m., a recess was taken until 2:00 p.m., this day.)

AFTERNOON SESSION 2:00 P. M.

Additional Members Present: Mr. Boris Shishkin
Mr. James Carey

MR. WILSON: Mr. Slawson, we are happy to have you with us this afternoon.

Members of the Committee, this is Mr. John Slawson, who is Executive Vice-President of the American Jewish Committee.

Mr. Slawson, we thank you for coming to give us this report which our secretary has asked you to prepare. Our procedure is to hear your report, and then we would like to have the privilege of asking you questions.

STATEMENT OF JOHN SLAWSON

Executive Vice-President, American Jewish Committee,
Accompanied by Newman Levy, General Counsel, American
Jewish Committee, and Henry McCarthy, Department of Educa-
tion, American Jewish Committee.

MR. SLAWSON: I have with me two colleagues, Mr. Chairman, and members of the Committee. On my left is Mr. Newman Levy, who is general counsel of the American Jewish Committee, and on my right is Henry McCarthy, of the Department of Education of the American Jewish Committee.

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MR. WILSON: Thank you both for coming.

MR. SLAWSON: I deem it a great privilege and great opportunity to appear before you as a representative of the American Jewish Committee.

Our organization recently submitted to you, at your request, three rather full memoranda, together with a portfolio of exhibits. The titles of these memoranda indicate the nature of their contents. They are: (1) "The Legal and Legislative Aspects of Civil Rights"; (2) "The Educational Approach to the Program of Civil Rights;" (3) "The Program of the American Jewish Committee in the Field of Civil Rights." I trust that some of you have had an opportunity to glance through this material, and that all of you will examine it in the near future. I therefore propose to make my formal presentation comparatively brief, so that as much as possible of the allotted time will be available for questions which you may wish to direct to my associates and to me, or for informal discussion among us of any of the matters touched upon in our memoranda or in my presentation.

The Bill of Rights sections of the Constitution of the United States and the legislation and court decisions based upon them provide that every citizen shall be the equal of every other in the enjoyment of his civil rights! -- not just now and then or here or there or in this or that respect, but everywhere and at all times and in all respects. That these provisions are not always translated into fact is too well known to require proof or even recital.

The reason for the gap between the promise and the performance is the widespread existence of prejudice of one kind or another -- prejudice which breeds discriminatory attitudes and acts, including violations of civil rights.

One notorious form of such prejudice is anti-Semitism. Anti-Semitism is a complex phenomenon. A number of theories have been advanced during recent years which seek to explain its causes and motivations. They differ in some respects, but all agree that it is not merely the product of ignorance or misinformation. All competent students are in accord in believing that its roots lie deep in man's subconscious mind. The Scientific Research Department of the American Jewish Committee is continually engaged in studying anti-Semitism, and I confidently expect that in due time its observations and findings, together with those of other organizations and scientists, will supply that insight into the true, basic nature of anti-Semitism which will make it possible to devise the remedies which, hopefully, will wipe out the disease.

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I do not believe, however, that you have invited me here to discuss the nature and causes of anti-Semitism with you. Our Scientific Research Department has submitted to you certain reports of the studies it has undertaken or is at present carrying out. I refer you to these for further light on the subject. And, of course, the director of the Department and his associates are available to you for consultation in New York or here in Washington at all times.

I believe that what you want to hear are suggestions for an action program — practical and specific suggestions — which in the opinion of the American Jewish Committee will effectively strengthen and protect the civil rights of all American citizens, whatever their faith, their race, their color, their national origin, their social and economic status. And let me say, with all the emphasis that I can command, that, as important as it is for the so-called minorities that civil rights be strengthened and kept inviolate, it is even more important for the welfare of the nation as a whole and of that free, democratic society which the Founding Fathers dreamed into reality and which succeeding generations fought to preserve against enemies at home and abroad. Perhaps there was never a time in America's history when unity among its sons and daughters was more acutely necessary than today — unity in faith in American democracy. And nothing is better calculated to destroy that unity and weaken that faith than the denial of full and equal civil rights to any segment of our population. Those who hate democracy and would replace it with some form of totalitarianism — be it facism or communism — know that their cause is advanced each time the wedge of discrod is driven a little deeper between men of different faiths or races or national origins. Each denial of a civil right, whether it takes the form of violence or of the suave refusal of accommodations in a public hostelry, drives the wedge deeper, betrays American democracy to its enemies.

We, at the American Jewish Committee, have learned through our studies and our activities that there are two approaches to the problem of how to protect and strengthen civil rights; one of the legal and legislative; the other, the educational. Each has its potentialities; each its limitations. One is not the alternative for the other; each needs the other as its complement. I ask you please to bear this in mind because I must, for the sake of clarity, take up the two approaches separately.

Starting with the legal and legislative approach, we submit that immediate steps should be taken to secure the vigorous enforcement of constitutional rights, within the limitations of federal jurisdiction. A hopeful beginning has been made by the creation of the Civil Rights Section of the Department of Justice, but we urge

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that this section be greatly expanded, that it be provided with ample funds, and that its activities and achievements be given widespread publicity. We recommend, furthermore, that the Civil Rights Section of the Department of Justice be clothed with investigatory powers so that it can determine the causes of group tensions and racial and religious antagonisms, and particularly so that it can uncover the activities of subversive organizations and individuals who deliberately foment these tensions and activities. We recommend, further, that the section should have the power, in civil rights cases, to initiate proceedings without waiting for a complaint.

In respect to new legislation in those areas in which Congress constitutionally can and should act, we favor the passage of anti-poll tax legislation. The right of suffrage is the cornerstone of all our American liberties, and its impairment is a matter of concern to the Federal Government. We favor the enactment of a federal anti-lynching bill. We particularly support the Ives-Norton Bill (S. 984) which is designated to curb discrimination in employment. We believe that public funds that are raised by taxing all persons should not be used to subsidize institutions that discriminate against some of them. We therefore favor legislation, federal and State, which requires that any educational, welfare or other institution which receives financial aid from the Federal or State Government, shall demonstrate that its facilities are available to all groups equally, without regard to creed, race or color.

As for State legislation, we strongly urge the President's Committee to prepare model Civil Rights Bills, Fair Employment Practice Bills, and Fair Educational Practice Bills, and apply the weight of its prestige in recommending their enactment to the various States.

We deem it particularly urgent that legislation be enacted in all States invalidating restrictive covenants on real estate. These vicious covenants, limiting the ownership or occupation of real property because of race, color or religion, have increased disturbingly during the past 25 years. Bills have been introduced in the legislatures of New York, Colorado and Illinois to outlaw such covenants. We ask the President's Committee to recommend the passage of these bills and of similar bills in other States.

We favor the enactment of a Civil Rights law for the District of Columbia. Our national capital is more than a geographic entity. It should be a symbol of the liberties we profess but do not always achieve. If the President's Committee were to urge that the District of Columbia be made a laboratory for the realization of our national creed, and if the first step were to be a comprehensive Civil Rights law, it would be the most effective way of dramatizing the problem to the nation.

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Thus far I have discussed a category of legislation designed to deal with discrimination and with the deprivation of rights that belong inalienably to all Americans. Now I want to say a few words about another category: legislation designed to prevent the spreading of racial and religious hatred. Typical of the latter are group libel laws, laws banning the sending of certain kinds of material through the mails, and laws denying second-class mailing privileges to publications printing objectionable material.

Since it is the cardinal tenet in the faith of the American Jewish Committee that the welfare of Jews is closely identified with the preservation of constitutional liberties of all Americans, we approach with great caution any suggestion for legislation that might have a tendency to restrict these liberties. Whenever defamatory statements create a clear and present danger, there are adequate penal laws in nearly every State covering such matters as incitement to riot, unlawful assembly, disorderly conduct, and the like, that afford sufficient protection. If any State does not have such laws it should enact them. We are, however, of the opinion that the eradication of racial and religious prejudice is basically an educational process, and not a legal one. This process may be accelerated by legislation against discriminatory practices. Where discriminations have been removed, as in factory employment for instance, experience has demonstrated that pre-existing prejudices eventually have been ameliorated. But to attempt to curb by sanctions the free expressions of ideas, even hostile ideas, is psychologically as well as legally unsound.

A number of cogent reasons of a practical nature for our opposition to such measures are fully set forth in our Memorandum No. 1 (pages 12-18). I will mention only two of them. Prosecution for group libel would inevitably give far wider circulation to the libel than its original utterance. Furthermore, if a defendant were acquitted it would be construed as a vindication of his charge; if he were convicted he would, we believe, be likely to be looked upon as a martyr.

My second illustration relates to proposed disclosure legislation. There are millions of persons and organizations engaged in forming or influencing public opinion. To require all of them to file financial statements under threat of punishment would create an unenforceable law with all the snooping, tale bearing, and attendant evils that we experienced under prohibition. We need not add that it would mean setting up a colossal administrative and enforcement agency. The gains would be slight compared with inevitable resultant evils.

I want to end this portion of my statement with a summary of

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our position: We believe that the welfare of Jews is inextricably bound up with the preservation of constitutional guarantees for all. We believe that an infringement of the rights of one minority is a threat to the security of all minorities. We do not believe that prejudice can be eliminated by law. We believe that discriminatory practices may be, and that the attack upon discrimination is of itself an educational process which will, in turn, be a potent force in reducing prejudice.

I now want to address myself for a few moments to the educational approach to the problem of civil rights.

The basic attitudes which prevail among the people of the United States may, on the one hand, cause overt acts of discrimination and violations of civil rights; or they may, on the other hand, result in securing for every individual the full enjoyment of these rights. It therefore becomes all-important that these attitudes be shaped to produce the latter result, and not the former. This is the task of education, using the term in its broadest connotation.

I do not propose to do more than to suggest a few steps which the President's Committee might pursue to further the ends of education in the field of civil rights.

In the first place, we should like to propose that the Committee make a comprehensive study of the extent and nature of prejudice and discrimination in the more important areas of American life, such as employment, education and housing. Exact and comprehensive knowledge is a prerequisite to the discovery of remedies. Perhaps the Committee should first turn its spotlight on the Federal Government itself. Does the largest employer in the nation, employing approximately 2-1/4 million individuals, consistently and inflexibly follow a non-discriminatory employment policy throughout all its agencies? Is it a shining example to all employers? Is its great prestige being exerted in the right direction? Furthermore, as the servant of the people, does the Government invariably render its services without regard to the race, creed, color or national origin of those it serves? If the Committee finds that the answer to any of these questions is "no", or even merely falls short of any unqualified "yes", it will no doubt recommend the necessary reforms.

What applies to the Federal Government applies in only slightly lesser degree to the States, and I trust that the President's Committee will see fit to urge the several States to examine into the operations of their own governmental agencies and to root out any manifestations of discrimination that they uncover.

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Along with its inquiry into governmental attitudes and practices, I believe that the President's Committee should extend its investigation into at least some of the more important areas of the non-governmental field. It should not only investigate the extent of prejudice and discrimination in these areas, but it should also study practicable non-legislative methods for the correction of abuses.

My second general recommendation in respect to the educational approach to civil rights, is that the President's Committee study the facilities and techniques which can be used to combat the evils of prejudice and discrimination and the violation of civil rights.

Here again the Federal Government plays a stellar role, for it has unequalled channels of communication to millions upon millions of American citizens. These channels can with propriety be used for the educational purposes to which I have referred, but they are not being so used except to a very small extent. In our Memorandum No. 2, (pp. 3-12) we listed, merely by way of example, about a dozen important Federal agencies and many of their subdivisions, and we made explicit suggestions as to how certain of their facilities might be used for educational purposes. For instance, the Extension Service of the Department Agriculture conducts a far reaching educational program through which the rural population could be awakened to the dangers of prejudice and group tensions. The 4-H Clubs could play a prominent part in bringing this program to farm youth groups. The Department of Labor, using particularly its Apprentice Training Service, its Labor Educational Standards Division, its conciliation Service and its various publications, could educate unions and employers to understand that group tensions result in lower productivity, increased number of industrial disputes, and lower levels of wages and working conditions. The Office of Education could use its wide contacts with school systems and educational institutions to stimulate the establishment of equal educational opportunities for all segments of the population, and to promote the incorporation of intercultural education in our school curricula.

I might add that the United States Children's Bureau is another illustration of an important governmental agency that can be used as an educational medium to influence the minds of children. I do not have time for further examples, and must content myself with earnestly asking you to give special attention to the pages to which I have referred.

Again, what applies to the Federal Government applies, in some degree, also, to the States. Each has facilities at its command

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which it could put to good account in the struggle to maintain and strengthen the civil rights of its citizens, and in combatting prejudice and discrimination.

And turning again for just a moment to the non-governmental field, I call to your attention that there are a great number of private and quasi-public organizations which play an important role in the process of public education in human relations, civil rights, and related subjects. Such groups should have the widest possible support. The President's Committee should add its weight and prestige to their common efforts by recommending that the Federal Government accord them the fullest possible cooperation.

In conclusion, let me say that the American Jewish Committee believes that the President's Committee on Civil Rights has a glorious opportunity to strengthen American democracy for the benefit of all its citizens, and to fortifying American institutions against the inroads of all competing systems of government.

We are confident that you, its members, whom President Truman has entrusted with this great task, will rise to the opportunity that has been presented to you. We believe that you will accomplish much, but we are aware that the problem of civil rights is so vast that you cannot solve it in its entirety within the limits of your resources and time schedule. Therefore, as our final and overall ~~Commission~~ recommendation, we urge the establishment of a permanent Federal Commission on Civil Rights which can carry on your work from the point at which you, perforce, must leave it, and which will have a continuing responsibility to act as an advisory body to the President of the United States, his Cabinet officers and other Government officials on all matters affecting civil rights.

MR. WILSON: Thank you very much, Mr. Slawson.

Do your associates want to add anything to your report?

MR. SLAWSON: They will be glad to join into the discussion.

MR. WILSON: Do any members of the Commission desire to ask any2 questions of Mr. Slawson or his associates on the subject?

BISHOP SHEERRILL: Do you have any feeling as to how the Civil Rights Section of the Department of Justice should be strengthened?

MR. SLAWSON: One aspect -- I will just answer part of it and ask Mr. Levy to answer the other part -- would be to make it possible for them to initiate action. That would be an important change from the present operation. That is, rather than wait for

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a complaint they could go ahead on the basis of their own investigation. That would be one basic suggestion.

MR. LEVY: I would like to see a general Federal Civil Rights Act, such as you find in these model bills and similar to the one we have in New York. There are certain Constitutional difficulties at present, but I think it is a goal that should be worked for because the present civil rights laws — I imagine you are referring to sections 51 and 52 — are very limited in their scope. Also, there are so many areas in which civil rights infringements cannot be touched.

BISHOP SHERRILL: Would your idea be to eliminate sections 51 and 52 or supplement them?

MR. LEVY: Until you get something better, it would be reckless to let go of them. They are the one hope we have at the present time.

DR. GRAHAM: You believe in strengthening them?

MR. LEVY: Yes.

MRS. ALEXANDER: Do you feel a division of the Department of Justice would be more effective than the section on civil rights as now established?

MR. LEVY: I think that the activities of the Civil Rights Section, so far as I know about it — I have had some contact when Mr. Rotnem was here — amply justified its existence. I think it ought to be expanded into a more important department. I think they have done a swell job.

RABBI GITTELSOHN: To what extent do you feel not only the Civil Rights Section, but the entire Department of Justice has made maximum use of the existing legislation in the field, with all of its faults? We are faced with two problems; one, what new legislation is needed, and two, what are the inadequacies in the use that has been made of existing legislation? Perhaps I have reversed the proper order of those two.

I wonder if you care to comment on the second point.

MR. LEVY: Well, let me put it this way: I think it depends largely upon the will to enforce. Laws are not self-operative, and the Civil Rights Section was rather revolutionary as an innovation and demonstrated the possibilities of Federal activity in certain areas where lawyers believed for many years that the Federal Govern-

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ment couldn't go. That area is gradually being expanded by certain Supreme Court decisions.

So until the Supreme Court is ready to say that the Federal Government has complete jurisdiction, I think it has to be expanded case by case. That is why I feel this Civil Rights Section is so important. They have done a considerable amount of creative thinking on this subject.

Does that answer your question?

RABBI GITTLESOHN: Not altogether. Perhaps if I ask it in a different way, it will be more clear.

The Department of Justice has come before us and said very clearly, "We feel we have done everything that can be done under existing legislation. We need more legislation. We need more and better legislation."

I don't want to cast any doubt on the Department of Justice. We want to go beyond that and commence by asking whether the Department of Justice has indeed done everything possible under existing legislation.

MR. LEVY: Our experience has been largely concerned with Jewish matters. I am not in quite the unfortunate position that the Negroes in the South are. We don't suffer from the disabilities that they do, and from my knowledge of what is happening down South, which is derived largely from reading newspapers, magazines, etc., it seems to me in the lynching cases, for example, more thorough investigations could have been made.

I have read of any number of cases where the names and identities of the offenders were known to everybody in the community, and still it was impossible to get an indictment.

I am not quite sure whether that was the fault of the Department of Justice or whether it was due to local conditions.

MR. LUCKMAN: May I ask, has the American Jewish Committee made any requests of the Civil Rights Section of the Department of Justice during the past years?

MR. LEVY: No, sir, no requests.

MR. LUCKMAN: I mean any requests for help in regard to investigation or correction of any problems that have arisen on behalf of the Jewish minority.

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MR. LEVY: I won't say we have made any requests. I had a number of occasions to see Mr. Rotnem in connection with a lot of anti-Semitic propaganda distributed by the Nazis during the war, and matters of that sort. We never asked for any direct action.

MR. SLAWSON: The direct action would be within the province of the Federal Bureau of Investigation. You mean that type of thing, or do you mean civil rights?

MR. LUCKMAN: In the field of civil rights, whether anything had occurred, any problem had arisen in connection with the activities of your committee where you felt called upon to either discuss it with the Department or ask the Department for some help; and if you did, were you satisfied with what you got?

MR. LEVY: I was completely satisfied with the results of my contacts with the Section. I don't know that we ever asked them to do anything. There were one or two occasions which I recall when the Department of Justice was passing upon the wisdom of certain legislation.

I was down here and discussed it with Mr. Rotnem and another man, and we talked about it as lawyers, but we weren't pressing for anything particularly.

MRS. ALEXANDER: Does your experience in New York with what I call the FEPC Bill indicate that State action would be effective?

MR. SLAWSON: We have had excellent experience, in my estimation, in New York State with the Fair Employment Practice Bill. State action would be effective with respect to those States that are able to have such a law passed, of course, and who are willing to put into operation a law of that kind.

Federal action would stimulate very much, in our estimation, the creation of similar organizations to that in New York State in other States. However, we have been very happy with our experience thus far in New York State.

Naturally, there have been difficulties, as would be expected, but the progress has been most encouraging.

MRS. ALEXANDER: The question is often asked as to whether or not anything can be done by legislation, and that is the reason I want to know.

MR. SLAWSON: The reason that the result is good is because the punitive aspects of it are at the end of the long row and there

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is a great deal of conciliation and discussion, which makes for educational experience on the part of employer and employee. As I understand it, practically all of the cases are settled outside of the punitive order; and, therefore, it acts as an educational medium.

It is the kind of education, in my estimation, that operates as an educator as well as actually concerning itself with specific difficulties.

Was that your question?

MRS. ALEXANDER: Yes. I wanted to know practically whether, for example, your Jewish group had found they were employed in larger numbers since you had the Act.

MR. SLAWSON: That kind of study, of course, has not been made. Of course, the Bureau is very young in New York State, and we often expect too much from an instrument of that kind, which has to cope with so many difficulties. We have found very satisfactory adjustments as a result of complaints, and it has been reported to me that there has been an increase in employment in members of minority groups. It certainly has with respect to the Negroes. I am not certain of the exact figures in regard to the Jewish minority.

RABBI GITTESOHN: Recent figures and information issued by organizations other than the American Jewish Committee, if they can be accepted at face value, show that employment agencies by and large in New York State, mainly in New York City, are disregarding the law and are very flagrantly and openly accepting all kinds of requests for help wanted on a frankly discriminatory basis. Would the Committee have any figures which would tend to show how true those revelations are and, further, whether the punitive aspects, which you say have been minimized in the bill, might not need to be strengthened and maximized in order to make such a bill effective?

MR. SLAWSON: We have no experience with that at all. My contact with the Commission, the Anti-Discrimination Bureau in New York, would indicate to me that vigilance is being exercised. I think they are having their difficulties with the employment agencies, but as I indicated before, it is a very new-born babe, and we have to go very slowly with it.

It is a terribly difficult thing to control commercial employment agencies. I think if the violations are there, they are the kind of violations that you will get with any measure of that nature.

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In other words, I mean violations under cover. Was it reported to you that they were flagrant?

RABBI GITTLESOHN: Yes.

MR. SLAWSON: We have no evidence either to support or refute that report.

RABBI GITTLESOHN: These things have been published primarily by the American Jewish Congress, and as I say, I am not attempting to judge their validity, but it has been reported that employment agencies are accepting applications both in person and over the phone by alleged prospective employers who will call and say, "I want a white Protestant secretary," and the agency will say, "We understand what you mean and we think we can fill the bill."

MR. SLAWSON: Was there any indication that that kind of thing was called to the attention of the Commission?

RABBI GITTLESOHN: I don't know.

MR. SLAWSON: I would be very much surprised if those instances were not found at this stage of the development of that type of organization.

MRS. TILLY: Mr. Slawson, a subcommittee of this group has been going into the matter of the disclosure process. From your paper here I infer you think that is not very practical. However, if the disclosure meant merely the filing and publishing of income tax returns with no analysis of subsequent action by the governmental agency, would you welcome the opportunity to examine such figures?

MR. SLAWSON: You mean make public the nature of the income tax returns on the part of givers?

MRS. TILLY: Yes.

MR. SLAWSON: I will just make this one statement and ask Mr. Levy to supplement it.

It seems to me that most of the organizational causes to which such contributions would be made would not be deductible from income, unless I misunderstood your question. Do you mean in terms of tax-exempt gifts?

MRS. TILLY: Yes.

MR. SLAWSON: My feeling is most of them are not in the non-tax

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exempt category.

MRS. TILLY: When they have to return their income tax, they would give the information from the organization.

DR. CARR: Not the individual, but the organization.

MR. WILSON: The organization would have to file a list of the donors.

MR. SLAWSON: That is what the disclosure would do?

MRS. TILLY: Yes.

MR. SLAWSON: We believe and think it is a good principle. Our misgivings are with respect to the practicability.

MRS. TILLY: I know.

MR. SLAWSON: I wonder whether you want a further discussion as to why we feel that way.

MRS. TILLY: No. You said it would be impracticable, but it has not been impracticable for newspapers, has it?

MR. SLAWSON: As I understand it, they publish that information.

MRS. TILLY: Yes.

MR. LEVY: Mr. Slawson just said in effect that it sounds like a good idea, and we are in favor of it in principle, but nobody has yet demonstrated how it was going to work without an awful lot of bother and red tape.

If was was suggested, it means filing a report in the Government Archives without power to do anything about it, then it doesn't seem to have any particular value except to clutter up Washington with an additional amount of waste paper.

Now, if it means, as I have understood it to mean, that every person, also organization, in the country who does anything to influence public opinion has to file a detailed financial statement of income and, I believe, disbursements, too, there are millions of those things going on during the course of the year.

If a man gets out a pamphlet about soil erosion or expresses his opinion in regard to the League of Nations or any other conceivable subject, that would mean filing financial reports in

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Washington with the necessary complement of employees and enforcement agencies, and so on. It is rather hard to discuss a proposal of this sort in the abstract without seeing the specific bill. In principle we think it is all right.

DR. GRAHAM: I notice on page 6 you observe, and I quote:

"But to attempt to curb by sanctions the free expression of ideas, even hostile ideas, is psychologically as well as legally unsound."

Now, by "hostile" what do you mean there?

MR. SLAWSON: Well, defamatory statements with respect to any group, allegations without foundation. We have those all the time. Our feeling is that there is greater evil in attempting to curb those than benefits that may be derived from such curbing.

DR. GRAHAM: You hold to the Jefferson thesis that free expression of opinion can best be counteracted by better opinion?

MR. SLAWSON: Yes, except at the point where there is a clear public menace in any community or State; and we feel that most States have laws bearing on unlawful assembly.

DR. GRAHAM: Clear and present danger?

MR. SLAWSON: Yes. As has been so well illustrated or said many times, a person just can't get up and shout "Fire" in a theatre when there is no fire and cause a disturbance because of freedom of speech. There are laws pertaining to clear and present danger, and the group libel law, in our estimation, would result also in a dangerous situation.

There are times when a minority group might wish to say something about a majority, and you would have a libel situation, a group libel situation. I am no lawyer, but I see no way of proving damage to any one individual member of a group that is being defamed. Also there are other practical complications.

Would you take up from there on group libel? We have studied this thing for years.

DR. GRAHAM: We have had some contrary testimony.

MR. SLAWSON: We have gone into this. I know you have. It is a rather fascinating kind of goal, but when one digs more deeply into it, one isn't as encouraged as to the outcome of that procedure.

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I think Mr. Levy has made a good study of this question.

MR. LEVY: There are a lot of objections. One fairly obvious objection is that under our system of law any defendant would have a right to interpose a defense and prove the jurisdiction under the traditional defense under our system of jurisprudence.

From a somewhat selfish viewpoint, from the point of view of the group that is being defamed, if you give a man a forum with the attendant publicity and give him an opportunity to try to prove truth or justification, you are going to give far wider publicity to his libelous statements than was originally received.

Let me illustrate. In the case of the Jews, for example, there are a lot of things that are said about us frequently that are not true. It was said that during the war Jews were draft dodgers and sometimes it was said that Jews engaged in black market operations, and things of that sort. There are undoubtedly Jews who have done those very things and a vast majority that have not.

You would be litigating that matter. A fellow would say the Jews are black market operators. We would try to show statistically that we are not, and he would point out Mr. So and So was convicted in New York a few months ago, and so on. And you would be litigating all of the most vicious lies and just spreading the poison further and further. That is one aspect of the thing.

And then, as Mr. Slawson said before, you can't win these cases because if the fellow is convicted, he is very apt to be a martyr, and if he is acquitted, which he might well be for technical reasons because all sorts of considerations enter into a lawsuit, it could popularly be considered as a vindication of his original libelous statement.

DR. GRAHAM: You recommend against the law on that theory?

MR. LEVY: We are emphatically against it. In the memorandum we submitted we quote from a very fine statement, a letter of Judge Learned Hand that appeared recently in print. I won't bother to read it, but you have it. He said it much better than I am able to do.

MR. SLAWSON: I think, Mr. Chairman, if Mr. Levy will read that, it is very effective.

MR. LEVY: The Saturday Review of Literature asked a number of people for their opinion concerning group libel. This is an excerpt from Judge Hand's letter:

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"It is quite true that the kind of defamation you have in mind has that tendency to promote disorder which has been the conventional justification for all criminal libels; yet, if one thinks through the working of such prosecutions in practice, I should suppose that their effect would be rather to exacerbate than to assuage the feelings which lie behind the defamation of groups. The verdict of a jury — even assuming that it was possible to have a really impartial trial, which it would not be — would not satisfy those who sided with the losers, and would only serve further to arouse the fanaticism of those who sided with the winners; and the trials themselves would be occasions for violent propaganda on both sides that would fan the flames. The passions which lie at the root of such utterances do not have their basis in evidence, and will not yield to it; and any issues capable of being presented in a court which do depend on evidence would have to go back far into history and be quite beyond the grasp of a jury of men and women unskilled in such inquiries."

DR. GRAHAM: You made your position very clear.

MRS. ALEXANDER: You may have in your memorandum the answer to my question. I would like to know whether you covered the question of getting a civil rights bill in the District of Columbia.

MR. SLAWSON: As to the methods to be utilized?

MRS. ALEXANDER: Yes, in the District.

MR. SLAWSON: In order to have such a law enacted?

MRS. ALEXANDER: Yes.

MR. SLAWSON: I don't believe we have gone into that in the memorandum. We simply have suggested that it be done on a laboratory basis because of the exemplary influence that Washington can exert. The methods to be employed are the usual methods that we employ in influencing public opinion.

You say educational. They are not always educational methods. Sometimes they are educational and political. The educational methods, we know what they are. We use the usual media that reach people such as the radio and the press and the magazines and the movies, etc.

We try to reach labor groups and veterans groups and women's groups and youth groups and all those groups, self-interest groups, that constitute the population here. It is a process known very well to those who do that kind of a job, and it sometimes succeeds

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and sometimes fails/

Do you have anything in mind?

MRS. ALEXANDER: You take the radio. When they broadcast a product, people just turn it off; they don't have to listen to it.

MR. McCARTHY: I am with the Department of Education of the American Jewish Committee. We are concerned with suggestions to the President's Committee that there are certain areas where you don't need legislation, but you can recommend action by administrative officials of the National Government. Now, I can give you an example of an administrative action on the part of an official of the District of Columbia which comes, of course, under the Congress, which I think had great educational value, and I should like to see more of that kind of action. I am referring to the Unemployment Compensation offices and Public Employment offices in the District of Columbia where, by the stroke of a pen, the top administrative officers ruled that there should be no segregation in the handling of applicants for jobs or applicants for unemployment compensation whereas up to that time they previously had been segregated physically.

Now, that is an illustration of the kind of administrative act that doesn't require any new law but requires an attitude of courage on the part of administrators who put them into effect.

Now, if enough of this kind of action can be taken, I think the education effect will be accumulative, and there will come a time when we would accept as common practice the fact that there would be no discrimination in many new areas in the District of Columbia.

MR. WILSON: Mr. Slawson, the question previously put to you is one that I was going to ask you, but probably from a broader base, not only with respect to the District of Columbia. I note that you have given Dr. Carr a memorandum on the educational approach to the problem of civil rights. I haven't had the opportunity of reading that memorandum yet, but does it go into a detailed account of educational methods that you are suggesting be employed or the educational methods that you have just mentioned here now?

MR. SLAWSON: Yes. We specifically go into detail with respect to all the problems of the Government and the subdivisions. We also go into some detail with respect to non-governmental agencies, but in the third memorandum is a description of the manner in which our organization employs educational media, and some of them may be applicable and some of them may not be.

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MR. SHISHKIN: In your statement, Mr. Slawson, I notice that you recommend in conclusion the establishment of a permanent Federal commission on civil rights as an advisory agency to the President. I was wondering whether you could elaborate a little bit on that recommendation. I mean, how do you visualize that agency operating? What would be its relationship to other agencies of the Government in order to attain maximum effectiveness?

MR. SLAWSON: Well, this Committee, or Commission rather, should have continuing final responsibility in this matter.

MR. SHISHKIN: At the policy level?

MR. SLAWSON: At the policy level, purely advisory, of course, to the highest governmental officials, to be utilized by the President and other governmental officials on an advisory basis. We do not propose any administrative function at all for this commission. I am quite sure there have been precedents for such commissions, and we believe that civil rights are so terribly important that that whole question merits the continuing attention and activity of a well-chosen commission.

MR. SHISHKIN: Do you think the commission should have as a part of its function the holding of hearings in different parts of the country and the conduct of investigations?

MR. SLAWSON: Yes, to hold hearings and conduct investigations and to bring together the best thinking in the country on the subject of civil rights from both the legislative and educational point of view, to focus attention on specific problems in the area of civil rights that are troubling the Nation at any one time. It may be educational, employment, housing, or whatnot. We have no blueprint as to the exact functions, but the type of thing that you ladies and gentlemen are now doing, we think, is so very important that it should become a continuing responsibility on the part of the Government. We feel very keenly that Government should take a much greater responsibility of the entire question of the educational aspects of civil rights.

MR. SHISHKIN: But you visualize the administrative responsibility to be carried out through the existing agencies of the Government?

MR. SLAWSON: Yes. We do not visualize this commission to have any administrative responsibility.

MR. SHISHKIN: I was wondering whether you have given any thought to the possibility of relating, integrating and coordinating some of the activities that are now dispersed among different

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branches of the Government that are all bearing on this field, which would be one type of function ruled out under your definition of the kind of commission you visualize; and yet, to my mind, it might be of some importance. I was wondering what your reaction to that would be.

MR. SLAWSON: We do not visualize on an administrative level any coordinating functions in the area of civil rights. We believe that the Government agencies, in their respective areas should carry out this responsibility, such as the Department of Agriculture and the United States Children's Bureau.

MR. SHISHKIN: But do you think through the White House or other methods such coordination might be well accomplished?

MR. SLAWSON: In the area of civil rights, per se?

MR. SHISHKIN: That is right.

MR. SLAWSON: At this point, I would say no.

I would say that this commission would be a stimulator, a standard producer, producing standards and making analyses and recommendations for action, rather than serving, itself, as a coordinating instrument at this time, nor do I feel at this time that this whole question of civil rights in all its ramifications can be coordinated into any one governmental instrumentality. The Civil Rights Bureau, which we recommend strengthening, in the Department of Justice has a pretty specific area, legislative and legal area, but that is only one phase. The broad problem of educating the American public to make it possible for us to live together, all these 60-odd different national origins, the 100-odd different religious sects, is a problem so vast that I do not believe, unless my associates wish to supplement it, that there can be in the United States Government one department to do that type of thing, because that kind of an attitude flows from activity, day-to-day activity, in all aspects of life, and that cannot be specialized. In other words, in education or in business, in the children's field, or in any other group, any activity that is done has a civil rights' bearing, and it seems to us that it comes more concretely from the activity itself rather than from umbrella-type civil rights operation. I don't know whether I make myself clear.

MR. SHISHKIN: Yes, you do. I think you perhaps might have misunderstood my question as implying the civil rights commission would assume responsibility. I was merely wondering, and I think you have answered it, whether or not there might be a possibility of exploring the need in the Executive Branch of the Government of

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providing some mechanism to prevent either overlapping or operation at cross purposes through the White House or other means to provide a consistent kind of an approach on the part of different agencies that might be concerned with it in the field of civil rights.

MR. SLAWSON: I think if the governmental agencies today would give more attention to this subject through their respective activities, we would make considerable progress.

RABBI GITTLESOHN: Mr. Slawson, what suggestions, if any, would the American Jewish Committee make for our guidance in dealing with the problem of discrimination in education, with special reference to the non-admission of Negro, Oriental or Jewish students to colleges or professional schools?

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MR. SLAWSON: Well, it is another of the subjects that has to be dealt with on a multiple basis. Actually, the first thing that comes to mind is legislation. We would like to look upon legislation as an act of a last resort, not a first step. If a State is ready for that kind of legislation, it should enact it. Now, we don't believe New York State was ready for it, and the Austin-Mahoney bill fell through. You all know what that bill was. It is very, very difficult to legislate prejudice out of existence, and unless there is a receptivity, at least on the part of the representative leadership of the State or a community, a bill such as that might fail. As an illustration, the Austin-Mahoney Act toward the end was opposed by the Catholic Hierarchy, by the State Protestant Council, and by the professional educators; therefore, it was impossible to pass that kind of bill. We have had this thought, and please understand me, we favor legislation: (a) if it is possible to put it through; (b) if it is possible to enforce it after the legislation is enacted. We have had confidential discussions with responsible leaders in the Association of Colleges and Universities, and we asked them whether in their opinion this was something they ought to be concerned with themselves in their own Association, this problem of equal educational opportunities, and they are very much concerned with it. They do not like to legislate. They would like to do something about it themselves, and it has been indicated to us that they themselves will form a commission on equal education opportunities to try to see what can be done to reduce the amount of discrimination on the part of those that desire it. So far as the Federal Government is concerned, I do think the problem is much simpler. It is quite possible to restrict subsidies, grants, to educational institutions for scientific research and in all other areas where grants are made from the Federal Government to States. I think there is an obligation on Government to restrict such grants on the basis of legislation unless discrimination is eliminated.

It is conceivable that the entire tax exemption question may enter into the picture eventually in the States themselves, but I do think that this whole problem of equal education opportunities has got to be handled from both ends, from both the educational and the legislative ends, and I have a feeling that the leaders of education, themselves, must be made to understand that they themselves have a grave responsibility. Of course, after all, university presidents have great prestige value, Dr. Graham, and I think because of that prestige value it is terribly important that they see it pays, and if they themselves condone the practice of discrimination in their own universities and colleges, I am afraid others with less wisdom and less prestige will follow suit, in other walks of life. I think it is terribly important that we place as much responsibility as possible on

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the leaders of education.

MRS. TILLY: But, Mr. Slawson, practically every consultant we have had, and we have had many of them, has agreed that it might be well to have hearings in local communities, and I have been wondering for what purpose would it be an educational process to make the community aware of the civil liberties it does not enjoy. Would that be the motive for the hearings?

MR. SLAWSON: I think so, Mrs. Tilly. I think that hearings, if properly conducted and witnesses carefully chosen, can serve as effective educational media. I don't believe that most citizens, particularly those who are members of what we term the majority group, are at all aware of the amount of violation, the extent and intensity of violation, of civil rights in their community. I think that some of them would be horrified if these violations were actually exposed and put on top of the table. I think something would be done about it if they really came face to face with it, but in their own daily contacts, for the most part, they do not come face to face with it. That would be a very important educational experience. I think also, as the result of such hearings, all the wisdom that was available could be mustered as to the manner in which the infraction of civil rights should be eliminated and reduced.

I could see such hearings would be quite useless and provocative if they were not very carefully handled. For instance, I could see such hearings simply bringing out gory facts that might make people feel that there is nothing existing in the United States but prejudice and discrimination. There is some feeling today, for instance, on the part of some Europeans in religious discrimination at the present time in the United States is perhaps operating on a most vicious plane. We know that is not true. It is an exaggeration.

We do not want these hearings to do that kind of thing -- simply accumulate the horrors of humanity. That doesn't do anybody any good. But I do think that conducted as I have indicated, with well-chosen witnesses, and very carefully planned in different parts of the country, different regions of the country, it would prove quite useful to your commission.

MRS. WILSON: I'm afraid we will have to stop this part of the hearing, Mr. Slawson, and I want to thank you, Mr. Levy and Mr. McCarthy for your very helpful testimony to our over-all job. You have been very helpful, and we are very much obliged to you.

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MR. SLAWSON: Thank you for permitting us to come to you.

MR. WILSON: Mr. Masaoka, we are delighted to have you appear before this Committee, and I want to ask your indulgence at a certain point in your testimony. We are expecting to have Justice Murphy come to swear this Committee in, and we may have to interrupt you for about five minutes; if you will bear with us in that, we will be glad to have your testimony now, sir, and when you finish we would like to have the privilege of asking you some questions.

STATEMENT OF MIKE MASAOKA
NATIONAL LEGISLATIVE DIRECTOR OF THE JAPANESE
AMERICAN CITIZENS LEAGUE ANTI-DISCRIMINATION COMMITTEE, INC.

MR. MASAOKA: We persons of Japanese ancestry, citizens and aliens alike, have many problems in common with other minority and racial groups in the United States. At the same time, we have several that are peculiarly and exclusively your own.

Most of the latter stem from our wartime treatment, an unprecedented action that many have described as the greatest violation of civil rights in American history.

The military evacuation of a hundred and ten thousand persons, two-thirds of whom were American-born citizens, without trial or hearing, in the absence of martial law and when our courts were functioning, began a pattern for un-American discrimination that still threatens the civil rights and liberties of every citizen. If, as the Supreme Court ruled, "affinity" with a particular race is sufficient cause for trampling the constitutional guarantees of any individual or group, it is our belief that civil rights mean little in emergencies when they are needed most as a protection against tyranny and oppression.

In view of what happened to us in wartime, we fear for the future when man's passions may be aroused and reason is dimmed, when special interests may foment hysteria and prejudice. We believe that if the validation of civil rights is the concern of this Committee, then this Committee must interest itself in presenting to the Supreme Court of the United States another opportunity to determine the legality of arbitrary and wholesale evacuation without trial or hearing. For the precedent established by these decisions, as Mr. Justice Jackson pointed out, "lies about like a loaded weapon ready for the use of any authority that can bring forward a plausible claim of an urgent need!"

Hand in hand with the civil rights that were by-passed in

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the spring of 1942 were property rights. The evacuees were forced to liquidate their holdings without adequate government protection or supervision. Much we gave away; some we sold at a mere fraction of their real value; more was left with presumed friends who in many cases "sole us out" while we were gone; and the rest we stored in private or government warehouses of questionable quality.

Today, the government acknowledges that its facilities to protect our property were not as they should have been. Through the Interior Department, an Evacuation Claims Commission bill has been introduced in the House of Representatives. A companion bill is expected soon in the Senate.

Since the administration has acknowledged its responsibility for some of our economic losses, we urge this Committee to recommend to the Congress prompt passage of H.R. 2768, the so-called Evacuation Claims Commission bill, as a matter of common justice and good conscience.

We persons of Japanese ancestry know the meaning of a housing shortage. We were evicted from our homes and now that we are permitted to return, we find that our former accommodations are occupied by members of other minority groups. We cannot purchase or rent housing in other areas because of restrictive covenants that apply not only to us but to several others. Thus, we are forced to either evict the present occupants or to crowd in in what few facilities there are. In either case, we are not improving community relations but creating race tensions that may, unless something is done to relieve the situation, break out into ugly sores.

With members of other minorities who are the victims of this vicious and untenable private practice, we recommend that this Committee initiate action to repudiate and to void these racial restrictive covenants that violate the spirit if not the letter of the Constitution and the Federal Civil Rights Statute.

We know, too, what discrimination in employment is. We know what it means to be unacceptable to union membership, what it means to be the "last hired and the first fired", what it means to know these things because we have been forced to experience them. That is why we believe in legislation providing fair employment practices in every industry and every business.

Our veterans know that certain vocational schools refuse them admission, that other schools have unwritten quotas relating

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to their entrance. That is why we believe in equal educational opportunities and facilities for all, regardless of race, color, creed, or national origin.

When we first returned to our West Coast homes, we found that some persons fired upon our persons, burnt down our homes, and threatened us with violence. We know now, better than ever before, that Federal authority must be extended to protect the lives, the limbs, and the property of every person everywhere in the land and that this authority must be effective when local prejudices and hatreds run rampant.

We believe in stronger, more effective Federal Civil Rights Statutes that apply to individual as well as official action, in an anti-lynching law, in any measure that protects a person against violence of any kind.

We believe, too, in the repeal of discriminatory laws based upon race, especially when these laws are used as legal bases to destroy the civil rights and liberties of a group or of an individual.

Persons of Japanese ancestry are among a few peoples who are still "ineligible to naturalization" under our Federal laws. Because they are so classified, they cannot become citizens of the United States and thereby are forever barred from over a hundred different fields of employment, businesses, and professions that are closed by statutes to all aliens by various states and municipalities.

In addition to these general prohibitions aimed against all aliens, those of Japanese ancestry are subjected to several more by reasons of their "ineligibility" to naturalization, a legal device whereby discrimination has been held to be constitutional.

Most damaging of these special anti-Japanese statutes are the alien land laws of some twelve western states. At the moment, California is by far the most active in attempting to escheat lands now under the control and operation of American citizens, many of whom served with distinction in the United States Army in the recent war.

Alleging violations of a law first passed in 1913 but seldom invoked until 1945, the State of California is escheating properties without compensation of any kind. The State has enacted ex-post facto laws denying the use of the Statute of Limitations as a defense against escheat; it has shifted the burden of proof from itself to the Japanese defendant in contradiction of American

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principles of jurisprudence.

Designed to prevent the Japanese alien from operating land, it is now being used to deprive American citizens of their properties without due process and to threaten those fundamental concepts of decent living that so many of us fought for overseas.

Under the alien land law, we citizens cannot permit our alien parents to live on the same land with us, or even in the same home. We cannot help our parents meet the ordinary expenses of living if our funds are derived from the beneficial use of land. In several cases, American citizen spouses of alien Japanese have been forced to give up their lands because such married couples have no right to cultivate those lands together.

Moreover, the State of California now contends that alien Japanese may not lawfully lease commercial or even residential property.

We believe that this law violates the Fourteenth Amendment to our Constitution and the Civil Rights Statutes because it denies to just the Japanese the "equal protection of the laws."

The Supreme Court of the United States has agreed to hear arguments on the constitutionality of the alien land law this fall. We submit that this Committee should recommend that the President direct the Attorney General to appear in this case and to declare the government's opposition to such laws as a violation of our national policy and civil rights.

This classification of "ineligibility" to naturalization is used in California to deny to Japanese aliens the right to engage in commercial fishing, as a "conservation" measure the State now contends. Japanese aliens, including the widow mother of a Congressional Medal of Honor winner, cannot receive an old age pension in that State. Japanese parents, including many who lost their only son in battle, cannot receive relief payments from the State on the same basis as others.

And on the national scale, many Japanese aliens whose sons served in both the European and Pacific Theaters during World War II are subject to deportation. So are many Japanese aliens who contributed much to victory, in counter-intelligence, in translating and interpreting enemy documents and materials, in map drawing.

To correct grave injustices and to permit these aliens who have demonstrated their loyalty and allegiance through the years

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to become citizens, we urge this Committee to recommend to Congress the repeal of the few remaining racial discriminations in our immigration and naturalization laws.

The passage of laws removing race as a qualification for naturalization would not only remove the "heart" from the anti-Japanese legislation of many western States but also the traditional "excuse" used in enacting such discriminatory legislation.

We are not so naive as to believe that the simple enactment or repeal of specific legislation will remove race prejudice. But we do believe that specific legislation that defines standards of conduct and provides effective penalties for violations tends to curb deliberate and malicious discrimination based on race, color, creed, or national origin.

Supplemented by proper educational campaigns that demonstrate the need for unity and goodwill among all segments of American life, Federal legislation can be effective in the field of civil rights.

We persons of Japanese ancestry, together with other Americans of all nationalities, religions, and color, look to this Committee to protect the hard-won rights of all minorities in World War II, to enlarge those areas of opportunities that were opened up to us in wartime, and to provide safeguards for our lives, limbs, and property against the encroachment of vested interests and "hate" groups. We look to this Committee to make more real the dreams, hopes and aspirations of the American soldier who fought and died that liberty and equality for all would be more than a catchword.

MR. WILSON: Thank you very much, Mr. Masaoka.

Now, if you will excuse us for just a minute --
Please be seated, Mr. Justice. We will be delighted, sir, if you will come up.

(At this point, Mr. Charles A. Wilson, Mr. James B. Carey, Dr. Frank P. Graham, Bishop Henry Kn~~ox~~ Sherrill, Mrs. M.E. Tilly, Mrs. Sadie T. Alexander, Rabbi Roland B. Gittelsohn, Mr. Boris Shishkin, and Mr. Charles Luckman were sworn in as members of the President's Committee on Civil Rights by the Honorable Frank Murphy, Associate Justice of the Supreme Court of the United States.)

MR. WILSON: That was very interesting testimony, Mr. Masaoka. I am sure that my associates have questions that they would like to ask you.

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DR. CARR: Mr. Masaoka, I understand that a considerable number of the Japanese-Americans who were evacuated from the West Coast area have now settled permanently in other sections of the country -- Chicago, for example. Are the civil rights of these groups that are now in new locations in particular danger, or are conditions in these new locations somewhat more favorable than they have been traditionally in the West?

MR. MASAOKA: Considerably more favorable than they are in the West. You see, apparently race prejudice is levied against certain groups in certain areas and not in others, and as far as prejudice against us is largely in western areas; so that for those who have resettled in the East and the Mid West particularly, we find they have no real violation of civil liberties.

It might be interesting to know that of approximately 120,000 people evacuated in 1942, only about 60 percent have returned to the West Coast, leaving about 40 percent who have discovered living in a little better elsewhere than in areas of California, Oregon and Washington.

MR. WILSON: I want to be sure that I understand one thing you said correctly. I understand you to say that an American born citizen of Japanese ancestry has different rights today than the alien Japanese.

MR. MASAOKA: May I explain that?

MR. WILSON: Please do. I don't understand just what the differentiation is.

MR. MASAOKA: Our Federal laws provide for two classes of aliens, those who are eligible for, and those who are not eligible for, citizenship. The Japanese today are about the only large group left in the United States who are ineligible to citizenship. The other groups, such as the Chinese, the Filipinos, and the Indians were granted the right of citizenship in 1942 and 1943, respectively, although the Koreans, the Afghans, the people of the British and Dutch East Indies are also still ineligible to citizenship. Ineligibility to citizenship has been applied in California courts to discriminate against persons of Japanese ancestry. Examples of that are in fishing and owning lands.

I understand the civil rights statute of the State of California is the only statute that makes a distinction between citizens and aliens, and the benefits of their civil rights statutes extend only to citizens in the State of California.

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Repeating again, while we are not trying to make a particular brief for aliens as such, we say that as long as there are specific prohibitions designed to combat all aliens, that is one thing, but if our parents cannot become citizens, lift themselves out of this special category, then we say that our parents are being discriminated against solely because of race.

DR. GRAHAM: These parents who are now in the United States?

MR. MASAOKA: Yes. You see, the average Japanese alien has been here between 35 and 50 years. The Oriental Exclusion Act applying to the Japanese was enacted on May 26, 1924, and therefore the great bulk entered the United States prior to May 26, 1924. These people do not have the same rights, the same civil rights and other rights as other aliens, but I think of greater importance to you gentlemen is the fact that because our parents don't enjoy certain rights, we, the American citizen, children of Japanese ancestry, are also denied rights which make us in a way second class citizens. Let me explain that a little further.

MR. WILSON: I don't think I get this.

MR. MASAOKA: If I may use the illustration of the alien land law, because I think that is the best and the most interesting at the moment. It is the natural consequence of father and son, parent and child relationship that the parent provide ~~British alien~~ through gifts and otherwise for their children. Now, if a British alien, let's say Fred Johnson, purchases land and gives it to his citizen child, no power on earth can take that land away from the citizen child of Fred Johnson. On the other hand, if an alien parent of Japanese ancestry buys the same parcel of land and gives it to his citizen child, the State of California ~~law~~ says that that purchase was made in violation of the alien land law and that the citizen child has no right to that particular bequest. Furthermore, we find that generally, as we understand the law, the burden of proof lies with the State. California, by law, has shifted its burden of proof so that the Japanese must now prove in court that when his parents bought this land for him his parents did not evade the alien land law.

MR. SHISHKIN: Is that being tested?

MR. MASAOKA: It is being tested now. It is being tested in the so-called Oyama case which is now up before the Supreme Court, and we are particularly interested in having this Committee recommend to the President that the Attorney General appear in behalf of the Japanese people and declare that this is against

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public policy and certainly a violation of the Constitutional guarantees to all persons.

MR. SHISHKIN: Due process clause.

MR. MASAOKA: Of due process.

MR. SHISHKIN: That is not confined to citizens.

MR. MASAOKA: That is correct, as I understand it. Frankly, I am not an attorney, but it seems to me that there are some tremendous inequities in the law. Let me cite just a few examples. We have a number of American soldiers of Japanese ancestry who were killed overseas. They were the only sons, the only children, of some Japanese parents who are ineligible to citizenship. In their battlefield wills they deeded this land to their parents. They were killed. Their parents cannot have that land because they are ineligible to own the land.

DR. GRAHAM: Who gets that land?

MR. MASAOKA: The State of California gets that land.

DR. GRAHAM: By escheat?

MR. MASAOKA: By escheat. There is something very peculiar about that escheat, and I would like to mention something, again, here. The alien land law was passed by the State of California in 1920 and made a part of the State Constitution. That provides that all aliens who are ineligible to citizenship may not own, buy, purchase or have any direct or indirect use in land. Naturally, ~~interested~~ persons of Japanese ancestry, and particularly our parents, were interested in just how they might be able to provide lands and to earn a living themselves. So, through court action, it was determined that an alien, though ineligible to citizenship, may purchase land and give it as a gift to a citizen child, and in another court case it was determined that a guardian for a minor child, a person, though ineligible to citizenship, might operate the land for the benefit of the child until he became of age.

Curiously enough, from 1913 up until 1945, the State of California did not prosecute or look for the so-called evasions of the alien land law. In 1945, the State appropriated \$200,000 to the Attorney General in order to examine these alien land cases, and they also provided that in case the State won any of the cases the State and the County would split the selling price of the land, thereby giving incentive to the county attorneys to persecute and prosecute persons of Japanese ancestry.

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Now, a curious by-product of this particular examination and the present methods of enforcement is that the State of California has made a lot of so-called settlements. In other words, by the system of harrassment, the system of continual investigation, they have forced many of our people, who were a little doubtful perhaps of what was going to happen, to settle for their own land.

Now, we have, in particular, such cases as the Iwamura Brothers. They are in California. One served in the Pacific and the other was wounded in Italy. When they were about three years old their parents purchased land for them, and as far as they knew it was their land. Before they went overseas they were adults, they owned and operated the land. Today, the State of California has forced them to buy back their own land for \$29,000. Now, if there was any law violation, then we say the alien Japanese should have been prosecuted a long time ago, that the State of California shouldn't have waited 10 or 20 years until the value of the land has increased, and now the citizen, absolutely innocent and blameless, is being deprived of his land. That doesn't happen to children of any other nationality, citizen or alien, in the United States.

MR. SHISHKIN: would you repeat the name of the brothers?

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MR. MASOAKA: Iwamura. Now, we have some other curious cases like Mrs. Fujita. She is a citizen, born in the United States. She is an American-born citizen. Her husband is an alien Japanese. Her husband had some money, so he bought lands in the State of California near Sacramento.

DR. GRAHAM: What year did he buy the land?

MR. MASOAKA: The land was bought in about 1928.

DR. GRAHAM: That was after —

MR. MASOAKA: Yes, sir, after the Exclusion Act. Incidentally presumably qualified attorneys handled the transaction. The banks ~~entirely in order~~ lent credit on the transaction and everything else seemed to be entirely in order, but he purchased this land and gave it to his wife. He and the wife have lived on this land and reared their children. Simply because he happens to be ineligible to citizenship, the State of California has now instituted escheat proceedings against her land.

MR. WILSON: Didn't you say that he transferred this land to her?

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MR. MASAOKA: Yes, but the law -- I would like to quote the law if I may, definitely, to you.

MR. WILSON: If she is an American citizen, I don't see how they could take the land away from her.

MR. MASAOKA: The law reads as follows:

"The scope of the statute is much broader than the acquisition of the ownership of land", and I am now quoting from the California Supreme Court decision - of last October in the Oyama, which is now pending in the Supreme Court.

"It includes the right to acquire, possess, enjoy, use, cultivate, occupy, transfer, transmit and inherit real property or to have and hold or impart the beneficial use thereof."

In other words, even though you may have a citizen wife, you cannot cultivate or even occupy the same land with your own wife or with your own children. That is why we believe that this law is a fundamental violation of everything we hold to be American.

MRS. TILLY: Was that law in force before the property was given?

MR. MASAOKA: No. The law was passed in 1913 originally, and, then, again, in 1920, but since they didn't enforce the law, if you want to use that word, why, the Japanese people, after going to the courts and determining what they considered would be a legal procedure, proceeded to buy land as they did.

DR. GRAHAM: Was this law of 1913 a violation of an international treaty?

MR. MASAOKA: The State of California was rather clever, if I may say, in wording this law. They provided that aliens of all countries could enjoy the same right to acquire, possess, occupy that land as anyone else.

DR. GRAHAM: That is, to carry out the international treaty.

MR. MASAOKA: That is right, it provided for, international treaties. At that time there was the Treaty of Commerce and Navigation between Japan and the United States. This question did not come up simply because the State of California after passing

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the law did not attempt to enforce this particular law. I feel that if they tried to enforce it then, the Imperial Japanese Government would have made representations to Washington and something would have been done about the law, but they did not enforce it, and therefore it was more or less considered another harrassing law, another law just for the books, to stay local temperament. I think the record shows something like two violations.

DR. GRAHAM: Did you say it was a violation of an international treaty?

MR. MASAOKA: No, but it was never enforced. Had it been enforced, I think the question of whether it violated or did not violate would have come to the fore. It was never mentioned in any treaty.

MRS. TILLY: But it was all in response to local temeprament?

MR. MASAOKA: Frankly, I would say that it was local vested interests. For example, if you notice the testimony of the Tolman Committee and other various congressional committees, people in certain areas have said very definitely, "Sure, we want the Japs out. We want their lands." The Japanese lands are largely marginal lands. At one time they took lands that no one else wanted. They took lands around Salinas that were worth 75 cents an acre. By dint of hard work, of bringing irrigation to America and particularly to California, they made the land so valuable that today one acre in Salinas is worth from \$1,000 to \$1500. People want those lands. I think this is one way to get it.

It might be interesting to note that Attorney General Robert W. Kenny, who was the Attorney General of California up until this January 1st, said that in his view the alien land law ought to be repealed because it pertained to an age-old problem that was no longer valid. In other words, ~~and the~~ it referred to alien Japanese who today are few in number, and the real escheat is carried on not against the alien Japanese but against the American citizen of Japanese ancestry.

MR. LUCKMAN: May I ask, of the 60 percent to which you referred as having now returned to California, is any substantial part of that group employed in the same businesses in which they were employed prior to 1942?

MR. MASAOKA: Yes and no. This is what happened. In 1942 or prior thereto, most of the Japanese owned small shops, and produce markets. Today, instead of being owners, they are simply

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clerks. The agricultural owners who went back to their land discovered that they no longer owned their land, so they are working there as farm laborers. In other words, the evacuation has set back the Japanese people about 30 to 40 years, industrially speaking, and as from the employment view they are back from where their parents came. A lot of citizens of Japanese ancestry work as domestics, as valets in the so-called menial jobs, when prior to the war at least they enjoyed to some considerable extent some of the management jobs and administrative posts.

RABBI GITTELSOHN: Would you care to comment on the treatment of the Japanese within the Armed Forces of the United States during the war?

MR. MASAOKA: I would like to state first for the record that I was a member of the Armed Forces; in fact, I was the first to volunteer for the 442nd Regimental Combat Team. I would like to say that, generally speaking, there were certain isolated exceptions where the Army went out of the way to give us a good deal -- that is, after the 442nd Regimental Combat Team was formed. Prior to that time, however, the treatment was not so good. We know, for example, that when President Roosevelt came to Fort Riley, Kansas, all American soldiers of Japanese blood were placed in a motor pool under armed guard and later the same troops were called upon to go out into the battlefield and to fight for their country. We know from time to time that American troops of Japanese ancestry were given quartermaster jobs and they wanted combat jobs, but, as I say, after January 28, 1943, the Army began to treat us with, shall I say, the utmost respect and consideration. They then began to utilize us in every capacity in which they felt we were qualified.

DR. GRAHAM: What is the significance of January 28?

MR. MASAOKA: That is the day when the President, as I understand it, signed the order creating the Japanese-American Combat Team. Prior to that time, you see -- well, let me go over the history of selective Service, as far as the Japanese are concerned. Up until the time of the war, Japanese-Americans were accepted for military service on the same bases as other Americans. After the outbreak of war, the Selective Service placed all persons of Japanese ancestry then in the service, as well as others, in IV-C classification. That was a classification designated for enemy aliens. Naturally, we were citizens and we protested that classification; so the Selective Service changed that to mean undesirable for military service. We still resented it, and although we were in the so-called, shall we say, concentration

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camps, a lot of us felt that we had to have a war record if we wanted to have a place in future America. We worked for the creation of a combat team. We worked for the use of Japanese-American troops in the Pacific, in Intelligence, and any other kind of work and we were finally given the right to go to the Pacific or into combat. Then, the Army changed their classification and persons of Japanese ancestry were considered the same as any other American soldier.

RABBI GITTELSOHN: Were you used at all by the Navy and Marine Corps, or exclusively by the Army? The reason I ask is that I served as a chaplain with those units for 31 months and saw no Japanese personnel during that time.

MR. MASACKA: It is curious to note this, sir, that the Navy and Marines would have nothing to do with us officially, and yet, when they needed Intelligence work they borrowed Japanese-American people from the Army and used them. I am happy to say now, however, that the Navy and the Marine Corps have decided that persons of Japanese ancestry, American citizens, may be accepted for service in both the Navy and the Marine Corps on the same basis as others.

DR. CARR: Did the Army offer any commissions to the Japanese-Americans?

MR. MASACKA: Yes. The reason why we didn't receive as many commissions as most people think we should have, I think, is rather easy to explain. We were all volunteers. Most of us were college graduates. The average IQ of the 442nd Regimental Combat Team was 128 or 18 points more than you needed to go to O.C.S. We weren't interested in commissions as such, and we went overseas. So that practically everyone of our commissions are battlefields commissions, won in combat.

I would like to say for the record that we are rather proud of it, too, and I would like to say that I believe most of us fought as we did, because we felt that in spite of the way we had been kicked around, America was still the land of opportunity for all of us. I know my mother sent five of her sons. Every one volunteered for combat. One was killed. The rest of us were injured. We have over 30 individual decorations and medals between us. Well, my mother wants to become a citizen, Frankly, I think she is entitled to be a citizen. It is for people like my mother and for a lot of Americans of good will throughout the United States who have a lot of confidence in us and our loyalty that we did the job we did.

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MR. WILSON: Are there any other questions?

MR. SHISHKIN: I was wondering with respect to this land question whether any limitation imposed by the land law itself could be under that language? I haven't studied the statute. It could be overcome for a specific purpose by lease or contract use. Now, the law as you read it prohibits occupancy or use by those who are non-citizens, but in the case of some of the transactions you have mentioned, I was wondering whether that, on a temporary basis, could be overcome and, if so, whether it has been attempted.

MR. MASAOKA: Well, theoretically, it can't be overcome. Actually, it is overcome because in certain counties in the State of California, where there isn't much sentiment against the Japanese, there is no effort made to force the alien off the land or anything else. I think it is interesting in this connection to note that the alien land law and every discriminatory law I have mentioned or that I can conceive of in the United States as directed against persons of Japanese ancestry stems from a fundamental Federal law, that is, the naturalization laws of our country. In fact, the United States Supreme Court way back in 1920, when they upheld the alien law of the State of Washington, declared that Congress has created two classifications of aliens, those who are ineligible and those who are eligible for citizenship. Since Congress has created this classification, they are reasonable bases for making categories and classifications. Now, that is the language that was used by the Court, and that is the spirit in which California has carried out these particular bits of discrimination, because the United States Congress permits this discrimination in its naturalization laws: "We, too, are permitted to discriminate against the Japanese." They don't use it against anyone else but the Japanese, and we think that is not only grossly unfair and un-American, but a violation of fundamental American doctrines.

MR. SHISHKIN: The reason I was asking the question a moment ago was that I was wondering whether, in establishing a basis in judicial review of the validity of that statute or for purposes of legislation, examples could be drawn from California in the areas in which the law itself applied in theory, but in practice there was no antagonism towards the Japanese and they were permitted to actually use the land. Whether those examples would not prove helpful in showing that where there are no concentrated vested interests in a particular community, the statute itself is pretty much meaningless.

MR. MASAOKA: It can be shown. In fact, in the election last November 4, the people of the State of California passed upon what is called Proposition 15. Proposition 15 purported to

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validate certain amendments made to the alien land law by the California State from 1920 up until 1946. Proposition 15 was defeated by the voters of the State of California by over 350,000. It was the only liberal action taken in the State elections last year. I think that definitely suggests that the people of California as such are not interested in persecuting and prosecuting the Japanese any more.

MR. SHISHKIN: Were there any other examples in which you say American citizens of Japanese ancestry were deprived of property other than land or real property in recent years particularly?

MR. MASAOKA: Well, the State of California passed an amendment to the so-called Fishing Code in 1942. When they first brought up the law, they used the word "Japanese". The constitutional attorney called it to their attention; so in 1942, they revised it to read "Persons ineligible to citizenship." Now, Japanese aliens may not fish commercially in the State of California. When called to task in court for it, the State explained that that was a conservation measure, but nevertheless it does apply. I would like to suggest also something that I forgot to mention earlier,

MR. SHISHKIN: Just to round this out, that applies to the property rights part of it, and I was wondering if any such measures did in any way infringe on the contract rights, whether the application of that did, in effect, break up the existing contracts and discontinue them?

MR. MASAOKA: I see what you mean. There are other cases in exactly that field. I think I will explain the point a little better. We have a case now in the Supreme Court in the State of California called the Stockton Theater case.

In that particular case, the question is whether a Japanese alien, in the absence of any commercial treaty between the United States and Japan, may lease commercial property for profit. One court held that the Japanese alien could, even in the absence of a treaty since a treaty was in force at the time of the original transaction, make the lease. The second court, the higher court, held that the Japanese alien could not lease in the absence of a treaty between Japan and the United States, and that particular case is now up before the California Supreme Court. It is on the basis of the California Theatre case that in certain areas of California, the State is attempting to escheat commercial property as well as residential property now held by American citizens of Japanese ancestry.

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Up until about February of this year, the City of Portland, Oregon, had a municipal ordinance which prohibited the granting of a license of any kind to any Japanese alien. And in the City of Ogden, Utah, up until last July, there was a municipal ordinance which denied the granting of licenses to do any kind of business either to American citizens of Japanese ancestry or to their alien parents if they had not resided in and around Ogden for a period of five years previously.

MR. SHISHKIN: So you feel that in all of the instances you have cited, it wasn't only due process with respect to property but also the right of contract which has been infringed upon?

MR. MASAOKA: Very definitely.

MR. WILSON: Are there any other questions?

You have given us a whole new set of problems, as I see it, to think about, some intensely interesting ones. Thank you very much, and I am sure your testimony is going to be very helpful to this Committee.

MR. MASAOKA: Thank you, and I shall be very happy to lend whatever services and information I have for the use of this Committee.

MR. WILSON: Thank you very much.

(Whereupon, at 4:00 p. m., the Committee adjourned.)

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PRESIDENT'S COMMITTEE ON CIVIL RIGHTS

Conference Room,
National Archives Building,
Washington, D. C.
Wednesday, May 14, 1947

Met, pursuant to notice, at 1:30 p.m., E.D.S.T.

BISHOP FRANCIS J. HAAS, Presiding

PRESENT:

MRS. SADIE T. ALEXANDER

MRS. M. E. TILLY

MR. JAMES B. CAREY

RABBI ROLAND B. GITTELSOHN

MR. BORIS SHISHKIN

ALSO PRESENT:

DR. ROBERT K. CARR

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BISHOP HAAS: The meeting will come to order

This is a public session of the President's Committee on Civil Rights.

The agenda this afternoon consists of testimony to be presented by different persons, the first of whom will be Mr. Elmer Henderson, who is Executive Secretary of the National Council for a Permanent F. E. P. C.

Mr. Henderson.

STATEMENT OF ELMER HENDERSON
Executive Secretary, National Council for a Permanent F. E. P. C.

MR. HENDERSON: Bishop Haas, ladies and gentlemen of the President's Committee on Civil Rights: It is a very real pleasure to be with you here today.

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I want to say I deeply appreciate, and so does the National Council, the privilege of appearing before you to state some facts we believe are important in the consideration of civil rights in this country.

We greeted heartily the President's action in creating this Commission and have watched with very keen interest your deliberations thus far.

Our expectations are very high for the compilation and completion of a very positive program on your part, and we are certain that the character of this body and the distinguished nature of its members here will make a real contribution to our great struggle for equality of treatment of all peoples under American democracy.

Historically, racial and religious minorities have been plagued with the evil of job discrimination because of the prejudice of various employers.

Negroes, Jews, Catholics, Mexican-Americans, or ethnic-Americans — all of the many groups that haven't been fully and wholly assimilated, we might say, into the body politic of this country, have suffered to a certain degree, or greater discrimination in economic opportunities.

So prevalent, for example, has been this discrimination against Negroes that they have never secured a real, secure place in the economy of this Nation, which they, of course, contributed so much to build. And to a lesser extent the same can be said of many of the other groups.

The resulting handicaps to millions of these people have been severe. Suffering has often been intense, and that has been psychological as well as economic.

Much of this, of course, is very familiar to you, and I don't need to dwell too much on the historical background of this serious problem.

Today we find discrimination increasing, however, and I call your attention to the final report of the Fair Employment Practice Commission, created by President Roosevelt during the war, which told of an unchecked revival of discriminatory practices since the end of the war; and reports of other agencies and institutions which have cooperated with our Council and which are also, no doubt, well known to you, substantiate and bring up to date the conclusions of this Committee.

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My own travels in the last year and the travels of my colleagues on the National Council have indicated and confirmed likewise by common observation the severe and increasing unemployment and discrimination that minority groups have suffered.

One need only to look into the United States Employment Service offices around the country and see the very high proportion of minority groups sitting there or standing there seeking employment. One need only to observe the racial breakdowns in unemployment compensation to see the severe blow that discrimination is causing to the racial minorities of this country.

Many of the gains which were made by the war under the President's Committee on Fair Employment Practices have already been lost, and others are being lost. It is a known fact that many of the plants in which the highest gains were made by various minority groups were completely closed down when it was over and the story could go on and on and merely compound what has already been stated and what I believe is obvious to you.

The tragic plight of these minority groups, and particularly their veterans, is one that should be of grave concern to you. Many of them learned skills that they had not known during the war, but those skills now are lying dormant because of the lack of opportunity to use them because of discrimination.

Certainly this is no fit treatment for our heroes, whatever their race or their religion or their national background.

The moral loss suffered by this country by permitting this condition to exist is likewise obvious to you and to a group such as this I need not dwell on the essential justice of economic equality and nondiscrimination in job opportunities. I might just state, however, that many distinguished high churchmen of all faiths have called for a correction of these evils and have joined with us in our movement.

Now, the problem of job discrimination, in our opinion, is basic to any consideration of civil rights. Freedom from fear of unemployment and insecurity because of prejudice and bigotry we believe is a fundamental objective. In fact, it is an absolute minimum for the effective working of our democracy and our economy. These practices are at absolute variance with and are contrary to the basic principles of our Government which are found in the Constitution, in various Acts of Congress, and in the policies set by our Executive, and in the opinions of the judiciary. I could quote from many of them, but I don't believe that is necessary to this distinguished body.

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We believe that employment without racial or religious discrimination is a civil right implicit in the Constitution but which should be guaranteed by an Act of Congress. This concept we feel must have the very deepest concern of this body and we implore of you that you give it such.

In our considered judgment, the only way to correct the evils of job discrimination which are rampant at the present time and to insure the objective that we are all interested in, is through the passage by Congress of the National Act against Discrimination in Employment, introduced in the Senate as Senate Bill 984, and in the House under various numbers.

In the Senate, our bill has been introduced by Senator Irving M. Ives of New York, and seven other sponsors of both parties; and in the House by Representative Fulton of New Jersey and a number of other distinguished members of the House of both parties and from various sections of the country.

The bill is supported by a wide variety of national organizations and local groups, all of whom are cooperating with the National Council for a Permanent Fair Employment Practices Committee, which I have the honor to represent here today.

We believe that the very fact that there has been such widespread support of this measure on the part of the very articulate bodies of this country is an indication of the essential rightness of the thing, and the fact that it can work if passed.

I need only mention to the you the great labor bodies of the country -- the C. I. O. and the A. F. of L. -- which both have gone on record in favor of this legislation, and we appeal to you on the basis of all of these various groups that are supporting us.

Now, as for the details of the bill which we believe will achieve this objective, it is called "The National Act Against Discrimination in Employment"; and, in section 2 under the Bill, the right to employment without discrimination because of race, religion, color, or national origin or ancestry is recognized and declared to be a civil right of all the people of the United States; and if for no other reason we feel that consideration of this measure should be given by this body.

The bill is also considered a step toward fulfillment of the international treaty obligations imposed by the Charter of the United Nations upon the United States as a signatory thereof.

To quote, "Promote universal respect for and observance of

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human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion."

We believe that this bill, if put into effect by Congress and if carried out by the Commission, which would be appointed under it, would meet that obligation on the part of this country, as a signer of the Charter of the United Nations.

Now, the unlawful employment practices, of course, need not be detailed to you. The coverage of the bill will include employers who are engaged in interstate commerce, and who have employees of 50 or more. The bill would also prevent discrimination in Government employment, which discrimination has been a very serious matter and has only been ameliorated to some degree since the existence of the President's Committee on Fair Employment Practices during the war.

I might also say that the bill provides for judicial review of the acts in the Commission, and we believe that the work of the Commission is enclosed with such safeguards that no sincere person could object to the procedures under it.

We believe that this bill which we commend to you gentlemen is the first step, and the major step, which must be taken to correct this evil.

The bill provides for education, for mediation, and for enforcement only as a last resort; but we believe that this system of operation would be effective because it has already proven to be so in the States of New York and New Jersey where such commissions are already in operation.

Now, the common objections that are made to this measure are, first, that prejudice cannot be removed by law, but we are not removing to remove prejudice here. We are attempting to remove the objective manifestation of prejudice, which is job discrimination.

Some say that this bill would establish quotas. There is nothing in the bill which even implies quotas of various minority groups to be established. We believe that the bill can stand the test of constitutionality. There are many other pieces of legislation on the statute books of this country similar in kind which have stood the test of constitutionality.

We cannot help but observe the embarrassment caused in our international relations by variance between our declarations and the hard facts of discrimination in this country. We were certainly

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highly pleased and highly welcomed the definition of democracy given by our Secretary of State recently, speaking before the Council of Foreign Ministers in Moscow on March 14, 1947:

"To the American Government and citizens it (democracy) has a basic meaning. We believe that human beings have certain inalienable rights -- that is, rights which may not be given or taken away.

"To us a society is not a democracy... is not free if law-abiding citizens live in fear of being denied the right to work or deprived of life, liberty and the pursuit of happiness."

We heartily agree with the General, but we are very desirous of making our practices here conform to this declaration. The cruel fact today is that they do not. We sincerely believe that the first step, the absolute necessary step, is the passage of this bill.

Gentlemen, I conclude by recalling the words of President Truman, who, on several occasions, has called upon Congress to pass a permanent F. E. P. C. bill:

"I have said before and I say it again, that there is no room in America for discrimination in employment. During reconversion and the years to come our goal must be full and fair employment".

Ladies and Gentlemen of this Committee, we call upon you to carefully deliberate upon this matter and then, in turn, to call upon the Congress to pass the National Act Against Discrimination in Employment.

I thank you.

BISHOP HAAS: Thank you, Mr. Henderson.

It is very likely that members of the Committee may wish to ask Mr. Henderson some questions. You will be allowed 20 minutes.

MR. SHISHKIN: I would like to ask Mr. Henderson some questions.

I was wondering about the evidence with regard to the present situation. Does the Council gather this data with respect to current discrimination?

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MR. HENDERSON: Yes, we do, Mr. Shishkin. We are making inquiries now around the country to get current up-to-date statistics on the matter, if that is possible.

We have many indications of the trend of events but we feel in a very short time we will have concise data.

MR SHISHKIN: In the information that you have gained so far, do you find that the discrimination that is observable is in refusal to hire, or in discharges of employees from current contracts or wage discriminations and differentials in wages? Do you have enough to size up the situation and indicate to us whether or not it is merely in employment, as such, or whether it is with respect to tenure and security of a job?

MR. HENDERSON: It is very difficult to answer that question at the present time, but our experience has been that most of the discrimination has been in refusal to hire.

The lay-offs in many industries have been so sharp that it has not been necessary in many cases for an employer to resort to discrimination to get rid of the types of people that he may not desire to have; but in rehiring, there seems to be plenty of evidence that discrimination is rampant.

MR. SHISHKIN: In connection with the housing shortage, the Census Bureau initiated last spring a special reporting system on the housing shortage to the extent to which it affects the veterans. That work has been terminated.

I have not examined them in detail. I have seen some of the sample reports. The survey includes information with respect to housing accommodations, the earned income reported by the veteran, number of dependents, marital status, and also, in most communities the reports are given by color, white and non-white.

I don't know of any large survey of this kind that presents as complete a coverage, and I don't know of any agency that has made a complete tabulation. I was wondering whether the National Council could, either by requesting the Bureau of the Census, or directly from the available information, make up a simple tabulation showing the income reported by the veterans and the number of veterans receiving it, by white and non-white, so as to indicate the disparity; and if that is feasible, file such a statement with our Committee in the next couple of weeks.

MR. HENDERSON: A very excellent suggestion, sir, and we will make every effort to do that and file a statement with the Committee at the earliest practicable date.

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MRS. ALEXANDER: I wanted to know if your bill, as proposed now, has any educational provision in it.

MR. HENDERSON: Yes. The Commission will have the privilege, under the bill, of carrying on a broad educational program.

MRS. ALEXANDER: And there will be a Commission to carry on that?

MR. HENDERSON: There will be a Commission to carry out the functions. The Commission will be similar to the usual administrative bodies of the Government.

MRS. TILLY: May I ask you, in the studies you are making, have you made any survey or study of the denial or prevention of Negroes in in-job training in trades that are now open to them in a community?

MR. HENDERSON: We have not made any recent studies of those kinds, ourselves, but certain studies have been made in the last few years, and the evidence is abundant that such denials have taken place.

MRS. TILLY: For Instance, in denial of training in electric trades?

MR. HENDERSON: Yes. We are very well aware of that. Thank you for calling it to our attention, but we are very well aware of the serious problem that results from the denial of training to individuals because of race, color --

MRS. ALEXANDER: If I may intervene there, I believe it goes deeper than denying. You have to go into the question of the building and equipment of schools, because you will find in a school in a neighborhood that is preponderantly Negro, the vocational school, it will be equipped for service trades, and having been built at a cost of perhaps a million or more dollars, the plans will not be altered so that the boys can be trained for the higher skills. So that the denial begins way back when the building is planned.

MRS. TILLY: I think it is also taking place in new buildings, new equipment that is being bought.

MRS. ALEXANDER: That is so, Mrs. Tilley; right now.

Is there any way that your bill would give any control over funds that are used in education?

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MR. HENDERSON: This bill doesn't attempt to go into that, Mrs. Alexander. We, of course, had to limit it to a very great extent.

MR. SHISHKIN: In other words, the legislation is based on interstate commerce coverage rather than on the spending power of the Government.

MR. HENDERSON: Yes. Now, if, for example, the federal aid to education bill is passed, I believe it could be amended to cover the situation that you refer to; but I don't see, offhand just how we could include that logically in this bill, as important as it is.

BISHOP HAAS: Mr. Henderson, the bill that you have before you forbids discrimination by the Government when the Government is an employer?

MR. HENDERSON: Yes. May I just refer to that particular section. The bill forbids discrimination but it doesn't empower the commission to issue the same kind of orders against Government agencies that it would issue against individuals. All we would do under this bill, or, rather, all the Commission would do, would be to recommend to the President that certain acts be performed by discretion he would do that.

BISHOP HAAS: So there is no review by the courts in the case of charges --

MR. HENDERSON: Against the Government --

BISHOP HAAS: -- of discrimination by the Government.

MR. HENDERSON: None whatsoever.

BISHOP HAAS: Merely recommendatory to the President. It can be taken up and it can die.

MR. HENDERSON: That is rights.

BISHOP HAAS: One more question: That is opposition to this bill?

MR. HENDERSON: Oh. yes.

BISHOP HAAS: What do you think the opposition manifested by employers to this bill is due to? What is in the back of their heads?

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MR. HENDERSON: Well, of course, I have talked to a number of employers about this, and similar matters, in the last few years. I feel that many employers honestly believe that there should be absolutely no regulation of their employment policies such as this bill would do.

They believe that they have a right to hire the kind of people that they wish. Well, there is a lot of logic to that, and certainly historic tradition for that position. But we believe that this matter of discrimination against whole groups of people is unfair.

BISHOP HAAS: Without speaking for the Committee, I think the Committee agrees with you on that; but what I would like to get from you is what is in the back of the employers' minds, or in the trade associations, that are opposing it, as to the reason, and I think you came close to what I think is the right answer, because it is my own answer, that they don't want any interference, and they think that perhaps this is an entering wedge for more regulation.

MR. HENDERSON: That is right.

BISHOP HAAS: Do you think that that is so?

MR. HENDERSON: Probably so, yes; and I might say, Bishop, however, that there are a growing number of employers around the country who are agreeing with us in this particular effort. We don't say that there is anything like a majority, but there is certainly a growing number, and we show, at our hearings and other occasions, support.

MR. CAREY: Mr. Henderson, you stated that no sincere person objected to the procedures under this bill if enacted. You also stated that two large labor organizations, the A. F. of L. and the C. I. O. are supporting this Bill 954, in the Senate.

MR. HENDERSON: 984

MR. CAREY: 984. Can you tell me what steps the Council, through its officers, took to secure the same kind of support from the National Association of Manufacturers and the United States Chamber of Commerce?

MR. HENDERSON: Well, the Council has taken very few steps that I know of to attempt to get an endorsement from the National Association of Manufacturers. We have been of the impression that such steps might not be the most fruitful at the present time. Possible, our energies could be directed -- not that we

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wouldn't like to have the manufacturers behind us, because we would; but the attitude of the N. A. M. on such matters as this has been so firm and fixed for a long period of time that we did not feel that it was the wisest expenditure of time and effort to attempt to —

MR. CAREY: I might advise you, if has been the experience of some of us that the National Association of Manufacturers is very influential in securing the enactment of legislation, and the officers of that organization, with the officers of the United States Chamber of Commerce, and the A. F. of L. and C. I. O. agreed and attached their names to a document at the Management-Labor Conference called by the President of the United States, in which they agreed with the principles contained in this legislation. I was hoping that the Council would take steps to formally contact the National Association of Manufacturers and the United States Chamber of Commerce to make a matter of record whether or not they will carry out the statements they agreed to at this Management-Labor Conference held some time ago under the auspices of the President; and, failing to get their support there, to make a matter of record whether or not trade associations -- that is, the unions of employers -- will declare themselves on this important matter, this important principle that we have before us.

I can't agree that it would not be fruitful. I still think the Council has a responsibility to take the steps because I think they perhaps would receive better treatment than would, say, the labor organizations, at the present time, should they call upon the N. A. M. and the United States Chamber of Commerce.

MR. HENDERSON: Yes; thank you very much for that suggestion. I assure you it will be carried out.

May I just clarify my statement about our activities. I think it would be fruitful to attempt to get as much support as possible from all quarters; but, so far as the N. A. M. is concerned as a body, it had been our opinion that they were opposed to this legislation.

Now, we might say that individual members of the National Association of Manufacturers have expressed some interest in this.

BISHOP HAAS: Some individual members.

MR. HENDERSON: Some individual members, yes, have expressed some interest in this kind of legislation. We hope to secure concrete evidence of support from them.

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I might also say that some past presidents or, at least, one of the United States Chamber of Commerce, has expressed an interest in the principle of this thing, and we hope to get a more concrete manifestation from him, if possible. But your suggestion as to following through on that will certainly be carried out by us.

MR. SHISHKIN: Isn't it a fact, Mr. Henderson, that there are a number of employers who are actively in support of this legislation?

MR. HENDERSON: Yes, it is.

RABBI GITTELSON: Mr. Henderson, in our previous discussions on the subject of F.E.P.C., we have had to reckon necessarily with two more or less opposing schools of thought; on the one hand, those who believe that in the educational features of such a bill and the persuasive powers of those educational efforts, lies the greatest validity of success; versus those who, on the other hand, feel you need strong punitive provisions in the form of court enforcement powers.

I would like to ask you two questions, related questions, based on that difference of opinion:

No. 1, would the Council care to make, or would you personally care to make, any statement on the relative validity of those two opposing positions?

No. 2, which, in a sense, pre-judges No. 1, does the Council feel that there is sufficient punitive provision or court enforcement provision in the so-called Ives Bill as it stands?

MR. HENDERSON: Well, as to the first question, we believe there is no merit to opposing one form of approach against the other, and this bill attempts to reconcile the two and bring them both in.

Now, we have an educational approach here, we have a mediation approach. Every effort will be made to reduce discriminatory practices without resort to enforcement, but, if we have to call upon enforcement under the terms of this bill, the Commission would not hesitate to do so.

BISHOP HAAS: Is it obliged to do so?

MR. HENDERSON: Oh, it is obliged to do so under the terms of the bill.

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BISHOP HAAS: I mean, it is mandatory on the commission, when education fails, to proceed to enforce the law?

MR. HENDERSON: If you don't mind, I had better check.

MR. SHISHKIN: Isn't it in the reverse in the legislation, that the Commission does have an obligation to eliminate discriminatory practice when, on its own finding, it finds the charge is a valid one, but that, prior to the final concluding step in enforcement, it is also obligated to go through all the intermediate steps of mediation and conciliation.

MR. HENDERSON: Yes.

MR. SHISHKIN: And a voluntary agreement to terminate that practice before going to enforcement.

MR. HENDERSON: Yes.

The language is this, after all these other things have been done:

"The commission shall state its findings of fact and shall issue and cause to be served on such person an order requiring him to cease and desist."

Now, that language may be construed as mandatory upon the commission.

MR. SHISHKIN: It says "shall".

MR. HENDERSON: It says "shall."

RABBI GITTELSOHN: You feel there are sufficient punitive provisions?

MR. HENDERSON: Now, that is another question. That is a second question. We feel that at this time, if this bill is passed as it stands, and the commission sincerely carries out its task under the bill, that a great deal can be done to reduce, if not eliminate, discrimination in this country.

Now, our longer range objective is, if it is shown after the operation of -- over a certain period of time -- that the punitive provisions aren't sufficient, we would certainly go back to Congress and ask them to put more punitive power in the hands of the commission.

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MR. SHISHKIN: I was wondering whether you could tell us whether any of your associated organizations or the Council itself are engaged in any fact finding on this, in order to bring the country up to date as to what the current situation with respect to discrimination might be.

MR. HENDERSON: Yes, I can. We have among our cooperating organizations the National Urban League, whose executive secretary, I believe, has already been before this body; and the League is continually making studies of problems of this kind, and we hope to draw upon the findings of that body.

We have the National Community Relations Advisory Council, which likewise is continually making studies of matters of this kind.

The National Association for the Advancement of Colored People;

The American Jewish Congress;

The American Jewish Committee, and

The Anti-Defamation League, and other organizations are constantly making studies and inquiries around the country and we expect to draw upon the findings of those groups.

MR. SHISHKIN: Do you anticipate a report in the near future?

MR. HENDERSON: That hasn't been decided in the form of a concrete report, although we expect to issue findings as they occur.

MR. SHISHKIN: I wonder if you could tell the Committee briefly just what is the scope of representation of the National Council. You mentioned several organizations. I wonder if you could give an idea of how representative the Council is.

MR. HENDERSON: Yes, I would be very proud to do that because we are proud of the breadth of our representation.

We have among our groups, of course, the two great labor bodies. I am speaking now of the cooperating organizations. They are not members of the National Council, as such.

We have the major groups which represent the various racial and religious minorities of this country: The N.A.A.C.P., the National Urban League, the American Jewish Congress, the American Jewish Committee, the Jewish Labor Committee, the Anti-Defamation League. We have a number of outstanding religious leaders,

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representing various faiths, for instance, Catholics and Jewish, and others.

We have a number of civic organizations such as the American Civil Liberties Union, and others which have been working in this field and have expressed an interest in this problem.

On our Board of Directors we have such distinguished persons as members of your own committee, Mr. Carey and Mr. Shishkin. We have Mr. Ashby Carter, President of the National Alliance of Postal Employees. We have Miss Elsie Elsenbein, Executive Director of the National Council of Jewish Women. We have Mr. Edwin R. Embree, president of the Julius Rosenwald Fund and Chairman of the Mayors' Committee on Human Relations in Chicago

We have Mr. William Green, President of the American Federation of Labor. We have Mr. Phillip Murray, President of the Congress of Industrial Organizations. We have Mr. Sidney Hollander, of the Council of Jewish Federation and Welfare Funds.

We have Mr. George K. Hunton of the Catholic Inter-racial Committee. We have a number of others.

MR. SHISHKIN: We have a partial list here. If you have a list, will you file it for the record?

MR. HENDERSON: I will do that. There are a couple of names that are not appended to this list. If you don't mind, I will mail them to you overnight.

BISHOP HAAS: Any questions to be addressed to Mr. Henderson?

Mr. Henderson, thank you.

MR. HENDERSON: And may I thank you.

BISHOP HAAS: The next witness is the Reverend Father John J. Birch, Executive Secretary, The Bishops' Committee for the Spanish Speaking.

It is my understanding that Father Birch is to testify with regard to Spanish Speaking Americans.

Father Birch.

Would you mind stating for the record your name and where you are located.

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FATHER BIRCH: Yes. Reverend John J. Birch, Executive Secretary of the Bishops' Committee for the Spanish Speaking, San Antonio, Texas.

STATEMENT OF REV. JOHN J. BIRCH,
Executive Secretary of the Bishops' Committee for the Spanish Speaking

FATHER BIRCH: In setting up the President's Committee on Civil Rights, President Truman stated that freedom from fear which comes from the preservation of civil liberties, is the duty of every government, state, federal and local. He further stated that in some places and at some times, this freedom from fear has been gravely threatened. It is my understanding that this Committee has heard in public hearings, evidence to show that many minority groups in the United States are victims of this fear at this very moment. That this fear is real all of us know. I speak to you about one minority group — the Spanish Speaking people, largely of Mexican extraction who I am convinced are the greatest victims of this fear.

From personal experience I can testify that there is no group in the United States more susceptible to fear than the Spanish Speaking. The Latin by his very nature and culture is a highly sensitive person and discrimination, exploitation and mistreatment hurt him deeply. This fact can be attested to by all who work with and for the Spanish-speaking people.

It was brought out very strongly in a book recently published, entitled, "Not With The Fist", by Ruth Tuck; it was emphasized in another recent publication, "The Latin Americans in Texas" by Pauline Kibbe, Executive Secretary of the Texas Good Neighbor Commission, and it was stressed further in Robert C. Jones' pamphlet, "Mexican War Workers in the United States", published last year.

It is conservatively estimated that there are in the United States, approximately three million people who belong to the Latin American minority. Ninety percent of them are by birth or extraction Mexican. The greater part of these people reside in Texas, California, Arizona, New Mexico, Colorado, and Michigan. The problems they face and the problems they have created, follow practically the same pattern in every region where they are found. It is safe to say that the overwhelming majority of these people are American citizens. Consequently, our Government has the obligation to take all possible measures to see to it that they enjoy the civil liberties guaranteed to all American citizens under our democratic form of government.

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The vast majority of the Spanish Speaking people in the southwestern part of the United States will be found in the lowest economic bracket. For the most part, they or their parents have been the victims of exploitation at the hands of unscrupulous employers. The result has been one grand vicious circle.

It is necessary for all members of the household who can to work a full day in order that the family may obtain the bare necessities of life. Unbiased observers like Agnes Meyer in her series of articles in the Washington Post bear testimony to this fact. When families are so poor that even the children must work, it becomes impossible to secure even the minimum education for these children.

A man without education, and as in the case of the Spanish speaking with a language handicap, has no other choice than to become a common laborer. If he is a common laborer and is badly housed, without water or sewer facilities; and if he is forced to live in a colony at the edge of town always "across the tracks" or "on the other side of the river", it is asking him to lift himself by his boot straps when you tell him that he ought to better his condition.

Complicating the problem is the fact that "Mexican" neighborhoods in most cities and towns are without playgrounds or playground facilities; poorly lighted or with no lights at all; hounded by unsympathetic law enforcement officials and, worst of all, with inadequate school buildings and badly trained teachers.

I have already stated that widespread discrimination is practiced against the Spanish speaking in the Southwest. Most of this discrimination is due to a deep-seated prejudice against the Spanish speaking people on the part of the majority group. It is difficult for one of these people, an American citizen, who has served his country honorably during the World War -- and 750,000 of them served, according to available records -- it is difficult, I say, to feel like an American when he is refused service in a restaurant; is not permitted to attend a certain theatre; when he is told that he cannot join the local American Legion Post or belong to a civic club; and when through such humiliations he is constantly being reminded that he is considered inferior, solely on racial grounds.

At the same time we must admit that it is difficult if not impossible, to legislate out of existence such deep-seated prejudice as is found in the majority group in the southwestern part of the United States. Yet unless the very fear of discrimination

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is removed completely from the hearts of the Spanish speaking people, they will always remain a people apart, and a serious problem, through no fault of their own, to the communities and States in which they reside.

In Ruth Tuck's book, already referred to, she makes the statement that practically every Spanish-speaking person she has ever met has been the victim, one time or another in his life, of discrimination, and that those who have not actually met it, live in constant fear of encountering it sooner or later. The demoralizing effect of this fear is known to all who work with this minority group.

Legal discrimination against the Spanish speaking is much more subtle than social discrimination. The law, for example, states that all citizens, regardless of race or creed, must be given equal opportunities for jury service. The Spanish speaking and the Negro in the Southwest will find their names on jury lists proportionate to their membership in the community but they are practically never called for jury duty. When one hears complaints from Latin Americans about an alleged miscarriage of justice against one of their members, and asks, "Why didn't you protest, why didn't you fight it?" he will be told inevitably, "What chance has a Mexican got with a prejudiced judge and an Anglo jury?"

At a meeting of the leading educators of the Southwest held at the University of Texas last year, on the subject, "The Education of the Spanish Speaking people in the Southwest and West," it was pointed out that segregated schools, over-crowded schools, inadequate facilities, poorly paid and incompetent teachers, seem to be the rule rather than the exception in practically every State. Yet the Spanish-speaking children, because they must speak Spanish at home and English at school, need more help and better facilities than the other children. The attitude of many school boards is tantamount to saying that you cannot teach the Spanish Speaking people anything, so why try? Yet, unbiased observers know that given equal educational opportunities, the Spanish-speaking boy or girl makes a very apt student.

In practically every city and town of California, Texas and Arizona, there are residential districts where persons of Mexican extraction, regardless of wealth and social position, are not permitted to reside on the ground that they are not "white". In some of the larger cities there is an unwritten law to the effect that Latin Americans must never be given opportunities to buy real estate in any section of the city except in the colony reserved for this minority. Furthermore, it is to be questioned

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whether our Government, through its housing authority, has done as much in the field of federal housing for the Spanish-speaking who reside for the most part in substandard dwellings as it has for the less privileged English-speaking groups.

It has been estimated that some 60,000 Spanish speaking workers migrate to the sugar beet fields of Michigan annually. The plight of these migratory workers is a very unhappy one. Every year in late April and early May the highways from San Antonio north are filled with truckloads of human beings, packed like sardines, who are being shipped to the Michigan beet fields. Grandparents, parents, children, including babies, make this long and difficult trek in order to supply our tables with sugar. According to a socio-economic survey made by the City Health Department of San Antonio, the family income of these people for six months work will average \$580. To earn this amount every-one must work, including the little children.

MR SHISHKIN: What is the date of that?

FATHER BIRCH: That report? That was made in 1943 by a man named C. J. Crittenden.

MRS. ALEXANDER: Did you say a family income of \$580?

FATHER BIRCH: Yes.

As low as these earnings are, they are better than the family would earn if it stayed in Texas to pick cotton; for their earnings then would only be \$191 on a three months' basis -- and that, too, is a family income.

This Committee might be interested in knowing that two years ago the Catholic Bishops of the Southwest united in order to be able to make a more effective fight against the evil conditions which I have described. A regional office has been set up for the first two years in San Antonio, Texas, and will move from region to region as the program grows. This office has attempted to develop and encourage native leadership among the Spanish speaking people; to supply educational opportunities through student-aid funds; to build and equip centers, clinics, and athletic fields; to form councils consisting of outstanding Spanish and English speaking citizens and through the use of such means as lectures, inter-group activities, the press and the radio, it has attempted to break down prejudice. Our earnest but limited efforts have been greatly handicapped by the weight of discrimination.

If I may be permitted, I would urge the Committee to support

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these recommendations.

First: Practically every problem faced or created by the Latin American in the United States finds its basis in economics. Before anything else is done, the earning power of the Spanish speaking people must be increased. I would recommend, therefore, that this Committee do all in its power to bring about a law which would eliminate unfair employment practices.

Secondly: Since large numbers of Spanish speaking people in the United States are employed in agriculture and most of them earn less than a decent living wage, I would recommend a minimum wage for unskilled agricultural laborers. Our Government has recently completed an agreement with the Mexican Government permitting more than 100,000 Mexican laborers to work in the United States at the prevailing wage of 25 cents an hour. According to present-day conditions it is impossible to live with a minimum of decency on less than 60 cents an hour.

Third: With a view to removing fear, I would recommend a clarification and strengthening of the law so as to enable the Department of Justice to prosecute effectively the violation of civil rights.

My fourth recommendation concerns housing. Any fair study of the housing conditions of the Spanish speaking in the Southwest will demonstrate the widespread need for more federal housing for this minority group.

Fifth: That the Federal Government undertake a socio-economic survey of the States in which the Spanish speaking are found in large numbers. No such survey has ever been made and as a consequence no orderly plan of assistance has ever been presented to agencies who are attempting to aid in the solution of this minority problem.

RABBI GITTELSON: I am very much interested in pursuing a little further, if possible, what you believe to be the basic causes of discrimination of the Spanish speaking people.

Is the cause basically one of color, in which case we might assume that whatever is done to solve the problem of discrimination against Negroes would ipso facto, include the Spanish speaking; or are other factors, other than those which prevail in the case of the Negro part of the population which are a special concern here?

FATHER BIRCH: Yes; I think the fact that a Latin American, by some system, manages to get an education and a good job, will

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find very little, if any, discrimination because he will live in a nice neighborhood and his children will be well dressed and he will then be called a Latin American, and people will say, "Well, he must be mostly Spanish", whereas, he might be almost all Indian.

The feeling, particularly in Texas, is that a Mexican is a Mexican, and that is that; but when he does succeed, and many of them have, we have lawyers, doctors, professional men of various kinds, many school teachers — we have no public officials who are Spanish Speaking, but we have them in places that they have reached through their own efforts — and they are considered to be probably entirely Spanish, and they are referred to always as Latin Americans.

But anybody that is poor and uneducated, lives in a bad part of town, and is badly dressed, is called a Mexican. So I would say that the prejudice is based on economics rather than on the color of the skin.

I have with me an affidavit signed by three women. One of them is my employee, a field worker with a double Masters degree, one from Texas University, one from St. Marys University of San Antonio. She went to a town called New Braunfels, Texas, with two women, a student at Lady of the Lake College and both she and my worker are as light as we are — and a woman of a little darker skin, president of one of our church clubs in San Antonio, but a native San Antonian.

A woman in the restaurant refused to serve them, said they had to go to the back of the restaurant, behind a screen, because she didn't serve Mexicans in front. One said, "We are Americans also." She said, "That is how it is. We don't serve Mexicans up here."

I also have in my file a collection of names of World War veterans, some of them still in uniform, who were refused service in restaurants in Texas. Some of them were refused the right to buy property. Many, many cases of discrimination, all sworn to before a notary public as being the truth.

In fact, Miss Kibbe, of the Texas Good Neighbor Commission, who wrote the book about which I spoke, told me that this particular restaurant in New Braunfels had been sought by herself and she brought three Mexicans there to try to have them eat and they were refused service.

RABBI GITTELSON: What happens to the same Mexicans when they

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leave Texas, as they proceed farther away from the Mexican border?
Any difference in the treatment?

FATHER BIRCH: I think so. I believe the Bishop probably knows that they receive much better treatment in the North where they are not so numerous.

In California, also, I would say, I lived 11 years in Los Angeles as a priest, worked with these people, and I found that while there is a good deal of discrimination it cannot compare with what you find in Texas.

Then, they are more numerous in Texas. There are a million in Texas, and 600,000 in California.

RABBI GITTELSOHN: And represent more of an economic threat?

FATHER BIRCH: Yes, sir.

MR. ALEXANDER: Does the religious difference have anything to do with the way they are treated?

FATHER BIRCH: No. I would say not. First of all, they are not educated Catholics, just as they are not well-educated in other things. With them, the religion is a tradition and a very strong force in their lives, but their church attendance would be about one-fourth. That is, they don't go to church regularly every Sunday; some for economic reasons. They haven't shoes or they haven't proper clothing, and the church is too far from the little colony where they live, and so forth.

MRS. ALEXANDER: You are taking it from the viewpoint of the Mexican as to whether or not he is a devout Catholic. I am taking it from the viewpoint of a Texas as to whether or not he has a prejudice against these people whether or not they are good Catholics.

FATHER BIRCH: No, I don't think there is prejudice against Catholics in Texas. Certainly not in the southern part of the State. Perhaps, in the North, where Catholics are less numerous, there might be some. There hasn't been for some years open discrimination against Catholics, since, perhaps, the time of the Al Smith campaign.

MRS. ALEXANDER: I noticed that in the States where they are most numerous, they have the greatest difficulties. That is also true, as you know, with the Negro.

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Is there any effort made to keep them from migrating in taxis, as often is done with the Negro labor?

FATHER BIRCH: I don't think so. Anybody that will offer them wages can come in and get them. They cross the Rio Grande and many of them are here illegally, and they do anything to earn a living. They cannot come out in the open asking for jobs because they might be asked to prove that they are citizens and they are what are called "Wet Bats", who swim across the Rio Grande River. And they work in the valley, chiefly, until they can learn enough English to get by as citizens. Then they move father north. They move in to the cotton States. The cotton ripens, you know, slower in the North than it does in the South, so as it ripens they move with it. It is estimated that 90,000 migrate in Texas, but that isn't so many compared to the one million that are there more permanently.

MRS. ALEXANDER: Maybe I didn't understand. You said there were three million Latin Americans?

FATHER BIRCH: In the United States.

MRS. ALEXANDER: Are they American citizens?

FATHER BIRCH: Ninety percent of them, according to the report put out by the Committee on Ethnic Affairs.

MRS. TILLY: May I ask, are they forced to be agricultural workers because there is no other way open for them to make a living?

FATHER BIRCH: That is right. There are no other opportunities. Texas is not an industrial area, as you know. It is largely agricultural; and it is a case of either take that or starve. They take it.

MRS. TILLY: Well, they are still agricultural workers when they go into Michigan, aren't they?

FATHER BIRCH: Yes, that is true.

MRS. TILLY: Then, the F.E.P.C. wouldn't help them very much, would it?

FATHER BIRCH: It helped them during the war according to the reports that I read.

In Los Angeles, the industries such as aircraft, Lockheed,

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North American, and so forth, and the shipbuilding industries, had refused to hire them on the grounds that they believed they were lazy and dishonest and wouldn't make good workers. Somebody from FEPC approached them and asked them to hire them, and they hired them in large numbers.

MRS. TILLY: That is not exactly my question.

BISHOP HAAS: Mrs. Tilly's question is whether, in your judgment, the proposed F. E. P. C. bill would help the people that moved into the sugar beet fields in Michigan by virtue of the fact that agricultural workers are excluded from the F.E.P.C. bill?

FATHER BIRCH: I see. No, I don't suppose it would, no. No, I meant it would help them in this sense, that they don't have to be agricultural workers. They are a people of a nation where there are certain skills practiced with the hands — rug weavers, pottery workers, and so forth.

BISHOP HAAS: Is that correct as to the bill, Mr. Sifton? (Addressing Mr. Paul Sifton, Legislative Relations Director for the National Council for a Permanent F. E.P.C.)

MR. SIFTON: Bishop, I would like to check with the bill. I think the language of the bill is that: "Employers of 50 or more engaged in interstate commerce or activities affecting interstate commerce," and I don't think there is a specific exemption for agriculture. I am quite sure of that. I would check it, however. I am quite sure that there is no agricultural exemption written in the bill.

BISHOP HAAS: It is by number of employees.

MR. SIFTON: It is by number of employees. And, if a ranch would have more than 50, I would assume, from my knowledge of the bill that it might be subject to the provisions of the commission.

MR. SHISHKIN: The only question would be, would it not, whether or not the ranch would be part of the operation of, say, The Great Western Sugar Company, and whether, therefore, that operation would be deemed to be in interstate commerce?

MR. SIFTON: Well, that would be an interesting occupation for the lawyers to find out whether a ranch owned by the Anderson, Clayton Company or the Kern County Land Company, or a number of other large operations, was in interstate commerce, or affecting interstate commerce.

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BISHOP HAAS: Father Birch, on page 3 of your prepared statement, you referred to discrimination, and then you break it down into discrimination with regard to restaurants, theatres, exclusive American Legion posts, and so on.

Have you, in Texas, discrimination in any considerable way with regard to employment, jobs in factories, and so on?

FATHER BIRCH: Yes, that is right. We opened an employment bureau in our office last year for San Antonio. We had close to 1,000 applicants for work, most of whom were between the ages of 14 and 25; some older. We were able to get jobs for 100 of them. Those were skills such as typists, clerks, stewards, and so forth. For the rest, we were unable to get employment.

We wrote to business firms throughout the city, most of whom didn't answer, but we would call certain firms and say that we heard they had an opening for a person in a stock room, or some other type of work; or I would go myself, but thinking I was the same in prejudice as they, they would say, "You know, we never hire Mexicans."

BISHOP HAAS: What kind of factories? Cigar factories?

FATHER BIRCH: Yes; garment factories; small industries. There is no large industry in San Antonio. Probably the largest is the Johnson Store. Garment factories -- none that employ over two or three hundred.

BISHOP HAAS: Now, that character of discrimination in jobs that you described as applied to Spanish-speaking people, does it exist to an equal or less or a greater extent against the Negroes?

FATHER BIRCH: They say -- I don't know how true it is -- but I have heard it said time and again that there is more discrimination against the Spanish speaking than there is against the Negro as far as job discrimination is concerned.

MRS. ALEXANDER: In Texas?

FATHER BIRCH: In Texas.

MRS. TILLY: Someone coming before us in days past, made the statement that the economy of New Orleans was dependent upon Latin America, and this discrimination was really affecting their economy, the economy of the city of New Orleans. If that is true, wouldn't that be one weapon to break down this?

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FATHER BIRCH: Yes, I think so.

MRS. TILLY: Prejudice and discrimination?

FATHER BIRCH: That is right. In other words, any time they are discriminated against, they go to the consul, whether they are citizens or not, and he is constantly hearing cases of discrimination and reports them back to his country and they are carried in the Mexican papers, if he is a Mexican, or in the other papers if he belongs to that particular --

MRS. TILLY: The point I was making, if we look at it from a selfish standpoint, it affects the economy of our nation; then it is to our selfish interest, at least, to break down this discrimination.

FATHER BIRCH: Yes. That has been brought out. It is brought out by this pamphlet put out by Ethnic Affairs as one of the weapons to use against it, that it is hurting our Good Neighbor Policy and economics.

Of course, on the other hand, much is done by putting on plays, and showing that we love them and they love us, and so forth; but actually the mistreatment of their people is a very strong argument against us. So many go back, too, to those countries and tell what is happening.

MRS. ALEXANDER: Right in Texas, if you are in a small town, don't you have enough purchasing power to stop dealing with the store that doesn't employ Spanish or Latin Americans?

FATHER BIRCH: Yes, sometimes.

MRS. ALEXANDER: Have you ever tried it?

FATHER BIRCH: No, I don't suppose that any real effort has been made to unite the Latin Americans. It is very difficult because there are a lot of jealousies among them. It is very hard to unite them. One doesn't want the other to get ahead. They all have a complex from discrimination.

MR. SHISHKIN: I was wondering about those people that went to the aircraft plants and the copper mines during the war. Have any of them come back to San Antonio, or other communities in Texas, or have they largely settled down in new places of employment opportunity?

FATHER BIRCH: Well, you see, before the war there were 200,000

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Mexicans in Los Angeles; and there were the ones who never could get jobs in war industries, and there were the ones who were employed. Now, as you know, the war industries largely shut down. They kept small skeleton staffs going, but nothing compared to the numbers that were employed during the war. So, naturally, they lost that employment.

Now, what has happened to them since I can't say.

MR. SHISHKIN: What about the people that went from Texas to the war employment areas?

FATHER BIRCH: I couldn't say as to that, either, how many, what percentage have come back to the areas from which they went.

MR. SHISHKIN: In the Nonferrous Metals Commission during the war, a direct payroll survey was made by the commission, and a complete check was made, name by name, of both white and non-white employees, with regard to their skill, productivity, and educational classifications.

It was found that in the copper mines in Arizona, where the employers made the charge that the Mexicans, the Spanish people, were the dark people, they were the same as Indians, they were illiterate, and therefore they couldn't assume responsibility for jobs; that was completely overturned by the findings in which this payroll check revealed that, as a matter of fact, in many departments, the Spanish speaking people had more education, more literacy, and were responsible for more man-hour productivity than the others.

Now, do you find segments of that Spanish speaking community in which that would be true in the area that you know, also?

FATHER BIRCH: No, because where they were hired during the war to replace the non-white, it was largely in the field of service -- waitresses, clerks in stores, and so forth. And because people have a prejudice against being waited on by a Spanish speaking girl, they had to let them go when the war ended and hire an Anglo-speaking girl now that they are more available.

For example, in the St. Anthony Hotel in San Antonio, all the waitresses will be Anglo; but girls and bus boys will be either Negro or Spanish speaking.

MR. SHISHKIN: What about a so-called Castilian from Mexico in the community? I mean, what about the social distinctions in the restaurants, or the movies, or any other public place? would

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There be any distinction?

FATHER BIRCH: No, he would not be discriminated against, first of all because he is light skinned and they would not know he is Spanish speaking; but if he spoke with an accent he would run into danger of being discriminated against.

Does that answer your question?

MR. SHISHKIN: Yes.

MRS. ALEXANDER: May I ask, may a Latin American attend the University of Texas?

FATHER BIRCH: Oh, yes. There are numbers of them, Latin Americans, on the faculty.

MRS. ALEXANDER: And dark-skinned?

FATHER BIRCH: Yes.

RABBI GITTELSOHN: What is the relationship between the Latin Americans and the Negroes? Is there prejudice on the part of one towards the other?

FATHER BIRCH: No, I don't think so, although they live in pretty much segregated neighborhoods. That is, you have the Latin American colonies and you have the Negro sections.

RABBI GITTELSOHN: What prompted that question was the curious reference to the Latin Americans thinking it insulting to be referred to as non-white.

FATHER BIRCH: Yes, that is ture.

RABBI GITTELSOHN: Which would seem to imply to me, at any rate, an attitude of superiority on their part vis-a-vis the Negroes.

FATHER BIRCH: I suppose it would be the same as an American who is called a non-white, any person born in the United States of white parents.

RABBI GITTELSOHN: Perhaps it is because I personally wouldn't object to that, that I was curious.

FATHER BIRCH: No, that is true, We had some very serious riots in Los Angeles with the Negro boys and Mexican boys. I

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happened to be in the midst of all that. That is why I am in the midst of all this, because of my work with the youth in the Zoot Suit Riots. Those who thought it was race prejudice were wrong because later on the same boys fought against the soldiers and sailors and that precipitated the big riots. So it was a case of fighting someone and getting into a fight rather than because the other boys were Negroes.

We find that they work on jobs very amicably, because there is very little prejudice against the Negro in Latin America or Mexico. The prejudice, such as there is, is a class prejudice. That is, the wealthy don't have much to do with the poor, and so forth. It is a social class prejudice rather than color.

MR. SHISHKIN: There is just one point that I was concerned about. In the case of Mexican-Americans, or Mexican workers in some occupations like beet sugar field work, they usually work in family groups. The whole family is hired to perform a certain operation, and, therefore, they work together all of the time and they are confined by language and this family grouping intensifies and the barrier between them and the other workers.

As far as Texas is concerned, is there greater diversification of employment as they come closer in contact with other workers?

FATHER BIRCH: I wouldn't think so because so many in Texas are in agriculture, itself, and they work in groups. The vast majority, the greatest part of the agricultural work, such as picking cotton, is done by Latin Americans.

MR. SHISHKIN: What about citrus growers?

FATHER BIRCH: The same thing is true there.

MR. SHISHKIN: What about pecan shellers?

FATHER BIRCH: Some work is done by children after school. The pecan shelling is done in the cities and there is a better check on school attendance.

MR. SHISHKIN: Do many Mexicans work in the pecan shelling?

FATHER BIRCH: Oh, yes; almost entirely.

MRS. TILLY: Would the cotton picker entering into Texas bring quite an unemployment problem?

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FATHER BIRCH: Oh, well, it hasn't been perfected yet. I suppose it will. It might be a good thing if it is. Then they will have to go to something else where there will be better living. They were treated terribly until the Department of Agriculture did something about it. They lived out of trucks, day and night. They weren't allowed to go into the towns; were run out of the town if they would go in it. They would wait sometimes two or three weeks for employment, if they got to a place before the cotton was ready.

Now, it is organized better. They have field service representatives and they have housing for them.

DR. CARR: You spoke of efforts to develop leadership among the Spanish speaking. I understand that the Spanish speaking are perhaps the only sizable minority in the country that do not have an effective organization of their own. Is there any chance, do you think, that that will come in the near future?

FATHER BIRCH: Well, we hope so. We are trying to organize them now and to have them develop their own leadership, because they resent, strangely, being lifted up -- meaning that they are down and you are up.

DR. CARR: Are there any signs at the moment of any budding organization of any kind?

FATHER BIRCH: Yes, I think that our councils -- I am going to leave these records here because there are names of men in prominent positions who have found there is somebody back of them, an organization such as would give them status such as they never had before.

The tendency of the Latin is, once you have offended him, he holds it against you. It hurts very deeply, and he goes into a shell and decides he will just keep away from you forever, and he will never come out of it. He doesn't fight back, in other words; but when you give him a status on a committee and show him that there is a big organization back of him, he will accept responsibility and work for his own people -- because, as you know, they are very nationalistic.

MRS. ALEXANDER: Just one thing I wanted to know: Do the Latin Americans have any difficulty in voting in the Southern States?

FATHER BIRCH: No, except for the poll tax, of course. It is more of a nuisance than the \$1.75 that they have to pay, because

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they have to go all the way downtown and it is quite a hardship on them. There is a great bid in San Antonio made for the Latin vote, and it is pretty well divided.

MR. SHISHKIN: Just one question: You mentioned a while ago, that, by treaty agreement, the minimum wage for the Mexican workers imported for agricultural labor into the United States has been set at 25 cents an hour, and you said that wasn't adequate. And that was arbitrarily set at 25 cents an hour?

FATHER BIRCH: By the Growers Associations.

MR. SHISHKIN: And also I understand that there are other statutory minimum rates set for agricultural labor here by the Department of Agriculture; set after hearings for other agricultural work under the law. Now, in those hearings when those rates are set, are there any organizations or groups or individuals coming to testify and present evidence as to what the prevailing rate may be outside of the growers?

FATHER BIRCH: There has been in the past regarding sugar beet workers, but I don't know whether there has been recently. I couldn't tell you. I don't know of any organization. I don't know of any organization that has come to speak for the agricultural workers; but I knew of one a few years ago; the beet workers of Colorado went out against the manufacturers. The man brought one of his workers right with him to a hearing, had this fellow speak for himself.

BISHOP HAAS: Thank you very much, Father Birch. Your testimony has been very helpful.

The next witness the Committee is privileged to hear is Mr. John Collier, President of the Institute of Ethnic Affairs.

Mr. Collier.

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STATEMENT OF JOHN COLLIER

President of the Institute of Ethnic Affairs, Washington, D. C.
and Director of the National Indian Institute

MR. COLLIER: Mr. Chairman, and members of the Committee, I was asked to come and tell you about problems of civil rights in the American territories and dependencies. There is no generalization possible upon this subject. Our dependencies reach all the way from organized incorporated territories like Alaska and Hawaii, which have Constitutional rights as a matter of right, to organizations like Puerto Rico and the Virgin Islands whose bills of rights were enacted by Congress, and which have the civil rights by congressional grants only; and then beyond them to island possessions which have no Constitutional status.

The categorical issue of civil rights arises only in the last-named class -- that is, Guam, American Samoa, and the Islands of Micronesia, which we are taking under a trustee agreement under the United Nations. I should, however, say a word about the indirect invasion of political or civil rights that may take place even in as liberated a commonwealth as the Philippines.

Last year, and this year, we confronted the Filipinos with an ultimatum that they must do without their war damage awards in excess of \$500, and must do without any benefits of free trade unless they would amend their Constitution to the effect that United States Nationals would have in all respects equal privileges with nationals of the Philippines, although our Congress cannot give the Filipinos equal privileges with Americans, and they do not have equal privileges.

We required that they pass that parity provision, and also that they surrender the control of their national currency to us as the condition of receiving the war damage payments, and of any continuance of free trade.

First, we coerced the franchise in the Philippines. Such possibilities of the indirect abridgement of civil right exists as long as Congress has plenary power as it had in its negotiations with the Philippines. But the useful part of any statement will relate to that area where the civil liberties issue exists categorically, where we find now a systematic, direct, and intentional denial of the civil rights. That area, as I said before, is Guam with its 23,000 native Chamoros, American Samoa with its 13,000 native Polynesians, and the Islands of Micronesia with their 52,000 island natives. The picture is thus given in terms of Guam because there the record is most complete and the data is most undisputed.

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We acquired Guam from Spain after the Spanish-American War under the terms of the Treaty of Paris. Article IX of the Treaty of Paris obligated the United States to define through Act of Congress the rights and the civilian status of the Guamanians.

That definition was never supplied. There remains no Congressional enactment whatsoever under which a Guamanian may assert any right. By Presidential Order the Government of the civilian population in Guam was turned over to the Navy.

The Navy is now governing Guam and also American Samoa by the pre-Pearl Harbor type of Navy rule. That type of naval rule consists of the naming of a governor, who is a naval officer, whose tour of duty usually is 18 months.

This naval officer is the lawmaker. He makes and rescinds law at will. He is the executive who enforces the law he makes and he is the judiciary who judges under the law that he makes; and from the local court created by the Navy there is no appeal to any regular court.

There is no Bill of Rights, and there are no Constitutional rights. It is often said in justification of this anomalous set-up that these island peoples enjoy civil rights empirically although not legally -- that is, that sometimes and in some particulars civil rights are tolerated; the enjoyment of civil rights is extended as a matter of grace by a naval governor.

In fact, speaking empirically as aside from legally, empirical civil rights do not exist on these islands. A great many examples could be given, and I will give one most obvious example.

Guam resisted the Japanese. Several hundred Guamanians were killed by torture, beheading, or shooting for loyalty to the United States. Either the Japanese destroyed or we, in retaking Guam, destroyed most of the houses and other properties. The City of Agaña, where half the Guamanians lived, was totally destroyed. The armed forces took over two-thirds of all the island area, two-thirds of all the land area of Guam, including nearly all of the agricultural land.

The Guamanians are, therefore, wholly dependent on wages for a livelihood. In Guam large construction operations are going on, carried out by mainland and Hawaiian contractors, and they pay a generous wage. The Navy prohibits by decree the contractors from employing any of their labor locally on Guam -- that is, from employing Guamanians for the labor on Guam.

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For the Guamanian labor the Navy has fixed a pay rate less than one-fourth that paid to the imported labor, a good deal less than one-fourth; and being prohibited from working for the contractors they have nobody to work for but the Navy and the households of the naval officers and of the white civilian people on Guam.

It is equivalent to forced labor at an exceedingly depressed wage, violates the International Labor Office code, violates the charter of the United Nations, violates ad infinitum.

Going beyond that to the due process of law factor in civil rights, in Guam, as in the other islands, the taking of property is a preemptory act by the armed forces. They have taken in Guam tens of thousands of acres, which they never intend to use, which ultimately will be turned back to the Guamanian owners. After 2- $\frac{1}{2}$ years the Guamanians have not received rent, have not received compensation, and are not allowed to return to their home sites or even to grow subsistence garden crops on their idel land.

In general, we witness in these islands a completely personal government, which becomes impersonal in the aspect that many of the regulations under which it operates are made in Washington and are of such character as found by the recent Hopkins investigating committee, that in the matter of awards for death, awards made pursuant to the Act of Congress, often the award is whittled down to what is called by the committee a mere pittance. The life of a Guamanian who died for the United States through beating or torture by Japan, or shooting, will be valued as low as \$669.10 in the final working out of these regulations, which are not the doings of the local island government at all.

Similarly, awards for property are arbitrarily fixed as of the value of that property in 1941, or its reproduction value in 1941, and as the Hopkins Committee, or the Navy, points out, such awards in terms of the reproduction costs today, and of the values of the land today, are a negligible fraction of the due award; but from the Navy's Court of Claims there is no appeal. Its conclusions are final as to fact and law, according to the statute itself.

It is difficult, it is impossible for Americans who enjoy rights fully, to appreciate the boxed-in condition of these islanders ~~from~~ under a rule wholly personal with the Navy sitting as the Court of Claims to determine what compensation shall be paid for lands taken by the Navy, with the sole credit institution the naval bank with all business operations licensed by the Navy, with taxation imposed blind by the Navy upon the Guamanians, dependent on the Navy for all employment, and compelled to work at one-quarter

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the normal wage.

The direct systematic denial of civil rights is less than the enveloping pressure of that situation.

Now, when we go to Micronesia, we find another condition. The Thousand Islands, which we took from Japan, which were mandated under the League of Nations to Japan and now are being trustee'd under a strategic trusteeship under the Security Council to the United States. There the trusteeship agreement guarantees the civil rights. It contains the various guarantees that the Charter itself contains for trustee'd areas, but our delegation insisted to the end, and successfully, upon retaining in the trust agreement the unilateral authority of the United States to suspend all of the guarantees of human and civil rights upon its own unilateral motion if it deemed that security was involved, with no definition of security.

No other trust agreement by any other of the powers contains such language, and it is something the meaning of which is found by going back into the history of Guam and Samoa.

There for 47 years, or for 39 years, up until Pearl Harbor, let us say, in Guam the argument always put forward for the maintenance of personal government, the denial of organic acts, the denial of citizenship and civil rights, was that security required it. Security required that these natives be thus handled.

In effect, as you know, Guam fell in 24 hours after Pearl Harbor. There never was any anticipation of holding Guam in the event. There never was any anticipation of holding Guam in the event of war with Japan. Now, when the factor of security is utterly gone for the time being, still the same denial of rights goes on.

Now, I had better stop my formal statement and submit to questioning.

BISHOP HAAS: Any questions?

MRS. TILLY: I want to ask you something: There are two direct recommendations concerning the President and two recommendations for Congressional action. Are these a part of your program or the suggestions you make for our Committee?

MR. COLLIER: There are a number of recommendations which would be extremely relevant. I mention first that this is not a Presidential recommendation, but I mention that a number of bills are pending in Congress now extending organic acts and citizenship

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to Guam and Samoa and transferring the administration to a civilian agency. Those bills are live issues in Congress now, and hearings will begin on them two weeks from yesterday, the 26th.

Now, there are other steps which could be taken even without Congressional action. I would suggest consideration of a study by the Office of the President of what kind of civilian agency to establish, either for the administration of these far Pacific Islands alone, or for all territories and dependencies. At present our administration of dependencies is scattered like a large number of dull needles in a haystack.

It is in the Army, in the Navy, in three divisions of the Interior Department, in at least three advisory and policymaking units of the Department of State, and so on. There is no concentration of even intellectual responsibility or coordinating responsibility, and much of the lag in our dependency policy is due simply to this mechanical fact of a fragmented uncoordinated lot of petty rival bureaus.

Also, there should be considered the possibility of interim action pending a permanent solution by the President, placing Guam and American Samoa in the Department of the Interior, which is now administering Hawaii, Puerto Rico, the Virgin Islands, and Alaska; then, prompt enactment by Congress of bills granting citizenship and organic acts.

For the first time, the Secretary of the Navy is now behind the proposition that organic acts and citizenship should be extended. All through the prior decades organic acts were defeated regularly, through the Navy's intervention. Now, Secretary Forrestal, following the Hopkins Committee, recommends the passage of these citizenship and organic bills. But in addition, if practicable, the Congressional direction should go to the President to move the administration of the islands into an existing or newly created civilian agency, and, finally, amendment upon the initiative of the United States of the strategic trusteeship agreement for Micronesia to the effect that the suspension of civil rights shall be sanctioned only ~~the~~ by the requirement of public order and not by the requirement of security.

Such an amendment, if initiated by the United States, would be immediately adopted with acclaim by the Security Council and would simply equate our agreements with the other agreements that are in effect.

MRS. TILLY: Are these the recommendations that you are making for us to follow?

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MR. COLLIER: I simply suggest that these are things that should be done.

MRS. TILLY: The program of the Institute of Ethnic Affairs, or the program you are proposing to us?

MR. COLLIER: The Institute of Ethnic Affairs is not an agency promoting legislation. We are a research and publication organization, but the outcome of all inquiry made is that there is no hope of a good human situation on these islands unless they are governed by law. We must end personal government in the hands of any agency, and also recognize that the Navy is not institutionally constituted to rule civilians. It is a minor and very subsidiary operation of the Navy, to which the Navy brings the battleship psychology.

It is not to be expected that the Navy is going to qualify itself, nor can it be argued that it is necessary any more than it is necessary in Malta, or Singapore, for England to govern through the Navy or Army, which it does not do.

BISHOP HAAS: Mr. Collier, are you refraining from making recommendations with respect to Puerto Rico for the reason that the conditions in Guam and Micronesia are worse? Is that your main reason? You would not say that the Puerto Rican conditions are anywhere near acceptable, would you?

MR. COLLIER: No. Certainly the recommendation regarding Puerto Rico should be toward a large increase of home rule, towards diminishing the veto power of the President and of Congress, if possible. There are three vetoes that hang over the Puerto Rican legislature now -- the appointed governor, the President, and the Congress. Surely Puerto Ricans should be allowed to elect their own governor. Surely they should be allowed to determine whether the basic instruction in their schools shall be Spanish or English.

But we are dealing with a very complicated situation in Puerto Rico.

BISHOP HAAS: But you have the same Navy treatment of the people down there, as I know firsthand.

MR. COLLIER: We haven't any more.

BISHOP HAAS: Before the war the Puerto Ricans were being paid half or a third of what the Americans were being paid.

MR. COLLIER: You had it in the Virgin Islands, also.

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BISHOP HAAS: But in Puerto Rico you have a population of close to two million people as compared to these others having just a handful.

MR. COLLIER: In the main in the area of civil rights, literally considered, they are not so badly off.

BISHOP HAAS: Oh, yes.

MR. COLLIER: The trouble with Puerto Rico is that she is conducting a superb effort at self-salvation now. That effort is dependent on the rum tax, which is refunded to Puerto Rico pursuant to the organic act. She cannot do anything or say anything to jeopardize those payments, on which her economic reconstruction depends.

BISHOP HAAS: I only wanted to know the reason why you more or less dismissed the Puerto Rican situation.

MRS. ALEXANDER: The control of the Virgin Islands by the Department of the Interior has not been so successful for the Virgin Islands that you would recommend that the Department of Interior be the agency that continues to rule the Islands; would you?

MR. COLLIER: It hasn't been successful, but I don't know that it is attributable wholly to the administrative agency. As you know, the Virgin Islands have not received the refund of excise taxes as has Puerto Rico. There is a bill put in by the Interior Department now to insure them that refund hereafter.

The population of the Virgin Islands has been drifting out year after year at about 2,000 a year, being replaced in part by Puerto Ricans who sleep in

Ten thousand dollars was authorized by Congress in public works. Three years passed before it was made available, and it is only beginning to be spent now. The blame lies in a combination of historical circumstances, on the Virgin Islands, cululative, on Congress, and above all on this absence from our Government of an Office conspicuous and implemented to deal with these matters.

The Interior Department has a little Division of Territories and Islands that is getting even in this year an appropriation over all of our \$140,000 for all its work.

MRS. ALEXANDER: My point is that if we made a recommendation following yours, we would want to make one, I should think from what you have said, that there would be a new civilian agency

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rather than these matters be referred --

MR. COLLIER (Interposing): I am inclined that way, if you make it plain that the new civilian agency must be one not too remote from the President.

MRS. ALEXANDER: From the President?

MR. COLLIER: From the President. It should be close to the President.

MRS. ALEXANDER: What would you think of a commissioner?

MR. COLLIER: A commission would be all right, anything that would put all the works in one place and give the public something to shoot at, and give the dependencies something to shoot at.

BISHOP HAAS: Any other questions?

Thank you very much, Mr. Collier. You have been a real help.

MR. COLLIER: Thank you very much.

BISHOP HAAS: Our next witness is Dr. Guy Johnson, Director of the Southern Regional Council.

STATEMENT OF DR. GUY B. JOHNSON,
Consultant of the Southern Regional Council

BISHOP HAAS: Dr. Johnson, will you identify yourself for the record and tell us a little more of yourself and your connections.

DR. JOHNSON: I was Executive Director of the Southern Regional Council, Atlanta, Ga., from the Council's founding in January, 1944, until my resignation on April 1, 1947. I am serving as consultant to the new Director, Dr. George S. Mitchell, for several months before returning to my former position as Research Professor of Sociology and Anthropology at the University of North Carolina.

Mr. Chairman and Members of the President's Committee on Civil Rights: I appreciate the privilege of appearing before you today. The appointment of this Committee by the President is a significant step in our progress as a nation toward the enjoyment of full civil rights by all of our people, regardless of race or creed or class. Your deliberations and your recommendations can do much for human progress in the United States.

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I speak as an individual, but I believe that most of what I have to say has the support of the Southern Regional Council, with which I am associated, and of progressive-minded Southerners in general. I shall endeavor to set forth briefly some ideas on the problem of civil rights, with special reference to the South, and some suggestions for strengthening the protection of civil rights. You have probably already heard most, if not all, of the suggestions which I shall make, so what I have to say may be more by way of reinforcement than of new ideas.

As a background for my presentation, I wish to say that I conceive of the ultimate strategic recommendations of this Committee as being directed toward the following processes:

1. Strengthening federal legislation, and perhaps the Constitution, so that the Federal Government may deal more effectively with violations of civil rights.
2. Clarifying certain existing constitutional and statutory provisions through Congressional action and test cases in the courts so that these provisions may become better instruments for safeguarding civil rights.
3. Formulating certain desirable standards of legislation, judicial procedure, police conduct, etc., for the State and local levels, which can be laid on the conscience of State and local governments, bar associations, and all sorts of private agencies interested in civil rights.

Lynching:

Lynching is not nearly as common as it used to be, but it has increased in the post-war years and it is likely to increase further unless it is dealt with more vigorously. Furthermore it has changed its characteristic pattern from the old-time big mob to more surreptitious executions by small groups. Any lynching is too much lynching, and anything that can be done by the Federal Government or by the State governments to wipe it out will be a contribution to human progress.

Most of the Southern States have rather good laws on the subject of lynching, but there have been very few convictions under these laws because enforcement efforts are only half-hearted and because silence on the part of those who are "in the know" is whole-hearted. Nothing would eradicate lynching more quickly than a relatively high certainty of punishment. Since the Federal Government seems to pursue offenders with more skill and persistence than the State governments, as a general rule, it seems to me to be

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highly desirable to strengthen the hand of the Federal Government against lynching to the fullest possible extent under the Constitution.

As I understand it, the present jurisdiction of the Federal Government over cases of lynching is more or less incidental and rests largely on Sections 51 and 52 of Title 18 of the United States Code. Under Section 51 it is necessary to prove that two or more persons conspired to injure, oppress, threaten, or intimidate a citizen in the free exercise of a right or privilege secured to him by the Constitution or laws of the United States. The offense which must be proved is conspiracy, and the maximum punishment, a \$5,000 fine and imprisonment for ten years, is so drastic that it discourages convictions. Under Section 52 it is necessary to prove that a person has willfully subjected another person to the deprivation of a right, privilege, or immunity secured by the Constitution and laws of the United States, etc., etc. The maximum penalty is a fine of \$1,000 and imprisonment for one year. But the striking fact about these statutes is the way they have been weakened and limited by traditional interpretation. Thus the "two or more persons" in Section 51 and the "whoever" in Section 52 must include some officer clothed with authority of the law. The emasculation of the original intent of such statutes is tragic, but, under our complicated negativistic civil rights structure and the judicial interpretations thereof, this is the practical situation which we face. If these statutes are worth anything, they are worth improving, and they should be improved to the limit. Every possible angle should be subjected to repeated testing. Even the Supreme Court can reverse long-standing traditions. Witness the historic language used in *Smith v. Allwright*: "*Grovey v. Townsend* is overruled." Frankly, however, I am doubtful whether they can ever be made much more effective than they are at present. Three Supreme Court justices consider Section 52 unconstitutional. If I may make a drastic suggestion it is this: what we really need is a constitutional amendment conferring upon the Congress certain specific powers to protect human rights, implemented by a comprehensive new civil rights code.

Next a word about specific anti-lynching legislation. If a federal statute with teeth in it can be drafted so as to stand the test of constitutionality, then we should have it. There are difficulties, as you well know. One is that we have the problem of trying to isolate a particular type of murder or mayhem and bring it under the jurisdiction of the Federal Government. Another is the fact that in all probability the statute could cover only those cases in which an officer of the law is involved, and these constitute a minor proportion of all lynchings. I return, therefore, to my previous suggestion, namely, that we need a comprehensive revised civil rights code backed by the necessary constitutional revision.

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Abuses of Police Power

Much less spectacular than lynching, but far more common and more serious, are the day-to-day abuses of police powers which are practiced by local officers in particular. I am not making a blanket condemnation of our sheriffs and policemen. They have a difficult job, and those who discharge their duties with firmness, efficiency, and fairness deserve our highest commendation. Nevertheless, the fact remains that on the average the level of education, training, official conduct, and administration of our police in the South is considerably below standard. This situation aggravates, and is aggravated by, the relations between whites and Negroes. Any underprivileged person runs the risk of being mistreated by the police, but it is the Negro who suffers most, because he is the most defenseless. The deliberate use of needless force, especially on Negroes, is so common that many people take it for granted as a necessary part of law enforcement. The most common abuses of police authority are the following:

1. Insulting and abusive language.
2. Needless beating and shooting of persons being arrested or while in custody.
3. Wholesale arrests or round-ups on slight suspicion.
(Many county officers still operate on the fee system, and the Saturday-night round-up of crap-shooters and "vagrants" is the time-worn way of bringing in the fees.)
4. Force and intimidation to gain confessions or information from persons taken into custody.
5. Holding of persons incommunicado.
6. Denial of medical attention to sick or injured prisoners.
7. Jailing of witnesses so that they will be on hand when wanted.

In passing we must take note of the fact that railway conductors, bus drivers, and street-car operators are empowered by law to enforce the laws pertaining to the segregation of the races in public carriers. These men are armed, and some of them are inclined to be much too quick on the trigger. Every year a score or more of Negroes are slain in the South by street-car operators or bus drivers, and most of them are slain needlessly.

The state police in the South operate, for the most part, on a

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higher level of professional conduct than the local police. However, in those relatively infrequent cases where their services are needed to deal with a race riot or a potential riot, they have a tendency to conceive of their task as primarily one of dispersing or bringing under control the Negro participants in the affair. This is illustrated by the Columbia, Tennessee, incident of February, 1946. That unfortunate affair was handled by local officers with considerable skill up to a certain point. However, the situation took a turn for the worse and the State Patrol was called in. Our investigation led us to the conclusion that if the State Patrol had first dispersed the crowd of white people and had then waited until full daylight to deal with the crowd of Negroes who had assembled in "Mink Slide", the situation could have been resolved without further injury to persons or property.

The police abuses which I have named range from minor items to major infringements on civil rights. The situation is complex, and it calls for several methods of attack. In the first place, the strengthening of federal statutes, which I have already discussed, would certainly be helpful. Not that this would lead to a great many convictions, because it would still be exceedingly difficult to get good evidence, but occasional convictions in the more flagrant cases would no doubt have a salutary effect on the whole picture. In the second place, the state and local governments should be urged to improve their administrative procedures and regulations as quickly as possible. It is up to them to clean their own houses, but I believe that this Committee can focus public attention upon their shortcomings and can offer concrete suggestions for dealing with them. For example, there should be considerable emphasis placed on the selection, training, and personality traits of policemen. No person with a sadistic tendency or with a race or class chip on his shoulder has any business being an officer of the law. The Southern Regional Council is now working out a manual of human relations for police officers in the hope that some special training of this sort may eventually become standard practice. Finally, the use of Negro police in predominantly Negro areas might be mentioned as a special technique which has already proved its worth. Over 40 Southern cities and towns now include Negroes in their police forces, and most of them say that Negro police do a more effective job of dealing with Negro offenders and, furthermore, that in the areas where they serve there are fewer killings of and by the police. I hope that this Committee will look into this matter and will lend its moral and educational weight to the extension of the use of Negro police.

Suffrage Restrictions

The ballot is the backbone of our democracy. When any class

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or group of citizens, is denied the right of suffrage, it is deprived of the tool by which it could do the most to protect its other civil rights. In the South we have made considerable progress toward eliminating suffrage barriers, but much remains to be done. Seven states still require the payment of a poll tax as a prerequisite for voting, four or five are trying to hold on to the white primary, and several states have educational or character qualifications which are administered in such a way as to discriminate against Negroes or any others whom the local registrars want to keep off the voting lists. In addition, there are extra-legal devices of intimidation to prevent Negroes from voting and to punish them for having voted. The "best" of the thirteen Southern states from the standpoint of suffrage are probably Kentucky, Oklahoma, and North Carolina; the worst, South Carolina, Mississippi, and Alabama. It is hardly necessary to point out that the one-party system is strongest where the suffrage barriers are highest.

The poll tax is not as pernicious a scheme as the white primary, but it does undoubtedly keep a great many potential voters away from the polls, particularly when the tax is cumulative. Its revenue function is trivial, but its political function is significant. I do not doubt but that all of the states would eventually do away with the poll tax. But "eventually" may mean twenty-five more years for some of them, so I urge that you recommend federal action to eliminate the poll tax requirement.

The white primary situation is, of course, in a somewhat fluid state. After the Supreme Court decision in the Texas Case, *Smith vs. Allwright* (1944), Texas settled down to an acceptance of the decision. Arkansas set up separate primaries two years ago, one for congressional candidates and the other for state and local offices, on the theory that she could do what she pleased about the latter as long as she permitted Negroes to vote in the former. However, she has recently repealed this law, and presumably she intends to permit Negroes to vote in all primaries. Georgia, after a court test of the applicability of the *Smith vs. Allwright* decision, fell into line and registered over 100,000 Negroes for the 1946 elections. Then, thanks to that iniquity known as the county unit system, Eugene Talmadge, in second place in the popular vote and with some 90,000 Negroes voting against him, captured the gubernatorial nomination. He had campaigned on a promise to give Georgia a white primary by repealing every reference to primary elections. Then followed his death, the "battle of the governors," the unseating of Herman Talmadge, and the vetoing of the new white primary bill by the legal governor, M. E. Thompson. The battle lines are forming, and Georgia will have the same fight over again in 1948. In Florida, where there has been considerable progress away from the white primary system, a state senator has waged a vigorous

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campaign for the repeal of all primary statutes, but all indications are that the present legislature is turning a deaf ear to his proposals.

There are now in effect two definite arrangements which are intended to evade the consequences of the decision of the Supreme Court in Smith vs. Allwright. One of these is the South Carolina arrangement. Shortly after the decision, the South Carolina legislature met in special session and repealed every statutory reference to primary elections. The theory behind this move is simple: no laws, no state action, therefore the Supreme Court can't touch us, because the Democracti Party is as private as any other social club. The crucial question now is, can this arrangement be broken down?

The South Carolina plan is now being subjected to a test in the courts. Of course, we are hopeful that the Supreme Court, when it gets the case, will take the view that the placing of the names of primary nominees on the official general election ballot brings the whole system under the heading of "state action" and therefore nullifies it. However, it is quite possible that the Court may find otherwise. In that case, several other states will no doubt adopt white primary indefinitely. Therefore, we should be prepared to subject all such devices to every possible test, and as a last resort to promote a federal statute, or an amendment if necessary, providing that no political party which offers candidates for national office shall make race, color, creed, or national origin a condition of party membership.

The second arrangement for preserving the white primary, or at least for preventing Negroes from voting in large numbers, is the Alabama plan. Last year Alabama adopted an amendment to its constitution known as the Boswell Amendment. This plan sets up certain qualifications for voting -- qualifications which in themselves are not very unreasonable -- and gives to election registrars wide powers for applying the tests and for making final decisions. Both opponents and proponents of this measure recognized it for what it is, namely, a device to keep Negroes from voting in substantial numbers. This device will be very hard to deal with. It should be studied carefully to determine whether there are any possible systematic effort should be made, through both civil and criminal actions, to deal with the discrimination which is bound to occur in the administration of the provision.

The extra-legal devices of intimidation and violence are the most insidious and the most difficult to deal with. Stronger civil rights statutes will help to some extent. It would also be desirable to have a wide campaign of popular education which will

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inform Negroes as to their suffrage rights and instruct them as to the procedures they should follow in trying to exercise those rights. And, of course, the Department of Justice and various civil rights agencies should redouble their efforts to bring to justice those persons who deny others the right to vote.

Before leaving the question of voting, let me refer again to the Georgia county unit system. This thing is so entrenched that many of us see little hope for its repeal by legislative action in our generation. My vote as a resident of Atlanta and Fulton County is worth less than one one-hundredth of the vote of a resident of the state's smallest rural county. If that is "democracy" or "equality before the law" or "a republican form of government," then I don't know what these terms mean! I hope that this ~~press-~~ ~~sure~~ Committee will do everything in its power to bring moral and legal pressures to bear on this pernicious device.

"Separate-But-Equal" Facilities

Under our segregation laws in the South there are numerous public services and facilities which are operated on what is sometimes called a separate-but-equal basis. I refer, of course, to public schools, hospitals, charitable and penal institutions, public carriers, etc. The accent has been almost entirely on "separate," so that we have everything from near-equality to gross inequality, or even absence, of facilities for Negroes. In recent years there has been considerable progress toward equalization (e.g., teachers' salaries and length of school terms have been equalized in a few states), and there has been some obliteration of the color line (e.g., in interstate travel), but the fact remains that facilities and accommodations for Negroes are unequal and inferior. The ultimate disposition of the segregation issue will not take place in our generation, and in the main whatever pressures are applied will probably have the practical effect of reducing the gaps of inequality. Fortunately, the legal mandate is quite clear, particularly since the decision of the Supreme Court in the Gaines case. That mandate is: a state may maintain separate facilities for white people it must provide "substantially equal" facilities for Negroes. The N.A.A.C.P. has pressed these matters in the courts with considerable success, and I believe that continued pressure will accelerate the process by which our Negro citizens will come to enjoy equality of facilities and accommodations in fact.

Hate Organizations

Time does not permit me to discuss certain "hate" organizations which seem to have taken a new lease on life in the post-war period. I understand that you have given them careful consideration and

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are working on methods for dealing with them. My friend Alexander Miller, of Atlanta, has already presented to you an excellent statement on these organizations. Let me say simply that I am in accord with the views which he expressed to you.

Conclusion

There are other subjects which should be discussed, but the time is limited, and I have covered what I consider to be the major problems. However, I am placing in your hands some additional materials by way of illustration and expansion of my remarks. In conclusion let me express again my appreciation of the work and the spirit of this Committee. You have the challenge and the opportunity to contribute significantly to human welfare in our democracy. May your work help to shift the emphasis in our civil rights structure from negative to positive. We need less protection from our government and more protection by our government.

RABBI GITTELSOHN: Thank you very much. Bishop Haas has had to leave, and it looks like I am elected.

Do you ladies have any questions to ask?

MRS. TILLY: Can you tell us what the Southern Regional Council is?

DR. JOHNSON: The Southern Regional Council is a voluntary private organization incorporated under the laws of the State of Georgia with members in 13 Southern States. It is non-political, non-profit, and engages in educational work, in surveys, fact-finding, in consultative and advisory work, and attempts to get constructive action at the State and local level.

We are a council for the social and economic development of the South. In other words, a better South and a better nation. Although we put a great deal of emphasis on human relations, specifically race relations, we are not exclusively concerned with that problem.

I might mention a few particular aspects of our work. At present, for example, we are concentrating on problems, such as lynching and other violence, police abuses, and efforts to improve the standards of police administration and police conduct.

We helped a Council of Social Agencies in the City of Jacksonville, Fla., make a confidential survey of Negro communities, and that survey resulted in the setting up of a Permanent Action

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Committee, which is trying to carry out the recommendations. We gave some advisory services to the Kentucky Governors Commission on Negro Affairs three years ago when that Commission was appointed.

We try to serve as a kind of clearing house for information of a great many activities pointed toward improving race relations and conditions generally in the South.

Perhaps that is enough time on that.

MRS. TILLY: Just one other question: Will you tell us what your staff is?

DR. JOHNSON: I should have said that our membership, our staff, our directors, all of our committees, have members of both races on them. We have over 2,000 members in the South, and a staff with headquarters in Atlanta, a staff of about 15 people. I think ~~there~~ ten of those are white and five Negroes. Of course, it is a little unusual for any agency of this sort to maintain a mixed staff in the Deep South.

MRS. TILLY: Where do you maintain your office in Atlanta? What kind of building?

DR. JOHNSON: We are in the Wesley Memorial Church Building, which is right downtown and has considerable office space on the top floors.

MRS. TILLY: Dr. Johnson, I noticed twice in your report you mention Constitutional Amendment. From your knowledge of affairs, what is the chance of our getting a Constitutional Amendment approved by the States?

DR. JOHNSON: I should think the chance would be much stronger now than ever before. There are very few States, for example, now, that have the poll tax, only seven, and still fewer that are trying to maintain the white primary, and the attitude in the South in general toward these problems of civil rights is certainly becoming better and better each year. So I think there would be a fair chance that we might get enough States to pass the amendment.

RABBI GITTELSOHN: I wonder if I might extend your question, MRS. Alexander.

You recommended also, Dr. Johnson, a comprehensive new civil rights code in addition to a Constitutional Amendment. My addition

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to Mrs. Alexander's question would be: In the light of the experience of the Supreme Court declaring unconstitutional a major portion of the post-civil war civil rights code, would you care to say anything about the probability of the Supreme Court now upholding such a civil rights code in whole or in part?

MRS. ALEXANDER: He will base it on the new Constitutional Amendment.

DR. JOHNSON: You wouldn't have much chance unless you amended the Constitution and gave Congress some specific powers to that the Supreme Court wouldn't have to worry about those interpretations.

MRS. ALEXANDER: Dr. Johnson, this is my further question: If your logic could be carried through, that because there are only seven States that have any poll tax laws, then when the Anti-Poll Tax Bill is introduced in Congress, we should have no objection to its passage because we should only have objections from those States; however, we find the whole South opposes it, and the northern Democrats. So, judging from that, I am wondering what chance we would have to get the amendment.

RABBI GITTELSOHN: It is certainly an oversimplification to suppose that only the seven States now having the poll tax would oppose any federal limitation on the poll tax.

DR. JOHNSON: I would concede that readily. I think I was a little too hasty in saying I thought the chance is good. The chance is only fair. It would depend somewhat on what the national political picture is at the time the amendment is being considered, but it would require a pretty clean sweep of the North and West and some of the South to put the thing over.

MRS. ALEXANDER: Then, would you think that this Committee should make a recommendation as to that Constitutional Amendment?

DR. JOHNSON: I think so.

MRS. ALEXANDER: But hold fast to what we have -- No. 51 and No. 52?

DR. JOHNSON: Oh, yes.

MRS. TILLY: It would take a pretty vigorous campaign of education and promotion all through the South to get it.

DR. JOHNSON: Yes.

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MRS. TILLY: But in the light of the fact that we had that Conference on Human Rights last week when well over 40 organizations of the South participated in it, and they came out with the program of action they did of everything that I think has been proposed to us by anybody that has been before the Civil Rights Committee -- it sounds like it might be hopeful.

DR. JOHNSON: There would certainly be many thousand church women, for instance, who would get behind any such proposal. They might not be able to get it across -- I am sure they would not in some of the States in the Deep South, but they would make a good fight. You have to start somewhere, and I think the sooner the better.

RABBI GITTELSOHN: Any other questions?

MRS. TILLY: I want to ask something about police training. I notice that you mention bus drivers and police officers. I have done investigation for the Southern Regional Council and the Methodist Women this last year, and we have found in those investigations that sheriffs and all officers of the law needed that training as well as just police officers.

DR. JOHNSON: Yes.

MRS. TILLY: Dr. Johnson, do you think we could in any way recommend that all officers of the law have some training before they take that oath of office? Sheriffs, deputies, and all the way down the line hold in their hands our lives and our civil liberties. They are just men, sheriffs and deputies are men elected without any training, and knowing no law.

DR. JOHNSON: I hope very much that you will make some recommendation of that sort. Also, I think that the F. B. I. might be asked to strengthen the kind of training which it gives to police officers. It does a good job, but it sort of skims over this business of human relations. I wonder if they couldn't be persuaded to deal a little more directly with that.

MRS. ALEXANDER: Have you any facts as to the type of training they give in human relations?

DR. JOHNSON: The F.B.I.?

MRS. ALEXANDER: Yes.

DR. JOHNSON: I have talked to one of their representatives

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about it, and it is practically nothing. It is simply something on courtesy and efficiency, but nothing on race relations.

MRS. ALEXANDER: Nothing on race relations?

DR. JOHNSON: No.

RABBI GITTELSOHN: Is there anything else?

MRS. ALEXANDER: That was very interesting.

RABBI GITTELSOHN: Thank you very much Dr. Johnson. You have been very helpful.

(Whereupon, at 4 o'clock p.m., E.D.S.T., the Committee adjourned.)

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B U S I N E S S S E S S I O N

The President's Committee on Civil Rights

Washington, D. C.

Thursday, May 15, 1947

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The President's Committee on
Civil Rights,
Washington, D. C.,
Thursday, May 15, 1947

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BUSINESS SESSION :
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Met, pursuant to notice, at 9:30 a.m., E.D.S.T.

Present:

Dr. Dickey (presiding)
Bishop Haas
Rabbi Gittelsohn
Mrs. Tilly
Mrs. Alexander
Mr. Matthews
Dr. Carr

DR. DICKEY: We will come to order and discuss any business that is to come before us.

The first item is business to be presented by the Executive Secretary. Will you proceed, Dr. Carr?

DR. CARR: I have nothing very important. The first item on my list is that we are finally going to move our offices in spite of our efforts to avoid the move. It is occurring, we think, on Monday. We will be located in the Walker Building at 734 15th Street, N.W., Room 706. We will send you a notice, but I am just giving you those figures now. It looks as though our telephone number will remain the same.

MR. MATTHEWS: What is the telephone number?

DR. CARR: The telephone number is EXecutive 3300, Extension 459.

I have been working rather hard on this matter of finding a date for the June meeting when most of the members of the Committee could be present. The replies to the questionnaire that I sent

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out indicated that the best date would be June 25-26, although there were three, I think, that would be unable to attend at that time.

Since then another suggestion has come along that we try Monday and Tuesday, June 30 and July 1. As I have talked with individual members of the Committee, that seems to meet with their pleasure. Last night I tried to get in touch with Mr. Wilson and Mr. Luckman by telephone, and I could only talk in each case with a secretary.

Each secretary indicated that that date looked clear. Mr. Wilson's secretary was going to get in touch with him and call me back sometime today. It is rather important that he be here, and I wouldn't want to set final date without hearing from him, but the indications seem to be favorable.

Is there anyone here that wouldn't like that change or would find those dates bad?

DR. DICKEY: That is Monday, June 30, and Tuesday, July 1?

DR. CARR: Yes.

MRS. ALEXANDER: Where do you propose that the meeting be held?

DR. CARR: That is the next matter I was going to mention. Again I have talked with members of the Committee individually, and I have sensed a certain reluctance to go to the Lake Ontario island. Mr. Wilson suggested that we might meet on the General Electric island in Lake Ontario.

It would seem as though the problem of transportation might be a difficult one. Again, for those who perhaps weren't here last time, I might say there was a feeling that it would be desirable to get away from Washington if we could find a more pleasant locality where the weather would be more pleasant and where it would be easier to meet without the distractions of Washington life. If we can agree on the date and get the date cleared, we can then begin working on the matter of place, unless anyone has a suggestion to offer.

RABBI GITTELSOHN: May I make this suggestion?

I took it upon myself this morning to ask Dr. Dickey at breakfast whether there would be any possibility of meeting at Hanover, assuming the Committee would want to do that, since some of us had privately talked about that possibility. He assured me

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that anytime after June 22, between June 22 and July 15, there would be ample facilities as far as the College itself is concerned, and that he would have to check with the Hanover Inn to make sure they would have facilities for housing us. He said that as far as the college is concerned they would be delighted to have us.

DR. DICKEY: That can be done very readily. I should not want to take any initiative in a matter of this sort, and I think the Committee members should make their own decision. However, you having inquired, let me simply say I would be more than happy to do everything in our power to make Hanover available for the Committee if it wished to meet there at that time, and there is no question at all that we could provide complete facilities with respect to the Committee's meetings. The only fact which I am not able to supply this morning is the situation with respect to the inn, which does its own booking for the summer. My guess is that we could get those facilities, but that would be subject to checking.

I wonder whether it wouldn't be well, as you suggested, Dr. Carr, to settle tentatively on the time, and then go on to the question of place.

Do I understand that the June 30 and July 1 dates would be satisfactory for everyone, so far as you know?

That would be a unique situation in the Committee, if that is true.

DR. CARR: THERE are two or three who can't come on the 25th and 26th who can come June 30 and July 1, and no one has said flatly that he cannot come.

MRS. ALEXANDER: Does that include Mr. Roosevelt?

DR. CARR: After our discussion yesterday, I phoned Mr. Luckman and Mr. Wilson and sent wires to other members, and there has not been time for response.

DR. DICKEY: There is one advantage to those dates which strikes me might appeal to those who have to come some distance, as I do. The day before is not a business day and might permit full attendance at two meetings without requiring three or four days absence from other responsibilities.

RABBI GITTELSOHN: Mr. Chairman, for purposes of crystallizing this discussion, may I move that pending Mr. Wilson's ability to make it, we definitely establish June 30 and July 1 as the date of the policy-making meeting we propose to have.

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MRS. ALEXANDER: Second.

DR. DICKEY: It has been moved and seconded. Is there further discussion? If not, those in favor please signify by the usual sign.

(Chorus of "ayes".)

DR. DICKEY: Contrary?

(No response.)

DR. DICKEY: The motion is carried. We will leave that in the hands of the Executive Secretary to ascertain the chairman's situation.

As to the place, would you like to have any further expressions from members as to their convenience and desires?

MRS. ALEXANDER: Dr. Dickey, I would like to refresh Dr. Carr's recollection in regard to the fact that Hanover was discussed, and I certainly desired Hanover, but it was Bishop Sherrill, I believe, who thought it was too far. It was then that Mr. Wilson made his offer, and there was no objection expressed by anyone to going at that time.

I should, therefore, think that since Mr. Wilson's offer is still outstanding, it would proper courtesy to--

DR. CARR: (Interposing) I had that in mind. As a matter of fact, I think June 30 and July 1 rules out the island because their conferences begin there on June 30. Mr. Wilson's secretary said he usually goes up for the first day of the conference, to make an introductory speech.

RABBI GITTELSON: Mr. Chairman, a further suggestion was made at breakfast this morning which might be worth our considering, namely, that we tentatively think in terms of the possible needs for a third day at that meeting, and that as many members of the Committee as possible try to clear their calendars for July 2, so that if we have facing us as many major decisions as we undoubtedly shall have at that time we find we are unable to complete them all, we may want a third day's session.

DR. CARR: I have thought of that.

DR. DICKEY; I suppose it could be left optional to those who couldn't stay, and any nucleus necessary could deal with unfinished

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business.

MRS. ALEXANDER: In view of the statements by Mr. Wilson's secretary, it seems it would be well for us to hold the 25th and 26th for fear Mr. Wilson couldn't come on the 30th.

DR. CARR: I perhaps should give you all the information at once rather than just give it in piecemeal fashion, but continuing with this telephone conversation, Mr. Wilson's secretary said actually June 30 and July 1 looked better than June 25 and 26. She referred to a directors' meeting scheduled for one of those two days. However, there should be an element of flexibility.

MRS. ALEXANDER: We should hold the dates, if possible.

DR. DICKEY: Certainly, we must have the chairman present at these meetings.

DR. CARR: It may be possible to clear it up today, because I asked his secretary to call me back.

DR. DICKEY: Is it the sense of the members who are here that we might leave the question of place, then, to the Executive Secretary and the chairman to settle and advise us?

DR. CARR: We will certainly try and settle both points once and for all just as quickly as we possibly can.

MR. MATTHEWS: Where is the island?

DR. CARR: In lake Ontario.

MR. MATTHEWS: Lake Ontario is a very expansive lake.

DR. CARR: He spoke of going to Watertown.

MR. MATTHEWS: New York?

DR. DICKEY: One of the Thousand Islands.

DR. MATTHEWS: I suppose they have direct airplane service.

MRS. ALEXANDER: Mr. Wilson said he would transport us.

MR. MATTHEWS: From where?

MRS. ALEXANDER: From New York.

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DR. DICKEY: That is the problem.

MRS. ALEXANDER: I think he said he would transport us from New York.

MR. MATTHEWS: He will probably have another idea when he gets to the details of it.

DR. DICKEY: You would have people arriving at different times and you would have the uncertainties of the weather and the matter of getting in and out.

RABBI GITTELSOHN: It would be very difficult.

DR. DICKEY: Yes, rather difficult. I personally have no fears of Washington or New York or a similarly situated place, but Rabbi Gittelsohn assures they are a menace.

MRS. TILLY: I could get you a place in the mountains of North Carolina.

MRS. ALEXANDER: That comes in line with what I want to bring up when we finish.

DR. DICKEY: Shall we leave this to the Executive Secretary to work out?

MR. MATTHEWS: I so move.

RABBI GITTELSOHN: Second.

DR. DICKEY: Without objection, we will leave it that way.

Now, is there another item of business, Dr. Carr?

DR. CARR: There are two or three matters to mention. I keep working on these expense accounts, calling the Fiscal Officer at the White House once a week or so, and he claims that they will process those early expense accounts just as rapidly as they can. If it runs along much further, I think it might be wise, perhaps, to ask Mr. Wilson to make inquiry.

MRS. ALEXANDER: I have received a check.

RABBI GITTELSOHN: Was it for the 4th and 5th expense **accounts**?

MRS. ALEXANDER: Unfortunately, I made them all in the office and didn't keep copies.

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RABBI GITTELSOHN: I asked the office for a memorandum just yesterday for the same reason and find that the check I received is in payment for two or three meetings ago, but nothing for all the earlier meetings.

MR. MATTHEWS: I think I have got all mine. I got four or five in one envelope.

RABBI GITTELSOHN: Whom do you know in Washington?

MRS. TILLY: How did you manage that?

MR. MATTHEWS: I put mine in last, too.

DR. CARR: Maybe that is the reason.

DR. CARR: The conference with President Truman, which the Committee requested last time be arranged so that Mr. Wilson and Mr. Luckman can meet with him, has been set for May 21, week from yesterday.

I want to state finally that the Research Staff is busily at work on a series of memoranda and probably in the period between this meeting and the meeting in June we will be sending you a number of memoranda on various subjects roughly covering the ground that the Committee has been investigating. I hope that you may find these studies worthwhile and useful.

MR. MATTHEWS: Mr. Chairman, may I ask about this conference with the President? I wasn't ~~there~~ here. Who is going to meet with the President?

DR. CARR: Mr. Wilson and Mr. Luckman.

MR. MATTHEWS: Why them?

DR. CARR: The proposal was made by Rabbi Gittelsohn, I believe, that the Committee appoint a new subcommittee to lay plans for a campaign of education to begin at about the time that the Committee's report is filed with the President next fall. There followed a discussion which partly centered, I think, around the question of the authority possessed by the Committee under the Executive Order, and partly on the point of the wisdom of such a program. It was finally moved and voted that a conference with the President be sought to ascertain his understanding of the Committee's jurisdiction and purposes. Perhaps, you would want to add something.

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RABBI GITTELSOHN: I think that covers it.

MR. MATTHEWS: I just wanted to inform myself of the developments.

RABBI GITTELSOHN: Mr. Chairman, as a next order of business, unless there is something you or Dr. Carr want to bring up--

DR. DICKEY: I have no business at all.

RABBI GITTELSOHN: There is one matter which I am very anxious, Mr. Chairman, to have spread on the minutes for all members of the Committee, both present and absent, to read when the minutes of this session reach us.

I think all of us who are present saw the article in The Nation magazine last week dealing with the work of this Committee by Bob Bendiner. I would like to express my personal resentment, and, I hope, for the Committee our mutual resentment, at that article. It was altogether too accurate and obviously based upon one or more very bad leaks from this Committee.

I went on record at the first meeting and reaffirmed at subsequent meetings that no member of the Committee would talk to the press, that Mr. Wilson, as chairman, was the only one authorized to talk to the press or anyone else on the work of the Committee, and, furthermore, -- and this is important -- that we were not by having leaks on the Committee going to give our possible opponents an opportunity to sharpen their swords by having them informed as to what we were going to recommend before we were ready to blast forth with our official report or hand it officially to the President.

The article I refer to in last week's issue of The Nation could not have been more accurate if the reporter had sat in on each and everyone of our meetings. I think each of you who read it will agree. He specifically said the Committee will probably reject so-and-so; the Committee will probably not cover thus-and thus; the Committee will probably emphasize this-and that. The batting average was close enough to a thousand to concern me very seriously.

It would be foolish, I suppose, for us to try to ascertain -- we can have our private personal guesses from the nature of the article and what was emphasized in it. We couldn't constitute ourselves into a detective agency and endeavor to determine where the leak has been.

If you will allow it, Mr. Chairman, I would like for this to

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be put in the form of a resolution of the Committee and not just as a matter of my saying it, that the Committee go on record as very emphatically deploring the practice of someone having leaked sufficient information to a newspaper reporter to enable him to write a very comprehensive and accurate article with respect to the activities of the Committee.

DR. DICKEY: I see no reason at all why you shouldn't so move, if you wish. I haven't seen the article myself.

RABBI GITTELSOHN: I will move, Mr. Chairman, if you will accept a motion, that the Committee now go on record as emphatically deploring the fact that someone on the Committee obviously leaked to the press, and that it be clearly understood that we not only deplore it but earnestly hope it will not happen again.

DR. DICKEY: Is there a second to that?

MR. MATTHEWS: I haven't even heard of the article.

MRS. ALEXANDER: I would second it.

MR. MATTHEWS: I would second it.

MRS. ALEXANDER: Then, I would like to speak on it. My only concern is -- this happened before. It was Drew Pearson who had the statement, and I think Mr. Wilson strongly urged members of the Committee not to make any statement, but I agree it would be difficult for us to determine what member or members of the Committee it might be, and since we have a large staff, it would be equally difficult to determine if it were a member of the staff. I should think we would deplore any information being given by the Committee or the staff.

RABBI GITTELSOHN: I would be perfectly happy to have you insert the words "or staff" in my motion.

DR. CARR: That is a very fair amendment.

MRS. TILLY: It has put us on the spot.

RABBI GITTELSOHN: Will you second it?

DR. DICKEY: It has been seconded by Mr. Matthews. It is open for discussion.

MRS. TILLY: You know, I suppose, all of us have been called upon to speak on what we are doing repeatedly, not just by one

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group but repeatedly, and each time the reply has always been that we are not ready for a statement. The phone messages kept coming in saying, "Now, you will come and speak, won't you? We have seen the article in The Nation," et cetera, et cetera.

I was rather amazed, worse than amazed.

DR. CARR: I would add just this word: I in no sense disagree with what you have said, Rabbi Gittelsohn, but I would remind the members of the Committee that it is true now as a result of the public hearings that a certain amount of information has become a matter of public record. Actually, Mr. Bendiner hadn't attended any of our public hearings, but if anyone had and had followed the line of questioning from time to time of the witnesses, he could at least figure out the areas that the Committee was interested in. He would be in no position however to know what the Committee's recommendations would be.

RABBI GITTELSOHN: I feel positive, Dr. Carr, that no one, not even the top ace reporter of the world, could tell from our public hearings, even if he had attended each and every one of them, that we are very much inclined towards the use of the disclosure power of the Government, because we don't know that yet ourselves.

DR. CARR: He would know you are interested in disclosure.

RABBI GITTELSOHN: But the article didn't say the Committee was interested in it. The implication was we are almost certain to recommend something along that line, and that was only one of at least seven or eight points along the line where only someone on the Committee or on the staff who had part of the inside family could have given that information.

MR. MATTHEWS: Or someone who had read the confidential reports.

RABBI GITTELSOHN: Which he could get only through members of the Committee or the staff.

MRS. ALEXANDER: If that matter is concluded, I would like to raise one question.

DR. DICKEY: We have a motion made and seconded and not acted on yet.

Is there further discussion? If not, those in favor please signify by the usual sign.

(There was a chorus of "ayes".)

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DR. DICKEY: Contrary?

(No response.)

DR. DICKEY; It is carried, and so ordered.

MRS. ALEXANDER: Dr. Dickey and members, I feel very strongly that before we conclude our work, one of our meetings ought to be held in a section of the United States other than Washington or New York. I know the difficulty of getting the members together, but Mrs. Tilly just quietly made a suggestion here that, perhaps, this June meeting could be held in North Carolina, for instance.

MRS. TILLY: Yes.

MRS. ALEXANDER: That might be the solution for our being able to go into the South where the influence of the Committee would be felt.

MRS. TILLY: We should have one in Atlanta.

MRS. ALEXANDER: I thought perhaps a meeting in the Middle West should be arranged and not invade the South first, and then go to Atlanta. California is out of the question, but it is sorely needed in the West as much as in the South. However, I realize the difficulties imposed by the distance. It seems we have a duty to do certain things, and that our duty to hear these people in Washington is not fulfilled by coming here alone, and that we need to go into some of these areas.

RABBI GITTELSOHN: I would agree with you, provided the purpose of that June or July meeting was to hear witnesses, but I think we are generally agreed we are finished with that as of this afternoon. If we are not going to have a public session or hear witnesses, I see no purpose for going into the South.

MRS. ALEXANDER: I didn't understand we were through with witnesses at this time. I thought we were going to see what we had in hand when we met in June.

DR. DICKEY: Perhaps we should discuss this in two questions. I think the point of Rabbi Gittelson is well taken and we should first discuss your major proposition about the matter of outside hearings; is that correct?

MRS. ALEXANDER: I would like to have the opinion of the Committee on whether or not we should conclude our work without having hearings in other sections of the country.

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MRS. TILLY: I think for a great many reasons we should have hearings in other parts of the country. The educational value of it for us and for the community in which we go would be very valuable. I think it would have a wholesome effect, especially on the two sections she has just mentioned because there is where we have most of the trouble. I think it would do a lot toward abating tensions.

DR. DICKEY: You refer to the South and the Middle West?

MRS. TILLY: The South and the Middle West. I am more than anxious that we have hearings in Atlanta.

DR. DICKEY: I think there are two questions that I am aware of that should be considered as we go into this. One is that there be assurance of the representation from the Committee being respectable before the decision to take any such action — that is, to hold such hearings. Secondly, we should only undertake to hold the hearings, if we do, under circumstances which will not in any way impede the work of the staff of the work of the Committee as a whole in getting together its preliminary draft of the report.

I think those are the two primary considerations to bring before the Committee. Would you care to make the suggestion specific as to time and place?

MRS. ALEXANDER: I will make it specific as to the Middle West and the South and I would center it at Detroit and at Atlanta, Georgia.

As to time, I would say that it should certainly be before a final draft is made, which we expect in the fall, and, therefore, I would make it during the summer months.

RABBI GITTELSOHN: Mr. Chairman, if those hearings are to have any appreciable effect on the final outcome of our work it seems they more properly ought to be held before the policy-making meeting, which, let us assume, will be June 30 and July 1. That is the meeting, as I understand it at any rate, at which we are going to tie up all the loose ends and determine officially our final decisions and final policies so that the staff can then proceed during the months of July and August to the actual drafting of a report.

Now, from our last meeting it was my understanding that was to be the procedure. It seems to me that even outside of the difficulty of getting anyone to travel in July and August to places where hearings would be held, those hearings would be more or less futile in any sense other than creating public interest, if our

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major decisions have already been reached -- not that they are irrevocably, but I think the hearings should be held between now and the first of July. Of course, there would be value in just creating public interest.

MRS. ALEXANDER: Rabbi Gittelson, will you first tell me if in your opinion we should have hearings in other sections?

RABBI GITTELSON: As a matter of principle, I would say absolutely yes, but also as a matter of principle there are other things we are not going to be able to do because of restrictions of time. We have had so much difficulty even getting a respectable proportion of the Committee to meetings here in Washington, which is an easy place to reach, and we haven't coped with summer heat yet.

If we can get a half dozen or more members of the Committee to attend, I would be for them.

MRS. ALEXANDER: There is no limitation of time.

RABBI GITTELSON: We agreed way back, we were semi-officially notified that the courteous thing to do is have our report in by the first of October, and we have been working all along with that idea, that it was our self-imposed deadline.

DR. CARR: In a sense, of course, you have already instructed us to give thought to the holding of hearings in other cities, and we have done so, and we have come back to it at least twice a week regularly.

If I may say so, I have had great enthusiasm for the idea from the very beginning, but we have been deterred right along from making any very specific plans because of the difficulty we have discovered in finding times that would be suitable for meetings right here in Washington.

As for the suggestion that, perhaps, these meetings could be held before the meeting at the end of June, I would say that the questionnaire returns I have received as to the proper date for that meeting would indicate that nothing like the entire Committee would be available for such trips.

MRS. ALEXANDER: I never thought it would.

DR. CARR: If I may say so very tactfully, I think we have also concluded that the members of the Committee have unconsciously, if not consciously, felt they have reached the point where they have

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given as much time and energy to this undertaking as they can. I would agree with Dr. Dickey very strongly that before we go ahead, there ought to be a reasonable assurance from a sufficient number of the members of the Committee that if we went to Detroit or Atlanta, or elsewhere that we could expect a reasonable attendance.

MR. MATTHEWS: Mr. Chairman, have these people you have asked to be here --

DR. DICKEY: (Interposing) I have spoken to the Executive Secretary about them. I think it is unfair to hold up unduly, but we might take five minutes more.

BISHOP HAAS: So far as the matter of desirability, there is no question about that, that it should be. That is beyond all argument, but I think Dr. Dickey put his finger on the nerve when he says, "Who will you get to come and how many?"

DR. DICKEY: I can't attend.

BISHOP HAAS: Neither can I. I am giving as much time as I can to this particular activity. I can't go to California.

RABBI GITTELSOHN: Might I ask this question of Dr. Carr: Assuming we would want to do it, and we would be able to get together a respectable representation from the committee, could the staff undertake, let us say, within the next month, to have a hearing in Atlanta and one in Detroit? Would it be feasible, assuming the committee could make it?

DR. CARR: I think it would be feasible, but it would interfere somewhat with the preparations we hope to make for the June business meeting. Any such hearings ought to be planned very carefully. Somebody ought to go to Atlanta and Detroit in advance and lay the groundwork.

RABBI GITTELSOHN: You feel it could be done?

DR. CARR: It could be done.

RABBI GITTELSOHN: Then, may I make the suggestion, Mr. Chairman, that the Executive Secretary be requested, starting with the dates that were originally listed for possible times for the policy-making meeting, but which are not going to be used for that purpose, tentatively to choose a two-day period for each of two possible hearings in those two communities and immediately before he does anything else, poll the members of the committee and request an immediate response on how many of them could be in Atlanta on

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such and such days and how many could be in Detroit on such and such days, and that the decision be altogether dependent on the number of members who say they could or would be there.

EISHOP HAAS: Depending on how many?

RABBI GITTELSOHN: We should decide on the minimum.

EISHOP HAAS: I should say three as a minimum.

DR. DICKEY: Three is suggested as a minimum representation which we ought to have in order to have a meeting.

MRS. TILLY: Provided either the Chairman or some of the Vice Chairmen would be present.

DR. CARR: I would agree with that.

MRS. TILLY: If we went to Atlanta, I think we would like awfully much to have Mr. Wilson there.

DR. DICKEY: It is very important that we don't give the impression of indifference. I think it would be worse to have an inadequate hearing than no hearing, since we have had some hearings.

RABBI GITTELSOHN: I would suggest a minimum of five rather than three. I think that is more important than having the Chairman or Vice Chairmen. We are a committee of 15. We wouldn't dare go to a section of the country with fewer than one-third.

MRS. ALEXANDER: Sometimes the members divide themselves up and go into different sections. For instance, three would go here and three would go there, but I feel Mrs. Tilly should advise us as to the personnel of the committee that would go into Atlanta. She says Mr. Wilson must be with us. Is that right?

MRS. TILLY: Yes.

DR. DICKEY: I want to get on with the witnesses at 10:20 and then divide the time of the witnesses so that the time of no witness is cut down.

Does this firm it down that unless we could have the Chairman, Mr. Wilson, present for a hearing in Atlanta, that those who know the Atlanta situation best would not think it advisable unless, perchance, we had a representation of, let us say, roughly, five of the committee members?

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MRS. TILLY: Yes.

DR. DICKEY: Is that a rough standard to apply?

MRS. TILLY: That would be all right if you had five.

MR. MATTHEWS: Five without the Chairman?

MRS. TILLY: Providing you have a Vice Chairman.

MRS. ALEXANDER: In that case, Mr. Chairman--

MRS. TILLY: The Chairman with three or a Vice Chairman with five.

DR. DICKEY: That gives us fairly specific guides for the Executive Secretary to use in working with the Chairman and in the case of Detroit is there any guidance that should be given them?

MRS. ALEXANDER: Father Haas could give us that.

BISHOP HAAS: Any advice or counsel that you need, I think I can give.

DR. DICKEY: You feel you should have out there something corresponding to that type of representation, either the Chairman and three, or a Vice Chairman and five?

BISHOP HAAS: Yes. One or two wouldn't do it.

DR. DICKEY: About the same as the Atlanta situation for the purpose of working out the practicality of the situation?

BISHOP HAAS: And all of this to be submitted to a poll of the members.

DR. DICKEY: Yes.

MRS. ALEXANDER: You could attend in Detroit?

BISHOP HAAS: Yes.

MRS. TILLY: We are not going to have public sentiment back of us unless we have hearings somewhere else. As Mr. Luckman has said, we don't want to have a committee report just put in this building.

BISHOP HAAS: If there is a motion, Mr. Chairman, I second it.

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DR. DICKEY: I don't believe there is a need for a motion.

RABBI GITTELSOHN: It is a general understanding.

DR. DICKEY: We have laid out the problems, and the consensus is that if those conditions can be met, this group would recommend to the full committee that the committee do it.

MRS. ALEXANDER: It would be most unfortunate for us to push a report out in October without having taken the time to go into those communities where the abuses are the worst and where we should get their support for our committee.

DR. DICKEY: We couldn't do it between now and the June meeting. Is that reasonably clear? Certainly, knowing something of Mr. Wilson's schedule, I believe that is clear.

MRS. ALEXANDER: With the further thought that we are going to go ahead and have a report in October whether or not we have meetings elsewhere? That is the point, that we will have ~~simply~~ simply a report on paper if we don't go out into the communities.

DR. DICKEY: All right. Unless there is further discussion, we will ask Father McGowan to join us.

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The President's Committee on
Civil Rights
Washington, D. C.
Thursday, May 15, 1947

Met, pursuant to notice, at 10:30 a.m., E.D.S.T.

Present:

Dr. Dickey (Presiding)
Bishop Haas
Rabbi Gittelsohn
Mrs. Tilly
Mrs. Alexander
Mr. Matthews
Dr. Carr

- - -

DR. DICKEY: Father McGowan, we are very glad to have you with us this morning. You may proceed in any way you like and divide your time as you see fit between your statement and the question period.

STATEMENT OF REV. R. A. MCGOWAN,
DIRECTOR, DEPARTMENT OF SOCIAL ACTION,
NATIONAL CATHOLIC WELFARE CONFERENCE

FATHER MCGOWAN: The National Catholic Welfare Conference is an organization of the Catholic bishops of the United States for what might be called public work. That is, for work that concerns the general community and that helps Catholics to understand their obligations to the general community. Our work is mainly educational.

We do at times go on record in favor of or opposed to particular proposals in Congress or in the states, but in the main, our work is for the purpose of getting people to understand problems better and understand them in the light of Catholic social teachings.

My statement is rather rambling. As a matter of fact, I was so busy that I haven't done a very good job, and if I can get around to doing a better job on it, I would like to revise the statement and give it to you more in full.

The statement is simply a history of what we have done and what a few others have done in the field of civil and civic rights. It starts off with a discussion of some of the things

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that have been done in the field of protecting Negroes in the United States and helping inter-racial relations.

This part of the statement includes much more than what has been done by the Social Action Department of the National Catholic Welfare Conference. I might preface this further by saying that we have also worked in helping the Spanish-speaking of the Southwest, particularly. Father Birch, who was here before you yesterday, told me what he said and showed me his testimony and, perhaps, it might be well to add to what he said the fact that before his organization was established down there -- and I understand that he didn't go very much into detail on what his organization is now doing -- our department held to quite important seminars on the Spanish-speaking of the Southwest.

We brought together the leaders from Kansas City to Fresno and Los Angeles to discuss the economic and social difficulties of the Mexicans, as they are usually called there.

However, more than to discuss their difficulties, it was for the purpose of trying to draw up a plan of work to help them. We held two such meetings, one in San Antonio and one in Denver. He gave you, I think, copies of both of the reports from the two seminars. They were preliminary to the establishment of the organization of which he is secretary, and which is doing admirable work.

We also, some 20 years ago, made a study of the Mexicans in the United States, a copy of which I have given to every member of the Committee. This study was made by a member of our department, and while there has been some improvement in the conditions of Mexicans in the last 20 years in certain parts of their life, there has been a retrogression in other parts of it, so that this report with its recommendations is still accurate at the present time.

Father Birch, of course, knows more about that than I do, or than anybody I know does.

As to the work of our department -- that is, the Social Action Department of the Welfare Conference -- as regards Negro relations with whites and the relations of whites with Negroes, the work has been largely educational. It has been educational chiefly in the fields of economic and industrial life and in the principles of social justice. We have an auxiliary organization in our department called the Catholic Conference on Industrial Problems. That organization holds regional meetings on industrial

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problems and we frequently have special meetings on Negro problems, and whenever we find a person available, we have a Negro speaker on the program.

For example, the most recent meeting we held was in Rochester, New York, two weeks ago and one of the speakers was Clarence Mitchell, Labor Secretary for the National Association for the Protection of Colored People. He did a very good job, incidentally.

Those meetings are two-day meetings in which we start off with a general discussion of American economic life and then go into wages, prices, etc., and then labor unions and legislation and some kind of long range program. We have held one-day meetings on Negro problems specifically in economic life.

Recently, one of the foundations has given us a good deal of money, and we are beginning to hold more of those meetings over the country. We will hold a great many, I think, in the next couple of years, and I hope through the money we have received, we will be able to build up a sufficient backing in the work so that we will be able to hold the meetings regularly, even if the foundation is unable to continue the allotment of funds.

Last summer, the Social Action Department of the Welfare Conference held a seminar of leaders in Negro-white relations in the United States here in Washington. There were about 50 there. I have given you the proceedings of that seminar. The seminar divided up into committees and met for four or five days and produced some very valuable material, not in the way of criticism of what exists so much as in the way of recommendations for improvement and changes.

The committee didn't bother their heads much with existing evils -- that is, in describing them. All of them knew the existing evils. What they concentrated on was trying to work out methods of improvement.

Bishop Haas, a member of your committee, was also a part of that seminar and a member of the Economics Committee of the group. I would like to go into that seminar a little bit more later. We will hold further seminars in the future in addition to these regular industrial conferences.

There is at present in our department Father Higgins, who sends out a private confidential news letter regularly every month to some 2,000 priests over the United States, and regularly he puts in his news letter information regarding human rights in

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general and regarding especially Negro problems and the relationships between the Spanish speaking and the Anglos of the Southwest.

is
This/a very valuable method of work, I think, because of his reaching in this way this group of priests, all of whom, incidentally, have written in asking that they be put on the mailing list. It is not a padded list, but a group that wants to have the news letter.

Let me go, then, beyond the work of our department for a minute or two. There are some 13 inter-racial Catholic councils in the cities of the country that bring Negroes and whites together and try to work out better relationships between the two in their cities and communities. The originator of this idea was New York, and the New York Inter-Racial Council publishes a magazine which has a great deal of information that would be of help to this committee, and I have no doubt the committee knows about the magazine.

Incidentally, in the prepared statement there is an appendix that includes the list of the inter-racial councils and also gives a few references of books. Also a few organizations that can present further information beyond what I am presenting.

There are also Catholic settlements in settlement houses in Negro districts in major cities, and they are doing extra-ordinarily fine work. I know that from personal observation.

We have also an organization in the South called the Catholic Committee of the South. This is a regional organization, and it engages in the general social, educational, economic inter-racial problems of the South. That is, the "South" meaning from the Potomac River to Texas. They hold special meetings, and on various problems, during the year, hold always annual meetings, and at every one of their meetings they insist upon Negro participation and get it, even in the most prejudiced southern cities. They have done very fine work and they are continuing the work.

There is a labor school movement in the United States, also, that is important. We have some 80 or so labor schools, and in every one of the schools, Negroes and whites participate on the same basis. These labor schools deal with the education of people in labor problems and in the right attitudes to take toward these problems.

Let me go back to that seminar on Negro problems that we held last summer here in Washington. Let me make some references to what is in that seminar report. On pages 7 and 8, the Economic Life Committee advocated Federal and State FEPC's, no discrimination in unions, and they went into that in some detail, and they urged larger Negro memberships in unions, both to help Negroes in economic

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life and to help them also in their general relationships, the general relationships of Negroes with the rest of the community, also the coverage of farm labor by the Federal labor laws.

The Civic Rights Committee condemned intimidation at polls and white primaries and the poll tax.

On pages 16 and 17 of the report the Committee on Housing recommended low cost housing projects, cooperative housing, and opposed segregation and proposed something in a sentence or so that I think deserves further consideration. They proposed another judicial review of restrictive covenants on the ground -- and I know this from the committee's work -- on the ground that the previous appeal to the courts against restrictive covenants was not, as they thought, properly handled, and it might be possible by another review in the courts to get the previous decisions of the courts overruled.

The Committee on Social Work and Health Services noted that probably more than 80 percent of Negro workers are not included under any type of social insurance provision and advocated the wide extension of the Social Security Act to all employees. It dealt also with family welfare provisions, child welfare, help to youth and the aged, veterans, and health services.

I am afraid I have taken up too much time on this matter, but the report of the seminar is in your hands, and you could go over some of the recommendations. I will not read them now because there are other things I would like to bring up.

You have also a pamphlet there called A Declaration of Human Rights. That was prepared by a committee appointed by the National Catholic Welfare Conference for submission to the United Nations. It is, I think, objectively the ablest statement on human rights that has appeared.

It is divided into four sections; Personal rights, family rights, domestic rights of states, and then rights of states in an international organization.

It can be read briefly and easily, and I will not quote anything more than one thing in it. Among the domestic rights of States is included this one:

"The right to demand of its citizens respect for the rights of minorities."

I don't know of any other statement of human rights that has

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gone into that in so bald a fashion, at any rate. As you will notice, in the rights of persons, the declaration includes many more rights than are usually found in anything else that I know of, including the right to equal protection of just law regardless of sex, nationality, color or creed. It is an extraordinarily able document, and I happened to be fortunate enough to sit in on the committee that worked on it, and they worked very intensively and very long.

The order of the statement of rights is sometimes not quite as logical as it should be, but in general it is a very able statement. Judge Manley Hudson said that the statement on the rights of states in the international community and the domestic rights of states was the best that he had ever read and it is being used by groups of lawyers in the study of rights in international relations.

We have affiliated with our department in addition to the Catholic Conference on Industrial Problems another organization called the Catholic Association for International Peace. In 1943 we drew up an agenda to the United Nations that included a provision for -- not simply as has happened since then -- a formulation of human rights, but a method of protection of human rights in every one of the countries; and in 1941 before we got into the war, we did about the same thing. We also drew up at that time a tentative bill of rights for consideration. That bill of rights included this:

"The right of ethnic and religious minorities to enjoy equal opportunities for development of their common humanity."

We have also gone abroad a little bit. We and the corresponding organizations in Cuba held an inter-American seminar in January, 1946, at which some 24 countries and dependencies were represented by about 90 persons.

This was probably the most representative inter-American meeting that has ever been held, because we included not simply the republics, but Canada and the islands, the dependencies, and most of them were there. We met for about six or seven days, and drew up then at the close a statement, a copy of which you have, and that, too, included this statement:

"As Catholics we condemn all discrimination founded on prejudices of race and color, and as part of our work, recommend struggle against these discriminations, assistance in the improvement of the oppressed and actively to

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get them to work for their own advancement."

I should add, however, that in all humility, the Americans, United States Americans, couldn't bring to Latin-Americans much help in that regard. It would be bringing some of our few coals to Newcastle because they are doing such a much better job in matters of race relations than we are. We have also done work in the matter of Jewish-Gentile relations, and I have given to the Secretary -- I haven't got enough copies for all of you with me, although I will be glad to send them -- a lengthy booklet on Jews and Catholics for the purpose of trying to get Catholics to understand better the relationships between them and Jews. It has had pretty good circulation, and I think it has done some good.

I have also given you a folder, Pattern for Economic Justice. I have given it for two reasons. One is that it is a sample of a method of the work of three major religious groups -- Catholic, Protestant and Jewish. It also includes a very strong statement that the economic organizations cannot discriminate against persons on ground of race, or color, or creed. We have been working with the corresponding organizations among Protestants and Jews for about 25 years, I guess, and while we have no formal committee at all, we meet together, and we are personal friends, and when anything comes up that one or the other of us think we can work together quite well on, why, the suggestion is made and normally all three of us agree to it.

Yesterday morning, for example, there was a meeting up in our office of the corresponding representatives of the Protestant organization and the Jewish organization, plus two or three other persons, employers and labor men.

DR. DICKEY: We would like to have an opportunity for informal questions.

Will the members of the Committee please address such questions as they have to Father McGowan. I will be glad to start, Father McGowan, if I may.

First, I want to thank you for that statement.

BISHOP HAAS: He is from Missouri, too.

DR. DICKEY: I know more about Father McGowan than he does about me. I have listened to his statements on foreign affairs in years past and profited from them.

You referred to certain retrogression, as you described it, that has taken place particularly in the group in the Southwest.

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FATHER MCGOWAN: Yes.

DR. DICKEY: Could you say specifically what some of those retrogressions are?

FATHER MCGOWAN: From what I have been able to learn -- Father Birch knows it much better than I do -- there has been a retrogression in the field of health down there. There has been more tuberculosis, I understand, in the group.

There have been advancements in the wages, of course. Whether the advancements have been sufficient to meet the increased cost of living, I don't know.

Another retrogression, more a psychological thing, is that 20 years ago, 20 to 25 years ago, the bulk of the Mexicans were Mexican-born, and they were foreigners. Now, there is a growing number of them American-born, and they expect more and are not getting much more. There is a great deal of bad feeling among them toward the English-speaking.

DR. DICKEY: May I ask just one more question? What, if you were on the Committee on Civil Rights, would you think was the worst problem in this country that we can effectively direct our attention toward? I am trying, in other words, to get an estimate of emphasis.

FATHER MCGOWAN: In the Southwest, I think the worst problem is the Mexican problem. In the rest of the country, I think it is the Negro problem.

DR. DICKEY: Would you care to sharpen that with respect to the nature of the problem which we, as a committee, can direct our attention to most effectively? Is it suffrage? Is it anti-lynching? I realize they are all serious and go together. I am simply seeking a focus of emphasis.

FATHER MCGOWAN: Apart from laws, and even with laws, I think the big job is to try to get people in the communities to work together. With all due respect to the organizations that talk about tolerance and friendship of group to group, the best results I think come from people actually working together.

When they work together on a common job, they come to respect one another's minds better and the motives of the others, and they usually are able to reach conclusions that are identical, and in the process of doing that, in the process of working together, they come to like one another, they come to have respect for one

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another.

I don't want to mention certain organizations that deal mostly in preaching good will. They have a place in life. I am pretty sure about that, but I think much the better job is done by the organizations that actually work together.

For example, Father Birch has a joint committee in San Antonio composed of the Anglos and the Mexicans, as they are called there. This joint committee he told me yesterday, and I know also from other sources, is helping to break down the prejudices that exist even between Catholic-Anglos and Catholic-Mexicans, and by their meeting together and working together on common projects and getting to know one another personally, the effects, he tells me, and the effects I learned from other sources, are quite good.

MRS. ALEXANDER: Might I, in line with that, ask about your Catholic Inter-Racial Council, consisting of white and Negro Catholics.

FATHER MCGOWAN: Yes.

MRS. ALEXANDER: I should think that after you had imbedded your young people in interracial work, it would be most effective if they would come and join interracial groups that were not Catholic.

FATHER MCGOWAN: They do that, and you will notice in these recommendations in the report of the seminar of last summer that that is emphasized.

MRS. ALEXANDER: For example, I am from Philadelphia. Can you tell me whether there is any group where they join? I know they have their own Friendship House, but to get them to come and join non-denominational interracial groups is rather difficult, and I should think that would be the basis from which we can work.

FATHER MCGOWAN: If you will give me the name of that -- I have it up at the office -- I will do what I can on it.

MRS. TILLY: I might say here that the President of the Southern Regional Council is a Catholic layman.

FATHER MCGOWAN: He is also the organizer of the Catholic Committee of the South, Paul Williams.

MRS. ALEXANDER: There is one more question I want to ask you. Do you feel that the Catholic people in any section of America suffer because they are Catholics, either economically or

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socially or politically?

FATHER MCGOWAN: They do, to a certain extent.

MRS. ALEXANDER: To any extent that you would want to call it to our attention in any particular field.

FATHER MCGOWAN: I don't think anything can be done about it. There are certain communities in which, for example, Catholics would not be employed as teachers, let us say, but that is declining, the number of those communities. I don't think -- maybe Bishop Haas will correct me on it -- I don't think there is a great deal of difficulty. There is some difficulty, but it is not very great.

MRS. ALEXANDER: You would, then, say it is not a problem which confronts America?

FATHER MCGOWAN: Not a major problem. It is extremely minor.

RABBI GITTELSON: Father McGowan, we have been directing our efforts along two lines -- one on the educational approach and the other on possible legislative approach. Of course, your own work in the Welfare Conference has been primarily along educational lines.

I wonder if you would care to indicate what you believe to be the relative merits of the two approaches?

FATHER MCGOWAN: I think the educational approach is much more important. Although I think you have to have legislation along with it. For example, in an F.E.P.C., let us say in New York State, I think the greatest effect of the F.E.P.C. in New York is in the field of education. They have to have the law back of them, all right, in New York, but their greatest work, so they tell me, is in the field of education. Now, what is a combination of legislation and education. Our work is solely educational.

I think there has been a decided improvement in the relationships of Catholics in the race problem in the United States over the last 25 years, an extraordinary improvement.

A good many elements are involved, but I think Catholic, distinctly Catholic, work has had a good effect.

RABBI GITTELSON: Are there any legislative suggestions which you have in mind, or, rather, suggestions for proposed legislation on a national level which you feel would facilitate the kind of educational work that you need in the way the New York State F.E.P.C.

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facilitates certain educational efforts?

FATHER MCGOWAN: The seminar of last summer repeatedly advocated a Federal F.E.P.C. and advocated that people join together in their local community.

BISHOP HAAS: That is your judgment?

FATHER MCGOWAN: That is my personal judgment about this.

MR. MATTHEWS: Father, I was interested in your statement that the Latin-Americans people do a better job in their interracial problems than we do. Do you have any opinion as to the reason for that, and is there anything you could tell us that might be helpful to this Committee in preparing its report on the subject? What can we learn from them, for instance?

FATHER MCGOWAN: I think we can learn from them, but it is a difficult matter for your Committee, I think, to consider. The best book on the subject I know of was written by Frank Tannenbaum, Professor at Columbia University, within the last two or three months. He made a historical analysis of the difference between the Latin-American approach to interracial relations and the approach of the United States. The histories of the two areas are so different that as a matter of modesty I would rather, as a Catholic, have you read the book yourself than say anything further about it.

MR. MATTHEWS: Do they do a better job by more intermingling socially or in what sense do they do a better job?

FATHER MCGOWAN: It is a fundamentally different attitude. Now, there are qualifications to it, but down there normally they do not think a person with a different color in his skin is fundamentally different from anybody else. They just don't have our attitude toward that matter.

MR. MATTHEWS: Is there a greater percentage of the population that is colored down there?

FATHER MCGOWAN: It depends on the country.

Going to Cuba, for example, and as we did in this seminar in Havana a year ago, or as we did in a more recent seminar in the Dominican Republic -- there you find Negroes and whites mingling in a manner completely unlike what happens in the United States. Or go into Brazil and you find the same thing. Or go over into Peru. Down there it is more a matter of cultural level that distinguishes peoples.

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It isn't a matter of color. The people of intelligence or of ability, rather, and who have an opportunity of getting an education are accepted socially, not on an identical level with the rest -- it isn't completely good -- but they are accepted quite generally and quite well. It isn't a question either of the numerical proportions as it is in Europe.

DR. DICKEY: We have one more minute, approximately. Is there another question to be directed or is there a particular point you want to make, Father?

BISHOP HAAS: Father McGowan, I want to ask your judgment on this matter. If you were a member of the committee, what do you think the committee ought to emphasize if it is going to emphasize anything?

FATHER MCGOWAN: Apart from legislation, what I would like the committee to emphasize most of all is the formation in the various cities and various areas over the country of groups of people who will work to try to bring better relationships among the various groups and to protect people when there is a violation of their civil rights.

BISHOP HAAS: You say apart from legislation. Do you regard legislation as the ~~major~~ major thing?

FATHER MCGOWAN: No. I regard the thing of major importance to be education, but I think you have to have legislation, too.

MRS. TILLY: May I ask just one more question? You spoke of the 13 Catholic inter-racial councils in the cities in the United States. I am working very definitely in the field of race relations through the international and inter-denominational groups. We haven't been able to get the Inter-Racial Council to really come in and work with us.

Do they have to approach us or will they come in? We just had a human rights conference in Atlanta, and did not get the cooperation of the Catholic women?

FATHER MCGOWAN: Did you try?

MRS. TILLY: Yes.

FATHER MCGOWAN: Was that a local meeting?

MRS. TILLY: No, it was regional.

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FATHER MCGOWAN: This Catholic Committee of the South would, I am sure, be the best avenue of approach.

DR. DICKEY: Thank you, Father McGowan.

(Father McGowan's prepared statement is as follows)

The work of the Catholic Church in the field of race relations in the United States can only be summarized very briefly in the time allotted for the present testimony. This work can be catalogued, for the sake of convenience, under several separate headings:

- 1.) Religious
- 2.) Educational
- 3.) Social welfare (hospitals, clinics, orphanages, nurseries, etc.)
- 4.) Socio-Economic

The first three types will be passed over in our testimony, not because they are unimportant, but because they are somewhat irrelevant to the purposes of the present hearings. In a separate appendix to our prepared statement, copies of which will be made available to the members of the Committee, we have listed the principal reference sources from which detailed information on these various types of activity can be secured.

Our formal testimony, therefore, will be directed in part to a survey of socio-economic activities, under Catholic auspices, by and for the members of the Negro minority in the United States, with little mention of parallel activities among the Spanish-speaking. These latter activities have already been outlined by the Reverend John J. Birch, Executive Secretary of the Bishops' Committee for the Spanish Speaking. However, I should add that before that Committee was organized our Department held two very important seminars of leaders on the social and economic problems of the Spanish speaking in the Southwest and on the remedies for these needs. Our Industrial Conferences in the areas where the Spanish speaking live always have special sessions on that subject.

There are several different Catholic agencies working more or less along parallel lines for the economic, social and political welfare of the American negro.

1.) There is, first of all, the work of the Social Action Department of the National Catholic Welfare Conference in educating

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both Negroes and whites in the ethics of economic and industrial life and in the principles of social justice. For twenty-five years the Catholic Conference on Industrial Problems, an auxiliary agency of the Social Action Department of the National Catholic Welfare Conference, has included on the program of its regional meetings a discussion of the special problems of the Negro worker. On occasion it has also sponsored special meetings devoted exclusively to Negro economic and industrial problems. This latter phase of the work of the Catholic Conference on Industrial Problems will be greatly expanded in the coming months thanks in part to a grant of money from one of the foundations. A full-time worker has already been added to the staff of the Catholic Conference on Industrial Problems to organize a series of local and regional meetings, some interracial and some primarily for Negroes themselves, on Catholic social teaching in general and on Negro economic and industrial problems in particular. The Conference, as in the past, will call upon specialists, both Negro and white, to assist with its educational program.

In addition, the Social Action Department of the National Catholic Welfare Conference sponsored in the summer of 1946 a national seminar on Negro problems in the field of social action. This meeting, which was held in Washington, was attended by approximately fifty white and Negro Catholics with special competence in the field of race relations. The committee reports of this seminar for which only the individual signers assumed responsibility, were later published by the Social Action Department of the National Catholic Welfare Conference in a booklet entitled, Negro Problems in the Field of Social Action, copies of which will be filed with the secretary of the present hearings. Several thousand copies of this booklet have already been distributed by the Social Action Department. The report is well adapted to the needs of discussion groups and study clubs and is being widely used as a text by numerous groups of this kind in all areas of the country.

From time to time in the future the Social Action Department will call together the members of this seminar and other specialists for further discussion and programming. The Department will also continue to publish pamphlets and reports on Negro economic and social problems.

One other aspect of the Social Action Department's work is deserving of mention. The Department publishes a monthly bulletin entitled, "Social Action Notes for Priests", which is sent to approximately 2,000 priests who have a special interest in social and economic problems. Through the medium of this bulletin the Department is in a position to call attention to developments in the interracial field and to supply its mailing list with pamphlets and

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other material on the social and economic problems of the Negro.

2.) Secondly, there are some thirteen Catholic interracial councils in as many cities in the United States. The purposes of these Councils is to bring together white and Negro Catholics for continuous study of the principles of racial justice and for the application of these principles to local problems and conditions. The pioneer among these Councils, the Catholic Interracial Council of New York, publishes a monthly magazine entitled, Interracial Review.

It is safe to predict that the number of such Catholic interracial councils will rapidly increase in the immediate future.

A list of the Councils which are now operating is appended to our prepared statement.

3.) In New York City and Chicago there is an active interracial center known as Friendship House - a sort of settlement, in the best sense of the word, designed to serve as a neighborhood center for the discussion of Catholic social principles and for the practical advancement of the economic, social and political welfare of the American Negro. The staff of these centers is made up of full-time and part-time volunteer workers, Negro and white, who provide recreational, educational and welfare services for the people of the neighborhood. The work of these centers and of their recently established training institute in Marathon, Wisconsin, is described in considerable detail in a new book entitled, Friendship House, by Catherine de Hueck, the founder of the project.

4.) The Catholic Committee of the South, a regional Catholic organization sponsored by the Bishops of the South for a coordinated approach to the religious, educational, economic and social problems of the region, has done a great deal to encourage a sound and progressive solution to racial problems. Through its various committees it has publicly and officially supported constructive social legislation and has consistently worked for other economic and social improvements. In addition, it stands ready at all times to cooperate with other regional organizations who are working for the same objectives. Its conventions and meetings are always interracial in character, and its programs always include a forthright discussion of Negro social and economic problems.

5.) The Catholic labor school movement is also contributing a great deal to the advancement of the American Negro. There are at the present time approximately eighty such schools in various parts of the country, all of them open to whites and Negroes without distinction and all of them insisting upon a sound ethical approach to the particular social and economic problems of minority groups.

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The importance of this type of adult education is difficult to exaggerate, for, unless Negro and white workers alike can be trained to work constructively for the advancement of their own welfare, there is little that outside agencies and groups can accomplish for them. It is suggested, in passing, that more and more of our attention should be given to the problem of helping Negro workers to train themselves, both in the principles of social ethics and in social techniques, so that they can effectively advance their own welfare.

6.) There is no adequate record available of the work that is being done by individual priests and laymen and by scattered groups of Catholics in the field of racial justice. We do know, however, that in many areas Catholic priests have taken an active part in advancing constructive legislation in this field, in working for better Negro housing, etc. Likewise, there are numerous Catholic organizations and groups which are lending their wholehearted support to causes of this type. Deserving of particular mention in this connection is the work of the National Council of Catholic Women, which regularly encourages its many affiliated organizations to assume leadership in this most important field of Catholic social action.

7.) Let me add certain references to the Seminar on Negro problems which the Social Action Department conducted and whose deliberations it made public. On pages 6 and 7 the Economic Life Committee of the Seminar advocated federal and state F.E.P.C. laws; no discrimination in unions and large Negro membership in unions; coverage of farm labor by the federal labor laws. On page 9, the Civic Rights Committee condemned intimidation at the polls, the white primary and the poll-tax. On pages 16 and 17, the Committee on Housing recommended low cost housing projects, and opposed segregation and proposed another judicial review of restrictive covenants.

On pages 20 and 21 the Committee on Social Work and Health Services noted that "probably more than 80% of Negro workers are not included under any type of social insurance provision" and advocated the extension of the Social Security Act to all employees. That committee dealt also with family welfare provisions, child welfare, help to youth and the aged, veterans and health services.

On pages 30 to 34 it dealt with specific methods of organization and activities; i.e., to quote the report of the Committee upon how "Catholics can use existing organizations or initiate new ones so as to do the work which has to be done if Negroes are to give and receive social justice in the fields of social action.

It may be of interest to quote some of its recommendations:

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Development of Negro Catholic community leaders, men or women or both, by cities or districts, using the experience gained in the Community Councils established in connection with the N.C.C.S. and in the Catholic Laymen's Union in New York. Their training in Catholic social teaching and spirit, their work thereafter in Negro parishes and among Negroes in mixed parishes.

Use for Negroes of the San Antonio method in dioceses where there are many Negroes, i.e., formation of Clergy Conferences which will embrace the priests in Negro work and the diocesan officials on education, charities and the like and formation of Interracial Councils.

Use of either Clerical Conferences or Interracial Councils, if this joint method is not adopted.

Encouragement of individual or unorganized group action by pioneers in behalf of Catholic social teaching and practice.

Work toward getting Negro organizations to train their members in their rights and duties as Catholics and Americans and to defend their rights and promote their duties.

Try to get a Catholic Negro federation or federations, e.g., a federation of organizations like the Laymen's Union or a federation of local groups working in the manner of the Community Councils in relation to the N.C.C.S. or a federation of all Catholic Negro organizations.

Urge Negroes to be participants in all national Catholic lay organizations, such as the National Council of Catholic Men, the National Council of Catholic Women, and the National Federation of Catholic College Students.

Join local F.E.P.C. Committees.

Use the press, Catholic and secular, including the Negro press, national and local, for the welfare of the Negro.

Use the radio for panel or other discussions for programs in behalf of the Negro.

Oppose the misuse of press, radio, stage, screen for the debasement of the Negro.

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I forbear quoting anything further except perhaps these:

Catholic organizations should endeavor to educate Catholics in the matter of race relations by sponsoring lectures by qualified speakers, white and Negro; and they should as organizations, lend their ready support to movement for the redress of wrongs committed against minorities.

In Catholic schools, at all levels from the parochial through the University, programs of intercultural education should be fostered and spread. The contribution of the Negro to American life in art, literature, science, industry and as members of the armed forces should be an integral part of history curricula.

A national race relations institute, to study all phases of the race problem on the highest level should be held annually under Catholic auspices.

This whole Seminar report is of interest to this Committee and I wish to submit it to you for your consideration.

There is another piece of work that I should describe to you. It is A Declaration of Human Rights which was drafted by a committee appointed by the National Catholic Welfare Conference for submission to the UN. I wish to present it to you for your fuller consideration.

Four types of rights are listed: Rights of the Human Person, Rights Pertaining to the Family, The Domestic Rights of States and the Rights of States in the International Community.

The rights of the person in this Declaration go beyond these usually listed and include for example:

The right to education suitable for the maintenance and development of man's dignity as a human person.

The right of association and peaceable assembly.

The right to work and choose one's occupation.

The right to personal ownership, use and disposal of property subject to the rights of others and to limitations in the interest of the general welfare.

The right to a living wage.

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The right to collective bargaining.

The right to associate by industries and professions to obtain economic justice and the general welfare.

The right to assistance from society, if necessary from the State, in distress of person or family.

And they include also:

The right to the equal protection of just law regardless of sex, nationality, color or creed.

Among the family rights are:

The right to economic security sufficient for the stability and independence of the family.

The right to the protection of maternity.

The right to educate the children.

The right to maintain, if necessary by public protection and assistance, adequate standards of child welfare within the family circle.

The right to assistance, through community services in the education and care of the children.

The right to housing adapted to the needs and functions of family life.

Among the domestic rights of States there is included this:

The right to demand of its citizens respect for the rights of minorities.

One other point. The general preamble of that document roots these rights in the nature of man and reads in part as follows:

God, the Creator of the Human Race, has charged man with the obligations arising from his personal dignity, from his immortal destiny, and from his relationships as a social being.....For the fulfillment of those obligations man is endowed with certain natural, inalienable rights.....

Closely allied with the National Catholic Welfare Conference Social Action Department is another organization, the Catholic

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Association for International Peace. As early as 1943 with the peace still two years away, one of the Peace Association's committees prepared a report called An Agenda for the United Nations in which it advocated that ~~that~~ then unorganized group of countries prepare at once for a United Nations Organization and that it form a special committee "on human rights and means of their protection" (P 17). In 1941 the same organization before we entered the war drew up a program of American cooperation in a world organization and stated that "the rights of man and of peoples must be defined and recognized and an institutional way established to ensure human rights." It had one of its committee members draw up a tentative bill of rights. I am submitting a copy of that bill of rights but would like to read the following:

The right of all peoples to require, as a matter of international concern, that all associated states respect the following individual rights:

- the right of freedom of conscience and worship before the State;
- the right of freedom of expression within the law;
- the right of freedom of association, of free assembly, and of free petition of grievances;
- the right of private property; and of being secure against the unlawful seizures and confiscations;
- the right of freedom of education according to the wishes of the parent;
- the right to be tried according to the law and to be secure against cruel and unusual punishments;
- the right of ethnic and religious minorities to enjoy equal opportunities for the development of their common humanity.

May I add that the National Catholic Welfare Conference Social Action Department has helped to carry these principles abroad. In January, 1946, we and the corresponding Cuban organization held a seminar in Havana attended by representatives from twenty-four Latin American countries and dependencies. The group among other things declared:

"As Catholics we condemn all discriminations founded on prejudices of race and color and, as part of our work, recommend struggle against these discriminations, ~~through~~ assistance in the improvement of the oppressed and actively to get them to work for their own advancement."

Might I add that we of the United States can learn more from the Latin American countries about fairness to one another regardless of race or color than they can learn from us.

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APPENDIX

Principal Catholic sources of information:

National Catholic Welfare Conference
Social Action Department
1312 Massachusetts Avenue, N. W.
Washington 5, D. C.

Catholic Conference on Industrial Problems
1312 Massachusetts Avenue, N. W.
Washington 5, D. C.

National Catholic Community Service
1312 Massachusetts Avenue, N. W.
Washington 5, D. C.

Catholic Committee of the South
2811 North Avenue
Richmond, Virginia

Friendship House
34 W. 135th Street
New York, New York

302 E. 43rd Street
Chicago, Illinois

Interracial Councils:

Catholic Women's Interracial Council
3899 Garland Avenue
Detroit 14, Michigan

San Antonio Archdiocesan Committee on Interracial Relations
230 Dwyer Avenue
San Antonio 5, Texas

Rev. Patric J. Molloy (Clergy Conference)
4515 Evans Avenue
St. Louis, Missouri

George K. Hunton
20 Vesey Street
New York, New York

Institute on Social Order
221 North Grand Boulevard
St. Louis, Missouri

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Christopher Interracial Council
90 Greenwich Street
Hampstead, L.I., New York

Mr. Charles Smith
1003 Lawyers Building
Detroit 26, Michigan

Mr. John L. Yancey
648 E. 50 Place
Chicago, Illinois

Mr. Edward LaSalle
433 Waverly Avenue
Kansas City, Kansas

Miss Mary L. Riley
1815 Brooklyn Avenue
Brooklyn, New York

Dr. John J. O'Connor
2032 Pierce Mill Road
Washington, D. C.

Mr. Daniel Marshall
4631 Mullen Avenue
Los Angeles 43, California

Mrs. Anna McGarry
3535 North Gratz Street
Philadelphia, Pennsylvania

Books and pamphlets:

Seminar on Negro Problems in the Field of Social Action
N.C.W.C. Social Action Department
1312 Massachusetts Avenue, N. W.
Washington 5, D. C.

Declaration of Human Rights
N.C.W.C. Publications Office
1312 Massachusetts Avenue, N. W.
Washington 5, D. C.

The Race Question and the Negro
John LaFarge, S.J.
Longmans, Green and Company
New York

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Colored Catholics in the United States

John T. Gillard, S.J.

The Josephite Press
Baltimore, Maryland

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DR. DICKEY: Dr. Will Alexander, vice-president of the Rosenwald Fund.

Your time also will be extended 20 minutes so that we will run to 11:40 in order that you may have the same period of time as originally scheduled.

STATEMENT OF DR. WILL ALEXANDER
Vice-President, Rosenwald Fund

DR. ALEXANDER: I have a statement here of something of what I want to say, but I will not follow the statement, if I may

DR. DICKEY: Very well. Would you like to file the statement?

DR. ALEXANDER: Yes.

I am not sure that I can give you anything. I expect I am wasting your time.

DR. DICKEY: We think you are not.

DR. ALEXANDER: But I am interested. I am going to assume that you have, on the question of legislation, the advice of lawyers. I think legislation is terribly important.

In the first place, if the Federal Government hasn't the authority to do what it says ought to be done about this thing, then it needs to be given that authority, and that, of itself, empowering the Federal Government to act in these matters would be an educational process of as far-reaching importance as you could possibly have, it seems to me.

I have seen that happen over and over again. The process of getting the Federal Government empowered to do what needs to be done in this field, itself, is probably the most educational thing you can do. Therefore, I don't think too much emphasis can be put on the importance of legislation. You wouldn't have an easy time getting it, and the very process of fighting it would help to educate the people of this country about this issue in a way that you probably couldn't do by any other means.

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But the thing I want to emphasize -- that, I think, is in the future -- what I would like to emphasize here grows out of my experience around the Federal Government. I have been around here a good deal as an administrator in various capacities; there is a great deal that the Federal Government can do now administratively that it isn't doing. There, again, when you begin to talk about education, I am not talking about some vague process that will pervade the country. If the Federal Government was alert to this question all over the place, everybody in the Federal Government alert to it, and every department of the Federal Government administered with a sensitive consciousness of this thing, that, of itself, would be an educational process of very far-reaching importance.

Now, the fact of the business is, when these matters are involved in your administrators here, your chief expects you to go as far as you can go. The general attitude is to go as far as you can go without causing any trouble, and the main thing that a Government administrator is trying to do is to avoid trouble. Therefore, you are to go very cautiously.

I used to be in the Department of Agriculture, and I was administering a program that had far-reaching usefulness and value to Negroes and Spanish Americans, and other low-income groups. It is perfectly all right, it would be perfectly all right if I could give them the benefits of what we were doing without running into opposition, opposition on the Hill. Government is administered always under the immediate pressure of politics, and in the Government departments, by and large, they are much more responsive. They are much more conscious of the danger of getting into trouble -- whatever that means -- it usually means getting in trouble on the Hill with somebody up there who doesn't like what you are doing -- they are more conscious of that and very much more afraid of that than they are of violating, in their administration, the spirit of our civil rights ideals.

It was all right for me to get this farm help to Negro farmers in the South, if I did it without arousing the antagonism of the most conservative people on the Hill, and it was not possible to do it. There were some very conservative people on the Hill who just didn't want that thing done and always I felt insecure because I was sure I wouldn't get administrative backing.

Now, that is all over the place and what I am saying is that, from the Department of Justice down to -- or up, or wherever you go, or from the White House down or up, or wherever you go in the Government -- if this thing had priority in administration and if on the Hill this thing had priority, there is a great deal that can

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be done on this employment thing.

Congress appropriates a great deal of money, and that money is ultimately spent, a lot of it, in wages, and if it was taken as a matter of course that whenever a Congressional appropriation was made for education or for the building of roads, or for whatever, that in the expenditure of that money, or employment, there should be no discrimination based on race, creed, and color, it would have a far-reaching influence on this country -- and it just isn't done.

These moneys are appropriated, and they are not administered by and large with a sensitive consciousness of this business. The Federal Government has a great deal of authority in a great many places, and could affect this employment thing now if the Congress and the Administrators were sensitive to it.

There is one spot in America where the Federal Government must have complete authority because nobody else has authority, and that is the District of Columbia. I have been around here a good deal. I don't know any community in the South where there is more indifference to these matters than there is in the District of Columbia. Now, that is a fact. I don't know who else has authority here if the Federal Government doesn't. And if the District of Columbia could be so administered as to be an example in regard to these things in housing, and in access to public services by all the people who come and go here, on an equal basis, it would become a lighthouse. It would have an educational value to this country very much more than pamphlets or books, or anything else that could be done.

This is the capital city of the nation and, in a sense, is the capital city to the extent that no other capital city in the world is. There are a great many other things in Paris and London besides being the capital; there are other things, too, but this is business here. The Federal Government has got responsibility, and if the Federal Government is concerned about this thing and would get tough about it in the District, and in the administration of the District, it would have a value, an educational value, on this country that would be very far reaching.

In the Government agencies, in employment within the Government, itself, these questions are involved. If there was a sensitiveness there in that administration -- but the administrator knows that he is expected to administer so as not to get anybody in trouble. And there isn't any courageous acceptance of this philosophy of equality of citizens in administration. It is to do what you can do safely, and that usually means "Do what you can do without antagonizing the most conservative elements in the country."

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Sometimes you can get by with a little more than that. But my own conviction is that, as important as legislation might be, there is here in our hands now, within the Federal Government, authority enough to administer all phases of the federal business in such a way as to have a very profound influence on this country; and if this Committee could get that done, or get a start on it, or sensitize the Federal Government administrators to it, it would have cleaned up a very wide area of this thing, and would have done an educational job that would have a profound effect on this country.

I have dealt with the Department of Justice for 20 years. Twenty years ago I began to try to get the federal courts to do something about peonage in Georgia, and we never got anything done through the federal courts. It took 20 years to finally get a case carried up to the State courts, and when we got to the Supreme Court we got the law set aside; but during all that period, the Department of Justice couldn't find any way to take hold of it.

Well, I always interpreted that in two ways. I suppose lawyers don't like to get into cases where they are likely to lose, and yet there may be some advantage in getting into cases where you are likely to lose. There may be an educational value to doing that.

I have had a feeling that it would help tremendously if the Department of Justice would take pretty long chances on these cases, and get as many of them into court as possible, even if they lose. It would at least convince the country that the Federal Government was in earnest about this thing.

So, I think, instead of being cautious, the Department of Justice could have been very much more daring than it has been in the past. I say, I think that is due to two reasons. First, the Department of Justice is lawyers, and lawyers have their reputations at stake, and they want to win, I suppose.

And, the other thing is that the Department of Justice has always been one of the places where there is considerable political pressure that can be applied. The Department of Justice has a lot of good appointments to make. They are the appointments of lawyers with right good salaries, and when I was around here it was ~~considerable political pressure was on the~~ in the general atmosphere that one of the places where there was considerable political pressure was on the Department of Justice. Every department of the Government is under political pressure. You have got to find your way through that. That is the job of an administrator. But the Department of Justice has not been one that has been exempt from that pressure, may I put it that way, and that

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has had its effect.

If the Department of Justice, and all these other departments, could be sensitized on this question, so that, without regard to administrative difficulties or political effects the Federal Government was administered with a full consciousness of this thing, it would have a tremendous effect on this country, and that I would like to see the Committee emphasize and do everything it could to implement.

That is something that could be immediately done. You don't have to wait for legislation, and in doing it you might discover what legislation is required. It may be that the legislative needs are not as great as they appear to be; I don't know.

It is easy for an administrator to say -- I have said it a hundred times here -- I have excused myself for not doing something on the ground that my general counsel said it was not legal. And one of my legal counsel's jobs was to tell me how not to do things that I didn't want to do. Government lawyers are very expert in that kind of thing, and administrators do it all the time.

Now, that is part of the picture.

The other thing is not only the sensitizing of these administrators but the education of a very great many people who have to do with it.

I have spent a great deal of time being interviewed by people who go around investigating for different Government departments as to people's loyalty, and so on; and I have gotten the general impression that that job is in the hands of very nice people, but people who are not sensitive on this point.

I frequently had them ask me if a white person, for instance, had any Negro friends, or went to Negro people's houses. It never did seem to me any of their business. It seemed to me an infringement on the personal life, and I always resented it; but I never could do anything about it, and always charged it to the fact that the fellow hadn't been properly trained.

You have got to do a great deal of training of this personnel. Out in our office we have been having to do a little bit with the policemen, and we are trying to get at some of the problems in Chicago and some other cities as they inhere in your police system.

The fact of the business is that the average policeman never heard of civil rights. He hasn't the slightest idea of what is

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involved, and he is out there administering the law without any consciousness of this thing at all. That is true of many of the people in the Federal Government, and if we are in earnest about this thing -- I look with great apprehension on this search for subversives in the Government.

I have been around here, and I know the Communists have made a nuisance of themselves, frequently, to the administrators, and everybody else. I think it is just as important to protect the rights of those who are not subversive; and it is to find that balance in administering a thing like this that is going to be very difficult.

These poor little people in the Government, many of them are pretty helpless, and when I think if a five million dollar staff being turned on to search for subversives, I know that unless we are going to cause some very innocent people to suffer, cause them great apprehension -- the people who do that job have got to be carefully trained in this matter of the rights of a citizen. I would hate to see our whole civil rights ideal get a set-back in an effort to catch up with the subversives around, as important as that is, and I consider it very important to do it, but it is a job that will have to be done better than the Government has administered its other things, unless it gets us into a great deal of trouble.

I have a document here that I would like to leave. I think it is a very important document. It is by one of the professors at Cornell University, suggesting some of the things that need to be done to protect just this point.

title

DR. DICKEY: Would you just read the ~~little~~ into the record, please?

DR. ALEXANDER: "The President's Loyalty Purge," by Robert E. Cushman of the Law Faculty of Cornell University.

RABBI GUTTELSON: Is that an issue of Survey Graphic?

DR. ALEXANDER: Yes, it is just out. I happened to pick it up in the Graphic office yesterday.

Also, a pamphlet entitled "The Police and Minority Groups" -- a manual prepared for use in the Chicago Park District Police Training School.

The thing that I want to emphasize, here in our hands, in these administrative devices is an opportunity to do something of a

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corrective nature of far-reaching importance.

That is all I wanted to say.

(Dr. Alexander's prepared statement is as follows:)

The core of the civil rights problem is correctly and succinctly indicated in Section 2 of the President's Executive Order No. 9708, establishing the President's Committee on Civil Rights. In that section there appears the following language:

"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 government may be strengthened and improved to safeguard the civil rights of the people."

Under the language of this clause it is apparent that the overall problem must be examined in the light of two considerations. There is, first, the problem of implementing the existing legal provisions; that is, to assure that existing legislation is so administered as to afford a maximum of protection of civil rights through the appropriate and constant vigilance of municipal, state, and federal agencies. Secondly, the question arises as to the adequacy of existing legislation in empowering the intervention of municipal, state and federal agencies in the protection of civil rights. This second consideration may be ultimately a question of Constitutional construction in the exercise of the police power. However, it should be noted that the question of the relation of the federal and the state police power need not and should not be introduced into a consideration of the authority of the federal government with reference to those services and activities which are carried on within the compass or jurisdiction of the administrative arm of the federal government. This would indicate that, with reference to projects which are either administered or directly or indirectly financed by the federal government, no question as to the relation between the state and the federal authority need arise. The right and power of the federal government to secure and protect civil rights in such situations, would seem to require no more, no less, than the insistence by administrative rule that the relevant agencies, as a condition of their support, must abide by the provisions of the federal Constitution and assiduously avoid discrimination or segregation. On this score, it would appear advisable that the Committee examine extensively not only whether the services of the federal government are administered in such a manner as to insure the civil rights of all citizens, but whether the personnel practices of any and all agencies are in conformance with

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the Constitutional rights of all citizens to be free of discrimination and segregation because of race, creed, or religion.

In the implementation of the federal authority throughout the nation, a question must be raised concerning the attitude of the relevant government agencies in the protection of civil rights. This involves two questions, first, whether such agencies as the Department of Justice and the Federal Bureau of Investigation are, indeed, motivated to function and seek evidence in the spirit of the ends for which civil rights statutes have been established; and secondly, whether a maximum of resource and energy has been exercised in bringing to bear the influence and power of the federal authority. In both respects it appears that the federal arm has been relaxed and may have even acted to the detriment of the meaning and spirit of the federal Constitution. Specifically, it appears that the weakness of the Department of Justice in civil rights cases within the respective states may be a reflection of its responsiveness to political pressure, even more than its inability to function under the existing law. In any event, the latter is a matter of court determination and not one of self-determination by the prosecuting arm of the government. Sensitivity of the Department of Justice to political pressure can be more significant in immobilizing the federal government in the protection of civil rights than any other single factor. It would appear that a more active and aggressive policy by the federal government is possible under existing law. More efficient distribution of the personnel concerned with civil rights, perhaps with regional offices of their own, constantly alert and active in the initial investigation of civil rights incidents, would do much to neutralize the political factor and produce and preserve the evidence so necessary to establishing federal jurisdiction. It is my conviction that the facts of civil rights violations are more frequently of such a nature as to permit a judicial notice of Constitutional violation than is presently reported.

A word should be registered concerning the construction and meaning which many of our law enforcement agencies give to the term "civil liberties." The area as between seditious activity and civil liberty is not often accurately defined. It gives one pause for reflection to learn that law enforcement bodies often regard individuals as being prima facie suspect as to their Americanism and loyalty if, being white, they entertain Negroes in their homes. Similarly, whites are often interpreted as of questionable loyalty if they have participated in such events as picketing a restaurant or theater which will not serve Negroes, or if a white personnel administrator gives evidence of sympathy in the direction of equal treatment of Negroes in his employment policies. These cannot and should not be seized upon as clues to a person's loyalty. Insofar

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as they are, such investigations not only infringe civil liberties in opposition to the provisions of the Bill of Rights and the 14th Amendment, but they actually create a more serious problem, namely that the very exercise of a civil right becomes a condition for the persecution of that individual in other respects. Our law-enforcement agencies are in need of serious instruction and administrative guidance in these essential respects. The President's Committee should take steps to insure that the construction and meaning which law enforcement officials give to civil liberties shall conform to the provisions of the federal Constitution and the democratic creed.

A critical review of our problem must also address the question of what can be done at this time and what must be regarded as requiring a longer period of action. That is, what steps can and should be taken at this time because of their urgency and with some prospect of success. A sense of timing is important, particularly with reference to distinctions between the North and the South. It appears that a strong national policy and position at this time would be able to capitalize upon the fluidity and mobility of the war years. We are confronted for the first time with the situation which permits an action in the nation at large. The war experience has loosened the static structure of the South and made it more amenable to a strong national position. We must follow through. This requires a correct example and forthright decision by the federal government and the agencies over which it exercises control and influence. The educative effect of such a decision cannot be underestimated. It was proved during the critical war years when a forceful leadership moved us more positively in the direction of the democratic ideal. Cries concerning the lack of preparation and bigoted attitudes of the population, notwithstanding.

The time element is also of great urgency with respect to currently important social developments. These are, first, the experience of union organizers in the South; and secondly, the current anti-loyalty drive. Each of these situations contains grave implications for our democratic society. We must make certain that the illegal tactics and civil liberty violations incident to the organization of labor during the 30's in the North does not repeat itself in the South. The federal government must watch with vigilant eye these developments in the South. Secondly, we must guard against the adverse effects of the current search after disloyal citizens. This is particularly important since it may confirm law-enforcement agencies in their already perverse views of what constitutes good citizenship. Those who do not see this as a problem in civil liberties could witness one day the disappearance of all our liberties under the guise of a search for disloyal elements.

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loyal elements.

I would conclude with this general note. The Committee must not ignore the administrative aspects of the problem. They are fully as important as the legislative. Indeed, what is attempted administratively will clarify what needs to be done by legislation. Finally, timing is of the utmost importance. We must do the thing today which can be done, else we will find ourselves falling into the age-old error of invoking the good offices of long-time education which may mean nothing, since we will have denied ourselves the very chance to educate by withdrawing from the measures which are the necessary precondition to that chance.

- - - - -
DR. DICKEY: May we ask questions of you now?

DR. ALEXANDER: I don't know much about this. I have a good deal of conviction about it.

MRS. TILLY: Have you methods of determining how widely sensitive the Federal Government--

DR. ALEXANDER: I am talking about the administrative side of Government. I am also talking about Congress.

Now, I used to be here, and was a rather unimportant person. The persons I worked with were important. Once in a while they went to the White House, and when the boss went to the White House the rest of us hovered around the office until he got back to find out what had been said.

I remember it almost brokd up the day when my boss used to go to see President Roosevelt Because we quizzed him at length about what was said. We were terribly sensitive to what went on. One of the things that you learn to do as administrator down the line is to get around doing what the administrator says. You can, down the line, do a good deal of sabotage. You just don't say, and it gets down, but if you say it persistently enough, and crack a few heads once in a while, it gets down.

If the administrator really gets in earnest about it, it finally gets done. Even the people who are skilled in bureaucratic manipulations get to know that this is important, and when it is important it gets donw.

My point is that all over the Government there is an indifference to this matter. It has been the easy way, and there wasn't enough public pressure on the outside to remove that indifference.

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RABBI GITTELSOHN: Doesn't it all go back, then, following through your idea logically, to the White House and to the thought that you must begin with how seriously the White House itself means this?

DR. ALEXANDER: That is partly true.

RABBI GITTELSOHN: Assuming that an incumbent of the White House certainly takes the preservation and perfection of civil rights very seriously — which is obviously the case now or we wouldn't be here in this Committee — have you any practical suggestions as to how Government administrators and employees could effectively be briefed for this sort of thing? How can we reach them? How can we see to it that they do know something about civil rights and civil liberties before we assume such Government functions?

DR. ALEXANDER: If there was one of these anonymous assistants who had nothing else to do but follow this up, or perhaps a committee set up to follow this up for the White House, constantly keeping up, department by department, running down reports of violations, it might accomplish something. I don't think it is too profound a problem.

MR. MATTHEWS: Do you think that would reform these administrators who want to be told how not to do what they don't want to do?

DR. ALEXANDER: No; you will always have that in Government, and maybe it isn't always bad. I mean, but — yes, you could sensitize them on that if they felt they were going to be supported. I always knew I wasn't, if I got in trouble. If they thought the topside was going to support them, that would make a very great deal of difference; but I always was pretty sure that if I got into too hot a spot I would be left on the griddle.

MR. MATTHEWS: Do you have any ideas of how we could change this District of Columbia from being the horrible example it is of the abuses of civil rights, to a perfect example, where everybody would enjoy civil rights.

DR. ALEXANDER: Well, I suppose it is a divided responsibility between the White House and Congress. The White House does the appointing of the District Commissioners.

MR. MATTHEWS: I think there is a good deal in what you say. Start right here and it will profoundly affect the country.

DR. ALEXANDER: In the appointment of the District Commissioners and if this was one of the outstanding qualifications of a District

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Commissioner, if he was committed to this thing, that would make a great deal of difference in the administration of the District.

However, as to the District ~~of~~ Committee, by which Congress administers the District, it would be very interesting to examine its personnel. There have been some things happen in the personnel of this very recently that are very interesting if you want to look into them.

One of my associates is a servant of this Government in a very high and distinguished way, and was asked by General MacArthur to come to Japan and help to arrange the new education in Japan. He is a member of the U.N.E.S.C.O. He has served in the Government in Africa -- Dr. Charles Johnson; he happens to be unmistakably Negro.

When he comes to Washington he has difficulty finding anything to eat, has difficulty finding anywhere to sleep, and I just don't think it is decent to ask Johnson to render the kind of service he renders to his country and treat him that way in the nation's capital.

MRS. ALEXANDER: It doesn't help our nation.

DR. ALEXANDER: I don't think it helps anyone.

MR. MATTHEWS: ARE you going to correct that? Everybody agrees that it shouldn't exist; the point is, how are you going to change it right here in Washington?

DR. ALEXANDER: The District Commissioners administer the District, and they could do a great deal about it if this was a major factor in the administration of the District.

There is enough pressure in this country, enough interest in this question, that Congress itself, the District Committee itself, could be made sensitive. It is a thankless job.

MR. MATTHEWS: Of course, if Congress wanted to correct it, it could. How are you going to get Congress to want to correct it?

In other words, it gets back to this question of education.

DR. ALEXANDER: There is now a national committee on this whole question, made up of very distinguished citizens who are trying to find out what they can do as citizens, and, finally, of

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course, it rests back on the citizens. We blame our politicians, and so on.

That leads me to make this suggestion, if I have just another minute.

DR. DICKEY: You have 10 minutes.

DR. ALEXANDER: I am not sure that we will ever get rid of the difficulties of this civil rights matter in relation to our minorities so long as we accept in this nation the philosophy of segregation as the pattern of our race relations. I am quite sure that when a policeman in Atlanta, Ga., has two ways of treating men who are under arrest, one way to treat Negroes and the other to treat whites, he is only doing what the community does in all of its devices; and I am not sure that we will ever, with our present segregation patterns, get away from very grave difficulties in administering our civil rights.

It would be most helpful if this Committee would look at that, and I have got a group of bright young lawyers who have given a good deal of study to this, trying to draw a brief on that which I would like to submit to you for your consideration.

DR. DICKEY: We should be very happy to have it.

DR. ALEXANDER: The bearing of the nationally accepted pattern of segregation on this question of civil rights -- I think it is a very important consideration.

We will probably always have trouble. I can't conceive of these ghettos that exist in the North and South in these cities existing by legal devices and other devices, not producing problems of civil rights, and it may be that we may have to have a struggle over that before we get this thing straightened out. I am not sure but that segregation itself is the beginning of the violation; and that the presence of segregation as we practice it in the North and South, in this country, is not itself an evidence of our lack of sensitivity regarding civil rights.

MR. MATTHEWS: You mean segregation in the matter of public facilities; or do you mean educational facilities?

DR. ALEXANDER: I mean the thought that a Negro can eat standing up in some restaurants in Washington, but he can't eat sitting down. He cannot eat at all in some. It is left with the public institution how they serve him.

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I mean the restrictive covenants by which we restrict people where they live. I mean transportation in the South. It has to do with the segregation of people in schools. It is the pattern, segregation is the pattern of our relations in this country from one end of the country to the other, and I think it bears on this question.

MR. MATTHEWS: Do you think that can be eliminated by legislation?

DR. ALEXANDER: Yes, after a while.

MRS. ALEXANDER: Dr. Alexander, you speak of sensitivity. I was thinking of groups of women who come to Washington to hold meetings, and they feel that it is effective to come to Washington, notwithstanding the fact that their Negro membership cannot be accommodated at the hotels with them. But the C.I.O. and National Lawyers Guild have their meetings and the Negro members come.

I am wondering if there isn't too great a sensitivity on the part of the memberships of those women's groups whom you know?

DR. ALEXANDER: Women may not be as skilled as lawyers, and may not have as much influence.

MRS. TILLY: You say no other community is less sensitive to the thought of the people. That was a direct quotation. Isn't it partly because the community here hasn't the responsibility that is left entirely with the Federal Government?

DR. ALEXANDER: The community here is like any other community. You have your real estate interests, and you have the same kind of people here in this community as you have in any other. Maybe if they had more responsibility they would behave differently. I am not sure; I don't know. All I am saying is that the Federal Government now has the responsibility of what goes on in the District.

MRS. TILLY: The Federal Government administers the government of this community rather than the community, itself.

DR. ALEXANDER: That is right.

MRS. ALEXANDER: Dr. Alexander, you didn't mean to limit any act or educational process in Washington to housing and public service? Those were only two illustrations, I take it?

DR. ALEXANDER: That is right.

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MRS. ALEXANDER: But you had in mind the public schools, for example?

DR. ALEXANDER: That is right.

MRS. ALEXANDER: And is it your feeling that a bill presented to Congress would be passed?

DR. ALEXANDER: Not immediately, no. It could have very rough going, but in the long run I expect it could be done if the country is in earnest about this matter.

RABBI GITTELSOHN: Dr. Alexander, to your knowledge, has any incumbent of the White House ever requested of Congress in a special message, or as part of some other message, such legislation for the District?

DR. ALEXANDER: I have never heard of it.

RABBI GITTELSOHN: And do you think that such a message if it went to the Hill would help a great deal in this matter?

DR. ALEXANDER: Yes, if sent over and over again, with persistence, it would, in the long run, help as part of the process by which we get things done.

RABBI GITTELSOHN: A matter of dropping water on the rock long enough.

DR. ALEXANDER: Yes, long enough, and with enough support from the country, which I think would be increasing support, because there are a great many people in this country who wouldn't want anything done about segregation in their own community but wouldn't object to something being done about it in Washington, perhaps. That is human nature. And there are a great many people who are concerned about this thing ^{who} would be concerned about it.

BISHOP HAAS: Dr. Alexander, in addition to what you suggested with respect to the appointment of commissioners, the assurance that they be men of the proper outlook -- that is very important, in my judgment --

DR. ALEXANDER: And that they will know that they have support in this matter from their bosses.

BISHOP HAAS: Yes, but what is your No. 2 prescription for the District of Columbia?

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DR. ALEXANDER: I would examine the legal aspects of this thing and see how much of it could be carried to the courts for relief. I think a great deal could be done there.

BISHOP HAAS: Specifically what?

DR. ALEXANDER: Schools?

BISHOP HAAS: Schools? And after that, what?

DR. ALEXANDER: Hotels and public services.

MRS. ALEXANDER: And employment.

DR. ALEXANDER: Employment, and so on.

DR. DICKEY: If you had to pick a point of departure on emphasis for this Committee, I gather it would be the District of Columbia.

DR. ALEXANDER: No, it would be the administrative processes of the Federal Government, including the District of Columbia. I don't want to get concentrating on the District, to the exclusion of these other things.

MRS. ALEXANDER: And, Dr. Alexander, did I take it that you suggested a permanent committee or commission whose duty it would be under the executive arm of the Government to educate and investigate?

DR. ALEXANDER: That would be one way to do it. And the other thing is that you have got to have — the Government here is so far away from the people, but it isn't in some of its outreaches. It goes far down, and you have to get down there with the sensitivity, too, and we have suggested in the paper that I am submitting here that if the Department of Justice really gets concerned with this thing, that regional offices of the Department of Justice, where it would have people near where these things happen, who could act quickly about them, would be an advantage.

RABBI GITTELSON: Dr. Alexander, on this matter of Government administration, some of us have been thinking and talking a little bit about the possibility of utilizing the machinery of the Bureau of the Budget as a kind of focal point with which to control and regulate what goes on in Government, with the thought that when the various agencies and departments which, as they must, once a year, come to the Bureau of the Budget, and are put on the carpet along with a number of other things, as to how they spent the money in the previous year, this matter of civil rights could be included.

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What would be your judgment of that?

DR. ALEXANDER: The Bureau of the Budget is a very influential organization with the administrative departments.

RABBI GITTELSOHN: I take it, then, that you think that something could be done.

DR. ALEXANDER: That would be a good place to put it. And of course, don't forget the Congress. Congress votes this money and they examine with a good deal more ferocity than the Bureau of the Budget, because you have your opposition parties up there, and they could accomplish a very great deal.

The Congress is very important. These vast appropriations that are spent out over the country, if they were always protected against being maladministered; take the simple matter of the vast amount of money that goes into employment in the building of public highways, federal money. I don't know. I think that McDonald is one of the ablest administrators in the Government. I have the greatest admiration for him. But if the Congress would be sensitive about their employment, the employment practices under which that money was spent, it would affect the employment of a great many people, and Mr. McDonald is the kind of man who would get it administered.

MRS. ALEXANDER: Dr. Alexander, I am sure from your feeling that the Department of Justice could do more, you would say that there should be a division in the Department of Justice devoted to civil rights.

DR. ALEXANDER: There is. There is such a division.

MRS. ALEXANDER: There is a section of the Criminal Division.

DR. ALEXANDER: Whatever can be done symbolically to make that appear important in the Department of Justice, that would be helpful if that were done.

MRS. ALEXANDER: You see, it is a section of the Criminal Division.

DR. ALEXANDER: I think I will be very frank. I was around when that was set up. The first man who was in charge of it was a young lawyer who had been on my staff, one of those lawyers who told me how not to do what I didn't want to do. He was a very conscientious person, but I had a little feeling that that was set up to get rid of pressure, as one way of getting rid of the pressures

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which we are always so conscious of around here, and I doubt that any great amount of attention was given to thinking through how to make it effective.

It was a concession, I had a feeling as I talked with the first man who ran it, and he did the best he could. Whatever can be done to give that dignity and distinction --

MRS. ALEXANDER: Status.

DR. ALEXANDER: --and then establishment of regional places to get it closer to where these things happen, would help.

DR. DICKEY: Are there further questions?

We have about exhausted Dr. Alexander's time.

We thank you very much, sir, for an excellent statement, and for your willingness to meet with us.

DR. ALEXANDER: If I may, I would like to send you a little statement of this whole question with relation to segregation and civil rights.

DR. DICKEY: I know that the Executive Secretary's office, Dr. Carr, would be very happy to have anything at any time that you will give us.

DR. ALEXANDER: Thank you very much.

DR. DICKEY: Thank you.

Mr. McNickle.

STATEMENT OF D'ARCY McNICKLE,
National Congress of American Indians.

MR. McNICKLE: The name is D'Arcy McNickle. I am an enrolled member of the Flathead Tribe in Montana, and have been for the last 12 years with the Office of Indian Affairs; at present, field representative to the Commissioner.

I have been on leave for the last six months writing a book. I say this merely as background.

After the very broad view which Dr. Alexander has given of this problem of civil rights, I feel I must ask you, for a moment, to sharpen your focus on a small segment of the general problem.

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I hope you will bear with me.

I also must apologize. I didn't know until just a few days ago that I would give this presentation. Mrs. Bronson, Secretary of the National Congress of American Indians, of which I am a member, was to have made the presentation, and, as a result, I have had to do this in a great hurry and I have only a very rough manuscript here. I would like to polish it up and leave it with the committee later, if that is agreeable.

DR. DICKEY: That will be agreeable.

MR. McNICKLE: The National Congress of American Indians is an organization made up entirely of persons of Indian blood. It has headquarters in Claremore, Okla. The president of the organization is a local judge out there who is part Cherokee Indian, Judge N. B. Johnson.

Our membership includes individual Indians and Indian Tribes in the United States and Alaska.

For some time past we have been working with the Indian Rights Association, the American Association on Indian Affairs, the Home Missions Council, the American Civil Liberties Union, on just these problems as they affect Indians -- problems of civil rights.

I think I ought to say a little bit about the Indian Service, and the relations of the Federal Government to the Indians as a background by way of explaining some of the points which I shall try to make.

The Indian Service has a double function, which is not always clearly understood. The Indian Service is that agency of the Federal Government which is charged with protecting Indian property and Indian rights generally.

As that protecting agency, it has responsibilities towards property and persons. The Indian Service is also a service agency. It furnishes schools, hospitals, it builds roads, it builds irrigation systems, provides agricultural extension, and so on.

There is always a danger, because of this dual relationship that the Indian Service will be accused of being a bureaucracy; that it should be cut down; it should no longer exist; there is no longer any reason for it; the Indians should be civilized, which is a laudable enough aim, perhaps, the danger being that in cutting down this service function which otherwise at present is not pro-

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vided by any other agency, you also cut away these protections of Indian property and persons.

And these protections have a long history. They don't arise simply out of a benevolent attitude on the part of the Government, but they arose originally because the white men in this country wanted to get something from Indians. They wanted to get land. And the Indians made bargains which we called treaties. They made contracts by which they agreed to allow the white man access to areas of the territory but reserved land for themselves which they intended to keep, and our National Government promised that they would have protection in that land as long as they needed it, as long as they wanted the land.

Therefore, to demolish this structure, if it has the effect of demolishing the contracts, would be most unfair.

Now, just that background. It has pertinence because people constantly talk in Congress, and in the press, about freeing Indians, emancipating Indians. In view of what I have said, the emancipation which is spoken of -- it would mean emancipating the Indian away from this little property he has left, relieving him of the last bit of wealth that he has.

When people speak of abolishing reservations, they are talking, or the effect of what they say might mean that this piece of home land, the last that the Indians have, would be destroyed and opened up for exploiters who would like a chance to get at Indian timber, Indian oil, and so on.

Now, Indians, too, whether they live on reservations or off reservations, are subject to deprivation of civil rights. New Mexico and Arizona deny their Indians the vote. In these same States, Indians receive no Social Security benefits. When Indians leave the reservation -- as they are urged to do and go into a town to get work -- they find themselves obliged to live in the slum areas because landlords owning the better types of rooming houses will not let them have rooms.

We believe that legislation such as a permanent F.E.P.C. would be useful, but we think that there is a great deal that could be done short of legislation within the Federal Government, which I will try to suggest now.

We believe that the President could give Indians a great deal of help merely by informing his official family of the legal status of Indians, why they have the status they have as regards their property, and what ought to be the attitude of the Federal

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Government with respect to their status and their rights.

As it now works, only one agency in one department of the Government has any responsibility, or feels any responsibility. Within that department, as well as other departments of Government, there is an attitude that because some agency has the responsibility they need not assume any of it.

In 1934, Congress adopted a very good law which, among other things, said that it reaffirmed the right of Indians to organize for self-government. They always had the right, it had never been taken away from them, but Congress reaffirmed it.

The notion behind the idea of self-government was that Indians would organize, so they adopted written constitutions which cited the specific authorities which the tribe would exercise and would take over from the Federal Government management of its property, management of domestic relations within the tribe, within the reservation.

But it has been exceedingly difficult for the Indian Service to transfer to these tribes this responsibility which it was intended they should exercise. To illustrate, this 1934 Act provided a revolving credit fund. The Indians had not had access to commercial credit. As a result, they could not develop their lands. There grew up the vicious practice of leasing their lands, taking a minimum of the return. So this credit fund was established.

The Indians may borrow. The Indians may borrow to buy cattle. When they have paid up the loan and the cattle should be theirs, it is exceedingly difficult to get the Indian Service to give the Indians a clean bill of sale. The Indian Service will continue to exercise a trust relationship over that property; and the Indian is not able to sell or mortgage, or conduct any other business with regard to that cattle without permission from the local superintendent.

Now, in that respect the Indian Service is not playing fair. It takes no legislation to cure that.

The same thing is true with leasing their land. Some Indians have been declared competent. They represent a very small percentage. Most Indians are deemed incompetent, and, therefore, can't complete a lease on a piece of land which the Indian owns. That must be done by the local superintendent.

Now, going from the Indian Service into the Department of the Interior, the Fish and Wild Life Service of the Department is

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concerned with protecting fur seals. Upon the Pribiloff Islands, two rocky, fog-bound islands out in the Bering Sea where the first seals migrate each year, some 500 Aleuts live under the domination of the Fish and Wild Life Service.

They have no voice whatever in their local government. They cannot even hold meetings except in the presence of an officer of the Service. The Fish and Wild Life Administrator of the islands is judge, jury, and sole court. The islanders cannot leave the islands to visit friends without permission; and frequently they are threatened with being expelled forever should they leave to find work elsewhere.

Their wages are set by the Service, and are shockingly low, and are not set for work well done, as is the case for workers elsewhere. Wages, moreover, are frequently reduced as punishments sometimes for rebelling at the treatment they receive at the hands of the Government bureau.

Their health is poor, the educational facilities are inadequate. Now, it is immediately noticeable that these restrictions on the lives of people are not necessary for the protection of fur seals. We believe the Fish and Wild Life Service should be so instructed.

The Department of Agriculture is another offender. The Forestry Service has granted, and continues to grant, privileges to lumber companies to cut timber on land claimed by the Indians of Alaska, with no regard whatsoever of the rights of the Indians so claiming. I should say that in Alaska you have a situation where Indian rights in the land have never been formalized. There were no treaties made with the natives, but there is, nevertheless, a long line of Supreme Court decisions holding that Indians have a right to the soil by reason of aboriginal occupancy.

Only a year ago, a case was determined out in the State of Oregon that Indians had this right even though there was no treaty. Their right to use of the land could not be terminated or extinguished without compensation and consent. So that in Alaska you have this situation that certain national forests have been created. It is true that those national forests were created subject to valid titles, but no action has yet been taken to determine that natives have rights in these forested areas, and the Department of Agriculture proceeds to sell off timber without consulting as to whether or not the Indian rights may be involved.

Recently, a bill has been introduced in Congress, the Bartlett Bill, which would determine land titles in Alaska by negotiation with the Indians, which would be a proper procedure.

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The Department of Agriculture, in reporting on that legislation, in February, 1947, suggested that Congress should immediately extinguish all aboriginal claims in the territory, with the exception of certain restricted areas where the natives could show that they actually had a house or actually had a smokehouse, or a village.

They didn't conceive that there was any type of tenure other than actual and immediate occupancy, which is not the reasoning the Supreme Court has followed. And the reason for this forced sale of land, says the Department of Agriculture, is that the Indians are holding up progress in Alaska. The Act proposed by the Department of Agriculture would not, however, provide for the confiscation of the lands held by white persons under less than paper title, which is not being used for purposes of occupancy.

In this danger of confiscation the Indian stands alone, because the Department of Interior has not taken a firm stand. Within the Department of Interior there is a division of opinion as to what these rights are.

There has been considerable discussion as to what rights Indians have. For example, on the beaches. Now, Indians were fishing in Alaska long before the white men came, and they had recognized fishing grounds. In the last 30 years, commercial canners have gone into Alaska in a big way. Fish traps have been established along the shores, and the Indians have been forced to withdraw. They have even moved villages in order to get into areas that had not yet been invaded by commercial fishers.

What their rights are, what the rights of the natives are, has not yet been established; and before it will be established probably the whole area will have been taken up by commercial operators.

Time and time again, for example, bills have been introduced in Congress which would recognize a theory of prior use so that any commercial operator who had a fish trap for five years, or ten years, would be given a permanent, or at least a long term lease, which would immediately preclude any opportunity of the native getting back into his natural means of livelihood.

To illustrate the need of clarification, the Department of Justice, which is that branch of Government which at times is charged with protecting Indians, is in this situation arguing that Indians have no rights in land. There is a recent case, the Miller case, in which the Justice Department took the position that the

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Indians have no right in the land.

The Court did not agree with that argument, but nevertheless that was the argument of the Government, which illustrates the line of reasoning which even in the Government is not clear.

Now, the confusion continues in another respect, because Indians are the responsibility of one agency of Government. Other agencies, other departments, assume that Indians are cared for, and that they have no responsibility. The Indian Service within the last year has gone to the U. S. Housing Authority to inquire whether organized and incorporated Indian Tribes might be regarded as housing authorities, local housing authorities within the meaning of that legislation. The answer has been that they evidently could be so considered; but to remove any doubt, the suggestion was made that the tribe amend its charter or constitution to include a provision which would specifically give the tribal governing body the right to set up their housing authority.

Well, that action was taken by a tribe. We then go back to the housing agency and say, "Now this has been done. This tribe is ready to do business. It needs, seriously needs, a housing program."

The answer then comes back, "Well, unfortunately, the money is all committed, and probably the only way you will get money for your Indians is to go to Congress and ask for a special appropriation."

And so, always, when you come to a problem where Indians are involved, the attitude is that -- "Well, maybe they are entitled to this; they are citizens, that is true, but we just didn't take them into account."

Farm Security has been loath to make loans to Indians on the theory that the Indians have their own credit funds. The credit funds are not adequate, and, therefore, many Indians are left without access to credit. The thing has affected the Indian veterans.

Now, 25,000 Indians went into the war in all branches of the service, which is a fairly high proportion out of 400,000.

BISHOP HAAS: That is your estimate for the country -- 400,000?

MR. McNICKLE: Four hundred thousand. Considering that many Indians have poor health, and were rejected on that account; and that many were illiterate, had no use of English, and were rejected on that account, 25,000 represents a high proportion of the manhood.

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Yet, Indians are not getting G. I. loans. As I mentioned at the outset, I have been out of the office for six months, and I haven't the latest figures, but six months ago I would say that there were less than a dozen Indian veterans who had been able to get financial help intended by the so-called G. I. Bill.

Now, that, frankly, isn't the federal responsibility or State responsibility, but these loans, of course, are obtained from commercial credit houses, and that is why the public is under the impression that Indians are provided for, and that, therefore, it is not their responsibility.

Indians are turned down without looking into their credit risks, merely on the theory that the Government is taking care of them. Now, in the end, the result of that attitude on the part of other agencies of Government, is that, as I also mentioned, the idea occurs to someone in Congress that too much money is being spent on Indians, and, therefore, a cut in the appropriation is indicated, which leaves the Indians without the services which other portions of the public would be receiving.

The recent cuts may mean cutting out as many as 50 schools operated by the Indian Service. There are no other schools that these Indian children can go to. They will be without education until someone obtains more money.

It means cutting out hospitals, and so on.

Now, that situation arises from a general misunderstanding, and I emphasize what I said a while ago, that the United States gave the Indians no land. Rather, the United States Government confined the Indians to a part of the land which they owned, which was to remain tax exempt as part of its original bargain, in return for giving up valuable rights to other lands.

By reason of the tax exemption, States are unable to derive revenue from the Indian lands; therefore, they are unable in many cases in the West, especially, where large parts of the State lands are in federal ownership, to provide services. So it isn't just a matter of abolishing the Indian Service on the theory that Indians can be taken care of. Under the present situation, the States would not take care of them; they couldn't.

The segregation which Indians suffer from is of this nature, resulting from misunderstanding. I don't mean to indicate the Indians are not segregated, as I said a while ago, because of skin color. That occurs, but the greatest difficulty that Indians face is that they are segregated because their situation is misunder-

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stood.

The tribes were governing themselves on a democratic basis before the National Government was established, and we believe that if these facts are understood by the people of the country, and by Government officials, this would have far-reaching effect in solving the peculiar problems of the Indians.

We believe that the President should instruct the heads of his departments in these principles. Presidents have always taken a very keen interest in Indians. At one time it was matter of great policy that they should. Washington, Jefferson, Monroe were all interested because, of course, in their day Indians had strength.

The tendency in recent years has been to change our ethics and our morals with respect to Indians because now they are weak and insignificant.

We would like to suggest that your Committee consider issuing a statement or requesting the President to issue a statement, saying, in a very simple way, what the legal status of Indians is, and why it came to be that way, and calling on the heads of departments to respect that. I think that would solve the kind of problem which I have been suggesting here.

DR. DICKEY: Are there questions of members of the Committee of Mr. McNickle?

There is one I would like to ask: Isn't it so, from the case that you have stated, that a good many of the things that you speak of are rights or wrongs which pertain to the Indian as a special class because of special rights which have been accorded, and that they are not, as are most of the other questions which are before this Committee, rights or wrongs that pertain to him solely as a citizen?

I should wonder, for myself, personally, whether this Committee could be concerned with the first category.

MR. McNICKLE: Well, I have probably emphasized the latter at the expense of the former. Certainly, I don't mean to suggest that Indians are not subject to disqualifications because they are Indians. In Alaska, the Governor recently has urged that a public protector be named because Indians up there were simply not being dealt with in the courts justly -- if an Indian appeared against a white man, to get a fair deal in court.

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DR. DICKEY: Let me make the point very specific. I don't think it is clear between us.

I don't believe that this Committee -- I, personally do not believe; I cannot speak for the others -- can be very largely concerned, for example, with rights which the veterans may have, which the Government or some Government administrator may not be protecting as zealously as those rights should be protected.

It seems to me that we must aim our concern primarily at the rights and wrongs pertaining to the Indian as a citizen.

MR. McNICKLE: Well, I would assume that -- I may have been misunderstood -- that it would be proper for the Committee to--

DR. DICKEY: It may well be. I am just expressing a personal opinion, Mr. McNickle.

MR. McNICKLE: Let me see if I understood it, whether it is the province of the Committee to suggest that all members of the federal family -- the President's family, if you want to say, the Cabinet -- should have an understanding about Indians and not just one man there. Is that a proper recommendation?

DR. DICKEY: I personally should doubt it, myself, but I may be quite wrong about that, and I think it is well that you would state what you would like to have the Committee do.

MR. McNICKLE: I was thinking that that was a thing which might be considered.

DR. DICKEY: It may well be that the majority of us so regard it.

RABBI GITTELSOHN: If the Indian veteran is denied rights which all other veterans receive, that certainly is a case of a denial of civil rights, because he is an Indian, and that certainly, I would say -- again personally -- would come within the province of this Committee.

MR. McNICKLE: The same thing applies to your whole federal credit arrangement. Indians don't have access to it, only because they are Indians, and, presumably, somebody is taking care of them; and it is because they are Indians.

MRS. ALEXANDER: And if they can't get money for housing -- which money is provided other groups of people -- because they are Indians?

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MR. McNICKLE: That is what I mean.

MRS. TILLY: Is the whole thing largely a matter of education, as Dr. Alexander said — a matter of sensitizing the departments of Government?

MR. McNICKLE: Well, I thought I was talking right down his alley, that Indians occupy a situation which is not understood, and because of that lack of understanding they suffer certain disabilities, it seems to me.

DR. DICKEY: Yes, that is a lack of understanding, not a matter of prejudice. That is a matter of lack of understanding of legal status.

MR. McNICKLE: Yes, I don't think I would say that prejudice enters into it. It does in the situation in Nevada where an Indian gets beaten up by a local sheriff, and no attorney in the town will take care of his case.

DR. DICKEY: That is a tremendous province; of course, the lack of understanding with respect to rights of every group.

MRS. ALEXANDER: But he puts his finger, Mr. Dickey, on where the lack of understanding is, in the heads of Government. It is not where it might be with some groups, a lack of understanding, as it may be with the persons I meet every day; but he says the Cabinet members don't understand what the civil rights of Indians are.

DR. DICKEY: Well, not the civil rights, Mrs. Alexander. I suggest — I don't want to argue it — they are not all necessarily civil rights he says they don't understand.

MRS. ALEXANDER: All right; not all.

DR. DICKEY: He says they don't understand that the Indian is not necessarily on a subsidy with respect to matters where they are seeking financial assistance.

I might say also, I think you could put a good many witnesses on here who could testify concerning the lack of understanding of Cabinet members as to a great many matters which I hope is not the province of this Committee to cure.

DR. CARR: What about the right to vote?

DR. DICKEY: Yes, I wanted to ask also about that. What form

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does the denial of suffrage take? That should interest us very much, it seems to me. You mentioned New Mexico and Arizona.

MR. McNICKLE: There were about seven states, as recently as five years ago, that, under one pretext or another, denied the right to vote.

I will put it this way, that there were two general approaches, lines of reasoning. One was, Indians were not taxed. For some reason, it was assumed that because they weren't taxed they shouldn't vote in the state.

The other was that they were outside the jurisdiction of the state, the Indian reservation being separate from the state lines. In fact, in one case the state law was so stretched that they were put in the same category as inmates of institutions for the insane and poor on the theory that the reservation was an institution.

DR. DICKEY: Is that definitely, in your opinion, a local prejudice against the Indian as an Indian? Is that denial of that suffrage--

MR. McNICKLE: (Nodding) In one State, in Idaho, four or five years ago, the constitution was amended to remove this bar. In Utah and North Carolina there were similar bars. In Utah the State officials simply have decided not to contest, and Indians have voted in this last election.

In North Carolina, the matter was carried into court, and it didn't have to go further than the first court.

DR. DICKEY: I am very much interested in that. You believe that the opposition to the Indian being given the suffrage in North Carolina was related to prejudice on color lines?

MR. McNICKLE: I believe it was.

DR. DICKEY: Does the Indian encounter difficulty in the East generally, in securing hotel accommodations and securing the same eating facilities in Washington that other--

MR. McNICKLE: Not as bad as the Negroes must face, but when the Indian Service Headquarters was in Washington -- it has been in Chicago during the war -- an Indian-appearing person often found it very difficult to get an apartment.

DR. DICKEY: In the East, would that prejudice take the form

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of simply drawing a color line or making the Indian for a Negro-- or was it a prejudice against Indians--or can't you say for certain?

MR. McNICKLE: I would assume that's a prejudice against color.

RABBI GITTELSOHN: You mentioned in your testimony, Mr. McNickle that a possible cut in funds by the Indian Service would mean closing 50 schools, thereby leaving large numbers of Indian children without education.

Would that be due to the fact that the bulk of the Indians live on isolated reservations and that, therefore, they must have separate schools; or would it also apply to those people in part or in whole of Indian blood who lived not segregated on a reservation? In other words, what I am driving at is, where Indians live in a community other than on an Indian reservation, are they afforded equal access to educational opportunities?

MR. McNICKLE: It is only in the isolated areas that they would be affected; half the Indian children of school age who go to school are in public schools.

RABBI GITTELSOHN: Do they meet with the kind of discrimination in those public schools that the Negro children do, for example?

MR. McNICKLE: Occasionally they do. Occasionally schools will have separate classrooms for Indians.

DR. DICKEY: Where would you find that? In the Southwestern States?

MR. McNICKLE: No. A place like Great Falls, Montana.

DR. DICKEY: That is a prejudice against the Indian as an Indian?

MR. McNICKLE: Yes.

DR. DICKEY: Not necessarily a color line prejudice. That same town might segregate the Negro.

MR. McNICKLE: Just a feeling that Indians are dirty and diseased and they shouldn't mix with respectable people.

MRS. ALEXANDER: In Oklahoma, can the Indian go to the State University?

MR. McNICKLE: Yes; Oklahoma prides itself on its lack of prejudice, but actually an Indian is tolerated in Oklahoma so long as

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he keeps his place. That is the impression I get.

DR. DICKEY: Where is the best treatment found, in the states where there is a substantial Indian population? Is that possible to say?

MR. McNICKLE: A place like Santa Fe has made a lot of money off the Indians and they are apt there to treat them as interesting spectacles, but without any real feeling of giving them rights.

However, witness the fact that they are denied social security benefits and are denied the vote in New Mexico.

DR. DICKEY: If this Committee can do something about the problem of prejudice generally on color lines, presumably the Indian will be a direct beneficiary the country over.

MR. McNICKLE: That is right; that is what we feel.

MRS. ALEXANDER: In New Mexico and Arizona I think you said they still cannot vote. Has any legal action been brought in either one of those cases?

MR. McNICKLE: Yes, there are court cases pending in both states now.

MRS. ALEXANDER: In the Northwest?

MR. McNICKLE: Yes.

RABBI GI TELSOHN: Is there a great deal of discrimination against Indians in the field of private employment?

MR. McNICKLE: Well, I will put it this way, that, as with Negroes, Indians are employed readily when there is a shortage of labor and they can't get anyone else. When times get better, they are the first ones to be released.

In spite of the fact that the Army, which built a large ammunition ordnance plant, for example, just off the Navajo Reservation, have told us repeatedly that, of all the ordnance plants operated by them, these which were manned almost entirely by Navajo Indians had the best record of attendance and skillful workmanship of any in this country; in spite of that kind of reputation which the Army has given them, local employers generally say that Indians are not reliable. It simply means that they are not interested really in giving them a break, to my mind.

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MRS. ALEXANDER: Mr. McNickle, in connection with one thing you told us about a section where they were protecting the wild life, and so forth, did I understand that there were no local courts, that the Indians had control over; that whoever is administrator controls their lives completely?

MR. McNICKLE: That is right.

MRS. ALEXANDER: Well, is that permissible under the treaties that we had with those Indians?

MR. McNICKLE: We had no treaties with those Indians. They are just Aleuts, which no one has ever established any safeguards for.

DR. DICKEY: Those are on the Aleutian Islands, aren't they?

MR. McNICKLE: The St. Lawrence Islands.

DR. DICKEY: If that takes care of all of the questions, thank you very much, Mr. McNickle.

I want to make clear that my comments to you were in an effort to clarify rather than otherwise.

MR. McNICKLE: Surely.

DR. DICKEY: I am not attempting to pass judgment on the question of Indian rights, and how these can be better protected. I was simply explaining my view that we did have primarily the problem of the Indian as an American citizen.

MR. McNICKLE: It will be appropriate for me to submit a statement?

DR. DICKEY: By all means, please do that.

The hearing will be resumed at 1:30 p.m.

(Whereupon, at 12:25 p.m., the hearing was recessed until 1:30 p.m. of the same day.)

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1:30 P.M.

DR. DICKEY: Our first witness this afternoon will be Paul F. Lazarsfeld. Will you proceed and pardon the interruption when the other committee members join us?

STATEMENT OF PAUL F. LAZARFELD,
Director of the Bureau of Applied Social Research,
Columbia University

PROFESSOR LAZARFELD: Mr. Chairman, I understand that you want an opinion on what media of mass communication like radio, movies, and newspapers can do in the field of tolerance propaganda and more specifically you would like to have a brief summary of what actual knowledge social scientists have developed in this field.

I have prepared a mimeographed statement, and I thought I would just briefly go over the main points, and if the members of your committee are interested in more details, they can go to the statement. I have tried to organize the material in five points.

The first point is of rather general nature and more of a reminder. I am sure you know there have been a considerable number of studies on the nature of prejudice, what accounts for some people being more prejudiced than others, and there is, I think, general agreement that prejudices and other attitudes which develop in early childhood have a number of rather complex psychological factors.

It is related to certain personality traits like very great anxiety and certain obsessive traits, and we are pretty much in agreement that being prejudiced is part of what you might call the nervous personality of our time. I am sure that we wouldn't have enough time at the moment to go more into detail.

The importance of these psychological findings lies in the second point I want to make. When you deal with a rather deep-rooted and ingrained personality trait or attitude, then you have considerable difficulty whenever you attempt a change.

We have all been brought up to brush our teeth, and it does not make any difference to us what tooth brush we use. Therefore, if some advertising campaign comes along and tells us that "X" tooth brush is good, it is fairly easy to get us to buy it. However, if we feel that Catholics or Negroes are dangerous to us, then just a piece in the newspaper telling us that they are not would do relatively little good.

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The question of changing deep-rooted attitudes is really a very serious one. The reason why it is serious is that in recent studies we have found that many people have a great ability to evade the effective propaganda when it goes contrary to some ingrained conviction. I would like to give you a concrete example of what I mean by this evasion of propaganda. I had an opportunity about a year ago to study a series of cartoons which was put out by the Jewish Defense Agency.

The idea was to combat what they called bigotry in the following way. The cartoons always picture a kind of funny old man, a Mr. Biggott, which was patterned a little bit after the fashion of old Mr. Prohibition. Mr Biggott was always put in a situation where he exhibited a silly kind of prejudice. He would refuse to hire an Indian because he only took 100 percent Americans. He didn't want to have anything to do with foreigners or immigrants, or he would stand in a war cemetery and there would be the tombstones of foreign soldiers, and he would read the names, the various names of Greenburg, Kelly, and Astashio and would say, "Disgraceful," he would complain that the names were not properly segregated by nationality. Or Mr. Biggott would be on his sick bed and would request a blood transfusion of only sixth generation American blood.

The whole idea was to put this man into all sorts of grotesque situations where his prejudice would be caricatured. Our task was to test those cartoons and we submitted them to a lot of people and asked them to interpret them and made detailed investigations. The result was very surprising.

Those people who had no prejudices could easily explain to us what the cartoons meant, but the people who were prejudiced -- which we knew from background material, etc. -- had an amazing ability to misunderstand what those cartoons meant, and they avoided being affected by the message by just not understanding what it was all about.

For example, an anti-Semitic working man, when he saw Mr. Biggott on his sick bed requesting only sixth generation American blood, would say, "Well, your cartoon shows how rotten those capitalists are. He can't use the blood of an every-day man." Or another man would say, "That is a cartoon which tries to caricature upstarts. I am a tenth generation American but he is a sixth generation man." Or another man would say of the cemetery scene, "Well, Mr. Biggott is a good American. He is horrified about how many people have been killed during the war."

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Those people who were prejudiced had a whole variety of mechanisms, psychological mechanisms by which the message never reached them because they misinterpreted the material which was given to them.

Now, this is what we call evasion of propaganda. We have a whole list of such things. Sometimes we like to talk about the boomerang effect. For instance, one man who saw the cartoons was asked who put the cartoons out. He said: "Those are good Americans who put the cartoons out. They want to show that other people dislike the Jews, too, so that we can feel freer to express our dislike of the Jews."

That is to say, the misinterpretation went to the point where the cartoon completely boomeranged and was understood to pertain to the opposite goal than it had been designed to do.

It is this kind of finding in recent studies which gives a good example of what we mean by mere broadcasting of good-will messages. Just trying, in an indiscriminate way, to make people feel better about minorities is not as successful as those people assume who know advertising only from selling tooth brushes or selling cereals.

At this point, I would like to insert a third comment which has a practical implication and also to help avoid misunderstanding. It is, of course, not so that I want to say that nothing you do on the radio or in the newspapers is of any value. As a matter of fact, I will give you some examples in a moment. However, at least I think your Committee should be aware of how complicated the matter is and that a lot of pre-testing is necessary if you use that material. Certain programs, certain cartoons, certain articles lend themselves much less to distortion than others. I think many of my colleagues who work in this field have developed rather ingenious methods by which we can see fairly well in advance whether a campaign which is proposed is likely to boomerang, or is likely to create difficulties.

Actually, to be frank, I think every campaign has elements of such distortions and evasions, but there are large differences. I have put into my statement a number of examples where I showed you how that can be used for practical purposes.

Just to pick out here one, I remember a radio program which we tested where the famous radio star Kate Smith made a tolerance appeal. She came on and said that now the story was of Nazis invading Belgium, invading a Belgium village, and mistreating the Jews. They dramatized the story.

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When we tested the people, you could find a lot of people were very embarrassed, but again they tried to push off the psychological effect by putting it this way: They were sure the story wasn't true because if Kate Smith really believed it, she would have told it herself. However, the fact that the story was dramatized and not told by the beneficent Kate Smith shows there is probably something wrong with it. We could have advised the producer that a dramatization of this would have less effect than a straight report by an authority on radio affairs.

My third point is, while this evasion of propaganda is very serious, there are very different degrees in which that happens. There are devices now to make sure in advance that the danger is reduced.

Now, I suppose you will have the question that I want to be completely pessimistic and say the attitude cannot be changed at all and that we must let nature have its course.

As a fourth point I want to put on the record the type of studies which show what really changes even very deep-rooted attitudes in a fairly successful way. They are all those devices when you bring people into institutional situations where they have a chance to be in touch with other races.

At this point I think I am in complete agreement with a remark which Father McGowan made this morning, which I happened to hear. As an example, I want to quote you a study, a series of studies, which has just been done by my colleague, Robert K. Merton of the Lavanburg Foundation. This study was in regard to the Federal housing projects which are set up in a bi-racial way. I have in mind in my statement a number of examples especially taken from a midwestern housing project, which is 50 percent Negro and 50 percent white. The evidence is strongly impressive that while the whites at the beginning had the most horrible ideas as to what would happen to them if they lived with the Negroes, and they went there only because they had no other place to live, and it was the only housing possibility they had, that after some time, you can quite noticeably trace how pleasantly surprised they are. Nobody gets raped, and none of those things the poor whites have been filled up with in their earlier development, and after a year or two, the change in attitudes of the whites to the Negroes is quite remarkable.

The same thing has been found in another project where different religious -- Catholics, Protestant, and Jews -- had to live practically against their will in a housing project, and they improved their attitudes greatly.

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I want to be sure that you understand this example. It isn't enough to dump people of different kinds together and hope something good will come from it. There is a lot of additional work you have to do. You have to work with proper grievance committees. There is a great deal of friction, and you have to be aware of the friction and you have to have special people in the housing project who take care of those frictions at the right time.

However, certainly, this kind of organization, this living together, is an example of the kind of controlled devices which have been found to be successful in actually changing people's attitudes toward minority groups.

The fifth point is a kind of answer to the question which I thought I should address myself to here. I first said that we have a considerable amount of skepticism against the indiscriminate use of mass propaganda because it is a psychological phenomenon of propaganda that evasion puts very many of these efforts into a rather hopeless light.

On the other hand, I pointed out that actual face-to-face contact, actual institutional devices have made for noticeable changes. What is, then, the role that mass media in this situation may play?

I think the answer is that mass media will always be successful where they are used in conjunction and in order to back up institutional efforts. That is to say, while the institutional efforts are more successful than mass media propaganda, there is no doubt that mass media propaganda can make institutional efforts much more successful.

Again, ~~the~~ in the fifth point I have given you a number of examples of which I just want to pull out two here. The one is that, for instance, mass media can be very well used to increase the prestige of those institutions. Suppose, for instance, you have a housing project which does good in the sense of which I gave you an example. You will still find that in the rest of the community there are those people who don't live in the housing project, dislike it very much, distrust it, have to pay taxes, and think it is a bad thing to do. If the newspapers and radio and, maybe, movies in this local community back such a housing project, then those mass media can be extremely helpful -- not if you have just general advertisers who dwell on it, but if you have a very complete campaign to back a very concrete institution. That would be the one example.

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The other example where we have ample evidence that mass media is very successful is when you can link them up with face-to-face contacts. You know very well that there are in many communities inter-racial councils which try to make for better understanding between minority groups. If, for instance, such an inter-racial council in a city has a radio program, then going back and forth between the radio program and those face-to-face contacts is very successful. We talk about it as having a clinching effect. The radio clinches the effort of the people, and the people clinch the efforts of the radio program.

You can best put it in this way, that if a woman, for instance, works day and night to make for better race relations, she is very much helped if she can just talk a little bit and say, "For the rest, why don't you listen to the radio program which will come on Tuesday night, and then afterwards we will try to get together and discuss the radio program."

It is a tremendous saving of energy and also permits people to be successful who haven't so much personality as the real community leaders have, because they can utilize the radio program and they can have a listener discussion afterwards. It is the back-and-forth between institutions and face-to-face contacts and mass media, which has proven to be successful in very many cases.

In conclusion, after my five points -- and again I have elaborated on them somewhat more in my mimeographed statement -- it boils down to this situation:

First, warning that changing attitudes on tolerance matters is considerably more difficult and offers different problems than advertising, and we shouldn't believe because advertising is successful in commercial matters that it will necessarily be successful in more complex psychological matters.

Secondly, this is a situation where you have the mechanism of evasion which I mentioned.

Third, don't take too generally that mass media have this danger, but they have this danger in different degree, and by all means, if you are a committee that uses mass media, pre-test your material so that you don't boomerang against your own purpose. Try to get it in some shape where it does the most good and does the least harm.

Fourth, don't forget that the best way to change people's attitudes on those matters is by organized social institutions.

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Fifth -- here is really where mass media do the most good, not when they go blindly and rather emptily out just to say something about tolerance, but when they are organized around specific efforts in communities and specific efforts of face-to-face contacts of people, so that you have this weaving back and forth between institutional and mass media, which we are quite sure is the most successful way to change people's attitudes in that respect.

(Professor Lazarsfeld's prepared statement is as follows)

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TOLERANCE PROPAGANDA AND MASS MEDIA OF COMMUNICATION

Part of any civil rights program is the promotion of tolerance toward minorities. We want every person to respect the civil rights of his fellow citizens no matter what groups they may belong to. The duty to be tolerant is the necessary counterpart of the right to enjoy civil liberties.

The following comments are directed at a specific aspects of this whole complex problem of tolerance. Is it possible to use the existing media of mass communication for pro-democratic propaganda? If so, how can they be used most effectively? More specifically, what positive knowledge do we social scientists now have on this question, and what research is under way or should be undertaken to improve our knowledge?

I propose to organize my discussion around five points.

1. Prejudice is a deep-rooted personality trait:

My first point is a reminder that prejudice is an attitude deeply imbedded in human personality. This is so for a variety of reasons. Early childhood experiences have a special strength in shaping personality, and people usually acquire their prejudices in early childhood. This early conditioning is later reinforced by what has sometimes been called the rewards for being prejudiced. Most of us have great anxieties of all kinds. There is little economic security, and we do not think that people appreciate us as much as they should. In many situations, it is a great help to have a scapegoat on whom to blame one's own frustrations. In general, the more insecure and anxiety-ridden an individual, the more likely it is that he will be intolerant and aggressive toward others. And the most probable targets of this aggression are minority groups. They are easily made scapegoats, because the very differences which distinguish them from us create distrust and suspicion.

Thus, if some individuals disregard, or even attack, the liberties of minority groups, it is not likely to be just thoughtlessness or the result of having read the wrong kind of books. As people's lives unfold in millions of small groups all over the country, there are generated strong psychological and social forces which we call prejudice.

2. Evasion of propaganda:

Now as a second point, I want to consider the media of mass communication -- radio, print and movies. We have recently come to

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attach almost magical power to the influence exercised by these mass media, and with some reason. Many are the examples of fabulous advertising successes. But if we examine these successes, we find that they involve habits or attitudes which have little psychological depth. We have been brought up to brush our teeth, and it makes little difference to us what kind of toothbrush we use. Therefore, we are easily swayed by a clever advertising campaign. In other words, the less concerned we are with the attitudes or behavior appealed to by the propaganda, the more effective mass media propaganda can be. If the topic is important to us and the goal of the propaganda is contrary to our previous inclinations, then a rather complicated situation develops. In recent years social scientists have studied this problem carefully, and their findings can be summarized about as follows:

We have found that people have a remarkable ability for assimilating propaganda to their existing attitudes so that these attitudes remain intact. This resistance to propaganda exhibits itself in a number of ways which I should like to illustrate from a concrete study. A Jewish defense agency developed a series of cartoons around the character of a "Mr. Biggott." The purpose of these cartoons was to caricature the intolerance exhibited by Mr. Biggott in a variety of situations. For instance, he was shown refusing to employ an American Indian because he did not like "foreigners and immigrants." In another cartoon, he was pictured standing in a cemetery in which soldiers of the recent war had been buried; in the caption he expressed his indignation that Italian and Jewish and good Anglo-Saxon soldiers were buried without proper segregation. Another cartoon showed him on his sickbed, refusing a blood transfusion from anyone but a sixth generation American.

We interviewed a number of people to whom the cartoons had been shown to learn how the general reader would respond. Many people had no difficulty understanding the meaning and intent of the cartoons. But a large number of respondents who, we know from other sources, were intolerant, misinterpreted the cartoon series and so avoided applying its message to themselves. For example, a man with strong isolationist tendencies said that the cemetery scene showed that Mr. Biggott was indignant that so many people had been killed in the war. An anti-Semitic worker interpreted the sickbed scene as demonstrating how rotten the capitalists are: they need special blood for a transfusion. Another respondent considered this cartoon a caricature of upstarts: he himself was a tenth generation American while the fellow in the cartoon who was making the fuss was only a sixth generation American.

But this mechanism of misinterpretation is still mild compared to what we call the "boomerang effect." Often people turn tolerance

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propaganda upside down to protect their own prejudices. When an anti-Semitic respondent was asked who he thought created the Mr. Biggott cartoons, he had a simple answer: some organization that wanted to show that a lot of people dislike Jews so that the rest of the public would feel freer to express their own hostility toward the Jews.

There are quite a number of other unconscious devices by which people are able to deflect tolerance arguments and thus keep intact their habitual ways of looking at minority groups. One of these is selective memory. You can easily carry out the following experiment yourselves. Ask people whom you know to read some short stories which try to show that all nationality groups have good and bad sides. Then have the people summarize what they have read. You will find that they have a very selective memory; they remember those elements in the story which correspond to their own preconceived opinions about the nationality groups discussed in the text.

In addition to these devices of evasion, there is also the process which we call the "self-selection" of audiences. Most people read and listen only to such materials with which they are likely to agree. Several years ago there was a series of radio programs called "Americans All, Immigrants All." Each program discussed the contributions of a specific nationality group to American progress. Programs lauding the Italians had an audience made up largely of Italians; when the programs dealt with the contributions of Irish immigrants, the Irish were more likely to listen.

3. The need to pre-test tolerance propaganda:

Let me stop here for a moment to avoid a misunderstanding and also to draw a paractical conclusion from our discussion to this point. I did not mean to imply of course, that mass propaganda of this kind is always useless. I just want to emphasize that the existence of these psychological and social forces makes such mass propaganda more difficult than educators and other men of good will usually realize. Ignoring this point makes the situation still worse, because then we overlook all kinds of remedial possibilities. For example, by pre-testing material distributed through the mass media, it is possible to reduce the likelihood of such distortions. Studies like those of the Mr. Biggott cartoons are undertaken in order to improve the success chances of tolerance propaganda. In the case of this one cartoon series, for instance, the study suggested the following improvements. If the central character in the cartoon is an intolerant person, readers will hate to identify with him even if they know they are prejudiced themselves. But you could picture two characters, one Mr. Biggott and one, if you please, Mr. Civil Rights, who puts the bigot to shame

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and helps his victims. It is quite likely that many more people would take the hint that they should pattern their behavior after the example of "Mr. Civil Rights." Experiments with such variations are now in progress and, of course, we will find an appropriate name for the "heroic" character.

Let me give you two more examples of the value of these pre-testing techniques. Kate Smith once appeared on a radio program which made a plea for tolerance. She introduced a little skit which told how Germans had invaded a Belgian village and mistreated a local Jew. In a test of the program some respondents evaded the message by saying the story probably wasn't true or else Kate Smith would have told the episode herself. Such comments gave a definite **hint** for different production techniques. The other example comes from my experience as consultant to the O.W.I. and to the War Department during the recent war. We tested movies and pamphlets directed toward Negroes. As you will remember, the problem at the time was to prevent Negroes from identifying with the Japanese as a result of their antagonism toward American whites. This did not happen, but, to counter the danger, a number of films and pamphlets were produced. The first few of these repeated one consistent mistake. They tried to show that the lot of the Negro in this country has improved over the last decades. But by overdoing the positive side of the picture, the Negro audience which, after all, drew on its own concrete experiences, felt distrustful of this form of morale building rather than deriving comfort from it. Again the results of the study gave definite leads as to how to improve these educational devices.

4. What does change deep-rooted attitudes?

So far we have emphasized the limitations of mass media in pro-democratic propaganda. But, if it is not through such propaganda, how do people change their habits and attitudes? After all, we know that people's thoughts and feelings on a variety of subjects have greatly changed within a few decades. One part of the answer is implied in the observation itself. It requires a considerable amount of time for such changes to occur. More specifically, it requires several generations. In the course of a lifetime, our attitudes usually do not change much, but they change enough so that our children are brought up in a different atmosphere from the one in which we ourselves were raised. This usually makes for great susceptibility to change in the second generation. And so it is possible that the psychological climate of the third generation will be radically different from that of their grandparents 50 years earlier. This is what we mean when we talk about the "effect of time."

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But in addition to such long-range trends, there is still another, and more important, way in which people change deep-rooted attitudes like prejudices toward races, religions, and other groups. These are organized social experiences. As an example, let me report one result from a study which my colleague, Robert K. Merton, is conducting for the Lavanburg Foundation. His problem is to find out how living in various housing projects affects people. So far two communities have been studied in great detail: one with a population which is half Negro and half white, and another where different religious groups live together. To support my point, I obtained permission to quote the following sample of unpublished results:

From three-quarters to nine-tenths of a cross-section of the American public has expressed itself as favoring residential segregation of Negroes. The great majority of whites expressing this view in the North have not, of course, lived in the same neighborhoods with Negroes. In the absence of direct experience, they could only give voice to a deep-seated prejudice. That a considerable proportion of these would have different opinions is indicated by the Lavanburg Foundation study of Hilltown, an interracial housing community in Pittsburgh. Before moving into this project, only 4 percent of the whites expected race relations to turn out well, whereas 21 percent were convinced that it would involve nothing but conflict. Most of the remainder had their doubts. After a few years, fully 21 percent found that race relations had turned out better than they had anticipated. Only 6 percent felt that it was worse than their expectations. More importantly, 3 of every 4 who had expected serious racial conflict found that their fears were unfounded. Direct experience had shown what general admonitions for tolerance would probably not have shown; that interracial fears and hostilities were exaggerated and distorted beyond all resemblance to the reality.

But single institutions, such as community housing, have only a limited effectiveness in producing tolerance. Only when it is further supported by other institutions does it achieve its full potential for tolerance. Thus, among the white men and women in this community who had worked on the same job with Negroes, there was a greater willingness to admit Negroes to co-residence in housing projects. Fully 40 percent of those who had worked with Negroes were willing to live in the same community with them as contrasted with 24 percent who had not had this common work experience.

The drive for tolerance and civil rights is more effective

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when it proceeds on several institutional fronts at once. Thus, a housing community which has achieved peaceable inter-racial relations cannot long maintain itself if the larger community of which it is a part exhibits race hostilities. Two of every three whites in this community found themselves exposed to unflattering comments by friends residing elsewhere. And this invidious criticism corroded their willingness to remain in the community: fully 31 percent of this group preferred their previous place of residence in contrast to a scanty 13 percent of whites whose friends commented favorably on the community. The tolerant individual requires interlocking institutional support if his tolerance is not to suffer attrition. Once a favorable climate of tolerance has been established in a community, individuals living in that climate find their tolerance-quotient raised. That this holds for inter-religious attitudes can be seen from another Lavanburg Foundation study of Craftown, a workers' housing community in New Jersey. The longer residents have lived in Craftown, the more likely they are to exhibit tolerance toward other religious groups than their own. Moreover, the fact that there is no spatial segregation of religious groups promotes personal ties between them. In the areas of Craftown which happen to be peopled by co-religionists, one's friends are primarily of the same religion. But in areas comprised of people of several religions, Protestants and Catholics alike find friends among other groups as well as their own. All this is no automatic process making for tolerance, but it does reveal that with appropriate institutional conditions, mutual toleration can flourish.

This is just one example of a general observation. When people of different groups can live together under planned and organized conditions, the result is usually a decrease of antagonism. But the experience must be long-lasting and it must be well organized, not an occasional slumming trip to see "how the other half lives." There must also be adequate provisions for ironing out occasional frictions, for discussing difficulties when they come up, etc.

As far as we know, such organized social institutions are the most powerful devices we have to bring about changes in the deep-rooted attitudes of people. Only important historical events like wars or depressions are more effective in modifying such attitudes, but they, of course, are beyond our control.

5. What contribution can mass media make?

I am now prepared to indicate what we know about the positive role which mass media can play. I want to bring out three

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contributions which seem to me especially important in connection with the work of your Committee. Mass media can (a) reinforce and speed up social trends; they can (b) selectively back institutions which are likely to have a social impact in the direction of tolerance; and they can (c) facilitate face-to-face propaganda of specific groups and individuals who make it their task to fight discrimination and abridgement of the civil rights of minorities. Let me comment briefly on each of these three possibilities.

a) It is generally assumed that discrimination against Negroes is currently decreasing as a result of the war. The mass media can help such a trend by making people aware of it and creating a kind of bandwagon effect. Probably the most effective way of doing this would be to fasten on specific incidents. A continuous flow of newspaper and radio reports about Negroes being appointed to teach in which areas, participants in lynchings really being prosecuted. Negro workers being admitted to unions, and so on, will encourage many people to feel that respecting the civil rights of Negroes has become the "right thing to do." This seems to be a more successful procedure than just preaching tolerance. Similarly, movies can reinforce trends toward tolerance. If, at a time when the public is ~~becoming~~ becoming more tolerant, the assistant district attorney in a movie is a Filipino, and the attractive secretary is called Miss Horowitz, the results are likely to be positive. But one should not overestimate such devices, and the different types of publicity should be carefully pre-tested. At this stage only a few general rules can be spelled out: the material should be concrete; it should be close to the experience of the specific audience to which it addresses itself; it should not give too many opportunities for misinterpretations or boomerangs, etc.

b) Newspapers and, to a certain degree, radio stations, can back those agencies which make an unobtrusive but systematic effort to create the kind of experiences which are likely to influence people's attitudes. We know that school teachers can decrease discrimination among their pupils. Over a period of years, they can slowly acquaint them with biological facts about races; they can set up groups in which children of different creeds or nationalities work together; they can casually counteract prejudices which were inculcated in careless homes. No series of radio programs can do as much. But a local radio station can give prizes to the most successful teachers in town, or can single out for special commendation the schools which have the best tolerance programs. Conversely, bad practices can be exposed. Institutions are more effective than mass media, but mass media can considerably strengthen the effectiveness of institutions.

c) Finally, we come to those groups of tireless citizens who

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have done so much, throughout the history of America, to bring about progress and ~~reform~~ reform. Their best weapon is face-to-face contacts. They buttonhole everyone; they try to influence the influential people. Theirs has always been an uphill fight, requiring many years of effort with little success visible at one time.

The tasks of these individual reformers can be lightened by the mass media. They will have an easier time getting a hearing in their face-to-face contacts during the week following publication of an interesting and informative article on tolerance in a mass circulation magazine. Many studies have shown what might be called a "clinging effect" between mass media and personal contacts. If someone hears or reads an advertisement on something about which a friend has also talked, the two sources, so to speak, confirm each other. The effect will be many times stronger than if he is reached only by people or only by mass propaganda.

This suggests that if funds are available for propaganda in mass media, some part of them should be spent to provide for simultaneous face-to-face contacts. The Canadian Broadcasting Corporation, for instance, uses an excellent system of listener groups in which discussion leaders reinforce the effect of educational programs to farmers. If money is spent on newspaper promotion, it should be in cities where there are active citizens groups which can make maximum use of the material. And conversely, if new groups are to be created in a city, the support of local newspapers and radio stations should be enlisted

Conclusion

This, then, is the gist of the view which I wanted to put before you. Intolerance is an attitude rather deeply rooted in the social situation in which individuals find themselves. Mass media can make only a limited dent in such an attitude because they cannot easily penetrate the layers of traditions, habits and beliefs in which all people are imbedded. Changes in such attitudes come about slowly; but the most successful agencies to bring about these changes are social institutions like schools, housing communities, and voluntary associations, built around places of work, residence and leisure. Mass media are most successful when they are used in conjunction with such social groups and institutions, providing material for them to work with, strengthening the prestige of the successful institutions and reinforcing the many face-to-face contacts which develop in such groups.

The practical consequences of this position are diverse, but there is only time left for a few general comments on this practical side of the matter. One is a warning against self-deception. Many

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times I have seen an agency point with pride to the fact that it had distributed several million copies of a pamphlet. Upon further investigation it turned out that only a fraction of those millions ever reached the people, a still smaller fraction was read, and the final effect was negligible. Another bit of advice is always to remember how different the reaction of different population groups is. Some studies have shown that if you compare the prejudices of labor and white-collar groups, you will find that the labor groups are more likely to be anti-Negro while the white-collar groups are more likely to be anti-Semitic. Behind these findings lies the fact that the working man must cope with the competition of the Negro bus-driver, and the white-collar man with the competition of the Jewish doctor. Actually it is hard to know in advance which difficulties the propagation of tolerance will meet in different social, age, and regional groups. This leads to a third suggestion, already mentioned above, that much waste can be avoided in the end if at the beginning propaganda material is pre-tested in the light of its specific purposes. It is in these pre-testing techniques that the social scientists have recently made their greatest progress.

Most of all, however, do not be indiscriminate in transferring the experience of the advertiser to the field of propaganda and education in civil rights. Prejudice and intolerance are much more complex than brand preferences and buying habits. If we want to promote tolerance, we must consider the interplay of mass media and social factors carefully. Only by cooperation among the social scientist, the administrator and the practical worker in the field, can we hope to develop more appropriate techniques.

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DR. DICKEY: Thank you very much. That is an excellent statement by my lights. Do the members of the committee have any questions?

RABBI GITTELSON: What would be your evaluation, Dr. Lazarsfeld, of the type of thing that is done in the so-called "American Brotherhood Week"?

PROFESSOR LAZARFELD: Well, that is a somewhat general question. I would have to look at specific cases. I think if that is organized around some specific event like the inauguration of a new YMCA or something, it would be quite different than if a great number of speeches and dinners were given.

RABBI GITTELSON: In most communities it is a fairly artificial sort of thing of which I personally am very skeptical, and I suppose I asked the question because I am looking to you for scientific backing for my skepticism.

PROFESSOR LAZARFELD: If it has the character of just empty talking, I would share the skepticism.

MRS. ALEXANDER: Professor, have you made any study of the comics that are being used? Children read them, one comic after the other.

Recently, the National Urban League put out Negro heroes, and my own personal experience has been that the white children in school with my children have enjoyed Negro heroes.

PROFESSOR LAZARFELD: I have studied comics — when I say "I", I mean my office. I am director of a research office at Columbia University, and we have done comic studies to a great extent. I would agree with you.

I think, to begin with, at certain ages — let us say from the ages between 8 and 11 — comics are really quite a powerful instrument. If you are able to get the children to read your educational comics, if they don't evade those and go back to Superman, then they will do some good; but, again, I would say that the most impressive use of comics would be if there were some way of teachers discussing it later on.

If your organization has funds for comics, I would recommend that you spend half of it for the comics and half of it for ways to have those comics discussed in class.

MRS. ALEXANDER: That is a new field in education. It hasn't been accepted by the boards of education that comics will be discussed; is that correct?

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PROFESSOR LAZARFELD: I think it is more and more so. You know that the Navy, for instance, has used comics very much for educational purposes. The Jewish agencies use comics now and business organizations use them. I think that is becoming quite an acceptable device; and, therefore, you have a chance that the teachers will take it up.

The teacher alone isn't so good, and the comic alone isn't so good, but both together would be very good.

DR. DICKEY: Are you familiar with the cartoon that Mauldin did of the two Roman figures in their togas standing out in front of a building with all the Roman columns in front of it and the one Roman is saying to another, who has an extremely perplexed expression on his face, "Well, would you want your daughter to marry a Christian?" Have you seen that?

PROFESSOR LAZARFELD: No, I haven't.

DR. DICKEY: Those who have seen it rate it one of the most effective cartoons that has been done in the whole field of prejudice.

PROFESSOR LAZARFELD: Mr. Chairman, may I put it this way: I am a firm admirer of Mauldin's cartoons. I enjoy them, and I am sure that every member of this Committee improved his tolerance by reading the cartoons.

Have you tested whether the cartoons changed any one's mind who was intolerant?

DR. DICKEY: Have you found anything about that?

PROFESSOR LAZARFELD: I am afraid that the grin of delight that goes over our faces is rather restricted to those of us who have been brought up the right way, and if you give me a chance to test it, I am afraid I will show a rather astonishing result among prejudiced people, how they do not understand it, or consider it bad taste to make a joke about Christians. I can immediately imagine all those things.

RABBI BITTELSON: Especially in that case it is much too subtle for the average prejudiced person.

PROFESSOR LAZARFELD: It goes far beyond intelligence. You would be quite surprised what people will dig up in order not to be affected by it, if they are not members of your Committee, for instance.

MRS. TILLY: Are you familiar with the film strip, "The

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Bortherhood of Man"? That is a comic film.

PROFESSOR LAZARSPELD: No, I am not.

MRS. TILLY: We used it in a conference.

DR. DICKEY: What do you think of the age factor in the correction of prejudice? Have there been careful studies done, and do they show that beyond a certain point the chances of correcting prejudices are nil?

PROFESSOR LAZARSPELD: I wouldn't say nil, because it depends; but I think there is very good evidence that prejudice is created and strengthened in every early ages and that it needs considerable change in special cases, which you can always mention. It is a very early phenomenon.

DR. DICKEY: Would you make that any more precise as to age and school level experience? Does the data permit making it more precise?

PROFESSOR LAZARSPELD: I suppose so, although I don't have it at my fingertips, but the studies I can remember offhand would all point to that -- when the first time the family forbids a boy to play with another boy for this reason and then remarks around the family table about --

DR. DICKEY: It would seem to me to follow that in order to get at adult prejudice, you have got to go beyond exposition. You almost have to get to actual experience so that the individual that you are attempting to correct has lived the experience also.

PROFESSOR LAZARSPELD: Exactly. The effect of mere talking is that its effect is greater at an early age where the kids suck it in, in the family; but I hesitate just out of lack of recollection to give it exactly.

MRS. TILLY: The labor organizations have worked up some kind of technique, because their unions are becoming inter-racial where they sit together.

PROFESSOR LAZARSPELD: I am not quite sure. I think we made a specific study, which shows very much prejudice in unions.

For instance, I remember one study at the time of the Philadelphia bus strike. There was a question as to whether a Negro should be admitted to drive buses. The negative attitude among workers was greater than among white-collar people. While the policy of the union, as I know from one investigation, is mainly

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to talk as little about it as possible --

MRS. ALEXANDER: (interposing) I should like to correct your facts on the Philadelphia strike. This was a company union that was opposing the organization of the CIO in the Philadelphia Traction Company, and this strike was really planned by the company union and they were saying, "It will grow out of it if you bring the CIO in here."

PROFESSOR LAZARFELD: Mrs. Alexander, I am sorry, because I happen to have published a survey on that in the magazine, The Nation, at the time. There was a cross-sectional study of Philadelphia white population made of, if I remember correctly, a thousand interviews, a regular poll, and you could show negative attitude, the attitude not to give the Negroes a job, that that attitude was stronger among the white workers than among the white-collar workers.

MRS. ALEXANDER: I wanted to ask you about radio programs for children, and whether or not you have had the experience of putting the program a colored child who was just part of a scene. Has any such program been planned?

PROFESSOR LAZARFELD: I comment on the possibility in my statement. It hasn't been done much, but it has been done occasionally. We haven't any real evidence on the effect, except that, again, I would say in general, that if you just put it on the program without follow-up of some kind, it won't make much difference. Although it always is better to do it than not to do it. May I make one more comment?

DR. DICKEY: Of course.

PROFESSOR LAZARFELD: There is one misunderstanding that is to be avoided. If you ask me, should there be a colored child on a radio program, I would say yes. If you tell me you have \$10,000 to spend and you ask whether you should spend some on getting the colored child in, then I would wonder whether I could think of something better.

Undoubtedly, anything you say, except if it bounces, is all right. However, the question of economy, if you have tried to get a colored child on a radio program, you will know what it is.

RABBI GITTELSON: Do you know of any tests made to indicate the response to Margaret Halsey's "Color Blind"?

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PROFESSOR LAZARFELD: No. I think I would know about it.

RABBI GITTELSON: Are you familiar enough with the book to venture any guess, or as a social scientist would you rather not guess?

PROFESSOR LAZARFELD: I would rather not. There have been certain tests made, for instance, on The Light of the World, a Jewish program on Sunday morning.

RABBI GITTELSON: Eternal Light.

PROFESSOR LAZARFELD: Yes. That is where you had one very interesting ~~audience~~ phenomenon, and that is that it draws on predominantly a Jewish audience. There you have another aspect of evasion. You put a Jewish program on, and the Jews listen to it.

DR. CARR: Professor Lazarsfeld, this Committee has given a good deal of attention to the legislative approach. It is sometimes said against the legislative approach, that you can't legislate a change in human nature, that you can't overcome prejudice by means of legislation; but it is also argued from the other direction that the mere fact that legislation is on the statute books sometimes helps, that even though you can't point to a very convincing record of prosecutive action under the law, if it is a criminal statute, that the mere existence of the statute may affect the pattern of human conduct. Have there been any studies made in that area?

For example, in New York City with the new F.E.P.C. program, is there any scientific evidence showing the value of such a statute on the books apart from the statistical record of enforcement?

PROFESSOR LAZARFELD: There is a committee now formed under the chairmanship of McIver and Lindeman, which has started to organize a lot of studies on the new F.E.P.C. in New York, but none of their studies is finished.

If I might venture a personal opinion, I think that from the type of analysis I have made, one would conclude that ~~if~~ laws would have a definite, positive effect for a variety of reasons: First, by their very existence they act like housing projects in this kind of thing. Secondly, it is so much better if you want to do newspaper propaganda to do it around a law than to do it in empty space.

My whole experience would lead me to be very much on the side of those who say that legislation in the long run will have a positive effect.

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DR. DICKEY: Are there further questions?

We have exhausted this first 40-minutes. If there are no further questions, we thank you very sincerely.

Our next witness is Mr. Osmond K. Fraenkel.

STATEMENT OF OSMOND K. FRAENKEL, Attorney,
Representing the American Civil Liberties Union.

DR. DICKEY: Make such statements as you care to, and if you care to divide the 40 minutes half and half, or however you like, we would enjoy an opportunity to discuss the matter with you informally.

MR. FRAENKEL: I am here on behalf of the American Civil Liberties Union as well as on my own personal behalf, I think. The Federal Government embarked on a great responsibility a long time ago when it set the Negro free. The creation of this Commission is a notable stage in the carrying-out of that responsibility.

Of course, it is not only the Negro who is involved in that duty, because every individual is at times part of a minority, and if the liberties of any are infringed, we are affected, even if we are not part of a minority.

I take it that it is the function of this Commission to explore the respects in which the responsibility has not effectively been carried out and try to determine why that is so and to propose remedies.

I will not concern myself at all with the first of those three topics, because I assume it has been amply demonstrated to this Commission that the responsibility has not been carried out to the extent we would all like it to be; and I think the other two subjects are so related in the discussion of the reasons for the failure, I can indicate what I think perhaps can be done about it.

The reasons for the failure are fairly obvious in some respects. We sometimes forget, even after the experience of this past war, that concepts of freedom and equality are relatively new on the earth, and that for hundreds of years in the not too distant past, there was the gratest inequality, most often, to be sure, along religious lines; so that there is a resistance in large groups of people to the idea of equality, a resistance

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which is often fostered, of course, by particular economic provocations which I think is deep-rooted enough so that in approaching the volume we can't afford to ignore that.

That is why, naturally, it is essential to deal with the problem, not merely from the legal and legalistic point of view. However, as a lawyer, I will address myself chiefly to the legal aspects of the problem; and it seems to me that there has been failure, not only because the laws which have been passed were inadequate, but also because many of the laws that were passed were either held unconstitutional, or otherwise emasculated by the courts. Also, because to some extent, at least in my opinion, the wrong type of law was employed.

I suppose it was natural, after the adoption of the 14th Amendment, to begin the implementation of that Amendment by the passage of the conventional type of law relating to a criminal offense, or giving an action for damages.

Experience of more recent times has suggested a different approach to certain of the problems. I think it was just mentioned here that in New York we now have a commission against discrimination which proceeds not in the conventional manner of sending people to jail, or suing them for damages, but by the administrative process of trying to accomplish the objectives of the law by education, conciliation, and, if necessary, by the judicial process.

That grows out of the administrative process. Now, I think that, as much as possible, improvement in the legal machinery for dealing with this subject of discrimination, at least, should be along those lines. To be specific, for instance, if the Federal Government is going to go into the field of discrimination in an effective way, whether in housing or education or employment, or all three, or any other related fields, I think it should be done by the establishment of such a commission.

Of course, the model for that was set to some extent by President Roosevelt during the war. Now, the question arises whether, in addition to that type of legal machinery, improvements can be made in the conventional type and suggestions have been submitted to this Commission, I believe, for the amendment of some of the existing federal civil rights laws. I think those should be improved, and that benefit will result if only because an occasional spectacular case, especially if the courts uphold the prosecution, has a great educational value.

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One of the greatest difficulties with the existing law has been that it imposes a very great burden on the prosecution. As the Commission knows, the Supreme Court in the Screws case requires a showing of willfulness on the part of State officials to violate the civil rights of others. The suggestion has been made that that can be, at least to some extent, overcome by the adoption of a more specific statute, the Supreme Court objection in the Screws case having been that the language of the existing statute was so broad that a particular individual couldn't know what civil rights were severally guaranteed and unless you could show that he did know it you couldn't convict him.

So it has been proposed that certain of these rights be listed— the right to be free from brutality in case of arrest, and so on. I can see no objection to such an amendment, and it may make certain prosecutions easier.

Of course, there are a great many other subjects besides the subject of discrimination which come under the general concept of federally secured rights. I don't know to what extent the Commission is concerning itself with these other things.

For instance, the due process clause of the 14th Amendment has now been interpreted so that all the rights of free expression are protected against State action. In the main, the boundaries of that subject have been delimited from time to time by Supreme Court decisions, and it may be that that slow development is all that we can expect in that field. On the other hand, it may be also useful to consider certain general provisions of law which might be applicable to such cases. Any amendment of the civil rights statute in its enumeration of particular offenses should, I think, deal not only with offenses against discrimination but also offenses against expression of opinion.

I don't know to what extent the Commission is considering how far legislation may be pressed along lines which would call upon the Supreme Court to reverse itself, but certainly in this particular field of discrimination there is one subject, that of segregation, which cannot be ignored, although the Supreme Court many years ago declared segregation was not forbidden by the protection clause of the 14th Amendment under certain circumstances, and has avoided discussion of that subject in recent cases.

I think the time has come for a reconsideration of that problem. Now, I understand there are some cases on their way to the Supreme Court which may raise the question, but there is

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Only one way in which the question can be presented to the Supreme Court in such a manner that the Supreme Court can't avoid a discussion of it, and that is, if Congress were to pass a law implementing the 14th Amendment expressly prohibiting segregation in certain activities.

That brings up a second question on which the Supreme Court may well be asked to reconsider one of its earlier -- from my point of view -- very unfortunate decisions.

Congress did, back in 1875, enact a law which prohibited discrimination on the ground of race by innkeepers, carriers, and so forth, and that law was held unconstitutional by the Supreme Court over the sole dissent of Mr. Justice Harlan, on the ground that the Congress had no power under the 14th Amendment to deal with discrimination by private persons.

In venturing into the field of prophecy on this subject of the Supreme Court reversing itself, I might say that I don't expect the Supreme Court will abandon its basic position, but I think there is reasonable ground for expectation that the Supreme Court will at least adhere to the extent of Justice Harlan, today, and recognize that while private action is not touched ~~the~~ by the 14th Amendment, that doctrine should not apply to private activities which are franchised by the State -- railroad companies, but companies, utilities -- any activity which is a quasi-public utility or a direct public utility.

There, again, I think that the reenactment by Congress of some modified form that 1875 law would be a useful thing. There are, of course, many other respects in which the existing law can well be strengthened.

In the direction of the suffrage, for instance, there is some doubt among lawyers as to the extent of Federal control over primary elections. That doubt rests in part on the fact that when the Supreme Court upheld the conviction in the Classic case, it referred to primaries which are part of the legal machinery of the State, or where the primary dominates the result.

Now, as we all know, one State, at least, has sought to circumvent that decision by removing all legal regulations of primaries. We don't yet know whether the Supreme Court will uphold Federal interference, even though there are no State regulations of primaries, where the result is determinate; but I think that those limitations which are indicated in the Classic case were not limitations on the power of Congress, but rather, limitations on the power of Congress in a particular statute before the Court;

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And there, again, in the case of an express enactment by Congress punishing denial of the right to vote on the ground of race, or any other improper interference with the right to vote in primaries where the primaries are held for civil office, naturally the limitation would be upheld by the court; and there is a statute which should be adopted.

Other changes which might be useful, and which may also successfully run the faintlet of the Supreme Court, of course, are statutes dealing with the subject of lynching. There has been much discussion as to whether the Federal Government has any right to punish private persons concerned in a lynching; and it would be a rasher person than I am going to try to be this afternoon to predict just what the Supreme Court would do with such a statute.

But I think that it is worth proposing such a law and pushing for its enactment, because even though it may not be sustained in its entirety, I think that considerable parts of it may be sustained, or may be sustained in the most important situation in which lynchings occur.

In other words, where people interfere with the State's legal processes which start after a person is charged with crime, and prevent that person from getting a fair trial pursuant to those legal processes, a strong case can be made out for the proposition that that is a denial of the Federal rights. At least, the problem should be put where it belongs; that is, in the Supreme Court, particularly in this field. I think that those who propose legislation should not be too much deterred by the fear that the Supreme Court may hold the law unconstitutional.

Now, I recognize that there are dangers involved. Obviously if one is concerned with a cause one doesn't want a decision of unconstitutionality to come along and give one a black eye. Sometimes the people on the other side of the fence get comfort out of such decisions, and, therefore, it is of greatest importance that whatever laws are proposed be carefully drawn with limitations in mind that are involved.

But I still think that the only way in which you can get the Supreme Court to extend the law, extend the doctrine of Federal control over basic liberties, is by trying, and I know in the carrying of individual cases to the Supreme Court in the past 15 years the American Civil Liberties Union has often been confronted with just that dilemma, because there was always the feeling, "Well, if you take the case to the Court, and the Court rules against you, well, that creates a limitation."

I am glad to say that in the main the counsels of courage

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have prevailed over the counsels of prudence and a great deal of the body of constitutional law which has grown up during the past 15 years has been due to the courage of people like Jehovah's Witnesses and the Civil Liberties Union, and others, in carrying cases that sometimes looked quite hopeless. The victories aren't by any means uniform. Therefore, as I said, in drawing a particular law, care should be taken that it isn't too broad.

There is only one other thing that I think might be useful to mention here if this Commission is going to make proposals to the Congress suggesting expansion of the existing law insofar as that law controls the activities of the States. I should suppose that the first thing to propose to the Congress would be that the Federal Government put its own house in order.

All of these constitutional problems which we have been discussing, which have troubled so many people for so long, would have no application whatever to any civil rights legislation which the Congress might adopt for the District of Columbia, and I should suppose that the first order of business would be the proposal of a model civil rights law for this District, not only because it would test out the intentions of Congress, but because so long as discrimination, segregation, or any other practices which we deplore are permitted to exist in the capital of the nation, this country stands -- or should stand -- ashamed before the world. And unless our Congress is willing to do at least that, it seems to me rather futile to ask them to do more than that.

There is a corollary, of course, to the civil rights law for the District of Columbia, that there might be some administrative house cleaning as well, because not all Government departments honor the Bill of Rights in the conduct of their own affairs.

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However, that is a minor detail to go into the short time that is available.

I think that is about all. I should be glad to answer any questions.

DR. DICKEY: Thank you very much for that statement.

Will the Committee members who have questions please put them.

MRS. ALEXANDER: Mr. Fraenkel, do you think that it would be wise to ask Congress, by putting its house in order, to base its own membership upon those persons who vote?

MR. FRAENKEL: Well, that second section of the 14th Amendment is a very --

MRS. ALEXANDER: That is the one to which I refer.

MR. FRAENKEL: -- interesting one.

I had occasion to refer to it a couple of times in articles that I published.

It clearly gives Congress the right to reduce the representation of States which deny the suffrage and that, of course, would touch not merely discrimination on account of race but it would touch the poll tax, it would touch educational requirements, and various things.

I am afraid that, as practical politics, it is just out, I think that it is something which should be mentioned so that its existence is thrown into the teeth of the people who benefit by the present system.

But I think that there is a greater possibility of getting Congress to do other things which would be useful than to get them to do that.

BISHOP HAAS: Mr. Fraenkel, your reference to the need of Congress putting its own house in order is not quite clear to me. Do you mean the Government as an employer, or do you mean the Government management of the District of Columbia?

MR. FRAENKEL: Well, in both respects. Insofar as it is the Government of the District of Columbia, I suggest that before the Federal Government can properly say to the States, "You are doing

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things that you have no right to do, "the Federal Government should not let those things happen in its own territory.

And, in the second place, I think that the Government as an employer has not always lived up to the proper standards. There are other situations, of course. The armed services segregated, and in some respects, discriminated, although I am glad to say that their record in that respect showed a considerable improvement as the war went on.

I am informed that one of the federal loan agencies has suggested that the people put restrictive covenants in their deeds on the ground that that will make their houses more readily salable.

There is a whole host of respects in which the Federal Government, shall I say, has too much recognized the political fact that in the past years the Southern Democrats have been in the seats of the mighty?

BISHOP HAAS: Well, Mr. Fraenkel, on your point as to the Government putting some kind of decency or regulation as to equality of treatment of citizens into the District of Columbia, I, as one member of the Committee, would like to know where you would place that particular movement in comparison with others.

You see, the Committee has a whole flock of suggestions as to which one is more important than other ones. Do you regard, let's say, the drawing up of a model law for the District as pretty close to the top of the list?

MR. FRAENKEL: I would put it at the top of the list, for the reason that if it could be accomplished it would have an educational value. After all, it is an old saying, "Experience and example are the best teachers," and if the Federal Government is not going to set the example it can't expect the rest of the country to give the same obedience to the laws which it enacts.

Certainly, if the Federal Government were to reenact the Civil Rights Act of 1875, which prohibited discrimination by theatres and innkeepers and so forth, one would expect that that same provision would be applicable here in the District. That is why I think — and, moreover, if Congress won't do it for the District where there are no Constitutional problems which can be used by those who oppose legislation — and, as you know, they are often used — then I think that it is not likely that Congress will do it at all.

RABBI GITTELSON: Mr. Fraenkel, we have had conflicting testimony from witnesses prior to yourself on the advisability of pushing

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for group libel laws. Would you care to comment on that?

MR. FRAENKEL: Well, I have never been much in favor of group libel laws. I am afraid of them. Without now discussing the question of their Constitutionality -- on which I have some views -- I am afraid that they may, in practice, prove boomerangs because who is going to be charged with the responsibility of invoking those laws? Who is going to pick the case which may be a good case, or not?

As we all know, in the ordinary law of libel of the private individual, many a person who has been libeled doesn't sue, simply because he knows that it is, the plaintiff in a libel suit that is on trial, not the defendant, and in group libel cases that would be worse.

RABBI GITTELSOHN: What would your attitude be toward the type of legislation represented in the late lamented Austin-Mahoney Bill in the State of New York?

MR. FRAENKEL: You mean the bill seeking to extend...

RABBI GITTELSOHN: -- fair education_al practices.

MR. FRAENKEL: Oh, I am in favor of that. I am not speaking now of the particular language of any particular bill, but I think the time is coming when the principle that discrimination in employment should be banned will be extended, certainly to education and to public housing, and I think also should be extended to housing of the kind illustrated by the Metropolitan Life Insurance projects in New York which get tax exemption, or other benefits from the State.

MRS. ALEXANDER: Are you in favor of disclosure of contributors to their organizations, including your own? Not only hate groups but those that we call our liberal groups?

MR. FRAENKEL: The disclosure principle is a very plausible one, and it has certain great benefits. It has also certain difficulties, particularly in the early stages of any organization. I haven't yet seen a disclosure statute which I am altogether in favor of, but I think something can be worked out along those lines.

The whole concept that there should be no anonymity has a great

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deal to recommend it. On the other hand, we should remember that some of the most powerful pamphleteering in good causes, as well as in bad, was put out anonymously, and that in small communities it is sometimes very difficult to support causes there unpopular unless there is some anonymity possible. It is a very troublesome question. I am not satisfied in my own mind how it can best be solved.

DR. CARR: Mr. Fraenkel, have you followed the work of the Civil Rights Section? Do you have any opinions about the administrative side of the Federal Criminal Civil Rights program? Are there any structural changes or alterations in administrative policy that you think would be helpful?

MR. FRAENKEL: I have not followed that closely enough to give you an opinion. It is a very difficult task that they have, because the present laws under which they operate are narrow; and, aside from that, it is always difficult getting convictions in a man's own home territory, particularly if the local federal prosecutor is not in sympathy with the prosecution.

I suppose that the greatest improvement that could be made would be not so much in the Civil Rights Section, itself, as in the United States Attorneys' Offices throughout the country. That is a long-term project. If you get people there who are chosen because of their independence and forward-looking qualities, you can expect them to do better with cases of this kind when they come to them, but if they are chosen, as so often they are, because they are good fellows at home, and have a certain amount of influence politically, then, naturally, if the people that they are supposed to prosecute are on the popular side of the fence, they are going to be less enthusiastic.

And then the problem arises of sending somebody from outside, and that makes conviction almost impossible. There is a real problem there, and there is no pat answer to it, in my judgment.

RABBI GITTELSOHN: Do you think it would help any if the Civil Rights Section were made an independent division of the Department of Justice?

MR. FRAENKEL: Well, it would be under the Attorney General, in any case. I don't know enough about the administrative hierarchy of the Department to know whether there are impediments on the way up.

DR. DICKEY: Mr. Fraenkel, what would be your personal attitude, or, if your organization has an attitude, what is it, with

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respect to the proposals that federal aid to States for educational purposes be withheld if that State permits or pursues segregation --

MR. FRAENKEL: So far as I know, the Civil Liberties Union, hasn't taken any position on it; but I don't see any reason why the Federal Government can't use whatever means are available to promote the cause of civil liberties, either by withholding grants-in-aid, or by withholding tax exemption.

Now, of course, there is a practical problem involved in grants-in-aid, and that is that it will be the officials of the community who will make the decision, and the people of the community who will be the losers if the grants are turned down, because so conditioned. There is sometimes a nice balance. Certainly, if the grants are in aid of health, perhaps it would be unwise to condition them. On such things as tax exemption, I can see no conceivable excuse for permitting tax exemption to institutions that discriminate. Of course, there are sectarian institutions which proceed along sectarian lines.

DR. DICKEY: How do you feel about those?

MR. FRAENKEL: That is different.

DR. DICKEY: Why?

MR. FRAENKEL: Well, why, I can't logically say.

DR. DICKEY: I find it very difficult to see the distinction.

MR. FRAENKEL: That brings up the Supreme Court school bus decision. I have always said in discussing that subject, so long as you allow tax exemption to churches and church schools I can't get very much excited about letting them have buses. But, logically, tax exemption is a direct aid. I don't know what the answer is, but it is so ingrained -- tax exemption in sectarian institutions, is so ingrained in the pattern of our life that I don't think it can be taken out.

On the other hand, there is no excuse for giving it to people who pretend to take in everybody, and don't. It is one thing to say that a Catholic Seminary can teach only Catholics to become priests; it is another thing to say that a big university can exclude Negroes from its medical school or its law school, or whatever the case may be.

DR. DICKEY: What do you think of the point that if you follow the policy that grants-in-aid aid will only be given to those States

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which do not segregate, that the Southern States will say, "We don't want the fund. You can keep it."

By that very step we will have almost assured -- insofar as it may be within the Government's power to assure -- that the disparity in education, which is probably at the root of this thing, and the lack of equality of education in those areas, will be fixed.

Do you think that is a fair point?

MR. FRAENKEL: It is a fair point and a very troublesome one. I would put it this way: Wherever the proposed aid is an essential for the benefit of the people -- whether it is health or education -- I think that it is fantastic to suppose that you can accomplish the eradication of discrimination by conditioning your aid.

On the other hand, there are lots of other forms of aid that are not quite so essential; highway projects, for instance. But it is a troublesome question. If I had to make the decision, I wouldn't know just where to draw the line.

MRS. TILLY: This point is very pertinent to my section of the country. I am from the South. We have some hope for an educational process if we get to the place where discrimination and so forth will be a thing of the past; but if you withdraw the grant-in-aid to education, then you just delay that.

MR. FRAENKEL: Yes, I wouldn't be in favor of doing it on health or education; how much further, I don't know, certainly as to those two subjects.

DR. DICKEY: Of course, you can then move, as you undoubtedly recognize, from the appropriation system to the tax exemption system without covering very much ground.

Further questions?

Thank you very much for your statement and your willingness to appear.

MR. FRAENKEL: Thank you.

DR. DICKEY: Mr. Houston.

STATEMENT OF MR. CHARLES HOUSTON

DR. DICKEY: I will say, as I have said to the others, we have

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40 minutes, and you may use it any way that you think would be most beneficial to the Committee. Some of the witnesses have been splitting and giving us an opportunity for 15 or 20 minutes of informal discussion.

MR. HOUSTON: Mr. Chairman, I was asked to discuss the questions of the responsibility of the Federal Government for the protection of civil rights; the wisdom of using criminal sanctions as a means of safeguarding rights; the extent to which criminal sanctions should be supplemented by educational activities designed to promote a healthy climate for civil liberty; the adequacy of existing federal legislation, particularly Sections 51 and 52; the need for new legislation and adequacy of the existing enforcement machinery in the Department of Justice.

I will probably touch those as I go through the statement that I want to make; but for detail, I think I can adopt the statement of the American Jewish Congress by Will Maslow, the Director of its Commission of Law and Social Action, made on May 1, 1947.

I have worked closely with Mr. Maslow, both at the time he was with the Fair Employment Practice Committee and also since he has been Director of the Commission of Law and Social Action; and, in general, I adopt the statement there made.

I want to talk, however, on some things which perhaps are more general, but which seem to me to be fundamental in the matter of directing the committee's activity.

In the first place, I am interested very definitely in getting standards. I don't see any sense, unless we get fundamental standards, of patchwork action, patchwork legislation. I think that the Committee should make a very definite finding that any federal committee on civil rights must commit itself to the fact that every American and every person in America, including the foreign-born, and those not naturalized, should have every right which this country affords as a civil right, as distinguished from a political right.

Anything short of that, it seems to me, is a betrayal of the situation in which this country finds itself, because I think that the inconsistencies between this country's position domestically and internationally is a matter which is going to confound us increasingly, and, can only be straightened out by first straightening out our position here at home.

The second thing I want to talk about is that the objective,

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it seems to me, should be self-help instead of federal dependency. It may sound a little strange, but, basically, I am a states rights man as distinguished from a federal rights man, because I can conceive of the Federal Government being a juggernaut which can roll over minority rights, as well as protect them, and the present performance of the Federal Government in the witch hunt against Communists, and its fight against labor, gives me no belief that the Federal Government either is the repository of all wisdom, or should be entrusted with all the police power of the United States of America.

So that, speaking so far as the Negro is concerned, if you will make it so that the population can help itself, I think that that is the greatest contribution in the way of setting up standards that this Committee can render.

I want to speak of a third thing, the matter of a time table, I think you have three things before you: One is the question of immediate objectives. The second is the question of long-range objectives. The third is the question as to what you are going to do in a time of a national crisis of a major national emergency.

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In that connection, speaking of the third, first, I want to call your attention to the Gillem Report of the Army. Certainly the Army can never be classed among the liberal forces in the United States of America. But the Gillem Report states that in the next major emergency there will be complete integration and utilization of manpower and womanpower without any regard to race, creed, or color, or discrimination, or segregation.

If we have a major national emergency, I think that the very first thing to do is to declare that in the United States of America, in the period of emergency, every citizen shall be guaranteed every civil right, because it is not conceivable, at least to my mind, that any major conflict is going to be with any power except a power which itself is committed to civil rights; and how this country could expect citizens to fight a country which guarantees civil rights to everybody, and at the same time deny the civil rights to the people who are called upon to protect it, seems to me an inconsistency that can't bear answer.

In that connection, I want to say to you, and to drive home as closely and hard as I can, that many of the returning service men felt that they were not coming home but felt that they were going to a foreign land when they were coming back to the United States after service.

I felt that way in World War I when I was coming back from France and had to exchange the civil liberties of France for the discriminations in my country.

So that in the matter of a national emergency, I should like to see this Committee come out with a recommendation that whenever a major national emergency arises, the next national emergency, that there be an immediate declaration, under your war powers, or whatever else you might call it, that discrimination among citizens is absolutely abolished.

I realize that that could not be accomplished except in a national emergency where the safety of the entire country would demand such drastic surgical action; but I can't conceive of a national emergency except on such a basis.

On the matter of the immediate steps for the Committee, it seems to me that the emphasis can very well be, except in a few areas, upon enforcement rather than new legislation. What we suffer from at the present time is not so much lack of legislation, but lack of plain fortitude and imagination in enforcement.

I would like to call your attention, for example, to the Bilbo

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situation. I attended the Bilbo hearings in Jackson, Miss. There, under oath, before a Senate investigating committee, the officials of the State of Mississippi — Circuit Court clerks, peace officers — openly, under oath, admitted discrimination — and your Civil Rights Section of the Department of Justice hasn't moved yet, and that was last December. I think that that is a disgraceful condition of affairs because it isn't a question as to necessity of investigation. There is an official record made before an official federal commission, under oath, with the testimony cold, in print, and yet there is no action by the Civil Rights Section of the Department of Justice, even when you show a definite concert as in Pass Christian on the part of the election officials meeting the night prior to the election, and showed that they deliberately concerted to deprive these people of their right to vote.

In the same way, for example, the enforcement of accommodations and non-discrimination in interstate commerce, we have no enforcement by the Department of Justice. We have very little enforcement by the Department of Justice even in the matter of lynchings, such as you had in the Georgia case, such as you had, for example, in the case of the boy in South Carolina whose eyes were put out. The Woodard case, or any of the other cases.

I think, quite frankly, that immediately what we are dealing with, in this Committee is going to function with major effectiveness, is the matter of enforcement as distinguished from legislation.

In the long range view, I think you have a combination of educational program and legislation, in which you will prepare the public climate, perhaps before or certainly simultaneously with the legislation.

Now, in the area of standards, to take up specifically some of the problem areas with reference again to some experience as a Negro, in the matter of education I think that wherever federal education is involved the United States Government can insist upon equality of treatment.

I heard the question you asked Mr. Fraenkel, and I would like to answer it from my own standpoint, that even though I oppose every bit of segregation and discrimination, I would agree that immediately, in the year 1947, I would not make a federal grant-in-aid conditioned entirely upon the abolition of the separate school, because I think that what would happen would be that there would be immediate pressure to reject the grant that you would fail to give aid to the people who need it most.

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I would go so far, as to say that I would demand not only an equalization of federal funds, but I would make the federal grant conditioned upon an equalization of State funds. I don't think that there is any doubt about the fact that segregation has got to go, either by the elimination of the Negro or by the elimination of segregation. The two things simply can't stay on the same spot in the same part of the globe. But I want to see segregation eliminated not by way of loss but by way of gain, and I want to see it eliminated by way of strengthening the entire community, and I think that the basis of strengthening the entire community is more education. I would rather trust a generation receiving full education between now, let's say, and 1960, to solve the problem for itself. I think they would solve it in the way of eliminating segregation rather than as a result of withholding from them the knowledge which they would get through a widely administered educational system in which you have equalization of all funds set for education.

Now, I think that under such a program, you should have an immediate abolition of segregation in the highest professional and graduate levels. I think we are moving towards that at the present time.

I happen to be the counsel in some of the educational cases, including the case of *Gaines v. University of Missouri*, in the United States Supreme Court, and I know that inside of a generation — rather, inside of 10 years you have had improvement.

I think that if you have the foundation of a solid educational system, you will find that the matter of graduate and professional education at the highest levels will more or less take care of themselves; but that is my answer to the problem.

I favor federal aid to education, but I favor federal aid to education only on the condition that all funds be equalized and with a penalty of withdrawing the funds if equalization is not maintained.

On the matter of employment practices, there I think you have to have legislation immediately. I say for two reasons, that I think that reform legislation has usually two purposes. One purpose is to establish a standard; the second purpose is to put sanctions behind that standard.

As distinguished from the standards of public education — which I think have been spelled out by the courts, — we have no standards at the present time of fair employment practice; and the areas in which you have the grossest discriminations are the areas

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of public utilities, finance, and perhaps retail merchandising, in which certainly public utilities and finance could be directly reached by the Government under existing powers. And if you add to that Government service, itself, you have an immediate opportunity to establish fair employment standards by the Government over such a wide area that inevitably they would reflect and affect the employment standards over the entire country.

On the matter of housing, I would call to your attention that the discriminations, some of the grossest discriminations, have been brought in by the Federal Government itself in its public housing program. One of the things that has always seemed to me to be an inconsistency is that whites and blacks can live in the slums together without any segregation, but that the moment you start improvement then the Government feels called upon to begin segregation of its citizens and the Federal Government is guilty of introducing segregation in areas where segregation was not known before -- for example, in some of the northern cities.

I don't think that any Government program should be permitted to introduce segregation with public funds.

Now, if the Federal Government wants to give grants-in-aid, then, once again, on the question of housing, I think that the Government should certainly see that equitable housing provision is made. How far we go in saying that the grant should be absolutely conditioned upon abolition of segregation of housing is perhaps a different question, depending upon communities and the balance which Mr. Fraenkel has already pointed out as to community needs.

But any federal program which directly fosters and introduces segregation seems to me to be a negation of the responsibility of the Federal Government to its citizens.

On the matter of public accommodations, I think that in the field of interstate commerce in travel there is one area in which the Government by direct legislation, should outlaw segregation.

In view of the fact that you already have air travel all through the South, in view of the fact that you have Pullman travel all through the South, in view of the fact that the very nature of air travel and Pullman travel does not lend itself to segregation, it seems to me just one further step, and one necessary step for the Federal Government simply to enact a law that all interstate travel shall be without segregation.

That also means, of course, that all public accommodations on federal territory, all public accommodations in federal buildings,

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shall be without segregation. As a matter of fact, it may interest you to know that in the courthouses in the South, at least at the federal courthouses that I have seen as far as Jackson, Miss., Memphis, Tenn., Atlanta, Ga., there are no signs in the courtroom, at least, of segregation; although the local pattern has the community sit itself so that it actually, in fact, separates itself inside the courtroom.

But I am talking now of official standards, and in the matter of public accommodations, certainly in interstate commerce and in every field where the Federal Government has direct jurisdiction, I think that it should introduce patterns of non-segregation as an example to the rest of the country.

Most important, however, is the matter — to my mind — of suffrage; and that goes to my original point which is that the objective should be self-help as distinguished from dependency upon Federal protection.

I think that this Committee should get the United States Government to put real enforcement behind suffrage, extend federal protection to local suffrage, which it can do under the provision of the Constitution that the Federal Government shall guarantee to each State a republican form of government. I would, if I had to make a choice, prefer enforcement of suffrage over the mere matter of protection against mob violence.

If you had complete protection of suffrage, then although there might be one victim of police brutality in the year 1947, that policeman wouldn't function in the year 1948, or certainly after the next election, and by the process of a screening through the ballot, in an appreciable length of time you will eliminate the question of brutality, certainly insofar as any particular persecution of minorities is concerned.

For myself, I am not too willing to have the Federal Government go into every form of criminal prosecution, because I envisage too clearly the possibility of twisting that federal police power against labor and against other forms of legitimate activity when we get in a period of hysteria — as I think we are now.

Finally, I want to say that one of the things that I think this Committee can do by way of again setting up standards is by seeing that in Government service there should be use of talents without regard to race, creed, or color. I think that as you get more talented people in Government, effective honest Government service without regard to race, creed, or color, both in the executive and the judicial branches, you are going to get the standards

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of enforcement, which are going to make a lot of this proposed legislation unnecessary.

As I see it, what we want to do is not to have a pull and a halt, but we want to have a concerted movement, reinforced by proper standards of governmental conduct which will carry the entire nation and all of its citizens along with it as a whole, as distinguished from somebody pulling a wagon or somebody pushing a wagon from behind.

The central thought, therefore, that I want to make, is that I advocate self-help instead of federal dependency; and that the extent to which you can set these standards of non-discrimination in every-day life so that by their daily contacts citizens can see each other work side by side, take their recreation side by side, come to know each other as individuals instead of just examples of blocks of people. I think that a great deal of this thing may come through individual and community acceptance as distinguished from being forced upon people by coercive measures.

I think that punitive measures should be applied as absolutely the last resort.

That is the statement I wish to make.

DR. DICKEY: Thank you very much, Mr. Houston.

Will the members of the Committee who have questions please address them to Mr. Houston.

BISHOP HAAS: Mr. Houston, you stated, I believe, that the sore spots with regard to employment where discrimination is practiced are public utilities, finance, and the retail trades?

MR. HOUSTON: I think so. Let me just underscore that the toughest things you have to break, the worst offenders of all are the big unions handling interstate transportation.

There are no Negroes, for example, in the aircraft industry, as far as I know, above the level of porters. That is purely federal jurisdiction.

The railroad unions, in spite of the decisions of the United States Supreme Court, are just as rabidly anti-Negro now as they ever were. As a matter of fact, in spite of the protection of the law, they are still driving Negroes out of transportation as firemen and brakemen. There is the unwritten law that they can't be engineers or conductors. You have that immediate ceiling over them.

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And they are too powerful to be handled by States -- except that you have the example of the interstate discrimination law in the matter of the Railway Mail Association case.

BISHOP HAAS: Mr. Houston, I was not for a moment wanting to question your statement. I wanted to proceed with what you said with reference to these three fields.

I understood you to say that here there is a very close relation with the Federal Government.

MR. HOUSTON: Except retail merchandising.

BISHOP HAAS: Except retail merchandising.

MR. HOUSTON: I said in finance and in public utilities.

BISHOP HAAS: I see. And by finance, you mean primarily what business institutions?

MR. HOUSTON: Oh, I mean the banks and things like that; I mean, under the regulation of the Federal Reserve, the whole thing can be tied up to the Federal Reserve system and controlled. For example, you take the matter of the Federal Deposit Insurance Corporation.

RABBI GITTELSOHN: The absence of Negro workers in the aircraft industry -- do you think that attributable to union discrimination, or to discrimination by the employers?

MR. HOUSTON: Both.

MRS. ALEXANDER: Mr. Houston, would you elaborate on your thought as to how we can protect suffrage through the republican form of government that is guaranteed in the Constitution. Do you feel that historically it was intended that that was meant, the type of government that we mean as republican, as democratic, or --

MR. HOUSTON: I think historically the republican form of government perhaps means popular government in the sense of a participation by the citizen, certainly on the matter of ultimate control through the ballot in the selection of the officials, and the passing of laws, and the enforcement of laws.

I think that wherever you get the elimination of a large block of citizens, as distinguished from individual citizens, from participation in Government, effective participation in Government through the representation of the officials whom they select to

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select, that by so much you are denying those persons and denying those States a republican form of government.

Now, I am not enough of a historian to go into the historical backgrounds, but certainly it is not popular government to have Congressmen in Mississippi elected by 3,000 votes and in New York by 150,000 votes.

MRS. ALEXANDER: You probably heard my question about the 14th Amendment, I think it is Section (c), requiring the representatives to be based on the number of voters; and Mr. Fraenkel said that he didn't think we could possibly get Congress to clean its own house to such an extent that it would base its representation on the number of persons who voted. What is your opinion?

MR. HOUSTON: Well, my opinion on that is that it doesn't meet the standards that I should like to see established, because it is punitive.

That simply cuts down the representation without giving any relief to the local citizens. I had rather leave representation where it is and make my fight on the effective participation of the local citizens in the process, rather than penalize a State and cut down the potential of the local citizens when they do it.

It seems to me you are carrying it back whereas what I propose is a step forward.

MRS. TILLY: That would include the condemnation of the Boswell Amendment of Alabama, the white primary plan of South Carolina, and the attempted plan that Georgia had?

MR. HOUSTON: Yes.

MRS. TILLY: And the poll tax?

MR. HOUSTON: It would. I think it would.

MRS. TILLY: And all intimidation?

MR. HOUSTON: Definitely.

MR. MATTHEWS: You spoke, Mr. Houston, in your preliminary remarks about what would happen in the case of a future emergency or crisis; if this country should face such a situation it would be necessary to have all the population participate on behalf of the country because we find ourselves opposing a government, perhaps, which guarantees civil rights to all its people.

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I was just trying to speculate in my own mind where you would find such a Government today.

MR. HOUSTON: Russia.

MR. MATTHEWS: You think Russia gives all its people civil rights? Is that your idea of --

MR. HOUSTON: I think Russia gives all of its people such civil rights as Russia gives its people without discrimination as to race, creed, or color.

MR. MATTHEWS: Oh, I see. That is different.

MR. HOUSTON: Let me say this --

MR. MATTHEWS: I guess we don't misunderstand each other.

DR. CARR: That is really what you meant, that we would be up against a nation that didn't discriminate because of race, creed, or color?

MR. HOUSTON: That is right. Here is what I mean; let me be more specific about that.

I think that if any fight comes between this nation and another, it is going to be a fight with non-European nations, which recognize no such myth as white supremacy. I don't think that you can ask the Negro today to fight for white supremacy. I think we have moved beyond the point where we are going to fight for our own chains.

I think that has been demonstrated by the events of the last war and World War I. Let me put it this way: I don't think that the morale of most of the Negro soldiers was what it should have been, or could have been, if discrimination could have been eliminated -- nor of the Negro population.

I am not defending it. I say that in full recognition of the fact that this is our home, and this we have to protect; but I am saying that the national effort suffers, and that, to my mind, the safety of the nation requires -- this isn't special pleading in that sense of just trying to do something for a minority -- I think that in the next major national emergency the safety of the nation requires 100 percent effort, not 90 percent effort; the price of 100 percent effort is to establish complete national solidarity by putting all persons on the same level.

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Does that make it clear?

MR. MATTHEWS: I think you are absolutely right.

MR. DICKEY: That also clears up for me somewhat a question I wanted to ask you: You base that position on your conviction that that is the way to get 100 percent national effort?

MR. HOUSTON: Yes.

DR. DICKEY: Not simply as a way to cure the civil rights problem?

MR. HOUSTON: No.

DR. DICKEY: I take it you would say, beyond that point, that if you had a Commander-in-Chief who, under conditions which he faced, said, "I can't get 100 percent national effort that way at this point, in my judgment, I will only get 80 percent national effort by doing it" — you would recognize his right to form that judgment?

MR. HOUSTON: I would recognize his right to form that judgment.

DR. DICKEY: You would disagree with him?

MR. HOUSTON: I would disagree with him. I would do my best to convince him that he was wrong, at the same time fighting with him for the protection of the country.

DR. DICKEY: I share your view, then, precisely. That is the only reservation I had in mind on that at all, that I think I would stand with what was essentially Lincoln's position, as I understand it, on the abolition of slavery, when he was being pushed by Greeley, that he would do it as soon as he could do it and preserve the Union, because he thought ultimately he had to get the Union preserved in order to abolish slavery.

I don't think that you are going to get civil rights established by pouring this nation down the drain; I guess you don't, either.

MR. HOUSTON: No. What I was going to say — I thoroughly agree with you; I thought I made that clear, when I said that this is the only home we have, this is the home we are going to keep, and we are going to fight to make it the type of home we want.

But what I was saying, also, was that I had a precedent for the

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position that I took, which was the Army precedent in its finding that in the next national emergency it would use all manpower and all womanpower without discrimination. It seemed to me to be even more important that in the civilian effort there should be that same standard set up which, to my mind, would be the best defense, which is that you can't conquer a nation of free people indefinitely, and that, after all, it is the heart inside of a nation as well as inside of an individual which ultimately turns the tide.

Now, the tide may be a long time in turning, but I mean it is to that time I am directing this statement.

DR. DICKSY: I understand.

MRS. ALEXANDER: Mr. Houston, I want to ask you, during the time when we are not in an emergency, during this period, whether or not it isn't your feeling that the Army should take into its ranks both Negro men and women who are desirous of joining the Army, regardless of what their race is?

MR. HOUSTON: Oh, very definitely. As a matter of fact, I think that the very first thing to do is, in all branches of federal service, for the Federal Government itself to set the example. I don't see how the Federal Government can go out moralizing to any part of the nation until it first sets its own house in order and certainly, so far as the Federal Government is concerned, nobody can say that it doesn't lack the power, or has to answer to anybody for doing so. I think the armed forces, I think the Government service, are the first two places, without any legislation to put through a complete integration of manpower.

MRS. ALEXANDER: We have had no facts presented to us on the armed forces, and I happen to know that you know a good bit about it. Could you briefly tell us something about the practice of discrimination in the Army?

MR. HOUSTON: I would prefer having that come from --and I will ask you to call in -- some of the people from the War Department, because I wouldn't like to be in error about it. I would like for you to call in the Marine Corps, for example; call in the Navy, because I don't want to speculate.

MRS. ALEXANDER: The Surgeon General?

DR. CARR: We are doing that, Mrs. Alexander, and we will have a memorandum for you as quickly as possible.

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MRS. ALEXANDER: I wondered if you had all of these in mind — and the nurse. The Surgeon General would give us the physicians and nurses.

MR. HOUSTON: The Surgeon General; and I hope you will call in also the Veterans Administration.

DR. CARR: We have done that.

RABBI GITTELSOHN: Mr. Chairman, I think somebody ought to spread on the record of this Committee session the thought that there is no such thing as a time that is not national emergency when it comes to the preservation of civil rights.

We are certainly in no less a national emergency today than we were during the war. You never establish democracy by winning a war; you merely buy yourself time in which to protect your democracy.

I am sure that you would be willing to accept that, Mr. Houston; but I think there is a danger which somebody might take from your emphasis on the time of national emergency, that that is the time particularly when we need to be vigilant.

If we are not equally vigilant now, interpreting the present as a time of national emergency, we might not have an opportunity in what you would technically call a time of emergency to buy ourselves more time.

What I mean to say, very simply, is that in a sense a time of peace is more an opportunity to preserve our civil rights than time of war; and that our future democracy depends just as much on our vigilance and efforts now as it possibly could in time of war.

MR. HOUSTON: I accept that entirely, and I entirely agree that you are now in the period of national emergency with a little time purchased in which to do the things that I was talking about. My only stress upon the matter of a national crisis in the sense of an international crisis was on the matter of peace. That was all.

There is the inertia of the population such as in its ordinary, day-to-day movement, it doesn't want to be too much stirred or too much disturbed, let me put it that way.

I would say, without putting down a time table by miles and minutes, that we should go as fast now as we possibly can without upsetting the equilibrium so that the counteraction won't be greater than the forward action. I was only saying that the end

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result, if we did reach this, certainly in one sweep, we should have the declaration of complete national unity.

BISHOP HAAS: Mr. Houston, you are stingy, so to speak, about legislation. You were advocating, you say, self-help as against federal dependence. Would you say to the Committee which laws you would rather have? We will say, No. 1, not necessarily in order of time of agency, No. 1, No. 2, and No. 3. What is the first one you would like to have?

MR. HOUSTON: Fair employment practices. I would like to have, secondly, a federal bill for aid to education.

I would like to have, third, a federal law prohibiting discrimination in interstate travel and in all facilities of interstate travel. That isn't simply men on the train. It means in the depots. I mean we get more discrimination, for example, right out at the airport, and discrimination is not in the air but it is on the ground at the National Airport out here.

So that in every facility which affects interstate travel, I would like to have segregation there as an over-all pattern affecting every section of the country, abolished.

Fourth, I would like to have broadening of the protection of suffrage.

Fifth, I would like to have the laws as to housing written with provisions against discrimination.

I haven't mentioned federal service because I don't think that needs legislation either there or in the Army. I think all that needs is just executive orders, and perhaps I would take physical protection against mob violence. If I get the former, I mean, that will take care of itself.

BISHOP HAAS: Just one more question, Mr. Chairman: Why do you put F.E.P.C. first?

MR. HOUSTON: I put Fair Employment Practice first because nothing that I know enhances the dignity of man and self-respect, the integration of the family, as much as the ability to maintain a standard of living which is commensurate with the standards of the community, which you can't have unless you have decent employment.

I think that in the chance to buy food and shelter, and education for children coming up, is the opportunity for the family to develop the type of citizen that we should have. If you can't have employment you reduce people to the status of beggars, and that is

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absolutely the antithesis of the type of citizen I want to see.

DR. DICKEY: I don't want to end this hearing on a facetious note, but I take it your reference to the lack of discrimination in the air at present referred to the law of gravity.

Thank you very much, Mr. Houston.

(Whereupon, at 3:35 p.m., the hearing was closed.)

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